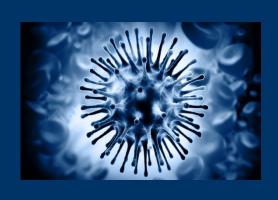
Public Assistance For COVID-19 Declarations

Applicant Briefing — State of Hawaii Emergency Management Agency

Lorinda Wong-Lau HI-EMA Disaster Assistance Section Chief











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







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 <u>FEMA</u>

<u>Public Assistance Program and Policy Guide</u>.







Declaration Summary

Number: DR-4510

Declaration Date: April 1, 2020

Incident Period: January 20, 2020 and continuing

Type: Coronavirus Disease 2019 (COVID-19) pandemic

Designated Areas*: All counties in the State of Hawaii

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







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.







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 Briefing
- 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 the HI-EMA website without requiring traditional Recovery Scoping Meetings.

FEMA's Quick Guides and How-To Videos provide step-bystep 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



COST

WORK

FACILITY

APPLICANT







Applicant Eligibility

APPLICANT

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

WORK

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.









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







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 are on the next slide and for more information please refer to the FACT SHEET: Eligible Emergency Protective Measures for COVID-19







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.
- \$3,300 Minimum project cost threshold.







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.*







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.







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.







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 nonfederal 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)
- FEMA funds 100% of actual grant management costs up to the 7 & 5% cap 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



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

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







Procurement Under E&E for COVID-19

😭 FEMA **Fact Sheet** The Federal Emergency Management Agency (FEMA) provides financial assistance to states termones, incee, local governments, noupronts, institutions on nigate education, and other non-recent entities. All FEMA grant programs are subject to the Federal procurement standards found at 2 C.F.R. §§ 200.317 – 200.326. Recognizing that FEMA's recipients and subrecipients may fine exigencies or emergencies when carrying out a FEMA waver, this Fact Sheet provides key information to consider when utilizing contracted resources under exigent or emergency circumstances. What Rules Apply to State Entities? States are required to follow their own procurement procedures as well as the Federal requirement procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ For purposes of the Federal procurement requirements, states are defined as the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samos, the Commonwealth of Northern Mariana Islands, and any agency or instrumentality thereof except for local governments. Tribal governments are not considered to be states when applying Federal procurement What Rules Apply to Non-State Entities For all other types of entities, referred to as "non-state entities" in this Fact Sheet, Federal regulations (2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) establish requirements for the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as "sole-source contracting." This exception and nent requirements are discussed further below. In general, it will be fact-specific and atity-specific as to when exigent or emergency circumstances necessitate the use of noncompetitive rocurements. The answers to the frequently asked questions below provide additional guidance on the able use of noncompetitive proposals under exigent or emergency circumstances, which is sed in regulation at 2 C.F.R. § 200.320(f)(2). Homeland Security's Office of Inspector General (OIG) closely review procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. Failure to follow Federal contracting and procurement nts puts non-state entities at risk of not receiving reimbursement or not being able to use 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, owever, reactar regulations allow for noncompetitive procurements under certain circumstances, clouding when a non-state entity determines that immediate actions required to address the public tigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to equirements for full and open competition. FEMA approval is not required for use of noncompetitive

March 16, 2020

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







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







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 **non-state 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







Procurement Under E&E for COVID-19



Fact Sheet

The Federal Emergency Management Agency (FEMA) provides financial assistance to states, territories, tibes, local governments, nonprofits, mintilineas of laples education, and other non-Federal 1999, and the provides of th

For purposes of the Federal procurement requirements, states are defined as the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samos, the Commonwealth of Northern Mariana Islands, and any agency or instrumentality thereof except for local governments. Table governments are not considered to be states when applying Federal procurement governments. 1 noai governments are no standards required by 2 C.F.R. Part 200.

What Black Apply to Nun-State Entitlet²
To call other types of entities, referred to as too—state entitlet² in this Fact Sheet, Federal regulations (2 Federal deep lands to the control of the contr

his seconds that all non-the entiries understand that to the FEMA and the U.S. Department of lonnihead Security of office of Imagenetic General (Olf) colory review procurement action and contract elections, with a particular emphasis on monocompetitive procurement actions, be evaluate compliance with Femal requirement. Failure in follow Feederal contracting and procurement requirements past non-state emitted at risk of not receiving reimbursement or not being able to a FEMA grant path for otherwise delight costs.

What is the exigency or emergency exception?

Non-notine middless may be consumed requirements fround at 2 C.F.R. 6§ 300.317 – 200.326.
However, Federal regulations allow for noncompetitive procurements under certain circumstances.
However, Federal regulations allow for noncompetitive procurements under certain circumstances,
including when no not-met entirify determines that immediate stores required to address the public
enzigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to
requirements for full and open competition. EEAA approach is not required for use of anoncompetitive
requirements for full and open competition of EEAA approach is not required for use of noncompetitive
requirements for full and open competition of the second contractive of the contractive
requirements for full and open competition of the properties of the contractive
requirements for full and open competition of
requirements for full and open competition of
requirements for full require

March 16, 2020

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







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





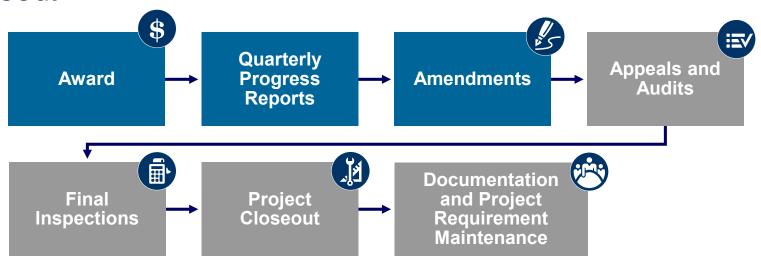




After a Subgrant is Awarded

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.

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 (three years after the date of transmission of the final expenditure report for project completion)

- 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 (see Applicant Quick Guide: Grants Portal Account) and submit a Request for Public Assistance (RPA) using the HI-EMA website.

Other Helpful Resources

- FEMA PA Grants Portal Grants Manager YouTube Channel: youtube.com/channel/UCIJp91Ds2IaVlR1t8uXcEKg
- Technical and training support at FEMA's PA Grants Portal Hotline: (866) 337-8448
- Grants Portal inbox: *FEMA-Recovery-PA-Grants@fema.dhs.gov*







Contact Information

For more information visit https://dod.hawaii.gov/hiema/rpa-covid-19/

https://spo.hawaii.gov/for-state-countypersonnel/training/

Or email: DOD.COVID19@hawaii.gov.







FEMA How to Links

Grants FEMA PA Grants Portal - Grants Manager Channel

youtube.com/channel/UCIJp91Ds2IaVlR1t8uXcEKg

Grants Portal Introduction

https://www.youtube.com/watch?v=1SQLdoSEb3k

Grants Portal Overview

https://www.youtube.com/watch?v=AhFy0tM 410