DR-4499-OR Applicant Briefing

Oregon Office of Emergency Management Coronavirus Disease 2019 (COVID-19) Pandemic Incident Period: January 20, 2020 and Continuing Declared: March 28, 2020







Agenda

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

- Introduction to the Public Assistance Program and COVID-19 Specifics
- Public Assistance Eligibility
- Grant Procurement Conducted Under Emergency or Exigent Circumstances for COVID-19
- Additional Considerations
- Application Process
- Funding
- Next Steps





The Public Assistance program

Supplemental financial assistance to local governments, tribal governments, state agencies, and certain private non-profit organizations for response and recovery activities required as a result of a major disaster which has been declared by the President.

Public Assistance is a cost-share program

75% federal – 25% non-federal.





FEMA Public Assistance

- Authorized by the Robert T. Stafford Disaster Relief
 and Emergency Assistance Act, as amended
- Sandy Recovery Improvement Act (SRIA) of 2013
- Disaster Recovery Reform Act (DRRA) of 2018
- President's March 13, 2020 Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) guidance





DR-4499-OR Declaration Summary

Declaration Date: March 28, 2020

Incident Period: January 20, 2020 and Continuing

Type: Coronavirus Disease 2019 (COVID-19) Pandemic

Major Disaster Declaration:

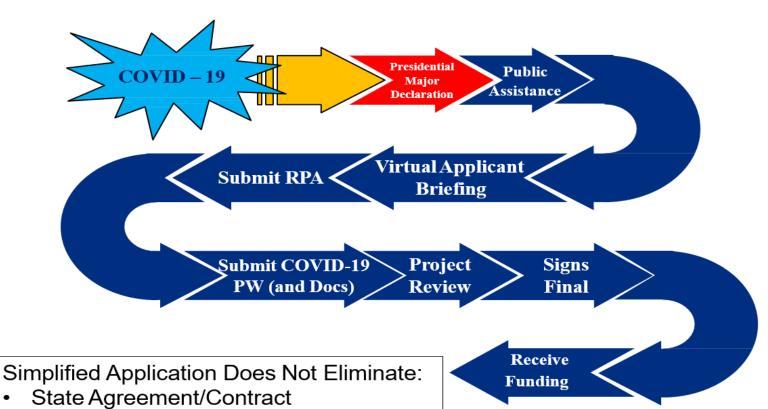
• Emergency Work: Emergency Protective Measures taken at the direction or guidance of public health officials for the management, control and the reduction of immediate threats to public health and safety.

Declaration designation of FEMA Public Assistance: All Counties and Federally Recognized Tribes





Coronavirus (COVID-19) Pandemic: Public Assistance Simplified Application



- Full Review for Federal Compliance
- Final Close-out Process





PA Eligibility



COST	
WORK	
FACILITY	
APPLICANT	





Applicant Eligibility

Applicants or Subrecipients can be:

- State, Local, Tribal, and Territorial (SLTT) Governments
- Certain Private Non-Profit organizations (PNPs)
 - Must submit a tax exempt certification and charter or bylaws
 - Must be open to the public
 - Must meet the requirements of the Civil Rights Act of 1964
 - Critical PNPs include Fire, Emergency, Medical, Utilities, Educational, Custodial Care





APPLICANT

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;
- the legal responsibility of an eligible Applicant; and,
- not be fundable by another federal agency

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





PA Eligible Work for COVID-19

Emergency Work A - Debris Removal B - Emergency Protective Measures

Permanent Work C - Road Systems **D** - Water Control **Facilities** E - Public Buildings & Equipment **F** - Public Utility **Systems G** - Parks and Other **Facilities**

RED = Not Available for this Event





Category B: Emergency Protective Measures

Emergency Protective Measures (EPM) conducted before, during, and after an incident are eligible if the measures:

- Eliminate or lessen immediate threats to lives, public health, or safety;
 or -
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.

DR4499OR-COVID-19: Eligible emergency protectives measures are actions taken at the direction or guidance of public health officials for the management, control and the reduction of immediate threats to public health and safety.

FEMA may require certification by Federal, State, Territorial, Tribal, or local government officials that a threat exists, including:

- Identification and evaluation of the threat
- Recommendations of the work necessary to cope with the threat





Category B: Emergency Protective Measures Examples

Emergency Protective Measures May Include:

Management, control and reduction of immediate threats to public health and safety:

- Emergency Operation Center (EOC)-related costs
- Training specific to the declared event
- Disinfection of eligible facilities
- Purchase and distribution of food, water, ice, medicine and other consumable supplies, to include personal protective equipment
- Movement of supplies and persons
- Security and law enforcement
- Medical care and transport
- Congregate sheltering- to meet social distancing requirements
- Household pet or assistance animal or service animal sheltering or containment.
- Safety inspections
- Security, such as barricades, fencing, or law enforcement





Category B: Emergency Protective Measures

For the activity to be eligible it must be directly related to COVID-19 emergency at the direction or guidance of public health officials.

Examples continued:

- Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
- Medical facility services and supplies
- Medical Sheltering
- Non-congregate (NCS) sheltering –with FEMA Preapproval/Waiver
- Household pet or assistance animal or service animal sheltering or containment.
- Temporary Medical Facilities with FEMA Preapproval/Waiver
- Use or lease of temporary generators for facilities that provide essential community services
- Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns

See FEMA COVID-19 Fact Sheets for details.





Category B: Emergency Protective Measures Examples that are not ELIGIBLE

For the activity to be eligible it must be directly related to emergency protective measures taken to save lives and protect public health and safety in response to the declared public health emergency:

Examples of <u>ineligible</u> activities may include:

- Loss of Revenue
- Security due to closures of public buildings
- Purchase of supplies/equipment for teleworking (unless specifically conducting an eligible emergency protective measure activity)
- Activities or costs that are not the applicants legal responsibility

However, we recommend you discuss all activities with you FEMA/State customer service representative, Program Delivery Manager (PDMG)





Cost Eligibility

COST

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.

Small Project: minimum of \$3,300 and less than \$131,100

Payment made upon obligation

Large Project: equal to or greater than \$131,100

• Progress payment, reimbursement less retainage





Category B: Emergency Protective Measure Eligible Costs

Eligible Costs Include:

- Overtime hours only to include taxes and benefits.
- All Hours (Regular & Overtime) for Temporary Hires including taxes
 and benefits
- All Equipment Hours Lower of FEMA or Applicant Rates
- Rental Equipment
- Engineering and Design Services
- Materials
- Contracts





Eligible items – Emergency Work (Labor Force Account)

Category B- OT only plus taxes and benefits

Emergency Work Labo	or Eligibility	
Budgeted Employees	Overtime	Straight-Time
Permanent employee		
Seasonal employee working during normal season of employment		
Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave		
Permanent employee funded from external source	M	
Temporary employee hired to perform eligible work		
Seasonal employee working outside normal season of employment		

Figure 11. Emergency Work Labor Eligibility





Labor - Overtime Reimbursable

- Jurisdictions need to track labor and equipment hours for each employee and any additional temporary staff.
- Jurisdictions need to keep accurate hourly records for each employee and temporary staff assigned to response activities
- Jurisdictions should have labor agreement or policy available to support cost claimed

FEMA Summary forms are available to help organize costs:

https://www.fema.gov/how-apply-and-manage-grants





Category B: Emergency Protective Measure (EPM) Documenting Costs

When evaluating Category B - EPM Costs, the PA Program will want to see these costs broken down in a standardized format:

- FA Labor Overtime hours by individual, by date, to include all fringe benefits and special pays.
- FA Equipment logs/costs for all equipment used in the implementation of EPM.
- Materials and purchased items (invoices/receipts) used in the implementation of EPM.
- Rental agreements/contracts for rented equipment.
- All contract documentation to include jurisdiction's emergency proclamation if specific contracting waivers or contracting provisions were issued.





Duplication of Benefits

- Other Federal programs are available for COVID-19 response efforts, including the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC).
- 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 and the establishment of temporary medical facilities are insured losses.
- 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.





Donated Resources

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

Donated Resources include:

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





Donated Resources

- All donated resources being claimed must be documented (who, what, when, where and why/how)
- Credit against non-fed share specific project
- Eligible Donated Resources may be claimed only by <u>the</u> <u>applicant that has received the donation</u>
- Eligible donated services can only be actual working time for protective efforts and permanent (specific project) categories.
- Value of labor at same rate as paid workers for similar work or local documented volunteer rate
- Equipment record the same as force account equipment (use FEMA equipment rates)
- Materials value at purchased or current commercial rate





Procurement Under COVID-19 Declarations

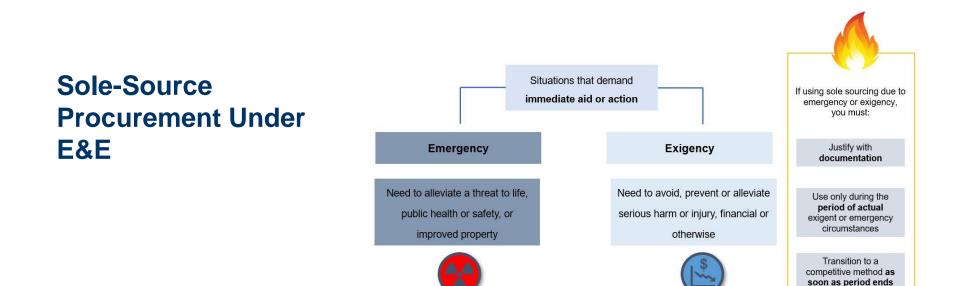






Procurement Under Exigency or Emergency Circumstances

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-Sourcing Under E&E for COVID-19



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

- Non-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

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



Procurement Under E&E for COVID-19

Use of Pre-Awarded/Pre-Existing Contracts during E&E:

- If the pre-awarded/pre-existing contract is not in compliance with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E.
- FEMA recommends that non-state entities:
 - Review the requirements applicable during E&E and take actions to modify pre-awarded or pre-existing contracts where applicable.
 - Justify the use of a sole-sourced contract with documentation.

Considerations for State Entities Regardless of E&E Circumstances:

- Follow State procurement policies and procedures.
- Follow procurement of recovered materials requirements.
- Include required contract clauses.
- While the rules do not prohibit the use of T&M or CPPC contracts, FEMA discourages states from using them due to likelihood of unreasonable costs.
- Guidance: 2 CFR 200.318-200.326 and Procurement Disaster Assistance Team (PDAT) at <u>https://www.fema.gov/procurement-disaster-assistance-team</u>





Additional Considerations







Environmental & Historic Preservation (EHP)

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

FEMA is developing a program-wide approach for activity types that have little to no potential to affect or impact EHP resources.

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.







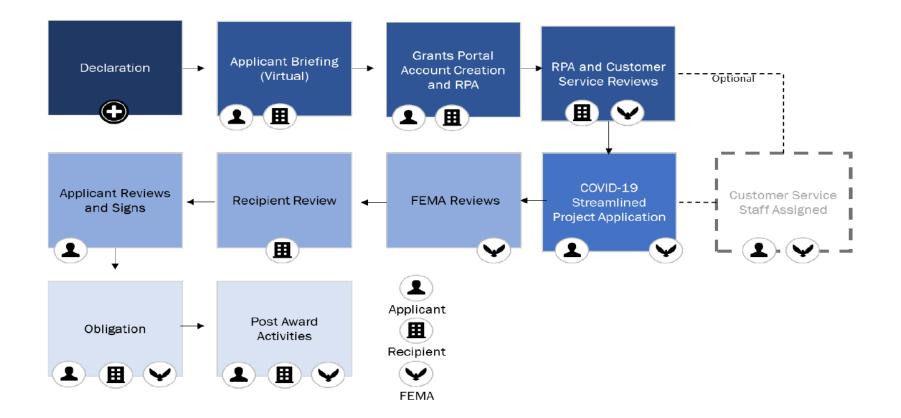








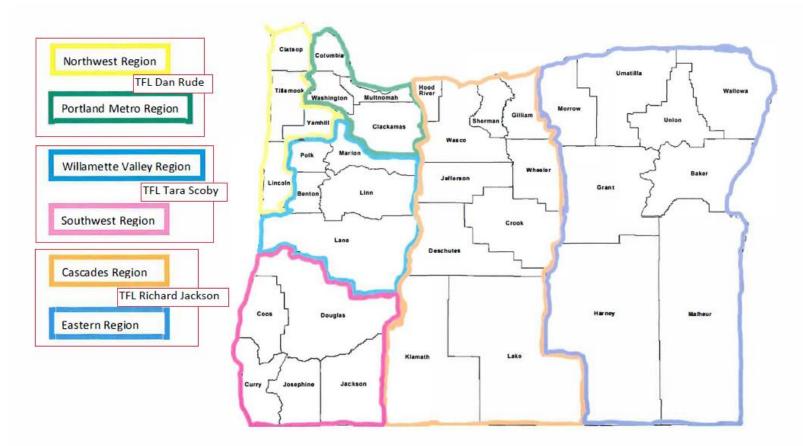
PA Application Process for DR4499OR COVID-19







A customer service representative (Program Delivery Manager - PDMG) will be assigned next by Zone / County / Applicant





FEMA

PDMG's will be assigned after RPA's are approved

- After being assigned, PDMG's will schedule Exploratory Calls (EC's) shortly after. EC's are introductory calls to pass contact information.
- Before you make any decisions, read all the material and guides, talk with your PDMG, and have a narrative of your response to the COVID-19 Pandemic Outbreak
- The EC will also set the next important meeting, the Recovery Scoping Meeting (RSM).
- The RSM will be scheduled so all necessary participants can attend to review your projects and determined your best next steps.





COVID-19 Direct Application

For COVID-19 Declarations, Applicants will have the ability to apply for assistance directly through FEMA's Grants Portal without requiring traditional Exploratory Calls or Recovery Scoping Meetings. However, we recommend working with your assigned FEMA/State PDMG

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

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





Request for Public Assistance

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY			O.M.B. 1660-0017		
REQUEST F	OR PUBLIC ASSISTANC	E	Expires October 31, 2008		
Public reporting burden for this form is of resources expended by persons to gener- burden estimate or any aspect of the coll U.S. Department of Homeland Security, Paperwork Reduction Project (OMB Co a valid OMB number appears in the upp address.	ate, maintain, disclose, or to provi lection, including suggestions for Federal Emergency Managemen ntrol Number 1660-0017). You a	The burden estimate inclu- ide information to us. You reducing the burden to:: 1 at Agency, 500 C Street, Stre	u may send comments regarding the information Collections Management, W, Washington, D.C. 20472, to this collection of information unless		
APPLICANT (Political subdivision of eligib		_	DATE SUBMITTED		
COUNTY (Location of Damages. If located	in multiple counties, please indicate.))			
	APPLICANT PHYSIC	AL LOCATION			
STREET ADDRESS					
СПҮ	COUNTY MAILING ADDRESS (If different s Authorized Agent S Authorized Agent	s	CODE		
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STREET ADDRESS		, it -	, 		
POST OFFICE BOX	СПУ	(pv	JDE		
Primary Contact/Applicant*	s Authorized Agent	5 1	act		
NAME		teon			
TITLE	1 Oros	ept			
BUSINESS PHONE	10 L SCC	S PHONE			
FAX NUMBER		AX NUMBER			
HOME PHONE (optional)	_	HOME PHONE (option	nal)		
CELL PHONE		CELL PHONE			
E-MAIL ADDRESS		E-MAIL ADDRESS			
PAGER & PIN NUMBER		PAGER & PIN NUMB	AGER & PIN NUMBER		
Did you participate in the Federal/State F	Preliminary Damage Assessment	(PDA)? Yes	□ No		
Private Non-Profit Organization? If yes, which of the facilities identified be	Yes No				
Title 44 CFR Part 208.221(e) defines an medical or custodial care facility, includir services to the general public, and such zoos, community centers, libraries, home provide health and safety services of a g	ig a facility for the aged or disable facilities on Indian reservations." eless shelters, senior citizen cente	ed, and other facility provid "Other essential governme ers, rehabilitation facilities,	ing essential governmental type ental service facility means museums, shelter workshops and facilities which		
Private Non-Profit Organizations must If your organization is a school or edu					

State, local, and territorial applicants can now create their own accounts and submit RPAs directly in Grants Portal without working through the Recipient/State. https://grantee.fema.gov/

Private Nonprofits and Tribal Governments - These applicants submit their Request for Public Assistance (RPA) directly to OEM, Julie Slevin, julie.slevin@state.or.us and Dan Gwin, dan.gwin@state.or.us

 Private Nonprofits must also complete the Private Nonprofit Questionnaire and attach relevant supporting documents





Request for Public Assistance

Submit a Request for Public Assistance in Grants Portal:

Click here to submit a RPA			
IEN complete the 6-step process		Submit	
Welcome to the FEMA Request for Public Assistance (RPA) process, organization, contacts, mailing addresses, and supporting information once you are satisfied, you will then be able to directly submit your R Following submission you will receive automatic notifications and w for Public Assistance by FEMA, you will be automatically notified and Prior to starting this process, you may wish to click here to review you	over the next few minutes we . Once complete, you will be A to FEMA. be able to track the progres will be able to use this syste	e will ask you a series of questions i e provided with the opportunity to re ss of your RPA review. If your organiz em to collaborate with your FEMA pa	view your subn cation is deeme rtners.





Private Nonprofit (PNP) Requirements

Required PNP Request for Public Assistance (RPA) Documentation:

- DUNS Number
- Organizational Charter/By-Law
- Tax Exempt Letter, 501(c), (d), or (e) IRS designation
- Articles of Incorporation
- PNP Questionnaire
- Copy of the Deed or Lease Agreement

FEMA cannot determine if a PNP is eligible applicant until all required forms and documentation are submitted. FEMA has made applicants ineligible for lack of documentation.





Grants Portal

Applicant will receive 'Invite Email' from Grants Portal following disaster activation.

- Applicant should regularly check email address provided to Recipient at the Applicant Briefing, including Spam/Junk folder.
- Ensure IT systems allow for incoming emails from support@pagrants.fema.dhs.gov.

Once you have an Organization Profile, you will have full access to the Grants Portal.

- Take an opportunity to familiarize yourself with all of the platforms.
- The Portal User Guide can be found under the Resource tab.
- You can assign additional staff under My Organization Organizational Personnel.

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





COVID-19 Delivery Model

FEMA has simplified the Public Assistance application process by developing a simplified online form that applicants can complete, and on which they may explain work activities, answer basic questions, provide supporting documentation, and provide a cost estimate.

FEMA and the Recipient will review this information, follow up with requests for additional information if necessary, and award assistance.



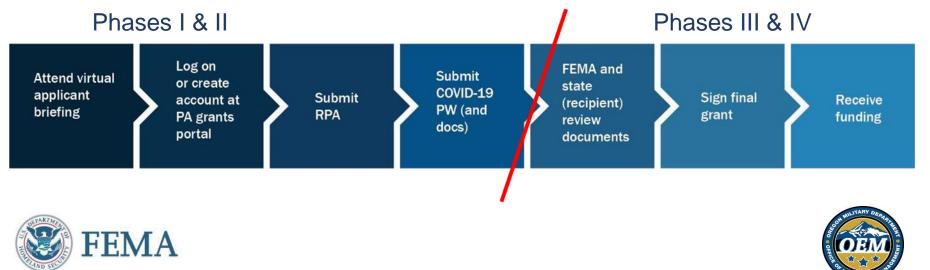




COVID-19 Delivery Model

Four Phases to the New Simplified PA Delivery Model:

- Phase I & II are conducted by the Applicant with assistance from the assigned FEMA/State PDMGs.
- Phase III & IV are completed in the State, FEMA Regional Office and Consolidated Resource Center (CRC).



COVID-19 Delivery Model process State/FEMA Oregon Team

Concurrence:

- State/FEMA will review all project worksheets prior to submitting to CRC-West and State/FEMA will also review all project worksheets after CRC-West processing and prior to obligation.
- Concur or Don't Concur:
 - Request resolution meeting with FEMA/State PDMGs
 - Request resolution meeting with FEMA/State Task Force Leaders (TFLs)
 - Request resolution meeting with FEMA/State
 - Infrastructure Branch Director and/or PA Officers



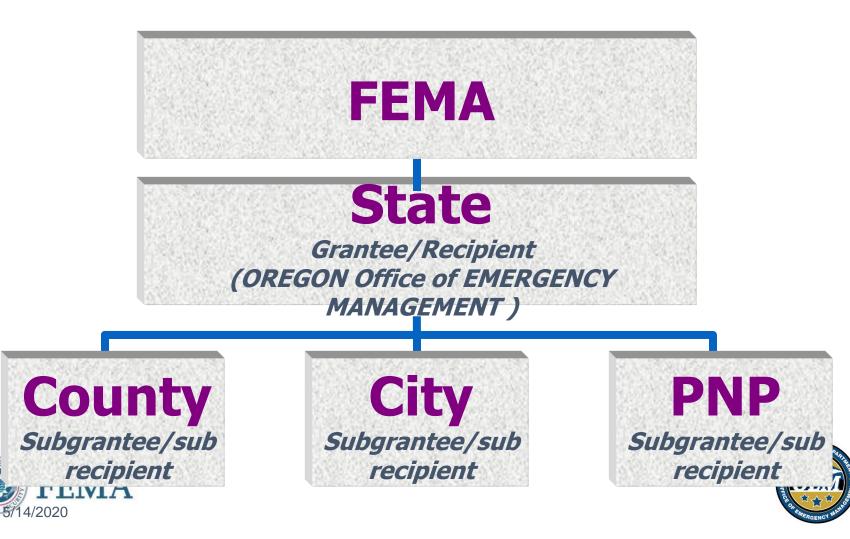








FEMA PA Recipient Funding Process



Oregon Emergency Management Infrastructure Contract (Public Assistance Contract)

In order to pass-through FEMA Public Assistance funds, Oregon Office of Emergency Management (OEM) must have a signed agreement/contract with the applicant.

OEM will send Infrastructure Contract to primary contact on RPA after RPA approval.





Grantee Funding process....

- Upon approvals/obligation of Project Worksheet (PW) OEM will send a package of approved PW(s) with instructions on how to initiate payment and close out the PW
- Notify OEM immediately as soon as you identify a change to the SOW and if you need to request time extensions and cost increases that deviate from the FEMA approved Project Worksheet





Small Project Payments (projects less than \$131,100)

- The final payment on small projects is based on estimates and is made shortly after project approval. Submit payment request forms for each approved Project Worksheet (PW).
- Payment will be processed upon review for compliance/conditions required on the approved PW.
- The applicant must certify completion (P.4) for each of its small project as soon as the project is completed.





Large Project Payments (projects over \$131,100)

- Final payment for large projects is based on actual eligible final costs submitted with payment request.
- Payment request forms can be submitted for progress payments, or a single payment request form can be submitted after the project is completed.
- All costs claimed and certification of completion (P.4) and Statement of Documentation (SOD) must be submitted with claim of final payment.





Reimbursements

Projects

- 75% Federal Share
- 25% Non-Federal Share (applicant/sub-recipient share)

Management Costs

- Your cost for doing business with FEMA and State
- For Subrecipients, up to 5% of the Subrecipient's total award amount (based on actual costs)
- Examples of eligible activities include meetings regarding the PA program or PA claim, preparing correspondence, reviewing PWs, collecting, copying, filing, or submitting documents to support a claim, and training
- Auditable

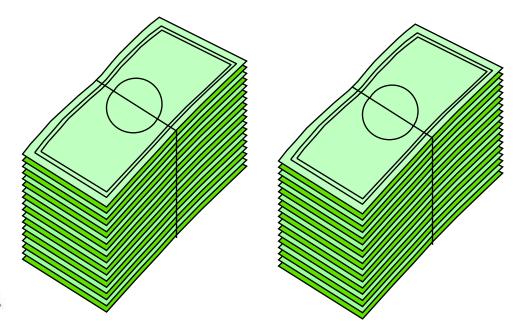




Payments

Payments are usually made by Check (warrant). For Direct Deposit or ACH payments go to:

Oregon.gov/das/Financial/AcctgSys/Documents/ACH_Enrollment_Form.pdf







Single Audit Act

 If your organization receives \$750,000 or more of federal grant money in a fiscal year, must perform a single or programspecific audit as required by 2 CFR 200.

 Records are to be kept for 6 years after final payment or final audit, whichever is later.





Next Steps LAND





Next Steps

After attending a virtual Applicant Briefing:

- Register on SAM.GOV (if not already registered)
- Request or respond to an invitation to access Grants Portal and submit an Request for Public Assistance (RPA) to FEMA
- Compile Actual Costs labor, equip, material, contracts, rental agreements
- Prepare Documentation
 - Catalog photos by project / location / date
 - Separate files for separate projects
- Track Management Costs by Projects
 - Labor hours, equipment hours, materials used while working on project formulation

FEMA/State PDMG will contact upon approval of RPA. Note, this could take a couple weeks or more, due to volume of applicants. If you need immediate assistance contact staff located at end of this presentation.





State Application Documents

Upon RPA approval, the State PA Program will email each applicant the required set of documents:

- Contract (1) email to primary contact on RPA return to OEM
- W-9, If needed (if not in state accounting system)
- 2 CFR Part 200 Subpart F Audit Certification Form (sent with contract)
 - Risk Assessment Form, if applicant did not receive an award from OEM in the last year, (annual requirement, as long as Grant open)

All documents must be signed and submitted prior to any funding release to the applicant.





Resources

- FEMA PA Grants Portal Grants Manager YouTube Channel: youtube.com/channel/UCIJp91Ds2IaVIR1t8uXcEKg
- FEMA's PA Grants Portal Hotline: (866) 337-8448
- Grants Portal inbox: FEMA-Recovery-PA-Grants@fema.dhs.gov
- Public Assistance Program and Policy Guide (PAPPG V3.1), April 2018: https://www.fema.gov/public-assistance-policy-and-guidance
- FEMA Schedule of Equipment Rates- <u>https://www.fema.gov/schedule-equipment-rates</u>
- FEMA Procurement Disaster Assistance Team (federal procurement rules)- <u>https://www.fema.gov/procurement-disaster-assistance-team</u>
- Oregon Office of Emergency Management DR4499OR-COVID-19 website:

https://www.oregon.gov/oem/emresources/disasterassist/Pages/CO VID19-publicassistance.aspx.





Other Resources

CARES Act for State and Local Government information https://home.treasury.gov/policy-issues/cares/state-and-local-governments





State Public Assistance Contact

Julie Slevin State Public Assistance Officer 503-378-2235 julie.slevin@state.or.us

Dan Gwin

Deputy State Public Assistance Officer 503-378-3254 dan.gwin@state.or.us





Frequently Asked Questions





