

Public Assistance DR-4530 COVID-19 Declaration

Applicant Briefing

April 20, 2020



Presenter:
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Message from Director Gower

Please express my wishes for everyone. We are happy to engage with them on this process, understanding the nation is in uncharted waters. OEM and our staff are committed to customer service and support to assist all the applicants through this process. This process can look challenging to understand, but I want you to know OEM is here to assist you into this reimbursement process for eligible expenses.



Agenda

Objective: Provide overview of the delivery of the Public Assistance (PA) grant program for DR-4530 COVID-19

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

Public Assistance Process for COVID-19

FEMA Public Assistance

FEMA's Public Assistance Program provides supplemental grants to state, tribal, territorial, and local governments, and certain types of private non-profits so that communities can quickly respond to and recover from major disasters or emergencies.

More detailed information can also be found in the *FEMA Public Assistance Program and Policy Guide*.

[FEMA COVID-19 Information](#)



Declaration Summary

- Number: DR-4530
- Declaration Date: April 5, 2020
- Incident Period: January 20, 2020 and continuing
- Type: Coronavirus Disease 2019 (COVID-19) Pandemic
- Designated Areas*: All 77 Counties
- Categories: Cat. B (Emergency Protective Measures)
- Cost Share: 75% Federal, 25% Non-Federal



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

DR-4530 COVID-19 Leadership

Governor's Authorized Representative.....Mark Gower

Federal Coordinating Officer.....Tony Robinson

State Coordinating Officer.....Alden Graybill

Deputy State Coordinating Officer.....Michael Teague

Federal Infrastructure Branch Director.....Don Simko

State Infrastructure Branch Director /

Public Assistance Officer.....Michael Teague



Terminology: Recipients, Subrecipients, and Applicants

FEMA uses the terms Recipient and Applicant in Quick Guides and other tools. In Grants Portal, Recipients are identified as Grantees and Applicants are identified as Subrecipients.

FEMA Quick Guides and Other Tools

Recipients - Are states, tribes, or territories that receive and administer Public Assistance Federal awards

Applicants - Are state, local, tribal, or territorial governments or private non-profit entities that submit requests for assistance under a Recipient's Federal award.

FEMA Grants Portal

Recipients - Are states, tribes, or territories that receive and administer Public Assistance Federal awards

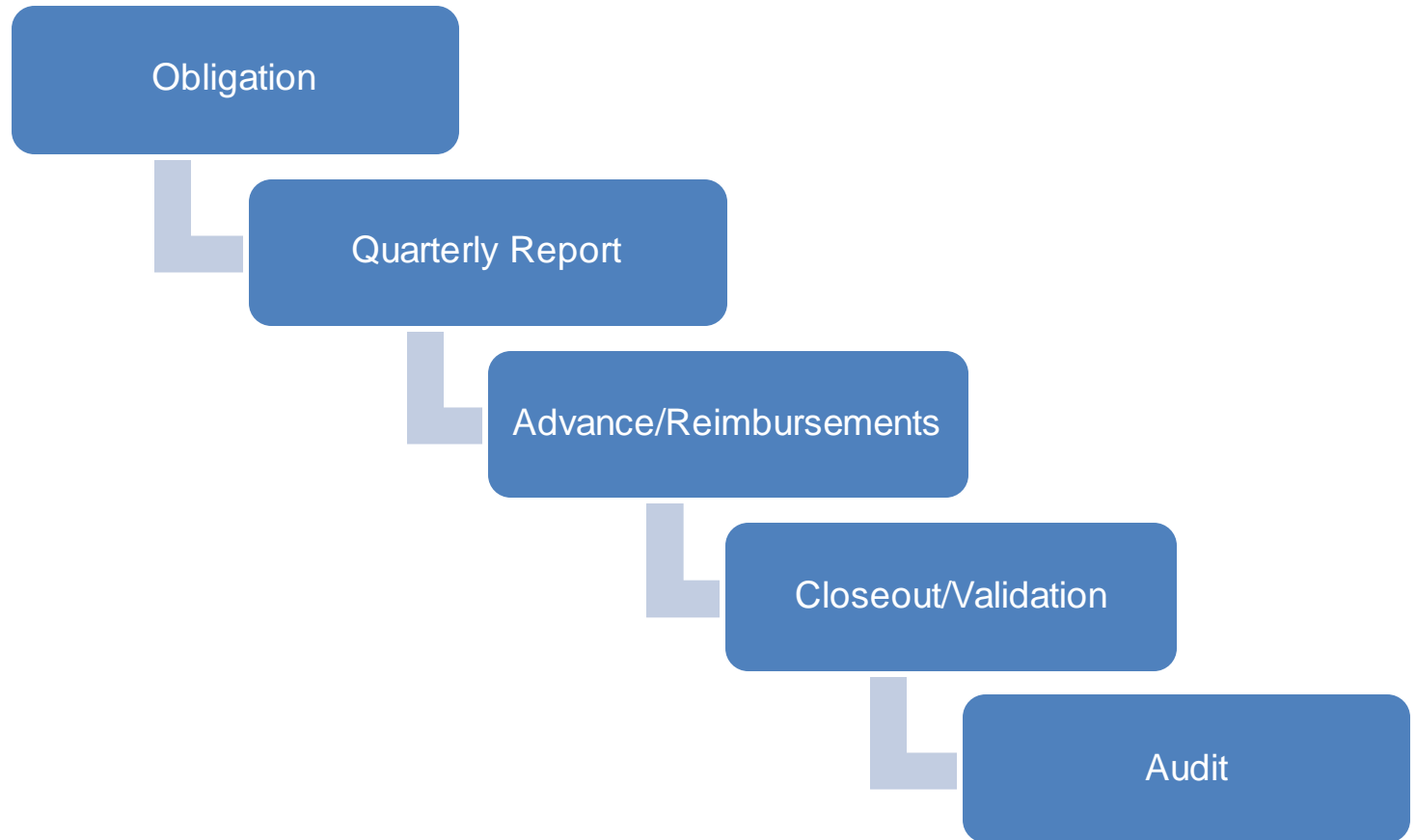
Subrecipients - Are state, local, tribal, or territorial governments or private non-profit entities that submit requests for assistance under a Recipient's Federal award.

Pre-Obligation COVID-19 PA Process Flow



Post-Obligation Processing

ok.emgrants.com



Request for Public Assistance

- RPAs must be submitted through ok.emgrants.com
 - Click on the "apply now" button
- Must have a valid DUNS number and the number must be active on SAMS.gov

COVID-19 Direct Application

For COVID-19 Declarations, once registered, Applicants will have the ability to submit reimbursement requests for assistance directly through FEMA's Grants Portal without requiring traditional Exploratory Calls or Recovery Scoping Meetings.

FEMA's Quick Guides and How-To Videos provide step-by-step instructions and can be found in the Grants Portal, <https://grantee.fema.gov>.

For technical assistance with Grants Portal, Applicants can call the Grants Portal Hotline at 1-866-337-8448.



Fillable Direct Application Form

What Information is required?

- Applicants will need the following:
 - Description of Activities
 - Summary of costs
 - Supporting Documentation
 - Certification of Compliance

How to Complete the Project Application

- Responsibility of the Applicant
- FEMA will **not** accept paper submissions
- Processed as separate funding requests

Project Application Sections

Cost	Funding Request Type	Work Status	Cost Basis	Schedules Required					
				A	B	C	D	EZ	F*
Less than \$131,100	Small	Any	Any					X	X
Equal to or greater than \$131,100	Large Expedited	Any	Applicant-Provided Information	X					X
	Large Regular	Complete	Actual Costs		X		X		X
		In-progress	Actual Costs & Applicant-Provided Information			X	X		X
Not started		Applicant-Provided Information			X	X		X	

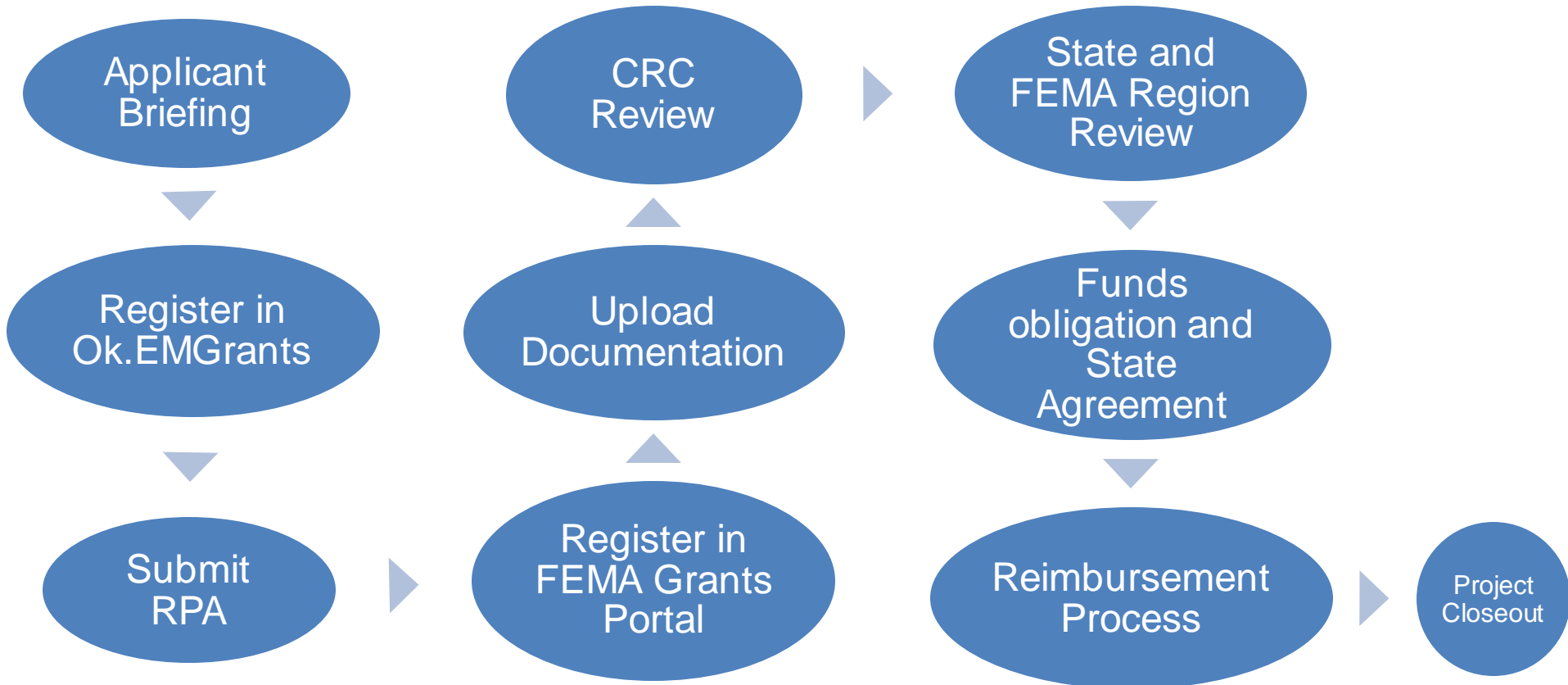
Minimum PW Amount is \$3,300

Application Sections

- Section I - Project Application Information
- Section II – Scope of Work
- Section III – Cost and Work Status
- Section IV – Project Certifications

Cost	Funding Request Type	Work Status	Cost Basis	Schedules Required					
				A	B	C	D	EZ	F*
Less than \$131,100	Small	Any	Any					X	X
Equal to or greater than \$131,100	Large Expedited	Any	Applicant-Provided Information	X					X
	Large Regular	Complete	Actual Costs		X		X		X
		In-progress	Actual Costs & Applicant-Provided Information			X	X		X
		Not started	Applicant-Provided Information			X	X		X

Process Overview



What Happens After Submission?

1. FEMA and the State review the project.
2. Applicant notified of award
3. Applicant Signature
4. Obligations
5. Payment

Completing and Submitting the COVID-19 Streamlined Project Application

Completing and Submitting the COVID-19 Streamlined Project Application Public Assistance Applicant Quick Guide



This Quick Guide provides **step-by-step guidance** for Applicants on **completing and submitting the COVID-19 Streamlined Project Application**, including tracking and monitoring the status of submitted projects.

Applicants are state, tribal, territorial, or local governments or private non-profit entities that submit requests for assistance under a Recipient's Federal award. Recipients are state, tribal, or territorial entities that receive and administer Public Assistance Federal awards.

COVID-19 Streamlined Project Application

The **COVID-19 Streamlined Project Application** is the formal request for COVID-19 funding under the Public Assistance program. The project application requests information about the activities for which the Applicant is requesting funding and any supporting documentation to justify that request. Applicants download and complete the fillable Adobe Portable Document Format (.pdf) application using the instructions in the form and then upload it in Grants Portal. The Applicant can track the status of the application, provide additional requested information, review and sign projects, and make necessary modifications.

Grants Portal is the system used by Recipients and Applicants to manage PA grant applications.

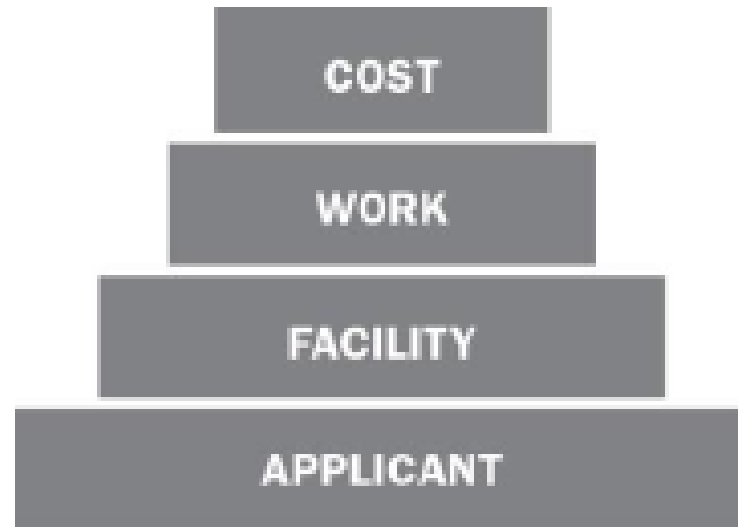


Completing and Submitting the Project Application in Grants Portal

The Applicant will complete the following steps to develop the application:

- Download the application from Grants Portal by navigating to "Resources" and selecting "Forms and Templates":

PA Eligibility



Work Eligibility

- DR-4530 has only been approved for Category B (Emergency Protective Measures) work at this time
- Eligible Work Includes:
 - **Management, control and reduction of immediate threats to public health and safety**
 - **Emergency medical care**
 - **Medical sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)**
 - **Security and law enforcement**
 - **Communications of general health and safety information to the public.**
 - **Reimbursement for state, tribe, territory and/or local government force account overtime costs.**

Work Eligibility

- Key Points on Work Eligibility:
 - Due to an immediate threat resulting from the declared incident
 - Legal Responsibility

Cost Eligibility Key Points

- Directly Tied to the Event
- Consistent with Policies and Procedures
 - Local Procurement
 - State Procurement
 - Federal Procurement
 - Contracting
- Reasonable

Cost Eligibility Documentation

- The quality of your documentation will determine the speed you will receive reimbursement.
- Providing all the documentation to FEMA and the State in an organized fashion will result in a reimbursement process that will take months.
- Providing piecemeal and inadequate documentation will result in a reimbursement process that could take longer than needed.

Labor Cost Documentation

- Signed timesheets
- Activity logs that provide details that describe specific tasks and accomplishments
- Payroll information
- Payroll records/Check records
- Payroll Policies
- Overtime Policies
- Fringe Benefit Rates and Policies

Equipment Documentation

- Equipment logs which show the number of hours the equipment is in use -or-
- Mileage logs if the vehicle is being used for transportation
- Additionally, all equipment must be tied to an operator and the following information is needed for the operator:
 - Signed Timesheets
 - Payroll Information
 - Payroll Records / Check Records

Contract Expenses

- Invoices
- Contracts
- Amendments / Change Orders / Task Orders
- Proof of Payment
- Procurement Documentation

Emergency Procurement

- Memo for each procurement action that outlines the following:
 - Costs are reasonable (<https://www.fema.gov/de/media-library/assets/documents/90743>)
 - Costs are necessary
 - Local policies were followed or waived (if waived documentation is still needed to show the waiver and how the waiver complies with the policy)
- Much more information can be found here: <https://www.fema.gov/news-release/2020/03/20/procurement-under-grants-under-exigent-or-emergency-circumstances>

Contracting

- Time and Material contracts are discouraged, and will be ineligible unless the following is true:
 - No other contract was suitable;
 - The contract has a ceiling price that the contractor exceeds at its own risk; and
 - The non-state entity can demonstrate it provided a high degree of oversight to obtain reasonable assurance that the contractor used efficient methods and effective cost controls.

Contracting

- Cost plus percentage of costs contracts are ineligible
- Piggyback contracting is generally ineligible
- Contracts over \$10,000 must include clauses for termination for cause and convenience
- Contracts over \$250,000.00 must include all federal provisions listed in 2 CFR Part 200, Appendix II

Donated Resources

- Labor, Equipment, and Materials can be used to offset the non-federal share of your award
- The following applies:
 - The donated resource is from a third party
 - A third party includes private entities or individuals, including individuals that are normally paid employees of the Applicant or Federal, State, or Tribal Government, but are volunteering as unpaid individuals and not on behalf of the employer;
 - The donated resource is necessary and reasonable;
 - The Applicant uses the resource in the performance of eligible work and within the respective project's period of performance; and
 - The Applicant or volunteer organization tracks the resources and work performed, including description, specific locations, and hours.

Applicant Eligibility



APPLICANT

Applicants or Subrecipients can be:

- State Agencies
- Tribal Governments and Organizations
- Counties
- Municipalities, cities, and towns
- Local public authorities
- School districts
- Agencies or instrumentalities of local governments
- Special districts established under State law
- Certain Private Non-Profit organizations (PNPs)

Ineligible Applicants

- Businesses
- PNPs that do not provide medical, educational, emergency, or utilities
- Individuals

Other Federal Funds

- Human Services (HHS)
- Center for Disease Control
- CARES Act

Work Activity Eligibility



WORK

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

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

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

Work Activity Eligibility – Floodplain Considerations



WORK

Site considerations for facilities that deliver critical services must include an evaluation of flood risk to limit threats to the delivery of services:

- All critical actions - such as temporary hospitals - should be located outside high-risk flood hazard areas.
- For more information refer to the [FACT SHEET: COVID-19 Floodplain Considerations for Temporary Critical Facilities.](#)



Work Eligibility: PNP Applicants

Some PNPs may be eligible for FEMA assistance under COVID-19 declarations if they are legally responsible for performing emergency protective services

PNPs that own or operate an eligible facility and perform eligible work, such as providing emergency, medical or custodial care services for which they are legally responsible in response to the COVID-19 incident, may be eligible for reimbursement of costs as a Public Assistance applicant

For more information refer to the [*FACT SHEET: Coronavirus \(COVID-19\) Pandemic: Private Nonprofit Organizations*](#)



PA Eligible Work for COVID-19

Through the PA Program, FEMA provides grant funding for:

- ~~• Debris Removal (Category A)~~
- Emergency Protective Measures (Category B)
- ~~• Permanent Work (Category C to G)~~

Category B: Emergency Protective Measures

Emergency Protective Measures
Eliminate or lessen immediate threats
to lives, public health, or safety.
Examples of eligible measures are on
the next slide and for more information
please refer to the

[FACT SHEET: Eligible Emergency Protective
Measures for COVID-19](#)

Category B: Emergency Protective Measures Examples

Emergency Protective Measures may include:

- EOC-related costs
- Medical care and transport;
- Evacuation and sheltering;
- Supplies and commodities, including medical supplies, PPE, and other equipment;
- Search and rescue operations;
- Dissemination of information to the public;
- Security, law enforcement, barricades and fencing
- Temporary facilities

Cost Eligibility

To be eligible for reimbursement, costs must be:

- Incurred from **eligible** work and adequately **documented**
- **Reduced** by insurance proceeds, salvage value, or other credits;
- **Authorized and permitted** under Federal, State, Tribal, or local government laws or regulations;
- Consistent with the Applicant's **internal policies**, regulations, and procedures; and
- **Necessary** and **reasonable** to accomplish the work properly and efficiently.

Cost Eligibility- Reasonable Costs



COST

The Applicant is responsible for providing documentation to demonstrate that claimed costs are reasonable. FEMA determines reasonable cost by evaluating whether the cost is recognized as necessary for type of work. For more information, refer to the *Public Assistance Reasonable Cost Evaluation Job Aid*.

Duplication of Benefits

- FEMA is **prohibited from duplicating benefits** from other sources and will reduce eligible costs accordingly
- FEMA will not fund any activities or services covered by another Federal agency such as the Department of Health and Human Services (HHS)
- **HHS' Centers for Disease Control and Prevention (CDC) has primary authority** to support States or Tribal Governments in response to an infectious disease incident
- FEMA assistance in response to an infectious disease incident is **coordinated with the CDC.**

Insurance



FEMA requires Applicants to pursue claims to recover insurance proceeds.

- Some insurance policies and parametric policies may provide coverage under civil authority actions.
- Generally the emergency procurement of supplies nor the establishment of temporary medical facilities is insured loss
- **If claiming clean-up or disinfecting of an insured location then an applicant must submit a copy of their commercial property insurance policy.**
- There are no Obtain and Maintain (O&M) insurance requirements associated with emergency work.

Non-Federal Cost Share

The assistance FEMA provides through its PA Program is subject to a cost share. The Federal share is not less than 75% of the eligible costs.

EXCEPTION: Cat. Z direct and indirect management costs are reimbursed at 100% of documented costs



Donated Resources

Applicants can use Donated Resources to offset the non-Federal share of eligible work costs. The Applicant must track all donated resources in order to offset their non-federal cost share

Donated Resources include:

- Volunteer Labor
- Donated Equipment
- Donated Supplies and Materials
- Logistical Support

PA Management Costs

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

- For Subrecipients, **up to** 5% of the Subrecipient's total award amount (based on actual documented costs)

Eligible activities may include, but are not limited to Meetings regarding the PA program or PA claim, preparing correspondence, reviewing PWs, collecting, copying, filing, or submitting documents to support a claim, and training

Additional information is available in FEMA's interim policy, *FEMA Recovery Policy FP 104-11-2, Public Assistance Management Costs* and *FEMA's Public Assistance Management Costs Standard Operating Procedures*



Administrative Relief for Applicants of COVID-19 Declarations

Procurement under Exigency or Emergency Circumstances

Many Applicants will need to procure supplies, labor, or equipment through contracts

For COVID-19 declarations, OMB has implemented administrative relief for Applicants under COVID-19 citing exigent and emergency circumstances

Sole-Source Procurement Under E&E



Situations that demand
immediate aid or action

Emergency

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



Exigency

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

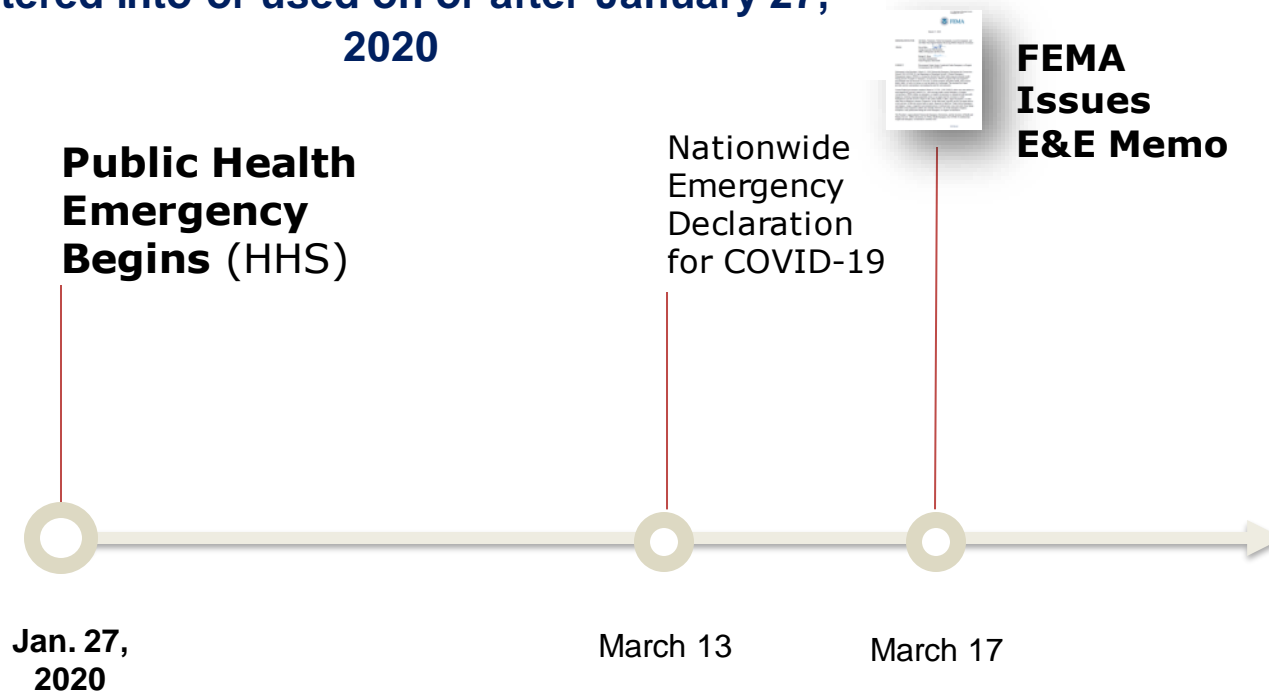


If using sole sourcing due to emergency or exigency, you must:

- Justify with **documentation**
- Use only during the **period of actual** exigent or emergency circumstances
- Transition to a competitive method **as soon as period ends**

Sole-Sourcing Under E&E for COVID-19

The exception is applicable to contracts entered into or used on or after January 27, 2020

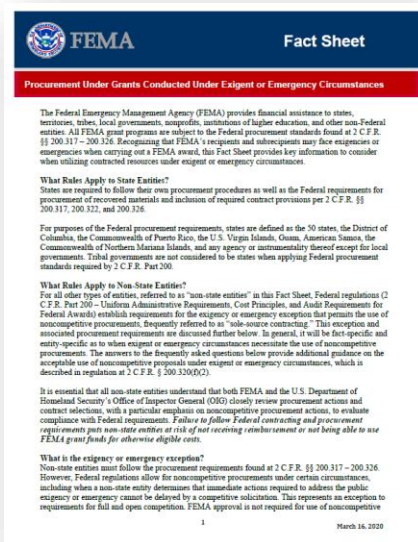


For the duration of the current federal Public Health Emergency, the ongoing COVID-19 pandemic qualifies as an E&E circumstance:

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

Procurement Under E&E for COVID-19

FEMA Fact Sheet



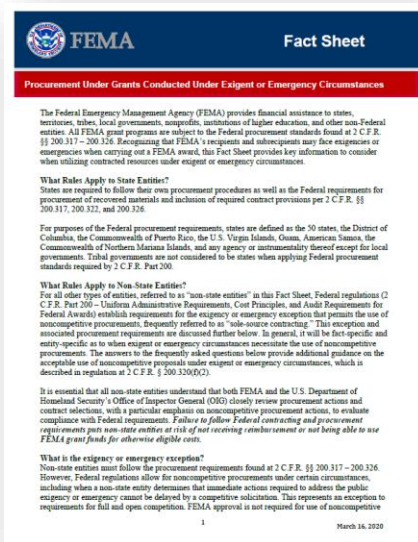
March 16, 2020

If sole-sourcing under the E&E exception, non-state entities MUST:

- Use only during the period of actual Public Health Emergency (HHS)
- Document and provide justification for the use of the exception (list of suggested elements for justification provided)
- Conduct a cost or price analysis if applicable
- Follow bonding requirements if applicable

Procurement Under E&E for COVID-19

FEMA Fact Sheet



March 16, 2020

If sole-sourcing under the E&E exception, non-state entities MUST:

- Include required contract clauses
- Follow T&M contract requirements if applicable
- NOT enter into Cost Plus Percentage of Cost (CPPC) contracts. They are prohibited!
- Award contract to a responsible contractor
- Follow documentation, oversight, conflict of interest requirements

Use of Pre-Awarded/Pre-Existing Contracts during Exigency & Emergency



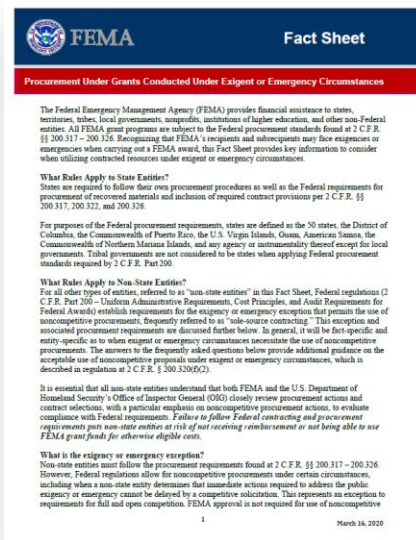
If the pre-awarded/pre-existing contract is not in compliance with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E

FEMA recommends that **non-state entities**:

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

Procurement Under E&E for COVID-19

Considerations for State Entities regardless of E&E circumstances:



March 16, 2020

- Follow State procurement policies and procedures
- Follow procurement of recovered materials requirements
- Include required contract clauses
- While the rules do not prohibit the use of T&M or CPPC contracts, FEMA discourages states from using them due to likelihood of unreasonable costs

Acceptable Contracts

Lump Sum	Work within prescribed boundaries; clearly defined scope and total price
Unit Price	Work done on an item-by-item basis with cost determined on a unit basis
Cost plus Fixed fee	Lump sum or unit price contract with a fixed contractor fee added into the price
Time & Materials	Now says – “limited to a reasonable time based on circumstances during which a definitive clear scope of work could not be identified” You MUST be able to justify!

Methods of Procurement

- Check for debarred contractors (EPLS)
 - www.sam.gov – Excluded Parties List System
- Document your procurement process (compliant with local, state, and federal requirements, whichever is most restrictive)

Methods of Procurement

Time/Materials and Cost Plus

T & M is only to be used under very specific conditions:

- 1) Allowed for “cut & toss” emergency clearance; (don’t use T&M to remove, reduce, haul or dispose of non-emergency debris)
- 2) When no other possible alternative exists
- 3) Contingency Contracts are not allowed

Cost Plus (AKA “Cost Plus Percentage of Cost”) is never allowed under any circumstances under Federal law.

- Cost analysis is required (**2 CFR 200.323(a)**)

Additional Considerations

Environmental & Historic Preservation (EHP)

All FEMA projects must comply with applicable Federal, state, and local environmental and historic preservation (EHP) laws

Best Practices

- Avoid placement of critical actions, such as temporary hospitals, in high-risk flood hazard areas
- Avoid placement in wetlands, brownfields, and other use restricted sites.
- Place tents, temporary structures, and modular units on existing parking lots, other hard surfaces, or improved surfaces and connect to existing utilities
- Avoid new ground disturbance when possible. Should ground disturbance reveal archaeological resources, notify FEMA and State Historic Preservation Officer immediately



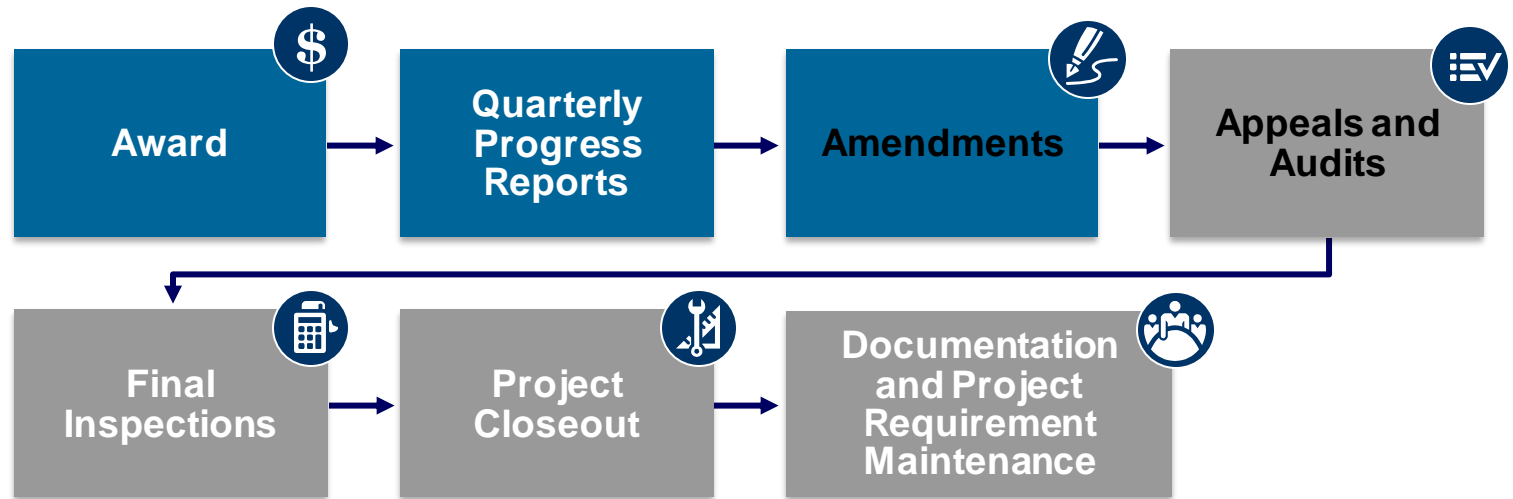
For detailed information please review *COVID-19 Fact Sheet Environmental and Historic Preservation (EHP) and Emergency Protective Measures for COVID-19*

Post-Award Grants Management

After a Subgrant is Awarded

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

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



Quarterly Reports, Closeout, Appeals, and Audits

Quarterly Progress Reports

A tool for FEMA and the Recipient to track the progress of open Large Projects on a quarterly basis due 10 days after the end of the quarter

Project Reconciliation and Closeout

The purpose of closeout is for the Applicant to certify that all work has been completed and is due no later than 60 days after work is completed

Appeals

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

Audits

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

Documentation and Record Keeping

Stafford Act Section 705 - Imposes a three (3) year limit on FEMA's authority to recover payments made to State, Tribal, or local government Recipients and Subrecipients unless there is evidence of fraud

- The Applicant must maintain all original documentation supporting project costs claimed.
- The Recipient and the Applicant must keep all financial and program documentation for 7 years (State requirement) after the date of the Recipient's final Financial Status Report (FSR).
- Records are subject to audit by State auditors, FEMA, the U.S. Department of Homeland Security Office of Inspector General, and the U.S. Government Accountability Office.

Audit Issues

Audits

Single Audit Act:

- This act requires grant recipients expending **\$750,000** or more in Federal funds in a fiscal year to perform a single audit: 2 CFR 200.501(a-b)
- This may be provided to OEM by properly uploading to the Federal Audit Clearing House or by emailing OEM at Single.Audit@oem.ok.gov.

Audits

- Grant recipients must follow the State requirement for record retention as the most restrictive guidance and maintain financial and program records for at least seven (7) years from closure of the grant.
- *(2 CFR 200.333(a-e))*

Next Steps

Next Steps

After attending a virtual Applicant Briefing (*conducted by the Recipient*):

- Register on SAM.GOV (*if not already registered*)
- Request access from [OK.EMGrants.com](https://www.ok.gov/emgrants) and submit a Request for Public Assistance (RPA). Once the RPA is reviewed by the State and FEMA you will receive an invitation to FEMA Grants Portal access where you will continue the process

Next Steps

Other Helpful Resources

- FEMA PA Grants Portal - Grants Manager YouTube Channel:
[youtube.com/channel/UCIJp91Ds2laVIR1t8uXcEKg](https://www.youtube.com/channel/UCIJp91Ds2laVIR1t8uXcEKg)
- Technical and training support at FEMA's PA Grants Portal Hotline: ***(866) 337-8448***
- ***Eligibility Questions Please Email:***
Public.Assistance@oem.ok.gov

DR-4530 Applicant Toolkit

- OEM will distribute the DR-4530 Applicant Toolkit
 - Fillable Streamline Project Application
 - Applicant Quick Guide
 - Helpful Documents

Questions?