





Tropical Storm Eta FEMA-4588-DR

Declaration Date: March 3, 2021

PUBLIC ASSISTANCE APPLICANT BRIEFING









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AGENDA



- ✓ Event Details
- ✓ 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 and SUBMIT Projects with Costs
- ✓ Public Assistance Alternative Procedures and 406 Mitigation for PA projects
- Debris Operations & Monitoring
- ✓ Procurement Using Federal Guidelines
- ✓ NCEM Contacts and NCEM/FEMA Resources







Attendance and Questions





In the chat box, please enter:

- 1. Your Name
- 2. Your Unit of Government or Private Non-Profit (PNP)
- 3. Your Email



Ask Questions!

- Type questions in the chat box and include your organization name so we know who you are (for example: Marcia Jones - Shelby County)
- You can type your question in the chat box, or ask them at the noted pauses for questions provided throughout the presentation
- This briefing is to inform you well enough so you can understand FEMA PA Basics + for successful project submissions and eligible, timely cost reimbursements



Housekeeping Tips



Please keep your microphone muted until we've come to a break for questions.

Mute is located in the WebEx controls area.







Event Details

Tropical Storm Eta Specifics



Event Details



- Major Disaster Declaration: FEMA-4588-DR
- Declaration Date: March 3, 2021
- Incident Period: November 12 through November 15, 2020
- RPA Deadline: April 2, 2021 (Friday)
- Categories of Work: All Emergency (A, B) and Permanent Work (C-G), including Category Z (management costs)





NEW THRESHOLDS FOR FEDERAL DISASTER EVENTS STARTING OCTOBER 1, 2020



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

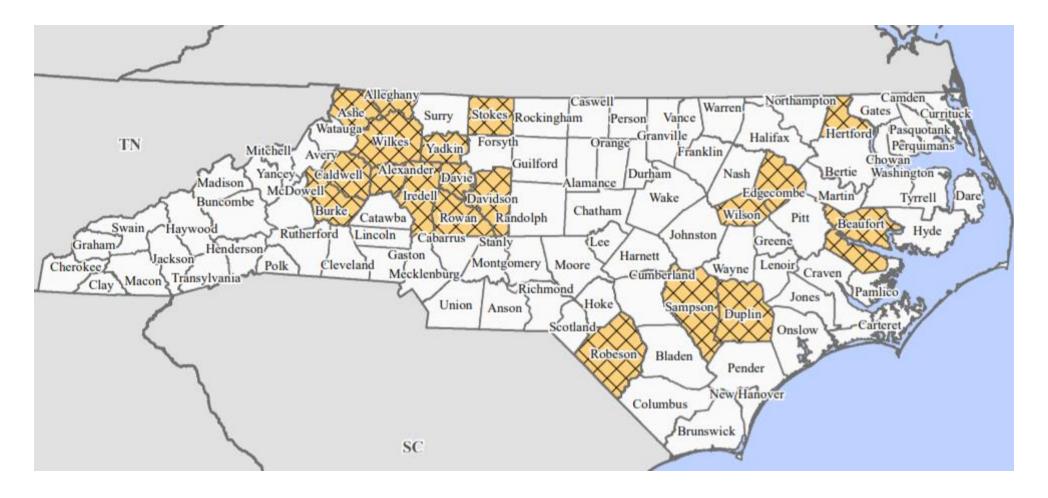
FEMA PA requires at least \$3,320 in damages to write a PA project (up from \$3,300)



Tropical Storm Eta - Declared Counties



19 Counties Declared: Alexander, Alleghany, Ashe, Beaufort, Burke, Caldwell, Davidson, Davie, Duplin, Edgecombe, Hertford, Iredell, Robeson, Rowan, Sampson, Stokes, Wilkes, Wilson, and Yadkin

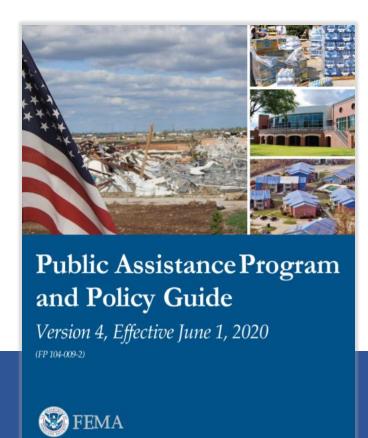






FEMA Public Assistance Program – Getting Started

Public Assistance Program Overview



New! June 1, 2020 PAPPG



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 damages and costs in FEMA Grants Portal. "Work" could include emergency work performed and permanent work completed or still remaining to be done to restore a facility to pre-disaster condition.
- 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 NCEM once a project **meets all eligibility requirements and is approved by FEMA**. Then 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 used interchangeably**, though technically you are an Applicant until your RPA is approved by FEMA. Then you become a **Subrecipient of FEMA PA funds**.

Governing Laws, Regulations, and Policies

Stafford Act

Law

44 CFR

Program Regulations

2 CFR

Procurement Requirements

PA Program & Policy Guide (PAPPG)

Policy



New for TS Eta! Updated PA Program & Policy Guide

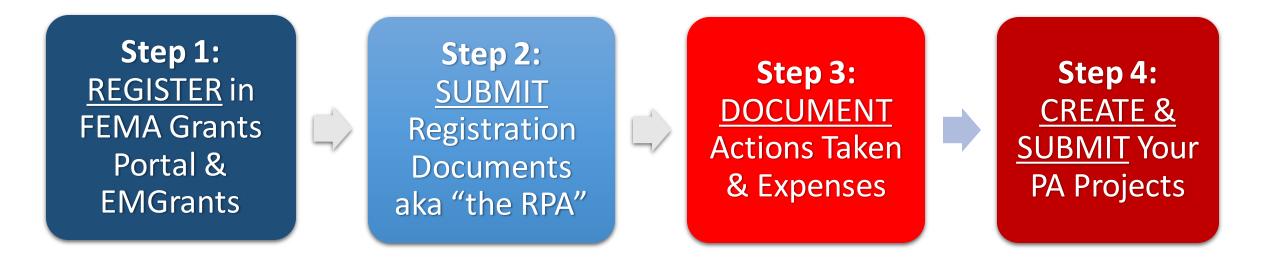




Starting the Process: 4 Easy Steps



Steps You Must Take Advance the FEMA Public Assistance Process:



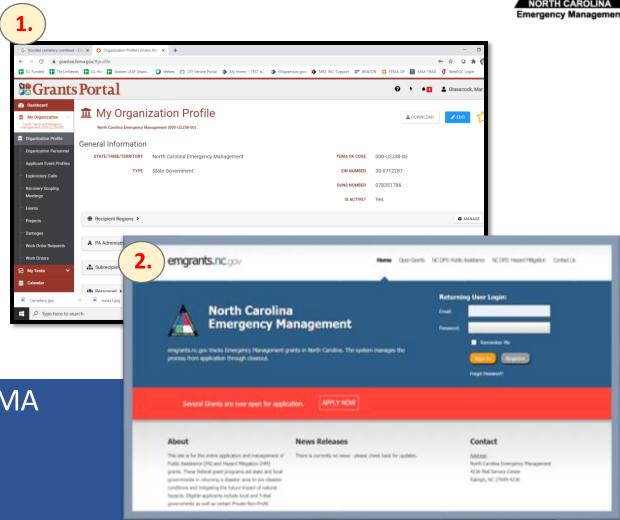
LET'S GET STARTED . . .





Step 1: REGISTER in FEMA Grants Portal & EMGrants

- 1) FEMA Grants Portal Registration for FEMA
- 2) 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.

Create	Organizational profile to include primary and secondary PA contacts and any relevant staff that need to be in the loop
Submit	Your Request for Public Assistance (RPA)
Assign	Roles within Grants Portal to organizational staff
Upload	Expenses (AKA damage inventory) and all related documentation
Receive & Respond	To FEMA and NCEM PA's requests for information
Upload and Update	Information related to reimbursement request (information will vary depending on specific expenses)



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
- Private PNP Colleges
- 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):

- ALL 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 must 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 will roll up under Board of Education/other LEA
 - Individual departments will submit for reimbursement <u>through their unit of</u> <u>government</u>





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





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

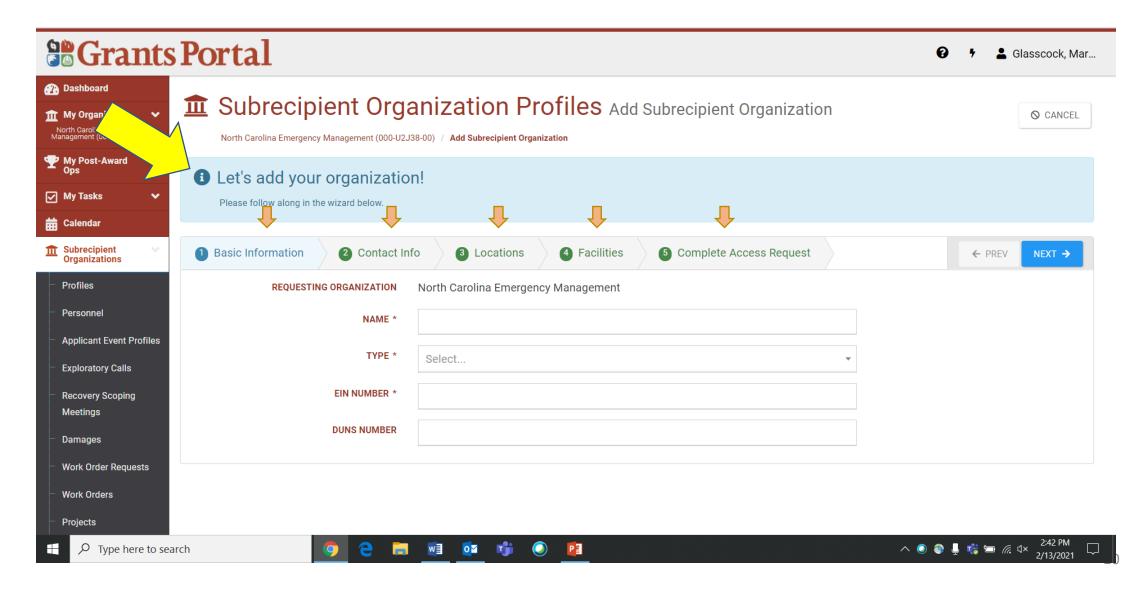
- If you aren't already registered with FEMA, go to the <u>FEMA Grants Portal</u> to apply.
- 2. Submit a New Registration request. Prepare to **provide all of your organization's ownership information in one sitting** including DUNS and EIN, if applicable. More needed if you are a PNP.
- 3. **FEMA will 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.





What FEMA Grants Portal Registration Looks Like







FEMA Grants Portal - What Happens Next?



- You will receive an email from <u>support.pagrants@fema.gov</u> prompting you to <u>complete your registration</u> 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

Step 1: Open this email from "support" From:

Date: July 10, 2018 at 8:32:39 AM EDT

6: michelleb@cityofws.org

Subject: FEMA PA Notification - You have been invited to join the FEMA Grants Portal.

Hello Michelle,

You've been invited to join FEMA's Grants Portal for the Public Assistance program as a potential subrecipient within North Carolina Emergency Management by Ward, Tinishia . FEMA's Grant Portal is used to request assistance under the Public Assistance Program, submit documentation, and communicate with FEMA during development of your public assistance subgrants.

Please click here to fill in your organization's information and create an account: https://grantee.fema.gov/#organizationrequest/form/71B811B7-D39B-45B3-9D18-83B59ACF4FA7

-FEMA PA Support Team

FEMA-PA-Support@FEMA DHS.Gov https://grantee.fema.gov

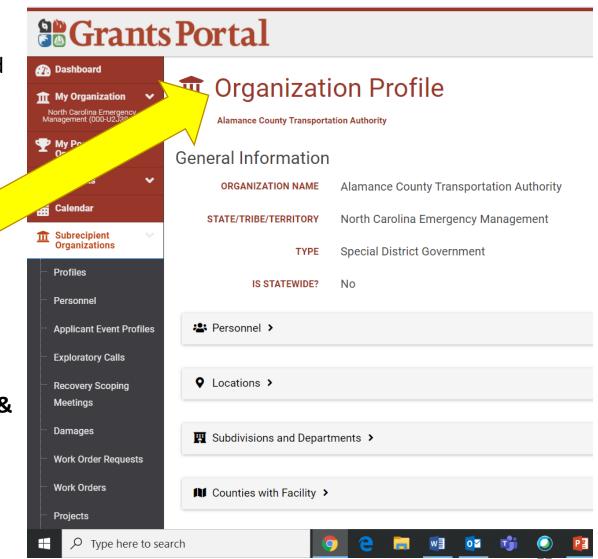
Step 2: Click on this link to start your registration



Already Registered with FEMA? Review Your FEMA Grants Portal Profile



- Confirm log in
 - Any NCEM PA staff can reset your password if needed
 - If you already have an NCEM PA Grants Manager, contact your grants manager
- Update <u>personnel</u> & <u>facility or location</u> information
 - All needed personnel are added
 - Contact information is up to date (email, etc.)
- Ensure all <u>necessary policies</u> are up to date
 - Most recent Insurance Information
 - Most recent Personnel Policy
- PNPs Only: Ensure your PNP documentation is complete & accurate
 - Tax Exempt Certification
 - Articles of Incorporation, Charter, By-Laws, etc.







EMGrants

Requesting Payments from NCEM & Tracking All Steps in the Payment Process



EMGrants – Getting Paid & Tracking Project Statuses after FEMA Approves Your Projects



EMGrants is NCEM PA's official online system used to manage subrecipient's payments and time-specific requests, providing subrecipients full visibility on every project for each individual disaster you take part in.

Subrecipients can now log into EMGrants to initiate and track:

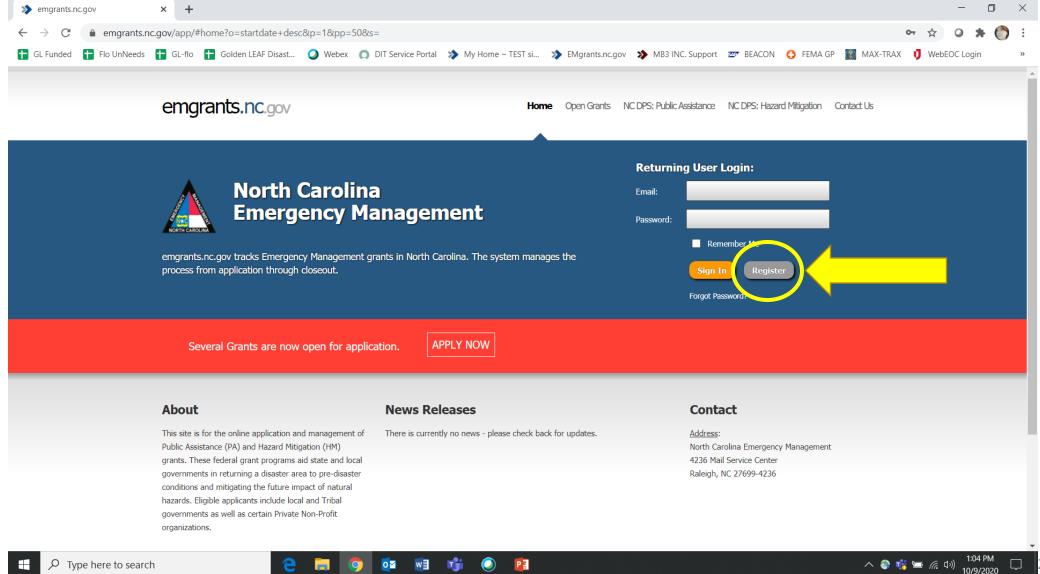
- Requests for Cost Reimbursement (or "RFR's")
- Time Extension Requests for Work Completion
- Scope of Work Change Requests
- Closeout Requests/Final Inspections
- Quarterly Reports
- Appeal Requests





EMGrants – Registration #1 First the Organization, then the Staff







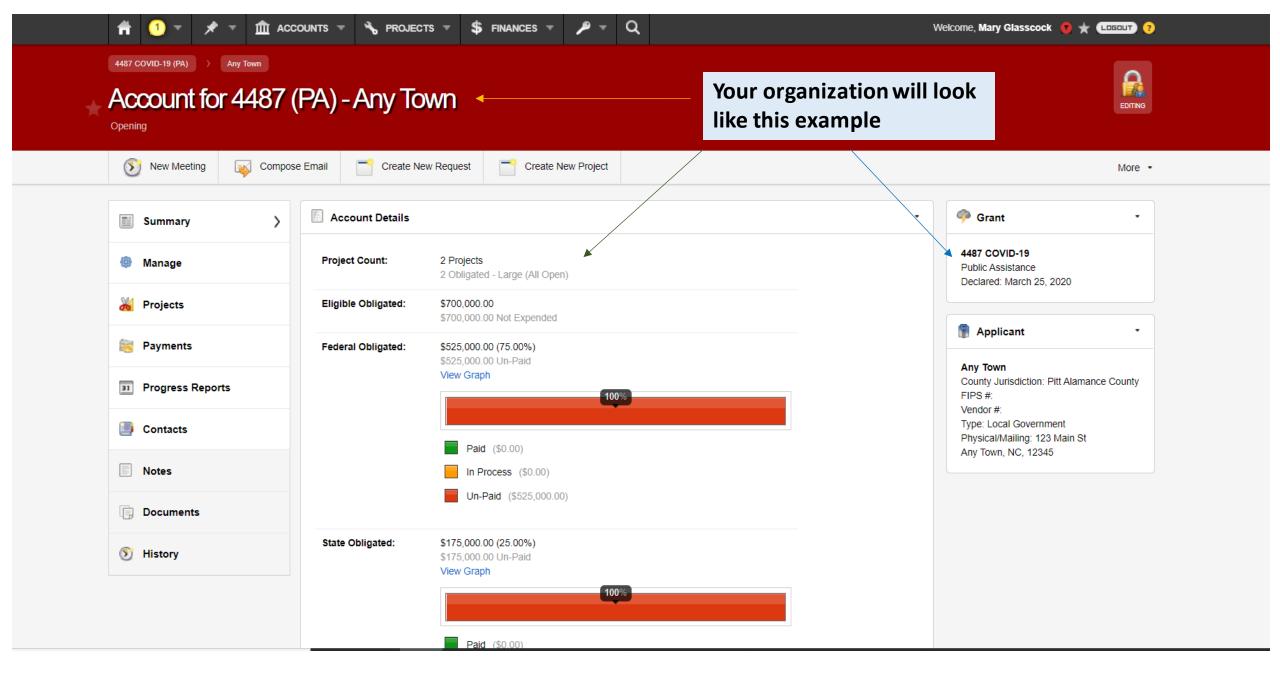
EMGrants – Registration #2



Title:		
Email:		
Phone - Business:	Select One	<u>^</u>
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)	
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)	
Phone - Cell:	ADVANCED HOME CARE (Wake County) AdventHealth Hendersonville (Henderson County) Adventist Health System Sunbelt Healthcare Corporation (Henderson County)	
Request Type:	Ahoskie, Town Of (Hertford County) Alamance Community College (Alamance County) Alamance County (Alamance County)	
Please select your user type:	Alamance, Village of (Alamance County) Albemarle Downtown Development Corporation (Stanly County) Albemarle, The City of (Stanly County) Albermarle EMC (Perquimans County)	
	Aldersgate United Methodist Retirement Community, Inc. (Mecklenburg County)	-
Applicant Organization:	Select One ▼	
	If your specific Applicant Organization does not appear on the list, please select "Create New Applicant Organ in the required fields.	nization" and fill
Requested Permission Level:	Select One ▼	

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





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







Questions?







Step 2: SUBMIT Disaster Documents

Required by the State and FEMA



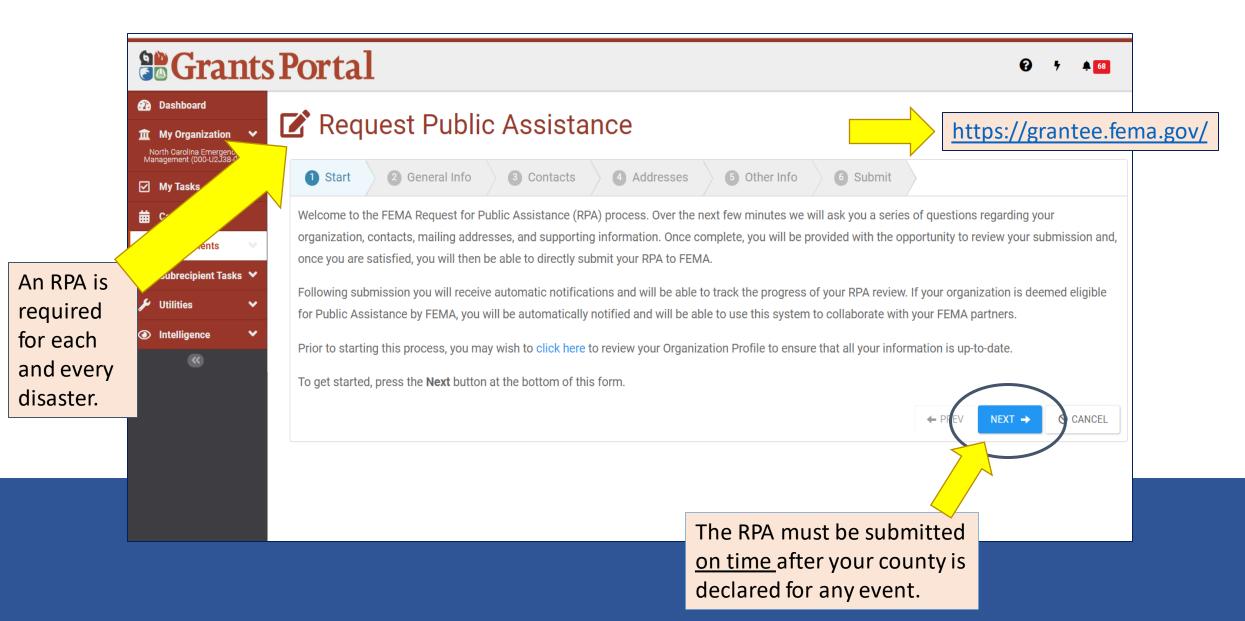
Required Registration Documents FEMA and NCEM



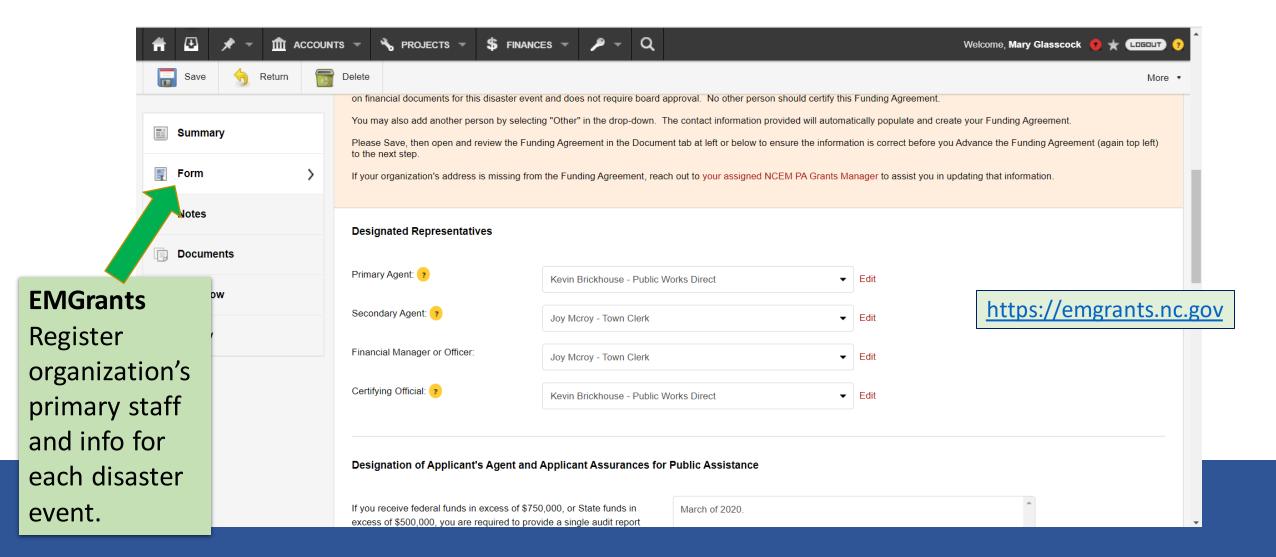
Disaster Event Documents - Required	How to Submit	
1. Request for Public Assistance (RPA)	Complete in FEMA Grants Portal	
2. Funding Agreement - State-Applicant Disaster Assistance Agreement (SAA) and Designation of Applicant's Agent (DAA)	Complete in EMGrants for NCEM	
The Funding Agreement in EMGrants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

The FEMA RPA & the NCEM Funding Agreement are both required for **each disaster event**.

FEMA Grants Portal



EMGrants – Submit Your Funding Agreement





Recap: 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?

Only available through the FEMA Grants Portal – need to Include DUNS, EIN & FEMA FIPS number (if FIPS is available)

(To get a DUNS number: https://www.dnb.com/duns-number.html)

How Do I Submit This RPA?

Submit through the FEMA Grants Portal



Don't wait!

Deadline: 30 days from your county's declaration date



Questions? Contact your NCEM PA Grants Manager



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 <u>private</u> educational organizations only)

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





Update:

In order to receive funding, your organization or entity must have a **funding agreement** on file with NCEM PA



Funding Agreement Requirement #1: The State/Applicant Disaster Assistance Agreement



What Is This?

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

Where Do I Get It?

In EMGrants, the Funding Agreement section, after you log in. You must have submitted your RPA in the FEMA Grants Portal and have been approved for each disaster to access the Funding Agreement form in EMGrants. *Include your Federal Tax I.D.*

How Do I Submit It?

Within EMGrants, now serving as a storage location for documents related to your payments and time-sensitive activities related to your organization.





Funding Agreement Requirement #2: The Official Designation of Applicant's Agents



What Is This?

Designates the organizational personnel who will be the primary and secondary contacts for the Subrecipient

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.





What Happens Next?



- After your RPA is approved, you will be assigned an <u>NCEM PA Grants</u> <u>Manager</u>
- Your FEMA Program Delivery
 Manager will be assigned to start the
 FEMA PA process
- FEMA and NCEM contacts will reach out to you soon after your RPA is approved by FEMA

 Have a system to document your expenses so you will be ready to start applying for reimbursements

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





Audit Requirements



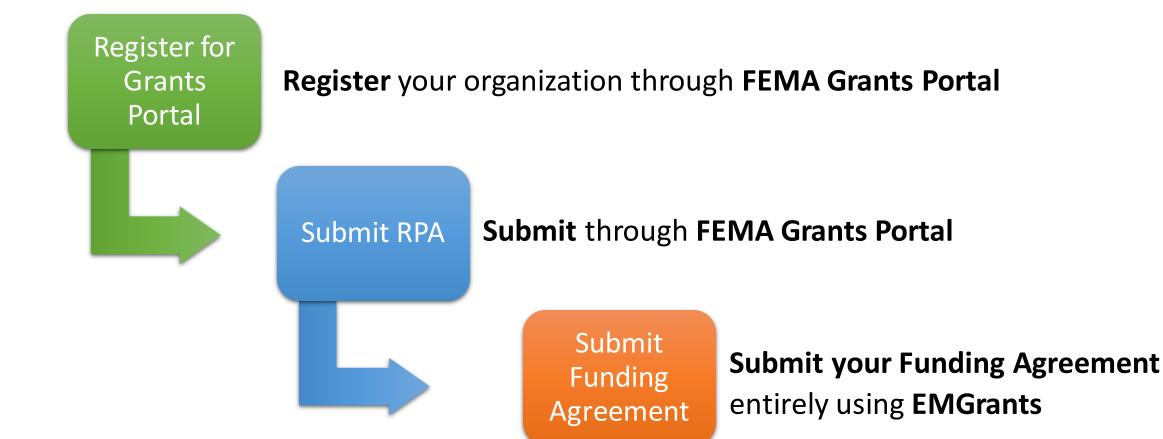
	Federal Single Audit Requirement (2 CFR § 200.500(a))	State Single Audit Requirement			
Expenditures in a fiscal year	\$750,000 or more in federal awards	\$500,000 or more in state awards			
Applies to	All non-Federal entities (state, local government, PNP)	Local governments and public authorities		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











Questions?







DOCUMENT the Work

Document Your Activities and Expenses Thoroughly for FEMA Reimbursement



Types of Costs



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

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Federal Emergency Management Agency							O.M.B. Control Number: 1660-						
FORCE ACCOUNT LABOR SUMMARY PAPERWORK BURDEN DISCLOSURE NOTICE O.M.D. Control Number: 1860 Expires: December 31								ember 31, 201					
Public reporting burden for this data collection naintaining the data needed, and completing egarding the accuracy of the burden estimate 00 C Street, SW, Washington, DC 20472-31	and submitting this form. and any suggestions for	You ar	rs per res re not red ing the b	sponse quired t urden t	The but o respo	urden es and to thi mation C	timates is collection	include tion of ns Man	es time for reviewir information unless nagement, Departr	a valid OMB con nent of Homeland	trol number is disp d Security, Federal	played on this form	. Send comment
PPLICANT				F	PA ID#				PROJECT#		DISASTER		
OCATION/SITE									CATEGORY		PERIOD COVERING		
DESCRIPTION OF WORK PERFORMED													
NAME	D	DATES AND HOURS WORKED EACH WEEK			COSTS								
IOB TITLE	DATE								TOTAL HOURS	HOURLY RATE	BENEFIT RATE/HR	TOTAL HOURLY RATE	TOTAL COSTS
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Document Expenses Now > Summary Records Templates

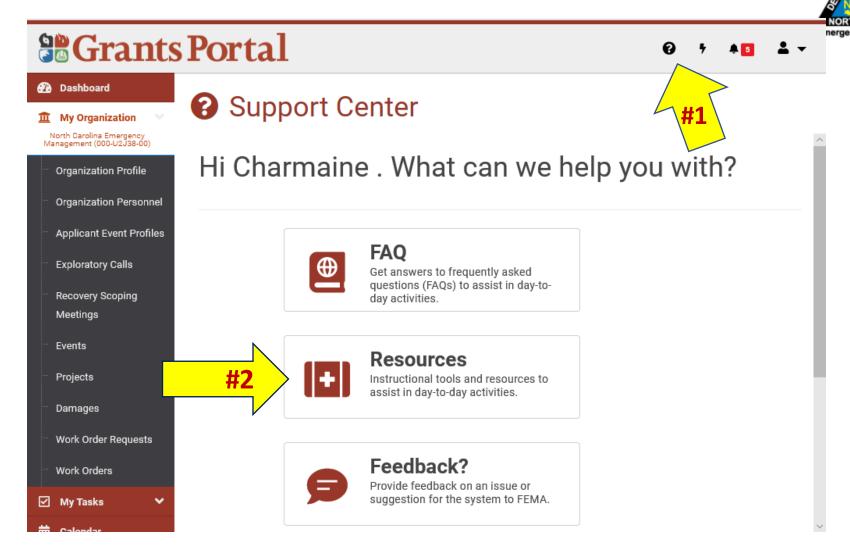
FEMA Grants Portal:

Support Center-Resources Tab provides examples

Or find them at:

✓ FEMA Library





Confused about FEMA forms? Create an 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 (Emergency Measures): only <u>overtime</u> will be paid
 - Category A (Debris Operations): both straight and OT is paid
 - Any fringe benefits should be included in all wage calculations
 - Overtime is paid based on your personnel policy
 - Reassigned employees will be paid their typical rate
 - Temporary employees are also eligible for overtime and regular time

*Tip: Provide FEMA a copy of your current personnel policy and a sample of your time sheets.

Upload these into FEMA Grants Portal.



Force Account Labor – Personnel Policies



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

- 1. Must be adopted in writing **prior** to the date of the event
- 2. 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 non-federally declared disaster (Ex. "The Town will pay double-time during federal disasters.")
- 4. Cannot make award of overtime **contingent** on receipt of federal funds
 - No "In the event of a federally declared disaster, overtime will be paid."
 - No "Overtime will be awarded subject to FEMA reimbursement."



Force Account Equipment



- Reimbursement is eligible for use of subrecipient-owned equipment
 - Examples: Law enforcement and first responder vehicles, pickup trucks, mobile command trailers, generators, chain saws, school bus, wood chippers.
- Equipment rates:
 - 1. Use State/Local rates, or
 - 2. FEMA Schedule of Equipment Rates





✓ <u>Schedule of FEMA Hourly Equipment Rates</u>



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.





FEMA Public Assistance Summary
Record for Materials



Rented Equipment



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

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





FEMA Public Assistance Summary
Record for Rented Equipment



Contract Work



- 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)



- ✓ www.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, other federal grants or state grants
- Keep track of all expenses
- 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









Questions?





BUILD Your Projects

Submit your expenses in FEMA Grants Portal

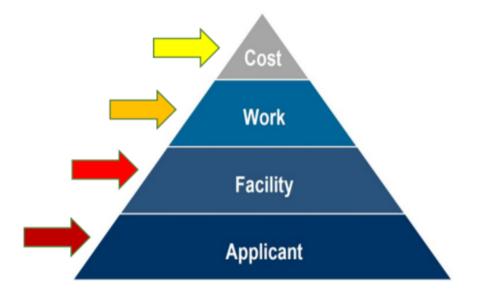
Basic Elements of Eligibility and Overall Responsibilities

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 (or Subrecipient) is responsible for demonstrating that each component of the pyramid is eligible by providing supporting documentation.

<u>Facility</u>: Facilities must be owned and maintained by the entity or organization that has legal responsibility to make repairs. Damaged facilities must have been active and operational at the start of the incident period.

• A facility (culvert, roof, playground, road, laboratory) that has not been maintained may be deemed **ineligible** by FEMA due to deferred maintenance issues. FEMA will review maintenance records to qualify damage costs on damaged facilities.



The Four Basic Elements of Eligibility



Work: 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.
- Example PA 406 mitigation measures may be reviewed in the <u>PAPPG at Appendix J</u> (pg. 242 246).

<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.

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



FEMA PA Cost Thresholds & Reimbursement Basics



Project Minimum: \$3,320

Small Project Threshold: \$132,800

Small Projects – can be paid on estimated costs and do not need supporting documentation submitted to FEMA or NCEM (however, insurance proceeds must be provided to FEMA for all projects)

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

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





FEMA Public Assistance Categories of Work



A: Debris Removal

B: Emergency
Protective Measures

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 for Full-Time Staff
- Category B Emergency Protective Measures: Only Overtime is Eligible for Full-Time Staff
 - > FEMA may pay both Regular and OT for temporary staff
 - FEMA has very specific rules about non-budgeted and reassigned full-time staff.

If you need more than six months to complete emergency work, you **must ask** NCEM to get you the additional time. **Beyond eighteen months**, FEMA must approve time extensions.



FEMA Public Assistance Categories of Work



C: Roads & Bridges

D: Water Control Facilities

E: Buildings & Equipment

F: Utilities

G: Parks, Recreation & Other

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

- ➤ Subrecipients have 18 months from Declaration Date to complete Permanent Work fixes
- > 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



Debris clearance	(A)	6	
Emergency work	(B)	6	Months
Permanent work	(C – G & Z)	18	

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 (FEMA) Regional Administrator 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.



Category Z Projects for Your Management Costs



Management Costs (Category Z) – subrecipients and recipients of FEMA PA funds may be reimbursed up to 5%* 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
 - Developing eligible PA projects and receiving reimbursement
- Staff or temp employee salaries for performing activities above, and project-specific activities like quarterly reporting, closeout process, writing time extension letters)

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





FEMA PA - Small and Large Projects



Project Minimum: \$3,320

Small Project Threshold: \$132,800

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

A <u>small</u> project is eligible work, either emergency or permanent, that for FY 2021 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



FEMA's Small Project Certification Guidance



- Simply by submitting a project to FEMA in Grants Portal, the Recipient (NCEM) is certifying that all costs were incurred for work that was performed in compliance with FEMA laws, regulations, policy and guidance.
 - Intention is to reduce the documentation burden on the Applicant
 - Only for small category B G completed work projects
 - Not applicable to Cat A/Debris projects



More About Certifying Small Projects: 44 CFR §204.53





Recap: Subrecipient Responsibilities

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

- The Funding Agreement (formerly SAA and DAA) is now submitted electronically in <u>EMGrants</u>
- 2) Proper documentation must be uploaded in both EMGrants and FEMA Grants Portal; please organize your files for drag-and-drop
- **3) Quarterly Reports** must be submitted for all large and Category Z projects in EMGrants
- 4) Large **Project Requests for Reimbursement** (RFRs), **Time Extension Requests** and **Appeals** must be initiated by you in EMGrants







Questions?





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 (428 project)



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% 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) The 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 measures above sometimes prove to be cost effective based only on a BCA.









Is this FEMA 404 Mitigation or 406 Mitigation?



404/HMGP - an NCEM-run program

- Separate HMGP program managed by NCEM's Hazard Mitigation Team
- Structural measures & non-structural measures (such as planning, property acquisition, drainage projects)
- Not necessarily disaster-specific
- Often about residential mitigation measures, but may also fund infrastructure through the FEMA 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 during the disaster's PA project development process
- Structural Measures directly related to the project, and must apply to damaged elements of the facility for the current federally-declared disaster
- Always 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**





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









Questions?





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

*Must demonstrate legal responsibility for road or 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 six months of receiving first load of 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 contractors
 - ✓ 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 NCEM PA Grants Manager or Team Lead for more information.

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

Resource

- Contracts are prepositioned by geographic regions (see Map).
- 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.





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, lab and medical instruments
- Household appliances and electronic equipment

Debris removal from private but ungated and accessible communities that has received approval by FEMA for reimbursement must still be the applicant's legal responsibility



FEMA PA - 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
- ✓ Any debris that lands on an improperly permitted or unpermitted site
- ✓ Demolition of commercial structures

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

Vehicle and vessel removal is almost always ineligible, but **may** be eligible if ingress and egress to public use areas is blocked.

Vehicle and vessel removal reimbursement is very rare and must be approved by the disaster's Field Coordinating Officer.



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







Questions?





Procurement Requirements



Federal Procurement Requirements for FEMA Reimbursement







EMC's

- Electric and other utility cooperatives must conform with all contracting and procurement requirements, just like a local government or private non-profit;
- Cooperative purchasing agreements are not recommended for disaster event costs per 2 C.F.R. § 200.319

State Agencies

- State Agencies should follow the state's contracting and procurement rules without regard to the federal Uniform Purchasing Guidance (2 CFR Part 200). *State Procurement Rules.
- Universities and colleges that fall under the state's jurisdiction also do not have to conform with 2 CFR Part 200.



Federal Procurement Requirements



- 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 most common reason for reimbursement denial of eligible expenses

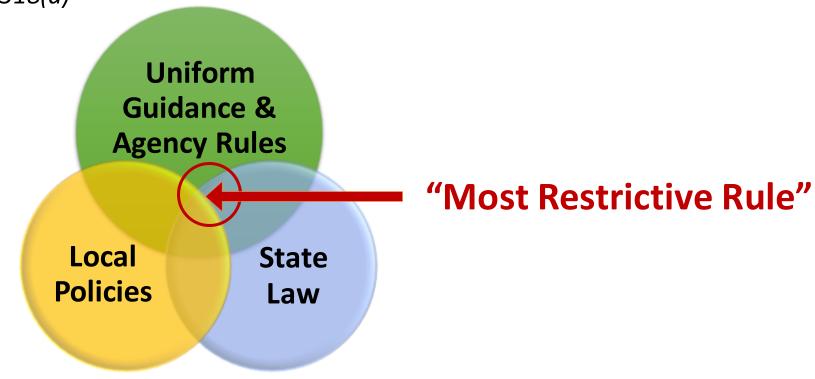




Which Set of Rules Do You Follow?



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





Basic Federal Procurement Requirements



- 1. Ensure full & open competition
- 2. Document procurement process
 - Written procurement policies required
- 3. Award contract to lowest responsive responsible bidder
 - Must justify why low bidder not awarded contract (deemed not responsive or not responsible)
- 4. Exceptions very limited
- 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

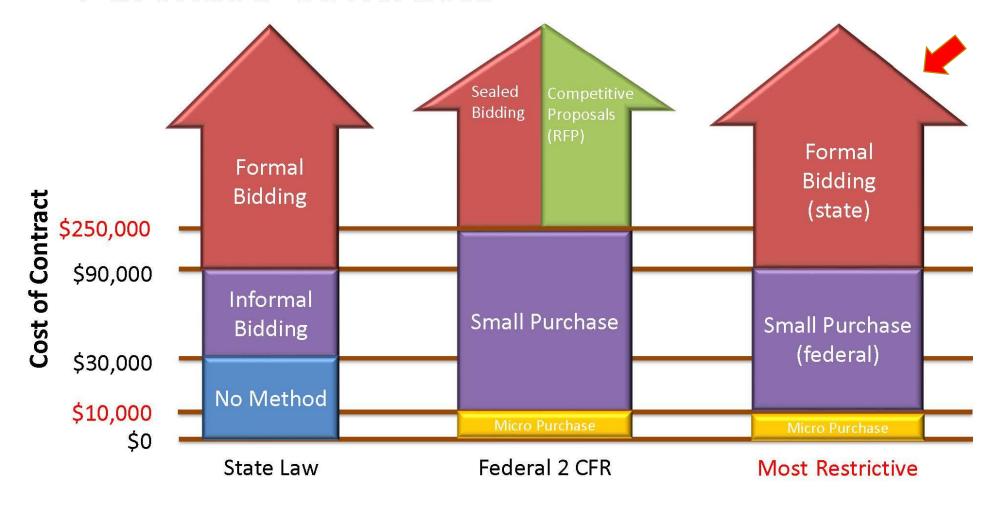


FEMA PA Procurement Guidance





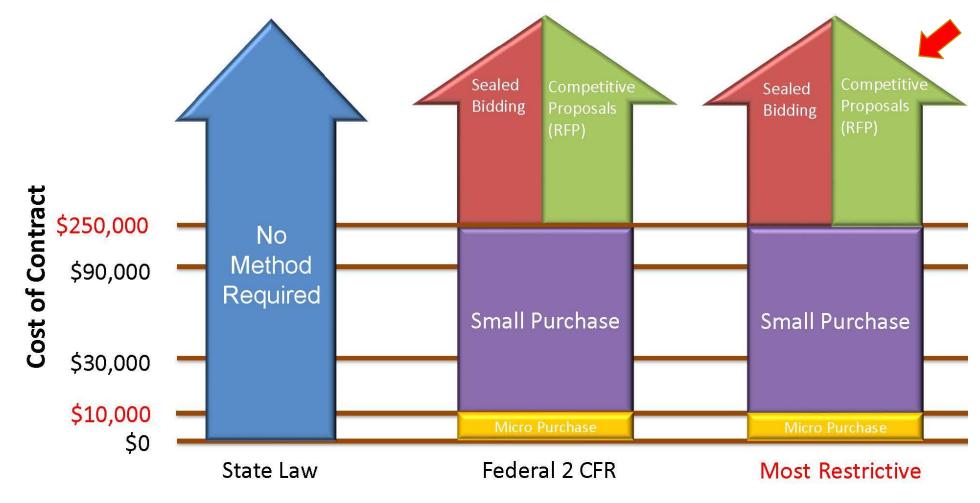






Service Contracts

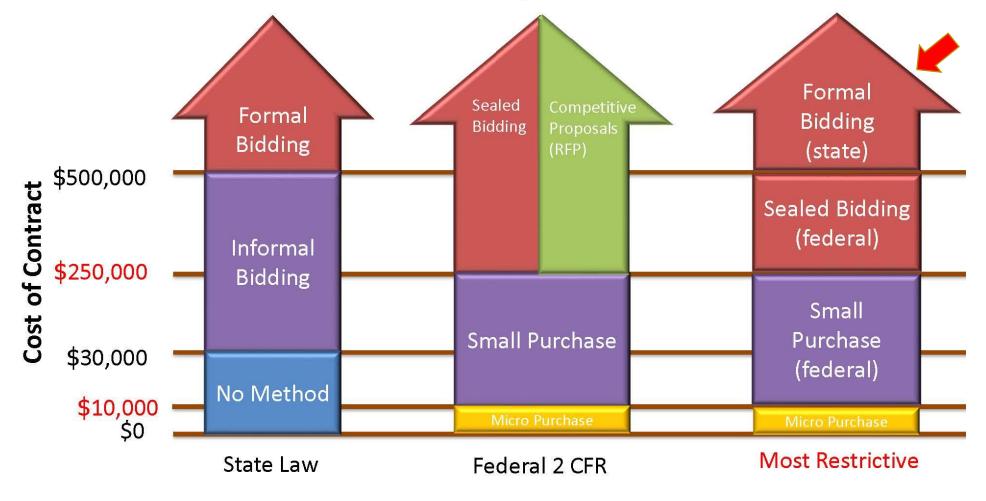








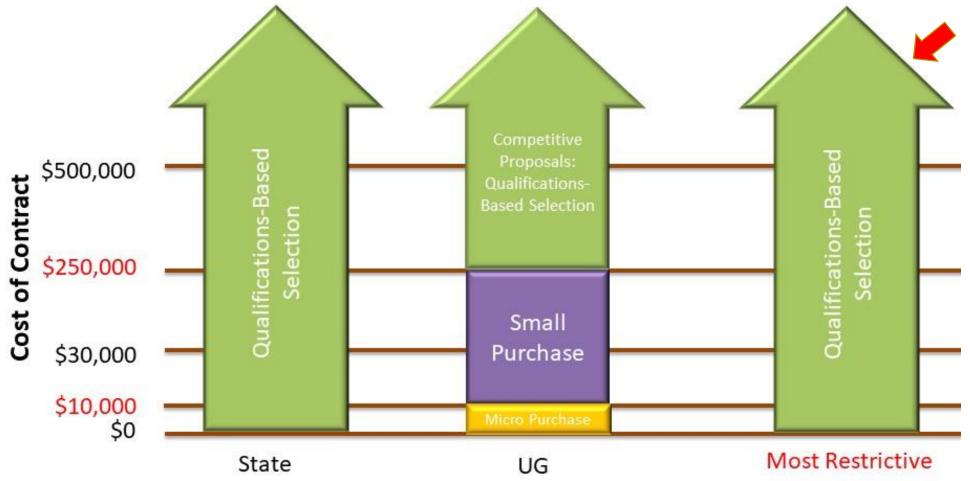






A/E/S Contracts





Even when generally following federal rules, some specific state requirements may still apply and vice versa.



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:





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





FEMA PA Procurement Resource



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



✓ FEMA Procurement Disaster Assistance Team (PDAT) Website

FEMA	PDAT Resources when Procuring with Federal Grant Funds
Navigation	With reactar Grant ranas
(Q) Search	Some communities may not always have the resources on hand to properly prepare for, respond to, or recover from a disaster.
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 > Leadership	Failure to follow the applicable rules may place your FEMA grant funding at risk.







Questions?





We're Here to Help

Timelines, Resources and Contacts



Important Dates to Remember



Required Action	Deadline			
Request for Public Assistance (RPA)	Friday, April 2, 2021 (30 days from declaration date)			
Emergency Work Completed	Friday, September 3, 2021 (6 months from declaration date)			
Permanent Work Completed	*Saturday, September 3, 2022 (18 months from declaration date)			
428 Alternative Procedures signed off (aka FEMA's Fixed Cost Offer)	*Saturday, September 3, 2022 (Must be identified within 18 months from declaration date)			

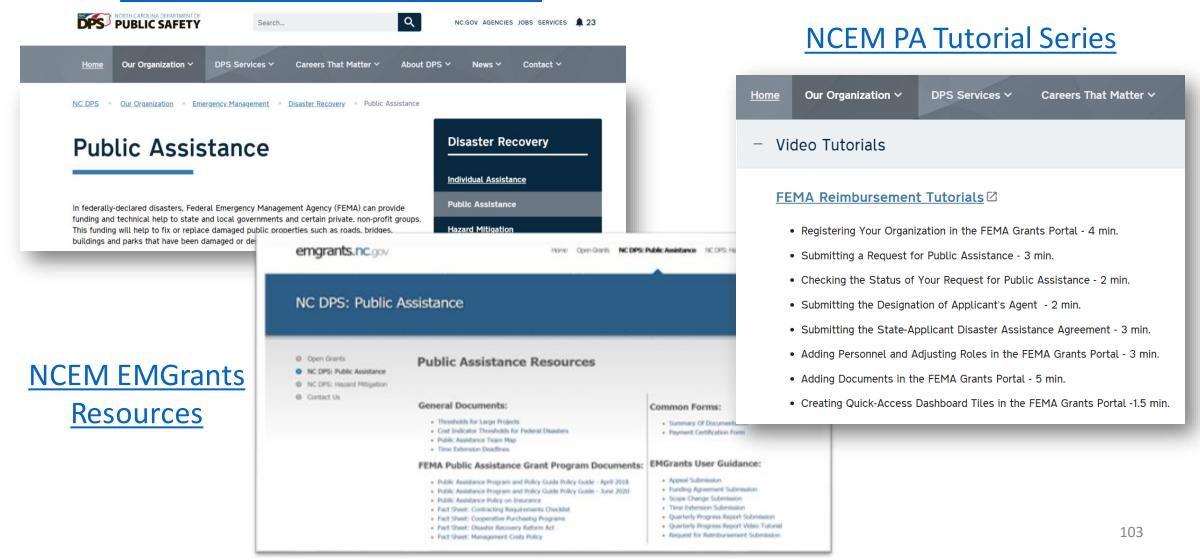
*If the work completion date falls on a weekend day, the work should be completed the Friday before that weekend.



NCEM Web Resources



NCEM Public Assistance Website







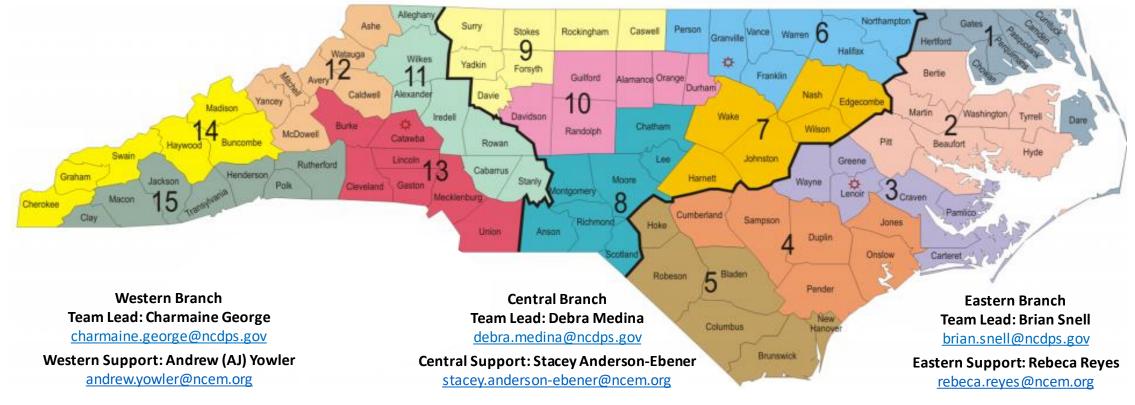
Contact NCEM Public Assistance

Statewide Map and Contacts as of March 7, 2021



NC Division of Emergency Management Public Assistance Field Operations Contact Info





Grants Managers

11: Andrew (AJ) Yowler andrew.yowler@ncem.org

12: Michele Faison <u>michele.faison@ncdps.gov</u>

13: Andy Andrews andy.andrews@ncdps.gov

14: Andy Andrews andy.andrews@ncdps.gov

15: Andrew (AJ) Yowler <u>andrew.yowler@ncem.org</u>

Grants Managers

6: Lance Sanders <u>lance.sanders@ncdps.gov</u>

7: Stacey Anderson-Ebener stacey.anderson-ebener@ncem.org

8: Shonda Corbett shonda.corbett@ncdps.gov

9: Lance Sanders <u>lance.sanders@ncdps.gov</u>

10: Stacey Anderson-Ebener stacey.anderson-ebener@ncem.org

Grants Managers

1: Barrett Cain <u>barrett.cain@ncdps.gov</u>

2: Helen Bunch <u>helen.bunch@ncdps.gov</u>

3: Jeff Welker jeffrey.welker@ncdps.gov

4: Barbara Johnson barbara.johnson@ncdps.gov

5: Thomas Bennett thomas.bennett@ncdps.gov



@ncdps.gov

andrew.yowler@ncem.org

Transylvania

NCEM Recovery's PA Team lanagement, Administrative & Grants Management Contact



		Management,	Adm	inistrative & Grants Ma	anagement Contact	ts		
Recovery Chief Todd Wright 919-215-1672 todd.wright@ncdps.gov	Dot Henderson - 919-218-6642	Dot Henderson-Bell 919-218-6642		Operations Lead Glasscock 6-8188 glasscock@ncdps.gov	State Operations Sup Meghan Hicks 512-808-6349 meghan.hicks@ncem.c	Kate Van 984-218-3	Recovery Legal Counsel Kate Van Tol 984-218-3559 Kathryn.vantol@ncdps.gov	
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@ncdps.gov Willie Mae Cox State Agencies 984-297-5645 williemae.cox @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 rebeca.reyes@ncem.org			
	11: Andrew (AJ) Yowler 512-822-7929 andrew.yowler@ncem.org	Alleghany, Alexander, Cabarrus, Iredell, Rowa Stanly, Wilkes	n,	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	
Ann Beck Program Support 984-365-0998 ann.beck @ncdps.gov	12: Michele Faison 984-218-2498 michele.faison@ncdps.gov	Ashe, Avery, Caldwell, McDowell, Mitchell, Wa Yancy	atauga,	7: Stacey Anderson-Ebener 512-822-7946 Stacey.anderson- ebener@ncem.org	Edgecombe, Harnett, Johnston, Nash, Wilson, Wake	2: Helen Bunch 984-500-7131 helen.bunch@ncdps.gov	Beaufort, Bertie, Hyde, Martin, Pitt, Tyrell, Washington	
Brett Boykin-Roach Non-Congregate Sheltering	13: Andy Andrews 984-297-5642 andy.andrews@ncdps.gov	Burke, Catawba, Clevela Gaston, Lincoln, Meckle 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	
@ncdps.gov	14: Andy Andrews 984-297-5642 andy.andrews@ncdps.gov	Buncombe, Cherokee, Graham, Haywood, Mac Swain	dison,	9:Lance Sanders 984-302-0934 lance.sanders@ncdps.gov	Caswell, Davie, Forsyth, Rockingham, Stokes, Surry, Yadkin	4: Barbara Johnson 919-812-1554 barbara.johnson@ncdps.g	Duplin, Cumberland, Jones, Onslow, Pender, ov Sampson	
Admin Support 919-817-0557 angel.durham	15: Andrew (AJ) Yowler 512-822-7929 andrew.yowler@ncem.org	Clay, Henderson, Jackso Macon, Polk, Rutherfor Transylvania		10: Stacey Anderson-Ebener 512-822-7946 stacey.anderson-	Alamance, Davidson, Durham, Guilford, Orange, Randolph	5: Thomas Bennett 984-233-9581 thomas bennett@ncdps.g	Bladen, Brunswick, Columbus, Hoke, New Hanover, Robeson	

ebener@ncem.org

Orange, Randolph

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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





FEMA Grants Portal Help

(866) 337-8448

or

FEMA-Recovery-PA-Grants@fema.dhs.gov









Thank you, and we welcome your comments.