

Suffolk County FEMA PA Briefing for Local Governments and PNPs

FEMA has made public assistance to local governments and private nonprofit organizations (“PNPs”). As we know, the County all local governments and PNPs are on the front lines of responding to this crisis and these FEMA funds will be critical for all of us to continue to provide services and cover costs associated with our response and recovery.

In the coming weeks we will be applying for these funds to help us/residents provide emergency response supplies (gloves, PPEs, gowns) and facilities to address the growing needs of this pandemic. FEMA funding will also be used to support the thousands of hours that our police, fire, rescue, medical community (nurses/doctors) are working in overtime to respond. We will post the DHSES presentation on the county website once available.

FEMA is making public assistance dollars available to the state, all units of local government, federally recognized Native American Nations, and PNPs there are providing both critical and essential services. **FEMA funding will provide reimbursement of expenses for facilities, labor, and supplies directly related to COVID response above and beyond normal operating expenses and will not be covering loss of operational income. Loss of operational income may be covered by the HHS or the SBA.** Private nonprofits include nursing homes, laboratories, rehab centers that provide medical care, fire and rescue emergency services, educational facilities (public or private), and colleges. An exhaustive list of private nonprofits will be provided in the DHSES presentation we will post. Please note that PNPs must be deemed critical by FEMA/DHSES to receive funding.

Those seeking reimbursement can track expenses back to January 20, 2020 which is considered the beginning of this incident period. Please be aware that you should be tracking the dates, times, locations, and of all labor and services provided and the process for procurement for supplies and equipment. This declaration is not waiving normal procurement process or state MWBE requirements. You must register in the FEMA application portal account at <https://grantee.fema.gov> and that is the site where you can submit your Requests for Public Assistance (RPA).

Critical Information for those seeking PA:

- Declaration Code: DR-4480 (COVID-19)
- Declaration Date: March 20, 2020
- Deadline for Completion of work: September 19, 2020 (extensions can be request)
- Incident Period: January 20, 2020 - (end date currently open ended)
- This declaration is only covering Emergency Protective Measures (Cat B and Z declaration)
- DHSES forms, briefings, and procurement guidance:
<http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>

Private Nonprofits Required Documents to Submit RPA

- DUNS Number
- Organizational Charter/By-Laws

- Tax Exempt Letter, 501(c), or (e) IRS designation
- NYS Comptroller W-9 Form
- Articles of Incorporation
- PNP Questionnaire (on DHSES website)
- Copy of the Deed or Lease Agreement for Facilities

If you do NOT have a Grants Portal Account Contact: Patricia Debboli at NYS DHSES

Email: patricia.debboli@dhses.ny.gov

Fax: 518-322-4984

High level points on Reimbursable Expenses:

- The PA will have a 75/25 cost share - you can match the 25% cost share with donated resources a record must be kept of: when / where / what / and why the donation was made to get credit. If this is currently being done great, but if not, we will need to back track to anything donated since 1/20/20 and get all info to get credit. The goal would be reducing the match burden to the greatest extent possible.
- All time and materials contracts must have a contract cap to be reimbursed.
- The PA recipients will be allowed a max of 5% of the total of all FEMA allowed reimbursable project expenses for administration of the Cat Z PA.
- Equipment acquired for COVID-19 response will be valued at the cost-salvage value.
- Equipment purchased to perform remote work that is not directly related to COVID-19 response will not be reimbursed (ex: laptops purchased for staff doing regular work)
- Only OT & associated fringe costs associated directly to COVID-19 response will be reimbursed, no regular time for permanent employees. Any temporary employees hired for COVID-19 response will be fully reimbursed for all time.

Summary of the March 26, 2020 DHSES Webinar Briefing on COVID-19 FEMA PA

(Once available the webinar will be posted on the Suffolk County Website)

Public Assistance Background: FEMA will only reimburse direct costs that exceed normal operations that are a direct result of the disaster

Tier 1 – Cost

- Category B Expenses – all expenses must be reasonable and directly related
 - Virus testing, medical supplies, equipment, shelters or emergency care, food, water and essential needs, EOC operations, temporary security for temporary facilities
 - NOT COVERED – loss revenue, regular hours, staff working outside of titles, or any other “Normal” operating costs

Tier 2 – Work

- Must be a direct result of disaster w/ documentation
- Costs must be incurred in the identified incident period
- Projects – project must be completed by 9/19/2020 – NYS can extend by 6 months with justification. Further than that, need FEMA approval

Tier 3 –Facility

- Government – must own building used in disaster
- PNP - must show a facility (50% ownership)

Tier 4 – Applicant

- State Emergencies, Local Governments, Tribes
- Critical PNPs - If determined a Critical PNP the PNP will be immediately eligible for all categories of work approved in the disaster declaration
 - o Nursing Homes
 - o Laboratories
 - o Rehab Centers that Provide Medical Care
 - o Hospitals and Emergency Care Facilities
 - o Fire / Rescue Emergency Services
 - o Educational Services (public or private) including Colleges
- Essential/Non-Critical PNPs- If determined a Essential/Non-Critical PNP the PNP will be eligible for Emergency Protective Measures (Cat B)
 - o Community Centers
 - o Child Care Facilities
 - o Food Assistance Programs
 - o Performing Arts Centers
 - o Senior Citizen Centers
 - o Homeless Shelters
 - o Houses of Worship

Forced Labor Account

- Only OT & associated fringe costs associated, no regular time for perm employees
- Temporary employees – regular time, OT and fringe
- Need supporting documents must provide name, title, time sheet, work location, date and hours worked, separating OT and RT, documentation is key

Equipment

- Owned, leased and newly purchased are eligible
- Must provide type, hours used, location, purpose, operator information and hourly rate, copies of logbooks may also be required,
- Owned – hourly rate of usage. More than ½ the day = claim the full day
- FEMA has cost codes/equipment use rates, can use local rates were established *Must use the same method for all projects*

Force account Materials

- Newly purchased and stock materials are eligible. Need invoice or 3 quotes for replacement.

Donated Resources

- Volunteer labor – rate is the same as either similar paid
- 75% federal share – local 25%, donated resources can be used to offset local match, FEMA will set up a separate project showing all donated,
- Must answer Who, what, when, why and where for donations

Public Assistance Process

Step 1 – Attend applicant briefing

Step 2 – Log on or create account at PA grants portal

Step 3 – Submit RPA

Step 4 – Submit COVID 19 PW and docs

Step 5 – FEMA and State review

Step 6 - Approval

Expedited project

- Which if approved by FEMA, can be funded at up to 50% of estimated costs upon obligation
- Applicant must submit an amended PW to capture the full costs
- Will expedite environmental/historic requirements

The FEMA Grants Portal Account

- Need to supply: Applicant name, type of applicant, federal employer ID, primary office location, street address, city, state, zip, county, primary contact, first name, last name, title, phone number, and email

- DHSES will submit RPA to FEMA once received
- FEMA Grants help passwordsupport@pagrants.fema.gov

Request for PA (RPA)

- Form submitted to DSHES to submit to FEMA during open enrollment period
- Submit form to: Patricia.debboli@dhses.ny.gov
- DSHES – will provide training

Contracts & Procurement

- Procurement must comply with all federal, state and local procurement requirements
- Must follow minority and women owned enterprises requirements
- All projects can be audited by the State and FEMA

Contracts

Types of eligible contracts

- Lump sum
- Time and materials – limitations (must have a cap)

Ineligible contracts

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

Category Z projects

- Costs associated with applying for a FEMA project
- Capped at 5% of the total project costs
- Management costs

Projects

- 75% Federal cost share
- Minimum cost \$3,300

Small projects under \$131,100

- Written on estimates or actual costs if available
- Paid when project is obligated by FEMA (100%)
- No formal close out process
- Submit P4 project completion form to DAM as soon as you complete the project

Large projects over \$131,100

- Only pass through % of the federal share that is complete
- Written on estimates or actual costs
- Formal close out process
- P4 when the work is completed
- Progress payments (approved NYS) can be requested

Various Parts of Projects

1. Basic information (applicant, location, COW)
2. Damage description and dimensions (DDD) what conditions did virus cause
3. Scope of work SOW – actions to protect lives and public safety
4. Cost estimate
5. Attachments (invoices POs, proof of payment, contract, insurance, etc.)

Information required for a project

- List of damages, insurance information, list of paid staff,

Recovery transition Meeting- Applicant can review projects with FEMA and DSHES DAM – Kelly Sommerman is the primary POC for any further actions for projects

Kelly.sommerman@dshes.ny.gov

Appeals

- Can appeal any decisions, 60 days from the receipt of such notice to submit appeal,
- Must submit actual appeal package to DSHES
- Small project reconciliation – type of appeal
 - o FEMA will review the actual costs on all projects

1st Appeal – FEMA local region

2 Appeal – FEMA deputy admin for recovery in DC

Arbitration – disputed amount excess 500k - Lawyer fees not reimbursable