



Applicant Briefing

COVID-19 Pandemic

DR-4486

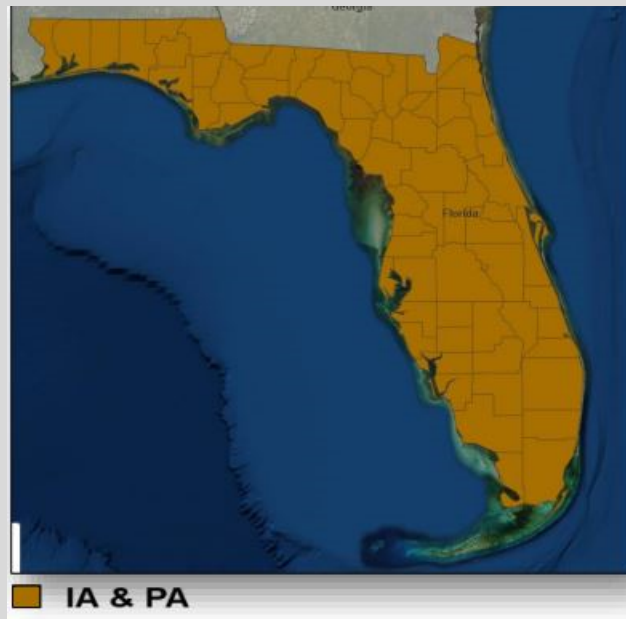
*Presented by
Bureau of Recovery*

Rebuilding Together



Designated Areas

To be eligible, the work *must* have occurred within the designated area (Statewide) listed on the President's Nationwide Emergency Declaration for all Public Assistance Categories of Work



Incident Period

Defined as the time span during which the disaster-causing incident occurs

- The declaration designates the incident period
- The incident period is the span of time during which the federally declared incident occurs

DR-4486

COVID-19 Pandemic

Incident Begin Date: January 20, 2020



Federal Cost-Share Program

Cost-Share (non-PNP)

75% Federal / 12.5% State / 12.5% Local

Cost Share for PNPs

75% Federal / 25% PNP



Nationwide Major Declaration

Public Assistance (PA)

Emergency Work Category B
(Emergency Protective Measures)

Individual Assistance (IA)

Crisis Counseling Program



Category B – Emergency Protective Measures

Activities taken before, during, and after a disaster

- Activation and staffing of local and state EOCs.
- Emergency medical care.
- Medical sheltering
- Additional security hired for logistical staging areas, etc.
- Search and rescue operations.



Category B – Emergency Protective Measures

Emergency Work Labor Eligibility

Budgeted Employees	Overtime	Straight-Time
Permanent employee	✓	
Seasonal employee working during normal season of employment	✓	
Unbudgeted Employees	Overtime	Straight-Time
Essential employee called back from administrative leave	✓	✓
Permanent employee funded from external source	✓	✓
Temporary employee hired to perform eligible work	✓	✓
Season employee working outside normal season of employment	✓	✓



Category B – Emergency Protective Measures

Reassigned Employees - The Applicant may assign an employee to perform work that is not part of the employee's normal job.



Backfill Employees - Overtime costs for the backfill employee are eligible as long as the employee that he/she is replacing is performing eligible Emergency Work.



Emergency Protective Measures (Category B)

Emergency Operations Centers



EOC Response Activities

Response activities, and associated costs, conducted at EOCs are eligible provided they are associated with eligible work, including, but not limited to:

- Increased utility costs
- Costs to lease a facility
- Supply costs
- Meal costs, as described in the PAPPG



Emergency Protective Measures (Category B)

Meals



Subrecipients often provide meals for emergency workers.

Provision of meals, including beverages and meal supplies, for employees and volunteers engaged in eligible Emergency Work, including those at EOCs, is eligible provided the individuals are not receiving per diem and one of the following circumstances apply:

- Meals are required based on a labor policy or written agreement that meets the requirements of the PAPPG;
- Conditions require employees to work abnormal, extended work hours; or
- Food or water is not reasonably available for employees to purchase.



Emergency Protective Measures (Category B)



Supplies and Commodities

Costs related to the Subrecipient purchasing supplies or using its own stock to perform Emergency Work are eligible for reimbursement in accordance with the PAPPG. Examples include, but are not limited to:

- safety equipment
- personal protective equipment (PPE)
- radios



Emergency Protective Measures (Category B)



Supplies and Commodities

Life-saving and Life-sustaining Commodities

Examples of such commodities include, *but are not limited to*:

- food
- water
- ice
- personal hygiene items
- cots
- blankets
- generators
- food and water for household pets and service animals.

Emergency Protective Measures (Category B)



Eligible medical care may include *but is not limited to*:

- Triage and medically necessary tests and diagnosis
- Treatment, stabilization, and monitoring
- First-aid assessment and provision of first aid
- Vaccinations for survivors and emergency workers
- Durable medical equipment

Emergency Protective Measures (Category B)



Eligible medical care may include *but is not limited to*:

- Consumable medical supplies
- Temporary facilities for treatment of survivors, such as tents or portable buildings
- Leased or purchased equipment for use in temporary medical care facilities
- Security for temporary medical care facilities
- Use of ambulances for distributing immunizations and setting up mobile medical units



Emergency Protective Measures (Category B)

Eligibility



Ineligible Examples

- DOBs
 - Benefits from CDC, HHS, Florida Department of Health (FDOH), USDA / FDACS
- Continued school meal service during school closings
- Loss of revenue & tax revenue
- Medical care costs incurred once a survivor is admitted to a medical facility on an inpatient basis
- Costs associated with follow-on treatment of survivors beyond 30 days of the declaration
- Administrative costs associated with the treatment of survivors



Donated Resources

Donated Resources

Applicant may use the value of donated resources to offset the non-Federal share of its eligible projects.

- Donated Resource is from third party;
- Applicant uses the resources in the performance of eligible work; and
- The Applicant or volunteer organization tracks the resources and work performed, including description, specific locations, and hours.



General Public Assistance Eligibility

Work

At a minimum, work must meet each of the following three general criteria to be eligible.

- Be required as a result of the declared incident;
- Be located within the designated area, with the exception of sheltering and evacuation activities; and
- Be the legal responsibility of an eligible Applicant.



General Public Assistance Eligibility

Cost

Not all costs incurred as a result of the incident are eligible. To be eligible, costs must be:

- Directly tied to eligible work.
- Properly Documented.
- Not a Duplication of Benefits (DOB).
- Not prohibited under Federal, State, Tribal, or local government laws or regulations.
- Consistent with the Applicant's policies and procedures.
- Necessary and reasonable to accomplish the work.



COVID-19 Pandemic: Public Assistance Simplified Application

While Applicants still need to submit RPAs in FloridaPA, FEMA is simplifying the Public Assistance application process. This event is for Cat. B reimbursement and the simplified application process enables FEMA to eliminate many application steps that are designated, including:

- Eliminating exploratory calls
- Recovery Scoping Meetings (RSM)
- *Most* site inspections
- Reducing documentation requirements



PA Project Development – Documentation

Inventory	Maintenance Records	Rental/Lease Agreements
Pre-Disaster Contracts and Mutual Aid	Records of Costs	Overtime Policy
Performed Work Records	Contract/Work Procurement	Rented Equipment



Procurement – Using Contracts for Eligible Work



FEMA provides PA funding for contract costs based on the terms of the contract if the Applicant meets Federal procurement and contracting requirements.

FEMA's Procurement Guidance for Recipients and Subrecipients Under 2 C.F.R. Part 200 (Uniform Rules) provides additional details regarding Federal procurement and contracting requirements.

Local governments and PNPs must use their own documented procurement procedures that reflect applicable State and local government laws and regulations, provided that the procurements conform to applicable Federal law and standards.



Procurement – Cost or Price Analysis Required



Applicants *must*:

- Perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold, including contract modifications. The method and degree of analysis depends on the facts surrounding the particular procurement situation.
- Make independent estimates before receiving bids or proposals.
- Negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where a cost analysis is performed.



Procurement – Acceptable Contract Types

FEMA reimburses costs incurred using three types of contract payment obligations:

- fixed-price,
- cost-reimbursement, and
- to a limited extent, time and materials (T&M).

The Applicant must include required provisions in all contracts awarded and maintain oversight to ensure contractors perform according to the conditions and specifications of the contract and any purchase orders. The FEMA Contract Provisions Template outlines these required contract provisions can be found on www.FloridaPA.org under PA Info TAB.

FEMA does not reimburse costs incurred under a cost plus a percentage of cost contract or a contract with a percentage of construction cost method.



Procurement – Time and Materials Contracts

FEMA advises against the use of T&M contracts and generally limits the use of these contracts to a reasonable time based on the circumstances during which the Applicant could not define a clear scope of work (SOW).

FEMA may reimburse costs incurred under a T&M contract only if all of the following apply:

- No other contract was suitable;
- The contract has a ceiling price that the contractor exceeds at its own risk; and
- The Applicant provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

The Applicant should define the SOW as soon as possible to enable procurement of a more acceptable type of contract.



Procurement – Emergency or Exigency

Emergency

A threat to life, public health or safety, or improved property that requires immediate action to alleviate the threat.

Exigency

A need to avoid, prevent or alleviate serious harm or injury, financial or otherwise, to the applicant, and use of competitive procurement proposals would prevent the urgent action required.

Use is only permissible during the actual exigent or emergency circumstances

The duration will vary for each incident

- Does not always coincide with a Governor's Executive Order
- Any work done must specifically relate to the exigent or emergency circumstance
- The State has different requirements than local governments or PNPs

A waiver of state or local procurement requirements does not mean a waiver of federal procurement requirements.



Exigency or Emergency: Required Standards

The following procurement standards apply *even in an exigency or emergency*:

- Including the required contract clauses (Appendix II to Part 200 of the CFR)
- Must award to a responsible contractor
- Must complete a cost or price analysis
- No cost plus percentage of cost contract
- T&M contract requirements

Once the exigency or emergency has passed, you *must* seek to competitively procure any remaining work



Piggybacking: Emergency or Exigency

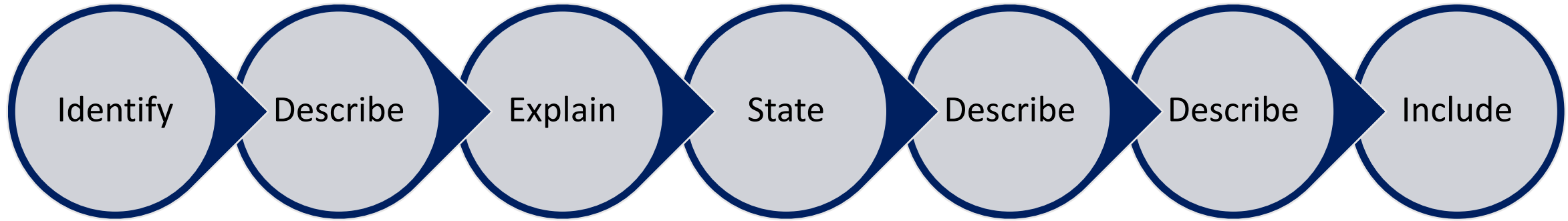
Piggybacking



- The scope of the contract matches the scope of the work to be done
- Contract must have been procured in compliance with all applicable local, state, and federal procurement rules
- Contract must contain the required federal terms
- Applicant's policy must allow piggybacking
- The contract itself must have a clause allowing piggybacking
- Must properly document the procurement and the contract
- Must justify the use of a piggybacked contract over competitive procurement



Required Documentation – Exigency or Emergency



- The circumstance requiring a noncompetitive procurement

- The product or service and expected price

- Why a noncompetitive procurement is necessary

- How long will the contract be used for the defined scope of work

- The specific steps taken to determine that competitive procurement could not have been used or was not used for the scope of work

- Any known conflicts of interest and any efforts made to identify possible conflicts of interest before the noncompetitive procurement occurred

- Any other information justifying the use of noncompetitive procurement in the specific instance



Funding Agreement Process

Purpose

- Is a contract that establishes the relationship for the grant program between the Recipient (FDEM) and the Subrecipient (Applicant).
- Outlines the terms and conditions of accepting Federal funding through the Public Assistance Program.

Funding Agreement

- Applicants will enter into a Funding Agreement during the Project Development Phase.
- *As you may recall, beginning with Hurricane Dorian and future storms, amendments for each additional project will not be required.*



Audits and Retention of Records

All documents are subject to an audit by the State, FEMA, and the US Department of Homeland Security Office of Inspector General

Must maintain ALL records for 5 years post grant closeout



Documentation and Retention of Records

The Applicant is responsible for establishing and maintaining accurate records of events/expenditures related to recovery work for which you request FEMA assistance.

Applicants must also provide quarterly reports to FDEM via FLPA.

Failure to properly document any claimed expenses may result in loss of funding.



Reminder – Important Steps

- Get FLPA Access.
- Submit RPA.
- Document your efforts.



Contact Information

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FDEM COVID-19 Recovery Questions

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Any
Questions...

