Mississippi Gulf Coast Alliance for Response Forum

Public Assistance

April 27, 2016
Supplemental financial assistance to State and local governments and certain private non-profit organizations for response and recovery activities required as a result of a federally declared disaster.

Funding is cost shared at a federal share of no less than 75% of eligible costs.
The Public Assistance Program assists in the restoration of community infrastructure.

It is a supplemental cost reimbursement program with specific eligibility requirements.

The FEMA share of eligible costs will be awarded to the recipient (grantee) for disbursement to the applicants.
Public Assistance is a Partnership

- **FEMA** – manages the program, provides technical assistance, approving grants.
- **State** – educates applicants, works with FEMA to manage the program, implements and monitors grants awarded.
- **Local** – identifies damage, provides documentation, manages funded projects.
The PA Process

**INCIENT**

**PRE-DECLARATION**
- Preliminary Damage Assessment
- State/Territory/Tribe submits Declaration request (within 30 days of incident)
- Presidential Declaration

**APPLICANT COLLABORATION**
- Recipient conducts Applicant Briefings
- Applicants submit Requests for Public Assistance (within 30 days of Declaration)
- FEMA approves Applicant RPAs
- FEMA conducts Kickoff Meeting (within 21 days of RPA approval)

**SUBAWARD FORMULATION**
- Applicant identifies and reports all damage (within 60 days of Kickoff Meeting)
- Develop project Scope of Work and costs
- FEMA and Recipient conduct Exit Briefing

**SUBAWARD FUNDING**
- FEMA obligates funds to Recipient
- Subrecipient completes work and requests Closeout of its project(s)
- Recipient certifies completion (within 180 days of project completion) and FEMA closes project(s)
- FEMA closes the Applicant
- FEMA closes the Disaster PA Program Award
Eligible Applicants

- State
- County
- City / Town / Village
- Other political subdivision of the State
- Native American Tribal Governments and Tribal Organizations
- Certain Private Non-Profit Organizations

A **recipient** (grantee) is a State or tribal government that is responsible for administering Public Assistance grants.

A **subrecipient** (subgrantee) is an eligible applicant that receives a Public Assistance grant as reimbursement for performing eligible disaster work.
• Must submit a tax exempt certificate and organization charter or bylaws.

• Must be open to the general public.
Private Non-Profit Entities

Eligible for both **Emergency Work** and **Permanent Work**:

- Fire / Emergency Rescue
- Medical Treatment
- Power, Water, & Sewer Utilities
- Communications Systems
- Educational Facilities
The following essential service facilities are eligible for Public Assistance for emergency work. However, the PNP must first apply to the Small Business Administration (SBA) for a disaster loan for permanent repair work before applying to FEMA.

- Museums
- Community Centers
- Educational Institutions
- Libraries
- Homeless Shelters
- Rehabilitation Facilities
- Zoos
- Shelter Workshops
- Senior Citizen/Day-Care Centers
- Other facilities that provide health and safety service of a governmental nature
To be eligible, the facility must:

- Must be damaged as a result of a declared event.
- Located within an area declared by the President.
- The legal responsibility of an eligible Applicant.
- In active use at the time of the disaster.
- Not under the authority of another federal agency.
Types of Work

Emergency Work
A. Debris Removal
B. Emergency Protective Measures

Permanent Work
C. Roads and Bridge Systems
D. Water Control Facilities
E. Public Buildings / Equipment
F. Public Utilities
G. Other (Parks, Recreation, etc.)
Debris removal is eligible when:

- It eliminates an immediate threat to life, health, and safety
- It eliminates an immediate threat of significant damage to improved property
- It ensures economic recovery of the community and provides a benefit for the community-at-large
Debris removal is generally the responsibility of the property owner.

However, if debris is so widespread that public health, safety, or economic recovery of the community is threatened, the actual removal of debris from private property may be eligible.

Debris Removal from Private Property requires prior approval from FEMA Federal Coordinating Officer (FCO).
Actions taken by applicants before, during, and after a disaster to save lives, protect public health and safety, and prevent damage to improved property. Includes:

• Search and Rescue; Security Forces (Police and Guards);

• Sheltering; Sandbagging; Emergency Repairs

• Removal of Health and Safety Hazards (and more)
Eligible Permanent Work:

- Must repair, restore or replace disaster-damaged facilities in accordance with regulations
- Must restore to pre-disaster design, capacity and function in accordance with applicable codes and standards
- Must be required as a result of the disaster
- May include cost effective hazard mitigation measures
Buildings/Contents

- 50% Rule
- Codes/Standard
- Equipment
- Vehicles
- Supplies

DEDUCT INSURANCE AND SALVAGE
- Playgrounds
- Swimming Pools
- Ballparks
- Grass: Seed/Sod for erosion protection only
Cost Eligibility

To be eligible for reimbursement, costs must:

- Be reasonable and necessary to accomplish eligible work
- Comply with federal, state, and local laws and regulations
- Include deductions of insurance proceeds, salvage value, and purchase discounts.
Eligible Direct Costs

Force Account Labor – Emergency Work

Category A – Debris Removal/Clearance – Regular/Straight Time and Overtime (including Fringe Benefits) are eligible (new Sandy Recovery Improvement Act of 2013).

Category B – Emergency Protective Measures – Only Overtime is eligible (including Fringe Benefits).
Eligible Direct Costs (Continued)

• Materials – The costs for items used from applicants inventory and for items purchased to make authorized repairs to meet the scope of work are eligible.
• Applicant owned Equipment – The costs associated with the equipment used to perform authorized repairs, all operating equipment hours are eligible, should be supported by Labor Time Sheets. Rates based on FEMA Schedule of Equipment Rates.
• Contract costs – The costs incurred for authorized repair work requiring contracting are eligible.
Types of Projects

- Small Projects
- Large Projects
- Improved Projects
- Alternate Projects
Public Assistance projects are processed as either small or large projects. If the project cost is less than the annually updated cost threshold amount (currently $121,800) the project is processed as a small project. If the project cost equals or exceeds the threshold the project is processed as a large project.
### Small Projects

- Funding is based on work completed (if available) or initial cost estimate.
- Federal cost share is paid upon project approval.
- When the cost of work is less than $3,050, that work is not eligible.

### Large Projects

- Initially approved based on estimated costs.
- Funding is based on documented actual costs.
- Federal cost share is paid as work is accomplished.
LARGE PROJECTS

NOTE

Any costs above what is approved on the Project Worksheet must be submitted to the State for review and forwarded to FEMA for approval.

All large projects are subject to a Final Inspection Review by both the State and FEMA.
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
Time limits for project completion begin on the disaster declaration date.

- Emergency work: up to 6 months
- Permanent work: up to 30 months

The Regional Administrator may increase these time extensions on a case-by-case basis.

**NOTE:** If the deadline for any project has been reached, without an approved time extension, no costs past the deadline date will be eligible for funding!
Special considerations are issues other than program eligibility that could affect the scope of work and funding of a project. These issues include:

- Insurance
- Hazard Mitigation
- Environmental Protection
- Floodplain Management
- Historic Preservation and Cultural Resources
- Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.

- All applicants are required to obtain and maintain insurance coverage on all insurable facilities as a condition of Public Assistance funding.

- 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.**
Special Considerations

All FEMA funded projects must comply with a variety of EHP Laws, Regulations and Executive Orders.

EHP Review is done prior to funding to ensure compliance with applicable Federal laws.

EHP Review is a collaboration between FEMA, the State, applicants, tribal entities, and local organizations.

Construction of new facilities, alternate projects, modification, expansion, or mitigation of existing facilities may require more extensive EHP review.

FEMA must complete review before work starts.
To ensure that all practical means are used to protect, restore, and enhance the environment, FEMA projects must comply with all applicable laws and regulations, including:

- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- Clean Water Act (CWA)
- Clean Air Act (CAA)
- 44CFR Parts 9 and 10
Any project within or affecting the floodplain or wetlands must be reviewed to ensure that it meets the requirements of several Federal laws and Executive Orders (EO).

- EO 11988 Floodplain Management
- EO 11990 Protection of Wetlands
- Clean Water Act (CWA)
The National Historic Preservation Act (NHPA) requires FEMA, grantees, and applicants to assess potential effects to historic and cultural resources, such as:

- Historical buildings, structures, and districts
- Archaeological and tribal sites
- Objects and artifacts
FEMA, the state, and the applicant work together to identify and address historic preservation issues before approval of funding for a Public Assistance project.

May require consultation with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Officer (THPO), and Advisory Council on Historic Preservation (ACHP).

Resources are available to applicants on the FEMA website and through FEMA’s Office of Environmental and Historic Preservation (OEHP).
Applying for a Public Assistance Grant

- Applicant must submit a Request for Public Assistance (RPA) within **30 days** of the designation of the federally declared disaster area.

- Applicant must attend a kick-off meeting with their assigned PAC and project worksheets submitted within **60 days** of the kick-off meeting.
- Used to document the scope of work and cost estimate for a project.

- Supplies FEMA with the information necessary to approve the scope of work and fund the project.

- A legal and binding document.
Applicant provides list of damages to the PAC at the Kick-off meeting.

Eligibility of damage is determined.

Special considerations are discussed.

Appropriate documentation is provided by the Applicant and reviewed.

The PW is written by the Project Officer and submitted within 60 days of the Kick-off Meeting.

The PW is reviewed by the State and FEMA for approval.
- Applicants are required to maintain complete and accurate documentation, by project, for all disaster-related costs.

- Documentation must be maintained a minimum of three years after applicant close-out.
Documentation
What records do I need to keep and for how long?

- Force account labor
- Force account equipment
- Rented equipment
- Materials and purchases
- Photographs of damage, work underway, work completed
- Records of donated goods and services
- Contract Services - Procurement Process; Contracts, Invoices, etc.

Applicants should retain all records for three (3) years from the date of the Final Status Report or the date of the final certification of completion of the applicant’s last project.
• Category A – Regular/Straight Time and Overtime (including Fringe Benefits) are eligible (new Sandy Recovery Improvement Act of 2013).

• Category B – Only Overtime is eligible (including Fringe Benefits).

• Category C-G – Regular/Straight Time and Overtime (including Fringe Benefits) are eligible.

• NOTE: All Timesheets must be signed by employee or supervisor.
• Procurement
  – Federal, State, Local Requirement, whichever is the most stringent
• **Purchased Materials**
  – Materials Summary Record
  – Proof of Procurement
    • $0-$50,000 - obtain quotes (Federal)
    • Over $50,000 - bids required (State)
    • If bid; proof of bid advertisement, bid tab, copies of bids, and signed contract
  – Invoices, receipts, purchase orders
  – Proof of Payment
The full price of the contract determines the way you solicit:

- $0-$149,999 - must obtain quotes (Federal) (MS AG recommends some form of competition)
- Over $150,000 - must use full procurement process (Federal)
Any determination related to Federal Assistance may be appealed.

The appeal must be submitted in writing to the State (Grantee) within 60 days of receipt of notice of the action being appealed.

- State has 60 days from receipt of appeal letter to forward it to FEMA.
- FEMA has 90 days to render a decision.

Two levels of appeal are available:
1) to the Regional Administrator and.
2) to the Assistant Administrator for Disaster Assistance Directorate.
Debris Removal Operations

- Straight time F/A Labor eligible.
- Allows use of sliding scale for debris costs to incentivize operations.

### Time Frame (Days after Start of Incident Period) vs. Federal Cost Share

<table>
<thead>
<tr>
<th>Time Frame (Days after Start of Incident Period)</th>
<th>Federal Cost Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-30</td>
<td>85%</td>
</tr>
<tr>
<td>31-90</td>
<td>80%</td>
</tr>
<tr>
<td>91-180</td>
<td>75%</td>
</tr>
<tr>
<td>181+</td>
<td>0% unless FEMA approves extension</td>
</tr>
</tbody>
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- Applicant can retain earnings from recycling.
- Debris management cost share increase (2%) for a FEMA pre-approved debris management plan.
Public Assistance Alternative Procedures Pilot Program for Debris Removal

- Alternative Procedures for Debris Operations is Voluntary
- If Applicant chooses to participate in Alternative Procedures then the Applicant must sign the Participation Acknowledgement Letter
- Pilot Program scheduled to end June 27, 2016.
• Permanent Work
  • Grants Based on Estimates (Capped)
    • Cost overrun absorbed by applicant
    • Under run can be used by applicant for specific mitigation uses (must be approved by FEMA)
    • Applicant may consolidate multiple projects in one Project Worksheet (PW)
    • FEMA may accept applicant’s licensed engineer’s cost estimates
    • Must be very sure of costs to use this method
    • Over runs in permanent work is common
Public Assistance Alternative Procedures Pilot Program for Permanent Work

- Alternative Procedures for Permanent Work is Voluntary
- If Applicant chooses to participate in Alternative Procedures then the Applicant must sign the Participation Acknowledgement Letter
The Public Assistance Program assists in the restoration of community infrastructure.

It is a supplemental cost reimbursement program with specific eligibility requirements.

The FEMA share of eligible costs will be awarded to the recipient/grantee for disbursement to the applicants.
Need more information?

For more information visit www.mississippipa.org
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