Public Assistance

APPLICANT BRIEFING

Tropical Storm Helene 2024





Event Details

Declaration – DR-4827-NC

Declaration Date – September 28, 2024

Incident Period - September 25, 2024 and ongoing

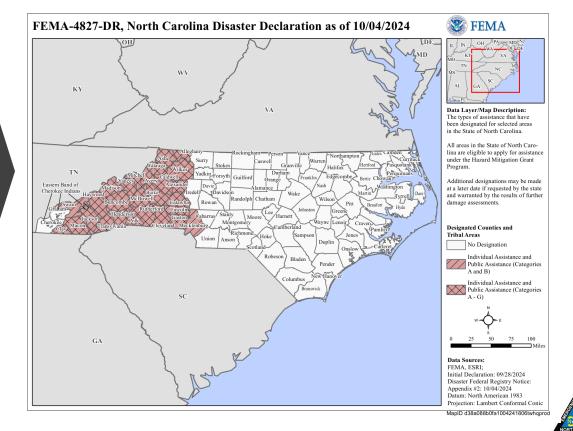
RPA Deadline - TBD

Declared Categories of Work – Categories A-G, HMGP, Cat Z





Emergency Declaration Map





AGENDA

- Public Assistance Program Overview
- 3 Steps to Request FEMA Reimbursement
 - Submit a Request for Public Assistance in FEMA's Grants Portal
 - Once Approved, Register in EM Grants (State Portal)
 - Document Expenses
- Procurement
- Contracts and Resources





FEMA Public Assistance Program

Public Assistance Program Overview Public Assistance Application Process







Public Assistance (PA)

Provides grants to eligible state, local governments, EBCI and eligible private non-profits ("Applicants") to assist with the cost of responding to and recovering from disasters

Governing Laws, Regulations, and Policies

Stafford Act

Law

44 CFR

Program Regulations

2 CFR

Procurement Requirements

PA Program & Policy
Guide (PAPPG)

Policy







Request for FEMA Public Assistance (RPA) 3 Easy Steps

-Steps you MUST take to start the FEMA Reimbursement Process-

STEP 1
Request for Public
Assistance (RPA) in
Grants Portal

STEP 2
Register in EM Grants
(State Portal)

STEP 3
Document Your
Expenses

As applicants, you are applying for a grant from FEMA to reimburse for eligible expenditures







STEP 1: REQUEST for Public Assistance in Grants Portal

FEMA Grants Portal Overview & Registration









FEMA GRANTS PORTAL

The <u>primary access point</u> between FEMA, the Applicant, and the State

CREATE	Define/Assign Roles of your personnel within the system	
SUBMIT	Request for Public Assistance	
ASSIGN	Roles within Grants Portal to organizational staff	
UPLOAD	Upload information to document your projects	
RECEIVE & RESPOND	Correspondence from FEMA – platform to efficiently submit responses to maintain continuity	
UPLOAD & UPDATE	Information related to reimbursement requests (may vary depending on specific expenses)	







Eligible Applicants for Public Assistance

Public Entities include:

- · Electrical Co-Ops
- Counties
- Towns/Cities
- Federally Recognized Tribes
- Public Schools
- Community Colleges
- · Water & Sewer Authorities
- Public Transportation Authorities
- Public Housing Authorities
- Regional Councils of Government
- Other Subdivision of State

Not Sure your Organization Qualifies?

Register Anyway!

Private Non-Profits (PNP) include:

- · Community Centers
- Custodial Care Facility
- Emergency Care Facility
- · Houses of Worship
- Library
- Medical Care Facility
- · Private Colleges
- · Assisted Living
- Child Care
- Food Assistance Programs
- Health and Safety Services
- Senior Citizen Center
- · Low Income Housing







Request for Public Assistance (RPA)

What Is The RPA?

Applicant's interest to participate in the FEMA PA program

<u>Must</u> be submitted to start PA process

Where Do I Get It?

Only available through Grants Portal

Include UEI number (www.sam.gov)

How Do I Submit It?

Submit through Grants Portal

Deadline: 30 days after the Declaration Date

Don't wait!



NORTH CAROLINA

Already Registered in Grants Portal?

Confirm Log In

- NCEM Recovery Staff can reset your password
- If you are not familiar with your PA Grants Manager, email <u>pahotline@ncdps.gov</u>

Check Personnel Information

• Make sure all needed personnel are added, and that their information is up to date.

Ensure All Policies are Up to Date

• Upload recent insurance information, personnel policies, procurement procedures, etc.

PNP Documentation is Complete and Accurate

• Tax Exempt Certification, Articles of Incorporation, Charter, By-Laws, etc.







Not Registered for Grants Portal?

Sign in to Your Acc	count
---------------------	-------

USERNAME	Forgot your username?
PASSWORD	Forgot your password?
5	SIGN IN

Register Your Organization for Public Assistance







Additional RPA Documentation

Private Nonprofits <u>must</u> submit this information as part of the RPA process:

- Tax Exemption Certification (IRS Letter showing 501 (c),(d) or (e) status, or NC Secretary of State Tax Exempt Letter)
- Proof of Ownership or Legal Responsibility
- Proof of Insurance
- Corporate Documents: Articles of Incorporation, Charters, & By-Laws
- Accreditation (for <u>private</u> educational organizations only)





Step 2: REGISTER in EM Grants

Once you have received notification that your Request for Public Assistance has been approved, you will need to complete the Funding Agreement in EM Grants (State Portal).







EM Grants

Funding Agreement

Generated in EM Grants once RPA is Approved

SAA

Contract between State and Applicant that authorizes reimbursement payments

DAA

Designates the organization's agents who will be the primary and secondary contacts for the Applicant

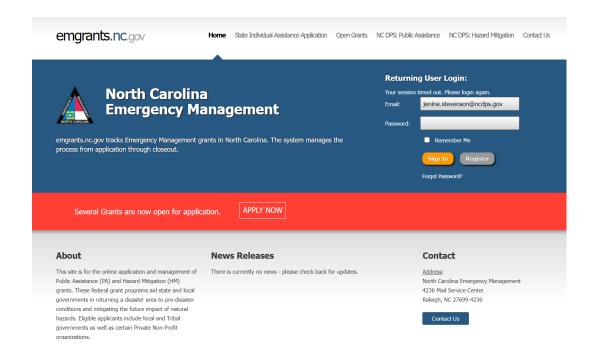


Important - A new W-9 is required for every event.





To Register in EM Grants









EM Grants Registration

Register

State Individual Assistance Application	Register for Access	
Open Grants IC DPS: Public Assistance	Name Prefix:	Mayor Executive, Mrs., Mrs., Un.
C DPS: Hazard Mitigation ontact Us	First Name.	
	Middle Name:	
	Last Name:	
	Name Suffic	
	Title:	
	Email:	
	Phone - Business:	
	Is Direct Line:	Not Known • In the number indicated above a direct line to this contact?
	Phone - Fax:	
	Phone - Cell:	
	Request Type:	Now User Requesting Access
	Please select your user type:	I am representing North Carolina Emergency Management or PEMA I am a representative for an Applicant Organization.
	Applicant Organization:	Select One •
		If your appeals: Applicant Organization does not appear on the list, please select "Create New Applicant Organization" and fill in the required fields.
	Requested Permission Level:	Select One •
	Reason for Requested Access:	le le
	Program:	M. States A. PANAG. PANAG. PAN. PANAG. SPA.
	Position:	Select One •
	Assignment Description:	4

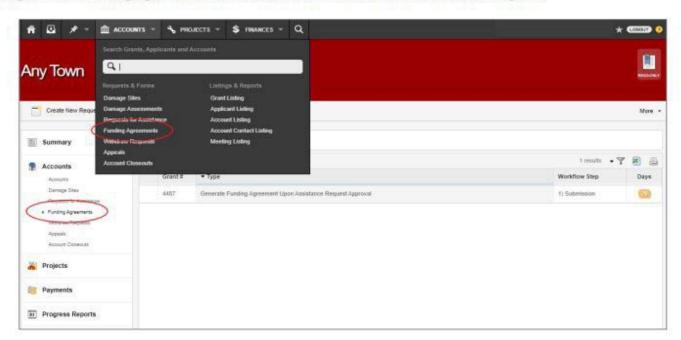






Complete a Funding Agreement

To locate the Funding Agreement workflow, under **Accounts** on the left-hand side or in the top menu bar you can navigate to the **Funding Agreement**. The Account is defined as the individual disaster or grant.



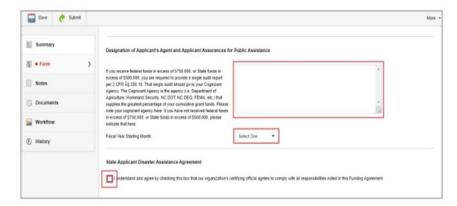




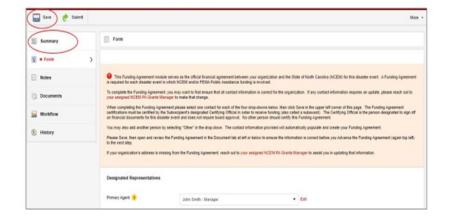


Generate
DAA & SAA
in EM
Grants

Then complete the **Designation of Applicant's Agent and Applicant Assurances for Public Assistance** by entering your Cognizant Agency and Fiscal Year Starting Month. Next, check the box to certify the **State-Applicant Disaster Assistance Agreement**.



Then click on Save and navigate back to the Summary.









Audit Requirements

- Federal law requires a non-Federal entity that expends \$750,000 or more in Federal awards during the entity's fiscal year have a single audit conducted for that year (2 CFR § 200.501(a))
- State law requires a local government or public authority that expends \$500,000 or more of State financial awards during a fiscal year have a State Single Audit (G.S. 159-34)
- For local governments, this means:
 - If you expend \$750,000 or more in Federal awards and/or expend \$500,000 or more in State awards
 - Your auditor must conduct a single audit during the fiscal year, which includes the audit of Federal and/or State awards, if applicable, and your annual financial audit
- <u>Discuss these requirements with your local auditor to determine the type of audit your local government will require</u>
- When your audit is complete, forward a copy to State NCEM Public Assistance at: pahotline@ncdps.gov





Registration Process Recap

Submit RPA in Grants Portal





 Complete Funding Agreement, DAA, SAA and upload updated W-9 in EM Grants (https://emgrants.nc.gov/)





Step 3: DOCUMENT Your Expenses

Eligible Activities









Eligibility for Tropical Storm Helene

CATEGORIES OF WORK

Emergency Work

A: Debris Removal

B: Emergency Protective

Permanent Work

C: Roads & Bridges

D: Water Control Facilities

E: Buildings & Equip.

F: Utilities

G: Parks, Recreation

COST

reasonable, necessary

WORK

same as facility

FACILITY

legal responsibility of applicant, in damage area, direct result

APPLICANT

State and local government, federally recognized Indian Tribes, certain PNPs





Emergency Work (Categories A & B)

- Applicants have six (6) months from declaration date to complete all emergency work*
- Category A Debris Removal: Both Regular & Overtime labor are eligible
- Category B Emergency Protective Measures: Only Force Account Labor Overtime is Eligible
- NCEM can grant an additional six (6) months to the timeline the subrecipient must submit a request for time extension
- After the initial 6-month extension on the period of performance date, all requests are submitted to the State, and we will send them to FEMA along with our letter of support.

* Note: FEMA Reimbursement is at 100% for Categories A & B within the first 6 months





Permanent Work (Cat C – G)

- Subrecipients have 18 months from Declaration Date to complete Permanent Work
- Overtime and Regular Time Labor Costs are eligible
- Time extensions may be granted by the State for up to an additional 30 months may be granted by NCEM.
 - If the applicant requires more time, a separate extension request will be needed and will need to be sent to FEMA for their approval.
- All extension requests must be submitted to the Grants Manager for review by uploading the request to EMGrants.

C: Roads & Bridges

D: Water Control Facilities

E: Buildings & Equipment

F: Utilities

G: Parks, Recreation & Other





Environmental Planning and Historic Preservation

- FEMA requires compliance with all environmental and historic preservation for all projects, no matter improved/ alternate/ pre-disaster condition
- FEMA EHP Specialists provide a Greensheet with contacts, FAQs, required documentation, etc., to comply with Federal, State, and local laws

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
ENVIRONMENTAL PLANNING AND HISTORIC PRESERVATION (EHP)
GREENSHEET FOR DR-4827-NC





Document Expenses NOW

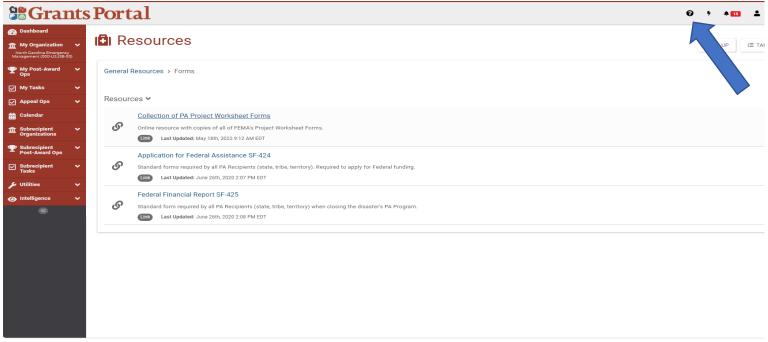
- Basic information to track <u>now</u> for reimbursement requests <u>later</u>:
 - Date expenses were incurred
 - Description of expense/work performed
 - How expenses/work performed are related the emergency
 - For equipment, hours used and location
 - Overtime Labor Rates and Fringe Benefit Rate







Document Expenses NOW Example Summary Records





Confused about FEMA forms? Create excel spreadsheet to track expenses – FEMA or NCEM PA staff will help you after you have completed registration!





Public Assistance Cost Types

- Force Account Labor
- Force Account Equipment
- Materials
- Contract Work
- Rented Equipment





Eligible Expenses - Management Costs (Category Z)

Administrative costs incurred in the management of Public Assistance grants

- Applicant may receive <u>up to</u> 5% of project net cost, based on actual costs
- Documentation and Final Inspection will be required. Will need a
 Management Cost summary sheet, time sheets and payroll records.
- Eligible costs included, but are not limited, to conducting PDAs,
 FEMA/State correspondence, and grant management activities.







Large vs. Small Projects

Project Thresholds:

- Minimum Project Worksheet Amount: \$3,900
- Small projects: Less than \$1,037,000.00
 - Small project funding is fixed & paid as obligated, whether written on estimated or actual cost
 - Exception: verification of actual insurance proceeds if applicable
- Large projects: \$1,037,000.01 and Greater
 - Is offered as a 428 Fixed Cost offer/ need to decline to be reimbursed on actuals
 - Request for Reimbursement
 - Quarterly Progress Report
 - Final Inspection required, 90 days after project is complete.





Duplication of Benefits

- FEMA will <u>not</u> reimburse for expenses paid for with <u>any</u> other funding sources
- Be prepared to demonstrate no duplication of benefits if requested by FEMA





Procurement Requirements

Federal Procurement Requirements







Common Mistakes When Purchasing Under a FEMA Award

Procurement Disaster Assistance Team (PDAT)



Background & Overview

Procurement Noncompliance Is Costly

\$660,000,000

Potentially ineligible contract costs due to noncompliance with procurement requirements within all FEMA grant programs (OIG audit reports issued FY2012-2021)

Top Findings

1. General procurement standards

2. Competition

3. Contract cost and price

4. Socioeconomic contracting

5. Contract provisions



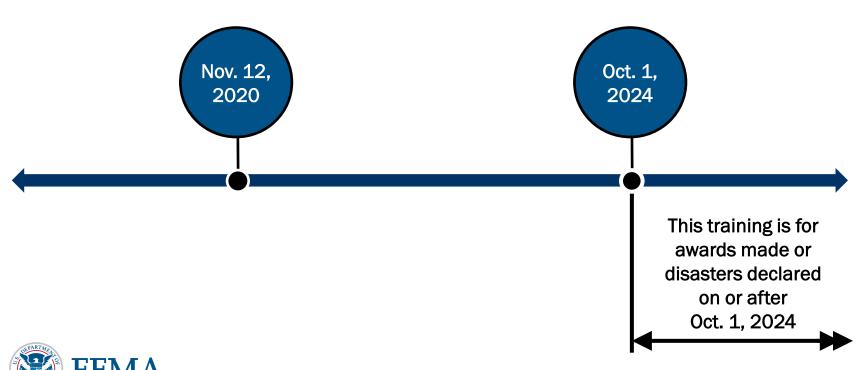
CAUTION:

Negative audit findings can result in taking grant funds back





OMB Updates to the Federal Procurement Regulations



Background on the Federal Procurement Under Grants Regulations

Federal "PUG" Regulations

2 C.F.R. §§ 200.317 - 200.327

317	Procurements by States and Indian Tribes
318	General Procurement Standards
319	Competition
320	Procurement Methods
321	Socioeconomic Contracting
322	Domestic Preferences
323	Recovered Materials
324	Contract Cost and Price
325	Acquisition Review
326	Bonding Requirements
327	Contract Provisions

Objectives



Reasonable Cost



Other Policy Goals



Rules that Apply to States and Indian Tribes

States:

- Any State of the United States
- District of Columbia
- U.S. Territories
- State Agency
- State Instrumentality



Tribes:

- Indian tribe, band, nation, or other organized group or community
- Alaska Native villages or regional or village corporation



Applicable Federal Rules

Procurements by States and

317	Indian Tribes
318	General Procurement Standards
319	Competition
320	Procurement Methods
321	Socioeconomic Contracting
322	Domestic Preferences
323	Recovered Materials
324	Contract Cost and Price
325	Acquisition Review
326	Bonding Requirements
227	Contract Provist 50%

Summary

States and Tribes follow their <u>own</u> procurement polices/procedures

+

- Socioeconomic Contracting
- Domestic
 Preferences
- Recovered Materials
- Contract Provisions





Rules that Apply to Local Governments and Nonprofits

317

326

327

Local governments and nonprofits:

- City, county, town government
- Hospitals
- Institutions of Higher Education
- Other Private Nonprofit Organizations

Applicable Federal Rules

Procurement by States and Indian Tribes

318	General Procurement Standards
319	Competition
320	Procurement Methods
321	Socioeconomic Contracting
322	Domestic Preferences
323	Recovered Materials
324	Contract Cost or Price
325	Acquisition Review

Additional Applicable Rules

Must follow **own** procurement policies and procedures

+

Must follow applicable State or Tribal law

+

Federal Rules





Bonding Requirements

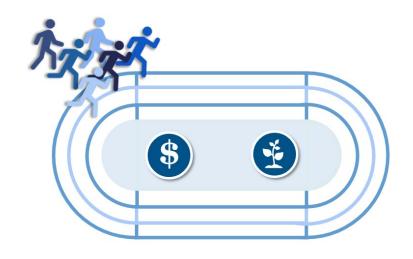
Contract Provisions

Common Procurement Under Grant Mistakes



Restricting Full and Open Competition

- All qualified and responsible sources are eligible to compete without restrictions
- Goal: cast net broadly to reach fair & reasonable price from the most qualified contractor
- Examples of restricting competition:
 - Requiring unnecessary experience
 - Excessive bonding requirements
 - Using brand names
 - Non-competitive contract to contractors on retainer







Not Performing a Cost or Price Analysis

For procurements over \$250,000:

 Independent estimates are required before receiving bids/proposals.



2. A **cost** or **price analysis** is required after receiving bids/proposals.







Engaging in Sole-Sourcing without documenting permissible exceptions

Five Exceptions to Competitive Procurement:

- 1. Micro-purchases
- 2. The item is available only from a single source
- 3. Exigency or emergency circumstance
- 4. Inadequate competition
- 5. Awarding agency or pass-through entity approval







Continuing work under a sole-sourced contract after public emergency or exigency has ended

Situations that demand immediate aid or action

Emergency

Need to alleviate a threat
to life, public health or
safety, or improved
property

Exigency

Need to avoid, prevent or alleviate serious harm or injury, financial or otherwise

If using sole sourcing due to emergency or exigency, local governments and nonprofits must:

- Justify with documentation
- Use only during the period of actual exigent or emergency circumstances
- Transition to a competitive method as soon as period ends







Use of Pre-Awarded/Pre-Existing Contracts during E&E

FEMA recommends that local governments and nonprofits:

- Review the requirements applicable during
 E&E and take actions to modify pre-awarded
 or pre-existing contracts where applicable
- Justify the use of a sole-sourced contract with suggested documentation



If the pre-awarded/pre-existing contract is **not in compliance** with the federal procurement requirements, it may still be possible to use the contract for the duration of the E&E





Awarding a time-and-materials (T&M) contract without a ceiling price and proper justification

2 C.F.R § 200.318(j)

T&M Contract Cost:

- Direct labor hours +
- Actual cost of materials

Applicability:

- When not possible to initially estimate extent or duration of work
- Use only after determining that no other contract type is suitable

Requirements

- A **ceiling price**, that the contractor exceeds at own risk. must be established
- Must maintain high degree of oversight to avoid unneeded cost over-runs
- **Use only until** the scope of work becomes clear







Awarding a cost-plus-a percentage-of-cost contract (CPPC)

CPPC Contract Cost:

Cost reimbursement contract

Prohibited because:

No incentive for contractor to control costs

How to spot a CPPC Contract

- Payment is at a predetermined % rate
- This % rate is applied to actual performance costs
- Contractor's profit is uncertain at the time of contracting
- Profit increases with increased performance costs







Not including the required contract clauses

Contract provisions are required for recipients and subrecipients to protect the interests of the entity conducting the procurement & Federal government.

Including, but not limited to:

- Termination for Cause and Convenience
- Remedies
- Byrd Anti-Lobbying

- Equal Employment Opportunity (EEO)
- Domestic Preferences
- Covered Telecommunications

Contract Provisions Guide

Navigating Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

Procurement Disaster Assistance Team (PDAT) June 2021 (FI-207-21-0001)



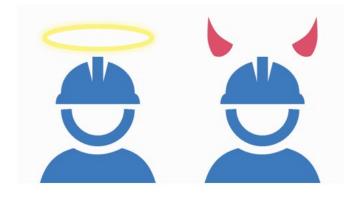






Awarding to contractors who were suspended or debarred

- Must only award contracts to responsible contractors:
 - Able to perform successfully under terms and conditions
 - Evidence of integrity
 - Compliant w/ public policy
 - Proper classification of employees
 - Good past performance
 - Adequate financial and technical resources
- Contractor must NOT appear on the government wide exclusions list for suspension and debarment



www.sam.gov

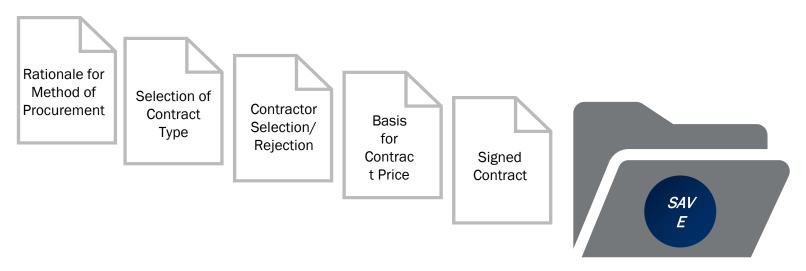






Not properly documenting all steps of a procurement

Recipients and subrecipients must maintain records sufficient to detail the history of each procurement transaction and hold onto them for <u>3 years</u> past the submission of the final expenditure report. At minimum, records must include:





2 C.F.R § 200.318(i) 2 C.F.R § 200.334



Tools & Resources

Reporting Fraud Risk

You Can Report Fraud or Suspicious Activities by Contacting:

The FEMA Fraud and Investigations Division	FEMA-OCSO-Tipline@fema.dhs.gov Phone: 1-866-223-0814	
FEMA Suspension and Debarment	femas&d@fema.dhs.gov	
The DHS OIG Hotline	https://hotline.oig.dhs.gov/#step-1 Phone: 1-800-323-8603	
US Department of Justice, National Center for Disaster Fraud	Complaint Form Phone: 866-720-5721	



Tools & Resources

Procurement Rules Online

www.ecfr.gov

2 C.F.R. §§ 200.317-200.327

PDAT Website

www.fema.gov/grants/procurement

- Resources to report fraud
- PUG Manual
- Contract Provisions Guide
- Fact sheets & checklists
- Webinar series



Contract Provisions Guide

Navigating Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

Procurement Disaster Assistance Team (PDAT) Iune 2021

(FM-207-21-0002)



FEMA FACT SHEET

Purchasing Under a FEMA Award: State Entities

FEMA grant programs are subject to the federal procurement rules found at 2 C.F.R. §§ 200.317 - 200.327. This Fact Sheet provides information on the federal procurement rules applicable to state entities when purchasing under FEMA awards and disaster declarations issued on or after November 12, 2020.

OMB Revisions

The Office of Management and Budget (OMB) revised sections of OMB Guidance for Grants and Agreements found in Title 2 of the Code of Federal Regulations and these revisions are applicable to FEMA awards issued on or after November 12, 2020, unless indicated otherwise. These revisions include changes to the federal procurement rules which dovern how FEMA award recipients and subvecinients must nurchase under a FEMA award FEMA award recipients and subrecipients are encouraged to review the Federal Register Notice 2020-17468 and Reference

If purchasing under FEMA awards or disaster declarations issued between December 26, 2014 - November 11, 2020, please see Code of Federal Regulations, Title 2, Grants and Agreements-January 2020 and the PDAT Website for information on applicable federal procurement rules

Applicable Federal Procurement Rules



Need More Help?



1. First, email:

- Your State Emergency Management Agency <u>www.fema.gov/emergency-management-agencies</u>
- Your FEMA Regional Office <u>www.fema.gov/fema-regional-contacts</u>

2. If help is still needed, then contact:

 FEMA's Grants News inbox at <u>FEMA-Grants-</u> <u>News@fema.dhs.gov</u> and CC' your State & FEMA POC



We're Here to Help!



NCEM Public Assistance Contacts





NCEM Public Assistance Management

Bob Barker, PA Branch Manager 919-714-2809 or bob.barker@ncdps.gov

Shonda Corbett, Western Branch Supervisor 984-218-3385 or shonda.corbett@ncdps.gov







Western Branch Public Assistance Contacts

Adam Lawrence – 512-358-9415 – Adam.Lawrence@ncdps.gov

Area 11 Counties: Alleghany, Alexander, Cabarrus, Iredell, Rowan, Stanly, Wilkes

Area 12 Counties: Ashe, Avery, Caldwell, McDowell, Mitchell, Watauga, Yancey

Andy Andrews — 984-297-5642 — Andy.Andrews@ncdps.gov

Area 13 Counties: Burke, Catawba, Cleveland, Gaston, Lincoln, Mecklenburg, Union

Shonda Corbett – 984-218-3385 – Shonda.Corbett@ncdps.gov

Area 14 Counties: Buncombe, Cherokee, Graham, Haywood, Madison, Swain

Nam Nguyen – 919-836-6218 – Nam.Nguyen@ncdps.gov

Area 15 Counties: Clay, Henderson, Jackson, Macon, Polk, Rutherford, Transylvania







Contact NCEM Public Assistance



PAHotline@ncdps.gov





Grants Portal Hotline for FEMA Public Assistance

(866) 337-8448

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FEMA-Recovery-PA-Grants@fema.dhs.gov





