Applicant Briefing
FEMA-4316-DR

Key Personnel

- State Coordinating Officer - Fallon Reed
- Federal Coordinating Officer - Albie Smith
- FEMA Public Assistance Officer - Tom Perry
- HSEM Staff
- FEMA Staff
March 14, 2017 Severe Winter Storm
Declaration Date: June 1, 2017
Public Assistance
  – Belknap County
  – Carroll County
HMGP
  – Statewide
Public Assistance Grant Program

- Assists in the restoration of community infrastructure.
- Supplemental funding program with specific eligibility requirements.
- FEMA share of eligible costs will be awarded to the Recipient for disbursement to the subrecipient.
- 75/25 share
Public Assistance Eligibility

- Cost
- Work
- Facility
- Applicant

New Hampshire Department of Safety • Division of Homeland Security & Emergency Management

Applicants

1. State government agencies
2. Local governments and special districts
3. Private nonprofit organizations (PNPs).
   - PNPs must own or operate facilities that are open to the general public and that provide certain essential and critical services otherwise performed by a government agency.
4. Federally recognized Native American Indian Tribes (none in NH)

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PNP – Critical Services

Private Non-Profit (PNP) that own or operate facilities that provide the following critical services are eligible:

- Fire / Emergency Rescue
- Medical Treatment
- Power, Water, Sewer, and Wastewater Treatment
- Communications Systems
- Education

PNP – Essential Services

The following essential service facilities are eligible for emergency work. The PNP must apply to the Small Business Administration (SBA) for a disaster loan for permanent repair work. If the PNP is denied a loan, FEMA may fund the repairs.

- Museums
- Community centers
- Libraries
- Homeless Shelters
- Rehabilitation facilities
- Zoos
- Senior citizen/Day-care centers
- Other facilities that provide health and safety services of a governmental nature and are open to the general public
Facility Eligibility

To be eligible, the 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
- Be located within the designated disaster area

Work Eligibility

To be eligible, the work must:

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

**Emergency Work**
A. Debris Removal  
B. Emergency Protective Measures

**Permanent Work**
C. Roads and Bridge Systems  
  - including street lighting, signs, and integral elements.  
D. Water Control Facilities  
E. Public Buildings / Equipment  
F. Public Utilities  
G. Other (Parks, Recreation, etc.)

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**Emergency Work**  
**Category A - Debris Removal**

Debris removal is eligible when:

- Eliminates an immediate threat to life, health, and safety  
- 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 - Private Property

- Generally the responsibility of the property owner.
- 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.
- FEMA must approve removal of debris from private property before the work begins for that work to be eligible.

Emergency Work
Category B – Emergency Protective Measures

Actions taken by a community before, during, and following a disaster to save lives, protect public health and safety, or eliminate immediate threat of significant damage to improved public and private property through cost effective measures.
Category B - Emergency Protective Measures

- Emergency Communications
- Alerts & warning of risks & hazards
- Search & Rescue
- EOC Operations
- Shelter Operations
- Evacuation
- Security in declared disaster area

Emergency Work - Donated Resources

Subrecipients may use the value of donated resources used for eligible emergency work to offset the non-Federal share if all of the following conditions are met:

 ✓ The donated resource is from a third party that is not involved in the Federal award
 ✓ The subrecipient uses the resource to perform eligible emergency work
 ✓ The subrecipient or volunteer tracks the resources and work performed, including description, locations, and hours

Offset amounts can include unpaid volunteer labor, donated equipment, and donated materials.
Permanent Work Categories C-G

Eligible permanent work:

- Must repair, restore, or replace disaster-damaged facilities in accordance with regulations
- Must restore to pre-disaster design (size and capacity) and function in accordance with applicable codes and standards
- Must be required as a result of the disaster
- Should include cost effective hazard mitigation measures when possible

Cost Eligibility

To be eligible for reimbursement, costs must be:

- Directly tied to the performance of eligible work,
- Adequately documented,
- Reduced by all applicable credits, such as insurance proceeds and salvage values,
- Authorized and not prohibited under Federal, State, Territorial, Tribal, or local government laws or regulations
Cost Eligibility

- Consistent with the Applicant’s internal policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the Applicant, and
- Necessary and reasonable to accomplish the work properly and effectively.
- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the Applicant makes the decision to incur the cost.

Procurement Standards

- Applicants must comply with Federal procurement standards as a condition of receiving PA funding for contract costs for eligible work. Federal procurement standards for State and Territorial governments are different than those for Tribal and local governments and PNPs.
- State and Territorial government applicants must follow the same policies and procedures they would use for procurement with non-Federal funds; comply with 2 CFR §200.322, Procurement of recovered materials; and ensure that every purchase order or other contract includes any clauses required by 2 CFR §200.326, Contract Provisions.
- 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, provided that the procurements conform to applicable Federal law and standards. This requirement applies to Tribal Governments even when the Tribe is a Recipient.
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.

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 SOW. FEMA may reimburse costs under a T&M contract only if all of the following apply: no other contract was suitable; the contract had a ceiling price that the contractor exceeds at its own risk; and the Applicant provides a high degree of oversight.

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

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 PW as the permanent record of the project.

The Recipient and the Applicant must keep all financial and program documentation for three years after the date of the Recipient’s final Financial Status Report (FSR) (FEMA Form 112-0-1).

Minimum Project Thresholds

FY 2017: $3,100

If a PW totals less than the minimum threshold after the Applicant has accounted for all project costs—including DAC and reductions to avoid duplication of benefits—the project is not eligible.

Small v. Large Projects

Small project maximum threshold
FY 2017: $123,100

FEMA establishes a dollar threshold each Federal fiscal year for the implementation of Simplified Procedures under section 422 of the Stafford Act. This threshold defines a project as large or small.

FEMA categorizes projects as large or small based on the final approved amount of eligible costs after any cost adjustments, including insurance reductions.
Small V. Large Projects

Small Projects
• Payment is made at the time of project approval based on an estimate, or actual costs if they are known. Funding is based on estimated costs (or actual costs, if known). FEMA does not adjust estimated costs to the actual incurred amount when funding is made based on an estimate.

Large Projects
• FEMA obligates award funding based on estimated costs and project funding is later reconciled based on documented actual costs. Project payments are made to the Applicant (through the Recipient) as actual costs are documented.

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 Subrecipient's control, the Recipient 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.

FEMA may also extend the time limits when sufficient justification is submitted.
Improved Projects

Subrecipients performing restoration work on a damaged facility may make improvements to the facility while restoring the facility to its pre-disaster function and at least its pre-disaster capacity.

- The improvements must be approved by the Recipient prior to construction.
- The subrecipient is responsible for the cost of the improvements; Federal funding is limited to the Federal cost share of the approved estimated cost to restore the facility to its pre-disaster design and function or improved project costs, whichever is less.

Alternate Projects

When restoration of a damaged facility or function does not serve the public welfare, a subrecipient may use a Public Assistance award for another public facility.

- The alternate project must be approved by FEMA prior to construction.
- The alternate project may require an environmental assessment.
- Federal funding is limited to 90% of the Federal share of the original project estimate or actual alternate project cost (whichever is less).
Special Considerations

Special considerations outside of program eligibility that may affect the scope of work and funding of a project include:

- Insurance
- Floodplain Management
- Hazard Mitigation
- Environmental Protection
- Historic Preservation and Cultural Resources

Special Consideration - Insurance

- 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 - Floodplain Management

Any project within or affecting the floodplain must be reviewed to ensure that it meets the requirements of the Executive Orders on Floodplain Management and the Protection of Wetlands.

Special Considerations - Hazard Mitigation

Cost effective measures that reduce or eliminate the potential for similar damages to a facility from a future event of the same type.
Special Consideration - Environmental Protection

- Several statutes, Executive Orders (EO), and regulations establish requirements to protect the environment and preserve the Nation’s historic and prehistoric resources.

- FEMA must review each PA project to ensure the work complies with applicable Federal environmental and historic preservation (EHP) laws and their implementing regulations, and applicable EOs.

- The Applicant is responsible for complying with applicable Federal, State, Territorial, or Tribal EHP laws even if FEMA is not providing PA funding for all of the work.

Special Considerations - Historic Preservation & Cultural Resources

Property eligible for listing on the National Register of Historic Places requires special consideration under the National Historic Preservation Act.
Timelines & Deadlines

• Applying for a Public Assistance Award
  Applicants must submit a Request for Public Assistance, to FEMA through the Recipient, within **30 days** of the designation of the declared disaster area. **June 30, 2017**

• Identify and Report Damage
  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.

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

Administrative Costs

Direct Administrative Costs (DAC) are costs incurred by the Recipient or subrecipient that can be identified separately and assigned to a specific project (See 44 CFR §207.6(c)). Such costs can include staff time and expenses required to conduct site visits/inspections, prepare and submit PWs.
PA Alternative Procedures (PAAP) Pilot Program

The Sandy Recovery Improvement Act of 2013 amended the Stafford Act by adding section 428, which authorizes alternative procedures for the PA program under sections 403(a)(3)(A), 406, 407 and 502(a)(5) of the Stafford Act. FEMA is currently implementing these new authorities as pilot programs for debris removal and permanent work.

Subrecipients may elect to participate in them individually or in combination with others:
1. Reimbursement of base (straight-time) and overtime wages for force account labor performing or administering debris and wreckage removal activities;
2. Use of a sliding scale for determining the Federal share for debris removal based on the timeliness of project completion;
3. Use of program income from recycled debris without offset to the subaward amount; and
4. Providing a one-time two percent cost share incentive for Subrecipients who have a Debris Management Plan accepted by FEMA and have pre-qualified one or more debris removal contractors prior to the start of the declaration’s incident period.
1. Fixed estimate subawards (if a Recipient elects to accept a fixed estimate subaward then it may choose to participate in the four other procedures);
2. Elimination of the reduction in Federal cost share for alternate projects;
3. Consolidation of fixed estimate subawards;
4. Use of an expert panel to validate project estimates over $5 million; and
5. Use of excess funds for certain PA program-related activities.

New PA Delivery Model

- Submit RPA
- Exploratory Call
- Recovery Scoping Meeting
- Damage Description & Dimensions
- Scope of Work & Costs
- Final Review & Sign Off
- Receive Funding
Training

- New PA Delivery Model Operational Delivery for Recipients & Applicants
  - Mon/Tues - Concord NHFA
  - Wed/Thurs - Concord SEOC
- Procurement Training
  - After RPA submitted
Contact Info

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