

**Bloomberg  
Philanthropies**

**COVID-19  
LOCAL  
RESPONSE  
INITIATIVE**



**THE UNITED STATES  
CONFERENCE OF MAYORS**

# **City Fiscal Tracking and Federal Reimbursement Initiative**

**Webinar**

**Monday, May 5, 2020**

**3:00PM EDT**

# INSIDER'S GUIDE TO COVID-19 ASSISTANCE

## FEMA'S PUBLIC ASSISTANCE PROGRAM and PROCUREMENT PROCESSES



# Today's Agenda

Topic	Presenter
Welcome and Introductions	<b>Tom Cochran</b> , CEO and Executive Director The U.S. Conference of Mayors
FEMA's Public Assistance Program	<b>Traci Brasher</b> , Acting Director Public Assistance Division Recovery Directorate, FEMA
FEMA's Procurement Processes	<b>Nielsen Leon</b> , Program Specialist Procurement Disaster Assistance Grant Programs Directorate, FEMA
Q&A	<b>Rose Gill</b> and <b>Adam Freed</b> Bloomberg Associates



# Traci Brasher

Acting Director, Public Assistance Division  
**Recovery Directorate, FEMA**



# Webinar: Public Assistance Guidance for COVID-19

FEMA Public Assistance | May 4, 2020

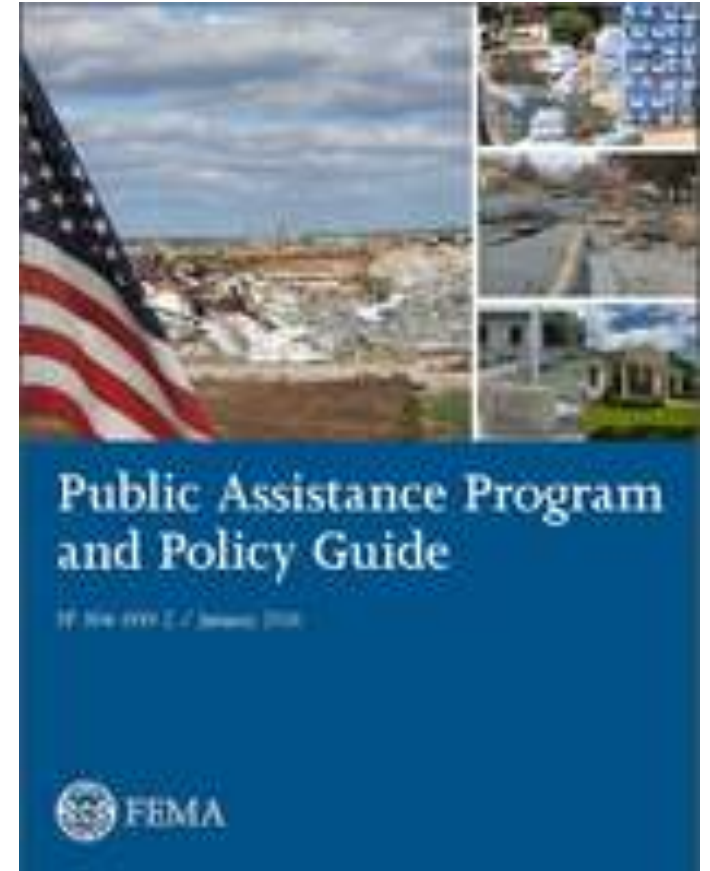


**FEMA**

# FEMA Public Assistance: Applicant Eligibility for COVID-19

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- FEMA's Public Assistance Program provides supplemental grants to state, tribal, territorial, and local governments, and certain types of private non-profits so that communities can quickly respond to and recover from major disasters or emergencies.
- All states, tribes, territories, and the District of Columbia were declared on March 13 2020 for the Coronavirus Disease 2019 (COVID-19) pandemic.
- More detailed information about the PA Program can also be found in the [FEMA Public Assistance Program and Policy Guide](#). Refer to page 9 for Applicant Eligibility.



# FEMA Public Assistance: COVID-19 Specific Guidance

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The following specific guidance for the PA Program and COVID-19 can also be located online at

<https://www.fema.gov/media-library/assets/documents/187108>

- **Eligible Emergency Protective Measures:** <https://www.fema.gov/news-release/2020/03/19/coronavirus-covid-19-pandemic-eligible-emergency-protective-measures>
- **Emergency Medical Care:** <https://www.fema.gov/news-release/2020/03/31/coronavirus-covid-19-pandemic-emergency-medical-care>
- **Public Assistance Simplified Application:** <https://www.fema.gov/news-release/2020/03/23/coronavirus-covid-19-pandemic-public-assistance-simplified-application>
- **Private Nonprofit Organizations:** <https://www.fema.gov/news-release/2020/04/02/coronavirus-covid19-pandemic-private-nonprofit-organizations>
- **FEMA Assistance for Tribal Governments:** <https://www.fema.gov/news-release/2020/03/26/coronavirus-covid-19-fema-assistance-tribal-governments>

# FEMA Public Assistance: COVID-19 Specific Guidance (continued)

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- **Procurement Under Grants: Under Exigent or Emergency Circumstances:** <https://www.fema.gov/news-release/2020/03/20/procurement-under-grants-under-exigent-or-emergency-circumstances>
- **Non-Congregate Sheltering:** <https://www.fema.gov/news-release/2020/03/31/coronavirus-covid-19-pandemic-non-congregate-sheltering>
- **Non-Congregate Sheltering Delegation of Authority:** <https://www.fema.gov/news-release/2020/03/19/public-assistance-non-congregate-sheltering-delegation-authority>
- **Purchase and Distribution of Food Eligible for Public Assistance:** <https://www.fema.gov/news-release/2020/04/12/coronavirus-covid-19-pandemic-purchase-and-distribution-food-eligible-public>



# FEMA Public Assistance: Streamlined Application Process

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- Virtual Applicant Briefings held by the Recipient
- Direct Account Requests and Request for Public Assistance (RPA) submission through Grants Portal (<https://grantee.fema.gov/>)
  - FEMA's Quick Guides and How-To Videos provide step-by-step instructions and can be found in the Grants Portal
  - For technical assistance with Grants Portal, Applicants can call the Grants Portal Hotline at 1-866-337-8448
- Direct Application of COVID-19 Project Worksheet



# FEMA Public Assistance: Best Practices for Applicants

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- Follow Federal Acquisition Regulations: Following federal acquisition regulations is mandatory when spending any federal funding (e.g. Public Assistance).
- Provide documentation: Applicants can impact the speed of their own recovery by understanding documentation needs, gathering, and providing all necessary documentation.
- Demonstrate legal responsibility and maintenance: Applicants must also have the legal responsibility and authority to maintain a facility to be eligible to receive Public Assistance funds.
- Duplication of benefits: FEMA Public Assistance policy explicitly prohibits duplication of federal benefits.

# FEMA Public Assistance: For More Information

- Questions?
  - Recipients should contact their FEMA [Regional Office](https://www.fema.gov/fema-regional-contacts) at [fema.gov/fema-regional-contacts](https://www.fema.gov/fema-regional-contacts)
  - Applicants should contact their [State Emergency Management Agency](https://www.fema.gov/emergency-management-agencies) also located at [fema.gov/emergency-management-agencies](https://www.fema.gov/emergency-management-agencies)
  - <https://www.fema.gov/coronavirus>





FEMA

# Nielsen Leon

Program Specialist, Procurement Disaster Assistance  
**Grant Programs Directorate, FEMA**



# COVID-19 Guidance: Procurements Under FEMA Awards During Periods of Emergency or Exigency

FEMA Procurement Disaster Assistance Team | May 2020



# FEMA

## PDAT Goals

- Increase awareness of the federal procurement under grant rules
- Create tools and resources for Public Assistance Program staff and applicants to facilitate compliance
- Provide timely technical assistance



**FEMA**

## Hot Topics We'll Discuss:



- Sole-sourcing under E&E
- Additional requirements under E&E
- Where to find help

# Kickoff: Uniform Rules



2 C.F.R. §§ 200.317 – 326

317	Procurements by States
318	General Procurement Standards
319	Competition
320	Procurement Methods
321	Socioeconomic Contracting
322	Recovered Materials
323	Contract Cost or Price
324	Review of Procurements
325	Bonding Requirements
326	Contract Provisions

## Objectives



Reasonable  
Cost



Other Policy  
Goals



**FEMA**



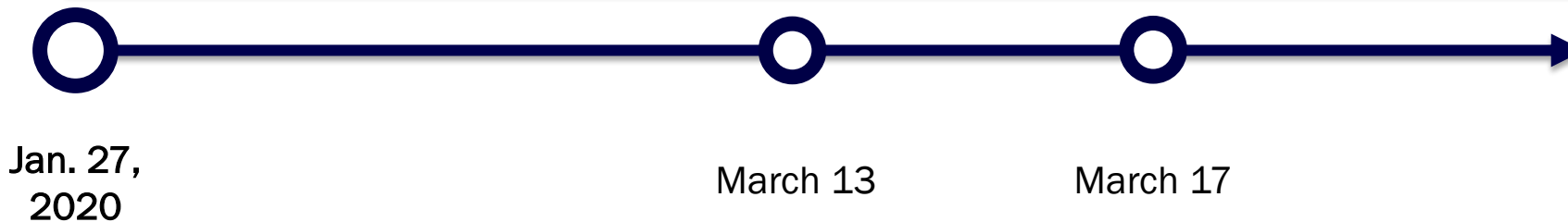


## Non-State Entity Requirements When Sole-Sourcing under the E&E Exception for COVID-19

# Sole-Sourcing Under E&E for COVID-19

The exception is applicable to **contracts entered into or used** on or after January 27, 2020

- For the duration of the current federal Public Health Emergency, the ongoing **COVID-19** pandemic qualifies as an E&E circumstance
- Non-state entities may sole-source under that exception




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## If sole-sourcing under the E&E exception, non-state entities **MUST**:

- Use only during the **period of actual** Public Health Emergency (HHS)
- Document and provide **justification** for the use of the exception (list of suggested elements for justification provided)
- Conduct a **cost or price analysis** if applicable
- Follow **bonding requirements** if applicable



# FEMA

 **FEMA**

**Fact Sheet**

**Procurement Under Grants Conducted Under Exigent or Emergency Circumstances**

The Federal Emergency Management Agency (FEMA) provides financial assistance to states, territories, tribes, local governments, nonprofits, institutions of higher education, and other non-Federal entities. All FEMA grant programs are subject to the Federal procurement standards found at 2 C.F.R. §§ 200.317 – 200.326. Recognizing that FEMA's recipients and subrecipients may face exigencies or emergencies when carrying out a FEMA award, this Fact Sheet provides key information to consider when utilizing contracted resources under exigent or emergency circumstances.

**What Rules Apply to State Entities?**  
States are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326.

For purposes of the Federal procurement requirements, states are defined as the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and any agency or instrumentality thereof except for local governments. Tribal governments are not considered to be states when applying Federal procurement standards required by 2 C.F.R. Part 200.

**What Rules Apply to Non-State Entities?**  
For all other types of entities, referred to as "non-state entities" in this Fact Sheet, Federal regulations (2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) establish requirements for the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as "sole-source contracting." This exception and associated procurement requirements are discussed further below. In general, it will be fact-specific and entity-specific as to when exigent or emergency circumstances necessitate the use of noncompetitive procurements. The answers to the frequently asked questions below provide additional guidance on the acceptable use of noncompetitive proposals under exigent or emergency circumstances, which is described in regulation at 2 C.F.R. § 200.320(f)(2).

It is essential that all non-state entities understand that both FEMA and the U.S. Department of Homeland Security's Office of Inspector General (OIG) closely review procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. *Failure to follow Federal contracting and procurement requirements puts non-state entities at risk of not receiving reimbursement or not being able to use FEMA grant funds for otherwise eligible costs.*

**What is the exigency or emergency exception?**  
Non-state entities must follow the procurement requirements found at 2 C.F.R. §§ 200.317 – 200.326. However, Federal regulations allow for noncompetitive procurements under certain circumstances, including when a non-state entity determines that immediate actions required to address the public exigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to requirements for full and open competition. FEMA approval is not required for use of noncompetitive

1 March 16, 2020


FEMA Fact Sheet available at:  
[www.fema.gov/procurement-disaster-assistance-team](http://www.fema.gov/procurement-disaster-assistance-team)

## If sole-sourcing under the E&E exception, non-state entities **MUST**:

- Include required contract clauses
- Follow T&M contract requirements if applicable
- **NOT** enter into cost plus percentage of cost (CPPC) contracts. They are prohibited!
- Award contract to a **responsible contractor**
- Follow documentation, oversight, conflict of interest requirements



# FEMA

**FEMA**

Fact Sheet

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# Tools Made for You: Long Practice Strategy

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## Procurement Rules Online

[www.ecfr.gov](http://www.ecfr.gov)

2 C.F.R. §§ 200.317-326



## PDAT Website

[www.fema.gov/procurement-disaster-assistance-team](http://www.fema.gov/procurement-disaster-assistance-team)

- Contract Provisions Template
- COVID-19 [Procurement User Guide](#)
- Fact Sheets, Checklists and more

## Contractor Responsibility Determination

[www.SAM.gov](http://www.SAM.gov)



**FEMA**

## Need More Help?

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- **Contact Your State Emergency Management Agency**  
[www.fema.gov/emergency-management-agencies](http://www.fema.gov/emergency-management-agencies)
- **Contact Your FEMA Regional Office**  
[www.fema.gov/fema-regional-contacts](http://www.fema.gov/fema-regional-contacts)



**FEMA**



FEMA

# Q&A







## Issue: COVID-19 impact on FEMA

Will FEMA experience any special challenges given this unprecedented crisis means the agency is dealing with crisis response cases in every state, not just one state or region? Has there been or will there be any impact on FEMA's process caused by that volume?



## Issue: Sources for Non-Federal Share

CDBG and some other federal programs allow their grant funds to be used to meet the non-federal share requirements in other programs. This has been discussed with Treasury as part of the guidance for the Coronavirus Relief Fund.

Can such sources be used to meet the non-federal share requirements for the Public Assistance Program?



## Issue: Worksheet processing through State-led Public Assistance process

For states that decide to use the State-led Public Assistance process how much longer will it take to have project worksheets processed?

Are there any other things that the City needs to consider under a State-led Public Assistance process of this magnitude?

Nashua, NH



## Issue: Reimbursement for Census Operations – Possible through FEMA?

The 2020 census was underway when the pandemic hit. Many cities had invested city tax dollars, and received state funding, toward census operations, (e.g., hiring staff, renting space, communication materials for distribution, etc.). The COVID crisis conditions and stay-at-home orders halted these census operations, i.e., it is no longer possible to do in-person campaigns like door-knocking and interaction with people at kiosks, etc.

Are the public funds that were expended toward census operations, that are now lost as a result of the impact of COVID-19, reimbursable by FEMA?

Houston, TX  
Detroit, MI



## Issue: COVID medical leave

When the COVID pandemic hit, especially in hot spot cities, city employees who became ill went on medical leave due to COVID-19 or symptoms of COVID-19. Other city employees went on leave to care for immediate family members with COVID-19 illness.

Assuming the proper supporting documentation is in place, is that COVID-related medical leave and COVID-related family leave reimbursable to the city by FEMA?

Newark, NJ



## Issue: FEMA vs. Other federal funding

HUD has told housing officials to use CARES Act funding they received (CDBG, ESG, HOPWA) as the funding of last resort, and that they should use FEMA money they receive first. FEMA has made similar indications related to FEMA funds, saying that they are the funding of last resort.

What is the recommendation on the sequencing?

Tucson, AZ



## Issue: Work from home operational costs

Will there be any federal grant money for expenses incurred when the COVID-19 crisis and stay-at-home orders, required us to transition employees to remote work environments (e.g., laptops, cellphones, mifis, etc.). We would not have made those purchases if it were not for the virus.

Worcester, MA



## Issue: Re-opening costs

As cities begin to re-open, and in order to take precautions due to the on-going health risks, will re-opening costs be covered by FEMA (e.g., PPEs, hardening workspace with adding barriers and other redesigns, sanitizers and cleaning products, etc.).

Atlanta, GA





## Issue: CFR funds

Will FEMA accept CFR funds for the 25% match?

If the city has already spent its own funds, can they reimburse themselves from CFR funds rather than use FEMA?

Atlanta, GA



## Issue: Funding for public safety/criminal justice agencies

We have seen additional grant funding opportunities for criminal justice agencies (DOJ, OJP, BJA – Coronavirus Emergency Supplemental Funding) and Fire Departments (DHS 2020 Assistance to Firefighters Grant program Supplemental)

- How are these grants different from FEMA DR-4480?
- What do these grants cover that FEMA DR-4480 does not?
- How do the requirements for PPE differ between them?

Schenectady, NY



## Issue: PPE for the public, water/sewer infrastructure repairs

- Is distribution of PPE purchased by the City, distributed through places like grocery stores and places where people/patrons will be present, eligible for reimbursement?
- Are pipe repairs required to reconnect water for residents to allow for basic sanitation/compliance with CDC guidelines regarding handwashing etc.?
- In a similar vein, what about sewer repairs required to prevent backups once water is reconnected for the above purpose?

Detroit, MI

# Closing



**Thank you for attending.**

**Please take a moment and  
complete a brief feedback survey.**

**Click the link in the chat window.**

