NEW YORK STATE | Homeland Security and Emergency Services

FEMA

DR-4472 - Applicant's Briefing

February 20, 2020

FEMA-4472-DR-NY

Declaration Date

December 19, 2019

Incident Period

October 31, 2019 – November 1, 2019

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Key Personnel

- **Seamus Leary:**

  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)
  Deputy State Coordinating Officer (DSCO)

- **FEMA/NYS Teams**

- **County Emergency Managers**

- **Bernadette Moran, Disaster Assistance Manager (DAM)**

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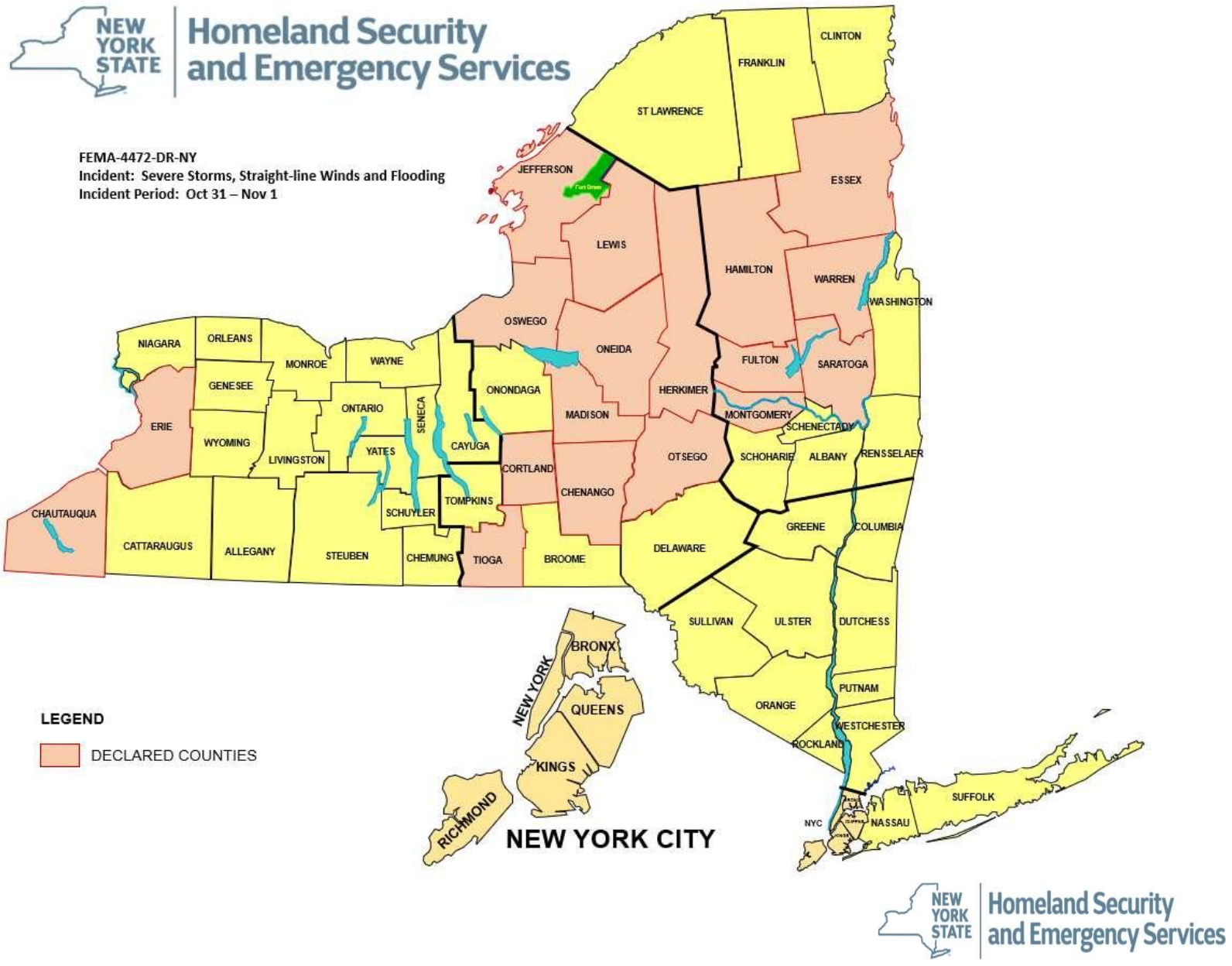
NEW YORK STATE
Homeland Security and Emergency Services
FEMA-4472-DR-NY
Incident: Severe Storms, Straight-line Winds and Flooding
Incident Period: Oct 31 – Nov 1
CLINTON
FRANKLIN
ST LAWRENCE
ESSEX
JEFFERSON
LEWIS
HAMILTON
WARREN
WASHINGTON
OSWEGO
ONEIDA
FULTON
SARATOGA
NIAGARA
ORLEANS
MONROE
WAYNE
ONONDAGA
HERKIMER
MONTGOMERY
SCHENECTADY
GENESEE
ONTARIO
SENECA
MADISON
ERIE
WYOMING
LIVINGSTON
YATES
CAYUGA
OTSEGO
SCHOHARIE
ALBANY
RENSSELAER
CORTLAND
CHENANGO
CHAUTAUQUA
TOMPKINS
GREENE
COLUMBIA
CATTARAUGUS
ALLEGANY
STEUBEN
SCHUYLER
CHEMUNG
TIOGA
BROOME
DELAWARE
SULLIVAN
ULSTER
DUTCHESS
BRONX
NEW YORK
QUEENS
PUTNAM
ORANGE
WESTCHESTER
ROCKLAND
KINGS
RICHMOND
SUFFOLK
NYC
NASSAU
NEW YORK CITY
LEGEND
DECLARED COUNTIES
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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

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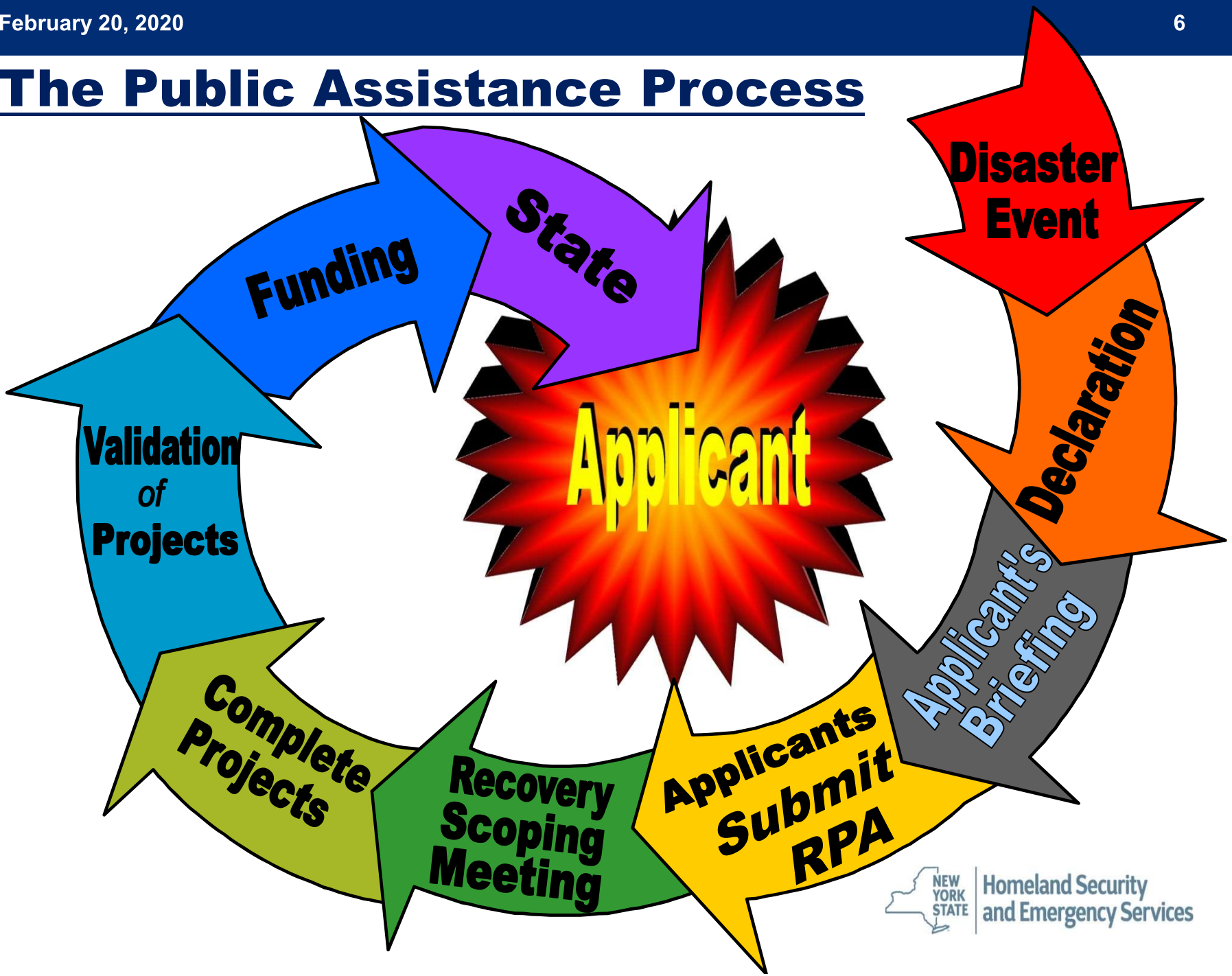
The Public Assistance Process



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Deadline for RPA Submission

RPA Forms Must Be Received not later than

30

days from date of disaster declaration

Date of Declaration: December 19, 2019

*** Deadline for RPA: January 18, 2020**

***Extended to February 7, 2020**

* *Must submit your RPA by 02/05/20 to allow NYS DHSES to transmit it to FEMA by the 02/07/20 regulatory deadline.*

FEMA WILL ONLY ENTERTAIN LATE SUBMISSIONS WHEN THE APPLICANT AND STATE CAN CLEARLY SHOW IT WAS DUE TO CIRCUMSTANCES BEYOND THEIR CONTROL!

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Damage Inventory List

- Must Prepare their Damage Inventory list prior to the Recovery Scoping Meeting. (document damages)
- Applicants have 60 Days from Recovery Scoping Meeting to Identify all Damages.
- System Generated Lock Out.
- Applicants must notify NYS/FEMA Team quickly if an extension will be needed. Any extension must be justified and approved by FEMA.

Introduction to
The New PA Delivery Model

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FEMA Goal - New Model to Deliver

- Nationwide consistency and standardization
- One FEMA point of contact for Applicants
- Transparency on project progress
- Clear, measurable requirements for progress
- Improved communication with State partners
- Improved Applicant options for developing cost

FEMA's New Public Assistance Delivery Model

- Replaces FEMA PACs and Project Specialists
- New model divides Project development between:
  - ✓ Program Delivery Managers (PDMGs)
  - ✓ Site Inspectors
  - ✓ Consolidated Resource Center Specialists
- Increases need for coordination

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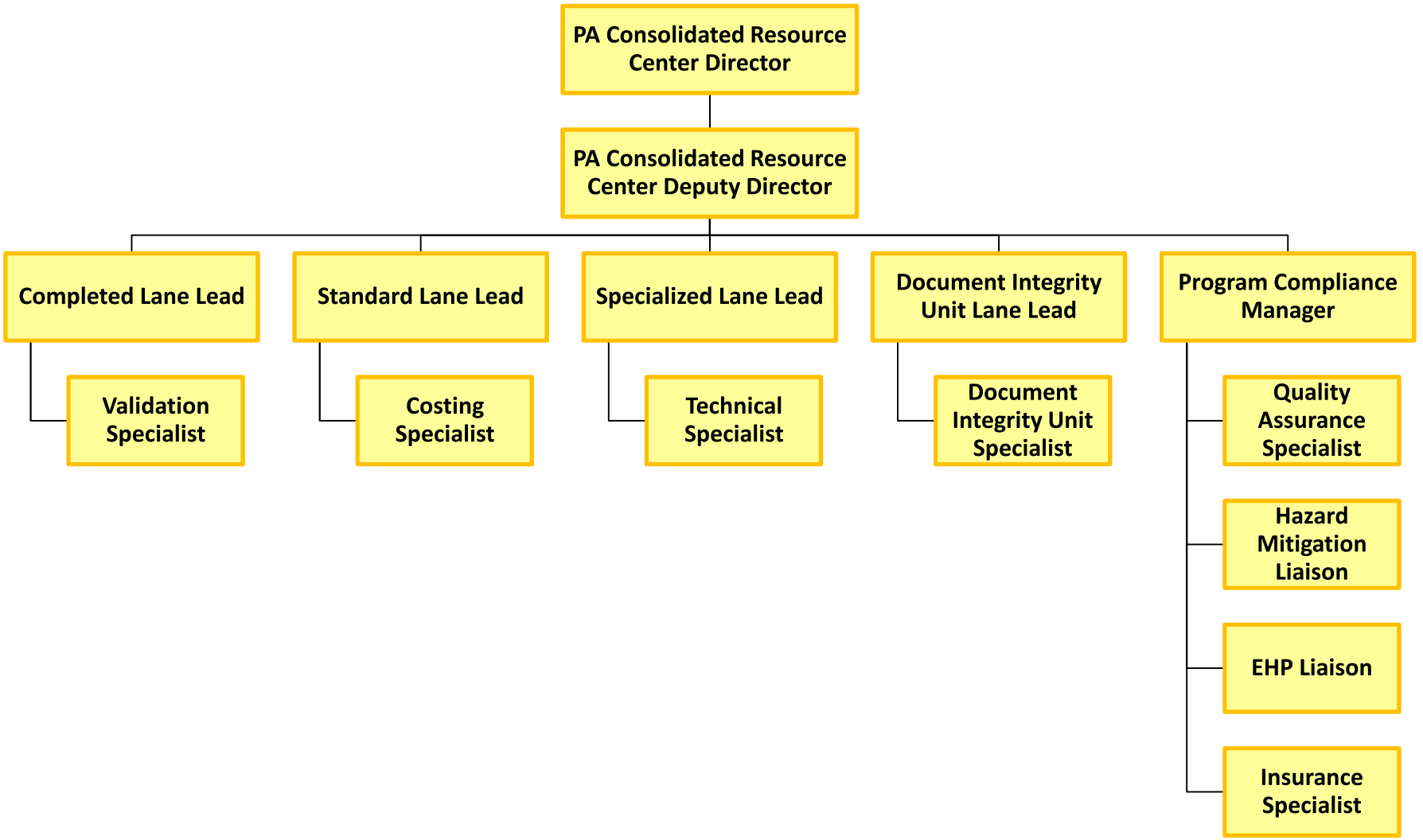
FEMA's New Public Assistance Delivery Model

- Applicants establish Grants Portal accounts.
- Applicants upload RPA and Project documentation into the Portal.
- Projects are processed in Grants Portal until ready for obligation in EMMIE.
- EMMIE will migrate to Grants Manager

Operational Framework

FEMA Consolidated Resource Center Structure (located in Virginia, Texas and California)



Consolidated Resource Center (CRC)
Project Lanes

Completed Work	▪ Work Completed ▪ No site inspections
Standard	▪ Work to be Completed (all categories) ▪ Site inspections or validations
Specialized	▪ Complex projects that require technical expertise

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New PA Project Phases

Phase I

- Validation/PDAs
- Disaster Declared
- Applicant Briefing
- RPA Submission
- PDMG Assigned
- Exploratory Call (Includes EHP & Mitigation)
- Applicant Completes Damage Inventory
- Recovery Scoping Meetings Completed
- Site Inspector's Assigned

Phase II

- Capture Damages
- Group Into Lanes
- Site Inspections Completed/Signed
- DDDs are Documented/Signed
- Applicant Develops SOW and Costs (Optional)
- Essential Elements of Information (EEI's) are Completed

Phase III

- Projects Assigned to Appropriate Lanes
- Scope of Work and Costs are Drafted (or Validated)
- Peer Review Completed
- Eligibility Determined
- Quality Assurance Completed
- Compliance Reviews Completed (EHP, Mitigation, Insurance, etc.)

Phase IV

- Final Reviews Completed
- Applicant & State Reviews & Signs
- Final Review & Award in EMMIE
- PDMG Conducts Recovery Transition Meeting / Exit Briefing
- Transition to Region
- CRC Completes All Initial Sub-Awards

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

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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
- ✓ Houses of Worship

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 forms and documentation are submitted. FEMA has made applicants ineligible for lack of documentation.

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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)**

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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.

Deadlines for Completion of Work

From the Date of Declaration: December 19, 2019

Emergency Work Deadline (Categories A & B) = June 18, 2020

- 6 months from the declaration date
- Upon request, NYS can grant 6 additional months for a total of 1 year *

Permanent Work Deadline (Categories C – G) = June 18, 2021

- 18 months from the declaration date
- Upon request, NYS can grant 30 additional months for a total of 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**

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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)

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.

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Private Property Debris Removal

- Debris removal is generally the responsibility of the property owner.
- However, if widespread debris poses a threat to public health, safety, or economic recovery, the removal of debris from private property may be eligible if pre-approved by FEMA.

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

- **Initiated as part of the Sandy Improvement Recovery Act in 2013 and extended yearly. Current extension to June 28, 2020.**
- **Applicants Must Opt-In (form in Applicant Handbook).**
  - **Only 1 Option remains:**
    - ✓ **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**

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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 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

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Category D - Water Control Facilities

Category E – Buildings & Equipment

Category F - Public Utilities

Category G - Parks, Recreation, Other

Questions?

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Special Considerations

Key Focus Areas:

Environmental/Historic Preservation

Insurance

Hazard Mitigation

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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. NEPA/SEQRA
- Obtain permits, and provide notifications to regulatory agencies, such as DEC and US Army Corps of Engineers.

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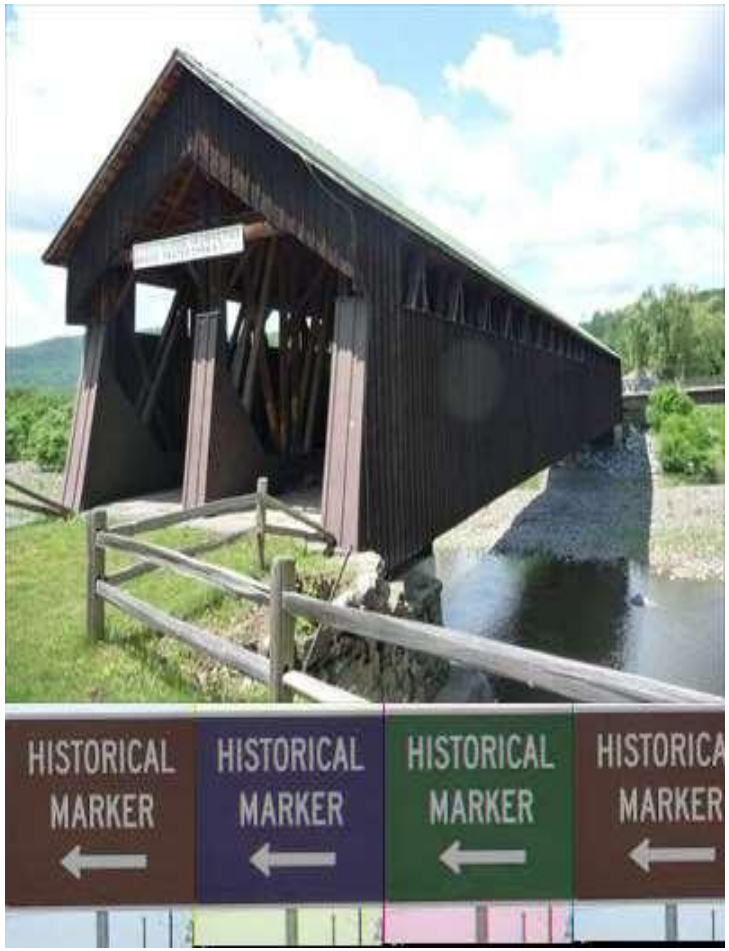
Special Considerations



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 to the State Historic Preservation Office (SHPO), or Tribal Historic Preservation Office (THPO).**

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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 (CBRA) 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 Project 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

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Hazard Mitigation

Mit-i-ga-tion **\ n. :** sustained actions that eliminate or reduce long-term risk to people and improved property from natural hazards

- Creates safer communities, reduces loss of life and damage to improved property, and diminishes financial and emotional stress
- Breaks the cycle of disaster damage and loss
- Allows communities to rebuild more quickly
- Saves money: every mitigation $1 spent avoids an average of $6 in future damages

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Special Considerations

Hazard Mitigation (406):

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

Examples:

- ✓ **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.**
- ✓ **Flood proofing buildings.**

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% (Appendix J of the FEMA PAPPG)
       - ✓ Benefit Cost Analysis (BCA)

Important Points

- Once Hazard Mitigation is approved, it is required to be completed!
- If not completed funding for that site can be lost unless the mitigation is completed, or FEMA approves a change in scope of work and removes it.

Hazard Mitigation Grant Program (HMGP Section 404)

- Funding is tied to NYS Disaster Declarations
- It is a Competitive Program
- There is a detailed Application Process
- All projects must be cost effective (BCA)
- Sub-applicants must be covered by a current Hazard Mitigation Plan
- It is a Reimbursable Program (up to 75% federal share)

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Questions & Contact

For more information, please contact:

Marlene White
Chief of Hazard Mitigation Programs

- 518-292-2304 (Main Line)
- www.dhses.ny.gov/recovery
- Email: HazardMitigation@dhses.ny.gov

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Eligible Costs

Eligible costs include labor, equipment, materials, contracts And 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 salvage values.**

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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.

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Donated Resources

A credit towards the total local cost share of Emergency work or Individual project cost for Permanent Work

Volunteer Labor:	Donated Resources:
➢ 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)	➢ 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

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)

- 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 a State of Emergency solely to suspend procurement procedures is a red flag for any audit.

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

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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
➢ Easy to monitor when the scope of work is well defined. ➢ Requires minimum labor for monitoring. ➢ Quantities do not have to be documented.	➢ Should only be used for emergency "hot spots" (early debris rights-of-way clearance). ➢ MUST have a cap. ➢ MUST 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

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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

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Consensus-Based Codes, Specifications and Standards

Repair, restore, reconstruct or replace eligible Public Facilities to conform with "the latest published editions of relevant consensus-based codes, specifications and standards that incorporate the latest hazard-resistant design to protect against future disasters."

Consensus-Based Codes, Specifications and Standards

- **Principles**

  - ✓ **Increase resiliency of communities after a disaster**
  - ✓ **Protect lives and property**
  - ✓ **Support efficient use of federal funds**

Consensus-Based Codes, Specifications and Standards

- FEMA Policy FP-104-009-11 effective for all Disasters declared on or after 11/6/19.
- Mandatory for all permanent work projects where applicable.
- Applies only to the facility/component damaged by the event.

Consensus-Based Codes, Specifications and Standards

- Limited to the following type facilities:
  - ✓Buildings
  - ✓Electric Power
  - ✓Roads and Bridges
  - ✓Potable Water
  - ✓Wastewater
- Applicant must provide proof of compliance by a written certification by a registered engineer, design professional or other qualified individual.

Engineering Costs

- Will be estimated in Project, 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 to restore to pre-disaster condition.

- Engineering reports must be stamped and signed by the Engineer. Any improvements (i.e., codes and standards or mitigation) must be clearly identified and a separate cost estimate provided.

Management Costs

- Replace Direct Administrative Costs (DAC)
- Actual Costs must be fully documented.
- Capped at a maximum of 5% of the Applicant total obligated project costs.

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 and development
- ✓ Project reporting
- ✓ Project cost reconciliation and closeout
- ✓ Preliminary Damage Assessments
- ✓ Applicant's Briefings
- ✓ Recovery Scoping Meetings
- ✓ Recovery Transition Briefings
- ✓ Travel Costs
- ✓ Consultant Costs

Questions?

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Project Facts Applicants Need To Know

- **Federal Share for this Disaster is 75%**

- **How Projects Qualify:**
  - ✓ **Minimum Threshold = $3,300**
  - ✓ **Small Projects = Under $131,100**
  - ✓ **Large Projects = $131,100 and Over**

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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%).
  - ✓ 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 when project is obligated.
  - ✓ Progress Payments (Approved by NYS) can be requested.
  - ✓ Quarterly Report requirement until project is closed.
  - ✓ 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 Projects

- **NYS DHSES DARs:**
  - ✓ Help develop scope of work and cost estimates.
  - ✓ FEMA Technical Specialists can be called in for assistance with complex projects.

- **Technical Specialists:**
  - ✓ Beaches
  - ✓ Bridges
  - ✓ Engineering
  - ✓ Insurance
  - ✓ Mitigation
  - ✓ Environmental & Historic Preservation
  - ✓ Wastewater Treatment Plants

Various Parts of Project

- 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.)

Info Required for a Project

- ✓ 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 and documentation of compliance.
- ✓ 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.**

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Conditions Associated with Alternate Projects

- For permanent work only (Categories C - G)
- Original facility must be rendered safe and secure
- Must not be located in a regulatory floodway
- Must be pre-approved by NYS/FEMA before work can start.
- Subject to EHP review
- Mitigation costs on the repair cannot be included in calculating the cap for an alternate project. (Alternate Project funding can be used for Mitigation)

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 estimated project costs**
- **Must not be located in a regulatory floodway**
- **Subject to environmental assessment**
- **Mitigation applies only to the damaged portion of the facility**
- **Entire project is reviewed for Special Considerations, not only the FEMA funded portion.**

428 Projects

Section 428 of the Stafford Act

- Only Applies to permanent work large projects (Categories C - G)
- FEMA completes fixed-cost (Capped) estimate and makes offers to Applicant. No adjustment for cost overruns.
- Not required to build back to pre-disaster design
- Can share funds across all 428 projects. Not required to track costs to specific work items.
- Eligible for cost-effective mitigation on replacement projects.
- Applicant may request to use excess funds to reduce risk and improve future operations but it requires prior approval from FEMA. (Proposal for use of excess funds must be submitted to FEMA within 90 days of completion of last 428 project).

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 Disaster Assistance Manager (DAM).

Project Notification Folder

(AKA Applicant "Blue Book")

- **Sent when FEMA obligates a project:**
  - ✓ **More than one 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 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.**

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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 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

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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 1st 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.**

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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 Project
- **Complete** all approved HMP
- **Meet** PA program deadlines
- **Obtain** / Maintain Insurance
- **Keep** complete, clear and accurate records
- **Meet** all EHP requirements

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What's Next?

1. Establish Grants Portal Account.
2. Submit RPA Package Using Option A or B Below:
   - A. FEMA Grants Portal Website: https://grantee.fema.gov
   - B. Submit to Patricia Debboli @ NYS DHSES:
     E-mail: patricia.debboli@dhses.ny.gov
     Fax: 518-322-4984

DUNS #'s ARE REQUIRED:
Website: https://fedgov.dnb.com/webform
Phone: 1-866-705-5711

CANNOT BE APPROVED UNTIL ALL RPA DOCUMENTATION IS SUBMITTED

3. NYS/FEMA Team will schedule an Exploratory Call to introduce themselves and get a brief overview of damages incurred.
4. Applicants then meet with NYS/FEMA team at Recovery Scoping Meeting to identify all damages for project eligibility and formulation.

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 Please Contact:

Disaster Assistance Manager (DAM)

Bernadette Moran (518) 292-2888

bernadette.moran@dhses.ny.gov

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Additional Information

- Your FEMA/NYS Team (1st Point of Contact)
- NYS DHSES Applicant Handbook
- FEMA Grants Portal Website (https://grantee.fema.gov)
  - ✓ Resources Area Contains User Manual, Forms, and other Information
- NYS DHSES Website (www.dhses.ny.gov)
- FEMA's Website (www.fema.gov)
- FEMA Public Assistance Program & Policy Guide (PAPPG). Although Version 4 is due to be published in Jan 2020, Version 3.1 (April 2018) applies to DR 4472.
- County Emergency Managers

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Questions?

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