

MICHIGAN STATE POLICE
PUBLIC ASSISTANCE

APPLICANT BRIEFING 4494-MI (COVID-19)

2021



DISASTER DECLARATION FEMA-4494-MI



2

- You will find a survey in the chat box, which will serve as attendance for the briefing. Please be sure to submit your survey to allow your organization to get credit for attending the applicant briefing. If you are connected by phone, you can email us to provide your contact information.
- The presentation will be posted on the MSP/EMHSD web site.
- Questions and answers at the end of the presentation.
- Enter your questions into the chat box.
- Please refrain from asking questions regarding scenarios specific to your organization, and instead entering them in the chat and we will get back to you. Eligibility varies with each situation, and we want to provide you the correct responses to suit your needs.
- THIS IS AN UNPRECEDENTED EVENT for all of us including FEMA.
- FEMA continues to develop guidance and provide direction; we will do our best to keep you informed by updating our web site, issuing event-wide messages from Grants Portal, etc.
- ***COVID-19 Declarations authorize funding for emergency protective measures – actions taken to eliminate or lessen immediate threats to lives, public health or safety.***

AGENDA

Objective: Provide overview of the delivery of the Public Assistance (PA) Grant Program for COVID-19

- Introduction/Disaster Information
- PA Process for COVID-19
- PA Eligibility
- Additional Considerations
- Post-Award Grants Management
- Next Steps
- Questions

3

- FEMA makes the final decision on eligibility and funding
- FEMA will not duplicate assistance provided by HHS or CDC or any other Federal assistance
- Must be direct response activities for COVID-19 for emergency protective measures to protect public health and safety
- Please don't confuse Category B, Emergency Protective Measures, with the Governor's Executive Orders

DECLARATION SUMMARY

- Number: FEMA-DR-4494-MI
- Declaration Date: March 27, 2020
- Incident Period: January 20, 2020, and continuing
- Type: Coronavirus 2020 (COVID-19) pandemic
- Designated Areas*: All states, tribes, territories, and the District of Columbia
- **Cost Share: 100% Federal Funding**

*Pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207

4

After Incident Period End:

Applicants must identify and report damage (submit projects in Grants Portal) by either:

- 60 days from the end of the Public Health Emergency (assume end date of incident period) OR
- 60 days from the approval of their Request for Public Assistance, whichever is later

Cost Share:

For about the first nine months or so, the cost share for COVID-19 PA grants was a 75% federal/25% local cost share; however, this changed in early 2021 to 100% federal.

FEMA approved projects at that time were amended to the 100% federal share.



PUBLIC ASSISTANCE PROCESS FOR COVID-19

5

FEMA has made changes to the normal delivery system to streamline the process to enable applicants to take more control of their recovery.

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](#)
and
[FEMA COVID-19 Fact Sheets and Guidance](#)



FEMA



The program provides funding for emergency assistance to save lives and protect property and assists with funding for permanently restoring community infrastructure affected by a federally declared incident

- FEMA PA is normally used in the event of a natural disaster, not a pandemic such as COVID-19.

PUBLIC ASSISTANCE PROGRAM

- Assists in the restoration of community infrastructure to **pre-disaster conditions**
- Provides supplemental cost **reimbursement** with specific eligibility requirements
- FEMA provides funds to the **State (Recipient)** who reimburses **eligible** applicants

TERMINOLOGY: Recipients, Subrecipients, and Applicants

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.

8

When an entity applies for PA funding, it is the **Applicant**. Once the Applicant receives funding, it is either the **Recipient, pass-through entity** or a **Subrecipient**. For simplicity, FEMA uses the term Applicant throughout this document when referring to the responsible entity for a project rather than making distinctions between an entity as the Applicant, Recipient, pass-through entity, or Subrecipient. FEMA uses the terms Recipient and Subrecipient when necessary to differentiate between the two entities.

COVID-19 PROCESS OVERVIEW - NEW

The streamlined application for COVID-19 allows for applications to be processed and managed remotely through the following steps:



NEW
RECOVERY
SCOPING VIDEO

9

****New Requirement: Recovery Scoping Video***

Different from other FEMA PA Declarations, the process for COVID-19 is shown here (see slide)

- For some, the first and second steps are reversed
- Grants Portal Account Creation and RPA, **is extended**, when FEMA determines a hard deadline for RPA and streamlined project application submissions, we will post the deadline on our web site and send an event-wide message from Grants Portal, **so please set up Grants Portal Accounts and submit your RPAs as soon as possible**; the incident period is still on going and applicants may still be incurring costs.

Again, applicants must identify and report damage (submit projects in Grants Portal) by either:

- 60 days from the end of the Public Health Emergency (assume end date of incident period) OR
- 60 days from the approval of their Request for Public Assistance, whichever is later

Direct Account Requests and RPA submission through Grants Portal
(<https://grantee.fema.gov/>)

COVID-19 Direct Project Application

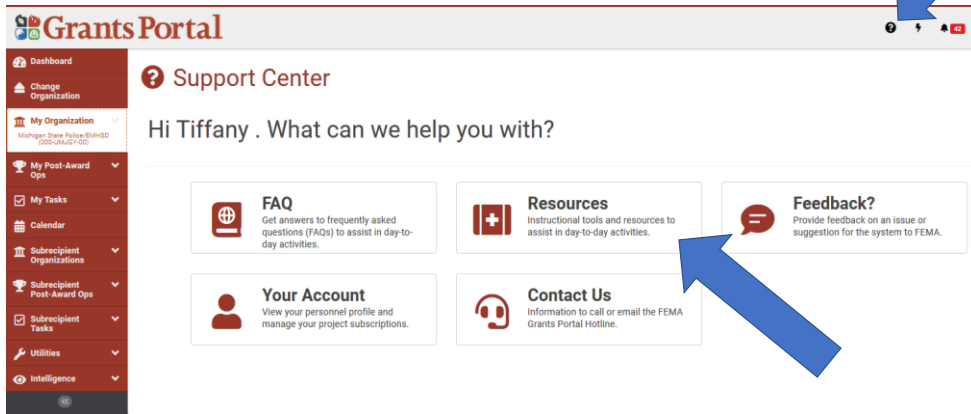
- For COVID-19 Declarations, Applicants will have the ability to apply for assistance directly through FEMA's Grants Portal without requiring traditional Exploratory Calls or Recovery Scoping Meetings
- FEMA's Quick Guides and How-To Videos provide step-by-step instructions and can be found in the Grants Portal,
 - <https://grantee.fema.gov>
- For technical assistance with Grants Portal, Applicants can call the Grants Portal Hotline at 1-866-337-8448

10

A major change to the process is the creation of the Direct or "Streamlined" Project Application.

Applicants submit potential projects directly to FEMA through the Grants Portal.

COVID-19 Direct Project Application



11

Describe FEMA Grants Portal:

- Many valuable tools by clicking on the “?” in the upper right-hand corner, then left on “Resources”
- COVID-19 Guidance
- Quick Guides for the Grants Portal and project process
- Forms/Templates

COVID-19 Streamlined Project Application, April 11, 2021

– most recent job aid found in Grants Portal and walks through the process.

The use of FEMA forms to gather activity information is not required; however, documents to support costs must include the required elements; you can use your own spreadsheets,

etc., and upload to the project

COVID-19 Direct Project Application

- Do not submit ineligible projects (minimum is \$3,300 will not go through) and when in doubt if something is eligible, please reach out to MSP/EMHSD staff.
- FEMA Program Delivery Manager (PDMG) assignment - please reach out to us if you think you would like a PDMG assigned to guide you through the process.
- Grants Portal updates will allow direct submittal in GP, no downloading, completing and uploading required.
- Divided into schedules.

12

Project Applications

- Do not submit ineligible projects (minimum is \$3,300 will not go through) and when in doubt if something is eligible, **please reach out to us.**
- Program Delivery Manager assignment - please reach out to us if you think you would like a PDMG assigned to you; they are in short supply
- All tasks are now direct entry; navigate through by answering questions and uploading documents where required
- Contact the Grants Portal Hotline with questions
- Grants Portal allow direct submittal in GP, no downloading, completing and uploading required
- It's divided into schedules – NEXT SLIDE

COVID-19 Direct Project Application

Cost	Between \$3,300 and \$131,100 ²	Equal to or greater than \$131,100			
Funding Request Type	Small	Large Expedited	Large Regular		
Work Status	Any	Any	Complete	In-progress	Not started
Cost Basis	Any	Estimated Costs	Actual Costs	Actual Costs & Estimated Costs	Estimated Costs
Cost Schedule A		X			
B			X		
C				X	X
EZ	X				
Work Surveys Large Project			X	X	X
EHP	If needed	If needed	If needed	If needed	If needed

13

Small project minimum is \$3,300
 Small project maximum is \$131,100

Schedule A – Expedited Funding
 Schedule B – Completed Work (Actual Costs) Estimate
 Schedule C – In Progress Work (Actual/Estimated Costs)
 Schedule EZ – Small Project Estimate (<\$131,100)

EXPEDITED PW RISKS

- Documentation must be reconciled by the State and FEMA before additional funds awarded
- Ineligibility of activities, supplies and equipment
- Equipment disposition rules
- Return of funds

COVID-19 Direct Project Application

- 1) Applicant submits project application in Grants Portal.
- 2) FEMA and Recipient review/follow up.
- 3) Applicant is notified project is ready to be awarded.
- 4) Applicant will review, agree to the terms and conditions, and sign to accept the award in Grants Portal.
- 5) FEMA obligates the award.
- 6) Recipient may request additional information before disbursing funds, i.e., Grant Agreements, etc.
- 7) Recipient and Subrecipient work together to monitor, report, and close the subaward.

FEMA COVID-19 Project Application Applicant-Assigned Project Application #

Section I – Project Application Information

Instructions: Applicants must complete this section and should refer to the Public Assistance Grants Portal for the declaration # and FEMA PA code. The Applicant must assign a unique title and number for each project application. This title and number can help the Applicant connect this project application to their accounting or other systems. Any documents attached to this project application should include the project, response number and title.

Declaration #:	Name of Organization Applying:	FEMA PA Code:	Applicant-Assigned Project Application #:
----------------	--------------------------------	---------------	---

Project Application Title:

Continue to Section II – Scope of Work.

Section II – Scope of Work

Instructions: Applicants must complete this section and describe the activities that the Applicant conducted or will conduct in response to COVID-19. For certain activities Applicants must provide additional information in Schedules D and F.

1. DESCRIPTION OF ACTIVITIES

Please provide a brief description of the activities the Applicant conducted or will conduct.

Please select all the activities the Applicant conducted or will conduct:

- Management, control, and reduction of immediate threats to public health and safety
- Emergency operations center activities
- Training
- Facility disinfection
- Technical assistance on emergency management
- Dissemination of information to the public to provide warnings and guidance
- Pre-positioning or movement of supplies, equipment, or other resources
- Purchase and distribution of food, water, or ice
- Purchase and distribution of other commodities
- Security, law enforcement, barricading, and patrolling
- Storage of human remains or mass mortuary services
- Other. Please describe:

15

What happens after submitting the project application?

- FEMA and the Recipient will review the information in the project application and may follow up with limited requests for additional information as part of the process outlined in the **FEMA Fact Sheet Coronavirus (COVID-19) Pandemic: Public Assistance Simplified Application**. After submission:
 - 1) FEMA and the Recipient review the project application and validate information and documentation provided to ensure compliance with all federal laws and regulations. If there are additional questions to evaluate the eligibility of the project application, FEMA and the Recipient will contact the Applicant to discuss. This may include contacting the Applicant by phone, email or through the Public Assistance Grants Portal.
 - 2) Upon completion of these reviews, the Applicant will be notified that funding for their project application is ready to be awarded. The Applicant will be required to review, agree to terms and conditions, and sign to accept the subaward in the Public Assistance Grants Portal.
 - 3) Once the Applicant signs the subaward, FEMA makes funding available to the Recipient for disbursement to the Applicant.
 - 4) Once FEMA obligates and transfers funding for the subaward, the Applicant will become a Subrecipient in the Public Assistance program. The Recipient

may request additional information before disbursing funds to the Subrecipient.

- 5) The Recipient will work directly with the Subrecipient to: monitor and report on the status of the activities, comply with federal and Recipient grant requirements, and close the subaward in accordance with **44 C.F.R. § 206.204-209, 2 C.F.R. Part 200, FEMA's *Public Assistance Program and Policy Guide (PAPPG)*, and FEMA's *Program Management and Grant Closeout SOP*.**

Public Assistance v. Other Federal Programs

- Applicants should determine which source of funding best meets the need.
- If an eligible applicant applies for PA funding and then determines it will instead seek funding from another federal agency, the applicant should notify FEMA as soon as possible.
 - PA should ***not** be considered funding of last resort
 - PA should be considered concurrently with other federal programs and sources
- FEMA has determined that it will not provide reimbursement through the PA program for certain types of work that may be eligible for funding under another agency's authorities.

16

*This has changed since the last briefing in 2020.

An example of work eligible under another agency's authority would be contact tracing.



PUBLIC ASSISTANCE ELIGIBILITY

PUBLIC ASSISTANCE ELIGIBILITY STRUCTURE



18

- **Four basic components of PA eligibility**
- **FEMA refers to these as the building blocks of an eligibility pyramid**
- **Each must be considered eligible beginning from the foundation “Applicant” of the pyramid**
- **All four must be met**

****The Applicant is responsible for providing documentation to support each component.**

APPLICANT ELIGIBILITY

State, Tribal, Territorial and Local Governments

- State Agencies
- Tribes
- Counties, Cities, Townships, and Villages
- Local public authorities
- School districts
- Special districts established under state law

Certain Private Non-Profit Organizations

19

FEMA must determine if the Applicant is eligible before evaluating the Applicant's claim

Many PNPs are applying for direct FEMA assistance for this disaster; however, not all will have eligible work.

[Next slide is more about PNPs]

PRIVATE NON-PROFIT ORGANIZATIONS

Critical Services

Private Non-Profit (PNP) facilities that provide the following critical services are eligible for PA:

- Fire/Emergency Rescue
- Medical Treatment
- Power, Water, and Sewer Utilities
- Communications Systems
- Educational Institutions



20

- Upon submitting an RPA, the PNP must provide documentation substantiating the PNP is a non-revenue producing, nonprofit entity organized or doing business under State law.
- Private entities, including for profit hospitals, restaurants, and businesses are not eligible for assistance from FEMA under Public Assistance. However, state, local, tribal, and territorial government entities may contract with private entities to carry out eligible emergency protective measures. In these cases, FEMA will reimburse the eligible applicant for the cost of eligible work, and the applicant will then pay the private entity for the provision of services.

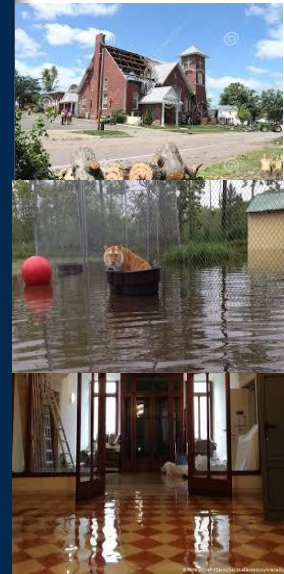
PRIVATE NON-PROFIT ORGANIZATIONS

Essential Services

PNP facilities that provide essential services are eligible for PA:

- Community Centers
- Houses of Worship
- Homeless Shelters
- Custodial Care
- Museums, Libraries, Zoos

Other facilities that provide health and safety services of a government nature



Measures to protect life, public health, and safety are generally the responsibility of state, local, tribal, and territorial governments. In some cases, a government entity may be legally responsible to provide services and enter into an agreement with a PNP to provide those services (e.g., sheltering or food distribution). In these cases, Public Assistance funding is provided to the legally responsible government entity, which then pays the PNP for the cost of providing those services under the agreement.

Due to the limited eligibility of this disaster and only being for Category B, Emergency Protective Measures activities private non-profit organizations cannot directly apply to FEMA unless they are providing an eligible emergency protective measure such as

emergency medical care (hospital/nursing home).

If this was a flood, and the PNP had physical damage to property they own, then they may be eligible to apply direct.

WORK ELIGIBILITY

To be eligible, work must:

- ✓ Required as a result of the declared incident;
- ✓ Located within the designated area; and
- ✓ Legal responsibility of an eligible Applicant.

22

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.

WORK ELIGIBILITY

FEMA may provide assistance for the following Emergency Protective Measures in response to COVID-19:

- ✓ Medical care, per COVID specific policy
- ✓ Purchase and distribution of food, per COVID specific policy
- ✓ Non-congregate medical sheltering, per COVID specific policy
- ✓ Emergency operations center operations
- ✓ Communications to disseminate public health and safety information
- ✓ Mass casualty management
- ✓ Purchase and distribution of PPE



**For more information refer to the FACT SHEET:
*Coronavirus (COVID-19) Pandemic: Work Eligible for Public
Assistance (Interim) FP 104-009-19***

23

FEMA may provide assistance for the following Emergency Protective Measures in accordance with COVID-19 specific policy or subsequent updates for work and activities.

For PPE, funding for stockpiling a supply of eligible PPE is limited to a supply that is projected for up to 60 days from date of purchase.

WORK ELIGIBILITY

Where eligible work is performed:

- Purchase and distribution of face masks
- Temperature scanning in facilities
- Disinfection in accordance with CDC guidance
- Acquisition and installation of temporary physical barriers, such as plexiglass

- Law enforcement and security
- Training and technical assistance
- Reimbursement for OT costs related to eligible emergency protective measures
- Movement of equipment and supplies



**For more information refer to the FACT SHEET:
*Coronavirus (COVID-19) Pandemic: Work Eligible for Public
Assistance (Interim) FP 104-009-19***

VACCINE RELATED ACTIVITIES

- Personal protective equipment (PPE), other equipment, and supplies required for storing, handling, distributing/transporting, and administering COVID-19 vaccines.
- Supplies include emergency medical supplies (for emergency medical care needs that may arise in the administration of the vaccine), sharps containers (for medical waste), and supplies necessary for proper storage like cannisters of liquid nitrogen or dry ice. Transportation support includes refrigerated trucks and transport security when reasonable and necessary.



VACCINE RELATED ACTIVITIES

- Facility support costs, including leasing space for storage and/or administration of vaccines, utilities, maintenance, and security.
- Additional staff if necessary, including medical and support staff not paid for by another funding source, consistent with FEMA PA labor policies (see Chapter 2:V.A. Applicant (Force Account) Labor of the PAPPG(V3.1))
- Training of personnel on vaccine distribution and administration.
- Onsite infection control measures including PPE for staff as well as cloth face coverings for patients, temperature scanners, physical barriers (e.g., plexiglass dividers), and disinfection of the facility in accordance with CDC guidance.

VACCINE RELATED ACTIVITIES

- Emergency medical care associated with vaccine administration (e.g., to address allergic reactions to the vaccine or other emergency medical needs that arise in the administration of the vaccine).
- Medical waste disposal.
- Use of technology to register and track vaccine administration.
- Communications to disseminate public information regarding vaccinations.



FEMA COVID-19 Vaccination Planning FAQ

BILLING AND INSURANCE

- Follow normal billing practices
 - Health Insurance
 - TRICARE
 - Medicare
 - Medicaid
 - CHIP
 - Other Federal Programs

- Certify have not or do not anticipate receiving assistance from other sources

EQUITABLE PANDEMIC RESPONSE AND RECOVERY

As a condition of receiving FEMA PA funding, Recipients and Subrecipients must:

- Focus the use of FEMA funding on the highest-risk communities and underserved populations as determined by established measures of social and economic disadvantage (e.g., the CDC Social Vulnerability Index).
- Prioritize limited resources to ensure an equitable pandemic response. Failure to adhere to this policy could result in funding reductions and/or delays.

EQUITABLE VACCINE ADMINISTRATION



REPORTING REQUIREMENT:

- For all vaccination projects, an Equitable Response and Recovery (ERR) survey is required to be submitted in Grants Portal within 30 days of project obligation and then every 30 days for ongoing work.

Vaccine Administration Information Requirements

Vedder, Tiffany (MSP)

- Social Vulnerability Scores
 - Recipients/Subrecipients must provide for every site
 - Can be CDC Social Vulnerability Index or other, similar score
- Vaccine Administration Strategy:
 - Outreach and Engagement
 - Registration Process
 - Vaccine Site Selection
 - Site Accessibility
 - Evaluation and Continuous Improvement

3
0

EQUITY RESOURCES:

- *Equitable COVID-19 Response and Recovery Recipient and Subrecipient Job Aid*
- Department of Homeland Security's *Civil Rights Evaluation Tool*
- FEMA's *Civil Rights Considerations During COVID-19 Vaccine Distribution Efforts*

COVID-19 Eligible Work – Comparison

		Initial Eligibility	Ongoing Eligibility	Eligibility Under Updated Policies
		Jan. 20, 2020 - Sept. 14, 2020	Sept. 15, 2020 - Jan. 20, 2021	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



FEMA

32

COVID-19 Pandemic Safe Opening and Operation Work Eligible for Public Assistance Interim Policy was released on April 2, 2021, and can be found on FEMA’s COVID-19 Fact Sheets and Guidance web page or on our web site for more details. The policy makes certain activities eligible until September 30, 2021.

[COVID-19 Fact Sheets & Guidance | FEMA.gov](#)

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*



PA ELIGIBLE WORK – COVID-19

Emergency Work

A – Debris Removal

B – Emergency Protective Measures

Permanent Work

C – Road and Bridge Systems

D – Water Control Facilities

E – Public Buildings/Equipment

F – Public Utilities

G – Parks, Recreational, and Other Facilities

34

For COVID-19, work will be Category B, Emergency Protective Measures.

CATEGORY B: EMERGENCY PROTECTIVE MEASURES

Eliminate or lessen immediate threats to:

- lives
- public health
- or safety



35

Emergency Protective Measures are actions take to protect the public at as a whole.

- Eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under the PA program.
- Costs must be directly related to COVID-19 cases. For example, emergency medical care costs related to a non-COVID-19 illness or injury are not eligible.

CATEGORY B: FORCE ACCOUNT LABOR

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	☑	☑

36

Hazard Pay

See [Public Assistance Program and Policy Guide \(PAPPG\)](#), p 23 Labor Policies and p 25 Other

- Must be included in pre-disaster written labor policy
- Only available for essential employees who are called back to duty during administrative leave to perform eligible Emergency Work are eligible if costs
- Only overtime is eligible

Reassigned Employees p 24 PAPPG, v3.1

The Applicant may assign an employee to perform work that is not part of the employee's normal job. For example, a police officer may clear debris. FEMA provides PA funding based on the reassigned employee's normal pay rate, not the pay level appropriate to the work, because the Applicant's incurred cost is the employee's normal pay rate. ***Straight-time of a permanent employee funded from an external source (such as a grant from a Federal agency or statutorily dedicated funds) is eligible if the employee is reassigned to perform eligible Emergency Work that the external source does not fund.*** FEMA must confirm that no duplication of funding exists prior to approval.

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.

37

To be eligible, Costs must be:

- Directly tied to the performance of eligible work;
- Adequately documented;
- Reduced by credits, such as insurance proceeds or salvage value;
- Authorized and not prohibited under Federal, State, Tribal, or local government laws or regulations;
- Consistent with the Applicant's internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Applicant; 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*.

38

- **FEMA determines reasonable cost by evaluating whether: :**
- Cost is of type Generally recognized as ordinary and necessary for the type of work;
- Applicant participated in ethical business practices;
- Exigent or emergency circumstances exists, FEMA evaluates the length of time the circumstances existed compared to the length of time costs were incurred.
- Cost is comparable to current market price (based on historic data, average costs in area, etc.);
- Applicant deviated from its established practices and policies; and
- Applicant complied with procurement requirements.
- Cost compare with other Applicant's project Cost.

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 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*

39

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*



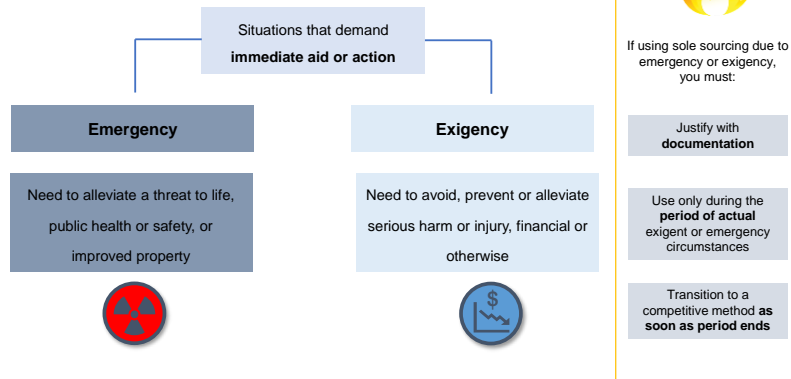
PUBLIC ASSISTANCE ADDITIONAL CONSIDERATIONS

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

Sole-Source Procurement Under E&E



42



For more information, please see the *Fact Sheet: Procurement Under Grants Conducted Under Exigent or Emergency Circumstances*

Exigency or Emergency Circumstance: The public exigency or emergency will not permit a delay resulting from the full and open competition process.

- The use of this exception to full and open competition is limited and only permissible during the period of actual exigency or emergency. Once this period ends, the non-state applicant must transition to a procurement compliant with the requirements of full and open competition.
- Although the terms are often used interchangeably, “exigency” and “emergency” are not necessarily the same.

Emergency: an unexpected and unusually dangerous situation that calls for immediate action or an urgent need for assistance or relief. E.g. threat to life, public health or safety, improved property, and/or some other form of dangerous situation.

- Example: A severed power line remains live and is dangling near an apartment building. If not addressed immediately, this live wire poses a risk of igniting the building on fire or causing bodily harm. The emergency would not extend to repair and restoration of the city’s power lines beyond resolution of this limited dangerous situation.

Exigency: something that is necessary in a particular situation that requires or demands immediate aid or

action.

- Example: Augusta, GA using a noncompetitive procurement in advance of The Masters Golf Tournament to remove debris blocking the roadways. If not removed immediately, the debris threatened to force cancellation of this major economic activity for the region. The exigency only existed up until the day that the tournament started. Full and open competition was required for procurements after the commencement of the tournament.

Procurement Under E&E for COVID-19



March 16, 2020

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



43

Important Considerations while using this exception:

- The applicant needs to document the justification for using the emergency or exigency exception. The justification will be fact-based. Even if procurement by a noncompetitive proposal was necessary initially due to an exigency or emergency, that exception is not indefinite. Once that exigency or emergency ends, the applicant should transition to a competitively awarded contract when competition becomes feasible. Accordingly, it is very important to start PLANNING for one of the other procurement methods as soon as that initial contract is awarded.
- In some cases a state, local, or tribal law allows for the waiver of procurement requirements when an emergency is declared; however, those laws only allow for the waiver of the applicable state, local, or tribal procurement rules. An applicant must still abide by the Federal procurement standards under 2 C.F.R. sections 200.317 through 326.

When does the exigency or emergency exception apply and for how long?

Use of the public exigency or emergency exception *is only permissible during the actual exigent or emergency circumstances*. Exigency or emergency circumstances will vary for each incident, making it difficult to determine in advance or assign a particular time frame when noncompetitive procurements may be warranted. Exigent or emergency circumstances may exist for two days, two weeks, two months, or even longer in some cases. Non-state entities must ensure that work

performed under the noncompetitively procured contracts is specifically related to the exigent or emergency circumstance in effect at the time of procurement. Importantly, because the exception to competitive procurement is available only while the exigent or emergency circumstances exist, non-state entities should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services in order to transition to the competitively procured contracts as soon as the exigent or emergency circumstances cease to exist.

FEMA may review a non-state entity's justification that exigent or emergency circumstances warrant an exception to competitive procurement. If the agency determines that exigent or emergency circumstances did not exist or did not preclude a non-state entity from adhering to competitive procurement requirements, FEMA may disallow all or part of the non-state entity's cost related to the contract or take other actions permitted by statute and regulation. (See 2 C.F.R. § 200.338).

What documentation is required to support the use of the exigency or emergency exception?

While FEMA approval is not required for a non-state entity to use noncompetitive procurement proposals under the emergency or exigency exception, non-state entities must document and provide justification for the use of the exigent or emergency exception. A list of elements that non-state entities may wish to include as part of their written justifications can be found at the end of this Fact Sheet. The justification must be included in the non-state entity's records for each FEMA award, subaward, or project

Non-state entities must comply with the following requirements even when exigent or emergency circumstances exist:

- The non-state entity must complete a cost or price analysis to determine that the cost or price of the contract is fair and reasonable if the contract exceeds or is expected to exceed the Federal simplified acquisition threshold (2 C.F.R. § 200.323(a) and (b)).
- Contracts exceeding the Federal simplified acquisition threshold must include the Federal bonding requirements if the contract is for construction or facility improvement (2 C.F.R. § 200.325).

Procurement Under E&E for COVID-19



March 16, 2020

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



Non-state entities must comply with the following requirements even when exigent or emergency circumstances exist:

- Contracts must include the required contract clauses (2 C.F.R. § 200.326 & Appendix II) (also applicable to states).
- Use of time and materials contracts must comply with 2 C.F.R. § 200.318(j).
- The use of cost-plus-percentage-of-cost contracting is prohibited (2 C.F.R. § 200.323(c)).
- Contracts must be awarded to a responsible contractor (2 C.F.R. § 200.318(h)).
- The non-state entity must follow documentation, oversight, and conflict of interest requirements among other general procurement requirements in 2 C.F.R. § 200.318. If a conflict of interest is unavoidable due to the exigent/emergency circumstances, the non-state entity must explain that in the procurement documentation.

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



45



What if the non-state entity wants to use a pre-awarded or pre-existing contract in an exigency or emergency and that contract does not comply with the Federal procurement requirements?

If a pre-awarded or pre-existing contract is not in compliance with the Federal procurement requirements (e.g., the contract was not fully and openly competed (*see* 2 C.F.R. §§ 200.319, 200.320), the six affirmative socioeconomic contracting steps were not completed (2 C.F.R. § 200.321), there is a conflict of interest involved (2 C.F.R. § 200.318)), it may still be possible to use the contract for the duration of the exigency or emergency. FEMA recommends that non-state entities review the list of procurement requirements above and take actions to modify pre-awarded or pre-existing contracts where applicable. In addition, non-state entities must prepare the appropriate documentation to justify the use of a noncompetitively procured contract.

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*



Insurance proceeds was mentioned earlier in the presentation

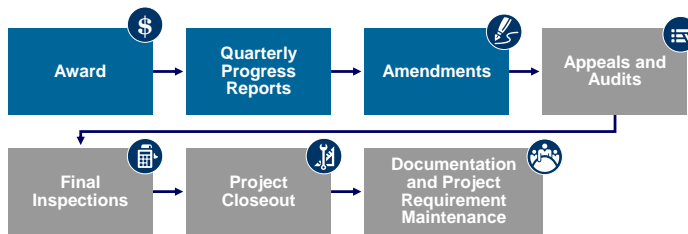


POST-AWARD GRANTS MANAGEMENT

After a Subgrant is Awarded

After an initial subgrant has been awarded and obligated, FEMA will work with the Recipient and Applicant to:

- Ensure federal laws are followed with all documentation and process requirements, and
- Update project information as needed before the grants are closed.



48



- MSP/EMHSD is the Recipient of the grant award and the liaison with FEMA
- Subrecipients are **NOT** to go direct with FEMA

Post award activities:

- Quarterly project reports are required to be submitted to MSP/EMHSD PA staff for all large projects over \$131,100
- Any **amendments** to projects are requested **through the FEMA Grants Portal**; a FEMA job aid can be found in the Grants Portal tools as shown previously in the presentation.
- Subrecipients have the right to appeal any decision of FEMA or the MSP/EMHSD
 - Must submit a written appeal to MSP/EMHSD within 60 days of receiving written notification of FEMA's determination
 - MSP/EMHSD has 60 days to submit to FEMA
 - FEMA has 90 days to provide its final written decision or request additional information
- Both Recipients and Subrecipients are subject to federal and nonfederal audits
- In some cases inspections may be conducted by MSP/EMHSD to ensure scope of work
- Project closeout for Emergency Work projects is to be completed within 6 months of the disaster declaration

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.



FEMA



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.





PUBLIC ASSISTANCE NEXT STEPS

FUTURE COMMUNICATIONS

After FEMA and MSP/EMHSD final project approval:

- FEMA obligates funds to MSP/EMHSD
- Information letter sent to Applicant
 - Grant Agreement
 - Risk Assessment Certification
 - Audit Certification and IRS W-9 Form
 - Quarterly Report Form



NEXT STEPS - APPLICANTS

- Create an account, watch the recovery scoping video, and submit a Request for Public Assistance (RPA) in the **FEMA Grants Portal**.
- Submit a direct project application in the FEMA Grants Portal

*(Videos are available to assist with navigating the **FEMA PA Grants Portal via You Tube** and provide additional information)*

NEXT STEPS - APPLICANTS

- **You will need:**

- ✓ Documentation to Support Costs Claimed
- ✓ **Proof of Payment** to be submitted to MSP/EMHSD
 - Acceptable Proof of Payment includes:
 - Bank copy of canceled check (front and back)
 - Credit card receipt or statement
 - Detailed receipt indicating item, service, date and method of payment
 - Financial institution system-generated report showing outlay of funds

54

Specific documentation listed on the next few slides

NEXT STEPS - APPLICANTS

Force Account Labor

The Applicant should submit the following to support costs claimed (not an all-inclusive list):
Applicant (Force Account) Labor and Prisoner Labor:

For each individual:

- Name
- Job title and function
- Type of employee (i.e., full-time exempt, full-time non-exempt, part-time, temporary, prisoner, etc.)
- Days and hours worked
- Pay rate(s) and fringe benefit rate(s)
- Description of work performed with representative sample of daily logs / activity reports, if available
- Representative sample of timesheets
- Fringe benefit calculations
- Pay policy

NEXT STEPS - APPLICANTS

Equipment and Supplies

Rented or Purchased Equipment:

- Rental or lease agreements, invoices, receipts
- Days used

Supplies from Stock:

- Historical cost records
- Inventory records
- Type of supplies and quantities used, with support documentation such as daily logs

Purchased Supplies:

- Receipts or invoices

NEXT STEPS - APPLICANTS

Contracts and Mutual Aid

Contracts:

- Procurement policy
- Procurement and bid documents
- For procurements in excess of the simplified acquisition threshold, a cost/price analysis
- Contracts, change orders, and invoices
- Dates worked
- For time and materials (T&M) contracts, monitoring documentation

Mutual aid:

- Written agreement
- Services requested and received
- Same information listed for labor, equipment, and supplies above (as applicable)
- Invoices

NEXT STEPS - APPLICANTS

Cost Reasonableness

- Documentation showing current market price for similar goods or services, such as:
 - Historical documentation;
 - Average costs in the area; or
 - Published unit costs from national cost estimating databases.
- Documentation supporting necessity of unique services or extraordinary level of effort
- Documentation supporting shortages, challenging procurement circumstances, and length of time shortages or procurement challenges existed, such as:
 - News stories
 - Supply chain vendor reports

NEXT STEPS – RECIPIENT

MSP/EMHSD:

- Assist Applicants with preparing and submitting project applications in Grants Portal
- Prepare Grant Agreement packages for Subrecipient review and signature when FEMA obligates funding for projects
- Process reimbursements upon receipt of signed Grant Agreements and Project Completion and Certification Reports (P.4)

59

FEMA currently does not have a requirement for the combination or separation of projects

Recommendations on formulation of projects:

- Small dollar amounts can be combined into one Category B project
- Complex, higher dollar amounts – separate out

Upon obligation of a subrecipient's first project, MSP/EMHSD will send out Grant Agreements for signature

FEMA Resources

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

MSP/EMHSD Resources

Other Helpful Resources

- MSP/EMHSD online at https://www.michigan.gov/msp/0,4643,7-123-72297_60152---,00.html
- MSP/EMHSD inbox: MSP-EMHSD-DisasterPA@Michigan.gov



FEMA

60



Grants Portal related instructions are provided in the two guides accompanying this document: *Applicant Quick Guide: Grants Portal Account and Request for Public Assistance* and *Applicant Quick Guide: Grants Portal Account and Request for Public Assistance*.

The Grants Portal, <https://grantee.fema.gov>, is FEMA's system for Recipients and Applicants to apply for Public Assistance funding. Applicants who do not already have accounts should work through their state, tribal, or territorial representative to create one in Grants Portal following the instructions in the Quick Guide.

Submitting a Request for Public Assistance

Requests for Public Assistance (RPAs) are the official mechanism to apply for PA funding. FEMA's regulatory deadline for receipt of RPAs is 30 days from the date the respective area was designated.¹ Due to the extenuating circumstances of this emergency, FEMA has extended the RPA submittal deadline and it will remain open until further notice. FEMA will provide a 30-day notice before imposing the RPA submission deadline. RPAs should be submitted through the Grants Portal system, following instructions in the Quick Guide.

We have extended our internal deadline to May 15

FEMA FACT SHEETS – COVID 19

1. Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim) FP 104-009-19 COVID-19 Floodplain Considerations for Temporary Critical Facilities
2. COVID-19 Medical Care Eligible for Public Assistance (version 2) Interim Policy
3. COVID-19 Pandemic Safe Opening and Operation Work Eligible for Public Assistance Interim Policy
4. FEMA Emergency Non-Congregate Sheltering during the COVID-19 Public Health Emergency (Interim) FP 104-009-18 (version 3)
5. FEMA Fact Sheet: Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

61

A list, not all inclusive, of FEMA policies, guidance and fact sheets for the most frequently asked questions. These can be found on FEMA's COVID-19 web page.

FEMA FACT SHEETS – COVID 19 (CON'T)

5. FEMA COVID-19 Vaccination Planning FAQ
6. Equitable COVID-19 Response and Recovery (Job Aid)
7. Equitable COVID-19 Response and Recovery Template
8. Civil Rights Data Collection Advisory – Feb 2021

[COVID-19 Fact Sheets & Guidance | FEMA.gov](#)

62

A list, not all inclusive, of FEMA policies, guidance and fact sheets for the most frequently asked questions. These can be found on FEMA's COVID-19 web page.

[COVID-19 Fact Sheets & Guidance | FEMA.gov](#)

OTHER PA GUIDANCE

Below is a list of other PA program guidance:

1. 44 C.F.R. § 206.204-209, 2 C.F.R. Part 200
2. [FEMA's Public Assistance Program and Policy Guide \(PAPPG\)](#)
3. [FEMA's Program Management and Grant Closeout SOP](#)
4. [Public Assistance Reasonable Cost Evaluation Job Aid](#)
5. [FEMA Recovery Policy FP 104-11-2, Public Assistance Management Costs](#)
6. [FEMA's Public Assistance Management Costs Standard Operating Procedures](#)



Contact Information

Ms. Tiffany Vedder

State Public Assistance Officer
517-599-5333

veddert@michigan.gov

Ms. Marisela Shellenbarger

Deputy Public Assistance Officer
517-512-9676

shellenbarger@michigan.gov

Sara MacRae, PEM

State Individual Assistance Officer
517-512-4143

macraes@michigan.gov

Public Assistance Mailbox: MSP-EMHSD-DisasterPA@Michigan.gov