



## DR-4480 (COVID-19) - Applicants Briefing Pertinent Information

- NYS DHSES Website: [www.dhSES.ny.gov/recovery](http://www.dhSES.ny.gov/recovery)
- The Request for Public Assistance (RPA) packets for both Governmental and Nonprofit Entities can be found on the DHSES website under "Active Declarations." Please complete and send to Patricia Debboli (below).
- For questions, please contact Patricia Debboli at: [patricia.debboli@dhSES.ny.gov](mailto:patricia.debboli@dhSES.ny.gov)
  - The presentation is posted on the DHSES website.
  - Other useful information will be posted as it is available.

**\* Please remember to mute your phones and your computer!\***

August 7, 2020



## DR-4480 (COVID-19) Applicants Briefing



August 7, 2020

Good morning/afternoon/evening. My name is Andrew Martin, Public Assistance Section Chief with the NYS Division of Homeland Security and Emergency Services. Welcome to the Applicants Briefing for DR-4480 – the major disaster declaration issued for the State of New York in response to COVID-19. We realize that these are difficult times for everyone and that you all are extremely busy but we do need to provide you with the information in this briefing in order to help you to prepare and submit projects for FEMA reimbursement in this disaster. Under the unique circumstances of this extraordinary event, it may not be possible for us to identify and reach all potential Applicants within New York State, so we are asking all of you to help if you can by spreading the word in your communities to as many organizations as you can, especially any not-for-profit entities that may not be aware of their potential eligibility.

**(Read the below if it has not been discussed already by the moderator.)**

Please note that due to the number of attendees, all callers will be muted while I narrate and elaborate on the presentation. There will be a question and answer period at the end of the presentation, and you are encouraged to use the chat box online to submit questions which will be read and addressed in the Q&A session.

# Overview

We will start with an overview of DR 4480 Public Assistance.

## FEMA-4480-DR-NY

- **Declaration Date: March 20, 2020**
- **Incident Period: January 20, 2020 – TBD**
- This Declaration only covers Emergency Protective Measures



The President issued a major disaster declaration for NY on March 20, 2020. FEMA assigns a number to every federally declared disaster, and the disaster number for this COVID-19 incident is 4480.

The incident period for this declaration goes back to January 20, 2020. This means that eligible expenditures for activities conducted on or after January 20<sup>th</sup> can be submitted to FEMA for reimbursement. The incident period for DR 4480 is currently open-ended. We anticipate that FEMA will establish an end date for the Incident Period at some point in the future and we will make that information available when it is known.

This disaster declaration only covers Category “B” (Emergency Protective Measures) and we will discuss what this means later in the presentation.

The map shows the declared counties in NY. As you can see, all 62 counties in the State have been declared for DR 4480.

## Key Personnel

**Thomas Von Essen:**

*FEMA Federal Coordinating Officer (FCO)*

**Patrick A. Murphy:**

*Governor's Authorized Representative (GAR)*

*State Coordinating Officer (SCO)*

**Anne Bink:**

*Alternate Governor's Authorized Representative (AGAR)*

**Dan O'Hara:**

*Deputy State Coordinating Officer (DSCO)*

**Kelly Sommerman:**

*DHSES Disaster Assistance Manager (DAM) for DR-4480*

**NYS/FEMA Team**

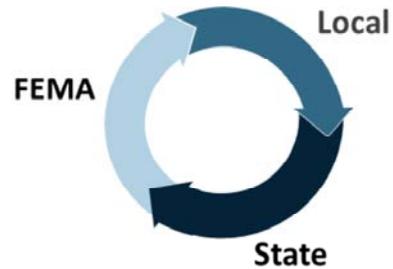
**County Emergency Managers**



This slide shows the key leadership personnel that have been assigned to manage this Disaster. Region 2 Regional Administrator Thomas Von Essen is the FEMA Federal Coordinating Officer for NY. NYS DHSES Commissioner Patrick Murphy is the Governor's Authorized Representative and State Coordinating Officer. Deputy Commissioner Anne Bink is the Alternate Governor's Authorized Representative and Director Dan O'Hara is the Deputy State Coordinating Officer. Kelly Sommerman is the Disaster Assistance Manager.

## Public Assistance: Overview

- Public Assistance is 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 Emergency



What is Public Assistance? The key to remember is that it is a reimbursement program. FEMA will provide financial assistance for eligible expenses that are a direct result of the declared event..... COVID-19.

# Eligibility

We will now cover some Public Assistance Eligibility criteria.

## Four 'Tiers' of Eligibility



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

This pyramid shows the tiers of eligibility. All four “tiers” must be eligible to obtain FEMA funding. We will cover all of these, with the first being the bottom tier - eligible Applicants.

## Eligible Applicants

- **State Agencies:**
  - DOT, DEC, 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



On this slide, you can see the types of eligible Applicants and determine what group you fall into. In this event, we will have a large number of private nonprofits, or PNPs.

For the purposes of this Category B declaration, the distinction between “Critical PNPs” and “Non-critical but Essential PNPs” is not material. Both types of PNPs are eligible applicants for Emergency Protective Measures.

Let’s provide some examples of eligible PNPs and discuss some additional documentation that FEMA requires from this group of Applicants to determine eligibility.

## Critical Private Non-Profits

- **Critical PNPs Include:**
  - Nursing Homes
  - Laboratories
  - Rehab Centers that Provide Medical Care
  - Hospitals and Emergency Care Facilities
  - Fire / Rescue Emergency Services
  - Educational Facilities (including institutions of higher education)

Critical PNPs include ...

## Essential/Non-Critical Private Non Profits

- **Essential/Non-Critical PNPs Include:**
  - Community Centers
  - Child Care Facilities
  - Food Assistance Programs
  - Performing Arts Facilities
  - Senior Citizen Centers
  - Homeless Shelters
  - Houses of Worship
  
- **If Determined an Essential/Non-Critical PNP:**
  - Eligible for Emergency Protective Measures (Category B)



Here are examples of Non-Critical but Essential Not-for-Profit Applicants. This list is not exhaustive and there may be other types of PNPs that are potentially eligible under this category. If you know of one that is not listed and you need more information, please contact us and we will be happy to assist.

Again, we urge you to help us get the word out to any potential Applicants, particularly PNPs, who may not be aware that they may be eligible to participate in this disaster.

## Private Non Profit Requirements

- **Required 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
  - Copy of the Deed or Lease Agreement and insurance policy
  - Click here for PNP RPA Package: [PNP RPA Package](#)
- **FEMA cannot determine if a PNP is an eligible applicant until all required forms and documentation are submitted. FEMA has made applicants ineligible for lack of documentation.**



PNPs are required to submit additional documentation before FEMA will approve their Request for Public Assistance (RPA). The list shown on the slide is the minimum documentation usually required. In certain cases, FEMA/DHSES will contact the PNP with a request for additional information. With the potential for a large number of Not for Profit Applicants in this event, it is essential that we receive the required documentation as quickly as possible so we can forward to FEMA for review and approval. If you have a potential PNP Applicant who is not familiar with the process or documentation required, please refer them to DHSES and we will assist them through the process.

## Eligible Facilities

- **Facility:**
  - Any publicly or PNP\* owned building, works, system, or equipment.
- **Facility Requirements:**
  - 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 Emergency.
  - Not under authority of another federal agency e.g., HHS



\* To be eligible, a PNP must own or operate a facility that provides an eligible service.

The next tier of eligibility is the facility. For many municipalities, there may not be a physical facility involved in this event and their costs may be comprised of services they provided to the public in response to COVID-19. For Private Non-Profits however, they must show that they operate an eligible facility i.e. Hospital, Clinic etc., in order to be considered an eligible Applicant. You can see the criteria for the Facility on this slide.

The last bullet is included to point out that many applicants may be receiving Federal aid from multiple Federal Agencies like the U.S. Department of Health and Human Services. We need to make sure we capture and document where that aid or Direct Federal Assistance is coming from and where it is being utilized to avoid duplication of benefits under the Public Assistance Program. We will discuss this further later in this presentation.

## Eligible Work

- **Work Performed Must Be:**
  1. Required as a direct result of a declared emergency.
  2. Legal responsibility of an eligible Applicant performing the work.
  3. Located in a declared county.
  4. Completed within regulatory time limits.



The next tier is work. In this event we are looking only at Emergency Protective Measures. Applicants must clearly identify the work and how it is directly related to the COVID-19 event. The applicant must also have the legal responsibility to perform the work. Time limits for completing the work apply to projects and we will discuss these limits on the next slide.

## Deadline for Completion of Work

- Emergency Protective Measures Deadline for DR 4480:  
**September 19, 2020**
  - 6 months from date of declaration (March 20, 2020)
  - NYS can grant a 6-month extension upon request
  - Further extensions require approval by FEMA



For costs to be eligible, they must be *incurred* within the approved period of performance. For Category B projects, the approved period of performance for this disaster began on January 20, 2020 and ends 6 months after the declaration date, which will be September 19, 2020. New York State has the authority to extend that deadline by six months with justification for most projects. Any further time extension would require approval from FEMA. Certain types of work, including non-congregate sheltering and food purchasing and distribution, have unique periods of performance and will be discussed in a moment.

## 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

- **First major disaster for a medical emergency**
- **First instance of applying FEMA Emergency Protective Measures in a major disaster declaration for a pandemic response**
- **Discussions regarding eligible work activities and costs are still very much underway with FEMA**



DR 4480 was declared only for Category B – Emergency Protective Measures. No other Category of work is eligible. However, Category Z projects to reimburse applicants for Management Costs will be discussed later in this presentation.

This is the first time a major federal disaster declaration has been declared for a medical event and the first time that emergency protective measures have been eligible for reimbursement through the FEMA Public Assistance Program for a major disaster declaration based on a medical/pandemic event.

Due to this unprecedented event, the State is working closely with FEMA to provide as much specificity as possible on what costs and activities are eligible. These discussions are ongoing and we will update you as things change through FEMA fact sheets on our website.

## Emergency Work

### Category B – Emergency Protective Measures.

#### Examples for COVID-19:

- ✓ EOC Operations
- ✓ Emergency Medical Care
- ✓ Medical sheltering
- ✓ Medical supplies & equipment
- ✓ Provision of food, water, ice, medicine, and other essential needs
- ✓ Security and law enforcement for temporary facilities
- ✓ Communications of general health and safety information to the public



This slide provides some examples of emergency protective measures that may be undertaken for the COVID-19 response.

This list is by no means all inclusive and in this event there may be some leeway for previously undefined measures that are feasible and necessary to address this unique situation.

These are the examples currently listed on FEMA's COVID-19 fact sheet.

If you have a question on a specific measure undertaken or expense you incurred or expect to incur, please raise that issue as you develop your project(s) in the Grants Portal so we can respond with appropriate guidance.

## DR-4480 Specific Emergency Work Policy Guidance

- FEMA recently released updated policies regarding the Public Assistance program eligibility of several important COVID-19 response and recovery efforts:
  - Medical Care
  - Warm Sites (Alternate Care Sites that are kept minimally operational but need to remain ready and available for future COVID 19 response)
  - Non-Congregate Sheltering
  - Food Purchase and Delivery
  - Contact Tracing
- Information on each of these are in the following slides



FEMA recently released updated policy guidance regarding the Public Assistance program eligibility of several important COVID-19 response and recovery efforts:

Medical Care

Warm Sites (these are Alternate Care Sites that are kept minimally operational as COVID-19 cases diminish and the facilities are no longer in use but need to remain operationally ready and available for medical surge capacity for future COVID 19 response)

Non-congregate sheltering

Food purchase and delivery

The full FEMA policy guidance documents are on the DHSES Recovery website. The following summarize the major points of each policy, but please review the full guidance and contact DHSES Public Assistance team at [dhsesPACOV19@dhses.ny.gov](mailto:dhsesPACOV19@dhses.ny.gov) prior to organizing, developing, or submitting a FEMA Public Assistance project for reimbursement. Although Contact Tracing is normally eligible under FEMA guidelines, a decision has been at the federal level that Contact Tracing will be placed under the auspices of HHS and will not be covered by FEMS for DR 4480.

## Medical Care – Primary Care Facilities

### Primary Medical Care

- For medical care provided in a primary medical care facility (i.e. Hospitals), work must be directly related to the treatment of COVID-19 patients.
- Work may include both emergency and inpatient treatment of COVID-19 patients; this includes both confirmed and suspected cases of COVID-19.
- Medical care related to treatment of a non-COVID-19 illness or injury in a primary medical care facility is not eligible.



For medical care provided in a primary medical care facility (i.e. Hospitals), work must be directly related to the treatment of COVID-19 patients. Work may include both emergency and inpatient treatment of COVID-19 patients; this includes both confirmed and suspected cases of COVID-19. Medical care related to treatment of a non-COVID-19 illness or injury in a primary medical care facility is not eligible.

## Medical Care – Primary Medical Care Continued

The following medical care activities and associated costs are eligible in primary medical care facilities:

- Emergency and inpatient clinical care for COVID-19 patients.
- Purchase, lease, and delivery of specialized medical equipment necessary to respond to COVID-19
- Purchase and delivery of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 including the costs of eligible SLT government Applicants providing PPE to any public or private medical care facility that treats COVID-19 patients.
- Medical waste disposal related to COVID-19.



The following medical care activities and associated costs are eligible in primary medical care facilities:

- Emergency and inpatient clinical care for COVID-19 patients.
  - Emergency medical transport related to COVID-19.
  - Triage and medically necessary tests and diagnosis related to COVID-19 patients.
  - Necessary medical treatment of COVID-19 patients.
  - Prescription costs related to COVID-19 treatment.
- Purchase, lease, and delivery of specialized medical equipment necessary to respond to COVID-19 (equipment purchases are subject to disposition requirements.)
- Purchase and delivery of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 including the costs of eligible SLTT government Applicants providing PPE to any public or private medical care facility that treats COVID-19 patients.
- Medical waste disposal related to COVID-19.

## Medical Care – Primary Medical Care Continued

- Certain labor costs associated with medical staff providing treatment to COVID-19 patients may be eligible
- Straight time, overtime, and other necessary costs for contract medical staff providing treatment to COVID-19 patients. Work and associated costs must be consistent with the scope of the contract and may include costs for travel, lodging, and per diem for contract medical staff from outside the local commuting area.
- Increased operating costs for administrative activities (such as medical billing) **are not eligible**.



- Certain labor costs associated with medical staff providing treatment to COVID-19 patients may be eligible as outlined below. Any labor costs for medical staff that are included in patient billing and/or otherwise covered by another funding source are not eligible for PA. Otherwise, the following labor costs may be eligible:
  - Overtime for budgeted medical staff providing treatment to COVID-19 patients.
  - Straight time and overtime for temporary medical staff providing treatment to COVID-19 patients.
- Straight time, overtime, and other necessary costs for contract medical staff providing treatment to COVID-19 patients. Work and associated costs must be consistent with the scope of the contract and may include costs for travel, lodging, and per diem for contract medical staff from outside the local commuting area.
- Increased operating costs for administrative activities (such as medical billing) **are not eligible**.

## Medical Care – Temporary and Expanded Medical Facilities

- FEMA may approve work and costs associated with temporary medical facilities or expanded medical facilities when necessary in response to the COVID-19 Public Health Emergency.
- These facilities may be used to treat COVID-19 patients, non-COVID-19 patients, or both, as necessary.
- Medical care activities and associated costs related to treating both COVID-19 and non-COVID-19 patients in a temporary or expanded medical facility may be eligible.



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## Medical Care – Temporary and Expanded Medical Facilities

- Costs must be reasonable and necessary based on the actual or projected need.
  - The projected needs (i.e., capacity and capability) for a temporary or expanded medical facility must be supported by predictive modeling or other substantiating information used to determine the projected need.
- Contract costs related to establishing and/or operating a temporary or expanded medical facility, contracts must include a termination for convenience clause that will be implemented if the site is ultimately:
  - not needed, or
  - the needs are less than projected, as determined by the legally responsible entity.



- Costs must be reasonable and necessary based on the actual or projected need. The projected needs (i.e., capacity and capability) for a temporary or expanded medical facility must be supported by predictive modeling or other substantiating information used to determine the projected need.
- Contract costs related to establishing and/or operating a temporary or expanded medical facility, contracts must include a termination for convenience clause that will be implemented if the site is ultimately not needed, or the needs are less than projected, as determined by the legally responsible entity.
  - Ongoing and projected needs regarding continuing operations at a temporary or expanded medical facility should be based on regular assessments and the Applicant must document the review process to support its decision making.
  - The assessments should include adjustments to projected needs based on guidance from public health officials, caseload trends, and/or other predictive modeling or methodologies; lead times and associated costs for scaling up or down based on projected needs; and any other supporting information.
  - The assessments and supporting information are necessary to determine eligibility of claimed costs and should align with PA reasonable cost guidance provided in the PAPPG and the [FEMA Public Assistance Reasonable Cost Evaluation Job Aid](#).

## Medical Care – Temporary and Expanded Medical Facilities

- Eligible costs for temporary and expanded medical facilities include:
  - All eligible items and stipulations included in Primary Medical Care Facility, but applicable to both COVID-19 and non-COVID-19 patients
  - Lease, purchase, or construction costs, as reasonable and necessary, of a temporary facility as well as reasonable alterations to a facility necessary to provide medical care services;
  - Mobilization and demobilization costs associated with setting up and closing the temporary or expanded medical facility;
  - Operating costs including equipment, supplies, staffing, wraparound services, and clinical care not covered by another funding source; and
  - Maintenance of a temporary or expanded medical facility in an operationally ready but unused status available for surge capacity for COVID-19



- Eligible costs for temporary and expanded medical facilities include:
  - All eligible items and stipulations included in Primary Medical Care Facility (see above) , but applicable to both COVID-19 and non-COVID-19 patients
  - Lease, purchase, or construction costs, as reasonable and necessary, of a temporary facility as well as reasonable alterations to a facility necessary to provide medical care services;
  - Mobilization and demobilization costs associated with setting up and closing the temporary or expanded medical facility;
  - Operating costs including equipment, supplies, staffing, wraparound services, and clinical care not covered by another funding source; and
  - Maintenance of a temporary or expanded medical facility in an operationally ready but unused status available for surge capacity for COVID-19 readiness and response when necessary to eliminate or lessen an immediate threat to public health and safety, based on public health guidance, location of areas expected to be impacted, and local/state hospital bed/ICU capacity.

## Medical Care – Temporary and Expanded Medical Facilities

- Costs related to expanding a primary medical care facility to effectively respond to COVID-19 must be feasible and cost effective.
- Administrative activities and associated costs necessary for the provision of essential medical services are eligible.



- Costs related to expanding a primary medical care facility to effectively respond to COVID-19 must be feasible and cost effective. In most cases, permanent renovations are not eligible unless the Applicant can demonstrate that the work can be completed in time to address COVID-19 capacity needs and is the most cost-effective option. Permanent renovations and other improvements to real property with PA funds are subject to real property disposition requirements.
- For temporary and expanded medical facilities, and the specific type of temporary medical facilities known as Alternate Care Sites, administrative activities and associated costs necessary for the provision of essential medical services are eligible.

## Alternate Care Sites (ACS) – Warm Sites

- FEMA may approve work and costs associated with maintaining minimal operational readiness at ACS facilities when necessary in response to the COVID-19 Public Health Emergency.
- Public health experts have warned of the potential for a second wave of COVID-19 cases, the severity and timing of which are uncertain.
- ACS facilities that are unused but remain operationally ready and available for potential medical surge capacity for COVID-19 response are referred to as “warm sites.”



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- Public health experts have warned of the potential for a second wave of COVID-19 cases, the severity and timing of which are uncertain.
- ACS facilities that are unused but remain operationally ready and available for potential medical surge capacity for COVID-19 response are referred to as “warm sites.”

## Alternate Care Sites (ACS) – Warm Sites: Work to eliminate or lessen an immediate threat

- FEMA has the authority to provide funding for activities that eliminate or lessen immediate threats to lives, public health, or safety, such as operating an ACS facility.
- To determine whether work related to ACS warm sites is necessary to eliminate or lessen an immediate threat, FEMA may consider State, Local, territorial or Tribal (SLTT) assessments of need based on:
  - Public health guidance, including the continued declaration of a Public Health Emergency by the U.S. HHS
  - Whether the ACS facility is strategically located for areas projected to be most impacted by a resurgence; and
  - SLTT hospital bed capacity relative to the projected need.



### **Work to Eliminate or Lessen an Immediate Threat**

FEMA has the authority to provide funding for activities that eliminate or lessen immediate threats to lives, public health, or safety, such as operating an ACS facility. To determine whether work related to ACS warm sites is necessary to eliminate or lessen an immediate threat, FEMA may consider State, Local, or Territorial or Tribal (SLTT) assessments of need based on:

- Public health guidance, including the continued declaration of a Public Health Emergency by the U.S. Department of Health and Human Services (HHS), and other information on the likelihood of a resurgence of COVID-19 cases;
- Whether the ACS facility is strategically located for areas projected to be most impacted by a resurgence (e.g., if the ACS facility needs to be relocated to better address the most impacted areas, it may not be prudent to maintain the facility as a warm site); and
- SLTT hospital bed capacity relative to the projected need.

## Alternate Care Sites (ACS) – Warm Sites: Work to eliminate or lessen an immediate threat

- FEMA Region II will work with DHSES to:
  - Identify ACS warm sites based on SLTT projections of need as supported by predictive modeling or other supporting information and in accordance with federal, state, and/or local public health guidance;
  - Provide support for ACS warm sites to either suspend medical care activities while maintaining minimal operational readiness for future rapid activation, or to demobilize the ACS and store necessary medical equipment and supplies for future rapid activation; and/or
  - Reduce excess capacity by demobilizing and closing ACS facilities that are no longer in use and not anticipated to be required in future planning scenarios based on the projected needs.



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- Identify ACS warm sites based on SLTT projections of need as supported by predictive modeling or other supporting information and in accordance with federal, state, and/or local public health guidance;
- Provide support for ACS warm sites to either suspend medical care activities while maintaining minimal operational readiness for future rapid activation, or to demobilize the ACS and store necessary medical equipment and supplies for future rapid activation; and/or
- Reduce excess capacity by demobilizing and closing ACS facilities that are no longer in use and not anticipated to be required in future planning scenarios based on the projected needs.

## Alternate Care Sites (ACS) – Warm Sites: Eligible Costs to Maintain ACS Warm Sites

- All claimed costs must be necessary and reasonable in order to effectively respond to the COVID-19 Public Health Emergency, in accordance with public health guidance, and are subject to standard program eligibility, the applicable cost share for the declaration, and other federal requirements.
- Pursuant to Section 312 of the Stafford Act, FEMA is prohibited from providing financial assistance where such assistance would duplicate funding available from another program, insurance, or any other source for the same purpose.
- FEMA will reconcile final funding based on any funding provided by another agency or covered by insurance or any other source for the same purpose. FEMA will coordinate with HHS to facilitate information sharing about funding from each agency to assist in preventing duplication of benefits.



### **Eligible Costs to Maintain ACS Warm Sites**

All claimed costs must be necessary and reasonable in order to effectively respond to the COVID-19 Public Health Emergency, in accordance with public health guidance, and are subject to standard program eligibility, the applicable cost share for the declaration, and other federal requirements. Pursuant to Section 312 of the Stafford Act, FEMA is prohibited from providing financial assistance where such assistance would duplicate funding available from another program, insurance, or any other source for the same purpose. FEMA will reconcile final funding based on any funding provided by another agency or covered by insurance or any other source for the same purpose. FEMA will coordinate with HHS to facilitate information sharing about funding from each agency to assist in preventing duplication of benefits

## Alternate Care Sites (ACS) – Warm Sites: Eligible Costs to Maintain ACS Warm Sites

- Costs that may be necessary to maintain the minimum operational level of an ACS warm site include:
  - Renting/leasing the space for an ACS facility and/or the necessary equipment to operate the facility and provide adequate medical care in the event of a COVID-19 resurgence;
  - Other facility costs such as utilities, maintenance, and/or security;
  - Keeping the necessary equipment and supplies (including PPE) in stock, including inspection and maintenance of equipment and supplies, and replacement of non-functioning equipment and expired supplies and commodities;
  - Demobilization of ACS facilities when it is more cost effective than maintaining a warm site, and remobilizing in the event of a COVID-19 resurgence based on projected needs;



Costs that may be necessary to maintain the minimum operational level of an ACS warm site include:

- Renting/leasing the space for an ACS facility and/or the necessary equipment to operate the facility and provide adequate medical care in the event of a COVID-19 resurgence;
- Other facility costs such as utilities, maintenance, and/or security;
- Keeping the necessary equipment and supplies (including PPE) in stock, including inspection and maintenance of equipment and supplies, and replacement of non-functioning equipment and expired supplies and commodities;
- Demobilization of ACS facilities when it is more cost effective than maintaining a warm site, and remobilizing in the event of a COVID-19 resurgence based on projected needs;

## Alternate Care Sites (ACS) – Warm Sites: Eligible Costs to Maintain ACS Warm Sites

- Costs that may be necessary to maintain the minimum operational level of an ACS warm site include (continued):
  - Storage of equipment and supplies for ACS warm sites or demobilized ACS facilities which can be re-deployed for future rapid activation;
  - Wraparound services, as defined in the [HHS ACS Toolkit](#), necessary for minimal operational readiness;
  - Minimal level of medical and/or non-medical staffing, if necessary;
  - Site restoration to allow a facility that was/is being used as an ACS to return to normal operations until such time as the facility is needed as an ACS again in the event of a COVID-19 resurgence; and/or
  - Other costs necessary to maintain a minimum level of operational readiness.



Continued from the previous slide, these costs may also be necessary to maintain the minimum operational level of an ACS warm site, including:

- Wraparound services, as defined in the [HHS ACS Toolkit](#), necessary for minimal operational readiness;
- Minimal level of medical and/or non-medical staffing, if necessary;
- Site restoration to allow a facility that was/is being used as an ACS to return to normal operations until such time as the facility is needed as an ACS again in the event of a COVID-19 resurgence; and/or
- Other costs necessary to maintain a minimum level of operational readiness.

## Alternate Care Sites (ACS) – Warm Sites: Time Limitations

- Funding for ACS warm sites is limited to maintaining the site no longer than is necessary and reasonable based on projected needs and in accordance with public health guidance.
  - The continued need for an ACS warm site should be assessed on a monthly basis by FEMA and SLTTs and based on the latest federal and/or SLTT COVID-19 projections of the likelihood of a COVID-19 resurgence in the area and the subsequent capacity and capability needs.
  - FEMA will not reimburse costs related to maintaining ACS warm sites for more than 30 days after the end of the COVID-19 Public Health Emergency (currently October 23, 2020), as determined by HHS.



### **Time Limitations:**

Funding for ACS warm sites is limited to maintaining the site no longer than is necessary and reasonable based on projected needs and in accordance with public health guidance.

- The continued need for an ACS warm site should be assessed on a monthly basis by FEMA and SLTTs and based on the latest federal and/or SLTT COVID-19 projections of the likelihood of a COVID-19 resurgence in the area and the subsequent capacity and capability needs.
- FEMA will not reimburse costs related to maintaining ACS warm sites for more than 30 days after the end of the COVID-19 Public Health Emergency (currently October 23, 2020), as determined by HHS.

## FEMA Approved Non-Congregate Sheltering Plan

- New York's statewide NCS plan identifies 3 target populations for non-congregate sheltering:
  - COVID-19 positive individuals requiring isolation but not hospitalization and who:
    - Do not have an appropriate home setting, or
    - Have a medically vulnerable individual in the home setting where they would otherwise be isolated
  - Individuals who have been exposed to COVID-19, including those individuals identified as part of contact tracing efforts within New York State, who do not have an appropriate home setting for isolation.
  - Healthcare providers and emergency responders interacting with presumptive or confirmed positive COVID-19 patients in an occupational setting, to include testing sites
  - Individuals that are or were supported by a congregate care shelter facility, to include:
    - Homeless persons
    - Domestic violence survivors
    - Elder abuse survivors



Non-congregate sheltering is emergency sheltering in which each individual or household has living space that offers some level of isolation. Applicants seeking reimbursement for non-congregate sheltering must obtain FEMA approval prior to sheltering individuals in non-congregate facilities. New York State has received approval from FEMA its non-congregate sheltering plan. Local governmental entities may utilize New York's approved non-congregate sheltering plan to provide these services and seek reimbursement. NY's State-wide NCS plan identifies 3 target populations for non-congregate sheltering:

- COVID-19 positive individuals requiring isolation but not hospitalization and who:
  - Do not have an appropriate home setting, or
  - Have a medically vulnerable individual in the home setting where they would otherwise be isolated
- Individuals who have been exposed to COVID-19, including those individuals identified as part of contact tracing efforts within New York State, who do not have an appropriate home setting for isolation.
- Health Care Providers and Emergency Responders interacting with presumptive or confirmed positive COVID-19 patients in an occupational setting, to include testing sites
- Individuals that are or were supported by a congregate care shelter facility, to include:
  - Homeless persons
  - Domestic violence survivors
  - Elder abuse survivors

## FEMA Approved Non-Congregate Sheltering Plan

- The State plan was approved by FEMA until August 24, 2020.
  - In order to extend the approval into late July, NY must provide certain information to FEMA, specifically:
    - summary of the number of individuals being sheltered by each applicant, including:
      - the average length of stay,
      - underlying need/condition requiring non-congregate sheltering,
      - types of wrap-around services being provided at each location,
      - average cost per individual.
- The legally responsible governmental entities for the NCS populations would be the Applicant for the reimbursement of eligible costs.
- PNPs utilizing NCS will have to seek reimbursement through the legally responsible governmental entity for the eligible population.
  - In most instances, the governmental entity that provides any other type of funding to the PNP could be the Applicant.
  - If a direct contractual relationship with a legally responsible governmental entity does not exist, a contract would need to be in place prior to seeking reimbursement.



The State plan was approved by FEMA until August 24, 2020.

- NYS has sought and received one extension thus far.
- In order to extend the approval any further, the National Health Emergency must be extended and NY must provide certain information to FEMA, specifically:
  - summary of the number of individuals being sheltered by each applicant, including:
    - the average length of stay,
    - underlying need/condition requiring non-congregate sheltering,
    - types of wrap-around services being provided at each location,
    - and average cost per individual.

Applicants utilizing non-congregate sheltering will only be eligible to receive reimbursement directly if they are governmental entities with the legal responsibility to provide these services. Any other provider must contract with the legally responsible governmental entity to provide these services.

For this reason, PNPs utilizing non-congregate sheltering will have to seek reimbursement through the legally responsible governmental entity for the eligible population.

- In most instances, the governmental entity that provides any other type of funding to the PNP could be the Applicant.
- If a direct contractual relationship with a legally responsible governmental entity does not exist, a contract would need to be in place prior to seeking reimbursement.

## Non-Congregate Sheltering Requirements

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- Procurement must follow FEMA's Exigent and Emergency circumstances policy and include a termination for convenience clause in their contracts.
- The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.
- Non-congregate sheltering is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.
- Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.
- FEMA Q & A on Non-Congregate Sheltering is now posted on the DHSES website for DR 4480.



Procurement must follow FEMA's Exigent and Emergency circumstances policy and include a termination for convenience clause in their contracts.

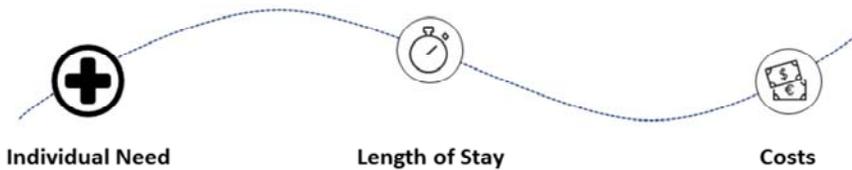
The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

Non-congregate sheltering is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

## Eligibility of Costs:

Requests for Non-Congregate Sheltering require that a tracking mechanism be established to demonstrate eligibility of cost reimbursement, with the following information:



Tracking mechanisms should not disclose personally identifiable information protected by the Privacy Act

Each applicant implementing a non-congregate sheltering program must maintain tracking mechanisms to provide sufficient data and documentation to establish the eligibility of costs under the Public Assistance Program. Applicants must document:

- The need for non-congregate sheltering of each individual
- The length of stay, and
- The costs

Please make certain that tracking mechanisms do not disclose personally identifiable information protected by the Privacy Act.

## Purchase and Distribution of Food Eligible for Public Assistance - Overview

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- **Background:**

- Due to the impacts of COVID-19, it may be necessary to provide food in certain areas to meet the immediate needs of those who do not have access and to protect the public from the spread of the virus

- **Principles:**

- FEMA will provide flexibility to applicants to protect the health and safety of impacted through the purchase and distribution of food
- FEMA will responsibly implement this policy and any assistance through informed decision-making and accountable documentation
- FEMA will engage with interagency partners, including the U.S. Department of Agriculture (USDA), the U.S. Department of Health and Human Services (HHS), and U.S. Department of Housing and Urban Development (HUD), to ensure this assistance does not duplicate other available assistance

Full FEMA Policy can be found [here](#)



Next we will discuss Food Distribution. Due to the impacts of COVID-19, it may be necessary to provide food in certain areas to meet the immediate needs of those who do not have access and to protect the public from the spread of the virus.

FEMA has established policy guidance on the purchase and distribution of food for eligibility in the Public Assistance program and this policy can be found on the DHSES website.

FEMA will provide flexibility to applicants to protect the health and safety of impacted through the purchase and distribution of food.

FEMA will engage with interagency partners, including the U.S. Department of Agriculture (USDA), the U.S. Department of Health and Human Services (HHS), and U.S. Department of Housing and Urban Development (HUD), to ensure this assistance does not duplicate other available assistance

## FEMA PA Purchase and Distribution of Food Policy - Time Limitations and Legal Responsibility

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- **Time Limitations:**

- FEMA may provide funding for an initial 30-day time period.
- SLTT governments may request a 30-day time extension from the Regional Administrator (RA) with documentation showing continued need.
- Work may not extend beyond the duration of the COVID-19 Public Health Emergency, as determined by HHS.

- **Legal Responsibility:**

- To be eligible, an item of work must be the legal responsibility of an eligible applicant.
- Legally responsible SLTT governments may enter into formal agreements with private organizations to purchase and distribute food.
- In these cases, PA funding is provided to the legally responsible government entity
  - These entities would then reimburse the private organization for the cost of providing those services under the agreement or contract



Time Limitations apply to food distribution as an Emergency Protective Measure under FEMA's policy. Initially, food purchased and distributed in response to the COVID-19 Public Health Emergency may be eligible for reimbursement for a 30-day time period. At the end of this initial time period, State, Local, Territorial and Tribal governments may request a 30-day time extension from the Regional Administrator (RA) with documentation showing continued need. However, eligible food distribution work may not extend beyond the duration of the COVID-19 Public Health Emergency, as determined by the U.S. Department of Health and Human Services.

Reimbursement for food distribution is also limited to Applicants who have the legal responsibility to protect life, public health, and safety. Generally, this legal responsibility belongs to state, local, tribal, and territorial governments.

Legally responsible governmental entities may enter into formal agreements with private organizations to purchase and distribute food, but reimbursement in such cases would be available only to the legally responsible government entity. These entities would then reimburse the private organization in turn for the cost of providing those services under the agreement or contract.

## FEMA PA Purchase and Distribution of Food Policy - Work Eligibility

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- **Eligible Work:**
  - Purchasing, packaging, and/or preparing food, including food commodities, fresh foods, shelf-stable food products, and prepared meals
  - Delivering food when conditions constitute a level of severity that food is not easily accessible for purchase
  - Leasing distribution and storage space, vehicles, and necessary equipment
- **Indicators Demonstrating Need:**
  - Reduced mobility of people in need due to government-imposed restrictions, including “stay-at-home” orders
  - Marked increase or atypical demand for feeding resources
  - Disruptions to the typical food supply chain within a given jurisdiction
- **Impacted Populations:**
  - Those who test positive for COVID-19 or have been exposed to COVID-19, but who do not require hospitalization
  - High-risk individuals, such as people over 65 or with certain underlying health conditions



When necessary as an emergency protective measure, eligible work related to the purchase and distribution of food in response to the COVID-19 pandemic includes:

- Purchasing, packaging, and/or preparing food, including food commodities, fresh foods, shelf-stable food products, and prepared meals;
- Delivering food when conditions constitute a level of severity that food is not easily accessible for purchase; and,
- The leasing of distribution and storage space, vehicles, and necessary equipment.

Any food purchase and distribution must be shown to be necessary as an emergency protective measure to save lives and protect public health and safety.

Several indicators may demonstrate this need, including:

- The reduced mobility of people in need due to government-imposed restrictions, including “stay-at-home” orders;
- The marked increase or atypical demand for feeding resources; and,
- Disruptions to the typical food supply chain within a given jurisdiction

Populations in an impacted community that may need the provision of food as a lifesaving and life-sustaining measure, may include:

- Those who test positive for COVID-19 or have been exposed to COVID-19, but who do not require hospitalization; and,
- High-risk individuals, such as people over 65 or with certain underlying health conditions.

## Eligible Costs

### Eligible Costs:

- Labor
- Equipment/Materials
- Contracts
- Management Costs



### 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 other funding sources.

The final tier of the eligibility pyramid that we will discuss is Eligible Costs. The key here is that all costs must be documented and comply with appropriate guidelines, and they must also be reasonable and necessary to protect the public from the COVID-19 virus. We will next cover various cost categories, starting with labor.

## Force Account Labor

- **Employee Annual Salary or Hourly Rates Plus Fringe Benefits**
- **Under Emergency Protective Measures (Category B):**
  - Permanent employees are only eligible for overtime while performing eligible work.
  - Temporary employees are eligible for both regular time and overtime while performing eligible work.



Force Account Labor costs are for the Applicant's employees, both full-time and those that may have been hired as temporary employees to respond to the COVID-19 virus. For permanent employees, only their overtime used on DR 4480 work is eligible. Their regular work time is not eligible. For temporary employees hired to work on DR 4480, both regular and overtime costs are eligible.

In addition, fringe benefit costs for eligible hours are also eligible and you may be asked to calculate an average fringe benefit hourly rate for your employees.

For all Labor costs, you will be required to provide supporting documentation to include employee name, title, time sheets, hourly rate, work performed, location, date, and hours worked, separating overtime and regular time. Documentation is key to expediting your project through the process.

## Force Account Equipment

### Must be performing eligible work:

- Auto/Truck – mileage or hourly rate
- Other equipment - hourly rate
- Intermittent Use:
  - Half day or more = Full Day
  - Less than half day = Actual Hours



Force Account Equipment costs are for equipment you own, lease or purchase for necessary use for DR 4480. The equipment and vehicles you own are normally reimbursed based on an **hourly rate**. Leased or rented equipment is based on the rental or lease agreement, and purchased equipment may be reimbursed based on the purchase cost minus salvage value.

When claiming reimbursement on an hourly rate, FEMA allows credit for a **full work day** when the equipment is used for half the work day or more. For example, you have a vehicle that transports medical equipment to a temporary medical facility. The equipment is then off loaded and used for 5 hours at the temporary facility and then is loaded back on the vehicle and returned to its origin. The vehicle use is only eligible for the actual hours in transit to and from the site, but the equipment used at the facility for 5 hours is eligible for the entire work day because it was used for more than half of the regular work day.

Once again we stress documentation. FEMA will want to know the type of equipment (including size and capacity), date, hours used, location, purpose, operator information and rate. Copies of log books may also be required

## Equipment Rates

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



FEMA has cost codes establishing equipment rates which are normally used to reimburse equipment usage, but Applicants can use local rates if they were established **prior to the event**. FEMA cost codes are normally more advantageous except perhaps in high cost areas where local rates may be higher. Applicants can select the FEMA rates or their local rates but **must use the same method for all of their projects**.

## 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.



Force account materials are those that you either use from your stock or purchase for use in the event. If you have invoices for your stock items, they can be used to establish costs, or you can document 3 quotes from local vendors to establish costs.

You do not have to replace the items taken from stock in order to submit for reimbursement for that stock used in response to the COVID-19 event.

Keep in mind, that items you purchase must meet all contracting and purchasing requirements and be fully documented. You will also need to account for materials not used for eligible work during the authorized period of performance, so tracking inventory and documenting usage is important. We will discuss this further on the next slide.

## Tracking and Disposition of Materials

- At the end of the Public Health Emergency, applicants must account for any unused materials funded by FEMA.
- If the market value of all unused materials combined exceeds \$5,000, that market value must be deducted from eligible costs on that project.
- FEMA will accept the Applicant's certification regarding unused materials to close the project, but the Applicant will be required to produce tracking records in the event of an audit.



- If an Applicant purchases supplies for its own use, at the end of the public health emergency, it must report back to FEMA if all supplies were used. FEMA will accept a certification from the Applicant regarding the amount of any unused supplies; however, the applicant must be prepared to provide source documentation to the OIG if audited.
- If an Applicant purchases supplies to be distributed to other agencies/entities, it must:
  - track what/how much was provided to what agency/entity and provide that information to FEMA
  - require the agency/entity to track the usage of the supplies distributed (due to potential disposition requirements)
  - FEMA will accept a certification from the agency/entity that it provides to the applicant regarding the amount of any unused supplies; however, the **applicant** must be prepared to provide source documentation to the OIG if audited.

### Disposition of supplies:

All Applicants, including State and Territorial government Applicants, must calculate the current fair market value of any unused residual supplies (including materials) that FEMA funded for any of its projects and determine the aggregate total. The Applicant must provide the current fair market value if the aggregate total of unused residual supplies is greater than \$5,000. FEMA reduces eligible funding by this amount. If the aggregate total of unused residual supplies is less than \$5,000, FEMA does not reduce the eligible funding.

## Donated Resources

### Volunteer Labor:

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

### Donated Resources:

- Credit towards the total local cost share of Emergency work; rate is determined by local rates (if established) or FEMA equipment rates.
- Value of Donated Resources = (Determined Equipment Rate) \* (Number of Equipment Hours).
- Materials costs based on local quotes.



Donated resources, whether labor, equipment or materials, can be used to offset the local cost share of emergency work. In DR 4480, the disaster is set at 75% Federal cost share, which means Applicants will have a local cost share of 25%. Donated resources can be used to offset that local cost share.

FEMA creates a separate project to capture donated resources for an Applicant, so it is essential that you document all donated resources in detail with who, what, when, where and why.

# Public Assistance Process

Now we will cover the Public Assistance Process.

## FEMA's COVID-19 Public Assistance Delivery Model



● Currently at this step of the process

For this unprecedented event, FEMA is using a modified Delivery Model in order to expedite the process and get much-needed funds to the Applicants as quickly as possible. We are at the first step in this process in conducting these virtual Applicant briefings, and we will cover the remaining steps in this presentation. Those of you who are familiar with normal FEMA delivery processes will see significant changes.

## FEMA's DR 4480 Public Assistance Delivery Model

- FEMA Grants Portal accounts will be created for applicants who don't already have one.
- RPAs will be submitted in Grants Portal.
- FEMA has created a standard template for Projects in Grants Portal.
- Applicants answer template questions, upload documentation and cost estimate and submit their project(s) in Grants Portal.
- Limited Exploratory Calls or Recovery Scoping Meetings. Few projects will require a site visit.



The first step is for Applicants to have Grants Portal accounts established which we will discuss in a moment. Once your account is established, DHSES will submit your Request for Public Assistance (RPA) in Grants Portal. Once FEMA approves your RPA, you will be able to submit projects in Grants Portal.

FEMA may not be conducting Exploratory Calls or Recovery Scoping Meetings in DR 4480 for many applicants. Some projects, such as the creation of, or relocations to temporary facilities may require a site visit, but the majority of projects will not require a site visit.

Applicants will enter information on the project template in Grants Portal, provide documentation as required by the template, provide a cost estimate and submit the project. However, it's important to stress that you may be required to provide additional documentation at some point so it is essential to continue to maintain complete and accurate records. This applies not only to the costs you incur, but also to the funding you receive since some costs may be covered by multiple funding streams.

Participants in the Public Assistance program are required to maintain their own file containing all documentation necessary to support their subgrant. Please be aware that uploading documents to Grants Portal does not satisfy this requirement. Your office must maintain its own, separate file for audit purposes.

## FEMA's DR 4480 Public Assistance Delivery Model

- Applicants may request an Expedited Project which, if approved by FEMA, can be funded at up to 50% of estimated costs upon obligation.
- FEMA Environmental/Historic Preservation reviews will be expedited for most projects as they are likely to have little to no potential impacts.
- Applicants have 60 days from the end of the National Health Emergency or approval of their RPA, whichever comes last, to submit their project templates into the Portal

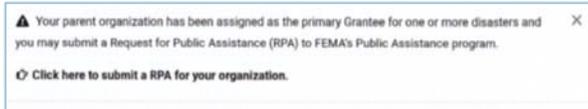


The FEMA project template will identify Expedited Project criteria whereby projects may be processed with a Scope of Work, Cost Estimate and minimal supporting documentation. Once again, this does not mean that you should not continue to gather the documentation, as full documentation will be required to close the project out and receive full funding. FEMA will review the cost estimate and Scope of Work for reasonableness. Expedited Projects are initially funded at up to 50% of the original approved estimate. Subsequently, the applicant must request that FEMA create an amendment to capture full actual costs once the applicant is able to provide all necessary documentation.

FEMA will also expedite most Environmental and Historic Preservation (EHP) reviews via a broad approach for activity types that are likely to have little to no potential environmental or historical impacts. Normally, applicants must identify all of their damages within 60 days of the Recovery Scoping Meeting. For DR 4480, FEMA has modified that criteria and applicants will have 60 days from the end of the National Health Emergency or FEMA approval of their RPA whichever comes last. Failure to do so may jeopardize your projects.

## The Grants Portal Account

- If your organization **has a Grants Portal account**, you should see something like this when you log into your account:



- If you **do not have a Grants Portal account**, DHSES will create one upon receipt of the below ***required*** information:

- |                               |                  |                   |
|-------------------------------|------------------|-------------------|
| • Applicant Name              | • Street Address | • Primary Contact |
| • Type of Applicant*          | • City           | • First Name      |
| • <b>Federal Employer ID#</b> | • State          | • Last Name       |
| • Primary office location     | • Zip            | • Title           |
|                               | • County         | • Phone Number    |
|                               |                  | • Email           |

\*Types of Applicants: State Government, County Government, City, Town, Village or Special District Government; Public/State Controlled Institution of Higher Education; Regional Government Organization; Independent School District; Public/Indian Housing Authority; Federally Recognized Native American Tribal Nation Government or Designate Organization; Nonprofits with 501(c)3 status; Nonprofit without 501(c)3 status; Other



Grants Portal is a web-based application used for managing FEMA Public Assistance projects. Grants Portal is the Applicant's side of this system; Grants Manager is the FEMA side of the same database.

If your organization already has a Grants Portal account due to participation in one of these recent federally declared disasters: DR 4348, DR 4397 or DR 4472, when you log in to your Grants Portal account you may see the banner on the screen prompting you to submit your RPA for the new declaration. Simply click as directed and follow the instructions as prompted.

If you do not already have a Grants Portal account established, this slide identifies the ***minimum*** information required for DHSES to establish an account for you. Please note that the Federal Employer Identification Number is in bold to make sure that you include it. We need it to establish your Grants Portal account.

DHSES will submit your RPA in Grants Portal once you send the completed RPA form to us. Note, PNP's **must** submit their RPA to DHSES to establish a Grants Portal account. Governmental entities on the other hand, now have the ability to create their Grants Portal account directly, by visiting [grantee.fema.gov](http://grantee.fema.gov). The next slide is a sample email with the temporary password and invitation to log in.

## Grants Portal Password Invitation

- Once your account is created, you will receive an email with a temporary password and inviting you to create a new password. Click on the link and follow directions.
  - Please make sure your spam filter is set to allow receipt of emails from [support@pagrants.fema.gov](mailto:support@pagrants.fema.gov)

**From:** [support@pagrants.fema.gov](mailto:support@pagrants.fema.gov) [mailto:support@pagrants.fema.gov]  
**Sent:** Wednesday, February 01, 2017 3:11 PM  
**Subject:** FEMA PA Notification - Org Account Request Approved

Hello Sherry,

Your organization account request has received final approval. You may now log in to the Grants Portal with the temporary username and password:

**Username:** [comanager@subrecipientcountyga.com](mailto:comanager@subrecipientcountyga.com) ← Your email address  
**Password:** LIE1kAvc1%

Please click [here](#) to sign in with your temporary password. You will be required to change your password upon login.

-FEMA PA Support Team

[FEMA-PA-Support@FEMA.DHS.Gov](mailto:FEMA-PA-Support@FEMA.DHS.Gov)  
<https://pagrants.fema.gov>



Once you have provided the required information to DHSES, we will create your account and you will receive an email with a temporary password and an invitation for you to log in and create a new password. If you don't receive the email, please check your spam filter to make sure it is not in a spam or junk mail folder.

## Request for Public Assistance (RPA)

- **Date of Declaration:** March 20, 2020.
- ***FEMA has set an open period for RPA submission for COVID-19. No RPA deadline currently in effect for DR-4480.***



We will now discuss one of the most important topics for this Applicants Brief, which is the Request for Public Assistance or RPA.

The RPA is the form submitted to FEMA to request to be an Applicant in the disaster. Normally, the Request for Public Assistance (RPA), must be submitted within 30 days of the declaration date, which would have been April 19<sup>th</sup>. However, for DR 4480, that provision has been waived and we currently have an open enrollment period. We will advise everyone when FEMA does set a deadline for RPA submission. In any event, we highly recommend that Applicants submit their RPAs as soon as possible, so we can review them and forward them to FEMA for their review and approval.

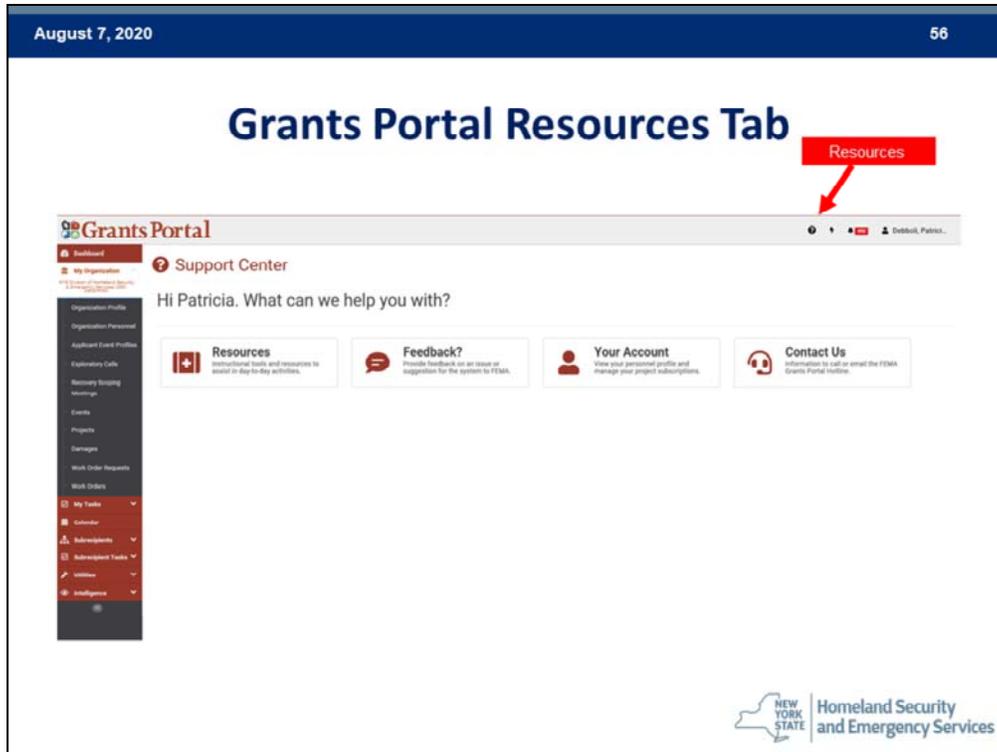


## The RPA Form

- The RPA form can easily be found online by clicking the appropriate link:
  - For governmental entities: [Governmental Entity RPA Package](#)
  - For PNPs: [PNP RPA Package](#)
- Please complete the RPA form and email to [patricia.debboli@dhses.ny.gov](mailto:patricia.debboli@dhses.ny.gov) or fax to (518) 322-4984.



RPA packages can be found on the DHSES Recovery website for DR 4480, or by clicking on the appropriate link on this slide. Once you have filled the appropriate package out, please send it to DHSES via the e-mail address or fax number shown on the slide. If you don't fully complete the appropriate package and submit the required documentation, processing of your RPA may be delayed.



Once Grants Portal accounts are established and your RPA is submitted and approved, FEMA and DHSES will coordinate Grants Portal training for applicants who may need it. However, as soon as you log into your account you have access to a wealth of information about Grants Portal and the Public Assistance Program. In Grants Portal, the question mark at the top right will allow you to access the Resources tab. When you click on the Resources tab, you will find a very useful collection of guides, policy and job aides. Click on the topic of interest to expand the documents available for viewing. DHSES and FEMA personnel are available to help you navigate Grants Portal.

# Contracts and Procurement

The next area we will cover is contracts and procurement.

## 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 (follow link to locate MWBE enterprises: <http://esd.ny.gov/mwbe.html> )
- Applicants must comply with 2 CFR Part 200. Specifically, all contracts **must include the contract provisions identified in Appendix II to Part 200**. 2 CFR, OMB Circular A-87, A-102, A-133 and 41 U.S.C. 403(11) all provide guidance on procurement and audits.
- Declaring or extending a State of Emergency solely to circumvent procurement procedures is a red flag for any audit.



All contracts and purchases must comply with all local, State and Federal procurement requirements. While some requirements may be suspended in the types of circumstances we're seeing with COVID-19, it is prudent to make sure your contracting and purchasing folks are taking all reasonable steps to comply with whatever requirements apply and follow the appropriate guidelines.

FEMA staff will be reviewing contracts. All projects are subject to audits by both the State and Federal OIG. Detailed procurement guidance, including procurement in emergency and exigent circumstances, is available on FEMA's website, through the Resources Tab in Grants Portal, and has been posted on the DHSES Recovery website for this disaster.

## 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 under applicable procurement procedures are preferred.

Again it bears repeating. Make sure all contracts follow the appropriate guidelines with the understanding that FEMA staff will be looking at the contracts closely. The preferred contracts are those that are competitively bid.

## Types of Contracts



### Lump Sum:

- Easy to monitor when the scope of work is well defined.
- Requires minimum labor for monitoring.
- Quantities do not have to be documented.



### Time and Materials:

- Should only be used for Emergency “hot spots”
- MUST have a cap
- MUST be monitored

Lump sum contracts are acceptable and require minimum monitoring by the applicant, as you don't have to document the quantities separately. Time and material contracts can be used but there are some explicit restrictions. Time and Material contracts must have a cap., which the contractor exceeds at its own risk. For example, a cap not to exceed \$200,000 or a cap not to exceed 70 hours of work.

The intent behind allowing time and materials contracts is to allow an Applicant to respond to the immediate needs while giving the Applicant time to utilize their normal procurement procedures for scopes of work that will continue for a prolonged period of time.

## 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>



Be aware of types of contracts that may jeopardize reimbursement.

A cost plus percentage of cost contract is where a contractor says they will do the work for whatever it costs them plus a percentage of that cost. For example, the contractor spends \$100,000 on the work and the percentage agreed on is 15%. The contractor receives \$115,000. In this type contract there is no incentive for the contractor to work efficiently and swiftly. The more time he takes, the larger his profit. This is an ineligible contract and FEMA may make your project ineligible if you use it.

Contracts that state that they are contingent on the Applicant receiving reimbursement from FEMA are also ineligible. Examples include contracts that say the Applicant will pay the contractor “whatever FEMA pays” or will “pay if or when FEMA pays.” Such contracts are ineligible. You must act using your normal procurement procedures without any reference to reimbursement from FEMA.

The last point is – avoid contracting with a debarred contractor. Make sure your contracting folks are checking the list to see that they are not dealing with a debarred contractor as that contract will be ineligible.

## 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>



Federal procurement regulations have a requirement to actively solicit Minority and Women Owned Business Enterprises. Although FEMA has waived this requirement in DR 4480 for the duration of the Public Health Emergency, applicants should be aware of it for any procurement that occurs outside of that waiver. The requirement does not mean simply putting a notice in the newspapers as part of your bid process. For example, language in a publication that says “MWBE enterprises are encouraged to reply” does not satisfy the requirement to actively solicit them. You need to identify MWBE contractors in your area and show active solicitation via e-mail, telephone contact or regular mail and invite them to bid on your project. Failure to do so may make your project ineligible.

## Management Costs (Category Z)

- Direct and indirect administrative costs incurred to submit and process your FEMA Category B project(s).
- Actual Costs must be fully documented.
- Capped at a maximum of 5% of the Applicant's total obligated Category B project costs.



Next we will discuss Category Z projects. FEMA will reimburse an applicant's direct and indirect administrative costs incurred for submitting and processing its FEMA projects. Reimbursement is based on actual, documented administrative costs and is capped at 5% of the total of your obligated Cat B project(s). FEMA automatically creates a separate Category "Z" project for Management Costs for each Applicant. Applicants must submit full documentation of Management Costs. The federal share on Cat Z projects is 100% (subject to the 5% cap based on total obligated Cat B projects).

## Management Costs

- Required to manage projects administratively.
- 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, development
  - Project reporting
  - Project cost reconciliation and closeout
  - Preliminary Damage Assessments
  - Applicant's Briefings
  - Recovery Scoping Meetings
  - Recovery Transition Briefings
  - Travel Costs
  - Consultant Costs



Please begin capturing your administrative costs, including the costs incurred to attend today's Applicant's Briefing. You will need to document your administrative costs before requesting closeout and reimbursement for your Cat Z project.

## Special Considerations

### Key Focus Areas:

**1. Insurance** – Normally, Emergency Work is not covered by standard Insurance Policies. However, FEMA will want documentation to show that any applicable insurance coverage was pursued.



**2. Duplication of benefits** – Federal and State funds received to combat the virus will have to be deducted from any eligible project if used for any portion of that project.

Special Considerations – The key thing to remember here is that FEMA is the payer of last resort. This means that all other funding provided on a project is taken into account first and deducted from the costs eligible for reimbursement under FEMA's Public Assistance Program.

The most common additional funding source is typically insurance. If the damages are covered by insurance, FEMA will require the Applicant to file a claim for those damages with their insurance carrier and will deduct the proceeds of that claim from the total eligible costs for the Public Assistance grant.

In DR 4480, there is a particular likelihood of other grant funding sources, such as grants available through the U.S. Department of Health and Human Services. It is critical that applicants be able to report on all funding sources received *and how those funds were applied* so FEMA can ensure that no duplication of benefits has occurred under the Public Assistance Program.



Next, we will cover some need to know facts about projects.

## Project Facts Applicants Need To Know

- Federal Share for this Disaster: **75%**
- How Projects Qualify:
  - Minimum Threshold = **\$3,300**
  - Small Projects = **Under \$131,100**
  - Large Projects = **\$131,100 and Over**



You must meet a minimum monetary threshold for an eligible project. In order to qualify, a project must have eligible costs of at least \$3,300. All projects are then categorized as either a small project or large project. Small projects are those under \$131,100 and large projects are those at \$131,100 and over.

## Small vs. Large Projects

- **Small Projects (Under \$131,100):**
  - ✓ Written on estimates or actual costs if available.
  - ✓ Paid when project is obligated by FEMA (100% of the Federal Share).
  - ✓ Submit P4 (Project Completion Form) to DAM as soon as you complete the project.
- **Large Projects (\$131,100 and Over):**
  - ✓ Written on estimates or actual costs if available.
  - ✓ Paid Federal Share at % validated complete when project is obligated.
  - ✓ Progress Payments (Approved by NYS) can be requested.
  - ✓ Quarterly Report requirement until project is closed.
  - ✓ Submit P4 (Project Completion Form) to DAM as soon as you complete the project and DHSES will coordinate a Large Project Final Accounting for submission to FEMA.
  - ✓ Final Payment (Approved by FEMA) on actual eligible costs.



Let's discuss some differences between small projects and large projects and the requirements for each.

The first main difference between small projects and large projects is with regard to the payment received when the project is initially obligated. NY is a pass through State, which means that when FEMA obligates a project, it transfers the funds for that project to the State. For a small project, DHSES Finance will then pass through the Federal share of that project to the Applicant regardless of whether the project is complete or not. For large projects on the other hand, DHSES Finance will only pass through the Federal share at the percent the project is listed as complete. For example, if a project is obligated for \$1 million dollars at 25% work completed, the Applicant's initial payment will only be the Federal share – that is 75% - of \$250,000.

The second main difference between small and large projects is with regard to closeout requirements. Small projects require no formal closeout process, but do require that the Applicant submit the P-4 form, which is the certification by the Applicant that they have completed the authorized scope of work for the project. Large projects, on the other hand, must be paid on **actual costs**, so they require a formal closeout. A P-4 form must also be submitted on large projects when the work is completed, to trigger the Large Project Final Accounting process.

Keep in mind, for large projects, there is a quarterly reporting requirement as long as the project remains open.

## Formulation of Projects

- **NYS DHSES Disaster Assistance Representatives (DARs):**
  - Available to help develop scope of work and cost estimates.
  - Technical Specialists can assist with complex projects.
  
- **Technical Specialists:**
  - Hospitals
  - Schools
  - Insurance



We have covered a lot of ground and understand that there is much to absorb with respect to the Public Assistance Program. FEMA and State personnel are available to assist you in developing and organizing your costs and damages into logical projects. Federal and State Public Assistance staff have a lot of experience in many areas and we can call on their expertise if you encounter a challenging situation or project.

## Various Parts of Project

- **Basic Information** - Applicant, Location, Category of Work, etc.
- **Damage Description and Dimensions (DDD)** – What conditions did the virus cause?
- **Scope of Work (SOW)** – Actions to Protect lives and public safety in response to the virus.
- **Cost Estimate**
- **Attachments** - Documentation of Costs, Contracts, Proof of Payment etc.



These are the various elements of a project that will be necessary to develop in order to process your project(s). This event is not the typical kind of natural disaster that causes damages to buildings and roadways. This pandemic event will require documenting the activities and costs incurred in responding to the virus. The most important thing to remember is make sure you have all of the required documentation to support your project. This includes invoices, contracts, insurance policies, claims and settlements, actual costs, personnel policies, procurement documentation, proof of payment, etc. If you do not provide the required documentation, FEMA may issue a Request for Information (RFI) and withhold reimbursement until you comply.

## Info Required for a Project

- List of Damages, Emergency Protective Measures undertaken.
- 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.
- List of materials and supplies purchased or used.
- Copies of any contracts used for this event.
- Procurement Policies and documentation of compliance.



Here are the standard items that we encounter and deem necessary for most projects. When you are working on developing your projects, keep these in mind and make sure you have what is needed to support that project. Again, we cannot stress enough the importance of documenting all of your actions and costs in support of your projects.

## Recovery Transition Meeting

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



The Recovery Transition Meeting provides an opportunity for the Applicant to review their projects with FEMA and DHSES personnel in order to make sure that all of the eligible work undertaken has been captured in one or more projects and submitted into Grants Portal. It is at this point that you will be transitioned to the DHSES Disaster Assistance Manager for DR 4480 who will then be your primary Point of Contact for any further actions that may be necessary including Scope of Work change requests, quarterly reports and closeouts.

## Project Notification Folder (AKA Applicant “Blue Book”)

- Sent when FEMA obligates a project:
  - More than one project may be included in a single Blue Folder!
- Includes a copy of the obligated Project.
  - Review carefully!
- Starts 60 Day time clock for appeal of any FEMA determination.
- 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.



When FEMA obligates your project, you will receive a “blue book” from the DAM. We call it that simply because it comes in a blue pocket folder. It will include a copy of your project and the P-4 form for you to certify project completion. Please make sure you return this form when your project is complete so DHSES can submit it to FEMA and have the project closed in the system. Receipt of the blue book also starts a 60-day clock for an appeal so please review your projects promptly and closely when you receive the blue book and make sure everything is in order. If it not, please contact the DAM immediately.

## 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.
- Notify your DAM immediately if you intend to appeal.



### Small Project Cost Overrun:

- All small projects are reviewed by FEMA (small project reconciliation)
- Overruns = obligation
- Underruns = de-obligation
- Must be submitted within 60 days of completion of last small project

An Applicant may Appeal any FEMA determination. You have 60 days from the receipt of notice of the determination, such as the blue book or a FEMA determination letter or memorandum, to submit an appeal on that determination. This 60 day deadline is for submitting your complete appeal package to DHSES, not just a notice of intent to appeal. We have an Appeal team at DHSES who will assist you in developing your appeal upon request.

The small project reconciliation is a particular type of appeal. Recall that when a small project is obligated, DHSES Finance will pass through the Federal share of that project to the Applicant regardless of whether the project is complete or not. If you find that the estimate or costs on your small project were insufficient, you may file an appeal for a reconciliation. You must file the appeal within 60 days of completing your last small project. FEMA will then review your actual costs on **all** of your small projects, not just the project on which you claim an overrun. If there is a net cost overrun on all of your small projects combined, FEMA will obligate the additional funds. However if it is found that you actually have a net underrun, FEMA may de-obligate the overpayment. For this reason, applicants contemplating a request for a Small Project Reconciliation are strongly encouraged to contact the DAM to request assistance.

## Appeals

- **First Appeal** – FEMA Regional Administrator
- **Second Appeal** – FEMA Deputy Administrator for Recovery
- **Arbitration:**
  - ✓ Disasters declared after 1/1/2016.
  - ✓ Disputed amount exceeds \$500K (\$100k for rural areas with population less than 200k).
  - ✓ Applicant filed timely 1<sup>st</sup> Appeal and was denied or partially denied or FEMA has not rendered a decision within 180 days.
  - ✓ Request made directly to the Board.
  - ✓ Applicant may supplement the record of the first Appeal.
  - ✓ Counsel and expert witnesses allowed but not required.
  - ✓ Expenses, including Attorney fees, paid for by the party incurring the costs.



There are two levels of Appeal within the FEMA Public Assistance Program. The first level of appeal is to the FEMA Regional Administrator which, in our case, is Region 2 with offices in NYC. The second level of appeal is to the FEMA Deputy Administrator for Recovery in Washington DC.

Arbitration is a relatively new option, where an Applicant can elect to go to Arbitration in lieu of second appeal if certain criteria are met as shown on the slide. While the Applicant can elect to have legal counsel and expert witnesses in arbitration, those costs are not reimbursable.

## Funds Are Lost if Applicants Don't

1. **Ask** questions
2. **Obtain** FEMA *pre-approval* to change scope of work
3. **Follow** procurement procedures
4. **Follow** the Scope of Work in the Project
5. **Meet** PA program deadlines
6. **Keep** complete, clear and accurate records



Here are some pitfalls to avoid. Please make sure that you follow all of the procedures, guidelines and regulations, and if you are not sure of something, raise the question to your DAM and get an answer before you proceed.

# Next Steps and Relevant Information



The final area we will address is next steps and some relevant information.

## What's Next?

1. Supply required information to Patricia Debboli so DHSES can establish your Grants Portal Account if you don't have one already.
2. Submit RPA Package Using Option A or B Below:
  - A. If you have a Grants Portal account you can submit at FEMA Grants Portal Website: <https://grantee.fema.gov>
  - B. Submit to Patricia Debboli @ NYS DHSES:
    - E-mail: [patricia.debboli@dhses.ny.gov](mailto:patricia.debboli@dhses.ny.gov)
    - Fax: 518-322-4984

**DUNS #'s ARE REQUIRED:**

Website: <https://fedgov.dnb.com/webform>

Phone: 1-866-705-5711

**RPA CANNOT BE APPROVED UNTIL ALL RPA DOCUMENTATION IS SUBMITTED**

ices

You will need a Grants Portal account. Submit your Request for Public Assistance so DHSES can create your account for you, and you can be approved as an Applicant in DR 4480.

FEMA's Category B project template is now available in Grants Portal and you can start compiling your project.

Unfortunately, in the pandemic environment, face-to-face meetings with Applicants, DHSES and FEMA personnel are severely restricted. However, FEMA and DHSES will employ the technology necessary to coordinate with Applicants until we return to more normal operations.

On behalf of FEMA and the State of New York, we look forward to assisting you in pursuing reimbursement under the Public Assistance Program.

## NYS DHSES Contact Information

### Recovery Section:

- 1220 Washington Ave, Bldg. 7A, 4<sup>th</sup> Floor Albany, NY 12242
- (518) 292-2293, Fax Number: (518) 322-4984
- [www.dhSES.ny.gov](http://www.dhSES.ny.gov)
- <http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>

### After the Joint Field Office Closes Please Contact:

- Disaster Assistance Manager (DAM) Kelly Sommerman



Here is DHSES office contact information if you have any questions.

## Additional Information

- Your FEMA/NYS Team (1<sup>st</sup> Point of Contact)
- NYS DHSES Applicant Handbook – Posted on DHSES website
- FEMA Grants Portal Website (<https://grantee.fema.gov>)
  - Resources Area Contains User Manual, Forms, and other Information
- NYS DHSES Website ([www.dhSES.ny.gov](http://www.dhSES.ny.gov))
- FEMA's Website ([www.fema.gov](http://www.fema.gov))
- FEMA Public Assistance Program & Policy Guide (PAPPG).
- County Emergency Managers

And this last slide contains some additional resources for you to consider should you need more information on the Recovery process.

## Questions?

