COVID-19
FEMA-4487-NC

PUBLIC ASSISTANCE APPLICANT BRIEFING
Event Details

• Major Disaster Declaration: FEMA-4487-NC
• Declaration Date: 3/25/2020
• Incident Period: January 20, 2020 (effective date for expense eligibility) – Ongoing
• RPA Deadline: Ongoing
• Declared Categories of Work Currently Only:
  • Category B (Emergency Protective Measures)
  • Category Z (Management Costs)
• Originating from Emergency Declaration 3471EM on 3/13/2020

Resource ✓ FEMA NC COVID-19 Website
No local State of Emergency declaration is required for FEMA reimbursement eligibility in this event.

Declaration applies to ALL public entities and eligible private non-profits throughout the State.
FEMA Public Assistance Program

Public Assistance Program Overview
Public Assistance Application Process
Public Assistance (PA) Program Objective

Provides grants to eligible State and local governments, and certain private non-profits to assist with the cost of responding to and recovering from disasters.

Entities eligible to apply for reimbursement are “Applicants”

Governing Laws, Regulations, and Policies

- **Stafford Act**
  - Law
- **44 CFR**
  - Program Regulations
- **2 CFR**
  - Procurement Requirements
- **PA Program & Policy Guide (PAPPG)**
  - Policy

Resource ✅ **FEMA Public Assistance Program and Policy Guide**
Simplified PA Application Process

“Applicants are empowered to drive their own recovery”

• FEMA PA process for this event not the same as a “normal” disaster
• Process simplified to expedite reimbursement approval and payments
• Applicants can apply for reimbursement online directly through the FEMA Grants Portal

✓ FEMA Simplified Application Process Fact Sheet
Starting the Process: 3 Easy Steps

Steps You **Must** Take To Start the FEMA Reimbursement Process:

1. **Step 1:** REGISTER in FEMA Grants portal
2. **Step 2:** SUBMIT Registration Documents
3. **Step 3:** DOCUMENT Expenses

**LET’S GET STARTED . . .**
Step 1: REGISTER FEMA Grants Portal

FEMA Grants Portal Overview
Grants Portal Registration
What is the FEMA PA Grants Portal?

The primary access point between FEMA, the Applicant, and the State

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create</td>
<td>Organizational profile to include primary and secondary PA contacts and all staff that need to be in the loop</td>
</tr>
<tr>
<td>Submit</td>
<td>Your Request for Public Assistance (RPA)</td>
</tr>
<tr>
<td>Assign</td>
<td>Roles within Grants Portal to organizational staff</td>
</tr>
<tr>
<td>Upload</td>
<td>Expenses (“damage inventory”) and all related documentation</td>
</tr>
<tr>
<td>Receive and Respond</td>
<td>To FEMA and NCEM PA’s requests for information</td>
</tr>
<tr>
<td>Upload and Update</td>
<td>Information related to reimbursement request (information will vary depending on specific expenses)</td>
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</tbody>
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Resource: NCEM COVID-19 Public Assistance Website
All Interested Applicants Should Register

Public Entities include:
- Counties
- Cities
- Public Schools
- Community Colleges
- Water and Sewer Authorities
- Airport Authorities
- Public Transportation Authorities
- Public Housing Authorities
- Regional Councils of Government
- Other Political Subdivisions of the State

Not Sure Your Organization Qualifies? Register Anyway!

Private Non-Profits (PNP) include:
- Community Center
- Custodial Care Facility
- Educational
- Emergency Care Facility
- Homeless Shelter
- Library
- Medical Care Facility
- Rehabilitation Facility
- Senior Citizen Center
- Shelter Workshop
- Utility
- Houses of Worship

- Emergency Services
- Private Colleges
- Low Income Housing
- Assisted Living
- Child Care
- Day Care (for individuals with disabilities or access and functional needs)
- Food Assistance Programs
- Health and Safety Services
- Animal Control Services
- Domestic Violence Services
- Residential Services for Individuals with Disabilities
Who Is The Applicant?

**PNPs:**
- **ALL** PNPs must be tax exempt under Sections 501(c), (d), or (e) of the Internal Revenue Code of 1954, or through the North Carolina Secretary of State
- PNPs that are part of a corporate entity can apply individually if they have their own EIN number or through their corporate entity
- For this event, PNPs **do not** have to apply to the Small Business Administration (SBA) to be eligible for Public Assistance for Emergency Work

**Local Governments:**
- Individual departments **will not** create their own Organization Profile
  - *Example:* Office of Sheriff is included under County
  - *Example:* City Public Works Department is included under City
  - *Example:* Individual public school is included under LEA
- Individual departments will submit for reimbursement **through their unit of government**
Not Registered Yet? Here’s How To Do It

• Do not try to register yourself!

• Email the NCEM PA Hotline and we will register you!

• Email information below to: pahotline@ncem.org
  ✓ Organization Name
  ✓ Contact’s Name
  ✓ Contact’s Phone Number
  ✓ Contact’s Email Address
  ✓ Non-Profits Only: Indicate whether incorporated as a 501(c)(3) or other incorporation category

It’s That Easy!
What Happens Next?

• You will receive an email from support.pagrants@fema.gov to complete your registration

• Answer the basic questions about your organization and hit “Submit”

• Once your organization is approved you receive another email that will prompt you to log back in and set a security question and password along with any personnel you added in the last step

This process registers your organization but is not a Formal Request for Public Assistance (discussed in next section of briefing)
Already Registered? Check Your Profile

• Confirm log in
  • Any NCEM staff can reset your password if needed
  • If you already have a state PA grants manager, contact your grants manager
  • If you do not have a state PA grants manager, email public.assistance@ncdps.gov

• Check personnel information
  • All needed personnel are added
  • Contact information is up to date (email, etc.)

• Ensure all policies in Portal are up to date
  • Most recent Insurance Information
  • Most recent Personnel Policy
  • Most recent Procurement (Purchasing) Policy

• PNP\textdoublespace{}s Only
  • Ensure your PNP documentation is complete and accurate
    • Tax Exempt Certification
    • Articles of Incorporation, Charter, By-Laws, etc.
Step 2: SUBMIT Registration Documents

Three Registration Documents Required:
1. Request for Public Assistance (RPA)
2. State-Applicant Disaster Assistance Agreement (SAA)
3. Designation of Applicant’s Agent (DAA)
# Required Registration Documents

<table>
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<tr>
<th>Registration Document</th>
<th>How to Submit</th>
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<tbody>
<tr>
<td>1. Request for Public Assistance (RPA)</td>
<td>Complete in Grants Portal</td>
</tr>
<tr>
<td>2. State-Applicant Disaster Assistance Agreement (SAA)</td>
<td>Email to <a href="mailto:public.assistance@ncdps.gov">public.assistance@ncdps.gov</a></td>
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<tr>
<td>3. Designation of Applicant’s Agent (DAA)</td>
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**All 3 Registration Documents Are Required!**
Where To Get Registration Documents

RPA

SAA and DAA

✓ NCEM COVID-19 PA Website

New registration documents required for this event even if you are already registered in the Grants Portal from past disasters
Request for Public Assistance (RPA)

**What Is The RPA?**
Applicant’s stated interest to participate in the FEMA PA program
Must be submitted to start PA process

**Where Do I Get It?**
Only available through the Grants Portal
Include DUNS, EIN & FEMA FIPS number *(if available)*
To get a DUNS number: [https://www.dnb.com/duns-number.html](https://www.dnb.com/duns-number.html)

**How Do I Submit It?**
Submit through the Grants Portal
Deadline: 30-day deadline waived; filing period ongoing

*Don’t wait!* FEMA PA process **cannot start** until RPA is approved

Once RPA is approved, NCEM PA or FEMA will be in touch to guide you through the reimbursement process and answer specific expense eligibility questions
Additional PNP RPA Documentation

Private Nonprofits **must** submit this information as part of the RPA process:

- Tax Exemption Certification (*IRS Letter showing 501 (c),(d) or (e) status, or NC Secretary of State Tax Exempt Letter*)
- Proof of Ownership (*such as deed*) or Legal Responsibility (*a lease*)
- Proof of Insurance
- Corporate Documents: Articles of Incorporation, Charter, By-Laws, etc.
- Accreditation (*for private educational organizations only*)

- Submit in Grants Portal during the RPA process

**Does NOT Apply to Public Entities!**
State-Applicant Disaster Assistance Agreement (SAA)

**What Is The SAA?**
Contract between State and Applicant that authorizes reimbursement payments

**Where Do I Get It?**
SAA is available at the [NCEM COVID-19 Public Assistance Website](https://ncem.covid-19.gov/public-assistance)
Must complete all seven (7) pages
*Include Federal Tax I.D.*

**How Do I Submit It?**
Submit by email to [public.assistance@ncdps.gov](mailto:public.assistance@ncdps.gov)
Designation of Applicant’s Agent (DAA)

What Is The DAA?
Designates organization’s agents who will be the primary and secondary contacts for the Applicant

Where Do I Get It?
DAA is available at NCEM COVID-19 Public Assistance Website

How Do I Submit It?
Submit by email to public.assistance@ncdps.gov
What Happens Next?

- After your RPA is approved, you will be assigned a NCEM PA grants manager
- Your PA grants manager or a FEMA representative will be in touch to guide you through the reimbursement process
- Document your expenses so you will be ready to start applying for reimbursement
- You don’t have to submit expenses to complete the registration process – go ahead and register now!
Registration Process Recap

Register for Grants Portal

- Submit organization information to: pahotline@ncem.org

Submit RPA

- Submit through Grants Portal

Submit SAA and DAA

- Email to: public.assistance@ncdps.gov
Step 3: DOCUMENT
Your Expenses

Category B: Emergency Protective Measures
Category Z: Management Costs
Applicant Eligibility ≠ Expense Eligibility

To be eligible for reimbursement, expenses must be:

• Incurred by an eligible applicant
• As a direct result of the event
• Within the area covered under the declaration
• Legal responsibility of the applicant
• Reasonable and necessary
• *Emergency work addresses an immediate threat*

*For now - document, document, document everything!*
Document Expenses NOW

- Recovery activities are evolving
- Guidance will be updated on the NCEM COVID-19 Public Assistance Website as it is received
- Your PA grants manager or a FEMA representative will guide you though the reimbursement process

Basic information to track *now* for reimbursement requests *later*:
- Date expenses was incurred
- Description of expense/work performed
- How expenses/work performed are related COVID-19
- For equipment, hours used and location
- Labor rates and Fringe Benefit Rate

For now - document, document, document everything!
Grants Portal: Resources Tab provides examples

Or find them at:

✓ FEMA Library

Confused about FEMA forms? Create excel spreadsheet to track expenses – FEMA or NCEM PA staff will help you after you have completed registration!
Eligible Expenses – Emergency Protective Measures (Category B)

- Management, control and reduction of immediate threats to public health and safety:
  - Emergency Operation Center costs
  - Training specific to the declared event
  - Disinfection of eligible public facilities
  - Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety
  - Emergency Medical Care/Medical Sheltering
  - Household pet sheltering

- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, such as PPE and hazardous material suits
- Movement of supplies and persons
- Security and law enforcement
- Communications of general health and safety information to the public
- Search and rescue to locate and recover members of the population requiring assistance
- Force account overtime costs (only overtime)

If You’re Not Sure the Expense Qualifies, Document Anyway!

Resources
✓ PAPPG (Pages 57-83) ✓ FEMA Emergency Protective Measures Fact Sheet
What Is NOT Eligible Under Category B

Although FEMA guidance on expense eligibility continues to evolve, there are some categories of expenses that are *not* eligible under Category B:

- General operating expenses
- Expenses paid for with other federal funds (ex: CDC, HHS, CARES Act)
- Expenses not directly related to responding to COVID-19
- Lost revenues (ex: utility fees, local occupancy and prepared food and beverages tax revenues, sales tax revenues)
- Permanent work repairs (ex: fixing roads, repairing damaged facilities)
- Telework expenses (ex: laptops for your employees to work from home)
Still Track ALL Your Expenses

• FEMA guidance on reimbursable expenses is still evolving
• Other federal disaster relief funds might cover the expense even if FEMA does not (ex: HHS, CDC, Cares Act)
• Document ALL your expenses now even if not FEMA reimbursable – those expenses might be covered by another federal disaster recovery program
• Guidance is coming on non-FEMA federal disaster relief funding when federal guidance has been released
Eligible Expenses - Management Costs (Category Z)

Administrative costs incurred in the management of Public Assistance grants

• Applicant may receive up to 5% of project net cost, based on actual costs
• Documentation will be required

Management Costs are any indirect costs and administrative expenses that are reasonably incurred in administering a grant or subgrant award. Eligible activities may include:

• Solicitation, review, and processing of sub-applications and subgrant awards
• Managing grants (e.g., quarterly reporting, closeout)
• Purchase of equipment, per diem and travel expenses, and professional development that is directly related to managing your FEMA reimbursement
• Staff salary costs directly related to performing the activities listed above
Category B
Expenses for responding to the COVID-19 event

Category Z
Expenses for managing your FEMA reimbursement
Duplication of Benefits

• FEMA will not reimburse for expenses paid for with any other funding sources

• Keep track of ALL expenses, and

• Keep track of which expenses have been paid for with other funds (ex: CDC, HHS or CARES Act funding)

• Be prepared to demonstrate no duplication of benefits if requested by FEMA

More guidance coming on other federal disaster funding

Continue to document all expenses and other funding you receive
FEMA guidance on expense eligibility continues to evolve; ineligible expenses might be paid by other federal sources.

Track other sources of federal funding (HHS, CDC, CARES Act, etc.)

Email Questions to PAHotline@ncem.org
Procurement Requirements

Federal Procurement Requirements for COVID-19 Event
Federal Procurement Requirements

- Federal Uniform Guidance (2 CFR Part 200) procurement requirements apply to FEMA Public Assistance grant funds

- Failure to comply with procurement requirements is the most common reason for reimbursement denial

- **Important guidance from FEMA on two procurement requirements:**
  - Exigent or Emergency Circumstances Exception (E/E)
  - Cost Reasonableness Requirements
Exigent or Emergency Circumstances (E/E)

- Exception to Uniform Guidance competitive procurement requirements
- Only permissible during the actual exigent or emergency circumstances

**Exigency** - a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the non-state entity, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.

**Emergency** - a threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.

Resource: Exigent and Emergency Procurement Fact Sheet
FEMA Guidance on E/E for COVID-19

• Effective January 27, 2020, for the duration of the event, applicants may use new and existing noncompetitive contracts:
  1. Emergency protective measures under FEMA’s Public Assistance Program
  2. FEMA non-disaster grant funds to respond to or address COVID-19

• FEMA has determined that the ongoing COVID-19 pandemic qualifies per se (meaning, automatically) as an emergency and/or exigent circumstance

**WHAT THIS MEANS:**
FEMA PA grant applicants may use non-competitive procurement under the E/E exception for COVID-19 emergency protective measures contracts

**WHAT YOU SHOULD DO:**
Document reason for using E/E and how contract is related to COVID-19 response

Resource: FEMA Exigent and Emergency Circumstances Fact Sheet
E/E Exception—What Rules Still Apply?

1. Your own local purchasing policies (waiver of policy is determined locally - *document reason for waiver*)
2. Required federal contract clauses ✓ FEMA PDAT Contract Template
3. Bonding requirements for construction contracts costing above Federal Simplified Acquisition Threshold ($250,000 or more)
4. Contracts must be awarded to a responsible contractor – check www.sam.gov
5. Costs must be reasonable
6. Independent cost or price analysis for contracting costing above Federal Simplified Acquisition Threshold ($250,000 or more)
7. Cost-plus-percentage-of-cost contracting is prohibited
8. Time and materials contracts must include not-to-exceed cap
9. Documentation and oversight of contractors
10. Conflicts of interest prohibitions (if a conflict of interest is unavoidable due to the exigent or emergency circumstances, must justify in procurement documentation)

Resource ✓ FEMA Exigent and Emergency Circumstances Fact Sheet
“A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost” (2 CFR 200.404(a))

- These are not normal circumstances, but you still might be audited later
- FEMA recommends:
  1. Make best efforts to take steps (such as market research, cost comparisons, etc.) to determine whether the price offered by a vendor was in fact reasonable
  2. Conduct required cost or price analysis for contracts costing $250,000 or more
  3. Document your efforts

Time/Materials and Cost-Plus Contracts

**Time & Materials**

Only allowed under **very specific** conditions:

1. For a reasonable time during circumstances where clear scope of work (SOW) cannot be defined
2. When no other possible alternative exists
3. **Must** set a ceiling price that the contractor exceeds at its own risk (“not-to-exceed” contract price)
4. Work must be bid when SOW can be defined

**Cost Plus**

- Also called “Cost Plus Percentage of Cost” contracts
- **Never** allowed under **any** circumstances under Federal law
If You Bid . . . Follow ALL Federal Procurement Requirements

More information about Uniform Guidance and FEMA Procurement Requirements is available at:

- FEMA Procurement Disaster Assistance Team (PDAT) Website
- SOG COVID-19 Procurement Website

More procurement resources available on the UNC School of Government’s COVID-19 Procurement resource site:
We’re Here to Help!

NCEM Public Assistance Contacts
Contact NCEM Public Assistance

PAHotline@ncem.org

or

919-825-2548
Grants Portal Hotline for FEMA Public Assistance

(866) 337-8448

or

FEMA-Recovery-PA-Grants@fema.dhs.gov
THANK YOU FOR WHAT YOU DO!