



# Iowa Homeland Security and Emergency Management Department (HSEMD)

V. Joyce Flinn, Director

## Public Assistance Applicant Briefing

**FEMA-4483-DR**

**Declared March 23, 2020**

**Incident: COVID-19**

**Incident Period - January 20, 2020 & Continuing**

# THOSE JOINING US, PLEASE...

- Enter your NAME, EMPLOYER, EMAIL, AND PHONE # into the chat box.



Those joining by telephone, please text your NAME, EMPLOYER, EMAIL, AND TELEPHONE # to me (Rick Biondi) at 515-979-3519.

**We want the ability to contact you with updates, guidance, or further instructions.**



**Disaster Strikes**



**Preliminary Damage Assessment (PDA)**



**Declaration**



**Applicant Briefing**



**Request for Public Assistance (RPA)**



**Applicant Training -  
Project Worksheet Development**



**Project Worksheet Formulation**



**Project Worksheet Review by Local,  
State and FEMA**



**Project Obligated -  
Federal Share Available**



**Project(s) Complete**



**Closeout**



**State Share Paid**

# Applicant Briefing



- Provide information on the Public Assistance (PA) Program
- Review rules and procedures necessary to obligate funding and make claims
- Review process for submitting Request for Public Assistance (RPA)

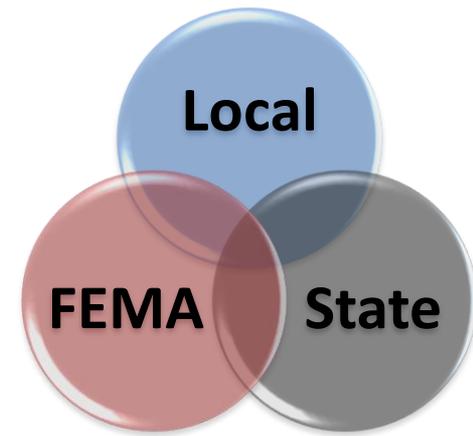
# Public Assistance (PA) Program

**Purpose:** Assist applicants with the response and recovery from disasters using Federal and State grant funds to reimburse eligible disaster related costs.

## Typical Cost Shares:

- 75% Federal share
- 10% State share
- 15% Local share

# Roles and Responsibilities



- **FEMA**
  - Managing the program
  - Approving project worksheets
  - Providing technical assistance to State and applicants
- **State**
  - Educate potential applicants
  - Work with FEMA to manage the program
  - Administer project funds
  - Monitor the projects awarded under the program
- **Applicant**
  - Identify work performed/related expenses
  - Provide data for FEMA to develop an accurate scope and cost estimate
  - Manage their projects funded under the program

# Request for Public Assistance

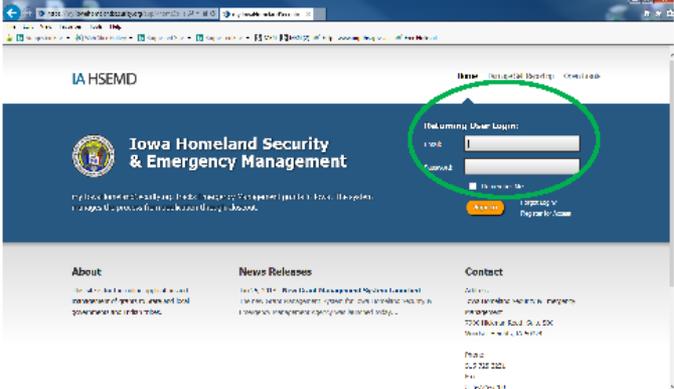
- Notifies FEMA and the State of intent to apply for Public Assistance
- Complete and Submit the Request for Public Assistance (RPA) form via EMGrantsPro
- Deadline for submitting RPA is 30 Days from the end of the Public Health Emergency
- Once FEMA approves RPA, sub-recipient will be notified

Submitting a Request for Public Assistance (RPA) via EMGrantsPro

Go to <https://my.iowahomelandsecurity.org>

Log in using your own username and password (NOTE: In order to fill out a Request for Assistance, the individual who is logging in MUST have been given "Full Access" system rights by the Systems Administrator and not simply "Read Only" system rights.)

*If your jurisdiction has never been granted access rights to the System, Click on the "Register for Access" button to the right of the orange "Sign In" button. Fill out ALL red boxes on the form and submit. After you have signed up for access, our Systems Administrator will contact you via email with further instructions for setting up your permanent password.*



# Grants Portal-Applicant Training

- Project Development-CHANGE IN PROCESS for DR-4483.
- The State (HSEMD) and FEMA will be training approved applicants on how they will develop their own projects within Grants Portal.

# Project Worksheet

v0

- Captures Work Performed, Description of Work, Scope of Work, and Costs
- Minimum Project Amount = \$3,300
- Large Project threshold = \$131,100

## Department of Homeland Security Federal Emergency Management Agency

### General Info

Project #	63766	Project Type	Work Completed / Fully Documented
Project Category	B - Emergency Protective Measures	Applicant	City of Ruthven (147-69330-00)
Project Title	Self Certify - Sewage Lift Station Overflow	Event	4386DR-IA (4386DR)

### Damage Description and Dimensions

The Disaster # 4386DR, which occurred between 06/06/2018 and 07/02/2018, caused:

#### Damage # 168896; Emergency Protective Measures (City of Ruthven - Overflow pumping operations)

During the incident period of 6/6/2018 through 7/2/2018, a(n) Severe Storm(s) created an immediate threat to the health and safety of the general public requiring emergency response and protective measures.

- Provided Flood Fighting for overflow from a sewage lagoon lift station at 3452 360th St. Ruthven, Iowa 51358 (43.125852, -94.894120) from 6/18/2018 to 7/1/2018.
- Provided Emergency Pumping for overflow from a sewage lagoon lift station at 3452 360th St. Ruthven, Iowa 51358 (43.125852, -94.894120) from 6/18/2018 to 7/16/2018.

### Scope of Work

168896 City of Ruthven - Overflow pumping operations

#### Work Completed

The applicant utilized force account labor, equipment, materials, and contracts for the Emergency Protective Measures to provide flood fighting and emergency pumping of an overflowing sewage lagoon station in the Town of Ruthven.

Cost share for this version is 75%. All work and costs in this project fall between 6.18.18 and 7.16.18.

#### City of Ruthven

- Emergency Pumping through Force Account Labor, Equipment, Materials, and Rental Equipment.
- Flood Fighting through Force Account Labor, Equipment, Materials, and Rental Equipment.
  - Force Account Labor Overtime - 2 Laborers - 24.25 hours \$762.01.
  - Force Account Equipment - 3 EA - 1,936 Equipment hours \$7,911.64.
  - Force Account Materials - \$3,034.12.
  - Rental Equipment - \$1,200.00.

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# Small Project

- Minimum Project cost of \$3,300
- Federal Share paid upon award
- Small Projects are closed when all of an applicant's small projects are 100% complete
- State Share is paid upon closeout

# Small Project Overrun

- Applicants may appeal for a “net” small project cost overrun within 60 days of completing all small projects and the “net” is 20% or greater
- Must document all work for all small projects to receive consideration for a “net” small project cost adjustment

# Large Project



- Greater than \$131,100; funding is based on documented actual final costs
- Funds must be requested by the Applicant
  - Reimbursement; proof of payment is required prior to reimbursement
  - Can receive up to 75% of the Federal share for reimbursement prior to project closeout
- **Example**
  - Total obligated project cost                      \$200,000
  - Federal Share (75%)                                      \$150,000
  - Maximum reimbursement                                \$112,500

# Applicants

- State Government Agencies
- County Governments
- Municipal Governments
- Municipal Authorities
- School Districts
- Taxing Districts
- Indian Tribes
- Certain PNP organizations



The first step in reviewing eligibility is to determine whether the Applicant is eligible.

# Eligible Assistance

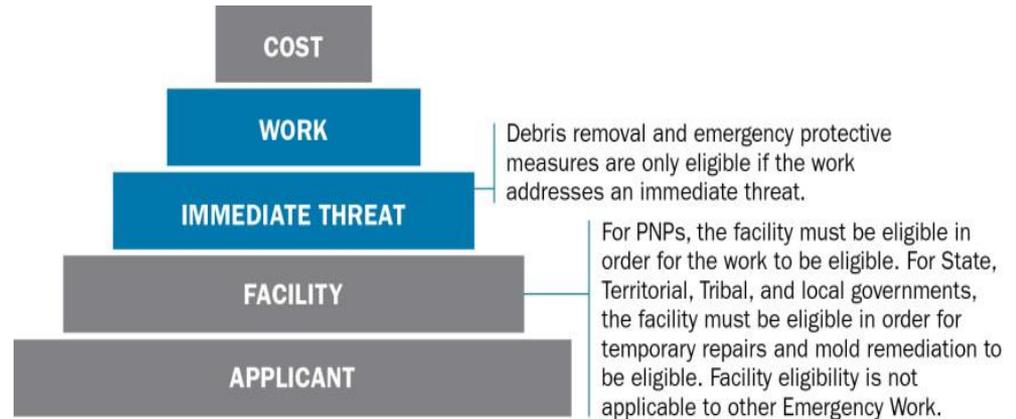


FEMA may provide assistance for emergency protective measures IF not funded by the HHS/CDC or other Federal agency.

Formal determinations will be made when reviewing and awarding grant/project worksheets.

Duplicating assistance is NOT allowed.

# Emergency Work



## Category B - Emergency Protective Measures (EPM)

Emergency protective measures conducted before, during, and after an incident are eligible if the measures:

- Eliminate or lessen immediate threats to lives, public health, or safety; OR
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.

# Work Activity-Examples

## Emergency Operations Centers

The Applicant may use its EOC to direct and coordinate resources and response activities for a period of time. Response activities conducted at EOCs are eligible provided they are associated with eligible work. Costs associated with operating the EOC are also eligible, including, but not limited to:

- Increased utility costs
- Costs to lease a facility
- Supply costs
- Meal costs



# Work Activity-Examples

## Emergency Medical Care

- Non-deferrable medical treatment of infected persons in shelter or temp facility
- Related medical facility services and supplies
- Temporary medical facilities
- Use of specialized medical equipment
- Medical waste disposal
- Emergency medical transport (COVID-19)

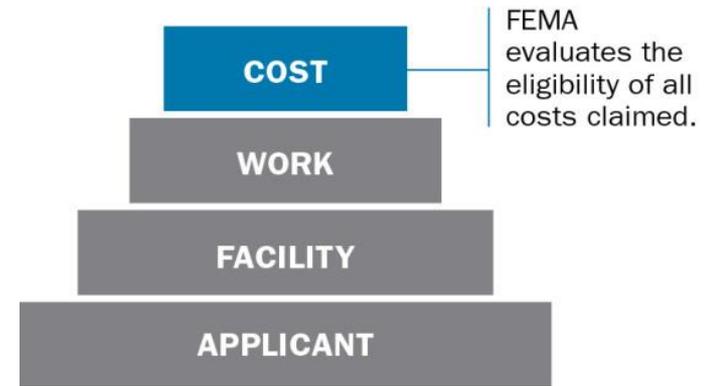


# Work Activity-Examples

## Other

- Training, specific to COVID-19 event
- Disinfection of eligible public facilities
- Movement of supplies and persons
- Security and law enforcement
- Communications-Public health and safety information
- Household pet sheltering and containment actions (CDC guidelines)

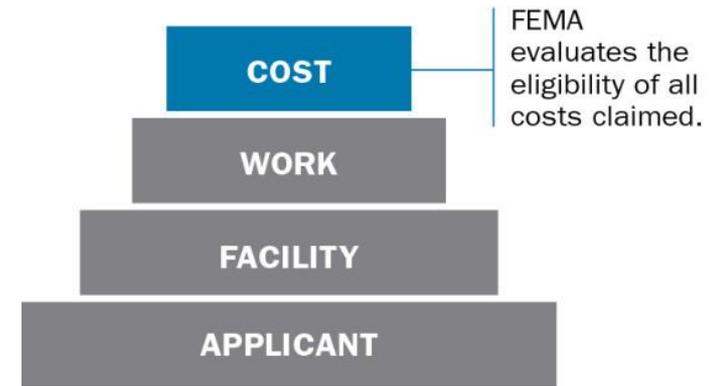
# Cost



The final component evaluated for eligibility are the costs claimed by the Applicant. Not all costs incurred as a result of the incident are eligible. To be eligible, costs must be:

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

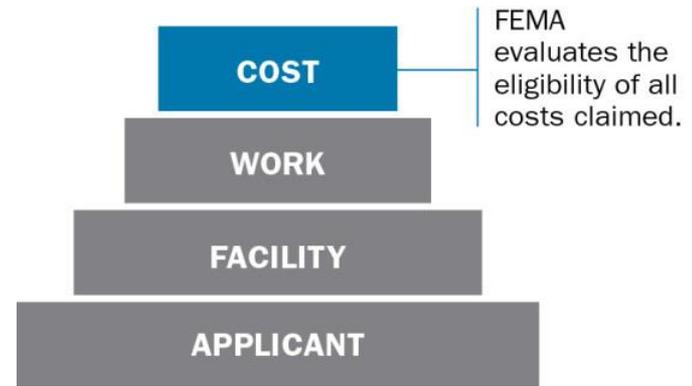
# FA Labor Costs



## FA Labor Cost Eligibility-

- Emergency Protective Measures - CAT B
  - Only overtime labor costs are eligible for emergency protective measures (If OT is normally paid per established policy)
    - Fringe Benefits are eligible but typically limited while on OT (per applicant policy)

# FA Labor Costs (Cont.)

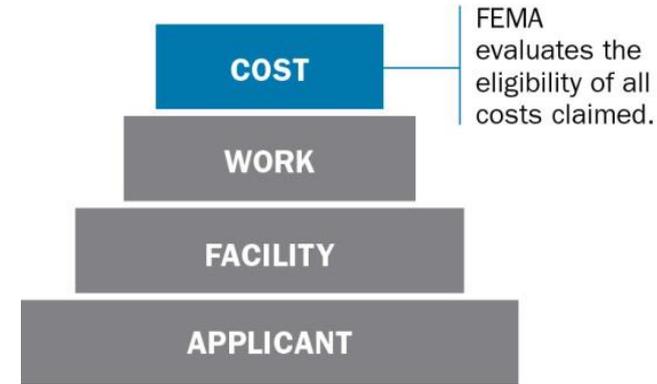


## FA Labor Costs **MUST** be supported by:

- **Time and effort reporting:**
  - Completed for each employee
  - Must account for 100% of all hours worked during the period of time being claimed
  - Must delineate each federal activity (project) and all non-federal activity (normal job)
  - Must coincide with the employee payroll period
- **Payroll Documentation**

# Management Cost

If a Sub-recipient incurs administrative labor costs that it tracks, charges, and accounts for, the costs are eligible Management costs (CAT. Z)

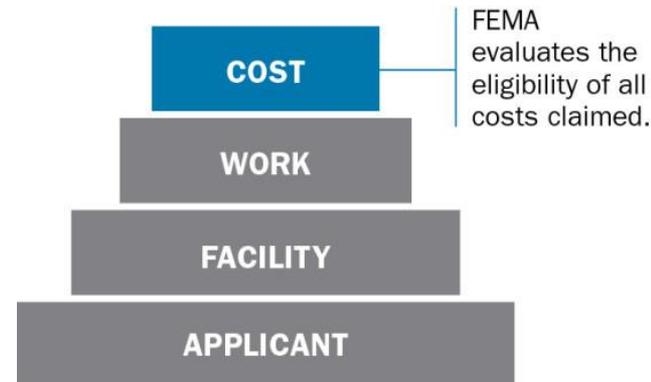


## Activities may include:

- Collecting, copying, filing, or submitting documents to support the claim
- Operating in FEMA Grants Portal & EMGrantsPro
- Preparing correspondence
- Some Travel Expenses
- Requesting disbursement of PA funds

Documentation requirements are the same as FA Labor

# Equipment Costs



## Force Account Equipment:

- Eligible during operator's regular and overtime
- Standby time is ineligible
- Must use FEMA cost codes or your own cost codes
  - FEMA cost codes include fuel, insurance, depreciation, and normal maintenance. Does not include labor to operate

**Purchasing** equipment and supplies to respond to the disaster is eligible if necessary and reasonable

- FM value > \$5,000, subject to salvage deduction

**Rental** equipment is also eligible (Cost of fuel eligible)

# Meals

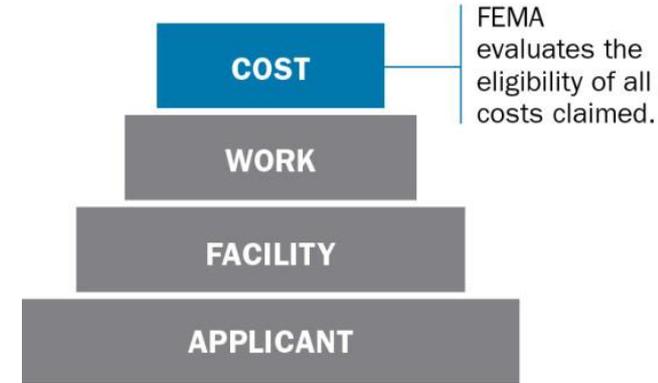


Meals for employees and volunteers engaged in eligible Emergency Work, is eligible provided the individuals are not receiving per diem and one of the following circumstances apply:

- Meals are required based on a labor policy or written agreement;
- Employees to work abnormal, extended work hours without a reasonable amount of time to provide for their own meals; or
- Food or water is not reasonably available for employees to purchase.

FEMA only reimburses cost of meals brought to work location and purchased in cost-effective and reasonable manner, such as bulk meals.

# Supplies



- Cost of supplies purchased or from stock and used during the performance of eligible work is eligible
  - Invoices, purchase orders, proof of payment (cancelled checks, accounting records) and records of supplies taken from stock must be kept for cost to be claimed

# Increased Operating Costs

Increased costs of operating a facility or providing a service are generally not eligible, even when directly related to the incident. However, short-term increased costs that are directly related to accomplishing specific emergency health and safety tasks as part of emergency protective measures may be eligible

# Procurement & Contracting

This section provides information on Federal procurement and contracting requirements.

This presentation does not cover all Federal procurement and contracting requirements.

Please refer to 2 C.F.R. Part 200 (Uniform Rules) for Federal procurement and contracting requirements.

**Educate yourself!**

# Exigent or Emergency Circumstances

The President's Nationwide Emergency Declaration, and the Secretary of Health and Human Services declaration of a Public Health Emergency for COVID-19 establish that exigent and emergency circumstances currently exist.

- Emergency - threat to life, public health or safety, improved property, or other form of dangerous situation
- Exigency - Urgent need to avoid, prevent, alleviate serious harm or injury, financial or otherwise

For the duration of the Public Health Emergency, entities may proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations.

# Sole Source Procurement under Emergency or Exigent Circumstances

- Contracts must include the required contract clauses (2 C.F.R. 200.326)
- Exceed simplified acquisitions threshold must include the Federal bonding requirements for construction or facility improvement
- Awarded to responsible contractor
- Cost or price analysis
- Cost + % of cost contracts prohibited
- Time and materials contracts if ceiling is established, limits duration to short-term
- Conflict of Interest requirements

# Procurement & Contracting

- **State government Applicants** must follow the same policies and procedures they would use for procurements with non-Federal funds; comply with 2 CFR § 200.322, Procurement of recovered materials; and ensure that every purchase order or other contract includes any clauses required by 2 CFR § 200.326, Contract provisions.
- **Non-State Applicants (Tribal and local governments and PNPs)** must use their own written procurement procedures that reflect applicable State, Tribal, and local government laws and regulations, provided that the procurements conform to applicable Federal law and standards. This requirement applies to Tribal Governments even when the Tribe is a Recipient.

# Procurement & Contracting

Tribal and local governments and PNPs must comply with the following Federal standards:

- Provide full and open competition (**Contracts to consultants on retainer is considered restrictive!**);
- Conduct all necessary affirmative steps to ensure the use of minority businesses, women's business enterprises, and labor surplus area firms when possible; ([www.iowaeconomicdevelopment.com](http://www.iowaeconomicdevelopment.com)) "Targeted Small Business"
- Exclude contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals from competing for such procurements to ensure objective contractor performance and eliminate unfair competitive advantage;
- Maintain written standards of conduct covering conflicts of interest and governing the performance of employees who engage in the selection, award, and administration of contracts; and
- Maintain records sufficient to detail the history of the procurement.

# Procurement & Contracting

Tribal and local governments and PNPs must use one of the following procurement methods:

- Micro-purchases (<\$10,000) - May be awarded without soliciting competitive quotations if price is considered reasonable
- Small Purchase (<\$250,000)- Informal, several price quotes (min. 3)
- Sealed Bids (formal advertising)
- Competitive Proposals - Qualifications-based
- Non-Competitive Procurement (**Caution**) - Limited primarily to emergency work. One or more of the following must apply:

1. Item is only available from a single source;
2. The public **exigency or emergency** for the requirement will not permit delay resulting from competitive solicitation;
3. FEMA or Recipient expressly authorizes in response to written request from Applicant;
4. After solicitation of a number of sources, competition is determined inadequate.

**Non-competitive procurements REQUIRE documented justification!**

# Procurement & Contracting

## Acceptable Contract Types:

- Lump Sum
- Unit Price
- Cost Plus Fixed Fee
- Time & Materials (If no other contract is suitable, limited time, must have ceiling price, Applicant to provide high degree of contractor oversight !)

**WARNING:** FEMA does NOT reimburse costs incurred under a cost-plus-percentage contract!

Federal Contract Provisions are required within the body of the contract or as an attachment to the contract.

Must not use suspended or debarred contractors:

<https://www.sam.gov>

# Special Considerations

Considerations other than basic program eligibility that affect the scope of work and funding of a project worksheet

- Insurance

# Insurance

**Duplication of Benefits.** FEMA cannot provide assistance for disaster-related losses that duplicate benefits available to an applicant from another source, including insurance.

- FEMA will reduce eligible project costs that are insured, by the actual or anticipated insurance proceeds

# Project Management

- Record Keeping
- Time Limits
- Progress Reports
- Audits

# Record Keeping



- Applicants must establish a PA Disaster Specific File (Electronic or Hardcopy). The file will contain the specific information for each project containing all documentation pertaining to each specific project by Project Worksheet #
- Supporting documentation is required for all claimed costs
- Retain documents for all approved work, for three years
  - This retention period starts on the day the Applicant submits their final project completion and certification report (P.4)

# What should be in each Project File?

Examples:

- Obligated Project Printout
- Completed Special Considerations Questions Form
- Estimated and Actual Costs
- Force Account Labor Documentation
- Force Account Equipment Documentation
- Rented Equipment Invoices
- Materials and Purchases Invoices and Receipts
- Insurance Information
- Records of donated goods and services
- Permits
- Correspondence
  - Extensions, approvals (improved, alternate), emails





# Time Limits

- RPA deadline date is 30 days from the end of the Public Health Emergency
- Work Completion Deadlines are from the date of declaration:
  - Emergency Protective Measures - 6 Months
- Extension requests past the State's authority will be forwarded by the State to FEMA for a determination



# Audits

- Single Audit Act: This act requires grant recipients expending \$750,000 or more in Federal funds in a fiscal year to perform a single audit
- DHS/FEMA Office of Inspector General Audits:
  - Items not covered by the single audit



# Representative Audit Findings

- Unsupported contractor costs
- Unsupported Force Account costs
- Ineligible Costs
- Unreasonable Costs
- Failed to establish a project file containing all documentation pertaining to the project
- Failed to keep specific source documentation, including cancelled checks, paid bills, payroll, time and attendance records, contracts, etc.
- Failed to maintain records that adequately identify the source and application of funds provided for financially assisted activities
- Failed to follow Federal procurement regulations

# Appeals

- Two Levels of Appeal:
  - 1<sup>st</sup> Appeal goes to the Regional Director
  - 2<sup>nd</sup> Appeal goes to the FEMA Headquarters
- Appeal Timelines from date of receipt:
  - Applicant 60 Days to submit appeal
  - State 60 Days to submit recommendation
  - FEMA 90 Days to issue determination

# References

- Public Assistance Program and Policy Guide (PAPPG)  
<https://www.fema.gov/public-assistance-policy-and-guidance>
- 44 Code of Federal Regulations (CFR)  
[https://www.ecfr.gov/cgi-bin/text-idx?SID=5e6b8be71598d48d948b162d19c0e85c&mc=true&tpl=/ecfrbrowse/Title44/44tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=5e6b8be71598d48d948b162d19c0e85c&mc=true&tpl=/ecfrbrowse/Title44/44tab_02.tpl)
- 2 C.F.R. Part 200  
[https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)
- Robert T. Stafford Act, as amended  
<https://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended>
- FEMA  
<https://www.fema.gov/>
- Iowa Homeland Security and Emergency Management  
<https://www.homelandsecurity.iowa.gov/>

# Points of Contact

- HSEMD Main Line
  - Phone (515) 725-3231
- Public Assistance
  - Katie Waters, State Public Assistance Officer  
(515) 725-9314
  - Rick Biondi, Deputy-State Public Assistance Officer  
(515) 979-3519
  - Jim Grandquist, Deputy-State Public Assistance Officer  
(515) 971-5579

**Please submit your  
RPA**

**<https://my.iowahomelandsecurity.org>**