





Hurricane Isaias FEMA-4568-NC

Updated (Lenoir Cty.) Declaration Date: January 25, 2021

PUBLIC ASSISTANCE APPLICANT BRIEFING







Event Details

Resource

- ✓ Public Assistance Program Overview
- ✓ 4 Steps To FEMA Reimbursement
 - **1. REGISTER** in FEMA Grants Portal & EMGrants
 - 2. SUBMIT Registration Documents
 - 3. DOCUMENT Expenses
 - 4. BUILD Projects
- ✓ Public Assistance Alternative Procedures *and* 406 Mitigation for PA projects
- Debris Operations & Monitoring
- Procurement Using Federal Guidelines
- ✓ NCEM Contacts and NCEM/FEMA Resources









Event Details

Hurricane Isaias Specifics





Event Details



- Major Disaster Declaration: FEMA-4568-NC
- Declaration Date: October 14, 2020/Lenoir County January 14, 2021
- Incident Period: July 31 ending on August 4, 2020
- RPA Deadline: November 13, 2020 /Lenoir County February 12, 2021
- Categories of Work: All Emergency (A&B) and Permanent Work (C-G)
- Category Z Please continue to capture your direct and indirect costs





Hurricane Isaias - Cost Thresholds



For all eligible subrecipients of FEMA Public Assistance funding, the damage cost indicators are as follows for disasters declared on or after October 1, 2020:

Countywide Damage Cost Indicators

The FEMA Countywide Per Capita indicator has increased to \$3.89 (up from \$3.84)

Statewide Damage Cost Indicators

The FEMA Statewide indicator has increased to **\$1.55**, which takes the State of North Carolina's PA threshold to **\$14.78M** in disaster-specific damages to qualify for FEMA Public Assistance (up from \$14.3M)

Small Project and Large Project Thresholds

The Small Project/Large Project Threshold is now **\$132,800** (up from \$131,100) Small: Any project that has costs that total 132,800 or less is considered a small project Large: Any project that has costs that total 132,800.01 or greater is considered a large project

Costs to Write a FEMA PA Project

FEMA PA requires at least \$3,320 in damages to write a PA project (up from \$3,300)



Hurricane Isaias - Declared Counties





16 Counties Declared: Beaufort, Bertie, Brunswick, Carteret, Chowan, Columbus, Craven, Hertford, Hyde, Jones, New Hanover, Onslow, Pamlico, Pender, Pitt and Lenoir. Lenoir added on January 14, 2021.





Public Assistance Program and Policy Guide

Version 4, Effective June 1, 2020 (FP 104-009-2)





FEMA Public Assistance Program – Getting Started

Public Assistance Program Overview



FEMA PA Quick Facts



- Public Assistance is a **reimbursement** program that provides federal funding to help communities respond to and recover from disasters
- Applicants must submit **Requests for Public Assistance** (RPAs) within 30 days of the FEMA disaster declaration date
- FEMA and NCEM PA work with applicants to compile their **damage inventory**, a detailed list that may include emergency **work performed** and permanent work to fix disaster-damaged buildings, washed-out roads, downed utilities, schools, hospitals and other infrastructure
- **Government entities and nonprofits** need to submit **documentation** so FEMA can make eligibility determinations to continue moving the **eligible costs** toward **obligation**.

FEMA obligates funds and drops those funds to the state once a project meets all eligibility requirements and NCEM, as Recipient, will pay NC's Subrecipients.



Public Assistance (PA) Program



Provides grants to eligible State and local governments, and certain private non-profits ("Subrecipients") to assist with the cost of responding to and recovering from disasters

The term Applicant and Subrecipient are interchangeable, though technically you are an Applicant until you are approved by FEMA, when you become a Subrecipient of FEMA PA funds.

Governing Laws, Regulations, and Policies

Stafford Act	44 CFR	2 CFR	PA Program & Policy Guide (PAPPG)		
Law	Program Regulations	Procurement Requirements	Policy		



FEMA Public Assistance Program and Policy Guide



Starting the Process: 4 Easy Steps



Steps You Must Take Advance the FEMA Public Assistance Process:



LET'S GET STARTED . . .





Step 1: REGISTER in FEMA Grants Portal & EMGrants

FEMA Grants Portal Registration for FEMA EMGrants Registration for NCEM





What is the FEMA PA Grants Portal?



FEMA Grants Portal is where you work directly with FEMA to build, review and track your PA projects.





All Interested Applicants Should Register



Public Entities include:

- Counties
- Cities
- Public Schools
- Community Colleges
- K 12 Schools & Public Universities
- Private Colleges
- Water and Sewer Authorities
- Airport Authorities
- Public Transportation Authorities
- Public Housing Authorities
- Regional Councils of Government
- Other Political Subdivisions of the State

Private Non-Profits (PNP) include:

- Community Center
- Custodial Care Facility
- Educational or Arts Center
- Emergency Care Facility
- Homeless Shelter
- Library
- Medical Care Facility
- Rehabilitation Facility
- Senior Citizen Center
- Shelter Workshop
- Utilities
- Houses of Worship

- Emergency Services
- Low Income Housing
- Assisted Living
- Child Care
- Day Care (for individuals with disabilities or access and functional needs)
- Food Assistance Programs
- Health and Safety Services
- Animal Control Services
- Domestic Violence Services
- Residential Services for Individuals with Disabilities

Not Sure Your Non-Profit Qualifies? Register Anyway!



Who Is The Applicant?



Private Non-Profits (PNPs):

- <u>ALL</u> PNPs must be tax exempt under Sections 501(c), (d), or (e) of the Internal Revenue Code of 1954, or through the North Carolina Secretary of State
- For Permanent work repairs Non-Critical Non Profits have to apply to the Small Business Administration (SBA) to be eligible for Public Assistance

Units of Government:

- Individual departments <u>will not</u> create their own Organization Profile
 - *Example:* Office of Sheriff is included under County
 - Example: City Public Works
 Department is included under City
 - Example: Individual public school is included under LEA
- Individual departments will submit for reimbursement <u>through their unit of</u> <u>government</u>







Not Registered With FEMA Yet? Here's How To Do It

- 1. If you aren't already registered with FEMA, go to the <u>FEMA Grants Portal</u> to apply.
- 2. Submit a New Registration request. Prepare to **provide all of your organization's ownership information in one sitting** including DUNS and EIN, if applicable.
- FEMA will send you an email letting you know whether or not your organization was deemed eligible for Public Assistance funding.
- 4. Once you are registered in the FEMA Grants Portal for your approved organization, you will be able to **log in and invite** necessary staff and stakeholders to also register.





FEMA Grants Portal - What Happens Next?



- You will receive an email from support.pagrants@fema.gov prompting you to complete your registration with a new password that you choose
- Answer the basic questions about your organization and submit them to FEMA
- Once your organization is approved you will receive another email that will prompt you to log back in and set a security question and password and add any personnel with roles and responsibilities you choose

Invitation Email to the Applicant - #1 Task



Registration in FEMA Grants Portal is <u>One</u> and <u>Done!</u>



Already Registered with FEMA? Review Your FEMA Grants Portal Profile



• Confirm <u>log in</u>

- Any NCEM PA staff can reset your password if needed
- If you already have an NCEM PA Grants Manager, contact your grants manager
- If you do not know your NCEM PA Grants Manager, see map at end of this presentation
- Update <u>personnel</u> information
 - All needed personnel are added
 - Contact information is up to date (email, etc.)
- Ensure all <u>policies</u> are up to date
 - Most recent Insurance Information
 - Most recent Personnel Policy
- <u>PNPs Only</u>: Ensure your PNP documentation is complete & accurate
 - Tax Exempt Certification
 - Articles of Incorporation, Charter, By-Laws, etc.







EMGrants is now NCEM PA's official online system used to manage subrecipient's payments and time-critical requests, providing subrecipients full visibility on each project for each disaster.

Subrecipients can now log into EMGrants to initiate and track: Requests for Reimbursement Time Extension Requests Scope of Work Change Requests Closeout Requests Appeal Requests FEMA-Required Quarterly Reports







EMGrants – Registration #1 Organization, then Staff









Resource

EMGrants – Registration #2



Title:		
Email:		
Phone - Business:	Select One	
Is Direct Line:	Create New Applicant Organization 28777 (Statewide County) A Helping Hand (Durham County) Aberdeen, Town Of (Moore County) Acme-Delco-Riegelwood Fire-Rescue, Inc. (Columbus County)	Yo
Phone - Fax:	Adkin High School Alumni And Friends, Inc. (Lenoir County) Adult Center for Enrichment, The (DBA Well-Spring's Solutions) (Guilford County) Adult Life Programs, Inc. (Catawba County)	or
Phone - Cell:	ADVANCED HOME CARE (Wake County) AdventHealth Hendersonville (Henderson County) Adventist Health System Sunbelt Healthcare Corporation (Henderson County)	the an
Request Type:	Ahoskie, Town Of (Hertford County) Alamance Community College (Alamance County) Alamance County (Alamance County) Alamance, Village of (Alamance County)	sta
Please select your user type:	Albemarle Downtown Development Corporation (Stanly County) Albemarle, The City of (Stanly County) Albermarle EMC (Perquimans County)	or
Applicant Organization:	Aldersgate United Methodist Retirement Community, Inc. (Mecklenburg County)	
	If your specific Applicant Organization does not appear on the list, please select "Create New Applicant Organization" and fill in the required fields.	
Requested Permission Level:	Select One	

You'll set up your organization first, then add yourself and necessary staff to that organization

Questions? Contact your NCEM PA Grants Manager or Team Lead



Access to both the **FEMA Grants Portal** and **EMGrants** is essential for successful project management and cost reimbursement.

FEMA Grants Portal: Use this online portal to build your PA projects, submit projects & costs, stay on top of FEMA's activities and track your events and project statuses.

- Must be registered
- Submit your projects
- Submit your costs
- Review project activities

EMGrants: Payment Management and Deadline-Specific Task Requests Use this online portal to request payments and various actions that operate using strict FEMA-defined timelines and include:

• Get Paid

- Time Extension Requests
 - Scope Change Requests
- Project Closeout Requests





Step 2: SUBMIT Disaster Documents

<u>Required</u> by the State and FEMA





Required Registration Documents FEMA and NCEM



Disaster Event Documents - Required	How to Submit							
1. Request for Public Assistance (RPA)	Complete in FEMA Grants Portal							
2. Funding Agreement - State-Applicant Disaster Assistance Agreement (SAA) and Designation of Applicant's Agent (DAA)	Complete in EMGrants for NCEM							
The Funding Agreement in EMGrants contains everything needed to begin receiving reimbursement from NCEM, as long as <u>your W-9</u> is also up to date with NCEM PA.								

The FEMA RPA & the NCEM Funding Agreement are both required for <u>each disaster event</u>.

FEMA Grants Portal



EMGrants





FEMA Grants Portal: Request for Public Assistance (RPA)



What Is The RPA?	Subrecipients must submit their stated interest to participate in the FEMA PA program. You'll do this via FEMA Grants Portal for each federal disaster event.
Where Do I Get It?	<u>Only</u> available through the FEMA Grants Portal – need to Include DUNS, EIN & FEMA FIPS number (<i>if FIPS is available</i>) (To get a DUNS number: <u>https://www.dnb.com/duns-number.html</u>)
How Do I Submit This RPA?	Submit through the FEMA Grants Portal Don't wait! Deadline: 30-days from your county's declaration date

Once your RPA is approved, NCEM PA or FEMA will be in touch to guide you through the reimbursement process and answer specific expense eligibility questions.



Questions? Contact your NCEM PA Grants Manager or Team Lead



Additional RPA Documentation *Required for Private Nonprofits*



Private Nonprofits must submit additional info for their RPA:

- 1. Tax Exemption Certification documentation:
 - IRS Letter showing 501 (c),(d) or (e) status, or
 - NC Secretary of State Tax Exempt Letter
- 2. Proof of Ownership (deed) or Legal Responsibility (lease)
- 3. Corporate Documents: Articles of Incorporation, Charter, By-Laws, etc.
- 4. Accreditation (for private educational organizations only)

FEMA PA is not available to private companies or for-profit corporations or other for-profit entities



NCEM EMGrants Funding Agreement #1: State-Applicant Disaster Assistance Agreement (SAA)



Contract between State and Applicant that authorizes reimbursement payments, located as part of your Funding Agreement.

Where Do I Get It?

What Is The SAA?

In EMGrants, inside the Funding Agreement, after you log in. You must have submitted your RPA in the FEMA Grants Portal to get in to EMGrants. *Include your Federal Tax I.D.*

How Do I Submit It?

Within EMGrants, which will now serve as a storage location for documents related to funding from NCEM.



NCEM EMGrants: Funding Agreement #2 Designation of Applicant's Agent (DAA)



What Is The DAA?

Designates organization's agents who will be the primary and secondary contacts for the Applicant

Where Do I Get It?

The DAA is also waiting for you in the Funding Agreement portion of EMGrants. You'll be prompted throughout the process.

How Do I Submit It?

Within EMGrants, which will serve as a storage location for documents related to funding from NCEM.

Questions about submitting your RPA or your NCEM Funding Agreement? Contact your Grants Manager.



What Happens Next?



- After your RPA is approved, you will be assigned an NCEM PA grants manager
- FEMA and NCEM will each assign you a primary point-of-contact
- Your FEMA and NCEM contacts will reach out to you soon after your RPA is approved by FEMA

 Document your expenses so you will be ready to start applying for reimbursement

You don't have to submit expenses to complete the registration process – go ahead and register now!





Audit Requirements



	Federal Single Audit Requirement (2 CFR § 200.500(a))	State Single Audit Requirement				
Expenditures in a fiscal year	\$750,000 or more in federal awards	\$500,000 or more in state awards				
Applies to	All non-Federal entities (state, local government, PNP)	Local governments and public authorities				
Timing of single audit	When annual financial audit is conducted	When annual financial audit is conducted				

- Discuss these requirements with your local auditor to determine the type of audit your organization must have.
- When your audit is complete, upload a copy to your home page in EMGrants and notify your NCEM PA Grants Manager.



Registration/Disaster Documents Process Recap











DOCUMENT the Work

Document Your Activities and Expenses Thoroughly for FEMA Reimbursement







The four basic components of PA eligibility are_

Scenario 1: Town of Anyplace is using an office building as a storage facility at the time of a Hurricane that caused damage to the building including lighting, wall and floor finishes.

- 1. Will FEMA restore the office building to pre-disaster condition?
- 2. Any of the items typical to an office building such as lighting, walls and floor finishes will be eligible expenses. True/False.





Types of Costs



- Force Account Labor
- Force Account Equipment
- Materials
- Contract Work
- Rented Equipment

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Document Expenses Now→ Summary Records Templates

FEMA Grants Portal:

Support Center-Resources Tab provides examples

Or find them at: ✓ <u>FEMA Library</u>





Confused about FEMA forms? Create excel spreadsheet to track expenses – FEMA or NCEM PA staff will help you after you have completed registration!



Force Account Labor



Reimbursement for personnel expenses

- Category B: <u>overtime</u> only
- Fringe benefits are eligible
- Overtime is paid based on personnel policy
- Reassigned employees paid at their regular rate of pay
- Temporary employees are also eligible for overtime and regular time

Provide a copy of current personnel policy and a sample of your actual time sheets





Force Account Labor – Personnel Policies



For overtime/hazard duty pay to be eligible for FEMA reimbursement, personnel policies:

- Must be adopted in writing prior to the date of the event (*for this event, prior to July 31, 2020*)
- Cannot make award of overtime discretionary
 Ex: "The Board may, in its discretion, award overtime pay" will not be reimbursable
- 3. Cannot make overtime rate higher in a federally declared disaster than in a nonfederally declared disaster
- 4. Cannot make award of overtime contingent on receipt of federal funds
 - "In the event of a federally declared disaster, overtime will be paid."
 - "Overtime will be awarded subject to FEMA reimbursement."



Force Account Equipment



- Reimbursement for use of applicant-owned equipment
- Examples: Law enforcement and first responder vehicles, pickups, mobile command trailers, generators
- Equipment rates:
 - 1. Use State/Local rates, or
 - 2. FEMA Schedule of Equipment Rates







Materials



Reimbursement for materials and supplies

- Newly purchased for disaster
- Taken from applicant's inventory

Keep all invoices, receipts, inventory control registers, maintenance records, etc.





Rented Equipment



- Reimbursement for rental equipment
- Examples: Forklifts, Pumps, Generators, Lifts, etc.

Keep your rental agreement and retain receipts to validate rented equipment costs







- Reimbursement for hiring outside contractors to perform eligible emergency protective measures work
- Temporary employees on your payroll are not contractors they are force account labor
- Check for debarred contractors (EPLS)



- Resource Vwww.sam.gov Excluded Parties List System
 - Document your procurement process for all contracts
 - Upload your local procurement policy in the Grants Portal



Duplication of Benefits



- FEMA will not reimburse for expenses paid for with any other funding sources, including insurance payments, bank loans, or state grants
- Keep track of ALL expenses, <u>and</u>
- Keep track of which expenses have been paid for with other funds
- Document insurance payments for property damages
- Be prepared to demonstrate no duplication of benefits if requested by FEMA









BUILD Your Projects

Submit your expenses in FEMA Grants Portal









Project Minimum: \$3,320 Small Project Threshold: \$132,800

Small Projects – paid on estimates and do not need supporting documentation submitted to FEMA or NCEM (the exception is insurance proceeds)

Large Projects – paid on actual costs/invoices or a fixed-cost offer from FEMA <u>plus</u> all supporting documentation, including insurance, loans, or other grants

Expedited Large Projects – paid at 50% up front, then remainder paid with supporting documentation



Basic Elements of Eligibility and Overall Responsibilities

Understanding the Public Assistance Responsibilities

FEMA	Recipient (State)	Subrecipient (Applicant)
 Coordinates with all Federal, State, Local agencies Establishes Joint Field Office Collects project and cost data Approves grants and obligates funds Provides Technical Assistance 	 Educates subrecipients Works with FEMA to manage Public Assistance Program Collects project and cost data Disburses grants to applicants (Ex: Community, county, local public entity) Monitors and manages use of grants by subrecipients 	 Requests assistance Identifies damaged facilities Provides information to support request Maintains accurate documentation Performs necessary work (repairs, debris, etc.)

FEMA, the State/Recipient, and Subrecipients have specifically denoted responsibilities throughout the lifetime of any one federal disaster declaration involving FEMA funding.



FEMA must determine that each building block is legally eligible, starting at the foundation with the Applicant working up toward cost to ensure full eligibility.



The Four Basic Elements of Eligibility



<u>Applicant</u>: State, Local, Tribal, Territorial governments, and certain types of private nonprofit organizations (PNPs) are eligible Applicants for Public Assistance.

• The Applicant is responsible for demonstrating that each component of the pyramid is eligible by providing supporting documentation.

Facility: Facilities must be owned and/or managed by the State, Local, Tribal, Territorial governments or PNP's that have legal responsibility to make repairs. Facilities must have been active and operational at the start of the incident period.

• A facility (culvert, roof, playground, laboratory) that has not been maintained may be deemed ineligible by FEMA due to deferred maintenance issues. FEMA regularly reviews maintenance records to qualify damage costs on hard-hit facilities.



The Four Basic Elements of Eligibility



<u>Work</u>: Must be required to repair and restore a facility to its pre-disaster condition as a direct result of a declared incident and performed within the designated disaster area.

- Must restore the damaged facility to its pre-disaster design and function, including
 applicable & required codes and standards, and any identified eligible mitigation measures.
- There are options if a facility has

<u>**Cost</u>:** To be eligible for reimbursement under the Public Assistance Program, costs must be directly tied to the performance of eligible work. Work must also be deemed "necessary and reasonable" to accomplish the work properly and efficiently.</u>

- Must be compliant with Federal, State and local requirements for procurement.
- Reduced by all applicable credits, such as insurance proceeds and salvage values.







- Costs must be incurred by an <u>eligible applicant</u>
- Damage costs must be a <u>direct result</u> of the disaster event
- The applicant must be <u>within the designated area</u> (county/tribal nation) covered under the declaration
- The facility or facilities must be under the <u>documented</u>, legal responsibility of the applicant
- The costs requested for reimbursement must be <u>reasonable and necessary</u>
- Emergency work (Category B only) addresses an <u>immediate, short-term</u> threat.
- Please get to know your GM and Team Lead for your region: western, central and eastern, and your county Emergency Management teams

For now - document, document, document everything!



Critical vs. Non-Critical PNP's



PNPs must provide a ruling letter that they have been granted tax exempt status by:

- The IRS as a 501(c), (d), or (e) of the Internal Revenue Code of 1954 or
- The State of North Carolina as a non-revenue producing organization doing business under state law.

Non-critical private nonprofits **must** apply for a disaster loan from the **Small Business Administration**. The determination letter from the SBA must be uploaded to FEMA Grants Portal.

Non-Critical but Essential PNP's Include:

Senior citizen and community centers, houses of worship, custodial and day care services, assisted living and low-income housing, homeless shelters and rehabilitation services, performing or community arts centers, libraries, zoos and museums.

Critical PNP's Include:

Hospitals and other medical treatment facilities; utilities, including water, sewer and electrical systems; nursing homes; private schools that provide elementary or secondary education; emergency services and institutions of higher education.



FEMA Public Assistance Categories of Work



Emergency Work (Categories A & B)



- Subrecipients have six (6) months from declaration date to complete all emergency protective measures
- Category A Debris Removal: Both Regular & Overtime are eligible
- Category B Emergency Protective Measures: Only Overtime is Eligible
- NCEM, as Recipient, can grant an additional six months to the timeline – subrecipient must submit request.

Temporary Facilities may also be eligible for PA when services provided by public, Tribal and PNPs are disrupted due to a major emergency or disaster event.



FEMA Public Assistance Categories of Work





Permanent Work (Categories C, D, E, F & G)

- Subrecipients have 18 months from Declaration Date to complete Permanent Work
- > Overtime and Regular Time Labor Costs are eligible
- Time extensions up to an additional 30 months may be granted by NCEM for permanent work. All extension requests must be submitted to the NCEM Public Assistance team using EMGrants.

UNC SOG/NCEM Personnel Policy Guidance



Work or Activity Timelines





Time Extension Requests

"Based on extenuating circumstances or unusual project requirements beyond the control of the subrecipient, <u>the Recipient (NCEM) may extend the deadlines</u> for an additional 6 months for debris clearance and emergency work and an additional 30 months, **on a project by project basis for permanent work**."



Requests for time extensions **beyond the recipient's authority** shall be submitted by the recipient to the <u>(FEMA) Regional Administrator</u> and shall include the following: (1) The dates and provisions of all previous time extensions on the project; and (2) A detailed justification for the delay and a projected completion date.

NCEM Approves





Management Costs (Category Z) – subrecipients and recipients of FEMA PA funds may be reimbursed <u>up to 5%</u>* of their total eligible work costs to assist with disaster recovery.

Category Z projects require Quarterly Reporting for both small and large projects.

Examples of indirect and direct costs include, but are not limited to:

- Attending a FEMA or NCEM webinar or training related to the disaster
- Evaluation of hazard mitigation measures for a specific PA project
- Collection, copying, filing, or submittal of documents to support the project
- Staff or temp employee salaries for performing activities above, and project-specific activities like quarterly reporting, closeout process, writing time extension letters)

*5% cap calculated based on final actual eligible project costs, including Federal and non-Federal cost shares, after insurance and any other reductions.

Resource







FEMA PA - Small and Large Projects

Project Minimum: \$3,320 Small Project Threshold: \$132,800

*FEMA requires <u>at least \$3,320 in direct damage costs</u> to write a PA project

A <u>small</u> project is eligible work, either emergency or permanent, that for FY 2020 falls between \$3,320 to \$132,800.

- The federal cost share is paid upon approval
- Funding is based on a reasonable estimate Certification of project completion is required
- You are not required to upload documentation; but you do need to keep it!
- Your small project may be chosen for random validation by FEMA or NCEM in the future

Large projects are based on actual costs to complete the eligible scope of work (or a FEMA "fixed cost offer") above \$132,800.

- Federal cost share is paid as work is accomplished or completed or upon agreement of a "fixed-cost offer"
- Final assistance for permanent work is based upon actual costs or an estimate using approved cost estimating tools
- All documentation must be uploaded to EMGrants and formal EMGrants Closeout requests are required





- Intention is to reduce the documentation burden on the Applicant
- Only Eligible for <u>small</u> Category B-G <u>completed</u> work projects
- FEMA develops projects based on the certification and cost summaries provided
- By submitting a project to FEMA, the Recipient (NCEM) is certifying that all costs reported on that project were incurred for work that was performed in compliance with FEMA laws, regulations, policy and guidance

Not applicable to Cat A/Debris projects







There are activities are **required** for your projects and payments to move forward, <u>specifically</u>:

- **1)** Funding Agreement = SAA, DAA and W-9 (*if W-9 not already on file*)
- **2) Proper documentation** must be uploaded in EMGrants as well as FEMA Grants Portal (drag and drop works)
- 3) <u>FEMA-required Quarterly Reports for projects</u> must be submitted at the project level in EMGrants
- 4) Large Project Request for Reimbursement (RFRs), Time Extension Requests and Appeals must be initiated by you in EMGrants for the process to begin





ALTERNATIVE PROJECTS & MITIGATION FOR PA PROJECTS

Building Back Smarter



Alternative Procedures aka 428



For Permanent Work (Large Projects Only)

- Allows grants based on fixed estimates (also called fixed-cost or capped projects.)
- Subrecipient accepts responsibility for actual cost over-runs above estimate; applicant can use excess funds for FEMA-approved purpose.
- Consolidation of multiple permanent work PW's across categories.
- 406 Hazard Mitigation funding can be included in fixed amount.







Alternative Procedures aka 428



All large projects now receive a fixed-cost offer from FEMA

- You have 30 days to accept or reject this fixed-cost offer.
- If you do not accept, your project will revert to a standard project.
- You have 18 months to identify a project that FEMA will accept.

About the 50% Rule (aka Repair vs. Replacement)

If you have eligible **facility or facilities** that have been **substantially damaged**, especially those facilities that have been **repetitively damaged** by the same type of disaster event, please talk with FEMA during the **project development process** to see if your organization will quality for **additional mitigation** measures. - *44 CFR Section 206.226 (d)(1)*



406 Hazard Mitigation for PA Projects



FEMA considers PA project mitigation measures to be cost effective if **any** of the following criteria are met:

1) Cost for the mitigation does not exceed 15 percent of the total eligible repair cost of the facility or facilities for which the mitigation measure applies.

2) Mitigation measure is specifically listed in Appendix J: Cost-Effective Hazard Mitigation Measures, AND the cost of the mitigation measure does not exceed 100 percent of the eligible repair cost

3) Subrecipient can demonstrate through an acceptable benefit-cost analysis (BCA) method that the measure is cost-effective. Many mitigation measures that do not meet the first two requirements above prove to be cost effective based on a BCA.





<u>Appendix J – from the FEMA PAPPG</u>, page 242



Is this 404 Mitigation or 406 Mitigation?



404/HMGP - an NCEM-run program

- Separate HMGP program run by NCEM's HM Team
- Structural measures & non-structural measures (such as planning, property acquisition, drainage projects)
- Not necessarily disaster-specific
- Often about residential mitigation measures, but also infrastructure with the BRIC program
- Applies throughout the state in most disasters
- Key purpose of HMGP is to ensure that the opportunity to take critical mitigation measures to reduce the risk to life & property





406/PA – a FEMA-run program

- Implemented through the FEMA PA Program
- Structural Measures directly related to the project
- Must apply to damaged elements of the facility for the current federally-declared disaster
- <u>Always</u> about infrastructure projects for units of government and certain eligible private non-profits
- Funding is based on a project-by-project evaluation for cost effectiveness and other requirements per the FEMA PAPPG
- Codes and standards are not considered mitigation



FEMA PA/406 Mitigation Buildings







FEMA PA/406 Mitigation Buildings





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FEMA PA/406 Mitigation Drainage / Crossings





Jacksonville, NC

FEMA PA/406 Mitigation Sanitary and Sewer Systems

For example: Access covers, Sewer lines, and Pump stations.





After a PA project written with 406/HM:

The well site was relocated. Reconstruction of well head and controls above 100-year flood elevation. Area cleared to prevent any trees from falling on well head controls.



FEMA PA/406 Mitigation Bridges



For example: Low span bridges & Restraining cables on bridges







DEBRIS

Debris Operations & Debris Monitoring





Phases of Debris Operations



Phase I (Response)

Clearing debris that hinders immediate life-saving actions and poses an immediate threat to public health and safety ("Cut & Shove")

*Any roads or road system



Phase II (Recovery)

Removal & disposal of debris that hinders the orderly recovery of the community and poses less immediate threats to health and safety

*Legal responsibility for road/ right-of-way





Road Systems: State/Federal

- Federal: US & NC routes (e.g., US64, NC12)
- State: SR routes (e.g., SR1234)
- Generally the responsibility of NCDOT
- Local government may be eligible if MOA w/ NCDOT is activated
- Important to coordinate with NCDOT if local government intends to remove debris (Phase II)

Road Systems: Local/Municipal

 Debris removal is responsibility of local government that owns or maintains road system



Debris Site & Documentation Considerations



Debris Management Sites

- Pre-Disaster Needs
 - Identify Debris Management Site (DMS) locations with NCDEQ, Solid Waste
 - Get Conditional Approval in advance for potential use
- Be certain to Permit and Activate
- Be certain to request formal activation of site before using the site

Reimbursement Documentation

- Provide a copy of permit ("DS-Number") to FEMA to put in projects
- DMS's are temporary & must be cleared/closed within 6 months of receipt of first disaster debris
 - Do you need to request a time extension through EMGrants?
- FEMA PA now allows applicants to be reimbursed for straight time labor




Debris Monitoring



- Applicants must monitor for eligible debris locations & quantities removed
 - ✓ Use Force Account labor/staff, temporary hires, or contract
 - Monitor at all pick-up, reduction and disposal locations
 - ✓ Document eligible pick-up locations, permit info and who managed what
 - ✓ Document quantities with normal units of measurement (cubic yards or tonnage)
- Use a recommended load ticket system to quantify each load & track from point of pickup to Debris Management Site (DMS) or landfill, quantities reduced at DMS, and loads hauled from DMS to final disposal
- Monitor in tower at DMS to quantify loads coming in & verify trucks are empty upon departure from DMS
- Be sure to monitor your monitors (if using contract monitors)





NEW - Statewide Debris Contract for Local Governments and State Agencies



NCEM has procured debris operations and debris monitoring firms to manage local government and state agency disaster debris.

This is a voluntary program in place to benefit certain units of NC government.

Please contact your <u>NCEM PA Grants Manager or Team Lead</u> for more information.

You can also email <u>debris@ncem.org</u> and one of the NCEM PA Debris Team will get with you.

- Contracts are prepositioned by geographic regions (<u>see Map</u>).
- Primary, secondary and tertiary contracts for debris removal and monitoring have been awarded in each region.
- Contractors are required to provide bonds to secure their performance.

All units of local government and state agencies are eligible to activate the contracts in any type of disaster.



More About NCEM Debris Contract for Local Govt's and State Agencies

Resource



Eligible Debris Examples



- Downed trees, hanging limbs, stumps, upturned root balls
- Sand, mud, rocks, soil
- Building components glass, metal, roofing material, tile, gypsum board
- Dead animals, medical instruments
- Household appliances and electronic equipment





Ineligible Debris Examples



- Debris on vacant lots, forests, heavily wooded areas, unimproved property, unused areas and farmland
- Debris on commercial properties and industrial parks
- Reconstruction or new construction debris
- Normal household garbage

- Removal of underground structures, wells, tanks, septic systems, basements, pipe, storm shelters, swimming pools
- Removal of driveways, concrete pads, slabs, foundations
- ✓ Demolition of commercial structures

Private (but <u>ungated and accessible</u>) communities with debris that has been determined to be in the public interest by FEMA must still <u>must be</u> <u>the applicant's legal responsibility</u>



Top Disaster Debris Issues



- Improper procurement of debris contractors
- Improper contracts and unit costs for debris ops
- Insufficient or no monitoring
- No documented debris estimates
- Ineligible sole source (ex: extending beyond emergency circumstances)

- Failure to comply with environmental or historical requirements
- Failure to ensure proper permitting is in place for debris sites
- Incorrect contacts for necessary staff at other agencies
- Poorly organized debris response







Procurement Requirements

Federal Procurement Requirements for FEMA Reimbursement





- Federal Uniform Guidance procurement requirements apply to FEMA Public Assistance grant funds (2 CFR Part 200; §§200.317-326)
- Requirements apply to all local governments and nonprofits that use federal funds to pay for contract costs
- Failure to comply with procurement requirements <u>most common</u> reason for reimbursement denial of eligible expenses



Funding	
O Obligated Funds	
🖲 Deobligate Funds	
🔿 No Change to Fundi	ng



Which Set of Rules Do You Follow?



"The non-Federal entity must use its own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, <u>provided that</u> <u>the procurements conform to applicable Federal law and the standards identified</u> <u>in this part.</u>" 2 CFR § 200.318(a)





Basic Federal Procurement Requirements



- 1. Ensure <u>full</u> & <u>open</u> competition
- 2. Document procurement process
 - Written procurement policies required
- 3. Award contract to <u>lowest responsive</u> <u>responsible</u> bidder
 - Must justify why low bidder not awarded contract (deemed not responsive or not responsible)
- 4. Exceptions very limited
- 5. Cost-plus contracts prohibited; Time & Materials contracts limited
 - Bonds required for construction contracts costing \$250,000 or more

- 6. Include all federal contract provisions
- 7. Solicit MWBE/HUB participation
- 8. Avoid conflicts of interest and accepting gifts from contractors
 - Written conflicts of interest policies required
- 9. Geographic preferences prohibited
- 10. Costs must be reasonable
 - Independent cost-price analysis required for contracts costing \$250,000 or more





Purchase Contracts







Service Contracts Sealed Competitive Competitive Sealed Bidding Bidding (RFP) **Cost of Contract** \$250,000 No Method \$90,000 Required Small Purchase Small Purchase \$30,000 \$10,000 \$0 State Law Federal 2 CFR **Most Restrictive**





Construction and Repair Contracts





N×C



MWBE Participation



- Applies to <u>All</u> Contracts regardless of type above micro-purchase threshold (\$10,000)
- Requires 6 specific solicitation steps (Federal Uniform Guidance steps similar to state HUB good faith efforts for construction contracts)
- Local government must document their compliance with MWBE solicitation requirements
- State HUB requirements also apply to construction contracts involving a building

To assist with this requirement, post your RFP's on:



<u>https://ncadmin.nc.gov/businesses/historically-underutilized-businesses-hub/submit-contractor-bid-opportunity-hub</u>



Time/Materials and Cost-Plus Contracts



Time & Materials

Only allowed under <u>very specific</u> conditions:

- 1. For a reasonable time during circumstances where clear scope of work (SOW) cannot be defined
- 2. When <u>no other</u> possible alternative exists
- 3. <u>Must</u> set a ceiling price that the contractor exceeds at its own risk ("not-to-exceed" contract price)
- 4. Work must be bid when SOW can be defined

Cost Plus

- Also called "Cost Plus Percentage of Cost" contracts
- <u>Never</u> allowed under <u>any</u> circumstances under Federal law





FEMA Top 10 Procurement Mistakes



- 1. Violating bidding requirements
- 2. Sole source beyond emergency or exigent circumstances
- 3. Piggybacking
- Time and materials contract w/o justification and not-to-exceed cap
- 5. Cost-plus contract never allowed

- 6. No federal contract clauses
- 7. Geographic preference
- 8. No MWBE solicitation
- 9. No cost/price analysis
- 10. Inadequate or lack of documentation



Source: https://www.fema.gov/media-library-data/1506978167717-61cdf0784cbba7f976f8a66700f04f3e/Top 10 FEMA Grant Procurement Mistakes 20170928.pdf



Resource

FEMA PA Procurement Resource



More information about Uniform Guidance and FEMA Procurement Requirements is available at:

<u>/A Procurem</u>	ent Disaster Assistance Team (PDAT) Webs
FEMA	PDAT Resources when Procuring with Federal Grant Funds
Navigation	
(Q) Search	Some communities may not always have the resources on hand to properly prepare for, respond to, or recover from a disaster.
C Languages	When using <u>FEMA Public Assistance</u> funds to procure goods and services before, during and after a disaster, you must follow the <u>federal</u> <u>procurement under grant regulations</u> .
About the Agency	Failure to follow the applicable rules may place your FEMA grant funding at

risk.

Leadershin





-lelp help

We're Here to Help

NCEM Public Assistance Isaias Timelines,

Resources and Contacts



Important Dates to Remember



Required Action	Deadline
Request for Public Assistance (RPA)	November 13, 2020 Lenoir County - February 12, 2020 (30 days from declaration date)
Emergency Work Completed	April 14, 2021 (6 months from declaration date)
Permanent Work Completed	February 16, 2022 (18 months from declaration date)
428 Alternative Procedures <u>Signed</u> (<i>aka</i> Fixed Cost Offer)	February 16, 2022 (Must be identified within 18 months from declaration date)



Resource

 $\underline{44}$ CFR 206 Subparts G, H and \underline{I}



NCEM Web Resources

Request for Reimbursement Submission



NCEM Public Assistance Website

	Search	Q NC.GOV AGENCIES JOBS SERVICES 123	
Home Our Organization Y DPS Servic	es Y Careers That Matter Y	About DPS ❤ News ❤ Contact ❤	Home
NC DPS " Our Organization " Emergency Manager	nent » Disaster Recovery » Public Assi	stance	— Vi
Public Assistanc	e	Disaster Recovery	E
In federally-declared disasters, Federal Emergency, funding and technical help to state and local gove This funding will help to fix or replace damaged p buildings and parks that have been damaged or d	Management Agency (FEMA) can provid emgrants.nc.gov		Public Assistance NCDPS: /
	NC DPS: Public A	Assistance	
NCEM EMGrants	Open Grants NC DPS: Public Assistance NC DPS: Hazard Mitigation	Public Assistance Resources	
Resources	Contact Us	General Documents:	Common Forms:
<u>Mesources</u>		Thresholds for Large Projects Cost Indicator Thresholds for Federal Disasters Public Assistance Team Map Time Extension Deadlines	Summary Of Documentation Payment Certification Form
		FEMA Public Assistance Grant Program Documents:	EMGrants User Guidance:
		Public Assistance Program and Policy Guide Policy Guide - April 2018 Public Assistance Program and Policy Guide Policy Guide - June 2020 Public Assistance Policy on Insurance Fact Sheet: Contracting Requirements Checklist Fact Sheet: Cooperative Purchasing Programs Eact Sheet: Cooperative Reform Act	Appeal Submission Funding Agreement Submission Scope Change Submission Time Extension Submission Quarterly Progress Report Submission Quarterly Progress Report Video Tutorial

· Fact Sheet: Management Costs Policy

NCEM PA Tutorial Series

	<u>Home</u>	Our Organization \checkmark	DPS Services ~	Careers That Matter \sim		
	– Vie	deo Tutorials				
	FE	MA Reimbursemen	t Tutorials 🛛			
	• Registering Your Organization in the FEMA Grants Portal - 4 min.					
nce NCDPS:)	min.					
	Checking the Status of Your Request for Public Assistance - 2 min.					
	• Submitting the Designation of Applicant's Agent - 2 min.					
	 Submitting the State-Applicant Disaster Assistance Agreement - 3 min Adding Personnel and Adjusting Roles in the FEMA Grants Portal - 3 m 					
_						
	 Adding Documents in the FEMA Grants Portal - 5 min. Creating Quick-Access Dashboard Tiles in the FEMA Grants Portal -1.5 minutes in the FEMA Grants Portal -					
n Forms: nary Of Documenta ent Certification Fo		_	-	_		
ts User Guid	lance:					





Contact NCEM Public Assistance

Statewide Map and Contacts as of October 19, 2020



NC Division of Emergency Management Public Assistance Contact Info







NCEM Recovery's PA Field Operations Team Regional & County Assignments Detail



Recovery ChiefDeputy Recovery ChiefTodd WrightDot Henderson-Bell919-215-1672919-218-6642todd.wright@ncdps.govdot.henderson-bell@ncdps.gov		sell Mar 919-	State Operations LeadState Operations SupplementationsMary GlasscockMeghan Hicks919-306-8188512-808-6349mary.glasscock@ncdps.govmeghan.hicks@ncem.cd		Kate Van Tol 984-218-3559	
Charles Edwards QA/QC 919-605-8105 <u>charles.edwards</u>	Western Lead - Charmaine George 984-232-1460 <u>charmaine.george@ncdps.gov</u>		Central Lead - Debra Medina 984-218-2084 debra.medina@ncdps.gov		Eastern Lead - Brian Snell 984-297-5659 brian.snell@ncdps.gov	
@ncdps.govWillie Mae CoxState Agencies984-297-5645williemae.cox@ncdps.govAnn BeckProgram Support984-365-0998ann.beck@ncdps.gov	Western Support: Andrew (AJ) Yowler 512-822-7929 andrew.yowler@ncem.org		Central Support: Stacey Anderson-Ebener 512-822-7946 stacey.anderson-ebener@ncem.org		Eastern Support: Rebeca Reyes 512-822-7912 <u>rebeca.reyes@ncem.org</u>	
	11: Andrew (AJ) Yowler 512-822-7929 andrew.yowler@ncem.org	Alleghany, Alexander, Cabarrus, Iredell, Rowan, Stanly, Wilkes	6: Lance Sanders 984-302-0934 lance.sanders@ncdps.gov	Franklin, Granville, Halifax, Northampton, Person, Vance, Warren	1: Barrett Cain 984-222-9995 barrett.cain@ncdps.gov	Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans
	12: Michele Faison 984-218-2498 <u>michele.faison@ncdps.gov</u>	Ashe, Avery, Caldwell, McDowell, Mitchell, Wataug Yancy	A, 7: Stacey Anderson-Ebener 512-822-7946 Stacey.anderson- ebener@ncem.org	Edgecombe, Harnett, Johnston, Nash, Wilson, Wake	2: Helen Bunch 984-500-7131 <u>helen.bunch@ncdps.gov</u>	Beaufort, Bertie, Hyde, Martin, Pitt, Tyrell, Washington
Non-Congregate Sheltering Brett Boykin-Roach 984-302-0650 brett.boykin-roach @ncdps.gov Tim Barnett Hospital Liasion 919-817-7491 tim.barnett @ncdps.gov	13: Andy Andrews 984-297-5642 andy.andrews@ncdps.gov	Burke, Catawba, Cleveland, Gaston, Lincoln, Mecklenbur Union	8: Shonda Corbett 984-218-3385 shonda.corbett@ncdps.gov	Anson, Chatham, Lee, Montgomery, Moore, Richmond, Scotland	3: Jeff Welker 984-222-4159 jeffrey.welker@ncdps.gov	Carteret, Craven, Greene, Lenoir, Pamlico
	14: Tara Fikes 984-222-5188 tara.fikes@ncdps.gov	Buncombe, Cherokee, Graham, Haywood, Madison Swain	9: Eric Jefferson 984-233-3124 eric.jefferson@cndps.gov	Caswell, Davie, Forsyth, Rockingham, Stokes, Surry, Yadkin	4: Barbara Johnson 919-812-1554 barbara.johnson@ncdps.gov	Duplin, Cumberland, Jones, Onslow, Pender, Sampson
	15: Tara Fikes 984-222-5188 tara.fikes@ncdps.gov	Clay, Henderson, Jackson, Macon, Polk, Rutherford, Transylvania	10: Stacey Anderson-Ebener 512-822-7946 stacey.anderson- ebener@ncem.org	Alamance, Davidson, Durham, Guilford, Orange, Randolph	5: Thomas Bennett 984-233-9581 thomas.bennett@ncdps.gov	Bladen, Brunswick, Columbus, Hoke, New Hanover, Robeson



FEMA & NC Resources



NCEM Public Assistance – About Us and Resources

FEMA Policies and Guidance – General Guidance and Eligibility

UNC Local Government Purchasing & Contracting Web Site

FEMA Procurement Disaster Assistance Team (PDAT)

FEMA Web Site on Management Costs and Cost Reasonableness

FEMA Public Assistance Self-Paced Trainings for the Public

About FEMA Alternative Procedures (aka 428 Projects) for PA

NC DEQ Disaster Management Information and Real-Time Site Map

FEMA Appeals Database – Searchable by Type of Issue





Hotline - FEMA Grants Portal

(866) 337-8448 or FEMA-Recovery-PA-Grants@fema.dhs.gov











Thank you, and we welcome your comments.