Federal Emergency Management Agency Public Assistance Grant Program and Portal

DR4720- Severe Storms and Flooding July 7–July TH? 2023







Public Assistance Recovery Program

Agenda

- FEMA Public Assistance (PA) Program
- Eligibility and Project Documentation
- Contracting and Procurement
- Time extensions on projects, Improved and Alternate Projects
- Closeouts and Project Completion Certification Reports



Disaster Fact Sheet

Disaster number: FEMA - DR4720-VT

Declaration date: Declared July 14, 2023

Type of disaster: Severe Storms and Flooding

Disaster funding: Public Assistance and Hazard Mitigation

Incident period: July 7 through July?, 2023

Designated counties: Addison, Bennington, Caledonia, Chittenden, Lamoille, Orange, Orleans, Rutland, Washington, Windham and Windsor Counties.







FEMA Public Assistance Program

- The FEMA Public Assistance (PA) Program is a reimbursement program that provides grant funding at 75% federal share to eligible applicants for eligible restoration of community infrastructure with specific eligibility requirements.
- One criteria to receive FEMA PA funds is the State must have a minimum of \$1,138,246 (\$1.77 x 643,077 Vermonters) in statewide damages to qualify. Each county within the State also has a threshold to meet based on capita. County threshold increases to \$4.44/Capita.
- The FEMA share of eligible costs will be awarded to the State "grantee" for disbursement to the Applicants "sub grantees".





The Public Assistance Process





Governor's Request

Declaration

Kick-off Meeting

Submission of Request

Applicants' Briefing

Formulation of Projects

Project Review

Approval

Sub Recipient

Recipient

Funding





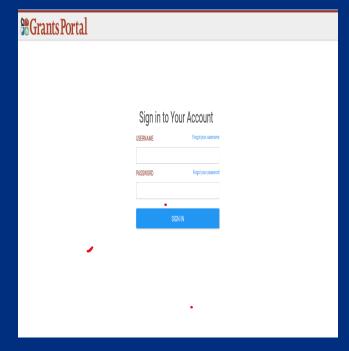






FEMA Help Desk 866-337-8448

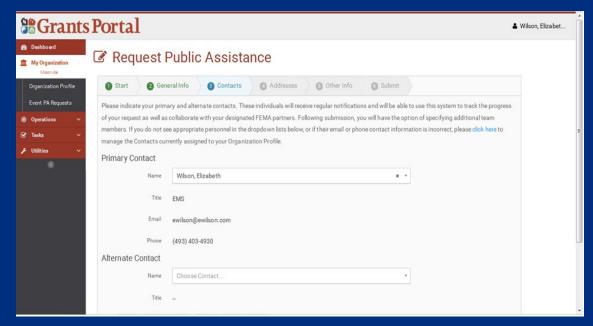
- Where you will register to be in the FEMA Public Assistance Program.
- Web-based tool through which all FEMA project documentation and determinations will flow
- Track and review projects and information through portal - 24/7
- Maintain current documentation even without disaster declaration, such as:
 - Pay policy, Insurance policy, Procurement policy, Equipment inventory list
 - 2 registered accounts per applicant required and must update them when someone leaves.





Request for FEMA Public Assistance (RPA)

- RPA is an online form located in the FEMA Grants Portal to become an applicant in the FEMA PA program.
- If you already have an account with your town or agency, log into the FEMA
 Grants Portal and submit it immediately. If you do not have account, you must
 create one first at http://grantee.fema.gov and then submit.
- Must be completed and submitted electronically in Grants Portal within 30 days of declaration or you will not be eligible for federal funding.





FEMA GRANTS PORTAL –who can register for Public Assistance?

- PA funds are available for state and local government and certain private non-profit (PNP) organizations. Individuals and businesses should not attempt to register here. Individuals looking for Individual Assistance, please go to disasterassistance.gov for assistance. And call 211. Businesses looking for assistance should visit the Small Business Administration's disaster assistance website.
- If you are a state or local government or PNP organization, you will be required to provide basic information about your organization to be used during the approval of your request. You will have 1 hour to complete this process or it will time-out.
- For additional information, please see FEMA's Applicant Quick Guide to Grants Portal Account Creation and Request for Public Assistance.



FEMA GRANTS PORTAL –who can register for Public Assistance? Cont'd

 Critical non-profit organizations applying for assistance should be prepared to provide the following when applying

- •:A ruling letter from the Internal Revenue Service that was in effect on the declaration date and granted tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code.
- •Documentation from the State substantiating it is a non-revenue producing, non-profit entity organized or doing business under State law, including law citation.
- •If exempt from both the requirement to apply for 501(c)(3) status and taxexempt status under State law, articles of incorporation, bylaws, or other documents indicating it is an organized entity and a certification that is is compliant with Internal Revenue Code section 501(c)(3) and State law requirements.
- Submit to insurance first.

Not Critical non-profits meet above requirements and submit to SBA (small business loan) and insurance first.



Critical Non-Profits

PNP ELIGIBLE CRITICAL SERVICES

EDUCATION

- Primary or secondary education as determined under State law and provided in a day or residential school, including parochial schools; OR
- Higher-education institutions that meet all of the following criteria:
 - Admit students or persons having a high school diploma or equivalent;
 - Are legally authorized to provide education beyond a secondary level;
 - Award a bachelor's degree or 2-year degree that is acceptable as full credit toward a bachelor's degree or provides at least a 1-year training program to prepare students for gainful employment in a recognized occupation; and
 - Are accredited by a nationally recognized agency or association (as determined by the Secretary of Education).
- Educational facilities that meet the above criteria are eligible without regard to religious character or use for religious instruction.

EMERGENCY MEDICAL

- Emergency medical care (diagnosis or treatment of mental or physical injury or disease) provided in:
 - o Clinics
 - Dialysis facilities
 - Facilities that provide in-patient care for convalescent or chronic disease patients
 - Hospices and nursing homes
 - Hospitals and related facilities, including:
 - Central service facilities operated in connection with hospitals
 - Extended-care facilities
 - Facilities related to programs for home-health services
 - Laboratories
 - ➤ Self-care units
 - > Storage, administration, and record areas
 - Long-term care facilities
 - Outpatient facilities
 - Rehabilitation centers

UTILITY

- Communications transmission and switching, and distribution of telecommunications traffic
- Electric power generation, transmission, and distribution.
- Irrigation to provide water for drinking water supply, fire suppression, or electricity generation
- Sewer and wastewater collection, transmission, and treatment
- Water treatment, transmission, and distribution by a water company supplying municipal water

EMERGENCY SERVICES

- Ambulance
- Fire protection
- Rescue
- Public broadcasting that monitor, receive, and distribute communication from the Emergency Alert System to the public

Administrative and support facilities essential to the provision of the PNP critical service are eligible facilities.



- Assigned a Program Delivery Manager (PDMG): the primary FEMA contact for applicant
- Works with applicant and state program coordinators
- Assigned to you only after RPA is approved by FEMA
- Key PDMG responsibilities:
 - Conduct Meetings
 - · Assist with documentation collection and upload into portal
 - Grants Portal troubleshooting
 - Request site inspections
 - Identify and troubleshoot any/all questions or concerns





- PDMG will conducts Exploratory Call which is designed to:
 - Introduce them to the applicant
 - Discuss damages at a high level
 - Schedule date/time for Recovery Scoping Meeting





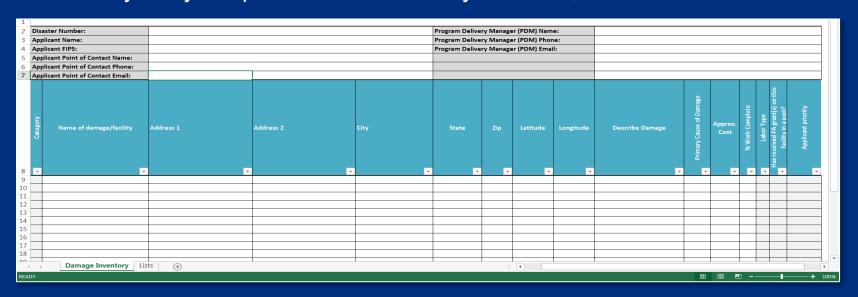
Recovery Scoping Meeting (RSM)

- PDMG conducts RSM remotely and/or at your facility
- Should include your State Public Assistance Coordinator
- The RSM is designed to:
 - Be the first formal meeting between PDMG, applicant and state.
 - Review and discuss all disaster related damages.
 - Determine need for site inspections.
 - Identify all potential or actual Environmental/Historic Preservation,
 Mitigation, and Insurance questions or concerns.
 - Introduce the Damage Inventory spreadsheet.
 - Determine Essential Elements of Information (ie. A comprehensive list of required documentation for each type of damage/work).
 - Assist with documentation upload into the Grants Portal.
 - Develop correspondence schedule.



Damage Inventory (DI)

- An excel spreadsheet to log all damages
- Must be submitted within 60 days of RSM. Anything outside of 60 days can not be added into the disaster for reimbursement.
- DI must be submitted through the Grants Portal
 - If you try to upload after the 60 day deadline, it will not work!

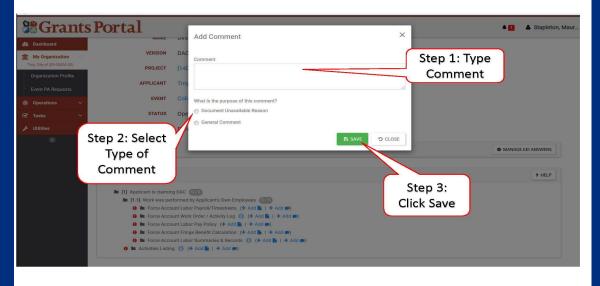






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Add Comments to EEI



- Lives in Grants Portal
- Reference for required documentation



Site Inspections (SI)

- Fema will schedule site inspections for all work still incomplete.
- A site inspector will be dispatched to meet with the state and applicant and view incomplete work
 - SI records detailed information
 - Latitude/Longitude
 - Photos
 - Dimensions of damage
- Report of all damage will be created and must be reviewed and approved in Grants Portal by FEMA and applicant.





What determines eligibility





WORK

FACILITY



APPLICANT

To be an applicant, you must be in declared county and one of the following:

- State government agency (VTrans, Vtrans Rail, VEM, etc.)
- Local government (city, village, township, etc.)
- Critical Private Non-Profit (PNP)

Such as: Utilities, Nursing Homes, Laboratories, Rehab Centers that provide Medical Care, Hospitals and Emergency Care facilities, Fire/Rescue Emergency Services and Education facilities.

WORK

What else determines

Eligibility?

FACILITY

APPLICANT

- Eligible Facility: Must be facility (power poles, road, bridge, equipment) that was damaged during the declared incident period. An applicant must have a minimum of \$3,800 of eligible costs (FY 2023) per damaged site.
- Damaged facility must be the legal responsibility of Applicant to maintain. Must show proof of maintenance. The facility must be in use at time of disaster. Must submit to Insurance FIRST.
- Costs to repair can not be covered by another Federal program (federal highway, etc) and must be reasonable.













WORK

FACILITY

APPLICANT

1. Emergency Work- quick work to get road open/safe

FEMA Category A and Category B

Category A- Debris removal. ONLY Eligible when in the public right of way and necessary to: Eliminate an immediate threat to life, public health and safety; or eliminate an immediate threat of significant damage to improved property; or ensure the economic recovery of the affected community. Must monitor any contract and debris removal activities.

Category B- Temporary and Emergency Work-- Quick temporary opening of roadway, sandbagging.





2. Permanent Work – work to restore fully back to pre-disaster

FEMA Categories C through G

Cost reasonable repairs with proper permits using properly procured contracts and/or force account labor on:

Roads, culverts and temporary and permanent bridges

Water control and sewer facilities

Buildings and equipment repairs after insurance deductions

Utilities

Parks, recreation and public cemeteries.



WORK

Small vs. Large Projects

FACILITY

APPLICANT

- Small Projects- PWs with \$3,800 at minimum but less than \$1 million (FY 2023) in eligible costs are considered small projects. The 75% Federal share is paid to the applicant as soon as practicable after approval by FEMA.
 - Large Projects- PWs with \$1million or more in costs are considered large projects. The 75% Federal share is reimbursed to the applicant based on the actual documented costs submitted to Department of Public Safety Public Assistance Office "ME".



Labor

Force Account Labor plus Fringe Benefits- documents include; list of personnel to include their job title and hourly wage. Also to include; time cards, daily logs, pay policy and fringe benefits calculation worksheet.

- Emergency Work: All OT eligible, for temporary employees, regular time is eligible.
- Permanent Work: All labor eligible



Volunteer/donated labor- credit towards your project. A list must be provided with name, duties performed, date and hour started and ended and age of volunteer. Work must be emergency related. Labor will be valued at the same hourly labor rate as someone in the applicant's organization performing similar work.

Mutual Aid Agreements- If you are going to use mutual aid, ask for guidance for requirements of the program. Mutual Aid can be used for Category A (Debris Removal) and Category B (Emergency Protective Measures).



- Must have been used to perform eligible work
- FEMA cost codes used for costs
- Documentation needed includes; list of applicant's equipment which includes make/model, size of vehicle, (1 ton or 12 cy dump) name of driver, location used, work performed and day utilized.
- Donated equipment credit is determined the same as force account equipment rates are.





- May be purchased or stock
- Must be used for eligible work
- Documentation includes: invoices, historical data or area vendor quotes
- Donated materials are determined using the cost of purchased like materials. Items donated by another federal agency cannot be applied for volunteer credit.

What goes into a Project?



FEMA VERMONT Emergency Management

Information Required for the Worksheet:

- A description of the damage dimensions and repair activities including when, where, and who conducted the work repairs.
- A summary of how much the repairs cost including invoices and proof of payment.
 All procurement documentation.
 - Supporting documentation or certification of certain conditions including compliance with applicable federal, State, tribal, territorial, and local laws and regulations pertaining to insurance, contracts, and environmental and historic preservation.

Project Documentation

- EQUIPMENT: List of Equipment make/model, size, name of driver, location operated and work performed. FEMA cost codes are online. Must be assigned a driver to claim hours. Stand by time not eligible.
- MATERIALS: Invoices and/or historical area vendor quotes for materials used on eligible work.
- LABOR: Time cards, fringe benefits, list of personnel and job title and hourly wage, daily logs, and pay policy
- CONTRACTS: Newspaper clippings, Requests for Proposals, signed agreements, work orders/changes, invoices, how procured.
- MUTUAL AID: Mutual Aid can be used for Category A (Debris Removal) and Category B (Emergency Protective Measures).
- REQUIRED IN PORTAL: Town insurance, pay policy, procurement policy, codes and standards
- PERMITS: Remember in-stream permits. Confer with ANR River Engineer, USACE
- MAINTENANCE RECORDS: Proof you maintain the damaged property regularly.



Request for Information (RFI)

- RFI's drafted by CRC if missing information/documentation
- Sent with time limit to obtain information

Determination Memo (DM)

- Determination Memo A detailed explanation of ineligible costs/activities
- DM's include:
 - Overview of eligibility concern
 - Explanation of law, policy, regulation
 - Application of law, policy, regulation to specific eligibility concern(s)
 - Decision



Administrative Costs- Cat Z projects

- Costs related to managing your projects and documentation.
- Actual costs only and must be fully documented with labor time cards, pay rate and description of work performed.
 - Example: Savannah worked on 4/1/20 for 4 hours at hourly pay rate including fringe of \$24/hour to put documentation into the FEMA grants portal.
 - These projects are capped at 5% of the total of all your projects but funded 100% of actual costs. They will be written as an estimate, but will only be paid for actual documented costs when all other projects are closed. You will need to submit a project closeout package unless this project is written at 100% by FEMA in advance.



What is allowed in Admin Costs (Cat Z projects)?

Does not include cost for actual work to complete a project such as engineering. It does include costs to manage projects ADMINISTRATIVELY.

Eligible costs may include:

- Site visits- showing FEMA/State the site
- Gathering cost documentation- working with contractor/engineer/State/FEMA
- Project scope development- time working with FEMA/State on developing project
- Project reporting- quarterly reporting
- Project closeout- Putting together the closeout package.
- Applicant briefing and PDA/IDA activities
 FEMA

Procurement of Contractual Services

- State, local and federal procurement rules. Federal rules are found at 2 CFR 215.
- No sole source contracts. Procurement transactions must allow for *full and open competition*. This includes 2 C.F.R. requirements regarding small businesses, woman-and minority-owned businesses.
- Contracts must be reasonable and necessary. (OMB Circular A-87 and CFR Part 13)
- If the work is over \$250K, it MUST be competitively bid. Engineering must also be put out to bid.
- For projects less than \$250,000, price quotes must be obtained from a minimum of 3
 (three) qualified sources. Documentation required.
- ACCD's Procurement Technical Assistance Program called APEX can disseminate Request for proposals and bid advertisements for towns. <u>Vermont APEX Accelerator (formerly VT PTAC)</u> | <u>Agency of Commerce and Community Development</u>
- Vermont's Procurement Technical Assistance Center APEX http://APEX.vermont.gov is a good way to demonstrate effort to comply with 2 C.F.R. procurement requirements getting it out for FULL and open competition. Here is a link where we encourage towns to sign up for the Vermont Business Assistance Network:

rmontbusinessregistry.com/ which can assist in the process.



A town must have written procedures for procurement (a procurement policy), which must ensure the solicitations provide for at least the following (2 C.F.R. §200.319(c)):

- Awards to Responsible Contractors: Check with SAM.GOV for debarred or suspended contractors
- A town must maintain records of the procurement, rationale for the method of procurement; selection of contract type; contractor selection; and the basis for the contract price (2 C.F.R.§200.318(i))
- Applicants' request for proposals/bids should provide a clear and definitive scope of work and monitoring requirements, Applicant should obtain from bidders their proof of insurance and bonding and copies of licenses, references and financial records.
- If you have existing contracts in place when an event occurs, FEMA may accept work performed by that contractor during the defined emergency period. However, for any work over \$250k you must stop to put it out through competitive bidding!
- A town must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 C.F.R. §200.321)

Types of Contracts

- Lump Sum: Contract for work within a prescribed boundary with a clearly defined scope of work and a total price.
- Unit Price: Contract for work done on an item-by-item basis with cost determined per unit (preferred method).
- Cost Plus Fixed Fee: Either a lump sum or unit price contract with fixed contractor fee added into the price.

AVOID THESE CONTRACTS!!

Time and Material Contract: These should be avoided! They may only be allowed for work that is necessary immediately after the disaster has occurred when a clear scope of work cannot be developed and the work will not exceed 70 hours. This type of contract must be monitored to insure the cost ceiling or "not to exceed" provision in the contract is honored by the contractor.

TIME LIMITS (Period of performance POP dates) Begin on the disaster declaration date

Emergency work must be completed within – 6 months

Permanent work must be completed within – 18 months

For extenuating circumstances or project delays beyond your control, the State has authority to extend the emergency work deadline an additional 6 months and the permanent work deadline an additional 30 months on a project by project basis.

Applicants must submit a Time Extension request to the State before the Period of Performance runs out.



Flexibility to rebuild better/stronger/more resilient

1. Improved Projects

- Must be approved PRIOR to construction
- Improvements are any components that increase the size, capacity, or add additional functions
- Applicants must fill out a request form for an Improved project and submit with a letter from the Town to the State for FEMA's approval.

2. Alternate Projects

- Must be approved PRIOR to construction
- Applicants must fill out a request form for an Alternate project along with all necessary documentation of the new project and submit with a letter from the Town to the State for FEMA's approval.



Small vs. Large Projects

- SMALL- Small projects are any projects less than \$1 million dollars. Paid by the State at 75% share. Closeout documents are required to be submitted to the State for any small projects over \$250k.
- LARGE- Large projects are any projects at or more than \$1 million dollars. Large are paid by the State at 75% share only after FEMA has closed them. Projects at \$1 million+ FULL Closeout documents are required to be submitted to the State to review who then send to FEMA.
- The ERAF state share on all projects is only paid when all construction work is completed and all projects are closed.





Special Considerations

Special considerations are issues other than program eligibility that could affect the scope of work and funding of a project.

These issues include:

- Insurance Always have FEMA write a project even if Insurance will pay it all.
 You may claim the deductible.
- Floodplain Management seek prior approval ANR permits
- Hazard Mitigation could be added into a project
- Environmental Protection permitting requirements and INDIANA BAT in Addison County! Talk to Army Corps before conducting work on major projects.
- Historic Preservation and Cultural Resources 50 years old





What is a Closeout?

- The Closeout process is to finalize the disaster cycle by determining the <u>actual</u> costs of <u>completed large projects</u> (\$1million+, Cat Z administrative projects, and State review of small projects over \$250k.
- All LARGE projects may be written by FEMA using an estimate and can only be closed based on actuals through a full closeout package. Administrative projects, Cat Z's may be written as estimates and must also be closed through this process.
- The closeout process is initiated by the <u>Applicant</u>, performed by the <u>State</u>, and reviewed and approved by <u>FEMA</u>. Large Projects are those projects totaling \$1 million and over for any new unobligated projects.



Large Project Requirements

Before a Close-out

- Applicants MUST submit a quarterly report to the State Public Assistance Officer (PAO) Kimberly Canarecci (by January 15, April 15, July 15, and October 15) for all large projects and Category Z Administrative projects that are not yet closed out. This quarterly report is called the Quarterly Large Project Progress Report and is found on our website (https://vem.vermont.gov/funding/pa). This is a grant requirement until you submit your closeout package to the State and indicates your % completed, amount spent to date and any drawdown funds received.
- Review and compile your documents as complete work on the project using
 FEMA Project Documentation Closeout Checklist.



Large Project Requirements Preparing for your Closeout...

- Applicants can use the Closeout FEMA Template (labor, equipment, material and contract sheets) to document Actual costs. If actual costs will be or are greater than 10% of the FEMA approved project must notify the State immediately before construction is completed.
- Your Vtrans District Technician will verify work is completed and sign off on the PCCR (Project completion and certification report). Town should Include COMPLETED photos, sign PCCR and include \$ amount the large was completed for and date it was completed.
- The applicant is required to submit all documentation back up in the closeout package with a cover letter. Closeout package should include all information on the checklist such as all bids received, the RFP, permits, contracts, invoices and proof of payment. This package will be reviewed by the State before the State forwards to FEMA.
- Subrecipients can request payments from Finance Office for up to 75% of the federal share on large projects before closeout if needed. Include a letter asking for a drawdown if needed and include invoices and proof of payment to the finance office.



- To formally close out ALL small and large projects, a Project Completion and Certification Report must be sent in.
- Vtrans District Rep or State PAC must verify work was done according to the scope of work in your project for all work not 100% completed when grant was written. The Town must also sign off on these reports.
- For all work 100% completed when written, town and your State PAC will sign the report.
- Date the project was completed and the amount it was completed for must be filled in.

Project Completion Deadlines

Time limits for project completion begin on the disaster declaration date.

- Emergency work must be completed within 6 months
- Permanent work must be completed within 18 months

For extenuating circumstances or project requirements beyond the sub grantee's control, the Grantee may extend the emergency work deadline an additional 6 months and the permanent work deadline an additional 30 months on a project by project basis.

Applicants must submit a Time Extension request to the State before their Period of Performance runs out.





PCCR SAMPLE

Federal Emergency Management Agency Project Completion and Certification Report (P.4) Disaster: FEMA-4532-DR-VT

Applicant FIPS ID: 019-xxxxxx Applicant/Subdivision Name: xxxx (TOWN OF)

<u>PW</u> <u>#</u>	Amendme nt #	Approve d Proj. Amt.	Cost Shar e	<u>Ca</u> <u>t</u>	Bund le	<u>Work</u> Done By	Project ed Compl. Date	% Comp <u>I.</u> at Insp.	Elig Amount	Actual Date Completed	Amt. Claimed by Applicant	<u>Comments</u>
PA- 01- VT- 4532- PW- 00xx	1	\$0.00	Υ	ь	PA-01- VT- 4532- PW-xx		04-08- 2024	90	\$0.00	NA	\$NA	
	0	\$3,849. 12	N		PA-01- VT- 4532- PW-xx)		04-08- 2024	90	\$3,849. 12	4/8/22	3,849.12	
Total for 2 PWs:		\$3,849. 12									\$	
Subgrantee Admin:		\$0.00										
Grand Total:		\$3,849. 12										

I certify that, to the best of my knowledge, all work and costs claimed are eligible and accurate in accordance with the State of Vermont subgrant, and all referenced project worksheets. I further certify that I am a representative of the listed applicant, and am authorized to sign this report on their behalf.

I certify that, to the best of my knowledge, the approved work has been completed in accordance with the State of Vermont subgrant agreement, and all referenced project worksheets.

Date & Signature of Applicant's Authorized Representative

Date & Signature of Grantee Inspector



Appeals

- Applicant has 60 days to appeal from when notified of a FEMA decision.
- There are two levels of appeal. The first level is to the FEMA Regional Administrator (RA). The second level appeal is to FEMA Headquarters.
 Statute precludes further legal appeal.



Public Assistance Program sites

Program Management and Policy Guide.

https://www.fema.gov/assistance/public/policy-guidance-fact-sheets

VEM Public Assistance website.

https://vem.vermont.gov/funding/pa







Please contact Grants Management:

Kristine Seipel

Kristine.Seipel@vermont.gov





State Public Assistance Coordinators

- Richard Hosking
- Andrew Flagg
- Jim Tonkovich





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Ben Rose Recovery and Hazard Mitigation Chief

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