

Housekeeping Items

- All audience microphones are muted
- Please send questions through Chat:
 - Make sure to select “All Panelists” to make your question(s) viewable by all speakers
 - Tell us what organization you are with
 - Note that for the sake of time, we may not be able to respond to individual questions, but we are capturing all of the questions being asked and will respond
- For any technical issues, please send a chat to our tech facilitators: Jessica Litwin, Sam Mataraza, or Kenneth Vandermark or send an email to dob.sm.training@budget.ny.gov
- The session is being recorded and will be made available to you later

DR-4480 (COVID-19)

NON-MEDICAL Private Non-Profit Applicant Overview

**Please mute your phones and your
computer. Thank you.**



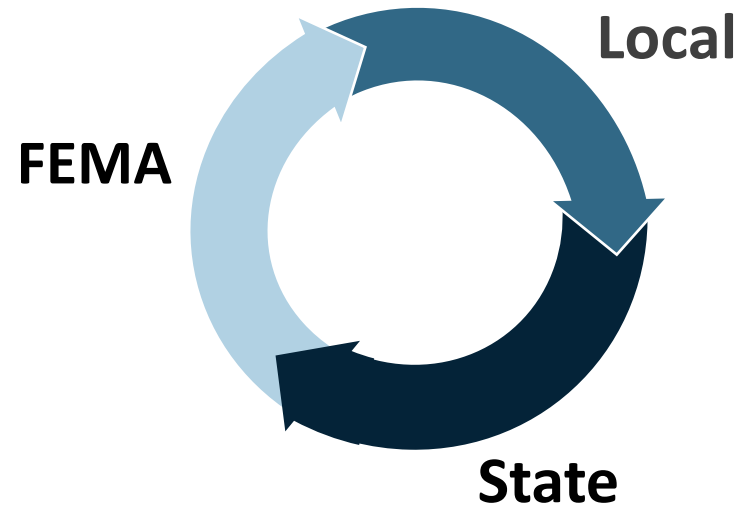
Agenda:

- FEMA Public Assistance Specific to DR 4480-NY/COVID-19 General Eligibility Criteria
- Public Assistance Process
- Contracts and Procurement
- Reference Material



Public Assistance: Overview

Public Assistance is a **reimbursement program** that provides financial assistance to eligible applicants for some eligible costs incurred for response and recovery activities as a result of a declared emergency



Public Assistance: Overview

The incident period for DR 4480-NY starts January 20, 2020, and is open-ended

For DR 4480-NY, FEMA will provide 100% reimbursement to applicants that incurred eligible expenditures. Emergency work must have been or is being performed during this time period

Applicants must prioritize resources to ensure an equitable pandemic response

Emergency Protective Measures Deadline for Completing Eligible Work

- **Extended by FEMA *without end date***
- **FEMA will give at least 30 days notice before establishing a new deadline**
- **Check DHSES website for updates**
(<http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>)

Public Assistance: Overview

Keep in Mind:

- To apply for FEMA reimbursement, you must have incurred **no less than \$3,300 in costs** directly related to eligible COVID-19 work and services
- If you **have entered into a contract with a governmental entity** to perform COVID-related response and recovery work, you will not file a FEMA claim, but invoice the government agency

Equitable Pandemic Response and Recovery Recipient and Subrecipient Job Aid

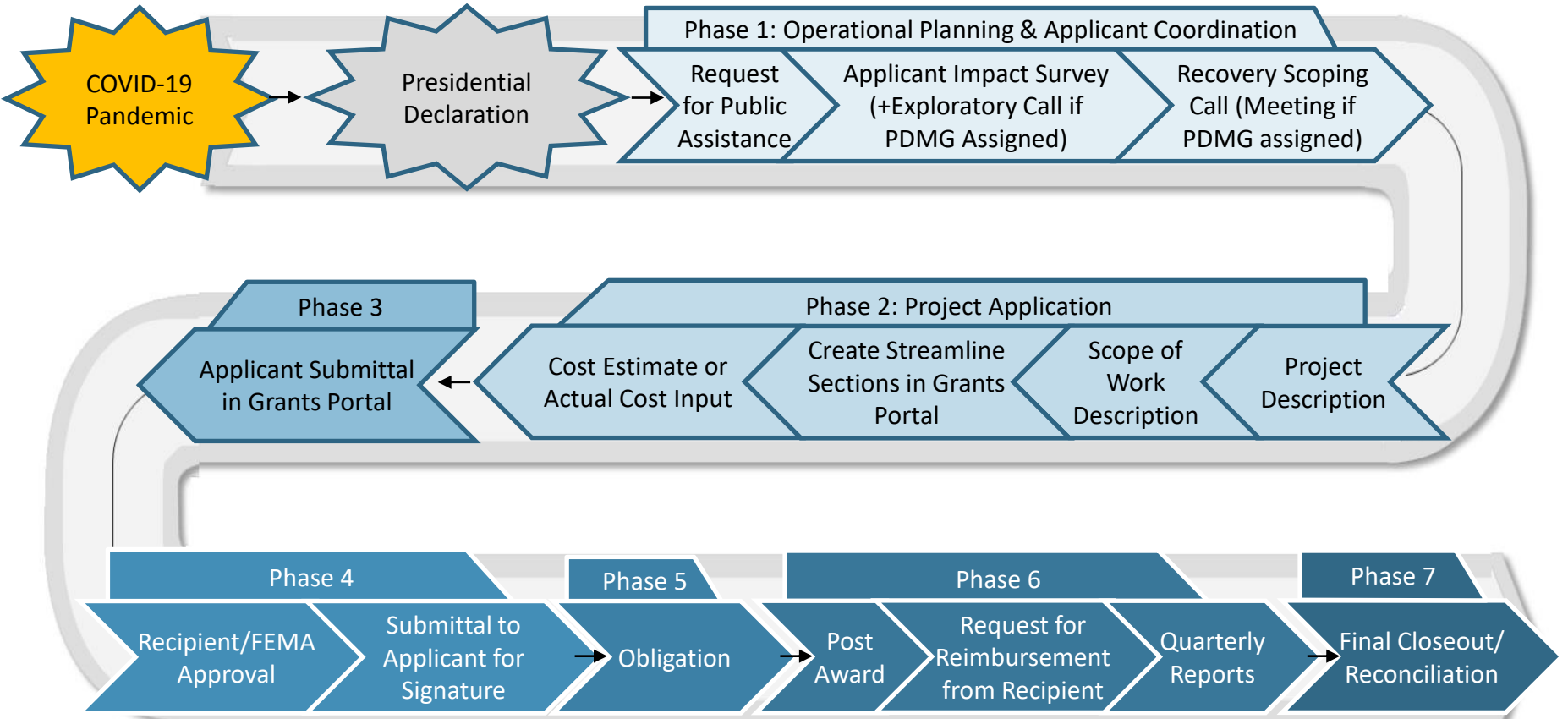
- **March 15, 2021:** Equitable COVID-19 Response and Recovery Recipient and Subrecipient Job Aid

(https://www.fema.gov/sites/default/files/documents/fema_public-assistance-covid-19-medical-care-v2-with-equity-job-aid_policy_3-15-2021.pdf)

- **Equity considerations for all COVID-19 work:**
 - As a condition of receiving Public Assistance funding for the COVID-19 declaration, Recipients and Subrecipients must focus the use of FEMA funding on the highest-risk communities and underserved populations
 - Must comply with applicable provisions of laws and authorities prohibiting discrimination
 - FEMA will monitor compliance with this grant condition in concert with federal regulation and law
 - The equity provisions apply to all COVID-19 work
 - These requirements are retroactive to January 20, 2020



FEMA Public Assistance COVID-19 Process for Applicants

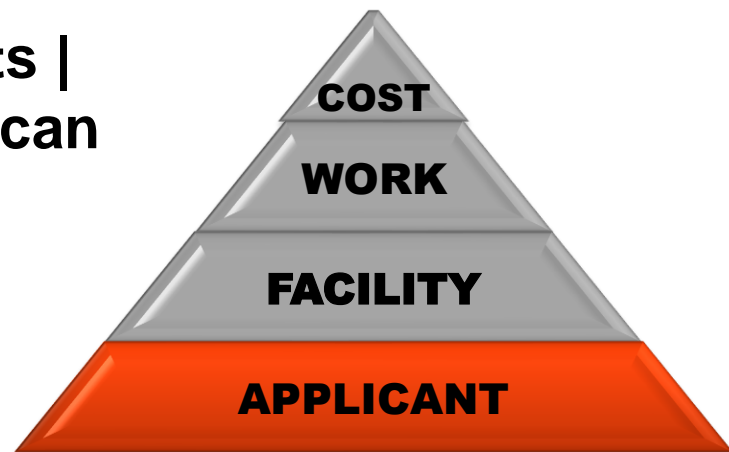


FEMA Public Assistance Specific to DR 4480- NY/COVID-19 General Eligibility Criteria



Eligible Applicants

- **State Agencies | Local Governments | Federally Recognized Native American Nations**
- **Certain Types of Private Nonprofit Organizations for the COVID-19 Disaster**



Examples of Critical and Essential Private Non-Profits

- **Critical PNPs Include:**
 - Nursing Homes
 - Laboratories
 - Rehab Centers that Provide Medical Care
 - Hospitals and Emergency Care Facilities
 - Fire / Rescue Emergency Services
 - Educational Facilities (including institutions of higher education)
- **Essential/Non-Critical PNPs Include:**
 - Community Centers
 - Child Care Facilities
 - Food Assistance Programs
 - Performing Arts Facilities
 - Senior Citizen Centers
 - Homeless Shelters
 - Houses of Worship



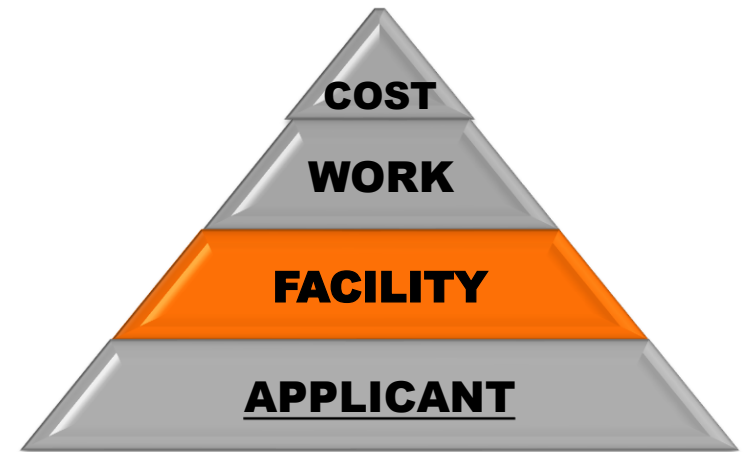
Private Non-Profit Requirements

- **Required RPA Documentation:**
 - DUNS Number
 - Organizational Charter / By-Laws
 - Tax Exempt Letter, 501(c), (d), or (e) IRS designation
 - NYS Comptroller's W-9 Form
 - Articles of Incorporation
 - PNP Questionnaire
 - Copy of the Deed or Lease Agreement and insurance policy
 - Click here for PNP RPA Package: [PNP RPA Package](#)
- **FEMA cannot determine if a PNP is an eligible applicant until all required forms and documentation are submitted to the Grants Portal. FEMA has deemed applicants ineligible for lack of documentation.**



Eligible Facilities

- **Facility:**
 - Any publicly or PNP owned building, works, system, or equipment.
- **Facility Requirements:**
 - Expenditures must be caused by the event.
 - Legal responsibility of the Applicant.
 - Located in a declared county.
 - In active use at the time of the Emergency.
 - Not under authority of another federal agency e.g., HHS.

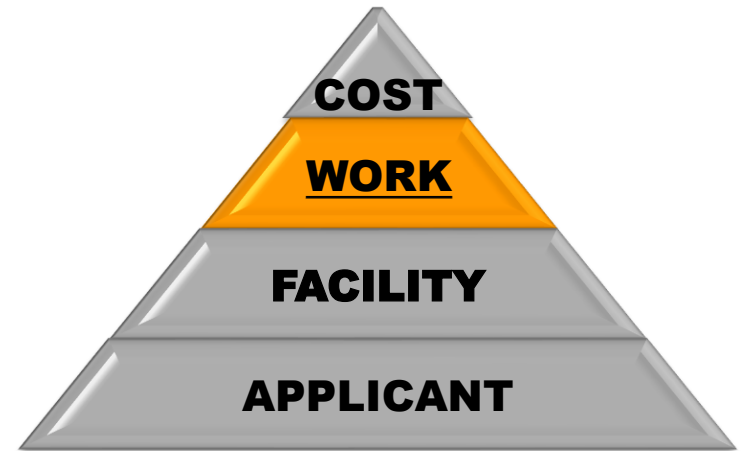


Facilities and services must be open to the public; FEMA will not reimburse for services rendered to “members-only.”

Eligible Work 1 of 2

Work Performed Must Be:

1. Required as a direct result of a declared emergency.
2. Legal responsibility of an eligible Applicant performing the work.
3. Completed within approved time limits.



Eligible Work 2 of 2

To determine legal responsibility for Emergency Work, FEMA evaluates whether the Applicant requesting the assistance either had jurisdiction over the area or the legal authority to conduct the work related to the request at the time of the incident. For a Private Non-Profit, the mission statement or charter would typically specify what services are the legal responsibility of the organization.

Eligible Costs

Eligible Costs:

- Labor
- Equipment/Materials
- Contracts
- Management Costs



Costs Must Be:

- Reasonable and necessary to accomplish the work.
- Compliant with Federal, State AND Local procurement requirements.
- Reduced by any applicable credits such as insurance and other funding sources.

Force Account Labor

- **Employee Annual Salary or Hourly Rates Plus Fringe Benefits**
- **Under Emergency Protective Measures (Category B):**
 - Permanent employees are only eligible for overtime while performing eligible work
 - Temporary employees are eligible for both regular time and overtime while performing eligible work
- **Documentation Required**

Force Account Equipment

Must be using equipment in the performance of eligible work:

- Auto/Truck – mileage or hourly rate
- Other equipment - hourly rate
- Intermittent Use:
 - Half day or more = Full Day
 - Less than half day = Actual Hours

Equipment Rates

- FEMA equipment rates are used for determining project costs (estimating & comparing)
- Local rates or rental costs can be used if different than FEMA and established prior to the disaster

Force Account Materials

- Purchased or used from stock
- Used for eligible work
- Invoices, historical data, or quotes from your local vendors will be required to justify cost



Emergency Work

Category B – Emergency Protective Measures

Actions taken before, during, and following a disaster to save lives, protect public health and safety, or eliminate immediate threat of significant damage to improved public and private property.

- The incident period starts January 20, 2020
- The deadline for completing eligible work has been extended without an end date
- FEMA will give at least 30 days notice before establishing a new deadline
- Once you have a DAR assigned, they will walk you through the deadlines applicable to you

Management Costs (Category Z)

- Direct and indirect **administrative costs** incurred to submit and process your FEMA Category B project(s)
- Actual Costs must be fully documented
- Capped at a maximum of 5% of the Applicant's total obligated Category B project costs
- Do not include costs incurred for actual work to complete a project

Eligible Costs Include:

- Site identification
- Gathering of cost information
- Site visits
- Travel Costs
- Project scope, development
- Project reporting
- Preliminary Damage Assessments
- Applicant's Briefings
- Recovery Scoping Meetings
- Recovery Transition Briefings
- Consultant Costs
- Project cost reconciliation and closeout



Special Considerations

Key Focus Areas:

1. Insurance – Normally, Emergency Work is not covered by standard Insurance Policies. However, FEMA will want documentation to show that any applicable insurance coverage was pursued.
2. Duplication of benefits – Federal and State funds received to combat the virus will have to be deducted from any eligible project if used for any portion of that project.



COVID-19 Public Assistance Eligible Work – Job Aid

- To help identify the types of work and costs that are eligible for reimbursement through Public Assistance during each of the three eligibility periods for this disaster and how the eligibility changed for some from one period to the next, FEMA has developed a compact one-page Comparison Table.
- It is recommended to keep the table at hand for easy reference as nonprofits explore the types of work and costs that are applicable and the specific eligibility for each time period.

COVID-19 Public Assistance Eligible Work – Comparison Table

		Initial Eligibility Jan. 20, 2020 – Sept. 14, 2020	Ongoing Eligibility Sept. 15, 2020 – Jan. 20, 2021	Eligibility Under Updated Policies Jan. 21, 2021 – Sep. 30, 2021
Medical Care	Clinical Care for COVID patients	✓	✓	✓
	Vaccination	⚠	✓	✓
	Alternate Care Sites & Community Testing Sites	✓	✓	✓
	Contact Tracing Disease & Research	⊘	⊘	⊘
Opening & Operating	Personal Protective Equipment	✓	⚠	✓
	Cleaning & Disinfecting	📄	⚠	✓
	Screening incl. Testing & Temp. Checks	📄	⚠	✓
	Temp. Physical Barriers	📄	⚠	✓
	Virtual Operations	⊘	⊘	⊘
Mass Care	Non. Cong. Sheltering	✓	✓	✓
	Emergency Feeding	✓	✓	✓

Legend ✓ Eligible Work 📄 Limited Eligibility with Specific Documentation ⚠ Very Limited Eligibility with Specific Criteria ⊘ Ineligible Work

Your assigned DAR will walk you through specific expenditures for your project submission.

Public Assistance Process



Scenario:

Community Childcare Development Center is a daycare that reopened February 1st, 2021. They are a 501c3 community-based daycare. They have followed the CDC guidelines for disinfecting their facility and contracted with Clean Start Janitorial service to clean and disinfect their facility every evening at a cost of \$1500.00 per week. This cost is in excess of their standard operating budget of \$300 for weekly cleaning. In addition, they purchased masks and hand sanitizer for the children and staff that was not previously budgeted.

As we proceed through this presentation, let's see what their next step may be.

FEMA's Public Assistance Process



FEMA has set an open period for Request for Public Assistance (RPA) submission for COVID-19 starting January 20, 2020.

Request for Public Assistance & Grants Portal Account

What to do if you are interested in applying for FEMA reimbursement

1

Download and complete the “Request for Public Assistance” (RPA) packet; you may access it here on the DHSES site: [PNP RPA Package](#)

2

Complete the packet. Email it to patricia.debboli@dhse.s.ny.gov or fax to (518) 322-4984

Please Include:

- ✓ 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
- ✓ Email

3

DHSES assigns DAR (Disaster Assistant Rep) to you

Your DAR:

- ✓ Provides hands-on assistance to you throughout the RPA and the FEMA application processes
- ✓ Creates a FEMA Grants Portal account for applicants that don't have one already

4

Start formulating with DAR scope of project

Includes:

- ✓ Project size
- ✓ Project scope of work
- ✓ Project cost estimates

5

Log into the FEMA Grants Portal, Complete and Submit the Request for Public Assistance (RPA)

FEMA determines whether you are an eligible Applicant



Scenario:

Community Childcare Development Center downloaded the Request for Public Assistance (RPA) Packet and contacted DHSES. They were then assigned a Disaster Assistance Representative (DAR) who helped them fill out the RPA. FEMA then reviewed their application, and they were approved as an eligible applicant. Upon approval they were given access to FEMA's Grants Portal.

Now that Community Childcare Development Center is an eligible applicant, let's see what's next.

Small vs. Large Projects

- **Minimum Project Threshold = \$3,300**

Federal Share for DR 4480-NY:
100%

- **Small Projects (Under \$131,100):**

- Written on estimates or actual costs if available.
- Paid when project is obligated by FEMA (100% of the Federal Share).
- Submit P4 (Project Completion Form) to DAM as soon as you complete the project.

- **Large Projects (\$131,100 and Over):**

- Written on estimates or actual costs if available.
- Paid Federal Share at % validated complete when project is obligated.
- Progress Payments (Approved by NYS) can be requested.
- Quarterly Report requirement until project is closed.
- Submit P4 (Project Completion Form) to DAM as soon as you complete the project and DHSES will coordinate a Large Project Final Accounting for submission to FEMA.
- Final Payment (Approved by FEMA) based on actual eligible costs.



Formulation of Projects

- **NYS DHSES Disaster Assistance Representatives (DARs):**
 - Available to help develop scope of work and cost estimates.
 - Technical Specialists can assist with complex projects.
- **DARs are Technical Specialists:**
 - Hospitals
 - Schools
 - Insurance



Various Parts of Project

- **Basic Information** - Applicant, Location, Category of Work, etc.
- **Damage Description and Dimensions (DDD)** – What conditions did the virus cause?
- **Scope of Work (SOW)** – Actions to Protect lives and public safety in response to the virus
- **Cost Estimate**
- **Attachments** – Documentation of Costs, Contracts, Proof of Payment, etc.

Scenario:

Community Childcare Development Center, with the assistance from their Disaster Assistance Representative (DAR), began developing the project application.

The daycare's normal operating budget was \$300 per week for cleaning. Because of COVID-19, their costs are now \$1,500 per week. FEMA will only reimburse for costs in excess of normal operations; therefore, the daycare would apply for the difference per week of \$1,200 until September 2021.

Community Childcare Development Center has begun the application process with the help of their DAR.

Info Required for a Project

- List of Expenditures, Emergency Protective Measures undertaken
- Insurance information
- List of paid staff, regular and OT hours – dates and times
- Fringe Benefits information
- List of equipment used, hours of operation – dates and times, miles driven
- List of materials and supplies purchased or used
- Copies of any contracts used for this event
- Procurement Policies and documentation of compliance

Scenario:

The Disaster Assistance Representative (DAR) discussed with Community Childcare Development Center that in order to file an application there is certain documentation that they would need to provide to FEMA as proof that they performed eligible work. Because the daycare contracted the service out, they would need to provide the following documentation:

- Contracts* & Contractor EIN number
- Invoices
- Canceled checks (front and back copy) or electronic proof of payment
- Dates of services

After all the required documentation was provided by Community Childcare Development Center, the documents were uploaded into FEMA's Grants Portal and the application was submitted.

*We will discuss contracts more in detail later in this presentation

Recovery Transition Meeting

- Final review with Applicant, FEMA and DHSES to ensure all expenditures have been captured and submitted
- Informs applicants of number of projects being entered into system (Large vs. Small)
- Gives opportunity to review and correct projects before transition to your DHSES Disaster Assistance Manager (DAM)

Project Obligation Notification

Email is sent when FEMA obligates a project:

- Includes a copy of the obligated Project
 - Review carefully!
- Includes the Project Completion Form (P-4) that needs to be signed and returned to NYS DHSES DAM when work is completed. Applies to both Large and Small Projects



Scenario:

The Community Childcare Development Center received an email indicating FEMA obligated the requested funding for the project. This communication included a copy of the obligated project documentation.

Once work is completed, DHSES will provide the daycare with a P.4 form to complete.

All large project costs will be verified and submitted to FEMA for approval prior to closeout.

Contracts and Procurement



Procurement

Must comply with ALL federal, state, and local procurement requirements:

- DHS OIG Audits are paying particular attention to ensuring Minority and Women Owned Businesses are actively solicited during bid process (follow link to locate MWBE enterprises: <http://esd.ny.gov/mwbe.html>).
- Applicants must comply with 2 CFR Part 200. Specifically, all contracts must include the contract provisions identified in Appendix II to Part 200. 2 CFR, OMB Circular A-87, A-102, A-133 and 41 U.S.C. 403(11) all provide guidance on procurement and audits. (<https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200>)
- Declaring or extending a State of Emergency solely to circumvent procurement procedures is a red flag for any audit.

Contracts

- Must comply with all State, Local and Federal procurement requirements
- All contracts incurred for eligible work will be reviewed by FEMA / State teams; including rental equipment
- Competitively bid under applicable procurement procedures are preferred
- For purchases of equipment, supplies and materials, you will need to track and document inventory and usage to comply with disposition requirements at closeout



Types of Contracts



Lump Sum:

- Easy to monitor when the scope of work is well defined
- Requires minimum labor for monitoring
- Quantities do not have to be documented



Time and Materials:

- Should only be used for Emergency “hot spots”
- MUST have a cap
- MUST be monitored

Ineligible Contracts

Examples:

- Cost-plus percentage of cost
- Contingent upon FEMA reimbursement
- Contract with a debarred contractor:
 - <http://www.labor.ny.gov/workerprotection/publicwork/PDFs/debarred.pdf>



Women/Minority Owned Businesses

- Applicants must be able to demonstrate direct outreach to MWBE enterprises. (Effective 1/1/2015)
- DHS OIG Audits will ensure Minority and Women Owned Businesses are sought during bid process
- Procurement and Audit Guidance:
 - 2 CFR
 - OMB Circular A-87, A-102, A-133
 - 41 U.S.C. 403 (11)
 - <http://esd.ny.gov/mwbe.html>



Reference Material



NYS DHSES Contact Information

Recovery Section:

- 1220 Washington Ave, Bldg. 7A, 4th Floor Albany, NY 12242
- (518) 292-2293, Fax Number: (518) 322-4984
- www.dhSES.ny.gov
- <http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>



Forms, Training & Resources

DHSES Disaster Recovery Resources and Training

- [Eligible Emergency Protective Measures](#)
- [FEMA COVID-19 Equitable Response and Recovery](#)
- [FEMA COVID-19 Interim Guidance](#)
- [FEMA COVID-19 Interim Public Assistance Safe Opening and Operations Policy](#)
- [FEMA FAQ - Non-Congregate Sheltering](#)
- [Private Non-profit Request for Public Assistance Package \(RPA Package\)](#)
- [Procurement Under Grants Conducted under Emergency Circumstances for COVID-19](#)
- [Public Assistance Applicant Briefing Calendar](#)
- [Public Assistance Program and Policy Guide \(v3.1\)](#)
- [Purchase and Distribution of Food Eligible for Public Assistance](#)
- [Debarred Contractors in NYS](#)

FEMA Training - Forms - Portal

- [Contract Work Summary](#)
- [FEMA Grants Portal Login](#)
- [FEMA PA Grants Portal- YouTube Training](#)
- [Force Account Equipment Summary](#)
- [Force Account Labor Summary](#)
- [Force Account Materials Summary](#)
- [Fringe Benefits Calculation Worksheet](#)
- [Request for Public Assistance](#)
- [Rental Equipment Summary](#)

Grants Gateway

- [Nonprofit COVID-19 Resources](#)



Access this deck and other related resources at the Grants Gateway

@

<https://grantsmanagement.ny.gov/non-profit-fema-resources>

This URL is also referenced in your original session invite



Questions?

