

FEMA-####-DR Applicant Briefing

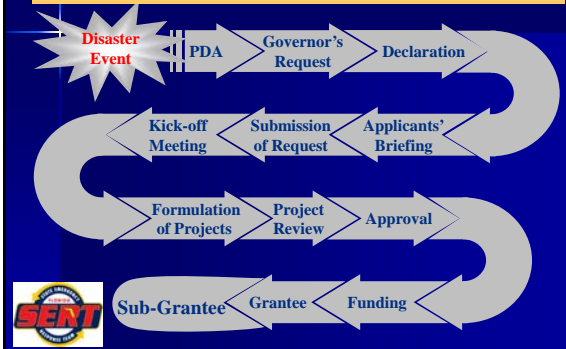
Tropical Storm or Hurricane Named



Presented by: Bob Seibert
Florida Division of Emergency
Management



The Public Assistance Process



Preliminary Damage Assessment (PDA)

- FEMA, State, and local government representatives conduct a joint PDA.
- Emergency Management Staff and the Governor review and evaluate the data gathered.
- The Governor (State) determines if the disaster is beyond State and local capabilities and whether to request Federal Assistance.



Governor Requests Federal Assistance



Based on the extent of damages, the Governor requests Federal Assistance through the Regional FEMA office with an estimate of the extent of the disaster and its impact on individuals and public facilities. As part of the request, the Governor must take appropriate action under State law and direct execution of the State's Comprehensive Emergency Management plan.



Presidential Declaration



- Identifies the eligible counties.
- Identifies the incident period.
- Identifies eligible programs.
- Identifies the cost share.



For FY12; Countywide per capita threshold indicator is \$3.39 and the Statewide per capita threshold indicator for declaration is \$1.35

Public Assistance:



- FEMA's Public Assistance (PA) Grant Program provides assistance to State, Tribal and local governments, and certain types of Private Non-profit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.




<http://www.fema.gov/government/grant/pa/index.shtm>

REQUEST FOR PUBLIC ASSISTANCE (RPA)

You must submit your Request for Public Assistance (RPA) through the Florida Public assistance Web Portal within:


30 DAYS


From Declaration Date
XX/XX/20XX




www.floridapa.org

Eligible Applicants

- State Government Agencies
- County Governments
- Municipal Governments
- Special Purpose Districts
- School Districts





Eligible Applicants *Private Non-profit*

- Educational Institutions
- Utility (Water, Sewer, Energy, Communications)
- Emergency Services (Fire, Ambulance, Rescue)
- Medical Care (Hospital, Rehab, Outpatient)
- Custodial (Nursing Home)
- Others




501 (c) (3)


Source: FEMA 321, PA Policy Digest Page 41



Critical Services *Private Non-Profit*

- Utilities
 - Power
 - Water
 - Sewer
 - Communications
- Emergency Medical Care
- Fire and Rescue
- Educational Institutions





Non-Critical Services *Private Non-Profit*



- Museums
- Zoos
- Libraries
- Community Centers

– Eligible for categories A & B

– Must **apply for SBA Loan** before FEMA will fund for Permanent Work (C-G)

– If SBA application is **declined** or loan does not cover complete costs, FEMA may reimburse eligible Permanent Work expenses.


FEMA is the Recourse of Last Resort

Tax Exempt & Open to the Public *Private Non-Profit*

- PNP organizations must have an effective **ruling letter from the Internal Revenue Service** at the time of the disaster granting tax exemption under Sections 501(c), (d), or (e).
- The specific facility for which the PNP organization is requesting funding must be **used primarily for an eligible purpose** consistent with the services identified and, generally, be **open to the public**.

http://www.fema.gov/government/grant/pa/pag07_2.shtm

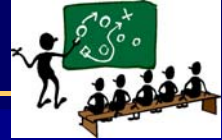


Kickoff Meeting

- FEMA and the State will each assign Public Assistance Coordinator (PACs).
- FEMA holds kickoff meeting to discuss Public Assistance Program in detail.
- Applicant provides a preliminary list of damages from the disaster.
- Bring complete copies of all Insurance Policies with itemized coverage and Statements of Value.
- **Identify Damages (60 Days)** – Clock begins with Kickoff meeting.



Your Grants Management Team



All Operational Departments

- Public Works
- Utilities
- Solid Waste
- Facilities
- LE/Fire/Safety/EM
- Administration
 - HR/Payroll
 - Purchasing
 - Contracting/Legal
 - Risk Management/Insurance



Mutual Aid



- Mutual Aid or EMAC assistance that you requested may be an eligible "Category B" expense.
- Under the Statewide Mutual Aid Agreement (SMAA); providing an invoice is the responsibility of the "assisting agency". Unfortunately this is not always provided in a timely manner.
- If you have received mutual aid assistance; ensure your State PAC and/or FEMA project specialist is notified of this at the Kickoff Meeting and includes the Mutual Aid Mission as part of the scope of work in a Category B Project Worksheet.



Building Blocks of Eligibility



Source FEMA 322 PA Guide Page 40



Facility Eligibility

- Be the legal responsibility of an eligible applicant
- Have been in active use at the time of the disaster
- Be damaged as a result of the declared disaster
- Be located in the designated disaster area



Eligible Work Criteria

- Required as a result of the declared disaster
- Located in designated disaster area
- Legal responsibility of eligible applicant
- No other Federal agency has specific authority



Types of Eligible Work

1. Emergency Work (Categories A & B)



2. Permanent Work (Categories C - G)



Emergency Work

Debris Removal & Emergency Protective Measures

Category A

Clearance of trees and woody debris; certain building wreckage; damaged/ destroyed building contents; sand, mud, silt, and gravel; vehicles; and other disaster-related material deposited on public and, in **very limited cases**, private property

Category B

Measures taken before, during, and after a disaster to **eliminate/reduce an immediate threat to life, public health, or safety**, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures



FEMA 322, Public Assistance Guide, pages 66-87



Work Categories

- A: Debris Removal
- B: Protective Measures
- C: Road System
- D: Water Control Facilities
- E: Buildings And Equipment
- F: Public Utility Systems
- G: Other (Park and Recreational)



Permanent Work

Categories C thru G

Permanent Work is that which is required to restore a damaged facility, through repair or restoration, to its pre-disaster design, function, and capacity in accordance with applicable codes and standards. The work is grouped into categories.



FEMA 322, Public Assistance Guide, pages 66, 79-87



Cost Eligibility

To be eligible for reimbursement, costs must:

- Be reasonable and necessary to accomplish eligible work
- Comply with federal, state, and local laws and regulations
- Include deductions of insurance proceeds, salvage value, and purchase discounts.



Small and Large Projects are managed and funded differently

Threshold for large projects



Annually updated This is the fiscal year FY12 threshold amount.

Mitigation

- Section 404 - Hazard Mitigation Grant Program (HMGP)
Not Part of Public Assistance
Contact : Miles Anderson 850-413-9816
- Section 406 – Hazard Mitigation Proposal (HMP)
Available as part of a Public Assistance Project Worksheet. Applies only to the damaged element.
Must be determined to be “cost-effective” (to mitigate potential future damage to the facility).



FEMA Public Assistance Policy 9526.1
Hazard Mitigation Under Section 406

Project Worksheet (PW) The Sub-Grant



- Applicant Identification Information & Facility Location.
- Pre-disaster description of the facility and damage description; include the cause and dimensions of damaged areas (quantified).
- Scope of work (to restore facility to Pre-Disaster Condition)
- Costs (Actual and/or Estimated) include required codes and standards upgrades.
- Special considerations associated with the project, such as insurance and hazard mitigation (406 – damaged element).
- Minimum of \$1,000.



FEMA 321, Public Assistance Policy Digest, Page 105

Project Worksheet (PW) The Sub-Grant



- Alternate Projects
 - Abandon and demolish the original facility.
 - Money used for repair or expansion of other public facilities; purchase of capital equipment
 - Capped at 90% for governmental entities; 75% for PNP's
 - Must be requested within 12 months of the Kickoff Meeting.
 - Must be approved by FEMA prior to construction.



FEMA 321, Public Assistance Policy Digest, Page 105

Project Worksheet (PW) The Sub-Grant



- Improved Project
 - Improvements beyond restoration to the pre-disaster condition.
 - Must retain the original function of the facility
 - Must be approved before construction begins
 - Funds for an improved project can be combined with a grant from another federal agency or a FEMA approved alternate project.
 - Capped at the original Federal Share.



FEMA 321, Public Assistance Policy Digest, Page 105

Special Considerations

Historical Preservation

- Listed on the National Register of Historic Places
- Usually, a facility over 49 years old
- Or of historical significance



Special Considerations

Environmental Concerns

- Changes in a facility's "footprint"
- Located in wetlands
- Affects on water and/or air
- Affects endangered species

Flood Plain Management

- Must meet the Executive Orders on Floodplain Management and Protection of Wetlands



Special Considerations

Cultural and Archaeological Resources

- Human Remains
- Battle Grounds
- Art



Special Considerations

- Tribal Consultation
 - Required if the soil surrounding your project is disturbed more than 3 inches in depth.



Special Considerations

Coastal High Hazard Areas

The Coastal Barrier Resources Act (CBRA) requires a Special Considerations Review

- CBRA limits federal expenditures in designated coastal barrier resource zones
- Reviewed Case by Case



Special Considerations

- The Florida Greenbook addresses special considerations
 - Debris
 - Environmental and
 - Historic Issues

Contact:

Larissa.Pallo@em.myflorida.com

Download the Florida Greenbook from:

<http://www.floridadisaster.org/Recovery/EDS/environmental/index.html>



Plan to Perform Eligible Work

Ensure that you maintain Grant eligibility while performing response/recovery work by:

- Become familiar with FEMA policies and procedures.
- Follow your published purchasing/contracting policies.
- Comply with Environmental regulations.
- Record the decision making process in view of protecting life, health, and the Safety of the Public.

Document - Document - Document



Project Worksheet (PW) Development



This is where **Your Team** Makes the difference.

- A well written PW will :
 - Maximize eligible reimbursement
 - Minimize Grant Management Review Questions
 - Minimize Payment Variations (plus or minus)
 - Be Closeout Ready with Documentation



PW Development Process

- FEMA and State Public Assistance Coordinators meet with applicant to **formulate** projects.
- Applicant, State or FEMA project specialists may write **Small Projects** Worksheets. However, if written by the Applicant they must be completed in 60 days and validated by FEMA.
- FEMA writes all **Large Project** Worksheets.
- Applicant **Reviews and Signs** PWs.
- PWs **Reviewed** at Joint Field Office for Eligibility, Environmental, Historical, Floodplain and other considerations; **Obligated** upon approval.



Small Project Validation

- Validation is performed on a randomly selected 20% of the Small projects written. Sample does not include projects with Special Considerations (Historical, Environmental, etc.) which are reviewed separately.



FEMA 321, Public Assistance Policy Digest, Page 136

Cost Share

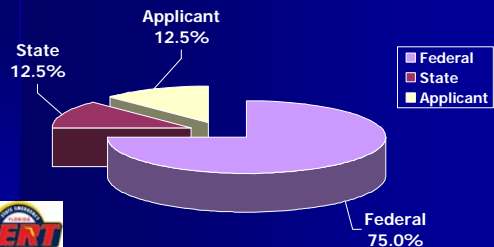
- Cost Shares are outlined in the FEMA-State Agreement.
- Stafford Act states that Federal Share shall not be less than 75%.
 - Can be higher during more severe events.
- Grantee determines the distribution of the non-Federal Share.



FEMA 321, Public Assistance Policy Digest, Page 28

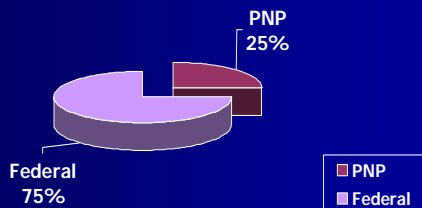
Cost Share for State and Local Governments

State chooses to provide half of the Non-Federal Share



Cost Share for Private Non-Profit Organizations

State does **not** provide any portion of the Non-Federal Share.



Donated Resources

- Donated resources are eligible to offset the Non-Federal share of eligible Category A and B costs.
- Examples include, but are not limited to:
 - Removing eligible debris.
 - Filling and placing sandbags.
 - Donating equipment to raise or reinforce a levee.
 - Donating materials, such as rocks or sand.
 - Search and rescue when part of an organized search and rescue operation.
 - Professional safety inspections.
 - Mass food and shelter for victims, when not the mission of the organization.
- FEMA Disaster Assistance Policy 9525.2



FEMA 321, Public Assistance Policy Digest Page 37
http://www.fema.gov/government/grant/pa/9525_2.shtm

Duplication of Benefits

- The Stafford Act states that it is a violation of Federal Law to receive funding from two sources for the same item of work.
- Funding from other Agencies (NCRS, FAA, DOT, FWHA, etc.), Insurance proceeds, or other Grants and Donations potentially may constitute a Duplication of Benefits.
- Subgrantees must ensure that funds received from other sources for disaster work are not a Duplication of Benefits.
- If at a later date, FEMA discovers a Duplication of Benefits, they will deobligate the funds they provided.



FEMA Disaster Assistance Policy 9525.3; Duplication of Benefits
http://www.fema.gov/government/grant/pa/9525_3.shtm

Record Keeping *Vital To Full Reimbursement*

- Track Costs by Project Worksheet for FEMA approved Scope of Work.
- FEMA has forms that assist in organizing and summarizing.
- Maintain original documentation for audit or program review.
- Keep records for 5 years after closeout letter from FEMA.



Record Keeping Force Account Labor



- Who is the Worker. (ID Info)
- What the Worker did. (Task)
- Where the Worker worked. (Location)
- When the worker worked. (Date)
- Why did the worker work. (Mission)
- How long the worker worked. (Written record)
- Pay Rate & Fringe Benefits Calculation
- Separate Donated, Regular & Overtime hours



Record Keeping Force Account Equipment

- Equipment Description (FEMA Cost Code)
- Task performed (Eligible work)
- Location performed (Legal Responsibility)
- Time in operation (Dispatch)
- Operator (Total operator time should equal "time in operation".)



Record Keeping Force Account Materials

- Source (Purchase, Donated, or Stock)
- Cost (reasonable for area)
- Quantity Used
- Location Used



Contracts and Procurements

- Must be of reasonable cost.
- Generally must be competitively bid.
- Must comply with Federal, State, and local procurement regulations/policies.
 - Time and Materials—70 hours maximum
 - Piggyback—legal, not recommended
 - Cost Plus—Not allowed
- No De-barred Contractors.



FEMA 321, Public Assistance Policy
Digest: page 23

Disaster Relief Funding Agreement

- Projects **cannot** be funded without an executed Disaster Funding Agreement.
- **Download** a copy from www.floridapa.org.
- Designate a Primary and Alternate agent.
- See instructions accompanying the agreement for an authorized executor.



Advances

- Sub-grantee (Applicant) may submit **one** Request for Advance (RFA) per disaster.
- To covers expenditures within the next 90 days.
- The Advance may cover more than one Project Worksheet.
- Advanced expenditures **must be documented within 90 days**.
- Submit requests through your account at www.floridapa.org.



Florida Statue 216.181 (16) (b).

Reimbursement



Reimbursements Small Projects

- Small Projects – payments will be automatically processed by State upon obligation.
- Disaster Funding Agreement must be fully executed.



Reimbursements Large Projects

- Must submit Requests for Reimbursement (RFR), by project, as work is completed.
- Electronically attach (PDF) documentation showing work performed by invoice, period of performance and actual reasonable cost.
- Submit requests referred to as RFR through your account at www.FloridaPA.org
- Disaster Funding Agreement must be fully executed.



Performance Period

- Emergency Work: **180 Days** (6 Months from Declaration date. State can grant a period of up to 1 year.
- Permanent Work: **18 Months** from Declaration date. State can grant an additional 30 month extension.
- Extensions must document the extenuating circumstances beyond the applicants control.
- Submit Extensions through www.FloridaPA.org.
- Work performed after the performance period may not be reimbursed by FEMA.
- Project must be completed per original Scope of Work even if the extension is not granted, or all funds for the sub-grant may be de-obligated.



Hidden Damages & Cost Variance -Large Projects-

- Subgrantee must notify the State (Grantee) as soon as the situation is identified.
- State (Grantee) conducts an interim inspection to document the situation.
- New Project Worksheet version is written to change the Scope of Work.
- FEMA/State review, determine eligibility and obligate funds for eligible expenses.



Hidden Damages & Cost Variance -Small Projects-

- If there is a gross error or omission in the scope of work, the applicant should make a request for a change as described for large projects.
- Net cost overruns for all small projects are addressed by submitting an Appeal requesting **Small Project Netting**
 - The appeal should be submitted only when the total costs for all small projects exceed the total cost approved for all small projects.
- To be considered; the appeal must be submitted within **60 days** of completion of work on the Subgrantee's last small project.



FEMA 321, Public Assistance Digest, page 27

Project Closeout (Sub-grant) A 2-Step Process

- Programmatic Closure – FEMA closes projects in EMMIE after the Final Performance Inspection is completed.
- Financial Closure – State ensures all payments have been made and then closes the project in FloridaPA.



FEMA 322, Public Assistance Guide, page 114

Final Inspection



- Site Inspection comparing work to scope.
- Invoices, force account records, etc.
- Insurance
 - Statement of loss, itemized by facility, separated by PW.
 - Statement of Values
 - Prior commitments
- Duplication of Funds
- Permits
- Contract Compliance



Final Inspection Report FRR Checklist General documentation needed when applicable:

- Time extension paperwork (Performance Period).
- Improved Project; letter of approval from the Governor's Authorized Representative (GAR).
- Alternate Project; letter of approval from the Federal Coordinating Officer (FCO).
- Emergency declaration for applicant
- Inter-Local agency agreement information
- Duplicate funding information from other federal agencies (FHWA, NRCS, FAA ... etc).



Final Inspection Report FRR Checklist General documentation needed when applicable:

- Post disaster photographs showing damage to facility/facilities.
- Codes and standards excerpt (enabling legislation/ordinance).
- A&E fees supporting scope of work on project.
- Hazard mitigation.
- Copies of building permits .
- Copies and proof of compliance with environmental/historic permits.
- Photos, receipts, invoices, and contracts.
- Salvage value for equipment purchased over \$5,000.





Final Inspection Report FRR Checklist Insurance Information (as appropriate)

- Current Insurance Policy at time of Closeout
- Current Schedule of Values at time of Closeout
- Statement of Loss from Insurance Carrier
- Denial letters from Insurance Carrier
- Statement from Applicant on Letterhead describing why no claim was submitted to Insurance Carrier
- Statement of No Insurance from Applicant on Letterhead
- Litigation-Resolution Documents regarding Insurance/Contract



Final Inspection Report FRR Checklist Workforce\Equipment and Materials documentation:

- Labor summaries (aka: Force Account Labor)
- Timesheets
- Benefits breakdown (aka: Fringe Calculation)
- Equipment summaries (if owned "Force Account Equipment" or rental/lease records)
- Materials records (Receipts/Stock)
- Rental equipment contracts
- Applicable ordinances, policies, or past history that supports wages/services
- Emergency pay policies



Final Inspection Report FRR Checklist Contract documentation:

- Applicant procurement procedure policy statement
- Proposal / bid form and bid tabulation
- Copy of contract -signed and dated
- Invoices / progress billing
- Change orders
- Cancelled checks
- Check Book summary



Appeals

- Any determination related to Federal assistance may be appealed
- The time limit for appeal submission is **60 days** from the date of the Determination Letter (notification).
- Appeals are to be submitted to the **State**, the State has **60 days** to submit a recommendation letter to **FEMA**.
- FEMA should respond to your appeal within **90 days**.

FEMA 321, Public Assistance Policy Digest, Page 8



Appeals

- Send all appeals to:

Florida Division of Emergency Management
Attention, State PAO
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100



References

- FEMA Public Assistance Policies, Guide and Digest, regulations, and tools are available online at:
<http://www.fema.gov/government/grant/pa/index.shtm>





Contact

State Public Assistance Officer
Florida Division of Emergency Management
Bureau of Recovery
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

Office: (407) 888-3793
Robert.seibert@em.myflorida.com

