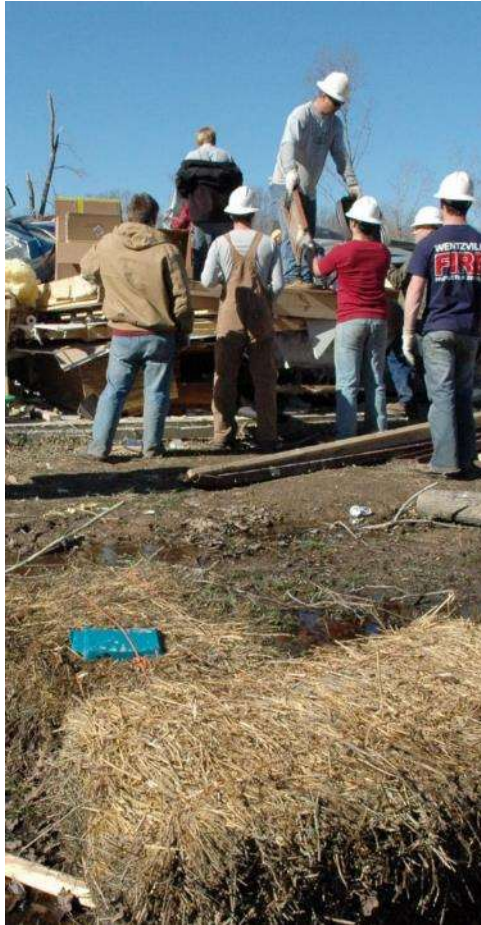


Public Assistance Grant Program



FEMA

Agenda



Objective: Provide introductory information on the delivery of the Public Assistance (PA) grant program to include: an overview of program funding, process and application procedures, eligibility criteria, and program requirements.

1. **Program Process:**
From disaster to closeout
2. **Program Eligibility:**
Applicants, facilities, work, and costs
3. **Program Requirements:**
Administrative, procurement, documentation, environmental and historic preservation, insurance, and record keeping
4. **Alternative Procedures:**
Debris removal pilot and flexible funding for permanent work
5. **Program Review and Next Steps**

Public Assistance (PA) Process

From Disaster to Closeout



Public Assistance Mission

“Provide technical and financial assistance to State, Tribal, Territorial and local governments, and certain types of Private Nonprofit organizations so communities can quickly respond to and recover from major disasters or emergencies.”

The program provides technical and supplemental financial assistance for:

- The repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Nonprofit (PNP) organizations
- Debris removal
- Emergency protective measures
- Efforts
- Hazard mitigation



Roles and Responsibilities

Once a disaster has been declared, multiple layers of government work in partnership to administer the PA Program:

FEMA

The federal awarding agency authorized to manage the program.

Recipients

The State, Territorial, or Tribal government that receives funding under the disaster declaration and disburses funding to approved subrecipients.

Applicants

Entities submitting a request for assistance under the recipient's federal award.

Subrecipients

Applicants who have receives a subaward from the Recipient and is then bound by the conditions of the award and subaward.



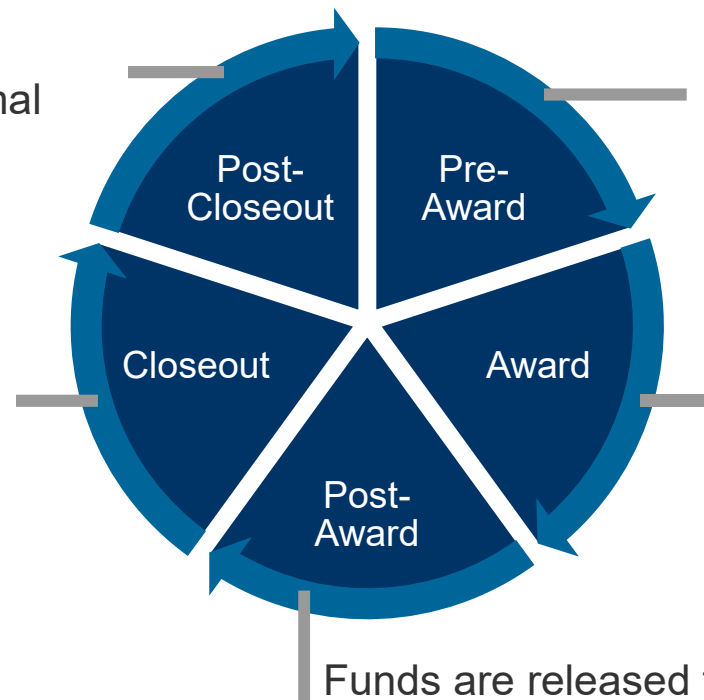
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Public Assistance Process

All FEMA grant programs follow a common set of phases that comprise the **grants management life cycle**.

Program evaluation is conducted through a formal after-action process.

Grants are evaluated, appeals are reconciled, final reports are drafted, and official grant files are prepared.

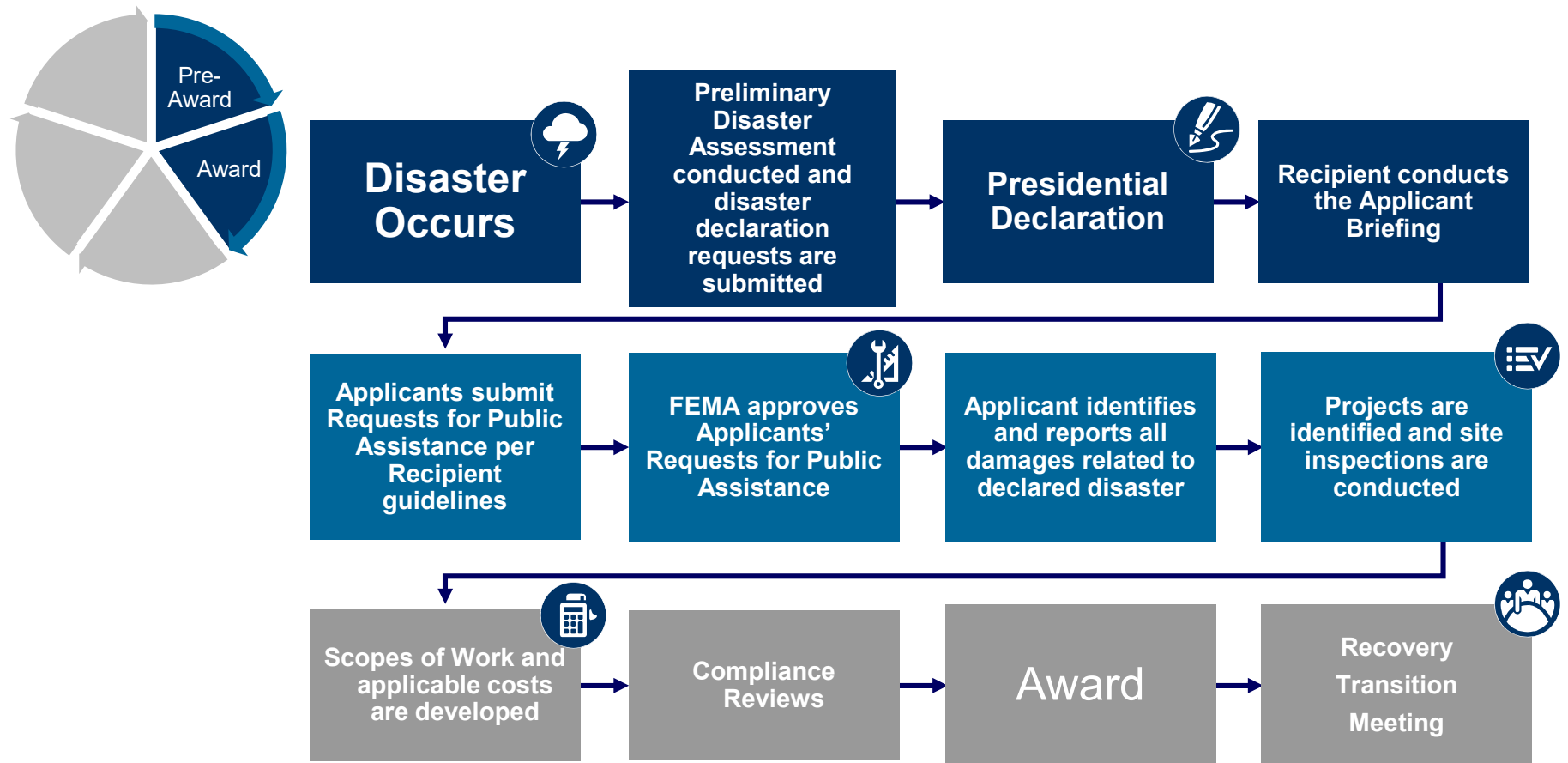


Applicants submit applications for grants during this phase. Outputs of this phase include the draft award package.

Final approval of the award packages occurs. Award notifications are given and funding is authorized.

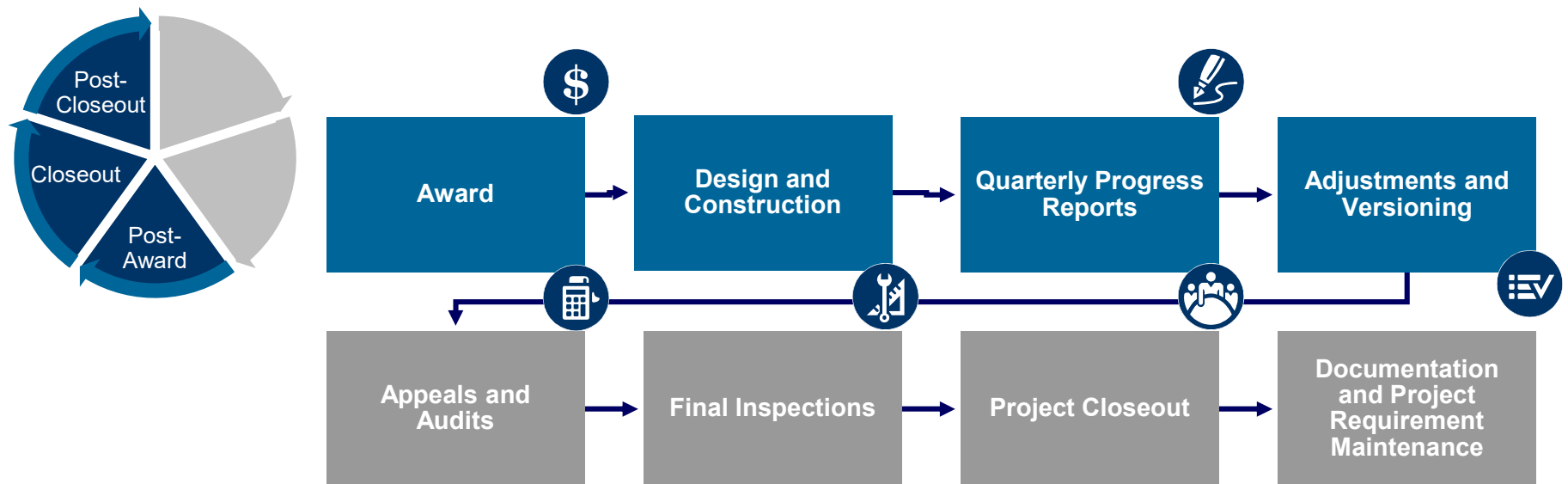
Funds are released to the award recipients, recipients provide financial and progress reports.

Public Assistance Process







Public Assistance Process

Throughout the **Post-Award**, **Closeout**, and **Post-Closeout** phases, FEMA will regularly interact with the Applicant to ensure compliance with documentation and process requirements, and to update projects as needed before closing out.



Application Deadlines

The Pre-Award and Award phases of the Public Assistance program require Applicants and FEMA to meet the requirements by the designated deadlines to remain compliant with program and policy guidelines.

Requirement	Responsible Party	Completion Deadline
 Request for Public Assistance (RPA)	<i>Applicant</i>	Within 30 days of Disaster Declaration
 Exploratory Call	<i>FEMA Program Delivery Manager (PDMG)</i>	Within 7 days of being assigned to Applicant
 Recovery Scoping Meeting	<i>FEMA PDMG</i>	Within 21 days of RPA approval
 Report all damages and provide documentation to FEMA	<i>Applicant</i>	Within 60 days of Recovery Scoping Meeting

Presidential Declarations – Key Elements



The Presidential declaration designates the type of incident, incident period, and the designated areas eligible to receive Federal assistance.

Applicants must consider several key elements of Presidential disaster declarations when applying for Public Assistance:

- **Incident Period:** The date(s) on which damages occurred.
- **Designated Areas:** Typically counties/parishes, the areas in which disaster-related damages may be eligible for assistance from FEMA.
- **Declaration Types:** Either **emergency** or **major disaster**, the declaration type determines which categories of work are eligible for assistance.
 - *Emergency:* Declared to save lives and protect property and public health and safety, or to lessen or avert threats.
 - *Major Disaster:* An incident of any natural catastrophe or, regardless of cause, a major fire, flood, or explosion.



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Non-Federal Share & Donated Resources



For each disaster declaration, FEMA determines the federal share of eligible costs covered under Public Assistance. The non-Federal share of eligible work can be offset by applicants through **Donated Resources**.

The Applicant may apply the **Donated Resources** offset if all below conditions are met:

1. The donated resource is from a third party (a private entity or individual that is not a paid employee of the Applicant or Federal, State, Territorial, or Tribal government);
2. The Applicant uses the resource in the performance of eligible Emergency Work; and
3. The Applicant or volunteer organization tracks the resources and work performed, including description, specific locations, and hours.

The potential offset costs of **Donated Resources** are defined by FEMA as:

- **Volunteer Labor:** based on the same hourly labor rate and fringe benefits as a similarly qualified person in the Applicant's organization who performs similar work
- **Donated Equipment:** based on equipment rates
- **Donated Supplies or Materials:** based on current commercial rates
- **Logistical Support:** Reasonable logistical support for volunteers doing eligible work may be eligible either for funding or as a donations credit



FEMA

PA Process: Pre-Award



FEMA PA utilizes a Four Phase approach to awarding grants to Recipients.

Phase 1

Operational Planning

Objective: Identify Applicants' disaster impacts and recovery priorities.

Recipient conducts an **Applicant Briefing, Exploratory Calls** with potential Recipients, and a **Recovery Scoping Meeting (RSM)**.

A **PDMG** is assigned to assist Applicants with the PA Process.

Phase 2

Damage Intake and Eligibility Analysis

Objective: Capture Applicant's disaster-related damage and determine eligibility **within 60 days** of the **RSM**.

FEMA groups damages into projects and requests **Essential Elements of Information (EEI)** from Applicant to assist in completing the **Damage Description and Dimension (DDD)**.

Phase 3

Scoping and Costing

Objectives: Develop the **DDD** (for Completed/Fully Documented projects), **Scope of Work (SOW)** (if not provided by Applicant) and **costs** for projects.

FEMA reviews and validates all damage documentation to include Insurance, Mitigation and Environmental Planning and Historic Preservation (EHP) evaluation.

Applicant signs approval of finalized documentation.

Phase 4

Reviews and Obligation

Objective: Obligate projects, complete Recovery Transition Meeting with Applicant, and transition Field Operations to the Region.

FEMA **reviews** each project to ensure compliance with various codes and standards.

Once Applicant signs approval of the project, the **formal transition briefing** is conducted.



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PA Grants Manager and Grants Portal Tool



System was built using 'agile project management principles', which promotes continuous improvement and rapid, flexible response to feedback.



FEMA

What are the Grants Manager and Grants Portal?

An information technology system with a two interfaces that documents PA Program projects in formulation with a seamless transition to grant obligation.

What is the difference between the Manager and the Portal?

Grants Manager is used internally by FEMA or Recipient specialists to schedule meetings, track projects, evaluate project eligibility and develop project terms and conditions.

Grants Portal is used by State, Local, Tribal, and Territorial governments and eligible non-profit organizations (You!) to manage and monitor grant applications, answer questions, and submit documentation.

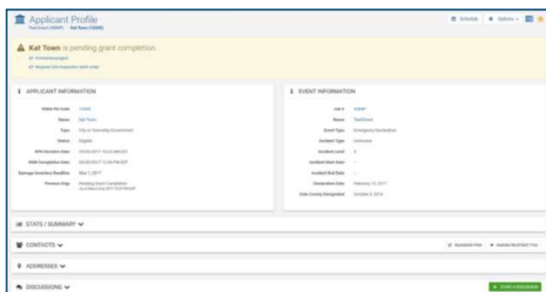
Benefits of Grants Portal for Applicants:

- Complete and update profile information
- Submit the Request for Public Assistance (RPA)
- Upload required documentation
- Obtain daily oversight of project statuses
- Approve workflow items for concurrence/acknowledgement
- Update Essential Elements of Information (EEI) for projects
- Notify the assigned Program Delivery Manager (PDMG) of an applicant's actions

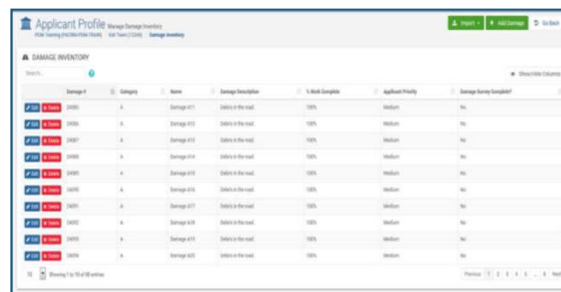
PA Grants Portal Tool

FEMA Public Assistance Grants Portal: grantee.fema.gov

Applicant Profile

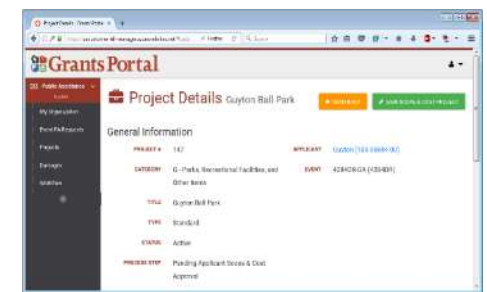


Damage Inventory & Documentation



Event ID	Category	Name	Description	Status
PA-2017-0001	Category A	Damage A1	Damage A1 description	In Progress
PA-2017-0002	Category A	Damage A2	Damage A2 description	In Progress
PA-2017-0003	Category A	Damage A3	Damage A3 description	In Progress
PA-2017-0004	Category A	Damage A4	Damage A4 description	In Progress
PA-2017-0005	Category A	Damage A5	Damage A5 description	In Progress
PA-2017-0006	Category A	Damage A6	Damage A6 description	In Progress
PA-2017-0007	Category A	Damage A7	Damage A7 description	In Progress
PA-2017-0008	Category A	Damage A8	Damage A8 description	In Progress
PA-2017-0009	Category A	Damage A9	Damage A9 description	In Progress
PA-2017-0010	Category A	Damage A10	Damage A10 description	In Progress

Transparent Updates



- Projects developed in online system to ensure transparency.
- Daily strategic reports and live performance data at every staff level to ensure recovery progresses and identify issues.
- System updated quickly to make needed changes.

Need Help?

Video tutorials available on YouTube's FEMA PA Grants Portal - Grants Manager Channel:
youtube.com/channel/UCIjP91Ds2laVIR1t8uXcEKg

Applicants have access to full time technical and training support.
Just call FEMA's PA Grants Portal Hotline:
(866) 337-8448



PA Eligibility Pyramid

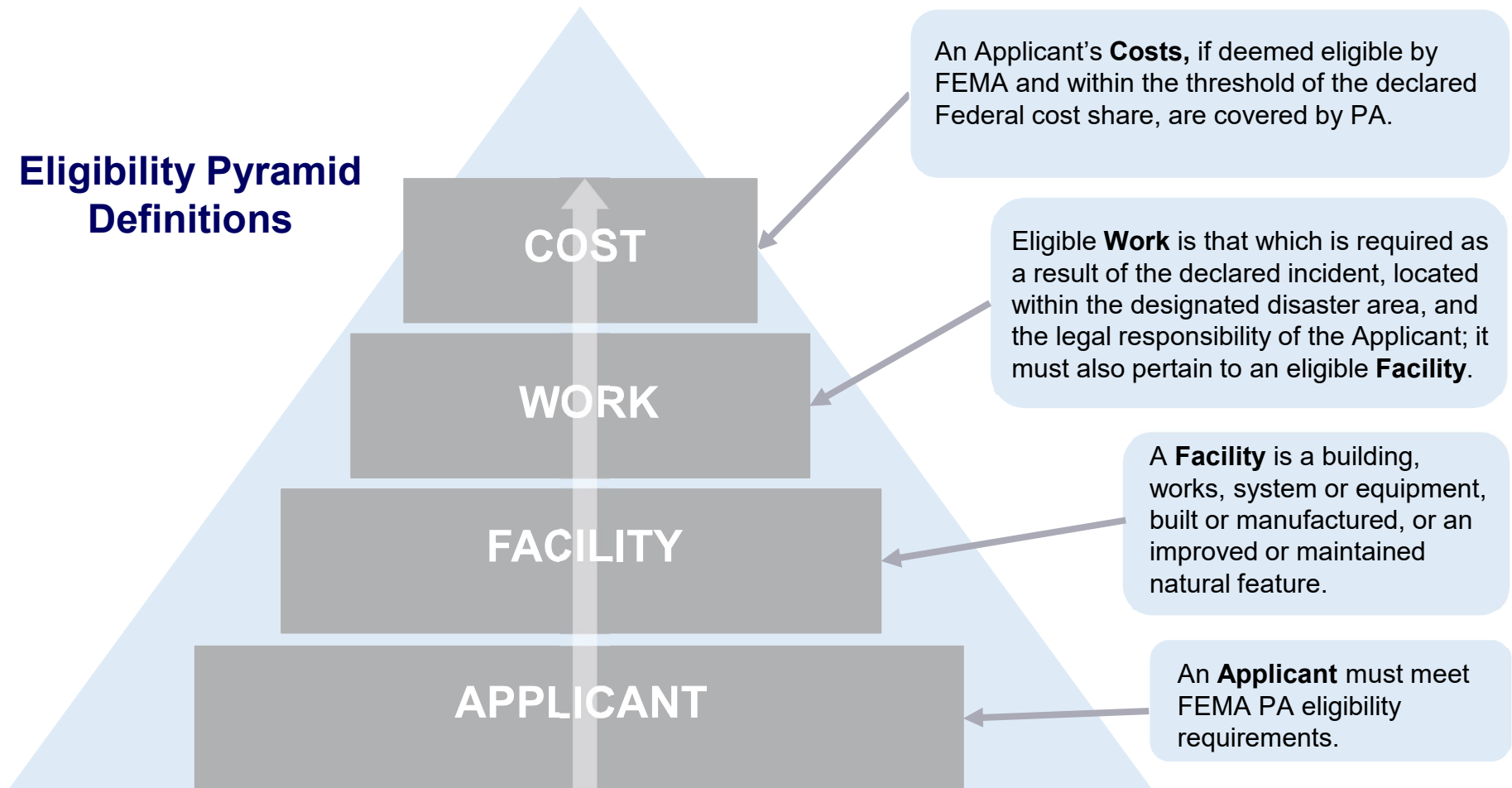
Applicants, Facilities, Work, and Costs



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Public Assistance (PA) Eligibility Pyramid

Eligibility Pyramid Definitions



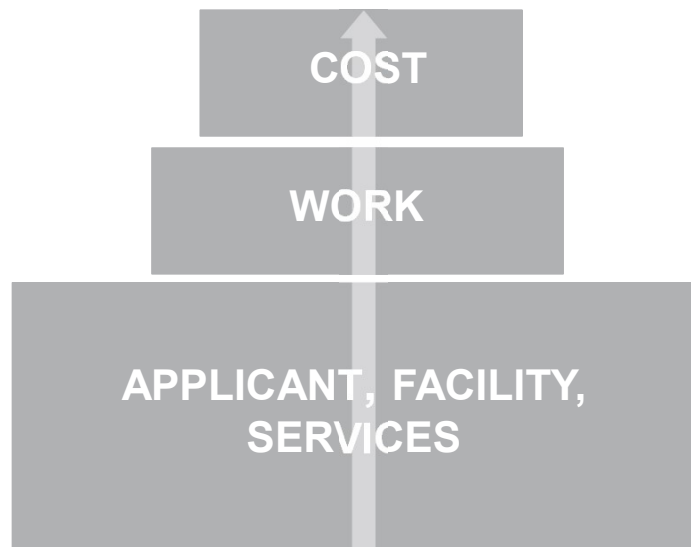
FEMA

PNP and Government Eligibility Pyramids

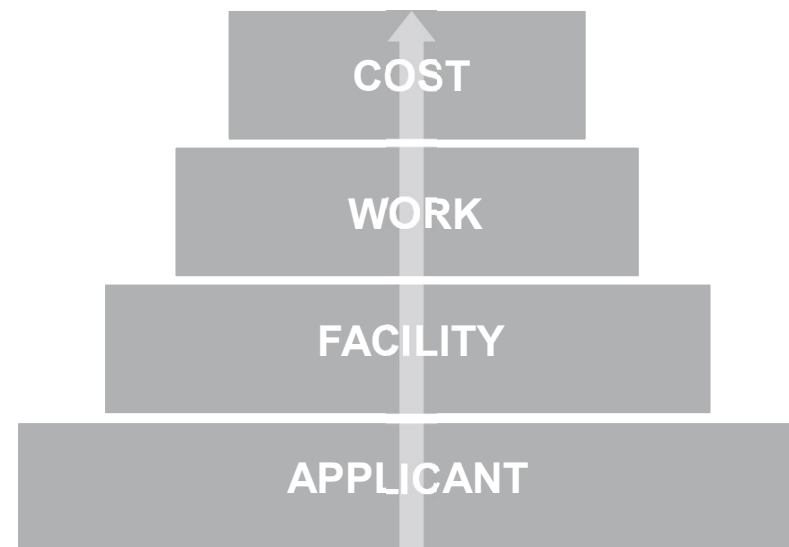


Eligibility of PNPs and Government Applicants is determined differently, though the same criteria are considered for all damages. The ownership of the facility, type of services the PNP provides and the population served are part of the eligibility determination.

Private, Non-Profit Entities (PNPs)



Government Applicants (State, Local, Territorial and Tribal)



FEMA

PNP Applicants



APPLICANT,
FACILITY, SERVICES



Some **Private, Non-Profit Entities (PNPs)** can be considered eligible for FEMA Public Assistance if they provide either **Critical Services** or **Essential Services**.

Critical Services

PNPs that own or operate facilities that provide the following **critical** services are eligible:

- Fire/Emergency Rescue
- Medical Treatment
- Education
- Utilities:
 - Water, Sewer, and Wastewater Treatment
 - Power Generation, Transmission, and Distribution
 - Communication Systems

Essential Services

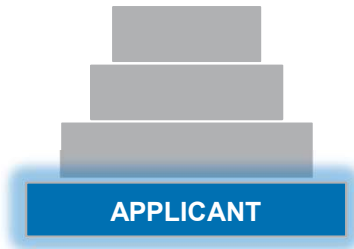
PNPs that provide a **non-critical, but essential** governmental service, is open to the general public, AND has applied (and been denied) a Small Business Administration loan for permanent repair work. Examples include:

- Museums and Zoos
- Community Centers
- Libraries
- Rehabilitation Facilities
- Other facilities that provide health and safety services of a governmental nature and are open to the public



FEMA

Government Applicants



Applicants are State, Territorial, and Tribal governments, and their local sub-governments (e.g., counties) who require FEMA assistance. The eligibility of a PA Applicant must be determined prior to processing the Applicant's claim. Applicants include:

- State Agencies
- Territorial Governments
- Native Tribal Governments and Tribal Organizations
- Counties or Parishes
- Cities/Towns/Villages
- Other political subdivisions of the State

Facility



A Facility is defined as “a building, works, system, or equipment, built or manufactured, or an improved and maintained natural feature.”

- Examples: roads, bridges, utilities systems, parks, and other buildings or features that provide a public good

To be eligible, a **Facility** must:

- Be the legal responsibility of an eligible Applicant;
- Have been in active use at the time of the disaster;
- Have been damaged as a result of the declared disaster, and;
- Be located within the designated disaster area.

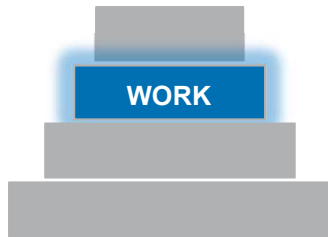


Once an applicant is determined to be eligible, then the **Facility's** eligibility must be assessed.



FEMA

Work



Through the PA Program, FEMA provides grant funding for Work towards emergency protective measures, debris removal, and permanent restoration of damaged facilities.

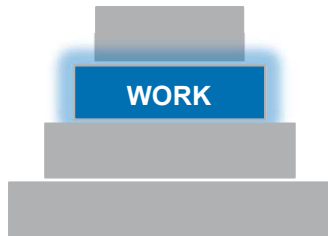
To be eligible, **Work** done must:

- Be the legal responsibility of an eligible Applicant;
- Be required as a result of the declared incident;
- Be located within a designated disaster area.



Work that involves sheltering and evacuation activities that is *not* located within a designated disaster area *may* be eligible **Work** under FEMA PA.

Work: Emergency vs. Permanent



Work that is eligible for FEMA PA is divided into **Emergency Work** and **Permanent Work**, with each of those being divided between seven **Categories**.

“Emergency Work” is defined as that which is intended to:

- Save lives;
- Protect public health and safety;
- Protect improved property; or
- Eliminate or lessen an immediate threat of additional damage.

Emergency Work includes two categories of eligible work:

Category A: Debris Removal

Category B: Emergency Protective Measures

“Permanent Work” is work required to restore a facility to its pre-disaster design and function, or to incorporate mitigation and improvements, in accordance with applicable codes and standards.

Permanent Work includes five categories of eligible work:

Category C: Road and Bridge Systems

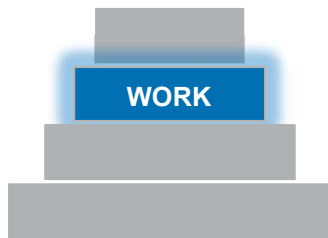
Category D: Water Control Facilities

Category E: Public Buildings/Equipment

Category F: Public Utilities

Category G: Other (parks, recreation equipment, etc.)

Work: Category A



TIP: Document these items to support your debris removal claim: quantity and type, pick up locations, disposal locations, owned equipment used, contracted equipment used, and labor.

Category A: Debris Removal

Debris Removal activities are eligible as Category A if the removal is in the public interest based on whether the work:

- Eliminates immediate threats to lives, public health, and safety;
- Eliminates immediate threats of significant damage to improved public or private property;
- Ensures economic recovery of the affected community to the benefit of the community at large; or
- Mitigates risk to life and property by removing substantially damaged structures to convert property to uses compatible with open space, recreation, or wetlands management practices.

Debris includes, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, and vehicle and vessel wreckage.

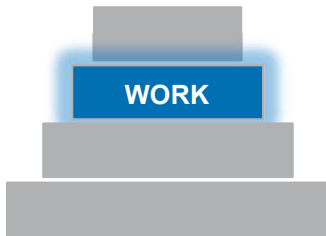


TIP: Applicants can provide receptacles/designated areas in public Rights of Way (ROW) for residents to place incident-related debris removed from their private property; residents should be cautioned not to deposit debris near fire hydrants or power poles.



FEMA

Work: Category B



TIP: Document disaster-related costs accurately, currently, and completely for all FEMA-funded activities; funds received and disbursed and reference source documentation must be identified.



FEMA

Category B: Emergency Protective Measures

Work that provides **Emergency Protective Measures** conducted before, during, and after an incident are eligible if the measures:

- Eliminate or lessen immediate threats to lives, public health, or safety; or
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.

Many types of Work can be considered **Emergency Protective Measures**, including:

- Flood fighting;
- Medical care and transport;
- Evacuation and sheltering;
- Child care;
- Safety inspections;
- Search and rescue operations;
- Fire fighting; and
- Security, such as barricades, fencing, or law enforcement;
- Consult the Public Assistance Program and Policy Guide for complete list

Work: Category C

WORK



TIP: Disaster funding cannot be received for activities covered by insurance benefits, other Federal programs, or ANY other source.



FEMA

Category C: Roads and Bridges

Permanent Work to restore roads and bridges is **eligible** unless restoration is under the specific authority of another Federal Agency (e.g., Federal Highway Administration [FHWA]). However, for Tribal Governments specifically, although Indian Affairs (BIA) or FHWA may have authority to provide permanent restoration of public Tribal roads, such roads may be eligible for PA funding provided the Tribal Government does not receive funding from BIA or FHWA for the same work.

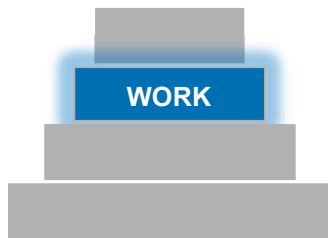
Roads may be paved, gravel, or dirt, and their eligible components include, but may not be limited to:

- Surfaces
- Bases
- Shoulders
- Ditches
- Drainage structures, such as culverts
- Low water crossings
- Associated facilities, such as lighting, sidewalks, guardrails, and signs

Bridge components include, but may not be limited to:

- Decking
- Guardrails
- Girders
- Pavement
- Abutments
- Piers
- Slope protection
- Approaches
- Associated facilities, such as lighting, sidewalks, and signs

Work: Category D



TIP: Applicants should maintain all documentation supporting pre-disaster capacity and regular maintenance of a water control facility.

Category D: Water Control Facilities

Permanent Work to restore the capacity of water control facilities, or flood control works at water control facilities, may be eligible for Public Assistance.

Water control facilities are those facilities built for the following purposes:

- Channel alignment
- Recreation
- Navigation
- Land reclamation
- Irrigation
- Maintenance of fish and wildlife habitat
- Interior drainage
- Erosion prevention
- Flood control
- Storm water management

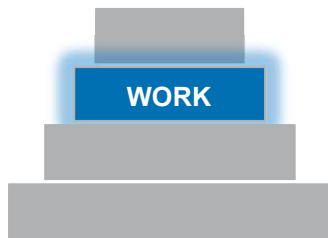
They may include:

- Dams and reservoirs
- Levees and floodwalls
- Lined and unlined engineered drainage channels
- Canals
- Aqueducts
- Sediment and debris basins
- Storm water retention and detention basins
- Coastal shoreline protective devices
- Irrigation facilities
- Pumping facilities
- Navigational waterways and shipping channels



FEMA

Work: Category E



TIP: Be familiar with Federal procurement standards for competition before entering into contracts for any FEMA projects.



FEMA

Category E: Public Buildings and Equipment

The repair of **public buildings and equipment** – or their replacement if destroyed – is eligible **Permanent Work**.

Buildings, in this case, includes:

- All structural and non-structural components, including mechanical, electrical, and plumbing systems;
- Contents and equipment within the building (see PAPPG for full list); and
- Furnishings.

Equipment includes:

- Vehicles, and
- Construction equipment

Before making an eligibility determination, FEMA considers each of the following:

- Evidence of regular maintenance or pre-existing issues, such as water damage from a leaky roof
- The severity and impacts of the incident

Work: Category F

WORK



Category F: Public Utilities

Permanent Work to repair or restore **Public Utilities** is eligible. **Utilities** can include:

- Water storage facilities, treatment plants, and delivery systems
- Power generation, transmission, and distribution facilities, including, but not limited to, wind turbines, generators, substations, and power lines
- Natural gas transmission and distribution facilities
- Sewage collection systems and treatment plants
- Communication systems



TIP: Use the FEMA schedule of equipment rates OR local rates, whichever are lower when using your own equipment and claiming those costs on a FEMA project.



FEMA

Work: Category G

WORK



Category G: Other (Parks, Recreation, etc.)

Eligible publicly-owned facilities in this category include, but are not limited to:

- Mass transit facilities
- Piers
- Beaches
- Picnic tables
- Parks
- Golf courses
- Playground equipment
- Ball fields
- Swimming pools
- Fish hatcheries
- Tennis courts
- Ports and harbors
- Boat docks

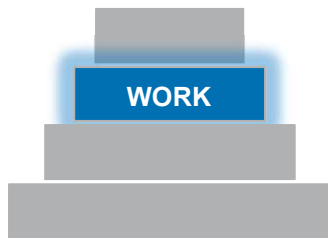


TIP: Applicants must ensure claimed costs are directly related to the disaster and are substantiated through sufficient documentation; establish a clear relationship between claimed costs and SOW.

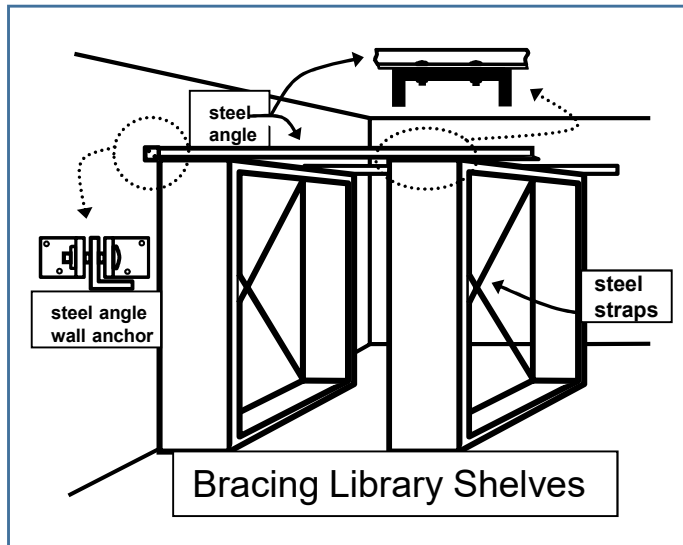


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Work: Hazard Mitigation



Disasters can have devastating consequences for a community's economic, social and environmental well-being. Since disasters are likely to be repeat events, it's especially important that communities consider ways to rebuild to avoid future disaster damage.



FEMA's Public Assistance Program can help by providing funding to assist communities build back stronger after a disaster. This includes:

- Providing additional funding to protect a damaged facility against future damage,
- Requiring that buildings that have sustained significant damage include hazard-resistant design provisions of the International Code Council's (ICC) building codes,
- Funding for local hazard-resistant codes and standards that go beyond those in the ICC, and
- Funding the relocation of a facility that is subject to repetitive, heavy damage or when eligible for replacement.



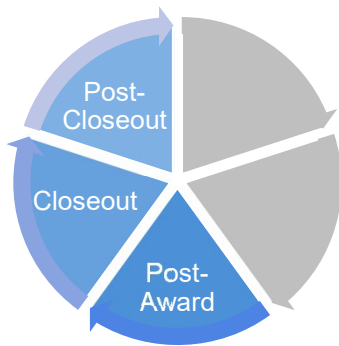
TIP: Eligible communities can receive hazard mitigation funding (Section 406 Mitigation) in addition to funding received to repair or replace damaged facilities through the PA Program. FEMA also provides hazard mitigation funding to States to use to prepare for and recover from disasters (Section 404 Mitigation).



FEMA

Cost and Program Requirements

The PA Program Cost and Program requirements are largely a Post-Award, Closeout, and Post-Closeout function for Applicants. Document maintenance, quarterly progress reports, and award financial reconciliation are all integral parts of the grant program.



- **Strategic Funds Management** - FEMA's process for obligating PA funding based on the Applicant's schedule to execute the work.
- **Project Thresholds** - project totals less than the minimum threshold after the Applicant has accounted for all project costs, the project is not eligible.
- **Project Reconciliation and Closeout** - purpose of closeout is for the Applicant to certify that all work has been completed.
- **Appeals** - Applicant may appeal any FEMA determination related to an application for, or the provision of, assistance under the PA Program.
- **Audits** - Recipients and Subrecipients are subject to Federal and non-Federal audits.
- **Stafford Act Section 705** - imposes a three (3) year limit on FEMA's authority to recover payments made to State, Tribal, or local government Recipients and Subrecipients unless there is evidence of fraud.
- **Quarterly Progress Reports** - tool for FEMA and the Recipient to track the progress of Large Projects (NLT 30 days after end of quarter).
- **Section 324 Management Costs** - indirect costs, administrative expenses, and other expenses a Recipient or Subrecipient incurs in administering and managing PA awards that are not directly chargeable to a specific project.
- **Public Assistance Award Closeout** - To close the PA grant award to the Recipient, FEMA and the Recipient conduct a financial reconciliation.



FEMA

Cost Reimbursement Requirements

COST



The final component evaluated for eligibility are the costs claimed by the Applicant. Not all costs incurred as a result of the incident are eligible. Costs must also be reasonable by FEMA's defined criteria.



To be eligible, Costs must be:

- Directly tied to the performance of eligible work;
- Adequately documented;
- Reduced by all applicable credits;
- Authorized and NOT prohibited;
- Consistent with the Applicant's internal policies; and
- Necessary and **reasonable** to accomplish the work



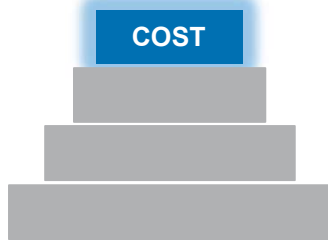
APPLICANT
is responsible for
providing documentation
to demonstrate claimed
costs are reasonable

Reasonable Cost evaluation criteria include:

- Generally recognized as ordinary and necessary;
- Comparable to current market price (based on historic data, average costs in area, etc.);
- Escalation factors (shortages, project complexities, etc.);
- Exigent circumstances;
- Applicant participated in ethical business practices; and
- Applicant complied with procurement requirements.

PA Special Considerations: 324

Management Costs



If the Recipient or Subrecipient incurs administrative costs that it tracks, charges, and accounts for to a specific eligible project, the costs are eligible as **324 Management Costs**.

Costs associated with the following activities are eligible if they are related to only **one project**:

- Site inspections
- Developing the detailed site-specific damage description
- Evaluating Section 406 hazard mitigation measures
- Reviewing the Project Worksheet (PW)
- Preparing Small Projects
- Preparing correspondence
- Travel expenses
- Collecting, copying, filing, or submitting documents to support the claim
- Requesting the disbursement of PA funds

Program Requirements

*Procurement, Documentation, Environmental
and Historic Preservation, Insurance, and
Record Keeping*



Administrative

SAMPLE COMPONENTS OF A POST-DECLARATION STATE ADMINISTRATIVE PLAN

STATE of _____ ADMINISTRATIVE PLAN
for PUBLIC ASSISTANCE

TABLE OF CONTENTS

- I. PURPOSE
- II. AUTHORITY
- III. DEFINITIONS
- IV. ORGANIZATION & RESPONSIBILITIES
- V. DIRECTION & CONTROL
- VI. PLAN DEVELOPMENT AND MAINTENANCE INSTRUCTIONS

I. PURPOSE

The purpose of this plan is to identify the State of _____, hereinafter referred to as the State) roles, responsibilities, processes, and procedures for administering the Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program. This plan will be incorporated into the State emergency plan. *[Note: This complies with 44 CFR § 206.207 (4), State Administrative Plan must be incorporated into the State Emergency Plan.]*

The State assures FEMA that it shall comply with all applicable Federal statutes and regulations in effect during the periods for which it receives grant funding, including those listed under Section II below. The State acknowledges that funding under the FEMA PA Program is conditional upon the State's compliance with all the terms and conditions of this plan.

II. AUTHORITY

A. State

1. State Disaster Act
2. Executive Order of the Governor
- State Emergency Management Plan

In accordance with 44 CFR § 206.207(b), State Administrative Plan, before FEMA provides PA funding for any project, a **Recipient must have a FEMA-approved Administrative Plan** that describes how it intends to administer the PA Program.

A Recipient must submit its Administrative Plan to FEMA on an annual basis. For any new incident that occurs within the year, the Recipient must also submit amendments to its Administrative Plan to address specifics of the new incident.



TIP: A template for a PA Administrative plan can be found at:
<https://www.fema.gov/media-library/assets/documents/31208>



FEMA

Procurement

Contracts

- Applicants must comply with Federal procurement standards as a condition of receiving PA funding for contract costs for eligible work.
- State and Territorial government applicants must follow the same policies and procedures they would use for procurement with non-Federal funds.
- Non-State Applicants (Tribal and local governments and PNPs) must use their own documented procurement procedures that reflect applicable State, Territorial, Tribal, and local government laws and regulations.

Procurement

- 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.
- Generally, FEMA does not recommend applicants pursue T&M contracts.



Top 10 Procurement Mistakes Leading to Audits and Potential Loss of FEMA

- Engaging in a noncompetitive procurement (i.e., sole-sourcing) without carefully documenting how the situation has created an urgent need to perform the work sooner than a competitive procurement process would allow.
- Continuing work under a sole-source contract after the urgent need has ended, instead of transitioning to a competitively procured contract.
- Piggybacking onto another jurisdiction's contract in a situation that doesn't allow noncompetitive procurement or where the other contract is materially different in terms of scope or requirements. Piggybacking is rarely allowable.
- Awarding a "time-and-material" contract without a ceiling price that the contractor exceeds at its own risk and documenting why no other contract type is suitable.
- Awarding a "cost-plus-percentage-of-cost" or "percentage-of-construction-cost" contract.



FEMA

Top 10 Procurement Mistakes Leading to Audits and Potential Loss of FEMA

- Not including the required contract clauses (available online at the below website under "PDAT Resources" menu).
- Including a geographic preference in a solicitation (i.e., giving an advantage to or limiting competition of an award to local firms).
- Not making and documenting efforts to solicit small businesses, minority businesses and woman's business enterprises.
- Conducting a procurement exceeding \$150,000 without conducting a detailed cost or price analysis.
- Not carefully documenting all steps of a procurement to create a record if questions arise potentially years later.
- For further information on FEMA grant procurement requirements, including contract review checklists, detailed guidance on the above topics, and online webinar training classes, please visit <https://www.fema.gov/procurement-disaster-assistance-team>.



FEMA

Documentation



TIP: Proper documentation can assist in developing future claims as well, particularly those involving hazard mitigation.

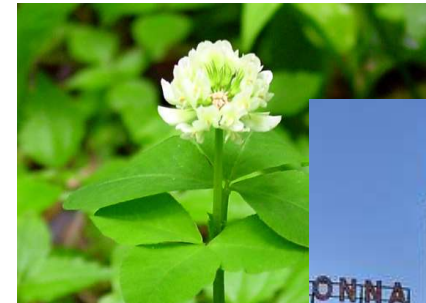
- The Applicant must maintain all source documentation supporting project costs.
- To facilitate closeout and audits, the Applicant should file all documentation pertaining to each project with the corresponding Project worksheet as the permanent record of the project.
- Records are subject to audit by State auditors, FEMA, the U.S. Department of Homeland Security Office of Inspector General, and the U.S. Government Accountability Office.



FEMA

Environmental and Historical Preservation

- FEMA must review each PA project to ensure the work complies with applicable Federal EHP laws, regulations, and executive orders.
- The type, level, and length of EHP review will depend on the scope of work and the potential to impact sensitive environmental, historic, or cultural resources
- EHP may put conditions on a grant to avoid potential impacts to sensitive resources. It is the Applicant's responsibility to comply with these conditions.



Environmental and Historical Preservation



Examples of projects that may raise EHP concerns may include (but are not limited to):

- Work in, near, or affecting water
- Work that involves any new ground disturbance
- Work on any building or structure over 45 years old
- Work in or affecting wetlands
- Upgrades, mitigation proposals, new facilities
- Alternate and improved projects
- Work affecting endangered species or their habitat
- Land clearing
- Facility is more than 50% damaged



FEMA

Insurance

- Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.
- As a condition of Public Assistance funding, all Applicants are required to obtain and maintain insurance coverage on all insurable facilities.
- For flood-damaged facilities located within a Special Flood Hazard Area that are not covered by flood insurance, Federal assistance will be reduced by the maximum flood-insurance proceeds that would have been payable had the facility been insured.



Record Keeping



The Recipient and the Applicant must keep all financial and program documentation for **3 years after** the date of the Recipient's final Financial Status Report (FSR). All records are subject to audit by the Federal government.



During the Recovery Transition Meeting, FEMA will work with the Applicant to:

- Ensure all claimed damage is sufficiently and accurately documented
- Discuss record retention requirements
- Discuss questions or concerns



FEMA

PA Special Considerations: Work



Projects must meet **project completion deadlines** to maintain their eligibility. Time limits for project completion begin on the disaster declaration date.

Emergency Work

- Must be completed within **6 Months**.
- For extenuating circumstances or project requirements beyond the Subrecipient's control, the Recipient may extend the emergency work deadline an additional 6 months on a project by project basis.

Permanent Work

- Must be completed within **18 Months**.
- For extenuating circumstances or project requirements beyond the Subrecipient's control, the Recipient may extend the permanent work deadline an additional 30 months on a project by project basis.



FEMA

PA Special Considerations: Time Limits



PA program rules and regulations have established a number of deadlines for requests, submissions, work completion, and appeals that Applicants must meet.

Applicants must submit a Request for Public Assistance, to FEMA through the Recipient, within **30 days** of the designation of the declared disaster.

The Applicant is required to identify and report all of its disaster-related damage, emergency work activities, and debris quantities to FEMA within **60 days** of the Recovery Scoping Meeting.

Any determination related to Federal assistance may be appealed. The appeal must be submitted to the recipient within **60 days** of receipt of the notice of action which is being appealed.

Time Limitations for Completion of Work (from Date of Disaster Declaration)

Type of Work	Completion Deadlines
Debris Removal	6 months
Emergency Work	6 months
Permanent Work	18 months



FEMA

PA Alternative Procedures

*Debris Removal Pilot and Flexible Funding
for Permanent Work Programs*



PA Alternative Pilot for Debris Removal



The Sandy Recovery Act of 2013 amended the Stafford Act by adding Section 428, which authorizes alternative procedures for the PA program.

For this disaster, FEMA is implementing an Alternative Pilot Program for debris removal.

The two alternative procedures for **debris removal** are:

1. Reimbursement of straight-time for force account labor performing or administering debris and wreckage removal activities.
2. Providing a one-time two percent cost share incentive for Subrecipients who have a Debris Management Plan and have pre-qualified one or more debris removal contractors prior to the declaration's incident period.



Subrecipients may participate in a single alternative debris removal procedures or multiple alternative debris removals.



Participation in any alternative procedures is voluntary.



FEMA

PA Flexible Funding for Permanent Work



FEMA is also implementing new funding procedures for all permanent work to simplify the grant delivery process, increase flexibility in grant administration, and incentivize timely and cost-effective completion of work.

Under this process:

- ✓ Applicants are able to consolidate several damaged facilities into a single project.
- ✓ **Fixed Cost Estimates** are used to award funds for restoration cost and hazard mitigation cost, estimated separately, as agreed to between the Applicant and FEMA.
- ✓ The Applicant agrees to be responsible for actual costs of facility repair.
- ✓ Applicant has flexibility to undertake **Alternate and improved work**—work that does not restore the facility to its pre-disaster function, size, and capacity—to best meet its specific needs for recovery, with no reduction of federal cost share.
- ✓ Applicants may retain **excess funds** – the difference between the Fixed Cost Estimate and the cost of Alternate work – for certain other recovery and mitigation work.
- ✓ FEMA will add five percent of the total fixed-cost to the project as an allowance for **administrative costs (324)**.

All permanent work will default to the new funding procedures unless Applicants opt out.



FEMA

PA Flexible Funding: Time Limits

The **Timeline** for Alternate Procedures for Permanent Work Projects:

- ✓ The Recipient and Applicant will have 30 days to accept a fixed cost estimate once FEMA provides it.
- ✓ Applicants must reach agreement on all disaster-related damages, eligible scopes of work, and cost estimates no later than 12 months of the declaration date.

If either of the timeline deadlines are not met, FEMA will process the project using its standard, more stringent policies and procedures and fund the project based on final actual eligible costs.

Time Limitations for Completion of Work (from Date of Disaster Declaration)

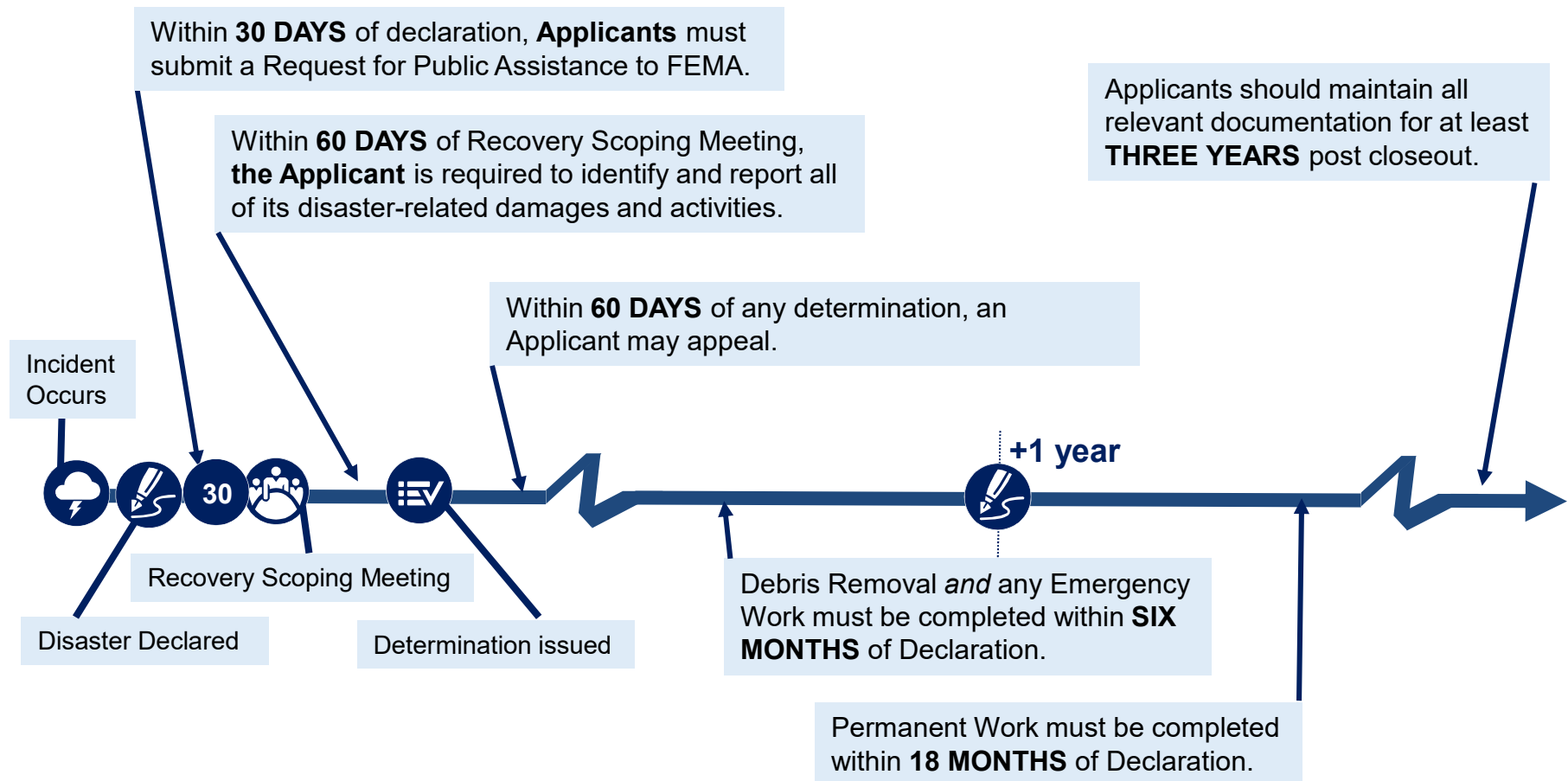
Applicant must:	Completion Deadlines
Accept fixed - cost estimate	30 days
Agree on damages, scope of work, and costs	12 months



PA Program Review



Timelines and Deadlines



Next Steps – Check Your Email!

- ✓ You provided your contact information and email address at the beginning of the Applicant Briefing.
- ✓ Grants Portal accounts have been set up for attendees during the meeting.
- ✓ Please complete your Grants Portal account set up by opening the email sent by “**put address here**” and following the instructions within.



Link to Grants Portal:
<https://grantee.fema.gov>





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