DR-4480 (COVID-19) - Applicants Briefing
Pertinent Information

- NYS DHSES Website: [www.dhsses.ny.gov/recovery](http://www.dhsses.ny.gov/recovery)
- The Request for Public Assistance (RPA) packets for both Governmental and Nonprofit Entities can be found on the DHSES website under “Active Declarations.” Please complete and send to Patricia Debboli (below).
- For questions, please contact Patricia Debboli at: [patricia.debboli@dhsses.ny.gov](mailto:patricia.debboli@dhsses.ny.gov)
  
  - The presentation will be posted on the DHSES website soon.
  - Other useful information will be posted as it is available.

*Please remember to mute your phones and your computer!*
Good morning/afternoon/evening. My name is Andrew Martin, Public Assistance Section Chief with the NYS Division of Homeland Security and Emergency Services. Welcome to the Applicants Briefing for DR-4480 – the major disaster declaration issued for the State of New York in response to COVID-19. We realize that these are difficult times for everyone and that you all are extremely busy but we need to provide you with the information in this briefing in order to help you to prepare and submit projects for reimbursement in this disaster. Under the unique circumstances of this extraordinary event, it may not be possible to identify and reach all potential Applicants within New York State, so we are asking all of you to help if you can by spreading the word in your communities to as many organizations as you can, especially any not-for-profit entities that may not be aware of their potential eligibility.

(Read the below if it has not been discussed already by the moderator.)

Please note that due to the number of attendees, all callers will be muted while I narrate and elaborate on the presentation. There will be a question and answer period at the end of the presentation, and you are encouraged to use the chat box online to submit questions which will be read and addressed in the Q&A session.
We will start with an overview of DR 4480 Public Assistance.
The President issued a major disaster declaration for NY on March 20, 2020. FEMA assigns a number to every federally declared disaster, and the disaster number for this COVID-19 incident is 4480.

The incident period for this declaration goes back to January 20, 2020. This means that eligible expenditures for activities conducted on or after January 20\textsuperscript{th} can be submitted to FEMA for reimbursement. The incident period for DR 4480 is currently open-ended. We anticipate that FEMA will establish an end date for the Incident Period at some point in the future and we will make that information available when it is known.

This disaster declaration only covers Category “B” (Emergency Protective Measures) and we will discuss what this means later in the presentation.

The map shows the declared counties in NY. As you can see, all 62 counties in the State have been declared for DR 4480.
This slide shows the key leadership personnel that have been assigned to manage this Disaster. Region 2 Regional Administrator Thomas Von Essen is the FEMA Federal Coordinating Officer for NY. NYS DHSES Commissioner Patrick Murphy is the Governor’s Authorized Representative and State Coordinating Officer. Deputy Commissioner Anne Bink is the Alternate Governor’s Authorized Representative and Director Dan O’Hara is the Deputy State Coordinating Officer. Kelly Sommerman is the Disaster Assistance Manager.
What is Public Assistance? The key to remember is that it is a reimbursement program. FEMA will provide financial assistance for eligible expenses that are a direct result of the declared event..... COVID-19.
We will now cover some Public Assistance Eligibility criteria.
This pyramid shows the tiers of eligibility. All four “tiers” must be eligible to obtain FEMA funding. We will cover all of these, with the first being the bottom tier - eligible Applicants.
On this slide, you can see the types of eligible Applicants and determine what group you fall into. In this event, we will have a large number of private nonprofits, or PNPs.

For the purposes of this Category B declaration, the distinction between “Critical PNPs” and “Non-critical but Essential PNPs” is not material. Both types of PNPs are eligible applicants for Emergency Protective Measures.

Let's provide some examples of eligible PNPs and discuss some additional documentation that FEMA requires from this group of Applicants to determine eligibility.
Critical PNPs include ...

- Critical PNPs Include:
  - Nursing Homes
  - Laboratories
  - Rehab Centers that Provide Medical Care
  - Hospitals and Emergency Care Facilities
  - Fire / Rescue Emergency Services
  - Educational Facilities (including institutions of higher education)
Here are examples of Non-Critical but Essential Not-for-Profit Applicants. This list is not exhaustive and there may be other types of PNPs that are potentially eligible under this category. If you know of one that is not listed and you need more information, please contact us and we will be happy to assist.

Again, we urge you to help us get the word out to any potential Applicants, particularly PNPs, who may not be aware that they may be eligible to participate in this disaster.
PNPs are required to submit additional documentation before FEMA will approve their RPA. The list shown on the slide is the minimum documentation usually required. In certain cases, FEMA/DHSES will contact the PNP with a request for additional information. With the potential for a large number of Not for Profit Applicants in this event, it is essential that we receive the required documentation as quickly as possible so we can forward to FEMA for review and approval. If you have a potential PNP Applicant who is not familiar with the process or documentation required, please refer them to DHSES and we will assist them through the process.
The next tier of eligibility is the facility. For many municipalities, there may not be a physical facility involved in this event and their costs may be comprised of services they provided to the public in response to COVID-19. For Private Non-Profits however, they must show that they operate an eligible facility i.e. Hospital, Clinic etc., in order to be considered an eligible Applicant. You can see the criteria for the Facility on this slide.

The last bullet is included to point out that many applicants may be receiving Federal aid from multiple Federal Agencies like Health and Human Services. We need to make sure we capture and document where that aid or Direct Federal Assistance is coming from and where it is being utilized to avoid duplication of benefits under the Public Assistance Program. We will discuss this further later in this presentation.
The next tier is work. In this event we are looking only at Emergency Protective Measures. Applicants must clearly identify the work and how it is directly related to the COVID-19 event. Regulatory completion time limits do apply to all your projects and we will discuss these limits on the next slide.
Deadline for Completion of Work

- Emergency Protective Measures Deadline for DR 4480: **September 19, 2020**
  - 6 months from date of declaration (March 20, 2020)
  - NYS can grant a 6-month extension upon request
  - Further extensions require approval by FEMA

For costs to be eligible, they must be *incurred* within the approved period of performance. For Category B projects, the approved period of performance for this disaster begins on January 20, 2020 and ends 6 months after the declaration date, which would be September 19, 2020. New York State has authority to extend that deadline by six months with justification. Any further time extension would require approval from FEMA.
DR 4480 was declared only for Category B – Emergency Protective Measures. No other Category of work is eligible. However, Category Z projects to reimburse applicants for Management Costs will be discussed later in this presentation.

This is the first time a major federal disaster declaration has been declared for a medical event and the first time that emergency protective measures have been eligible for reimbursement through the FEMA Public Assistance Program for a major disaster declaration based on a medical/pandemic event.

Due to this unprecedented event, the State is working closely with FEMA to provide as much specificity as possible on what costs and activities are eligible. These discussions are ongoing and we will update you as things change through FEMA fact sheets on our website.
This slide provides some examples of emergency protective measures that may be undertaken for the COVID-19 response.

This list is by no means all inclusive and in this event there may be some leeway for previously undefined measures that are feasible and necessary to address this unique situation.

These are the examples currently listed on FEMA’s COVID-19 fact sheet.

If you have a question on a specific measure undertaken or expense you incurred or expect to incur, please raise that issue as you develop your project(s) in the Grants Portal so we can respond with appropriate guidance.
NY’s State-wide NCS plan identifies 3 target populations for non-congregate sheltering:

- COVID-19 positive individuals requiring isolation but not hospitalization and who:
  - Do not have an appropriate home setting, or
  - Have a medically vulnerable individual in the home setting where they would otherwise be isolated
- Healthcare providers and emergency responders interacting with presumptive or confirmed positive COVID-19 patients in an occupational setting, to include testing sites
- Individuals that are or were supported by a congregate care shelter facility, to include:
  - Homeless persons
  - Domestic violence survivors
  - Elder abuse survivors
The State plan was approved by FEMA until May 10, 2020. If we need to extend the timeframe, we must obtain FEMA's approval.

The legally responsible governmental entities for the NCS populations would be the Applicant for the reimbursement of eligible costs.

PNPs utilizing NCS will have to seek reimbursement through the legally responsible governmental entity for the eligible population.

- In most instances, the governmental entity that provides any other type of funding to the PNP could be the Applicant.
- If a direct contractual relationship with a legally responsible governmental entity does not exist, a contract would need to be in place prior to seeking reimbursement.
Procurement must follow FEMA’s Exigent and Emergency circumstances policy and include a termination for convenience clause in their contracts.

The funding for non-congregate sheltering to meet the needs of the Public Health Emergency cannot be duplicated by another federal agency, including the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention.

Non-congregate sheltering is limited to that which is reasonable and necessary to address the public health needs of the event and should not extend beyond the duration of the Public Health Emergency.

Applicable Environmental and Historic Preservation laws, regulations, and executive orders apply and must be adhered to as a condition of assistance.

FEMA Q & A on Non-Congregate Sheltering is now posted on the DHSES website for DR 4480.
Each applicant implementing a non-congregate sheltering program must maintain tracking mechanisms to provide sufficient data and documentation to establish the eligibility of costs under the Public Assistance Program, including:

- Need for non-congregate sheltering of each individual
- Length of stay
- Costs
- Tracking mechanisms should not disclose personally identifiable information protected by the Privacy Act
Due to the impacts of COVID-19, it may be necessary to provide food in certain areas to meet the immediate needs of those who do not have access and to protect the public from the spread of the virus.

FEMA has established policy guidance on the purchase and distribution of food for eligibility in the Public Assistance program.

FEMA will provide flexibility to applicants to protect the health and safety of impacted through the purchase and distribution of food.

FEMA will engage with interagency partners, including the U.S. Department of Agriculture (USDA), the U.S. Department of Health and Human Services (HHS), and U.S. Department of Housing and Urban Development (HUD), to ensure this assistance does not duplicate other available assistance.

The FEMA policy on food delivery can be found on the DHSES website.
FEMA PA Purchase and Distribution of Food Policy - Time Limitations and Legal Responsibility

- **Time Limitations:**
  - FEMA may provide funding for an initial 30-day time period.
  - SLTT governments may request a 30-day time extension from the Regional Administrator (RA) with documentation showing continued need.
  - Work may not extend beyond the duration of the COVID-19 Public Health Emergency, as determined by HHS.

- **Legal Responsibility:**
  - To be eligible, an item of work must be the legal responsibility of an eligible applicant.
  - Legally responsible SLTT governments may enter into formal agreements with private organizations to purchase and distribute food.
  - In these cases, PA funding is provided to the legally responsible government entity.
    - These entities would then reimburse the private organization for the cost of providing those services under the agreement or contract.

Time Limitations
- FEMA may provide funding for food purchased and distribution for an initial 30-day time period.
- State, Local, and Tribal governments may request a 30-day time extension from the Regional Administrator (RA) with documentation showing continued need.
- Work may not extend beyond the duration of the COVID-19 Public Health Emergency, as determined by HHS.

Legal Responsibility:
- To be eligible, an item of work must be the legal responsibility of an eligible applicant.
- Legally responsible State, Local, Tribal and Territorial governments may enter into formal agreements with private organizations to purchase and distribute food.
- In these cases, PA funding is provided to the legally responsible government entity.
  - These entities would then reimburse the private organization for the cost of providing those services under the agreement or contract.
Let’s discuss work eligibility.

Categories of eligible work include:
- Purchasing, packaging, and/or preparing food, including food commodities, fresh foods, shelf-stable food products, and prepared meals
- Delivering food when conditions constitute a level of severity that food is not easily accessible for purchase
- Leasing distribution and storage space, vehicles, and necessary equipment

Indicators Demonstrating Need for food purchase and distribution:
- Reduced mobility of people in need due to government-imposed restrictions, including “stay-at-home” orders
- Marked increase or atypical demand for feeding resources
- Disruptions to the typical food supply chain within a given jurisdiction

Impacted Populations for food purchase and distribution:
- Those who test positive for COVID-19 or have been exposed to COVID-19, but who do not require hospitalization
- High-risk individuals, such as people over 65 or with certain underlying health conditions
The key here is that all costs must be documented and comply with appropriate guidelines, and they must also be reasonable and necessary to protect the public from the COVID-19 event. We will next cover various cost categories, starting with labor.
Force Account Labor

- **Employee Annual Salary or Hourly Rates Plus Fringe Benefits**

- **Under Emergency Protective Measures (Category B):**
  - Permanent employees are only eligible for overtime while performing eligible work.
  - Temporary employees are eligible for both regular time and overtime while performing eligible work.

Force Account Labor costs are for the Applicant’s employees, both full-time and those that may have been hired as temporary employees to address the COVID-19 situation. For permanent employees, only their overtime used on DR 4480 work is eligible. Their regular work time is not eligible. For temporary employees hired to work on DR 4480, both regular and overtime cost are eligible.

In addition, fringe benefit costs for eligible hours are also eligible and you may be asked to calculate an average fringe benefit hourly rate for your employees.

For all Labor costs, you will be required to provide supporting documentation to include employee name, title, time sheets, hourly rate, work performed, location, date, and hours worked, separating overtime and regular time. Documentation is key to expediting your project through the process.
Force Account Equipment costs are for equipment you own, lease or purchase for necessary use for DR 4480. The equipment/vehicles you own are normally reimbursed based on an **hourly rate**. Leased/rented equipment is based on the rental/lease agreement, and purchased equipment may be reimbursed based on purchase cost minus salvage value.

When claiming reimbursement on an hourly rate, FEMA allows credit for a **full work day** when the equipment is used for half the work day or more. For example, you have a vehicle that transports medical equipment to a temporary medical facility. The equipment is then off loaded and used for 5 hours at the temporary facility and then is loaded back on the vehicle and returned to its origin. The vehicle use is only eligible for the actual hours in transit to and from the site, but the equipment used at the facility for 5 hours is eligible for the entire work day because it was used for more than half of the regular work day.

Once again we stress documentation. FEMA will want to know the type of equipment (including size and capacity), date, hours used, location, purpose, operator information and rate. Copies of log books may also be required.
Equipment Rates

- FEMA equipment rates are used for determining project costs (estimating & comparing).
- Local rates or rental costs can be used if different than FEMA and established prior to the disaster.

FEMA has cost codes establishing equipment rates which are normally used to reimburse equipment usage, but Applicants can use local rates if they were established prior to the event. FEMA cost codes are normally more advantageous except perhaps in high cost areas where local rates may be higher. Applicants can select the FEMA rates or their local rates but must use the same method for all of their projects.
Force account materials are those that you either use from your stock or purchase for use in the event. If you have invoices for your stock items, they can be used to establish costs, or you can get 3 quotes from local vendors to establish costs.

You do not have to replace the items taken from stock in order to submit for reimbursement for that stock used in response to the COVID-19 event.

Keep in mind, that items you purchase must meet all contracting and purchasing requirements and be fully documented.
Donated resources, whether labor, equipment or materials, can be used to offset the local cost share of emergency work. In DR 4480, the disaster is set at 75% Federal cost share, which means Applicants will have a local cost share of 25%. Donated resources can be used to offset that local cost share.

FEMA will create a separate project to capture all donated resources for the Applicant, so it is essential that you document all donated resources in detail with who, what, when, where and why.
Now we will cover the Public Assistance Process.
For this unprecedented event, FEMA is using a modified Delivery Model in order to expedite the process and get much-needed funds to the Applicants as quickly as possible. We are at the first step in this process in conducting these virtual Applicant briefings, and we will cover the remaining steps in this presentation. Those of you who are familiar with normal FEMA delivery processes will see significant changes.
The first step is for Applicants to have Grants Portal accounts established which we will discuss in a moment. Once your account is established, DHSES will submit your Request for Public Assistance (RPA) in Grants Portal. Once FEMA approves your RPA, you will be able to submit projects in Grants Portal.

FEMA will not be conducting Exploratory Calls or Recovery Scoping Meetings for DR 4480. Some projects, such as the creation of, or relocations to temporary facilities may require a site visit, but the majority of projects will not require a site visit.

Applicants will enter information on the project template, provide documentation as required by the template, provide a cost estimate and submit the project. However, it’s important to stress that you may be required to provide additional documentation at some point so it is essential to continue to maintain complete and accurate records. This applies not only to the costs you incur, but also to the funding you receive since some costs may be covered by multiple funding streams.

Participants in the Public Assistance program are required to maintain their own file containing all documentation necessary to support their subgrant. Please be aware that uploading documents to Grants Portal does not satisfy this requirement. Your office must maintain its own, separate file for audit purposes.
The FEMA project template will identify Expedited Project criteria whereby projects may be processed with a Scope of Work, Cost Estimate and minimal supporting documentation. Once again, this does not mean that you should not continue to gather the documentation, as full documentation will be required to close the project out and receive full funding. FEMA will review the cost estimate and Scope of Work for reasonableness. Expedited Projects are initially funded at up to 50% of the original approved estimate. Subsequently, the applicant must request that FEMA create an amendment to capture full actual costs once the applicant is able to provide all necessary documentation.

FEMA will also expedite most Environmental and Historic Preservation (EHP) reviews via a broad approach for activity types that are likely to have little to no potential environmental or historical impacts.
Grants Portal is a web-based application used for managing FEMA Public Assistance projects. Grants Portal is the Applicant’s side of this system; Grants Manager is the FEMA side of the same database.

If your organization already has a Grants Portal account due to participation in one of New York’s recent federally declared disasters (DR 4348, DR 4397 or DR 4472), when you log in to your Grants Portal account you may see the banner on the screen prompting you to submit your RPA for the new declaration. Simply click as directed and follow the instructions as prompted.

If you do not already have a Grants Portal account established, this slide identifies the minimum information required for DHSES to establish an account for you. Please note that the Federal Employer Identification Number is in bold to make sure that you include it. We need it to establish your Grants Portal account.

DHSES will submit your RPA in Grants Portal once you send the completed RPA form to us. The next slide is a sample email with the temporary password and invitation to log in. Note, PNPs must submit their RPA to DHSES to establish a Grants Portal account. Governmental entities now have the ability to create their Grants Portal account directly, by visiting grantee.fema.gov.
Once you have provided the required information to DHSES, we will create your account and you will receive an email with a temporary password and an invitation for you to log in and create a new password. If you don’t receive the email, please check your spam filter to make sure it is not in a spam or junk mail folder.
We will now discuss one of the most important topics for this Applicants Brief, which is the Request for Public Assistance or RPA.

The RPA is the form submitted to FEMA to request to be an Applicant in the disaster. Normally, the Request for Public Assistance (RPA), must be submitted within 30 days of the declaration date, which would be April 19th. However, for DR 4480, that provision has been waived and we currently have an open enrollment period. We will advise everyone when FEMA does set a deadline for RPA submission. In any event, we highly recommend that Applicants submit their RPAs as soon as possible, so we can review them and forward to FEMA for their review and approval.
This slide shows a copy of the RPA form that you must complete and submit to DHSES in order to participate in DR 4480. Although the form says it expires December 31, 2019, it is still valid and accepted by FEMA.
The RPA Form

- The RPA form can easily be found online by clicking the appropriate link:
  - For governmental entities: [Governmental Entity RPA Package](#)
  - For PNPs: [PNP RPA Package](#)

- Please complete the RPA form and email to [patricia.debboli@dhes.ny.gov](mailto:patricia.debboli@dhes.ny.gov)
  or fax to (518) 322-4984.

RPA packages can be found on the DHSES Recovery website for DR 4480, or by clicking on the appropriate link on this slide. Once you have filled the appropriate package out, please send it to DHSES via the e-mail address or fax number shown on the slide.
Once Grants Portal accounts are established and your RPA is submitted and approved, FEMA and DHSES will coordinate Grants Portal training for applicants who may need it. However, as soon as you log into your account you have access to a wealth of information about Grants Portal and the Public Assistance Program. In Grants Portal, the column on the left is called the Navigation Pane, which contains a variety of tabs. Second from the bottom, you will find the Resources tab. When you click on the Resources tab, you will find a very useful collection of guides, policy and job aides. Click on the topic of interest to expand the documents available for viewing. DHSES and FEMA personnel are available to help you navigate Grants Portal.
The next area we will cover is contracts and procurement.
All contracts and purchases must comply with all local, State and Federal procurement requirements. While some requirements may be suspended in the types of circumstances we’re seeing with COVID-19, it is prudent to make sure your contracting and purchasing folks are taking all reasonable steps to comply with whatever requirements apply and follow the appropriate guidelines.

For example, one important federal requirement to note is the requirement to actively solicit Minority and Women Owned Enterprises. FEMA staff will be reviewing contracts, and the federal DHS OIG will be looking for compliance with this requirement in their audits. All projects are subject to audits by both the State and Federal OIG. Detailed procurement guidance, including procurement in emergency and exigent circumstances, is available on FEMA’s website, through the Resources Tab in Grants Portal, and has been posted on the DHSES Recovery website for this disaster.
Contracts

- Must comply with all State, Local and Federal procurement requirements.

- All contracts incurred for eligible work will be reviewed by FEMA / State teams; including rental equipment.

- Competitively bid under applicable procurement procedures are preferred.

Again it bears repeating. Make sure all contracts follow the appropriate guidelines with the understanding that FEMA staff will be looking at the contracts closely. The preferred contracts are those that are competitively bid.
Lump sum contracts are acceptable and require minimum monitoring by the applicant, as you don't have to document the quantities separately. Time and material contracts can be used but there are some explicit restrictions. Time and Material contracts must have a cap, which the contractor exceeds at its own risk. For example, a cap not to exceed $200,000 or a cap not to exceed 70 hours of work.

The intent behind allowing time and materials contracts is to allow an Applicant to respond to the immediate needs while giving the Applicant time to utilize their normal procurement procedures for scopes of work that will continue for a prolonged period of time.
Be aware of types of contracts that may jeopardize reimbursement.

A cost plus percentage of cost contract is where a contractor says they will do the work for whatever it costs them plus a percentage of that cost. For example, the contractor spends $100,000 on the work and the percentage agreed on is 15%. The contractor receives $115,000. In this type contract there is no incentive for the contractor to work efficiently and swiftly. The more time he takes, the larger his profit. This is an ineligible contract and FEMA may make your project ineligible if you use it.

Contracts that state that they are contingent on the Applicant receiving reimbursement from FEMA are also ineligible. Examples include contracts that say the Applicant will pay the contractor “whatever FEMA pays” or will “pay if or when FEMA pays.” Such contracts are ineligible. You must act using your normal procurement procedures without any reference to reimbursement from FEMA.

The last point is – avoid contracting with a debarred contractor. Make sure your contracting folks are checking the list to make sure they are not dealing with one as that contract will be ineligible.
Women/Minority Owned Businesses

- Applicants must be able to demonstrate direct outreach to MWBE enterprises. (Effective 1/1/2015).
- DHS OIG Audits will ensure Minority and Women Owned Businesses are sought during bid process.
- Procurement and Audit Guidance:
  - 2 CFR
  - OMB Circular A-87, A-102, A-133
  - 41 U.S.C. 403 (11)
  - http://esd.ny.gov/mwbe.html

We mentioned Minority and Women Owned enterprises and the requirement to actively solicit them. This does not mean simply putting it in the newspapers as part of your bid process. For example, language in a publication that says “MWBE enterprises are encouraged to reply” does not satisfy the requirement to actively solicit them. You need to identify MWBE contractors in your area and show active solicitation via e-mail, telephone contact or regular mail and invite them to bid on your project. Failure to do so may make your project ineligible.
Next we will discuss Category Z projects. FEMA will reimburse an applicant’s direct and indirect administrative costs incurred for submitting and processing its FEMA projects. Reimbursement is based on actual, documented administrative costs and is capped at 5% of the total of your obligated Cat B project(s). FEMA automatically creates a separate Category ‘Z’ project for Management Costs for each Applicant. Applicants must submit full documentation of Management Costs. The federal share on Cat Z projects is 100% (subject to the 5% cap based on total obligated Cat B projects).
Management Costs

• Required to manage projects administratively.
• Do not include costs incurred for actual work to complete a project.

• Eligible Costs Include:
  • Site identification
  • Gathering of cost information
  • Site visits
  • Project scope, development
  • Project reporting
  • Project cost reconciliation and closeout
  • Preliminary Damage Assessments
  • Applicant’s Briefings
  • Recovery Scoping Meetings
  • Recovery Transition Briefings
  • Travel Costs
  • Consultant Costs

Please begin capturing your administrative costs, including the costs incurred to attend today’s Applicant’s Briefing. You will need to document your administrative costs before requesting closeout and reimbursement for your Cat Z project.
Special Considerations – The key thing to remember here is that FEMA is the payer of last resort. This means that all other funding provided on a project is taken into account first and deducted from the costs eligible for reimbursement under FEMA’s Public Assistance Program.

The most common additional funding source is typically insurance. If the damages are covered by insurance, FEMA will require the Applicant to file a claim for those damages with their insurance carrier and will deduct the proceeds of that claim from the total eligible costs for the Public Assistance grant.

In DR 4480, there is a particular likelihood of other grant funding sources, such as grants available through the U.S. Department of Health and Human Services. It is critical that applicants be able to report on all funding sources received and how those funds were applied so FEMA can ensure that no duplication of benefits has occurred under the Public Assistance Program.
Next, we will cover some need to know facts about projects.
You must meet certain monetary threshold for projects. In order to qualify, a project must have eligible costs of at least $3,300. All projects are then categorized as either a small project or large project. Small projects are those under $131,100 and large projects are those at $131,100 and over.
Let’s discuss some differences between small projects and large projects and the requirements for each.

The first main difference between small projects and large projects is with regard to the payment received when the project is obligated. NY is a pass through State, which means that when FEMA obligates a project, it transfers the funds for that project to the State. For a small project, DHSES Finance will then pass through the Federal share of that project to the Applicant regardless of whether the project is complete or not. For large projects on the other hand, DHSES Finance will only pass through the Federal share at the percent the project is listed as complete. For example, if a project is obligated for $1 million dollars at 25% work completed, the Applicant will only receive the Federal share (75%) of $250,000.

The second main difference between small and large projects is with regard to closeout requirements. Small projects require no formal closeout process, but do require that the Applicant submit the P-4 form, which is the certification by the Applicant that they have completed the authorized scope of work for the project. Large projects, on the other hand, must be paid on **actual costs**, so they require a formal closeout. A P-4 form must also be submitted on large projects when the work is completed, to trigger the Large Project Final Accounting process.

For large projects, there is a quarterly reporting requirement as long as the project remains open.
We have covered a lot of ground and understand that there is much to absorb with respect to the Public Assistance Program. FEMA and State personnel are available to assist you in developing and organizing your costs and damages into logical projects. Federal and State Public Assistance staff have a lot of experience in many areas and we can call on their expertise if you encounter a challenging situation or project.

**Formulation of Projects**

- **NYS DHSES Disaster Assistance Representatives (DARs):**
  - Available to help develop scope of work and cost estimates.
  - Technical Specialists can assist with complex projects.

- **Technical Specialists:**
  - Hospitals
  - Schools
  - Insurance
Various Parts of Project

- **Basic Information** - Applicant, Location, Category of Work, etc.
- **Damage Description and Dimensions (DDD)** – What conditions did the virus cause?
- **Scope of Work (SOW)** – Actions to Protect lives and public safety in response to the virus.
- **Cost Estimate**
- **Attachments** - Documentation of Costs, Contracts, Proof of Payment etc.

These are the various elements of a project that will be necessary to develop in order to process your project(s). This is not the typical kind of natural disaster that causes damages to buildings and roadways. This pandemic event will require documenting the activities and costs incurred in responding to the virus. The most important thing to remember is make sure you have all of the required documentation to support your project. This includes invoices, contracts, insurance policies, claims and settlements, actual costs, personnel policies, procurement documentation, proof of payment, etc. If you do not provide the required documentation, FEMA may issue a Request for Information (RFI) and withhold reimbursement until you comply.
Here are the standard items that we encounter and deem necessary for most projects. When you are working on developing your projects, keep these in mind and make sure you have what is needed to support that project. Again, we cannot stress enough the importance of documenting all of your actions and costs in support of your projects.

Info Required for a Project

- List of Damages, Emergency Protective Measures undertaken.
- Insurance information.
- List of paid staff, regular and OT hours – dates and times.
- Fringe Benefits information.
- List of equipment used, hours of operation – dates and times, miles driven.
- List of materials and supplies purchased or used.
- Copies of any contracts used for this event.
- Procurement Policies and documentation of compliance.
The Recovery Transition Meeting provides an opportunity for the Applicant to review their projects with FEMA and DHSES personnel in order to make sure that all of the eligible work undertaken has been captured in one or more projects and submitted into Grants Portal. It is at this point that you will be transitioned to the DHSES Disaster Assistance Manager for DR 4480 who will then be your primary POC for any further actions that may be necessary including Scope of Work change requests, quarterly reports and closeouts.
When FEMA obligates your project, you will receive a “blue book” from the DAM. It is called that simply because it comes in a blue pocket folder. It will include a copy of your projects and the P-4 form for you to certify project completion. Please make sure you return this form when your project is complete so DHSES can submit to FEMA and have the project closed in the system. The blue book also starts the 60-day clock for an appeal so please review your projects closely when you receive the blue book and make sure everything is in order. If not, contact the DAM immediately.
An Applicant can Appeal any FEMA determination. You have 60 days from the receipt of notice of the determination, such as the blue book or a FEMA determination letter or memorandum, to submit an appeal on that determination. This 60 day deadline is for submitting your complete appeal package to DHSES, not just a notice of intent to appeal. We have an Appeal team at DHSES who will assist you in developing your appeal upon request.

The small project reconciliation is a particular type of appeal. When a small project is obligated, DHSES Finance will pass through the Federal share of that project to the Applicant regardless of whether the project is complete or not. If, at some point thereafter, you find that the estimate or costs on your small project were insufficient, you may file an appeal for a reconciliation. FEMA will review your actual costs on all of your small projects, not just the project on which you claim an overrun. If there is a net cost overrun on all of your small projects combined, FEMA will obligate the additional funds. However if it is found that you actually have a net underrun, FEMA may de-obligate the overpayment. Applicants contemplating a request for a Small Project Reconciliation are strongly encouraged to contact the DAM to request assistance.
There are two levels of Appeal within the FEMA Public Assistance Program. The first level of appeal is to the FEMA Regional Administrator which, in our case, is Region 2 with offices in NYC. The second level of appeal is to the FEMA Deputy Administrator for Recovery in Washington DC.

Arbitration is a relatively new option, where an Applicant can elect to go to Arbitration in lieu of second appeal if certain criteria are met as shown on the slide. While the Applicant can elect to have legal counsel and expert witnesses in arbitration, those costs are not reimbursable.
Here are some pitfalls to avoid. Please make sure that you follow all of the procedures, guidelines and regulations, and if you are not sure of something, raise the question to your DAM and get an answer before you proceed.
The final area we will address is next steps and some relevant information.
You will need a Grants Portal account. Submit your Request for Public Assistance so DHSES can create your account for you, and you can be approved as an Applicant in DR 4480.

FEMA's Category B project template is now available in Grants Portal and you can start compiling your project.

Unfortunately, in the pandemic environment, face-to-face meetings with Applicants, DHSES and FEMA personnel are severely restricted. However, FEMA and DHSES will employ the technology necessary to coordinate with Applicants until we return to more normal operations.

On behalf of FEMA and the State of New York, we look forward to assisting you in pursuing reimbursement under the Public Assistance Program.
Here is DHSES office contact information if you have any questions.

NYS DHSES Contact Information

Recovery Section:

• 1220 Washington Ave, Bldg. 7A, 4th Floor Albany, NY 12242
• (518) 292-2293, Fax Number: (518) 322-4984
• www.dhcr.ny.gov

After the Joint Field Office Closes Please Contact:

• Disaster Assistance Manager (DAM) Kelly Sommerman
Additional Information

- Your FEMA/NYS Team (1st Point of Contact)
- NYS DHSES Applicant Handbook – will be published on DHSES website
- FEMA Grants Portal Website (https://grantee.fema.gov)
  - Resources Area Contains User Manual, Forms, and other Information
- NYS DHSES Website (www.dhses.ny.gov)
- FEMA’s Website (www.fema.gov)
- County Emergency Managers

And this last slide contains some additional resources for you to consider should you need more information on the Recovery process.
Questions?