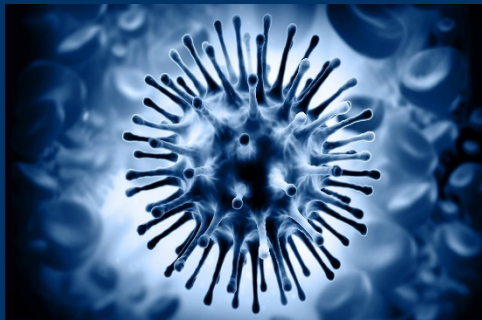


# Public Assistance For COVID-19 Declarations

Applicant Briefing – District of Columbia

Russell Gardner, DC HSEMA  
Friday, May 22



**FEMA**



# Agenda

Objective: Provide overview of the delivery of the Public Assistance (PA) grant program for COVID-19

1. PA Process for COVID-19
2. PA Eligibility
3. Additional Considerations
4. Long Term Grants Management
5. Next Steps
6. Questions



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# Public Assistance Process for COVID-19



# FEMA Public Assistance

FEMA's Public Assistance Program provides supplemental grants to state, tribal, territorial, and local governments, and certain types of private non-profits so that communities can quickly respond to and recover from major disasters or emergencies.

More detailed information can also be found in the [FEMA Public Assistance Program and Policy Guide](#).



# Declaration Summary

Number: DR-4502

Declaration Date: March 13, 2020

Incident Period: January 20, 2020 and continuing

Type: Coronavirus Disease 2019 (COVID-19) pandemic

Designated Areas\*: All states, tribes, territories, and the District of Columbia

Cost Share: 75% Federal, 25% Non-Federal

\*Pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207



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# Terminology: Recipients, Subrecipients, and Applicants

FEMA uses the terms Recipient and Applicant in Quick Guides and other tools. In Grants Portal, Recipients are identified as Grantees and Applicants are identified as Subrecipients.

## FEMA Quick Guides and Other Tools

**Recipients**-are states, tribes, or territories that receive and administer Public Assistance Federal awards

**Applicants**-are state, local, tribal, or territorial governments or private non-profit entities that submit requests for assistance under a Recipient's Federal award.

## Grants Portal

**Recipients**-are states, tribes, or territories that receive and administer Public Assistance Federal awards

**Subrecipients**-are state, local, tribal, or territorial governments or private non-profit entities that submit requests for assistance under a Recipient's Federal award.



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# COVID-19 PA Process Flow



# New Reimbursement Process Targeted to COVID-19 Declarations

**Different from other FEMA PA Declarations, the process for COVID-19 features the following:**

- Virtual Applicant Briefings
- Direct Account Requests and RPA submission through Grants Portal (<https://grantee.fema.gov/>)
- Direct Application of COVID-19 Project Worksheet





# COVID-19 Direct Application

For COVID-19 Declarations, Applicants will have the ability to apply for assistance directly through FEMA's Grants Portal without requiring traditional Exploratory Calls or Recovery Scoping Meetings.

FEMA's Quick Guides and How-To Videos provide step-by-step instructions and can be found in the Grants Portal, <https://grantee.fema.gov>.

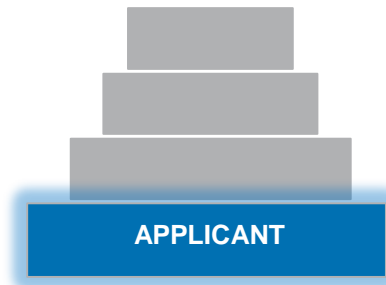
For technical assistance with Grants Portal, Applicants can call the Grants Portal Hotline at 1-866-337-8448.



# PA Eligibility



# Applicant Eligibility



## Applicants or Subrecipients can be:

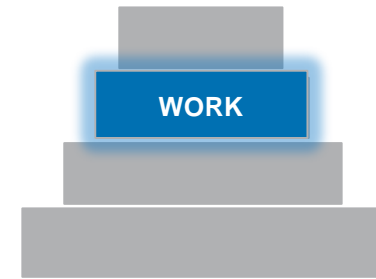
- State Agencies
- Territorial Governments
- Tribal Governments and Organizations
- Counties and parishes
- Municipalities, cities, towns, boroughs, and townships
- Local public authorities
- School districts
- Agencies or instrumentalities of local governments
- Special districts established under State law
- Certain Private Non-Profit organizations (PNPs)



# Work Activity Eligibility

**At a minimum, claimed Emergency Protective Measure work (also called “activities”) must meet each of the following criteria to be eligible:**

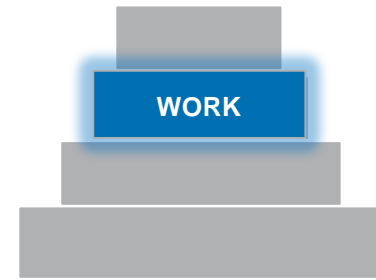
- required as a result of the declared incident;
- located within the designated area; and
- the legal responsibility of an eligible Applicant.



For more information refer to the *FACT SHEET: Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures*



# Work Activity Eligibility – Floodplain Considerations



**Site considerations for facilities that deliver critical services must include an evaluation of flood risk to limit threats to the delivery of services:**

- All critical actions - such as temporary hospitals - should be located outside high-risk flood hazard areas.
- For more information refer to the *FACT SHEET: COVID-19 Floodplain Considerations for Temporary Critical Facilities*.



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# Work Eligibility: PNP Applicants

**Some PNPs may be eligible for FEMA assistance under COVID-19 declarations if they are legally responsible for performing emergency protective services**

PNPs that own or operate an eligible facility and perform eligible work, such as providing emergency, medical or custodial care services for which they are legally responsible in response to the COVID-19 incident, may be eligible for reimbursement of costs as a Public Assistance applicant

For more information refer to the *FACT SHEET: Coronavirus (COVID-19) Pandemic: Private Nonprofit Organizations*



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# PA Eligible Work for COVID-19

Through the PA Program, FEMA provides grant funding for:

- Debris Removal (Category A)
- **Emergency Protective Measures (Category B)**
- Permanent Work (Category C to G)



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# Category B: Emergency Protective Measures

Emergency Protective Measures Eliminate or lessen immediate threats to lives, public health, or safety. Examples of eligible measures are on the next slide and for more information please refer to the *FACT SHEET: Eligible Emergency Protective Measures for COVID-19*



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# Category B: Emergency Protective Measures Examples

**Emergency Protective Measures may include:**

- EOC-related costs
- Medical care and transport;
- Evacuation and sheltering;
- Supplies and commodities, including medical supplies, PPE, and other equipment;
- Search and rescue operations;
- Dissemination of information to the public;
- Security, law enforcement, barricades and fencing
- Temporary facilities



# Cost Eligibility

To be eligible for reimbursement, costs must be:

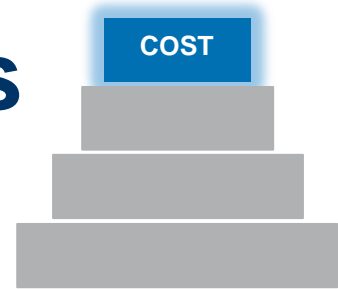
- Incurred from **eligible** work and adequately **documented**
- **Reduced** by insurance proceeds, salvage value, or other credits;
- **Authorized and permitted** under Federal, State, Tribal, or local government laws or regulations;
- Consistent with the Applicant's **internal policies**, regulations, and procedures; and
- **Necessary** and **reasonable** to accomplish the work properly and efficiently.



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# Cost Eligibility- Reasonable Costs



**The Applicant is responsible for providing documentation to demonstrate that claimed costs are reasonable.** FEMA determines **reasonable cost** by evaluating whether the cost is recognized as necessary for type of work. For more information, refer to the *Public Assistance Reasonable Cost Evaluation Job Aid.*



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# Duplication of Benefits

- FEMA is **prohibited from duplicating benefits** from other sources and will reduce eligible costs accordingly
- FEMA will not fund any activities or services covered by another Federal agency such as the Department of Health and Human Services (HHS)
- **HHS' Centers for Disease Control and Prevention (CDC) has primary authority** to support States or Tribal Governments in response to an infectious disease incident
- FEMA assistance in response to an infectious disease incident is **coordinated with the CDC.**



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# Insurance



**FEMA requires Applicants to pursue claims to recover insurance proceeds.**

- Some insurance policies and parametric policies may provide coverage under civil authority actions.
- Generally the emergency procurement of supplies nor the establishment of temporary medical facilities is insured loss
- If claiming clean-up or disinfecting of an insured location then an applicant must submit a copy of their commercial property insurance policy.
- There are no Obtain and Maintain (O&M) insurance requirements associated with emergency work.

# Non-Federal Cost Share

The assistance FEMA provides through its PA Program is subject to a cost share. The Federal share is not less than 75% of the eligible costs.



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# Donated Resources

**Applicants can use Donated Resources to offset the non-Federal share of eligible work costs. The Applicant must track all donated resources in order to offset their non-federal cost share.**

Donated Resources include:

- Volunteer Labor
- Donated Equipment
- Donated Supplies and Materials
- Logistical Support



# PA Management Costs

**Management costs (under Category Z) may be claimed for administering and managing PA awards as follows:**

- For Recipients, up to 7% of the total award amount (based on actual costs)
- For Subrecipients, up to 5% of the Subrecipient's total award amount (based on actual costs)

Eligible activities may include, but are not limited to Meetings regarding the PA program or PA claim, preparing correspondence, reviewing PWs, collecting copying, filing, or submitting documents to support a claim, and training

Additional information is available in FEMA's interim policy, *FEMA Recovery Policy FP 104-11-2, Public Assistance Management Costs* and *FEMA's Public Assistance Management Costs Standard Operating Procedures*





# Administrative Relief for Applicants of COVID-19 Declarations



# Procurement under Exigency or Emergency Circumstances

Many Applicants will need to procure supplies, labor, or  
equipment through contracts

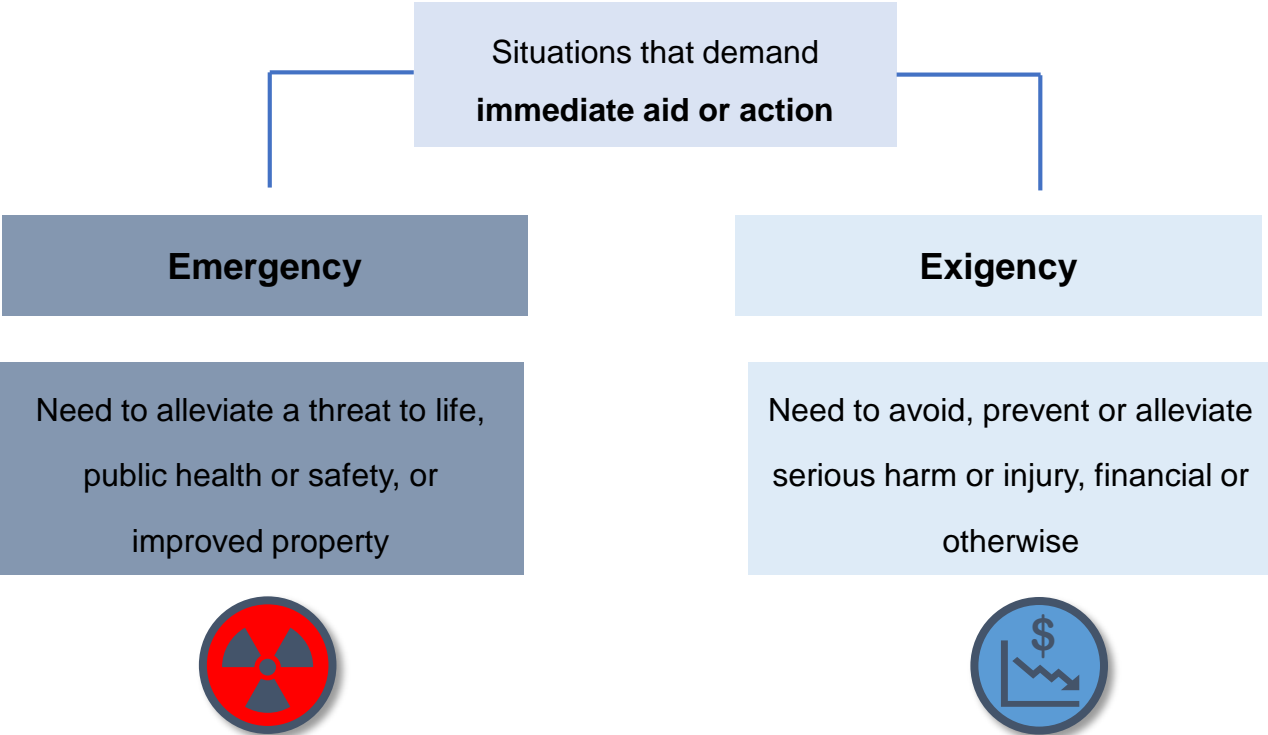
For COVID-19 declarations, OMB has implemented  
administrative relief for Applicants under COVID-19 citing exigent  
and emergency circumstances



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# Sole-Source Procurement Under E&E



If using sole sourcing due to emergency or exigency, you must:

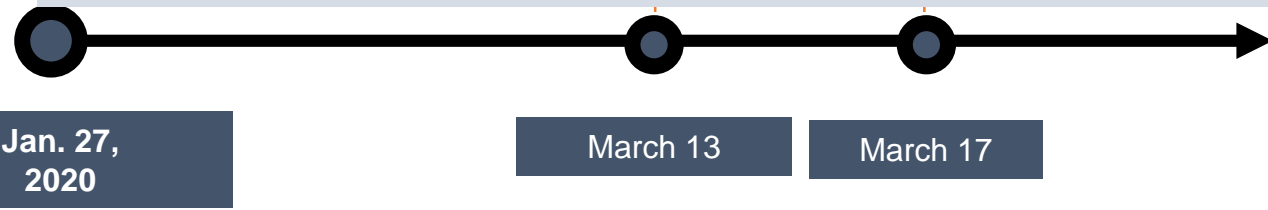
- Justify with **documentation**
- Use only during the **period of actual** exigent or emergency circumstances
- Transition to a competitive method **as soon as period ends**

# Sole-Sourcing Under E&E for COVID-19

The exception is applicable to contracts entered into or used on or after January 27, 2020

For the duration of the current federal Public Health Emergency, the ongoing COVID-19 pandemic qualifies as an E&E circumstance:

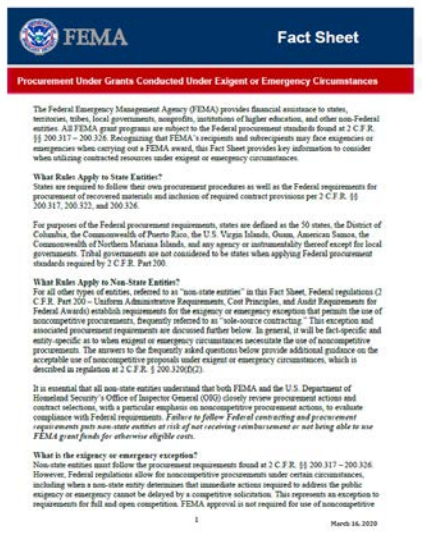
- Non-state entities may sole-source under that exception
- State entities have to follow their own state procurement rules



# Procurement Under E&E for COVID-19

If sole-sourcing under the E&E exception, non-state entities **MUST**:

- Use only during the period of actual Public Health Emergency (HHS)
- Document and provide justification for the use of the exception (list of suggested elements for justification provided)
- Conduct a cost or price analysis if applicable
- Follow bonding requirements if applicable



March 16, 2020



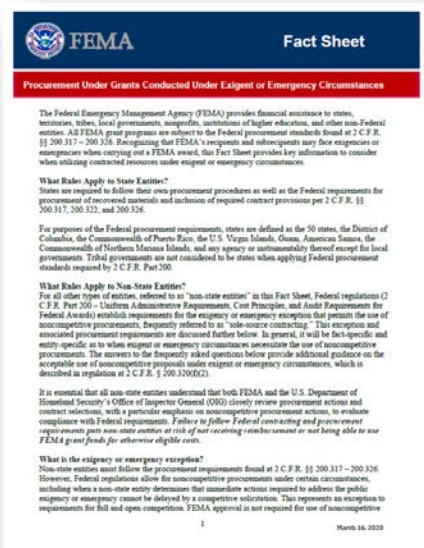
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# Procurement Under E&E for COVID-19

## If sole-sourcing under the E&E exception, non-state entities MUST:

- Include required contract clauses
- Follow T&M contract requirements if applicable
- NOT enter into CPPC contracts. They are prohibited!
- Award contract to a responsible contractor
- Follow documentation, oversight, conflict of interest requirements



March 16, 2020

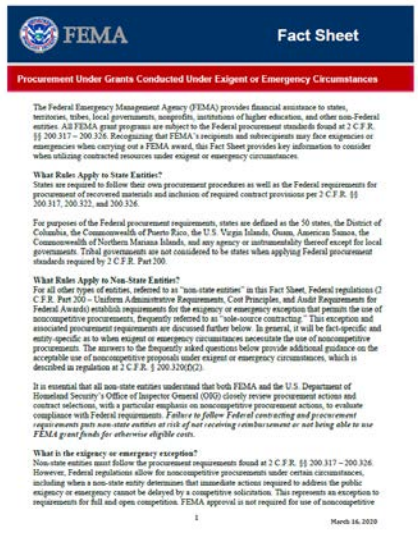




# Procurement Under E&E for COVID-19

## Considerations for State Entities regardless of E&E circumstances:

- Follow State procurement policies and procedures
- Follow procurement of recovered materials requirements
- Include required contract clauses
- While the rules do not prohibit the use of T&M or CPPC contracts, FEMA discourages states from using them due to likelihood of unreasonable costs



March 16, 2020



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# Additional Considerations



# Environmental & Historic Preservation (EHP)

All FEMA projects must comply with applicable Federal, state, and local environmental and historic preservation (EHP) laws

## Best Practices

- Avoid placement of critical actions, such as temporary hospitals, in high-risk flood hazard areas
- Avoid placement in wetlands, brownfields, and other use restricted sites.
- Place tents, temporary structures, and modular units on existing parking lots, other hard surfaces, or improved surfaces and connect to existing utilities
- Avoid new ground disturbance when possible. Should ground disturbance reveal archaeological resources, notify FEMA and State Historic Preservation Officer immediately



For detailed information please review *COVID-19 Fact Sheet Environmental and Historic Preservation (EHP) and Emergency Protective Measures for COVID-19*



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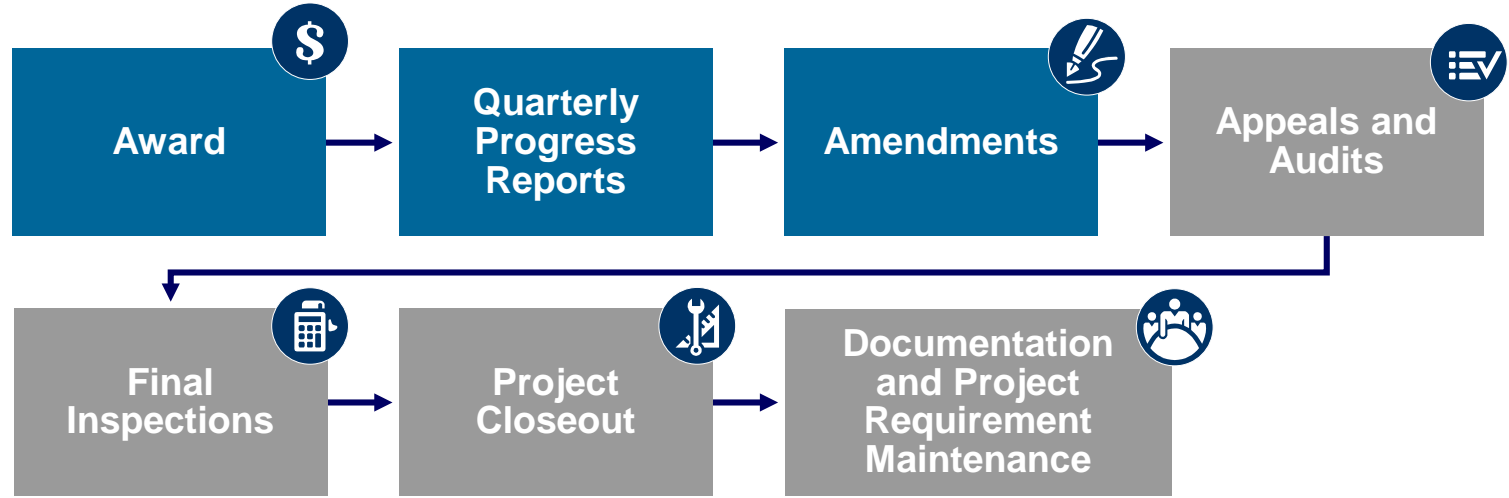
# Post-Award Grants Management



# After a Subgrant is Awarded

After an initial subgrant has been awarded and obligated, FEMA will work with the Applicant to:

- Ensure federal laws are followed with all documentation and process requirements, and
- Update project information as needed before the grants are closed.



# Quarterly Reports, Closeout, Appeals, and Audits

## Quarterly Progress Reports

A tool for FEMA and the Recipient to track the progress of open Large Projects on a quarterly basis

## Project Reconciliation and Closeout

The purpose of closeout is for the Applicant to certify that all work has been completed

## Appeals

Applicants may appeal any FEMA determination related to an application for, or the provision of, assistance under the PA Program.

## Audits

Recipients and Subrecipients are subject to Federal and non-Federal audits.



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# Documentation and Record Keeping

**Stafford Act Section 705 - Imposes a three (3) year limit on FEMA's authority to recover payments made to State, Tribal, or local government Recipients and Subrecipients unless there is evidence of fraud**

- The Applicant must maintain all original documentation supporting project costs claimed.
- The Recipient and the Applicant must keep all financial and program documentation for 3 years after the date of the Recipient's final Financial Status Report (FSR).
- Records are subject to audit by State auditors, FEMA, the U.S. Department of Homeland Security Office of Inspector General, and the U.S. Government Accountability Office.



# Next Steps



# Next Steps

After attending a virtual Applicant Briefing (*conducted by the Recipient*):

- Register on SAM.GOV (*if not already registered*)
- Request or respond to an invitation to access Grants Portal and submit an Request for Proposal (RPA) using the *Applicant Quick Guide: Grants Portal Account and Request for Public Assistance*

## Other Helpful Resources

- FEMA PA Grants Portal - Grants Manager YouTube Channel: **[youtube.com/channel/UCIJP91Ds2laVIR1t8uXcEKg](https://www.youtube.com/channel/UCIJP91Ds2laVIR1t8uXcEKg)**
- Technical and training support at FEMA's PA Grants Portal Hotline: **(866) 337-8448**
- Grants Portal inbox: **[FEMA-Recovery-PA-Grants@fema.dhs.gov](mailto:FEMA-Recovery-PA-Grants@fema.dhs.gov)**





# Questions?



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