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

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Traci Brasher
Acting Director, Public Assistance Division
Recovery Directorate, FEMA
Webinar: Public Assistance Guidance for COVID-19

FEMA Public Assistance | May 4, 2020
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: Applicant Eligibility for COVID-19
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


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


FEMA Public Assistance: Streamlined Application Process

- 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

- **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 at fema.gov/fema-regional-contacts
  - Applicants should contact their State Emergency Management Agency also located at fema.gov/emergency-management-agencies
  - https://www.fema.gov/coronavirus
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
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

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

Objectives
- Reasonable Cost
- Other Policy Goals

Federal Emergency Management Agency
Non-State Entity Requirements When Sole-Sourcing under the E&E Exception 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.
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
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 Fact Sheet available at:
www.fema.gov/procurement-disaster-assistance-team
Tools Made for You: Long Practice Strategy

Procurement Rules Online
www.ecfr.gov
2 C.F.R. §§ 200.317-326

Contractor Responsibility Determination
www.SAM.gov

PDAT Website
www.fema.gov/procurement-disaster-assistance-team
- Contract Provisions Template
- COVID-19 Procurement User Guide
- Fact Sheets, Checklists and more
Need More Help?

- Contact Your State Emergency Management Agency
  www.fema.gov/emergency-management-agencies

- Contact Your FEMA Regional Office
  www.fema.gov/fema-regional-contacts
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
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?
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?
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.).
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?
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?
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?
Closing
Thank you for attending.

Please take a moment and complete a brief feedback survey.

Click the link in the chat window.