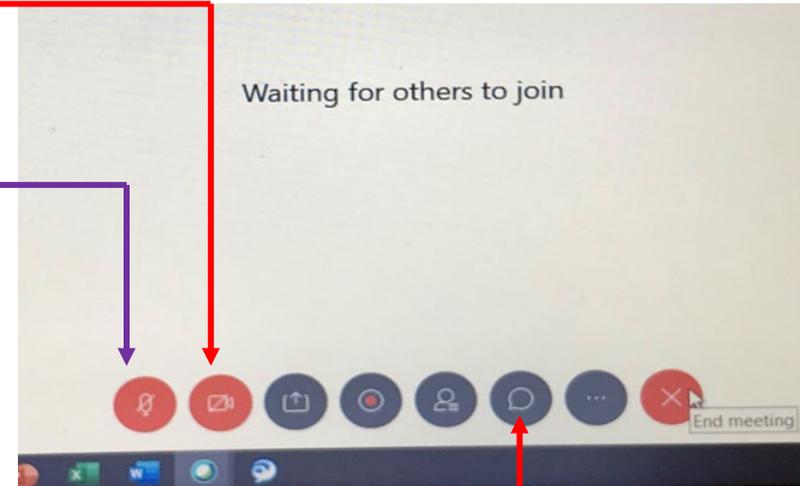


Welcome to the Indiana Public Assistance Applicant Briefing!

A few notes before we get started...

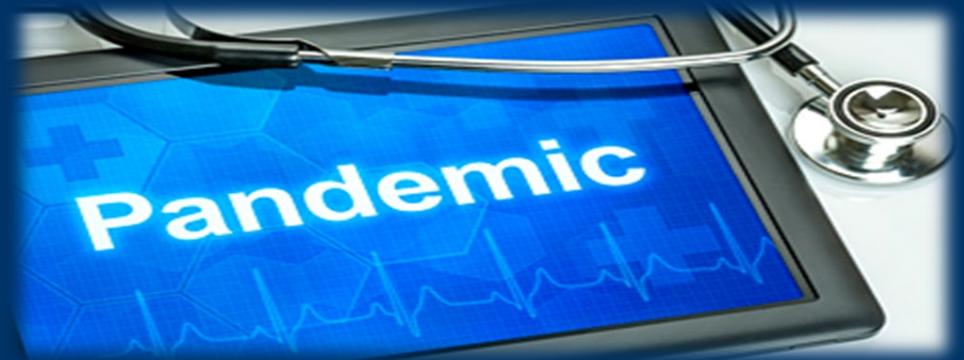
1. Turn off your camera. _____
2. Mute your microphone (computer microphone or telephone). _____
3. A recording of the briefing will be posted to the IDHS PA webpage.
4. Questions are to be submitted in the chatbox. _____
5. Any questions after today's briefing should be sent to PA@dhs.in.gov.



Public Assistance For COVID-19 Declarations

Applicant Briefing – State of Indiana

Cody Keith and Carmen Goodman, IDHS Public Assistance Program
May 2020



FEMA



Agenda

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



Declaration Summary

Number: DR-4515 (previously referred to as EM-3456)

Declaration Date: March 13, 2020

Incident Period: January 20, 2020 and continuing

Type: Coronavirus Disease 2019 (COVID-19) pandemic

Designated Areas*: All states, tribes, territories, and the District of Columbia

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



FEMA



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.

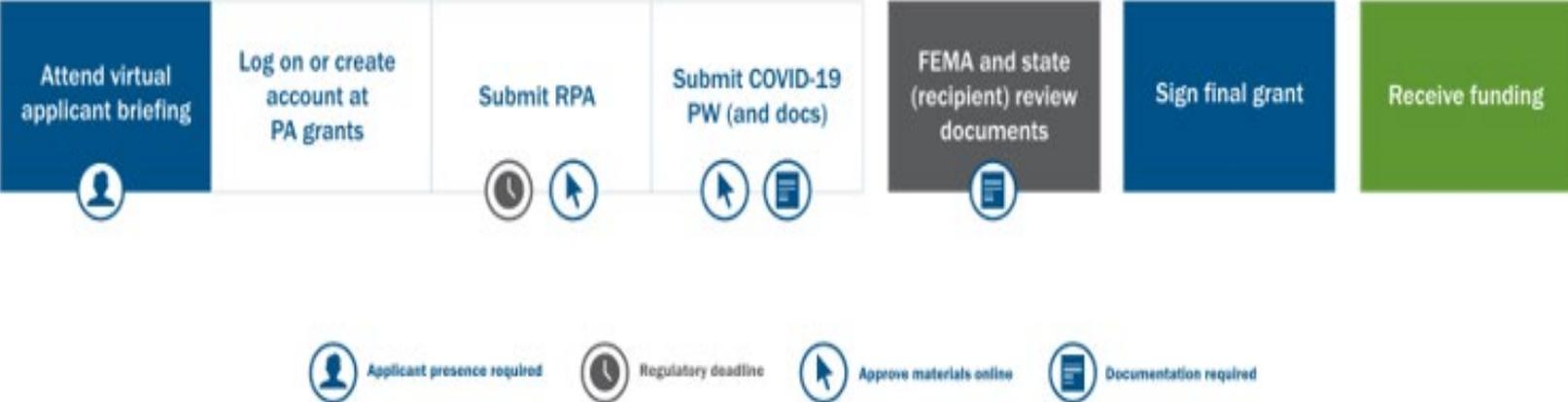
Grants Portal

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.



COVID-19 PA Process Flow



New Reimbursement Process Targeted to COVID-19 Declarations

Different from other FEMA PA Declarations, the process for COVID-19 features the following:

- Virtual Applicant Briefings
- Direct Account Requests and RPA submission through Grants Portal (<https://grantee.fema.gov/>)
- Direct Application of COVID-19 Project Worksheet



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.

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>.

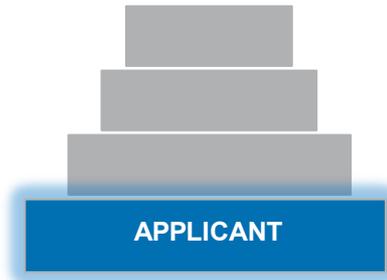
For technical assistance with Grants Portal, Applicants can call the Grants Portal Hotline at 1-866-337-8448.



PA Eligibility



Applicant Eligibility



Applicants or Subrecipients can be:

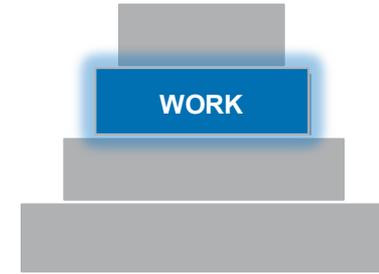
- State Agencies
- Territorial Governments
- Tribal Governments and Organizations
- Counties and parishes
- Municipalities, cities, towns, boroughs, and townships
- Local public authorities
- School districts
- Agencies or instrumentalities of local governments
- Special districts established under State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



Work Activity Eligibility

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

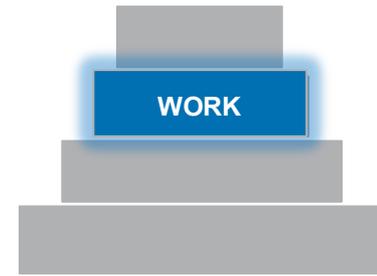
- required as a result of the declared incident;
- located within the designated area; and
- the legal responsibility of an eligible Applicant.



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



Work Activity Eligibility – Floodplain Considerations



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

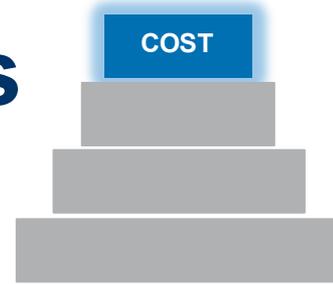


Cost Eligibility

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



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.





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 Recipients, up to 7% of the total award amount (based on actual costs)
- For Subrecipients, up to 5% of the Subrecipient's total award amount (based on actual 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

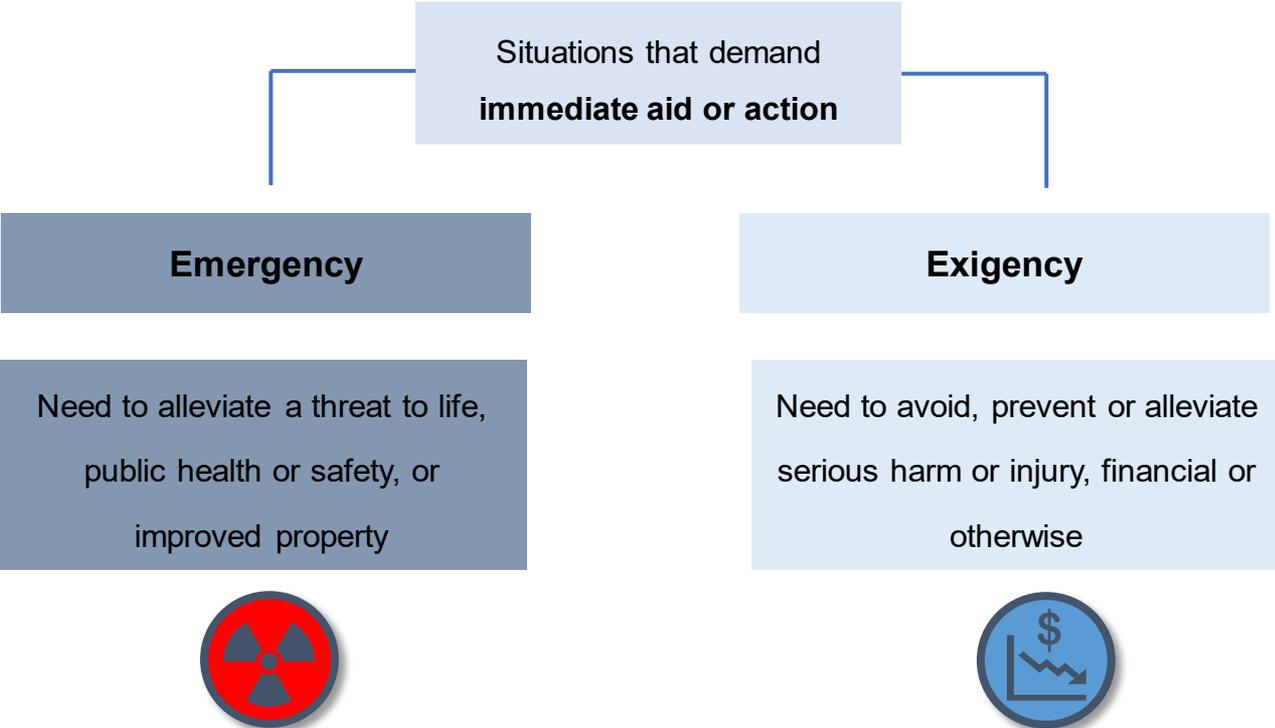
For COVID-19 declarations, OMB has implemented
administrative relief for Applicants under COVID-19 citing exigent
and emergency circumstances



FEMA



Sole-Source Procurement Under E&E



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

Jan. 27,
2020

March 13

March 17

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



FEMA



Procurement Under E&E for COVID-19

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

 **FEMA** **Fact Sheet**

Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

The Federal Emergency Management Agency (FEMA) provides financial assistance to states, territories, tribes, local governments, nonprofits, institutions of higher education, and other non-Federal entities. All FEMA grant programs are subject to the Federal procurement standards found at 2 C.F.R. §§ 200.317 – 200.326. Recognizing that FEMA’s recipients and subrecipients may face exigencies or emergencies when carrying out a FEMA award, this Fact Sheet provides key information to consider when utilizing contracted resources under exigent or emergency circumstances.

What Rules Apply to State Entities?
States are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326.

For purposes of the Federal procurement requirements, states are defined as the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and any agency or instrumentality thereof except for local governments. Tribal governments are not considered to be states when applying Federal procurement standards required by 2 C.F.R. Part 200.

What Rules Apply to Non-State Entities?
For all other types of entities, referred to as “non-state entities” in this Fact Sheet, Federal regulations (2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) establish requirements for the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as “sole-source contracting.” This exception and associated procurement requirements are discussed further below. In general, it will be fact-specific and entity-specific as to when exigent or emergency circumstances necessitate the use of noncompetitive procurements. The answers to the frequently asked questions below provide additional guidance on the acceptable use of noncompetitive proposals under exigent or emergency circumstances, which is described in regulation at 2 C.F.R. § 200.320(a)(2).

It is essential that all non-state entities understand that both FEMA and the U.S. Department of Homeland Security’s Office of Inspector General (OIG) closely review procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. *Failure to follow Federal contracting and procurement requirements puts non-state entities at risk of not receiving reimbursement or not being able to use FEMA grant funds for otherwise eligible costs.*

What is the exigency or emergency exception?
Non-state entities must follow the procurement requirements found at 2 C.F.R. §§ 200.317 – 200.326. However, Federal regulations allow for noncompetitive procurements under certain circumstances, including when a non-state entity determines that immediate actions required to address the public exigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to requirements for full and open competition. FEMA approval is not required for use of noncompetitive procurements.

1 March 16, 2020

March 16, 2020



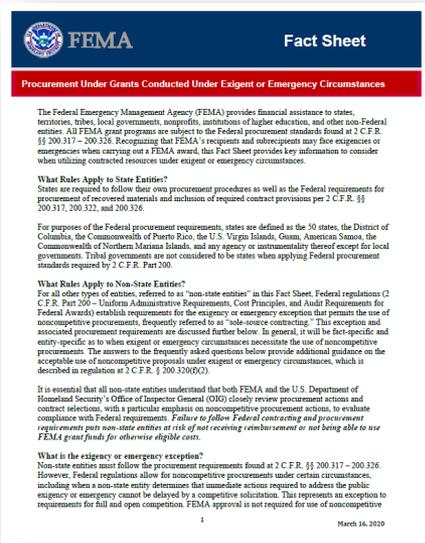
FEMA



Procurement Under E&E for COVID-19

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 CPPC contracts. They are prohibited!
- Award contract to a responsible contractor
- Follow documentation, oversight, conflict of interest requirements



March 16, 2020



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

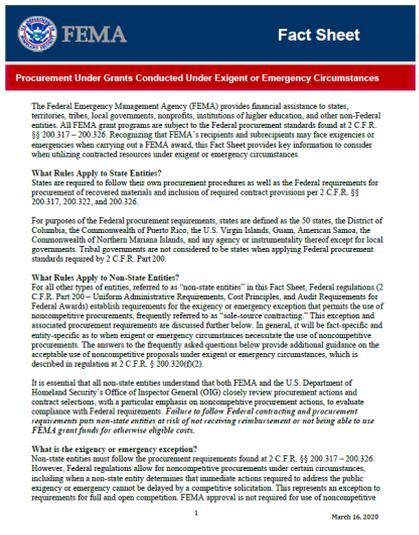
FEMA recommends that **non-state entities**:

- 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 suggested documentation

Procurement Under E&E for COVID-19

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



March 16, 2020



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*



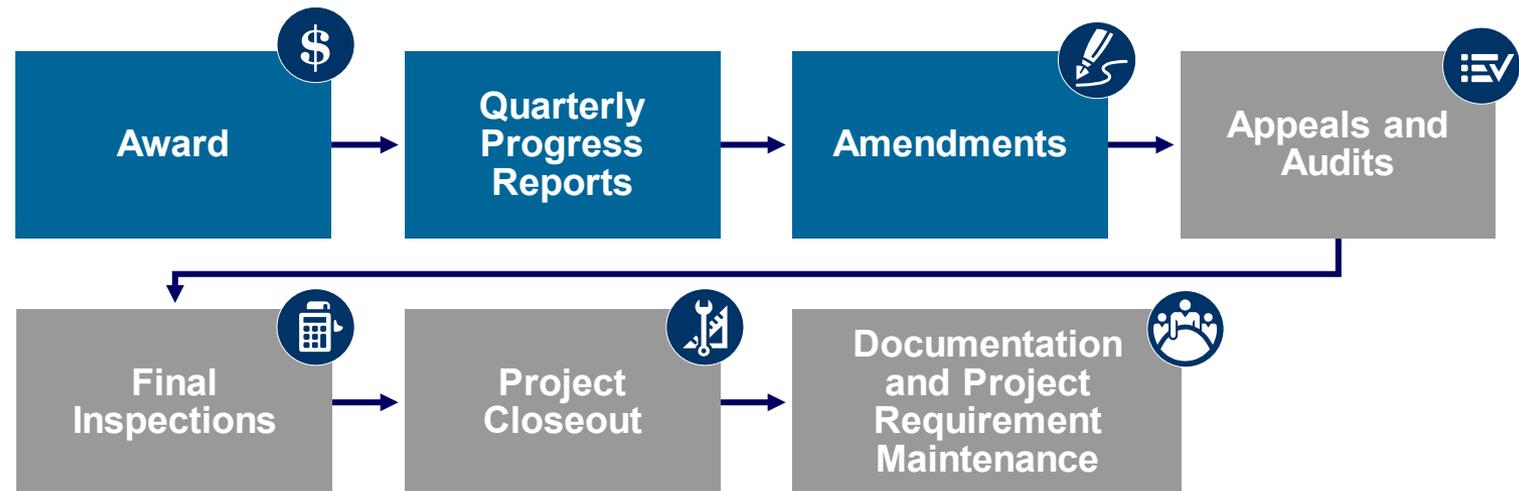
Post-Award Grants Management



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

Project Reconciliation and Closeout

The purpose of closeout is for the Applicant to certify that all work has been completed

Appeals

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

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 3 years 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.



Next Steps



Next Steps

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

- Register on SAM.GOV (*if not already registered*)
- Request or respond to an invitation to access Grants Portal and submit an Request for Proposal (RPA) using the *Applicant Quick Guide: Grants Portal Account and Request for Public Assistance*

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**
- Grants Portal inbox: **FEMA-Recovery-PA-Grants@fema.dhs.gov**



IDHS Public Assistance Program Staff

- **Cody Keith, PA Coordinator**
- **Carmen Goodman, PA Program Director**
- **pa@dhs.in.gov**

- **IDHS Public Assistance Webpage**
 - **<https://www.in.gov/dhs/paprogram.htm>**



Questions?

