Montana Disaster & Emergency Services Division

Public Assistance Program
Applicant Briefing
FEMA-4508-DR-MT

January 20, 2020 and continuing
DR Declared March 31, 2020
• Declared: March 31, 2020
• Incident Period: January 20, 2020 – TBD
• This Declaration only covers Emergency Protective Measures related to Covid-19
Public Assistance: Overview

• The Public Assistance is a reimbursement program that provides financial assistance to eligible applicants for eligible costs incurred for response and recovery activities as a result of a declared Emergency or Disaster.

• More detailed information can also be found in the FEMA Public Assistance Program and Policy Guide.
Applicant Briefing Purpose

• Explain How Public Assistance Works
• Identify Eligible Applicant
• Identify Eligible Work
• Discuss Areas of Special Concern
• Discuss Funding
• Answer Your Questions
Governing Documents

• Statue - Robert T. Stafford Act as Amended
• Public Assistance Program & Policy Guide (PAPPG)
• Section 502- Robert T Stafford Act
The Public Assistance Process
Request for Public Assistance (RPA)

• Initial Step in Request Process
• Applicant Completes and Submits FEMA Form 90-49 (RPA)
• If You Have Completed, Complete and Submit Today
• All Requests Must be in by April 30, 2020 — There is no FEMA deadline for this event -TBD
• It Is Not a Guarantee of Funding
Applicant’s Agent Form

- Identifies Single Point of Contact
- Oversees Applicant’s Program Participation
- Identifies Responsible Person for Record Keeping and Documentation
- Complete and Return Form to State
The Public Assistance Process
The Public Assistance Process

PA Program Eligibility

- Cost Reasonable
- Work CAT B Emergency Work
- Facility ex. PNP Hospital
- Applicant
Applicant Eligibility

- Counties, Incorporated Municipalities
- Other Legally Constituted Units of Local Government
- State Government Agencies and Departments
- Indian/Tribes or Authorized Tribal Organizations
- School Districts
- Certain Critical or Essential Private Non-Profits
Critical Private Non-Profits

Critical PNPs Include:

- Nursing Homes
- Laboratories
- Rehab Centers that provide Medical Care
- Hospitals and Emergency Care facilities
- FIRE / Rescue Emergency Services
- Education Facilities (including institutions of higher education)
Essential/Non-Critical PNPs

****Essential/Non-Critical Private-Non-Profits include:

» Child Care Facilities
» Food Assistance Programs
» Community Centers
» Performing Arts Facilities
» Senior Citizen Centers
» Homeless Shelters
» Houses of Worship

• If Determined an Essential/Non-Critical PNP:
  – Eligible for Emergency Protective Measures (Cat B)
Private Non-Profit Requirements

• Required RPA Documentation
  – DUNS Number
  – Organizational Charter/ By-laws
  – Tax Exempt Letter, 501, (c), (d), (e), IRS designation
  – Articles of Incorporation
  – Deed or Lease Agreement
  – Insurance

• FEMA cannot determine if a PNP is an eligible applicant until all required forms and documentation are submitted
Eligibility Basic Requirements

- Required as a direct result or related to COVID-19 response
- All Counties are in Declared Area
- Must be the Applicant’s Legal Responsibility
- Eligible activities must be in accordance with Public Health directives or Local EOC activation
The Public Assistance Process

1. COVID-19 Event
   - March 13, 2020

2. Submit Request for Public Assistance

3. Applicant Briefing

4. Grants Portal
   - Set New Password

   To State
   Flow Through to Applicant
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](https://grantee.fema.gov).

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

- Reset Password
- Complete simplified Project Worksheet Form
- Answer questionnaire
- Upload supporting documents
The Public Assistance Process

To State
Flow Through to
Applicant

COVID-19 Event
EM Declaration
March 13, 2020

Submit Request for Public Assistance

Complete PW Form

Grants Portal Set New Password

Applicant Briefing
The Public Assistance Process

Upload Documents into Grants Portal

Complete PW Form

Grants Portal Set New Password

Applicant Briefing

Submit Request for Public Assistance

To State Flow Through to Applicant

COVID-19 Event

EM Declaration March 13, 2020
Categories of Work (Emergency)

- Category B: Emergency Protective Measures
- The only Category of work eligible under Covid-19, DR-4508 Declaration
- Discussions regarding eligible work activities and costs are still very much underway with FEMA
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
Emergency Protective Measures
Non-Congregate Sheltering

- Non-congregate sheltering includes locations where individuals have a level of privacy (e.g., hotels, motels, dormitories).
- Must be pursuant to the direction of appropriate public health officials and not extend beyond the duration of the Public Health Emergency. (Official Order)
- Limited to that which is reasonable and necessary to address the public health needs of the event.
- Subject to prior approval by MT DES.
- Funding cannot be duplicated by another Federal Agency
- Applicable Environmental and Historic Preservation laws, regulations
- Applicants must follow FEMA’s Procurement under Grants Conducted under Exigent or Emergency circumstances guidance, and include a termination for convenience clause in their Contracts
- These costs should be tracked separate from other CAT B costs.
Work Eligibility

• Emergency costs related to COVID-19
• Incident Period: January 20, 2020 - continuing
• Located in Declared County
  – All Counties are eligible
• Legal Responsibility of Eligible Applicant
Work Eligibility (Con’t)

- Must Follow Local/State/Federal Procurement Standards – 2 CFR
- Contracts – exigent circumstances-emergency, must have a termination for convenience clause in all contracts.
- Reasonableness of Cost
Cost Eligibility

• Reasonable, Necessary and COVID-19 Related

• 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.
Cost Eligibility (Con’t)

• Force Account Labor
  – Emergency Work
    • Overtime and Benefits of Regular Employees in Most Cases
    • Regular, Overtime and Benefits of Temporary Hires
## FORCE ACCOUNT LABOR RECORD

<table>
<thead>
<tr>
<th>NAME/TITLE</th>
<th>DATES (mm/dd)</th>
<th>TOTAL HOURS</th>
<th>HOURLY RATE ($)</th>
<th>BENEFIT RATE (%)</th>
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I CERTIFY THAT THE ABOVE INFORMATION WAS TRANSCRIBED FROM TIME SHEETS, PAYROLL RECORDS, OR OTHER DOCUMENTS WHICH ARE AVAILABLE FOR AUDITS.

CERTIFIED BY:  
Title:  
Date:  
Cost Eligibility (Con’t)

• Equipment
  – Force Account
    • FEMA Rate Schedule (2017 Rates)
      https://www.fema.gov/schedule-equipment-rates
    • Includes: Cost of Ownership, Operation, Depreciation, Maintenance, Repairs, Fuel, Lubricants, Tires and OSHA Equipment
    • Standby Time is NOT Eligible
  – Rented (Copy of Agreement Needed)
  – Contracted
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<tr>
<th>TYPE OF EQUIPMENT</th>
<th>OPERATOR'S NAME</th>
<th>DATES AND HOURS USED EACH DAY</th>
<th>COSTS</th>
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<td>3/5/19</td>
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I certify that the above information was transcribed from payroll records, invoices, or other documentation which are available for audit.

Certified By: ___________________________  Title: ___________________________  Date: ___________________________
Cost Eligibility (Con’t)

• Material
  – Used Only for Eligible Work
  – Purchased for the Emergency
  – Used from Applicant’s Stock
  – Purchase Must be Documented
# Materials

**MATERIALS SUMMARY RECORD**

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<tr>
<th>VENDOR</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
<th>PURCHASE DATE</th>
<th>CHECK NO.</th>
<th>DATE USED</th>
<th>INFO FROM</th>
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**GRAND TOTAL**

I certify that the above information was transcribed from vendor invoices, stock cards or other documentation which are available for audit.

Certified By: ____________________________  Title: ____________________________  Date: ____________________________
Cost Eligibility (Con’t)

• Contracts
  – Competitively Bid
  – Reasonable Cost
  – Compliant with Federal, State and Local Procurement Standards - 2 CFR
  – Must have a termination for convenience clause
  – Contractors and Sub-Contractors Eligible and NOT Debarred https://sam.gov/portal/sam
# Contracts

## CONTRACTORS RECORD

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<tr>
<th>APPLICANT:</th>
<th>PA ID #</th>
<th>PW #</th>
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<tr>
<td>LOCATION/SITE:</td>
<td>DISASTER NUMBER:</td>
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<td>WORK PERFORMED:</td>
<td>PERIOD COVERING:</td>
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<th>CONTRACTORS RECORD</th>
<th>DATE(s)</th>
<th>HOURS USED</th>
<th>RATE PER HOUR</th>
<th>TOTAL COST</th>
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<td>Description of Work</td>
<td>DATE(s) USED</td>
<td>HOURS USED</td>
<td>W/OPR</td>
<td>W/OUT OPR</td>
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**TOTAL RENTAL EQUIPMENT COSTS =**

I CERTIFY THAT THE ABOVE INFORMATION WAS TRANSCRIBED FROM TIME SHEETS, PAYROLL RECORDS, OR OTHER DOCUMENTS WHICH ARE AVAILABLE FOR AUDIT.

CERTIFIED BY: | TITLE: | DATE:
The Public Assistance Process

- FEMA & State PW review
- Upload Documents into Grants Portal
- Complete PW Form
- Set New Password
- Grants Portal
- Applicant Briefing
- Obligations of Funds
- To State Flow Through to Applicant
- Submit Request for Public Assistance
- EM Declaration March 13, 2020
- COVID-19 Event
Types of Project Worksheets

- Minimum Project Worksheet > $3,300
- Small Projects < $131,100
- Large Projects > $131,100
Project Worksheets

• Grant Document in Which Scope of Work and Eligible Costs are Identified
• FEMA’S Funding Document
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
Management Costs

- Management Costs:
  - Properly Documented
  - DAC cost up to 5% of total award less insurance.
  - Separate worksheet and will be treated as a large project with a closeout process documenting actual costs.
Procurement under Exigency or Emergency Circumstances

non-state entities MUST if Sole-sourcing under E&E exception:

• 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
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.
The Public Assistance Process

- COVID-19 Event
  - EM Declaration: March 13, 2020

- Submit Request for Public Assistance

- Applicant Briefing

- Grants Portal
  - Set New Password

- Complete PW Form

- Upload Documents into Grants Portal

- FEMA & State PW review

- Obligations of Funds

To State Flow Through to Applicant
Time Constraints

• Emergency Work
  – 6 Months for Completion After Declaration
    • State May Approve 6-Month Extension (for a total of 12 months)
    • Need FEMA Approval for Changes in Scope of Work or Costs
Time Extensions

• If Needed, Notify the State Immediately - Always Prior to Performance Period End

• Applicants Request Must Include:
  – Project Number
  – Project Completion Date
  – Justification
  – Justifications Should be Based on Extenuating Circumstances or Unusual Requirements Beyond the Applicant’s Control
Special Considerations

- Insurance or Other Federal Funding
  - Perfect your claim
- Environmental Historical Preservation
- Additional Federal/State Compliance Requirements
- All Will be Outlined in the Grant Award Agreement – Project Worksheet
Issues

- Insurance Commitment
- FEMA - cannot duplicate funding
- Track ALL Costs for Audit Purposes
- Other Grants- CDC, IHS, DPHHS
- Debarment of Contractors
- Account for PW Funds Separately
Funding

• Federal Share
  • Not less than 75% from FEMA
• State/Local Cost Share
  - 25% STATE/LOCAL COST SHARE WILL BE BASED ON THE POLICY STATEMENT FOR THIS EMERGENCY
POLICY STATEMENT for 25% STATE / LOCAL COST SHARE

- INCORPORATED COUNTIES, CITIES & TOWNS

The Governor has waived the 2-mill cost share requirement for the Counties, Cities & Towns for this event.
POLICY STATEMENT
for
25% STATE /LOCAL COST SHARE

STATE GOVERNMENT AGENCIES AND DEPARTMENTS:
Are responsible for the total 25% cost share.

OTHER LEGALLY CONSTITUTED UNITS OF LOCAL GOVERNMENT:
Are responsible for the total 25% cost share.
PRIVATE NON-PROFIT (PNP) ORGANIZATIONS:
Are responsible for the total 25% cost share.

FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS:
Are Responsible for the Tribal Cost share if they choose to be a RECIPIENT with FEMA –Direct
If the Tribal Gov’t chooses to be a SUB-RECIPIENT through the State, State pays the 25%
Appeals

• Any Determination Related to Federal Assistance May be Appealed
• Appeals are Time Limited
  – As Soon as Possible Following Receipt of Determination Letter
  – 60 Days to Submit from Receipt of Notice of the Action Which is Being Appealed
Public Assistance Summary for COVID-19

• Public Assistance Program Assists in Emergency Protective Measures (Cat B)
• It is a Supplemental Cost Program (Reimbursement Basis)
• Federal Share of Eligible Costs Will be Awarded to the State for Disbursement to the Applicant
Documentation

• More is Better, Maintain the Following:
  – Request for Public Assistance
  – Project Worksheets
  – Labor/Payroll/Time Records
  – Equipment/Materials/Supplies Records
  – Contact Work Records
  – Proofs of Payment (Checks, Invoices, Contracts)
  – Insurance Records
  – Phone Logs
  – Correspondence
  – Procurement Policy and Records
  – Title, Leases, Permits and any Legal Records
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.

**After a Subgrant is Awarded**

- **Award**
- **Quarterly Progress Reports**
- **Amendments**
- **Appeals and Audits**
- **Final Inspections**
- **Project Closeout**
- **Documentation and Project Requirement Maintenance**
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.
Next Steps

After attending a virtual Applicant Briefing from Montana DES:

- Register on SAM.GOV (if not already registered)
- Request or respond to an invitation to access Grants Portal and re-set your account password. Use 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/UCIJp91Ds2IaVlR1t8uXcEKg
- Technical and training support at FEMA’s PA Grants Portal Hotline: (866) 337-8448
- Grants Portal inbox: FEMA-Recovery-PA-Grants@fema.dhs.gov
Audits

- Can Occur Any Time up to 3 Years After Closeout
- Can be Conducted by FEMA or State
- Can Result in Cost Adjustment or Disallowance
- Single Audits are Required on More Than $750,000 in Federal Financial Assistance (REF: 2 CFR)
Thank You

Montana Disaster & Emergency Services Division
1956 Mt. Majo Street
Fort Harrison, MT 59636
Website: readyandsafe.mt.gov

Tim Thennis  Sheri Medow
(O) 406-417-9235  (O) 406-202-8304
tthennis@mt.gov  sheris@mt.gov