



Homeland Security
and Emergency Services

DR-4322 - Applicant's Briefing



July 26, 2017



FEMA

FEMA-4322-DR-NY

Declaration Date

July 12, 2017

Incident Period

March 14, 2017 – March 15, 2017



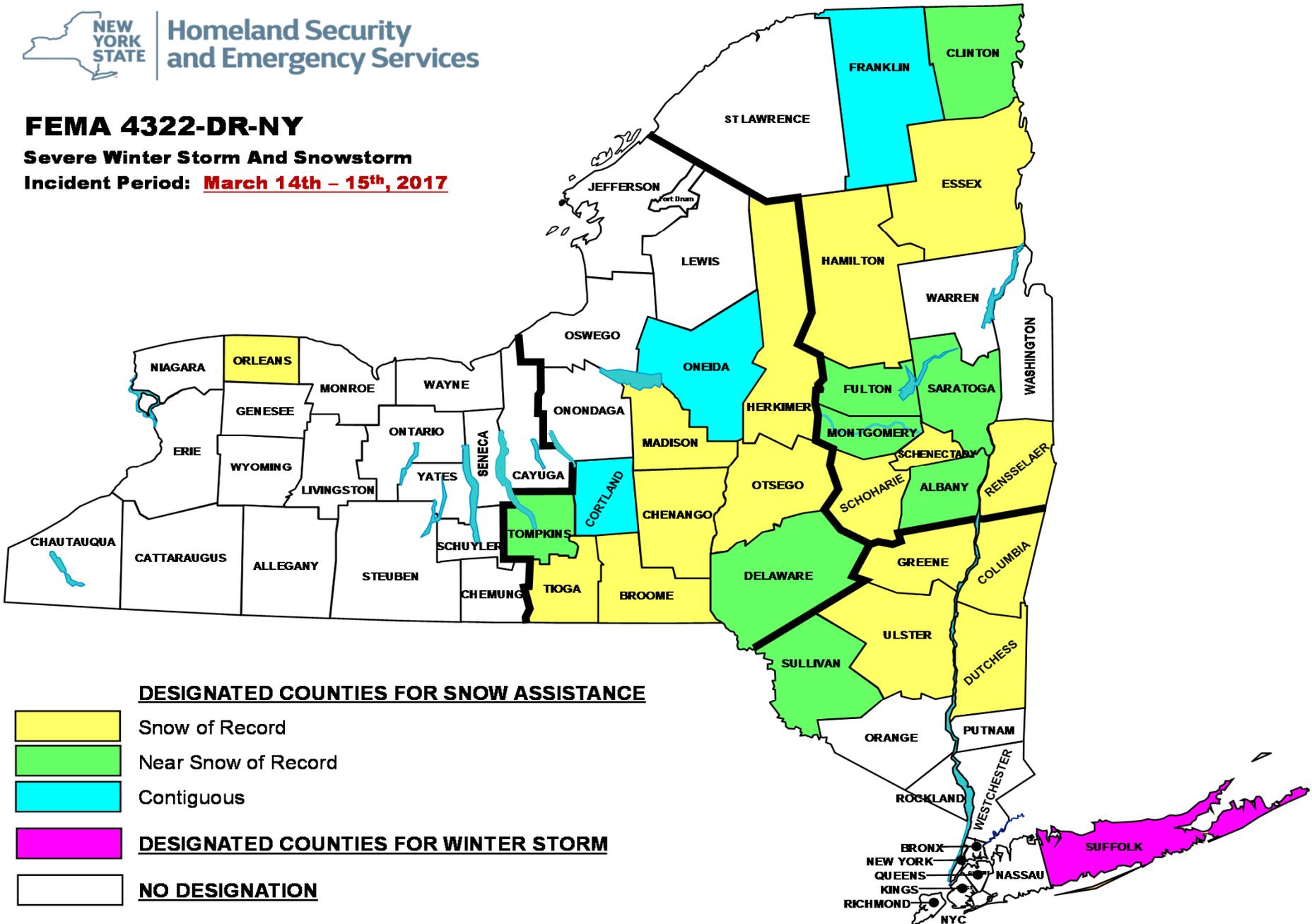


Homeland Security
and Emergency Services

FEMA 4322-DR-NY

Severe Winter Storm And Snowstorm

Incident Period: **March 14th - 15th, 2017**



DESIGNATED COUNTIES FOR SNOW ASSISTANCE

- Snow of Record
- Near Snow of Record
- Contiguous

DESIGNATED COUNTIES FOR WINTER STORM

- Designated for Winter Storm
- NO DESIGNATION

Key Personnel

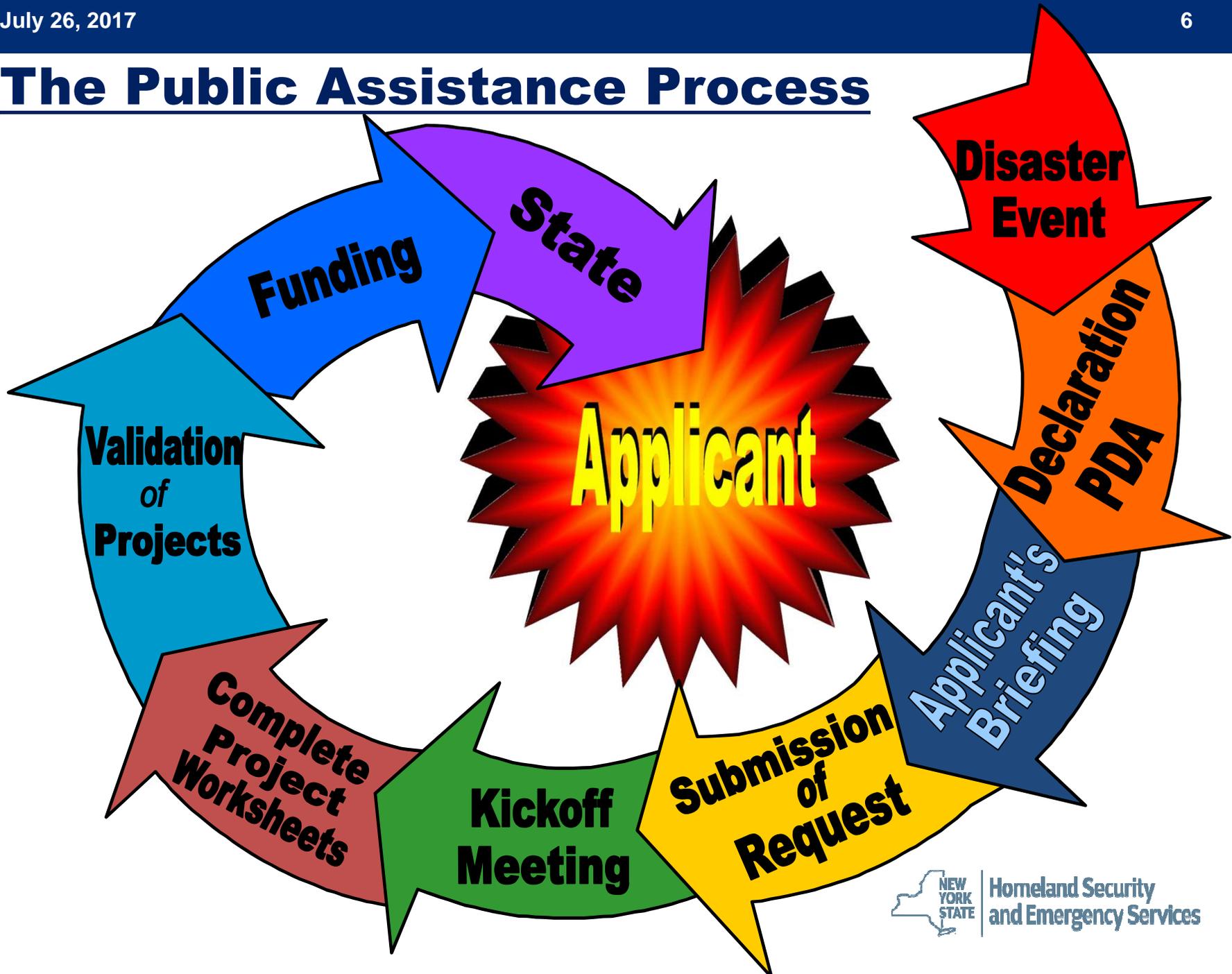
- **Seamus Leary** - *FEMA Federal Coordinating Officer (FCO)*
- **Roger L. Parrino** - *Governor's Authorized Representative (GAR)*
- *State Coordinating Officer (SCO)*
- **FEMA/NYS Teams**
- **County Emergency Managers**
- **NYS DHSES Regional Staff:**
 - ✓ **Kelly Thompson, Disaster Assistance Manager (DAM)**

What is Public Assistance??

A reimbursement program that provides financial assistance to eligible applicants for some costs incurred for response and recovery activities as a result of a declared disaster



The Public Assistance Process



Deadline for RPA Submission

RPA Forms Must Be Received

30

days from date of disaster declaration

Date of Declaration: July 12, 2017

* Deadline for RPA: August 25, 2017

* FEMA has granted a 14 day extension for RPA submission.
The original deadline of 8/11/17 is now 8/25/17.

Four 'Tiers' of Eligibility



*** All four 'tiers' must be eligible to obtain FEMA funding ***

Eligible Applicants

➤ State Agencies:

- ✓ DOT, DEC, NYS Parks,
- State Police, DMNA, DHSES, etc.

➤ Local Governments:

- ✓ Cities, Counties, Towns,
- Villages, School Districts, etc.



➤ Federally Recognized Native American Nations

➤ Certain Types of Private Nonprofit Organizations

- ✓ Critical
- ✓ Essential/Non-Critical

Critical Private Non Profits

➤ Critical PNPs Include:

- ✓ Power
- ✓ Water, Wastewater, Sewer
- ✓ Communications
- ✓ Hospitals and Emergency Care Facilities
- ✓ Fire / Rescue Emergency Services
- ✓ Educational Facilities (public or private) including Colleges

If Determined a Critical PNP:

- Immediately eligible for all categories of work

Essential/Non-Critical Private Non Profits

➤ Essential/Non-Critical PNPs Include:

- ✓ Libraries
- ✓ Community Centers
- ✓ Performing Arts Facilities
- ✓ Museums & Zoos
- ✓ Senior Citizen Centers
- ✓ Homeless Shelters

If Determined an Essential/Non-Critical PNP:

- Eligible for Emergency Work (Categories A & B)
- Must apply to the SBA for Permanent Work (Categories C – G)
 - ❖ If loan is denied, then applicant can apply to FEMA.

Private Non Profit Requirements

➤ Some Examples of RPA Documentation:

- ✓ DUNS Number
 - ✓ Organizational Charter / By-Laws
 - ✓ Tax Exempt Letter, 501(c), (d), or (e) IRS designation
 - ✓ NYS Comptroller's W-9 Form
 - ✓ Articles of Incorporation
 - ✓ PNP Questionnaire
- ❖ FEMA cannot determine if a PNP qualifies as a “Critical” or “Essential/Non-Critical” PNP until all required documentation/forms are submitted.

Eligible Facilities

Facility:

Any publicly or PNP owned building, works, system, or equipment; OR certain improved and maintained natural features.

Facility Must Be:

- ✓ Damages must be caused by the event.
- ✓ Legal responsibility of the Applicant.
- ✓ Located in a declared county.
- ✓ In active use at the time of the disaster.
- ✓ Not under authority of another federal agency (US Army Corps of Engineer Water Treatment Facilities, FHWA Roads)



Eligible Work

Work Performed Must Be:

- ✓ Required as a direct result of a declared disaster.
- ✓ Legal responsibility of an eligible Applicant performing the work.
- ✓ Located in a declared county.
- ✓ Completed within regulatory time limits.



CATEGORIES OF WORK

Emergency Work:

- A. Debris Removal
- B. Emergency Protective Measures

Permanent Work:

- C. Roads and Bridges
- D. Water Control Facilities (Dams, Levees, Canals)
- E. Buildings and Equipment
- F. Public Utilities (Water, Power, Sewer, etc.)
- G. Parks, Recreation, and Other (Beaches, Railways)



Deadlines for Completion of Work

From the date of declaration: July 12, 2017

Categories A & B: Emergency Work = 6 months
(+ 6 months by NYS = 1 year)

Categories C – G: Permanent Work = 18 months
(+ 30 months by NYS = 4 years)

- If work cannot be completed within the regulatory timeframes, a time extension must be requested through your DHSES Disaster Assistance Manager (DAM)

Further extensions require approval by FEMA

Emergency Work

Category A – Debris Removal

Clearance of trees and woody debris, building wreckage, sand, mud, silt, and gravel, vehicles and other disaster related material deposited on Public property.



Debris removal is eligible when:

- ✓ It eliminates an immediate threat to life, health, safety and property.
- ✓ It ensures economic recovery of the community and provides a benefit for the community at large.
- ✓ The documentation requirement to track all debris “cradle to grave” has been met.

Private Property Debris Removal

- Debris removal is generally the responsibility of the property owner.
- However, if debris is so widespread that public health, safety, or economic recovery of the community is threatened, the actual removal of debris from private property may be eligible.



Public Assistance Alternative Procedures Pilot Program for Debris Removal (PAAP)

- Initiated as part of the Sandy Improvement Recovery Act in 2013
- Opt-In for All 4 Options or Any One Option (Debris Only)
 1. Accelerated Debris Removal – Increased Federal Share:
 - 1 to 30 days = 85%
 - 31 to 90 days = 80%
 - 91 to 180 days = 75%
 - Over 180 days = 0%
 2. Recycling Revenue (Keep the Income)
 3. Debris Management Plan (One time 2% Incentive)
 4. Reimbursement for Straight Time (Force Account Labor)

Emergency Work

Category B – Emergency Protective Measures

Actions taken before, during, and following a disaster to save lives, protect public health and safety, or eliminate immediate threat of significant damage to improved public and private property



Examples:

- ✓ Search and Rescue
- ✓ Sandbagging
- ✓ Shelters or emergency care
- ✓ Provision of food, water, ice or other essential needs
- ✓ Emergency repairs and demolition
- ✓ EOC Operations



Permanent Work

Categories C - G

- Restoration or replacement of disaster-damaged facilities in accordance with regulations.
- Restoration to pre-disaster design, capacity and function in accordance with applicable codes and standards.
- Required as a result of the disaster.
- May include cost effective hazard mitigation measures.



Category C - Roads and Bridges



How Does the FHWA Factor In?

The Federal Highway Administration (FHWA) administers the Emergency Relief (ER) program, which is independent of FEMA declarations.

- ER Funds are used to repair FHWA roads and bridges.
- Roads classified as Rural/Minor Collectors and Local Urban/Rural are exempt from this rule, and therefore are eligible for FEMA aid.
- If there is a concurrent FEMA declaration, Debris Removal may be eligible on FHWA roads under certain conditions.

If you are unsure which roads in your jurisdiction are FHWA classified, contact the NYS Department of Transportation, or go to www.dot.ny.gov

Category D - Water Control Facilities



Category E – Buildings & Equipment



Category F - Public Utilities



Category G - Parks, Recreation, Other



Questions?



Special Considerations

Key Focus Areas:



Environmental



Insurance



Hazard Mitigation

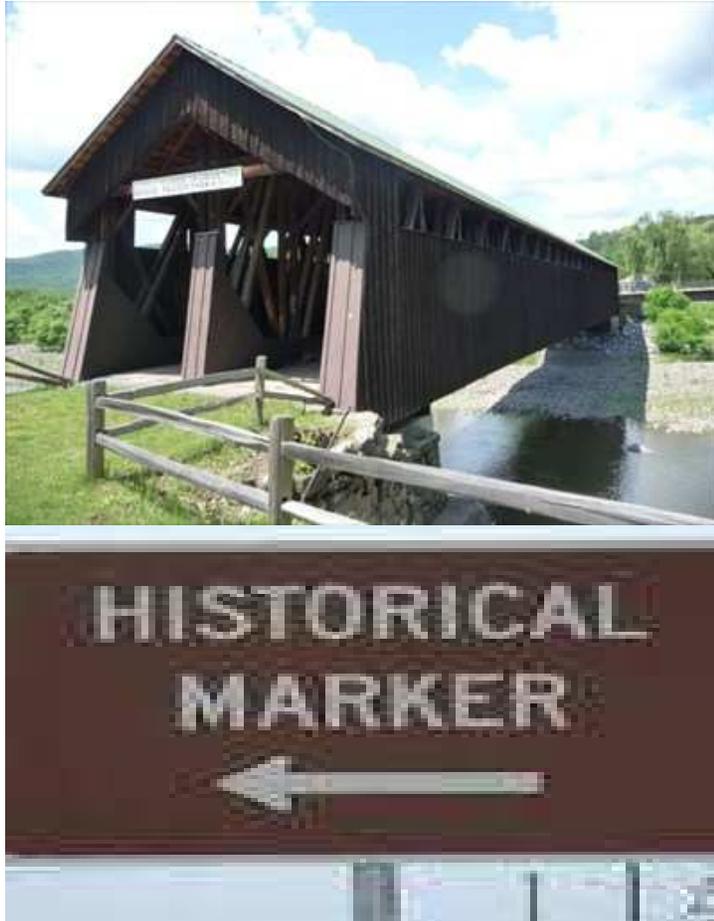
Special Considerations



Environmental (DEC & USACE)

- Ensure that all practical means are used to protect, restore, and enhance the environment.
- Comply with all local, state, and Federal environmental requirements before starting work.
- Obtain permits, and provide notifications to regulatory agencies, such as DEC and US Army Corps of Engineers.

Special Considerations



Environmental (SHPO & THPO) Historic Preservation

- Listed on the National / State Register of Historic Places.
- Site is historic or > 50 years old.
- May require special consults under the National Historic Preservation (SHPO), or Tribal Historic Preservation (THPO).

Special Considerations

Environmental

← Flood Hazard Areas

Any project within or affecting the floodplain must be reviewed to ensure that it meets the requirements of the Executive Orders on Floodplain Mgmt and the Protection of Wetlands.



← Coastal High Hazard Areas

Coastal High Hazard areas and areas covered by the Coastal Barrier Resources Act require Special Considerations review.



Coordinate with your Floodplain Manager



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Special Considerations

➤ Standard Insurance:

- ✓ Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.
- ✓ You must provide a copy of your insurance policy.
- ✓ FEMA does not recognize “*Self Insurance*” for any applicant.
- ✓ Obtain/Maintain requirement for insurable damages = >\$5,000.

➤ NFIP (Flood) Insurance:

- ✓ If a facility is located in a floodplain and does not have NFIP insurance, the PW will be reduced by the amount that would have been covered by NFIP!

Maximum of \$500,000 for a Building and \$500,000 for its Contents

Special Considerations

Hazard Mitigation (406):

Cost effective measures that reduce the chance of the facility getting damaged in a similar event.

Examples:

- ✓ Adding flags to hydrants to make them visible when plowing.
- ✓ Increasing the size of a culvert under road/highway.
- ✓ Adding wing walls and rip rap to culverts.
- ✓ Replacing wood bracing beam with steel.
- ✓ Raising electrical panels off floor or relocating to higher floor.

Writing Hazard Mitigation Proposals

➤ Costs need to be separated so always prepare two estimates:

1. Estimate to restore facility to Pre-Disaster Condition.
2. Estimate with the Hazard Mitigation costs included.

➤ Criteria for Eligibility:

- ✓ 15%
- ✓ 100%
- ✓ BCA

Important Points

- Once Hazard Mitigation is approved, it is required to complete!
- If not completed you can lose funding for that site forever unless you complete the mitigation, or request a change in scope of work from FEMA!

Eligible Costs

Eligible costs include labor, equipment, materials, contracts, some travel costs, and direct administration costs (DAC).

Costs Must Be:

- Reasonable and necessary to accomplish the work.
- Compliant with Federal, State AND Local procurement requirements.
- Reduced by any applicable credits such as insurance and salvage values.



FEMA 48-HR Snow Removal

- **Snow assistance is available for all eligible costs incurred over a continuous 48-hour period. Applicants may select a 48-hour period during which the highest eligible costs were incurred. Once costs are submitted for the chosen 48-hour period that selected 48-hour period cannot be changed.**
- **The FEMA Assistant Administrator of the Disaster Assistance Directorate may extend the eligible time period of assistance by 24 hours in counties where snowfall quantities greatly exceed record amounts. To be eligible for a time period extension, the current event snowfall must exceed the historical record snowfall by at least 50%.**
- **Different applicants in the same designated county may use different 48-hour periods. However, all agencies or instrumentalities of a local government must use the same 48-hour time period.**
- **A State agency, that provides snow assistance in multiple locations throughout the State, may use different 48-hour periods.**



Force Account Labor

Employee Annual Salary or Hourly Rates Plus Fringe Benefits

Emergency Work (Categories A & B)

- Permanent employees are only eligible for OT (Except PAAP)
- Temporary employees are eligible for regular time and OT

Permanent Work (Categories C – G)

- All employees are eligible for regular time and OT

Force Account Equipment

Must be performing eligible work:

- Auto/Truck – mileage or hourly rate
- Other equipment - hourly rate
- Stand-by time (may be eligible)
- Intermittent Use:
 - ✓ Half day or more = Full Day
 - ✓ Less than half day = Actual Hours



Equipment Rates

- **FEMA equipment rates are used for determining project costs (estimating & comparing).**
- **Local rates or rental costs are used if different than FEMA and established prior to the disaster.**



Force Account Materials

- **Purchased or used from stock.**
- **Used for eligible work.**
- **Invoices, historical data, or quotes from your local vendors will be required to justify cost.**



Donated Resources

A credit can be applied towards the local cost share for both Volunteer Labor, and Donated Equipment & Materials

Volunteer Labor:

- Rate is the same as either paid employees within an applicant's organization or, if none, similar work done by a local paid organization.
- Value of Volunteer Labor = (Determined Labor Rate) * (Number of Volunteer Hours)

Donated Resources:

- Rate is determined by local rates (if established) or FEMA equipment rate.
- Value of Donated Resources = (Determined Equipment Rate) * (Number of Equipment Hours)

Donations credit capped at non-federal share of emergency work



Procurement

Must comply with **ALL** federal, state, and local procurement requirements

- DHS OIG Audits are paying particular attention to ensuring Minority and Women Owned Businesses are actively solicited during bid process (see link)
- 2 CFR, OMB Circular A-87, A-102, A-133 and 41 U.S.C. 403(11) all provide guidance regarding procurement and audit
- Declaring an State of Emergency solely to suspend procurement procedures is a red flag for any audit.

<http://esd.ny.gov/mwbe.html>

Contracts

- **Must comply with all State, Local and Federal procurement requirements.**
- **All contracts incurred for eligible work will be reviewed by FEMA / State teams; including rental equipment.**
- **Competitively bid with fixed-procurement procedures are preferred.**

Types of Contracts

Lump sum contracts are acceptable	Time and material contracts are acceptable BUT
<ul style="list-style-type: none">➤ Easy to monitor when the scope of work is well defined.➤ Requires minimum labor for monitoring.➤ Quantities do not have to be documented.	<ul style="list-style-type: none">➤ Should only be used for emergency “hot spots” (early debris rights-of-way clearance).➤ <u>MUST</u> have a cap.➤ <u>MUST</u> be monitored.➤ Accepted for 70 hrs. of work.



Ineligible Contracts

Examples:

- Cost-plus percentage of cost.
- Contingent upon FEMA reimbursement.
- Contract with a debarred contractor:

<http://www.labor.ny.gov/workerprotection/publicwork/PDFs/debarred.pdf>



Women/Minority Owned Businesses

- Applicants must be able to demonstrate direct outreach to MWBE enterprises. (Effective 1/1/2015)
- DHS OIG Audits will ensure Minority and Women Owned Businesses are sought during bid process

Procurement and Audit Guidance:

- ✓ 2 CFR
- ✓ OMB Circular A-87, A-102, A-133
- ✓ 41 U.S.C. 403 (11)

<http://esd.ny.gov/mwbe.html>

Engineering Costs

- **Will be estimated in PW (unless actual costs are known).**
- **All costs must be reasonable and necessary.**
- **Ensure engineers do not re-design or “improve” facilities beyond what is required under pre-event, plus adopted codes and standards.**

This may result in loss of funding!



Direct Administrative Costs (DAC)

- Required to manage projects administratively.
- Charged to a specific project.
- Do not include costs incurred for actual work to complete a project.

Eligible Costs Include:

- ✓ Site identification
- ✓ Gathering of cost information
- ✓ Site visits
- ✓ Project scope and development
- ✓ Project reporting
- ✓ Project cost reconciliation and closeout

Ineligible Costs Include:

- ✗ Preliminary Damage Assessments
- ✗ Applicant's Briefings
- ✗ Kickoff Meetings
- ✗ Exit Briefings
- ✗ Any other administrative costs which cover multiple projects

Full list available:

https://www.fema.gov/pdf/government/grant/pa/9525_9_pa_indirect_direct_administrative_activity_list.pdf



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Questions?



Project Facts Applicants Need To Know

➤ How FEMA & NYS Reimburse:

- ✓ Federal Share is determined by President (Ex: 75.0%)
- ✓ NYS Share is determined by Governor (Ex: 12.5%)

* Percentages can change for each disaster

➤ How Projects Qualify:

- ✓ Minimum Threshold = \$ 3,100
- ✓ Small Projects = \$ 3,100 to \$ 123,099
- ✓ Large Projects = \$ 123,100 +

* Updated Annually on October 1st

Small vs. Large Projects

➤ Small Projects (\$3,100 to \$123,099):

- ✓ Written on Estimates or Actual Costs.
- ✓ Paid when PW is obligated by FEMA (100%).
- ✓ P4 (Project Completion Form) is Required to be Submitted to the DAM.

➤ Large Projects (\$123,100 and Higher):

- ✓ Written on Estimates or Actual Costs.
- ✓ Paid Federal Share at % Validated when PW is obligated.
- ✓ Progress Payments (Approved by NYS) can be requested.
- ✓ Quarterly Report Requirement until project is complete.
- ✓ NYS completes final accounting with you to send to FEMA to approve and close out. Includes P4 Form submission.
- ✓ Final Payment (Approved by FEMA) on actual eligible costs.

Formulation of Project Worksheets (PWs)

➤ **Project Specialists:**

- ✓ Help develop scope of work and cost estimates.
- ✓ Can be called in for assistance with complex projects.
- ✓ Can be NYS, FEMA, or a NYS or FEMA Contractor.

➤ **Technical Specialists:**

- ✓ Beaches
- ✓ Bridges
- ✓ Engineering
- ✓ Insurance
- ✓ Mitigation
- ✓ Environmental & Historic Preservation
- ✓ Wastewater Treatment Plants

Parts of Project Worksheet (PW)

- **Basic Information (Applicant, Location, Category of Work, etc.)**
- **Damage Description and Dimensions (DDD)**
- **Scope of Work (SOW) to repair to pre-disaster condition**
- **Cost Estimate**
- **Special Considerations (Environmental, Historic & Insurance)**
- **Hazard Mitigation Proposal (HMP) – Optional for Permanent Work Projects (Categories C – G)**
- **Attachments (Documentation of Costs, Permits, Contracts, etc.)**

What Info May Be Needed for a (PW)

- ✓ **List of Damages, Photos**
- ✓ **Insurance information**
- ✓ **List of paid staff, regular and OT hours – dates and times**
- ✓ **Fringe Benefits information**
- ✓ **List of equipment used, hours of operation – dates and times, miles driven**
- ✓ **Maintenance records on all facilities where applicable**
- ✓ **List of materials and supplies purchased or used**
- ✓ **Copies of any contracts used for this event**
- ✓ **Procurement Policies**
- ✓ **Applicable codes and standards**
- ✓ **Environmental and Historic Information (permits, etc.)**
- ✓ **Hazard Mitigation Proposals**

Alternate Projects

Applicant may determine that the public welfare would not be best served by restoring a damaged facility or function back to pre-disaster condition

Example: Purchase a fire truck in lieu of repairing a building

Other Uses of Funding Include:

- Repair or expand other public facilities.
- Construct new facilities
- Demolish the original structure.
- Purchase equipment.
- Fund cost-effective mitigation activities.
- Fund project shortfalls due to mandatory NFIP reductions on applicant buildings in floodplains.

Conditions Associated with Alternate Projects

- For permanent work only (Categories C - G)
- Eligible for 90% of the approved federal share
 - Example:** Repair PW for \$100,000 @ 75% Federal Share = \$ 75,000 from FEMA
 - Alternate PW capped @ 90% of Federal Share = \$ 75,000 x 90% = \$67,500
- Original facility must be rendered safe and secure
- Must not be located in a regulatory floodway
- Must be pre-approved by NYS/FEMA & subject to EHP review
- Cannot incorporate mitigation funding

Improved Projects

Applicant may determine that they wish to expand repairs to an existing facility beyond pre-disaster design, function and capacity

Example: Expand a Fire House from a 2 Bay to a 3 Bay

- **For permanent work only (Categories C - G)**
- **Must be approved by NYS & FEMA prior to construction starting**
- **Capped at the federal share of the PW estimated costs**
- **Must not be located in a regulatory floodway**
- **Subject to environmental assessment**
- **Mitigation may be applied to the original facility**
- **Entire PW is reviewed for Special Considerations, not only the FEMA funded portion.**

Exit Briefing

- Final review with Applicant, FEMA and DHSES to ensure all damages have been captured and submitted.
- Informs applicants of final number of PWs being entered into system (Large vs. Small).
- Gives final opportunity to review and correct PWs before project management is turned over to your Disaster Assistance Manager (DAM).



Project Notification Folder

(AKA Applicant “Blue Book”)

- **Sent when FEMA obligates a project.**
 - ✓ **More than one PW may be included in a single Blue Folder!**
- **Includes a copy of the FINAL, obligated PW.**
 - ✓ **Review carefully!**
- **Starts 60 Day time clock for appeal of any FEMA decision.**
- **Includes the Project Completion Form (P-4) that needs to be signed and returned to NYS DHSES DAM when work is completed. Applies to both Large and Small Projects.**

Appeals



- Applicants may appeal ANY determination related to the Public Assistance process.
- Applicants have 60 days from the receipt of written notice from FEMA to appeal FEMA's determination.
- Submit your appeal request through DHSES DAM.

Small Project Cost Overrun:

- ✓ All small PWs are reviewed by FEMA (small project reconciliation)
- ✓ Overruns = obligation
- ✓ Underruns = de-obligation

Funds Are Lost if Applicants Don't

- **Ask** questions
- **Obtain** FEMA *pre-approval* to change scope of work
- **Obtain** required permits
- **Follow** procurement procedures
- **Follow** the Scope of Work in the PW
- **Complete** all approved HMP
- **Meet** PA program deadlines
- **Obtain** / Maintain Insurance
- **Keep** complete, clear and accurate records
- **Meet** all EHP requirements



What's Next?

- **Submit completed RPA package to:
NYS Department of Homeland Security and Emergency Services
Shanna Casey, shanna.casey@dhses.ny.gov
or by fax: 518-322-4984**

Not considered an applicant until all documentation is submitted

- **DUNS # website: <http://fedgov.dnb.com/webform/pages/CCRSearch.jsp>
OR call 1-866-705-5711**
- **Applicants meet with NYS/FEMA team at Kickoff Meeting - projects are scoped out in preparation for estimating.**

NYS DHSES Contact Information

RECOVERY SECTION

1220 Washington Ave, Bldg. 7A, 4th Floor Albany, NY 12242

(518) 292-2293

Fax Number: (518) 322-4984

www.dhSES.ny.gov

After the Joint Field Office Closes...

Disaster Assistance Manager (DAM)

Kelly Thompson (518) 292-2374

Kelly.Thompson@dhSES.ny.gov

Additional Information

- **Your FEMA/ State Team (1st Point of Contact)**
- **NYS DHSES Applicant Handbook**
- **NYS DHSES Website (www.dhses.ny.gov)**
- **FEMA's Website (www.fema.gov)**
- **FEMA Public Assistance Program and Policy Guide (PAPPG)**
- **County Emergency Managers**

Questions?

