

CML Briefing for Public Assistance DR-4498 (COVID-19)

April 28, 2020



COLORADO

Division of Homeland Security
& Emergency Management

Department of Public Safety



Initial Applicant Briefing

- Please ensure that the relevant people in your organization see this (finance officials, emergency managers, etc.) video is recorded at: <https://www.youtube.com/watch?v=uPwRsivvrl>
- This is the first time that FEMA Public Assistance has been used to respond to a pandemic
- Things are changing so we will try to stay high level and brief you on the things that are unlikely to change
- FEMA is continuously adding more information on their page: <https://www.fema.gov/coronavirus>
- Questions can be sent to: cdps_dr4498@state.co.us



What is FEMA Public Assistance?

- The purpose of the Public Assistance (PA) Grant Program is to support communities' recovery from major disasters by providing them with grant assistance for debris removal, **life-saving emergency protective measures**, and restoring public infrastructure. **Local governments, states, tribes, territories and certain private nonprofit organizations are eligible to apply.**
- Public Assistance is FEMA's largest grant program. Since 2017, FEMA gave over five billion dollars through PA grants to help communities clear debris and rebuild roads, schools, libraries, and other public facilities.



Agenda

- Applicant Eligibility
- Overview of PA
- Work Eligibility
- Cost Eligibility
- Documentation Requirements

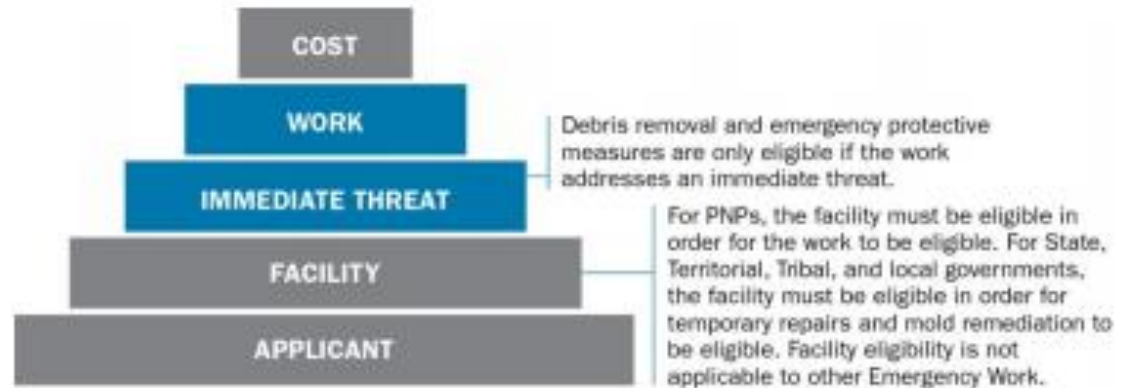


Figure 9. Emergency Work Eligibility

Applicant Eligibility (Government Entities)

- Tribal Governments
- Local Governments
 - Counties and parishes
 - Municipalities, cities, towns, boroughs, and townships
 - Local public authorities
 - School districts
 - Intrastate districts
 - Councils of governments (regardless of whether incorporated as nonprofit corporations under State law)
 - Regional and interstate government entities
 - Agencies or instrumentalities of local governments
 - State recognized Tribes
 - Special districts established under State law



Applicant Eligibility

(Private Non-profits)

- For Private Non-Profits (PNPs), operating costs are generally not eligible unless the PNP performs an emergency service at the request of and certified by the legally responsible government entity. In such case, FEMA provides PA funding through that government entity as the eligible applicant.
- Exceptions include PNPs that provide the following services:
 - Education
 - Medical
 - Emergency Services
 - Utilities



Ineligible Applicants

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



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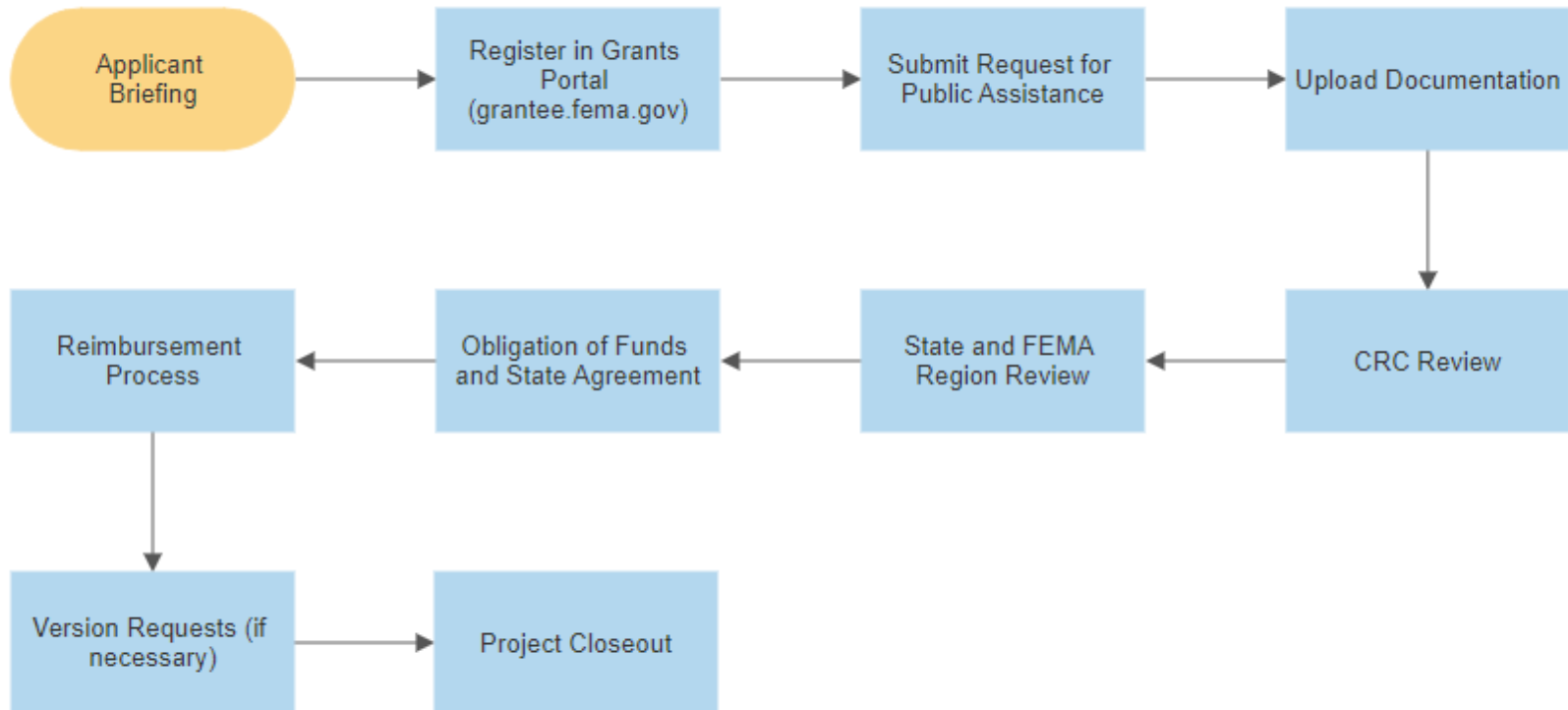
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Other Federal Funds

- There are other funds that Congress has appropriated for this Incident
- The most notable includes funding from Health and Human Services (HHS)
- The State has received almost \$10 million which can be used for similar costs
- DHSEM and CDPHE are working on de-conflicting these costs and providing additional guidance



Process Overview



Work Eligibility

- DR-4498 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

- Eligible Work May Include:
 - Household pet sheltering and containment actions related to household pets in accordance with CDC guideline.
 - Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits movement of supplies and persons.
 - Non-congregate shelters



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
 - 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 will take years



Labor Cost Eligibility

- For this incident labor costs are only eligible as follows:

Emergency Work Labor 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	☑	☑
Temporary employee hired to perform eligible work	☑	☑
Seasonal employee working outside normal season of employment	☑	☑

Figure 11. Emergency Work Labor Eligibility



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.



Resources

- These slides and all the referenced documentation is available on the DHSEM website (site)
- A documentation checklist is also available, please download it and use it!

