



Homeland Security  
and Emergency Services



FEMA

# NYSAC: FEMA Public Assistance for COVID-19, DR-4480



June 30, 2020

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Homeland Security  
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# Overview

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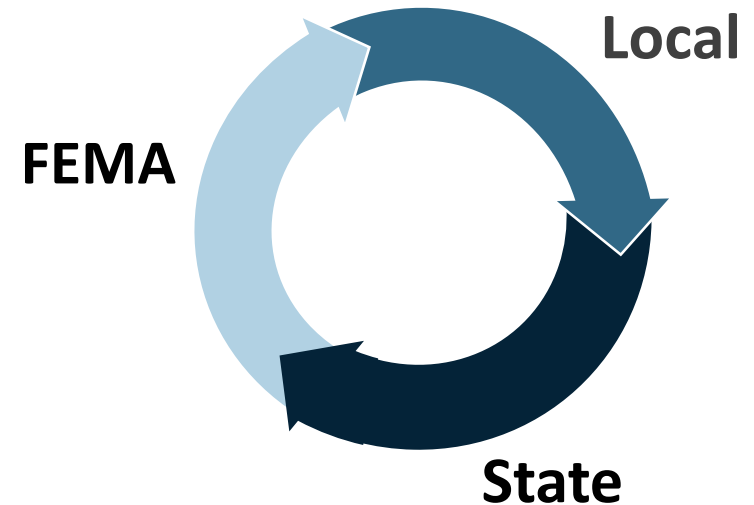
# FEMA-4480-DR-NY

- Declaration Date: **March 20, 2020**
- Incident Period: **January 20, 2020 – TBD**
- This Declaration only covers Emergency Protective Measures



# Public Assistance: Overview

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



# Key Takeaways

- County Applicants
- Eligibility
  - Applicants, work, and costs
- Documentation
  - Invoices, labor, and tracking supplies
  - Critical to maximize reimbursement
- Timelines and Deadlines



## More Detail

- Applicant's Briefings
  - Virtual, every two weeks on Wednesdays
- DHSES Recovery Website
  - Policy, guidance, training
  - <http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>
- DHSES Public Assistance Team
  - [dhSES-PACOV1D-19@dhSES.ny.gov](mailto:dhSES-PACOV1D-19@dhSES.ny.gov)



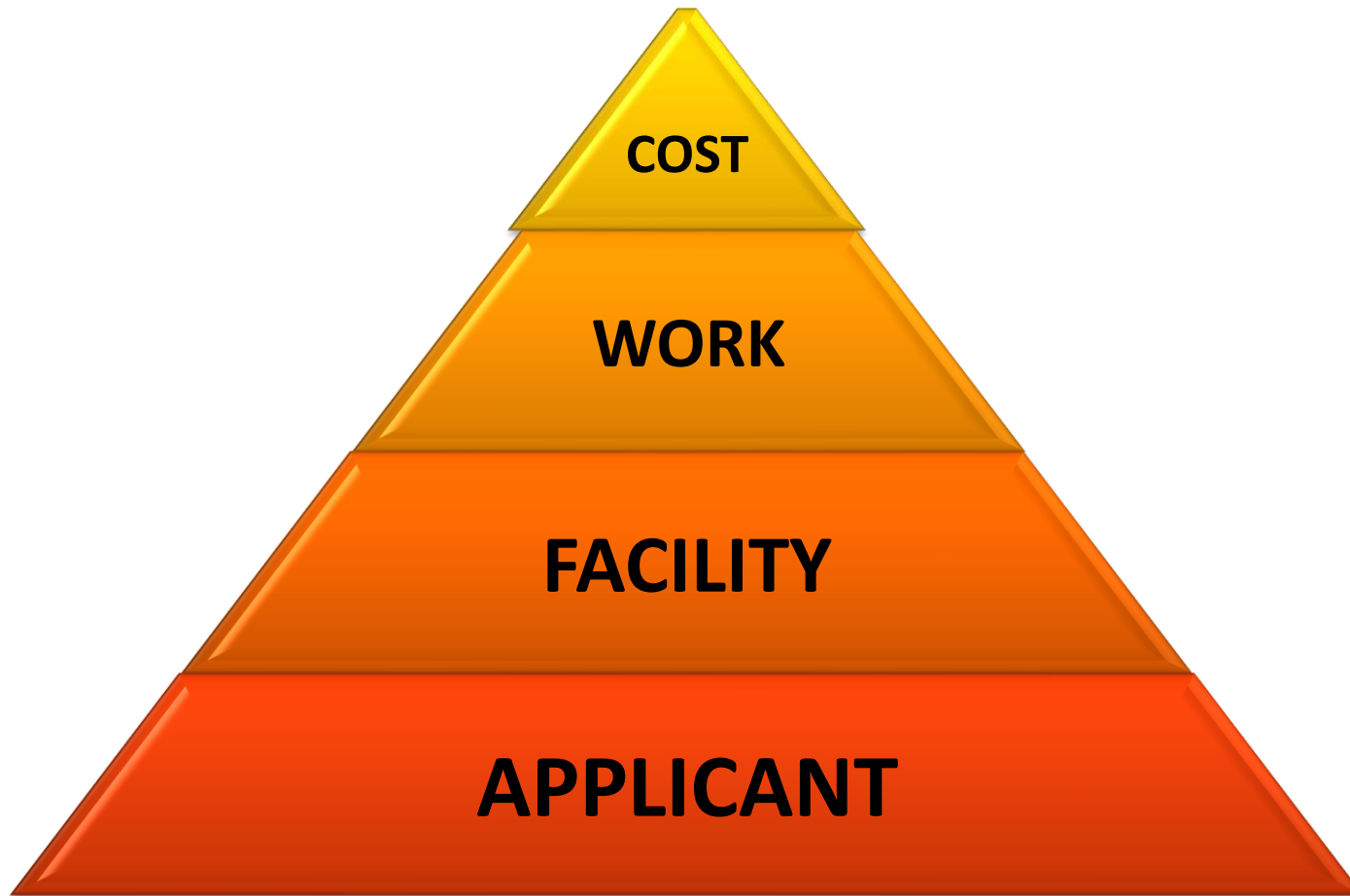
# Eligibility

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# Four 'Tiers' of Eligibility

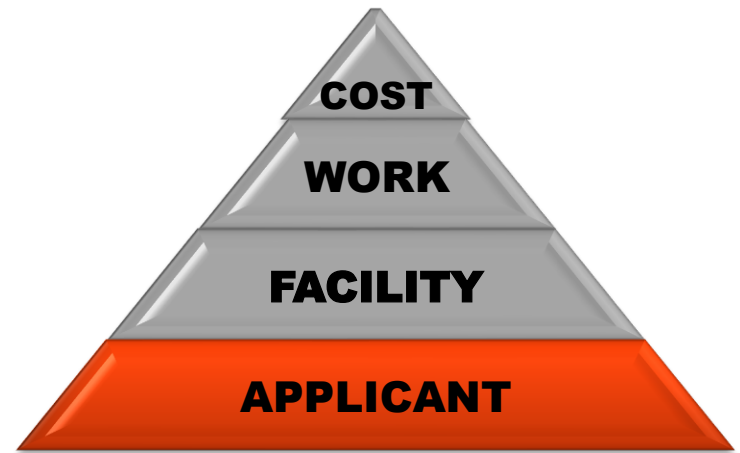


\* All four 'tiers' must be eligible to obtain FEMA funding



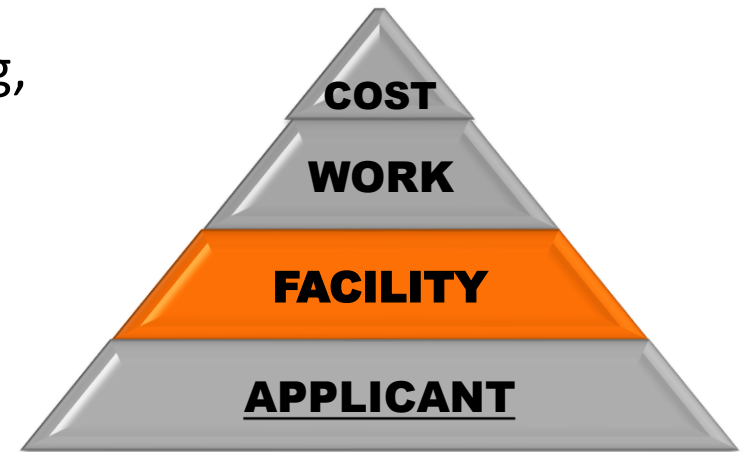
# Eligible Applicants

- **State Agencies:**
  - DOT, DEC, State Police, DMNA, DHSES, etc.
- **Local Governments:**
  - Cities, Counties, Towns, Villages, School Districts, etc.
- **Federally Recognized Native American Nations**
- **Certain Types of Private Nonprofit Organizations**
  - Critical
  - Essential/Non-Critical



# Eligible Facilities

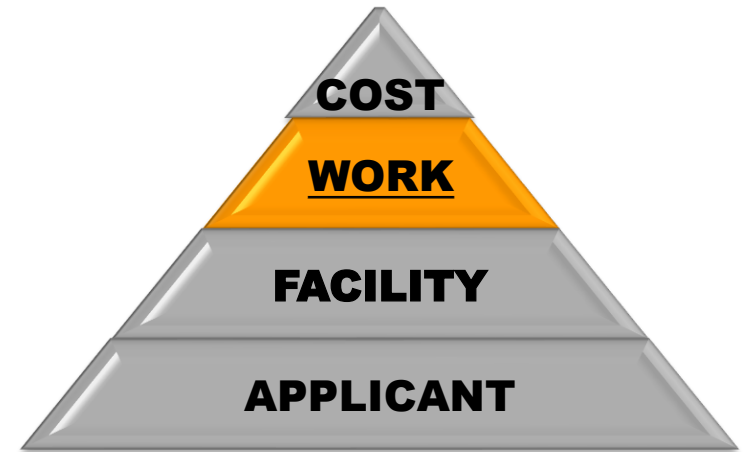
- **Facility:**
  - Any publicly or PNP\* owned building, works, system, or equipment.
- **Facility Requirements:**
  - Damages must be caused by the event.
  - Legal responsibility of the Applicant.
  - Located in a declared county.
  - In active use at the time of the Emergency.
  - Not under authority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



\* To be eligible, a PNP must own or operate a facility that provides an eligible service.

# Eligible Work

- **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. Located in a declared county.
  4. Completed within regulatory time limits.



# Deadline for Completion of Work

- Emergency Protective Measures Deadline for DR 4480:  
**September 20, 2020**
  - 6 months from date of declaration (March 20, 2020)
  - NYS can grant a 6-month extension upon request
  - Further extensions require approval by FEMA



# 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

- **First major disaster for a medical emergency**
- **First instance of applying FEMA Emergency Protective Measures in a major disaster declaration for a pandemic response**
- **Discussions regarding eligible work activities and costs are still very much underway with FEMA**



# Emergency Work

## Category B – Emergency Protective Measures

### County Examples for COVID-19:

- ✓ EOC Operations
- ✓ Disinfecting/Cleaning
- ✓ Non-congregate sheltering
- ✓ Medical supplies & equipment, including PPE
- ✓ Food purchase and delivery
- ✓ COVID-19 Testing
- ✓ Public health information



# DR-4480 Specific Emergency Work Policy Guidance

- FEMA recently released updated policies regarding the Public Assistance program eligibility of several important COVID-19 response and recovery efforts:
  - Medical Care
  - Warm Sites (Alternate Care Sites that are kept minimally operational but need to remain ready and available for future COVID 19 response)
  - Non-Congregate Sheltering
  - Food Purchase and Delivery
- Information on each of these is available on the DHSES Recovery Website



# 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.



# Documentation

- Reimbursement for eligible work and costs is highly dependent upon clear and comprehensive documentation:
  - Force account labor
  - Force account equipment
  - Rental equipment
  - Invoices, receipts
- Strict and thorough accounting of the procurement, distribution and disposition of items purchased, or to be purchased, is also critical



## Tracking and Disposition of Materials

- At the end of the Public Health Emergency, applicants must account for any unused materials funded by FEMA.
- If the market value of all unused materials combined exceeds \$5,000, that market value must be deducted from eligible costs on that project.
- FEMA will accept the Applicant's certification regarding unused materials to close the project, but the Applicant will be required to produce tracking records in the event of an audit.



# Donated Resources

## Volunteer Labor:

- Rate is the same as either similar paid employees within an applicant's organization or, if none, similar work done by a local paid organization. Can also use FEMA rate established for the Disaster.
- Value of Volunteer Labor =  
(Determined Labor Rate) \*  
(Number of Volunteer Hours).

## Donated Resources:

- Credit towards the total local cost share of Emergency work; rate is determined by local rates (if established) or FEMA equipment rates.
- Value of Donated Resources =  
(Determined Equipment Rate) \*  
(Number of Equipment Hours).
- Materials costs based on local quotes.



# Public Assistance Process

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# FEMA's COVID-19 Public Assistance Delivery Model



● Currently at this step of the process

# FEMA's DR 4480 Public Assistance Delivery Model

- Applicants may request an Expedited Project which, if approved by FEMA, can be funded at up to 50% of estimated costs upon obligation.
- FEMA Environmental/Historic Preservation reviews will be expedited for most projects as they are likely to have little to no potential impacts.

# Request for Public Assistance (RPA)

- **Date of Declaration:** March 20, 2020.
- **The deadline to submit RPA's for DR-4480 is 30-days past the date that the incident period for this disaster closes; the incident period is currently open, therefore the deadline is undetermined at this time.**



# Identification of COVID-19 Related Costs and Activities

- Applicants must identify and report damage by either: 60 days from the end of the Public Health Emergency or 60 days from the approval of their RPA, whichever is later.
- For all COVID-19 declarations, Applicants must identify and report damage by submitting Streamlined Project Applications to FEMA via the Grants Portal form.
- Exceptions: Non-congregate sheltering, food purchase and delivery, medical care



# Contracts and Procurement

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



# 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.



# 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.



# Funds Are Lost if Applicants Don't

1. **Ask** questions
2. **Obtain** FEMA *pre-approval* to change scope of work
3. **Follow** procurement procedures
4. **Follow** the Scope of Work in the Project
5. **Meet** PA program deadlines
6. **Keep** complete, clear and accurate records



# Contact Information

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# Key Personnel

**Thomas Von Essen:**

*FEMA Federal Coordinating Officer (FCO)*

**Patrick A. Murphy:**

*Governor's Authorized Representative (GAR)*

*State Coordinating Officer (SCO)*

**Anne Bink:**

*Alternate Governor's Authorized Representative (AGAR)*

**Dan O'Hara:**

*Deputy State Coordinating Officer (DSCO)*

**Andrew Martin:**

*State Public Assistance Chief*

**Kelly Sommerman:**

*DHSES Disaster Assistance Manager (DAM) for DR-4480*

**NYS/FEMA Team****County Emergency Managers**

# NYS DHSES Contact Information

## Recovery Section:

- 1220 Washington Ave, Bldg. 7A, 4<sup>th</sup> Floor Albany, NY 12242
- (518) 292-2293, Fax Number: (518) 322-4984
- [www.dhSES.ny.gov](http://www.dhSES.ny.gov)
- <http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm>
- Email us at [dhSES-PACOV1D-19@dhSES.ny.gov](mailto:dhSES-PACOV1D-19@dhSES.ny.gov)

## After the Joint Field Office Closes Please Contact:

- Disaster Assistance Manager (DAM) Kelly Sommerman



# Ontario County COVID-19 expense tracking

Mary Gates, Director of Finance

# Who is tracking?

- ▶ Because of the many departments involved, the Department of Finance is tracking expenses and various funding options
  - ▶ Emergency Management
  - ▶ Public Health
  - ▶ Mental Health
  - ▶ Social Services
  - ▶ Office for the Aging
  - ▶ Office of the Sheriff
  - ▶ County Fire
  - ▶ Buildings & Grounds

# Why Finance?

- ▶ Multiple funding sources
  - ▶ Don't "double dip"
  - ▶ Funding sources have different qualifying reimbursements
  - ▶ FEMA payer of last resort
- ▶ Maximize revenue to the County
- ▶ Track all claims to ensure we know:
  - ▶ What's received
  - ▶ What's owed
  - ▶ By whom
- ▶ Consistency
  - ▶ Finance will be involved in all audits

# What are we tracking?

- ▶ Equipment Purchases
- ▶ Contracts
- ▶ Volunteers
- ▶ Employee Time
- ▶ Equipment Use
- ▶ Donations

# How are we tracking?

- ▶ Special cost centers within the chart of accounts
  - ▶ Each department purchasing product or contracts has a “CV” cost center to track the expenses
  - ▶ This cost center is also used to track the revenue expected
- ▶ Workorders
  - ▶ Track employee time and Equipment Usage
- ▶ Whatever the departments provide
  - ▶ Public Health has a way that works for them to track volunteers
  - ▶ Emergency Management is keeping track of municipal assistance on spreadsheets
  - ▶ Donations are tracked separately by each department

# Claiming Plans

- ▶ Break FEMA costs into smaller projects
- ▶ Focus on the smaller of those projects first
  - ▶ Low hanging fruit
  - ▶ Claims can be completed and submitted
- ▶ Set up projects by department/activity
  - ▶ Emergency Management
  - ▶ Buildings & Grounds
- ▶ Set up projects based on funding
  - ▶ 100% FEMA eligible
  - ▶ Public Health Grant/FEMA



# FEMA Assistance for COVID-19

## Oswego County: Tracking COVID Expenses for Reimbursement

- Unlike previous emergency events like ice storms, the County recognized early that COVID would cause most departments to incur expenses, so tracking those expenses for FEMA reimbursement would be very cumbersome, especially with reduced staff.
- So, to track COVID-related expenses easier, in March, the Legislature authorized creation of a COVID account line within the Administrator's budget and capitalized it with \$500,000 from unappropriated fund balance.
- Also, the Chairman, by emergency order, increased the Administrator's budget transfer authority from \$10,000 to \$50,000.

# FEMA Assistance for COVID-19

## Oswego County: Tracking COVID Expenses for Reimbursement

- County's Budget Analyst/Auditor was assigned to coordinate with departments' financial staff to ensure all FEMA reimbursable COVID expenses are paid from the COVID account line. He is also the point person for State and FEMA interaction, and responsible for submitting the claims to FEMA, once a FEMA rep is assigned to us.
- To capture all eligible expenses and pay from the COVID account, all county departments were directed to include the key-word "COVID" on all pandemic-related procurement documents (paper or electronic requisitions, credit cards, receipts, etc). If this is missed on the front-end, or if the keyword is missing, audit staff discovers it on the back-end.

# FEMA Assistance for COVID-19

## Oswego County: Tracking COVID Expenses for Reimbursement

- All COVID-related overtime, additional hours, or compensatory time is also noted on timesheets and in the payroll system, so that those expenses are also charged to the COVID account for reimbursement.
- We use the MUNIS financial software system. By using a single account line, all COVID expenses can be printed out in a report for review by Legislature or public, and for FEMA claims.
- Examples of expenses include PPE, personnel costs, technology for remote meeting, accommodations for quarantine/isolation, etc.

# FEMA Assistance for COVID-19

## Oswego County: Tracking COVID Expenses for Reimbursement

- The only COVID expenses not charged to the COVID account are those covered by other grants or CARES Act. Unbudgeted revenues such as these must be accepted by a budget modification Resolution by the Legislature, so they are automatically tracked separately within the department that receives them. This prevents claiming FEMA reimbursement for expenses that are already covered by another source.
- We are currently awaiting a FEMA rep to be assigned to us so we can begin inputting claims.

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