Public Assistance For COVID-19 Declarations

Applicant Briefing: Alaska Division of Homeland Security and Emergency Management







Agenda

Objective: Provide overview of the delivery of the Public Assistance (PA) grant program for COVID-19 Pandemic: Safe Opening and Operation Work

FEMA Policy FP-104-21-003

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





Public Assistance Process for COVID-19







Roles and Responsibilities

FEMA is responsible for:

- Determining eligibility for applicant, facility, work, and cost
- Program delivery through GrantsPortal
- Ensuring program guidelines/goals are met and adhered to

The State is responsible for:

- Managing the program
- Approving grants
- Providing technical assistance to applicants.

The **Applicant** is responsible for:

- Identifying damages
- Providing required documentation in a timely manner
- Managing their projects funded under the Public Assistance Program





FEMA/State Public Assistance

FEMA and the State'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 <u>FEMA</u>
<u>Public Assistance Program and Policy Guide</u> (PAPPG),

Version 3.1 dated 26 April 2018 and the <u>State's 2020</u>
<u>Administrative Plan for Federal Disasters</u>.





Declaration Summary

Disaster Number: DR-4533-AK

Declaration Date: April 9, 2021

Incident Period: January 20, 2020 and ongoing

Opening Activities Eligible Work Period: January 21, 2020

through September 30, 2021

Type: Coronavirus Disease 2019 (COVID-19) pandemic

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

Cost Share: 100% Federal

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





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.





PA Eligibility







Work Activity Eligibility



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

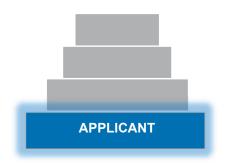
- Required as a result of the declared incident
- Located within the designated area
- The legal responsibility of an eligible Applicant

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





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)





Applicant Eligibility - PNP

- Must have a current ruling letter from US Internal Revenue Service OR documentation from State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law
- Primary purpose must be to provide a public service that is not restricted by a specific definition or by prohibitive fees
 - FEMA is waiving the primary use and primary ownership policies normally applicable to PNP entities that own or operate mixed-use facilities
- Must own or operate an eligible facility





Facility Eligibility – PNP Critical Services

Table 1. PNP Eligible Critical Services

PNP ELIGIBLE CRITICAL SERVICES

EDUCATION

- Primary or secondary education as determined under State law and provided in a day or residential school, including parochial schools; OR
- Higher-education institutions that meet all of the following criteria:
- Admit students or persons having a high school diploma or equivalent;
- Are legally authorized to provide education beyond a secondary level;
- Award a bachelor's degree or 2-year degree that is acceptable as full credit toward a bachelor's degree or provides at least a 1-year training program to prepare students for gainful employment in a recognized occupation; and
- Are accredited by a nationally recognized agency or association (as determined by the Secretary of Education).
- Educational facilities that meet the above criteria are eligible without regard to religious character or use for religious instruction.

EMERGENCY MEDICAL

- Emergency medical care (diagnosis or treatment of mental or physical injury or disease) provided in:
 - Clinics
 - o Dialysis facilities
 - Facilities that provide in-patient care for convalescent or chronic disease patients
 - Hospices and nursing homes
 - Hospitals and related facilities, including:
 - Central service facilities operated in connection with hospitals
 - Extended-care facilities
 - Facilities related to programs for home-health services
 - Laboratories
 - Self-care units
 - > Storage, administration, and record areas
 - Long-term care facilities
 - Outpatient facilities
 - o Rehabilitation centers

UTILITY

- Communications transmission and switching, and distribution of telecommunications traffic
- Electric power generation, transmission, and distribution.
- Irrigation to provide water for drinking water supply, fire suppression, or electricity generation
- · Sewer and wastewater collection, transmission, and treatment
- Water treatment, transmission, and distribution by a water company supplying municipal water

EMERGENCY SERVICES

- Ambulance
- Fire protection
- Rescue
- Public broadcasting that monitor, receive, and distribute communication from the Emergency Alert System to the public

Administrative and support facilities essential to the provision of the PNP critical service are eligible facilities.





Facility Eligibility – PNP Non-Critical Services

Table 2. PNP Eligible Noncritical, Essential Social Services

PNP ELIGIBLE NONCRITICAL, ESSENTIAL SOCIAL SERVICES

Community centers established and primarily used for the following services (or similar) to the general public:

- Art services authorized by a SLTT government, including, but not limited to:
 - Arts administration
 - Art classes
 - · Management of public arts festivals
 - Performing arts classes
- · Community center activities that serve the public
- Educational enrichment activities that are not vocational, academic, or professional training.
 Examples include hobby or at-home pursuits, such as:
- Car care
- o Ceramics
- Gardening
- o Personal financial and tax planning
- o Sewing
- Stamp and coin collecting
- Multi-purpose arts programming
- Senior citizen projects, rehabilitation programs, community clean-up projects, blood drives, local government meetings, and similar activities
- Services and activities intended to serve a specific group of individuals (e.g., women, African Americans, or teenagers) provided the facility is otherwise available to the public on a non-discriminatory basis
- Social activities to pursue items of mutual interest or concern, such as:
- o Community board meetings
- Neighborhood barbecues
- Various social functions of community groups
- o Youth and senior citizen group meetings
- Performing arts centers with a primary purpose of producing, facilitating, or presenting live performances, including:
 - Construction of production materials
 - o Creation of artistic works or productions
 - Design
 - Professional training
- Public education
- o Rehearsals

Facilities that do not provide medical care, but provide:

- Alcohol and drug treatment and other rehabilitation services
- Assisted living
- Custodial care, even if the service is not provided to the general public (including essential administration and support facilities)
- Childcare
- Center-based childcare, even if not provided to the public
- Day care for individuals with disabilities or access and functional needs (for example, those with Alzheimer's disease, autism, muscular dvstronhy)
- Food assistance programs, including Food Banks and storage of food for Food Banks
- · Health and safety services, including animal control services
- · Homeless shelters
- Houses of worship
- Libraries
- Low-income housing (as defined by Federal or SLTT law or regulation)
- Museums:
- Constructed, manufactured, or converted with a primary purpose of preserving and exhibiting a documented collection of artistic, historic, scientific, or other objects
- Buildings, associated facilities, fixed facilities, and equipment primarily used for the preservation or exhibition of the collection, including:
 - Permanent infrastructure, such as walkways and driveways of outdoor museum-type exhibition areas
 - Historic buildings, such as barns and other outbuildings, intended for the preservation and exhibition of historical artifacts within a defined area
 - Permanent facilities and equipment that are part of arboretums and botanical gardens
 - Infrastructure, such as utilities, and administrative facilities necessary for support
- The grounds at museums and historic sites are ineligible.
 Open natural areas/features or entities that promote the preservation/conservation of such areas are ineligible.
- Residential and other services for families of domestic abuse
- Residential services for individuals with disabilities
- Senior citizen centers
- Shelter workshops that create products using the skills of individuals with disabilities
- Zoos



With exception of custodial care facilities and museums, administrative and support facilities essential to the provision of PNP noncritical service are ineligible facilities.



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)





Category B: Emergency Protective Measures

Emergency Protective Measures eliminate or lessen immediate threats to lives, public health, or safety. Examples of eligible measures under FEMA's Safe Opening and Operation Policy are on the next slide.

Costs associated with eligible activities may be reimbursed for both staff members and general public using eligible facilities, as it is the Organization's legal responsibility to provide a safe environment to their staff and those using the facilities.





Category B: Emergency Protective Measures Eligible Under

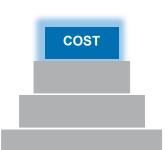
FEMA Safe Opening and Operation Work Policy FP-104-21-0003:

- Purchase/Distribution of face masks, cloth face coverings, PPE to include N-95, filtering respirators, surgical masks, gloves, protective eyewear, face shields and protective clothing (gowns)
- Cleaning/Disinfection IAW CDC guidance or that of the State of Alaska Department of Health and Social Services (DHHS)
- COVID-19 Diagnostic Testing
- Screening/Temperature Scanning
- Purchase/Distribution of hand-held temperature measuring devices or screening equipment
- Acquisition/Installation of temporary physical barriers, plexiglass barriers, and screen dividers, signage and floor decals
- Purchase and Storage of PPE and other supplies





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 in response to COVID-19 pandemic safe open and operation work





Cost Eligibility- Reasonable Costs

COST

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 the type of work. For more information, refer to the *Public Assistance Reasonable Cost Evaluation Job Aid.*





Duplication of Benefits

- FEMA and the State is prohibited from duplicating benefits from other sources and will reduce eligible costs accordingly
- FEMA and the State 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.





<u>Insurance</u>

FEMA and the State require 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





PA Management Costs

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

 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, <u>FEMA Recovery</u>

<u>Policy FP 104-11-2, Public Assistance Management Costs</u> and <u>FEMA's Public</u>

<u>Assistance Management Costs Standard Operating Procedures</u>





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





Sole-Source Procurement Under E&E

Situations that demand immediate aid or action

Emergency

Need to alleviate a threat to life,
public health or safety, or
improved property



Exigency

Need to avoid, prevent or alleviate serious harm or injury, financial or otherwise





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:

 Entities may solesource under that exception

Jan. 27, 2020 – Initial Federal Public Health Emergency

(PHE)

Determination

Mar 13, 2020 – National Emergency Declaration Apr 21, 2021 – Effective Date of Current PHE Determination Extension





Procurement Under E&E for COVID-19



Fact Sheet

Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

The Federal Emergency Management Agency (FEMA) provides financial assistance to states, territories, trible, ocal governments, nonoporfit, institutions of higher education, and other non-Federal entities. All FEMA grant programs are subject to the Federal procurement standards found at 2 C.F.R. §§ 200 317—200 S.D.R. Recognizing that FEMA's recipients and subscripients may free extigencies or emergencies when carrying out a FEMA swort, that Fext Sheet provides key information to consider when utilizatio contracted resources under existent or emergency circumstances.

What Rules Apply to State Entities?

States are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326

For purposes of the Federal procurement requirements, states are defined as the 50 states, the District of Columba, the Commonwealfield of Puerlo Rico, the US. Virgin Islands, Glusan, American Samos, the Commonwealfor Offordem Marinia Islands, and say agency or instrumentally theoretic except for leading overnments. Tribal governments are not considered to be states when applying Federal procurement standards required by 2 CFR. Part 200.

What Rules Apply to Non-State Entities

For all other types of entities, referred to an "non-other entities" in this Fax Short, Federal regulations CFE, Pern 200—Uniform Admanstrature Sequements, Cost Principles, and Adult Requirements for Federal Avantable entitles, and Adult Requirements for the exigency or emergency exception that permit the use of a concentrative present extensions are discussed for the telepolity of the permit in which is successful procurement requirements are discussed further below. In general, it will be first specific as the energiage or energency circumstances accession the nasce of the energy formation of the extension of the energy formation of the energy circumstances accession. The natures to the Repeating visual equations below provide additional guidance on the energy contractive and the energy circumstances, which is described in resultation at A CER \$ 5,000 MOVED, and or energy circumstances, which is

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What is the exigency or emergency exception?

Non-state entities must follow the procurement requirements found at 2 C.F.R. §§ 200.317 – 200.326. However, Federal regulations allow for noncompetitive procurements under certain circumstances, including when a non-state entity determines that immediate actions required to address the public exigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to requirements for full and ones competition. FEMA amorous is not required for use of noncompetitive monitories.

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If sole-sourcing under the E&E exception, 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





Procurement Under E&E for COVID-19



Fact Sheet

Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

The Federal Emergency Management Agency (FEAA) provides financial sustance to states, territories, tribes, local governments, somportin, minimatous of higher education, and other non-Federal entities. All FEAA grait programs are nolycet to the Federal procurement standards found at 2 CFR. \$\frac{1}{2}\$ FOO 317 - OOS 505 Recognizing that FEBAA's recipients on almostrogistens surple recipients or emergencies when curying out a FEMA sword, this Fest Sheet provides key information to consider when ultilizate contracted resources under engineer or emergency circumstances.

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If sole-sourcing under the E&E exception, 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





Use of Pre-Awarded/Pre-Existing Contracts during E&E



If the pre-awarded/pre-existing contract is not in compliance with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E

FEMA recommends that **Entities**:

- Review the requirements applicable during E&E and take actions to modify pre-awarded or preexisting contracts where applicable
- Justify the use of a sole-sourced contract with suggested documentation





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 highrisk 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





Post-Award Grants Management



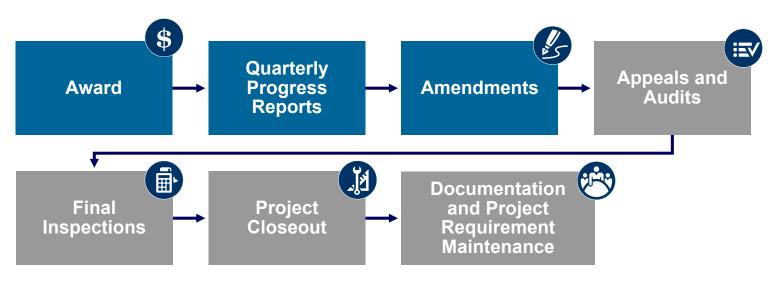




After a Subgrant/Project is Awarded

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

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







Cost Tracking

Various Summary Form Templates

Timesheets or Payroll Documentation





Cost Tracking – Labor Summary Form

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Cost Tracking - Material Summary Form

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Cost Tracking - Contract Summary Form

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Cost Tracking - Equipment Summary Form

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Cost Tracking – Word of Caution

- All costs need to be directly related to this COVID-19 Disaster and directly related to the Emergency Protective Measures (EPM) you claim for reimbursement
- If you order supplies related to your EPM, and mix them with non-disaster related costs or you incur freight costs with disaster and non-disaster related goods, you must be able to separate those costs
- If separate billing is not available, those items must be appropriately categorized based on defensible criteria





Quarterly Reports, Closeout, Appeals, and Audits

Quarterly Progress Reports

A tool for and FEMA and the Recipient (DHS&EM) to track the progress of open Small and Large Projects on a quarterly basis.

Closeout Liquidation Period

The applicant has 90 days after completion of work or project obligation (whichever is later) to request payment and submit all closeout documentation

Project Reconciliation and Closeout

The purpose of closeout is for the Applicant to certify that all work has been completed. DHS&EM submits closeout to FEMA

Appeals

Applicants may appeal any FEMA determination related to an application (within 60 days) for, or the provision of, assistance under the PA Program

Audits

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





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

- Register on SAM.GOV (if not already registered)
- Navigate to https://grantee.fema.gov to register and submit a Request for Public Assistance

OR

 Call the State PA Hotline Number at 1-855-445-7131 for direct assistance

Other Helpful Resources

- FEMA PA Grants Portal Grants Manager YouTube Channel: 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



