

Applicant Briefing: DR 4761

March 2024

Purpose of the Applicant Briefing



- Overview of the Public Assistance (PA) Program
- Describe the PA process
- Answer general eligibility questions
 - Specific eligibility questions must be answered by FEMA during project development
- Reference Material

Agenda

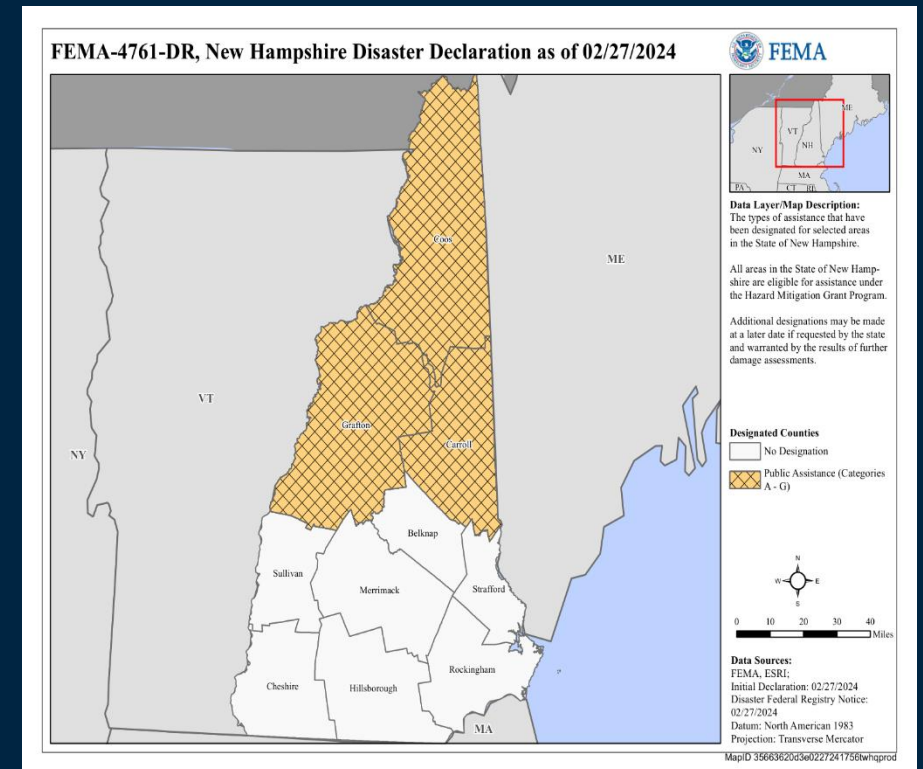


- Major Disaster Declaration Granted
- Explanation of Public Assistance (PA) Program
- Eligibility
- How To Apply For PA
- Project Considerations
- Applicant Next Steps
- Q & A

FEMA-4761-DR-NH



- Declaration Date: February 27, 2024
- Incident Period: December 17-21, 2023
- Incident Type: Severe storm and flooding
- Public Assistance Designated Counties:
 - Carroll, Coos and Grafton
- Hazard Mitigation Grant Program
 - Statewide



The Public Assistance Program

Overview

The Basics



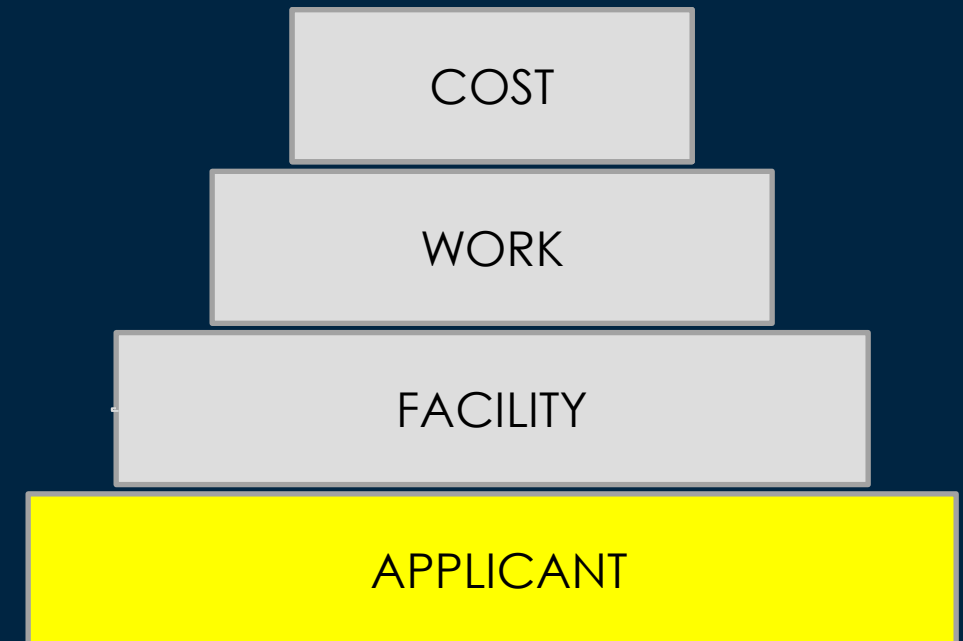
- The Public Assistance Grant program is designed to assist in the restoration of community infrastructure.
- Reimbursement-based program.
- Federal and Local cost share.
- Public Assistance operates under the following Authorities, Statutes and Regulations:
 - Stafford Act
 - 2 CFR
 - 44 CFR
 - Public Assistance Program and Policy Guide (PAPPG)

How is Eligibility Determined?



Applicants That Are Eligible For Public Assistance:

- State
- Tribal
- Local
- Critical Private Non-Profits



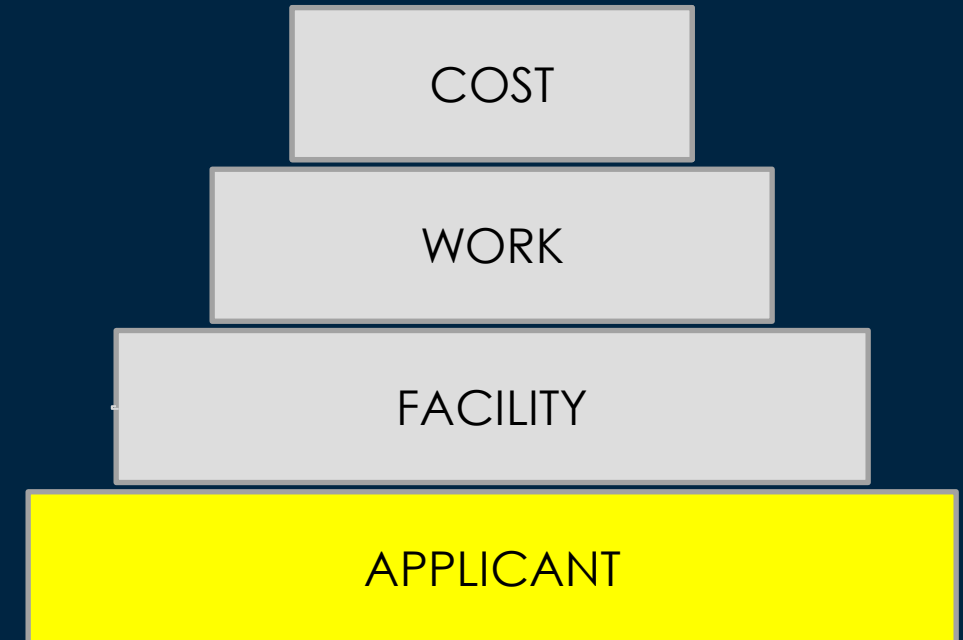
Private Nonprofits (PNP)



To be eligible for PA funding, a PNP must meet the following requirements:

1. Provide critical or essential government-type services
2. Be a tax-exempt nonprofit
3. Non-critical PNP's must provide services to the public

-Must apply for an SBA loan prior to applying for PA

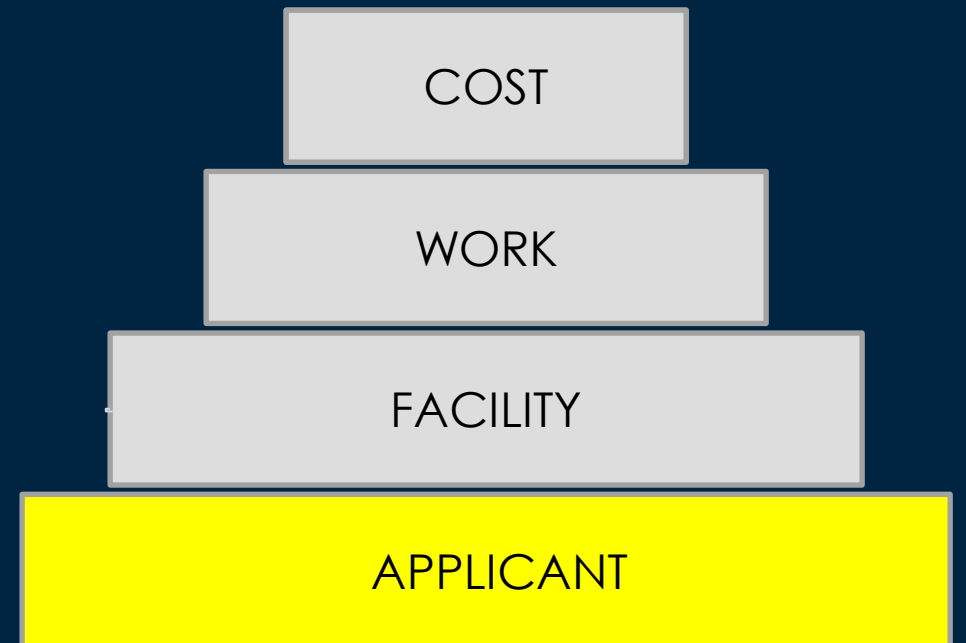


PNP – Critical Services



Own or operate facilities that provide the following critical services are eligible for emergency and permanent work:

- Education
- Utility
- Medical
- Emergency Services



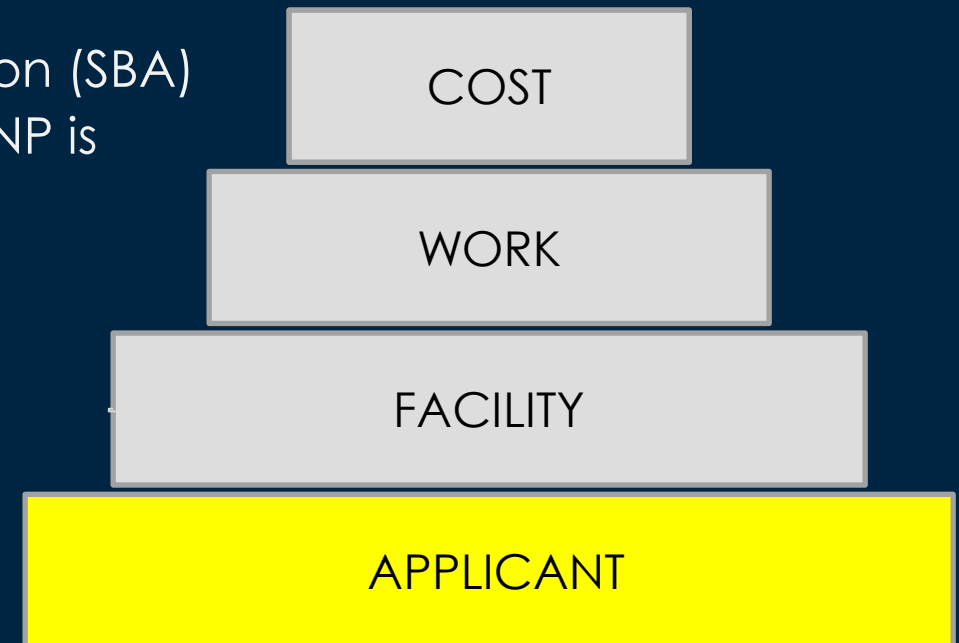
PNP – Non-Critical, Essential Services



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 an SBA loan, FEMA may fund the repairs for:

- Assisted Living Facilities
- Community Centers
- Houses of Worship
- Libraries
- Homeless Shelters
- Food Assistance Programs
- Rehabilitation Facilities
- Senior Citizen/Childcare Centers
- And other facilities that provide health and safety services of a governmental nature and are open to the public

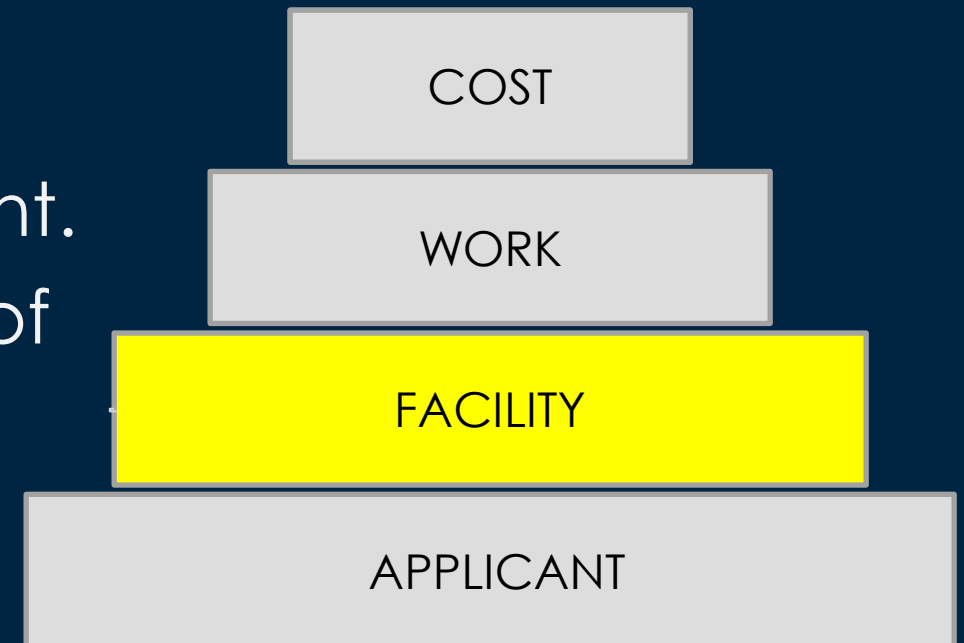


How is Eligibility Determined?



Eligible Facilities Must be:

- In the declared disaster area.
- Damaged by the declared event.
- In active use and open at time of disaster.
- Legal Responsibility of the Applicant.

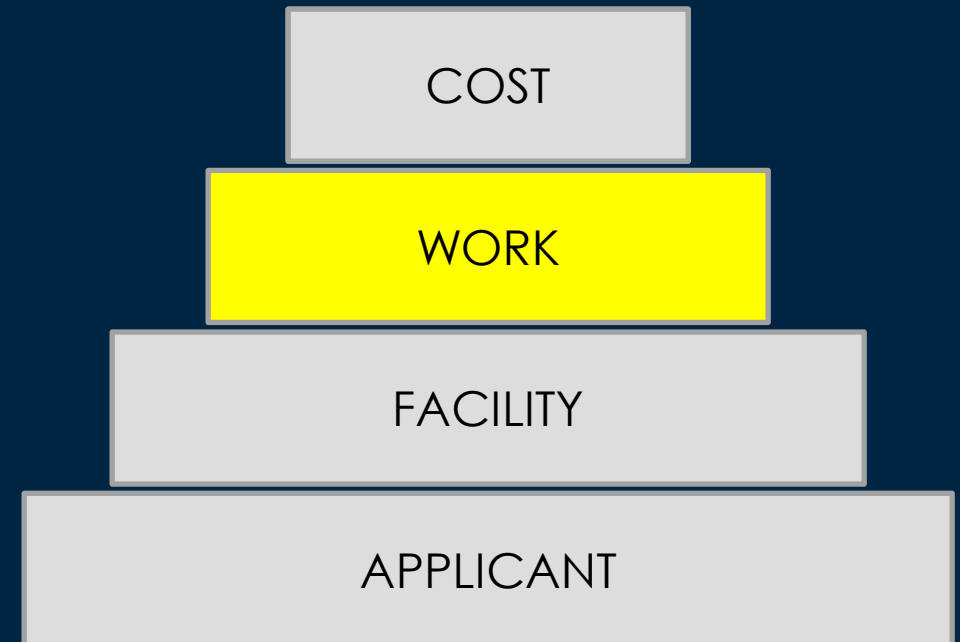


How is Eligibility Determined?



Categories of Work

- A: Debris Removal
- B: Emergency Protective Measures
- C: Roads/Bridges
- D: Water Control Facilities
- E: Buildings/Equipment
- F: Utilities
- G: Parks, Recreational, and Other Facilities



Categories of Work



Emergency Work:
Address an immediate
threat

Permanent Work:
Restoration of Eligible Facilities under
Categories C-G

Emergency Work: Category A

Debris Removal



- Eliminates an immediate threat to lives, public health and safety or public property
- Types of Debris:
 - Vegetative debris
 - Demolition debris
 - Sand, mud, silt, gravel, rocks boulders
 - Damaged vehicles,
- Cradle to Grave



Force Account Labor for Eligible Debris Removal



- The Applicant may elect to participate in the Alternative Procedures for debris removal.
- Allows potential reimbursement for straight-time of the Applicant's budgeted employees which conduct debris removal activities.
- The Applicant opts-in by including straight-time in their debris removal (Category A) project claims.
- This is a change from previous disasters where only overtime and comp time were eligible for Category A work.

Emergency Work: Category B

Emergency Protective Measures

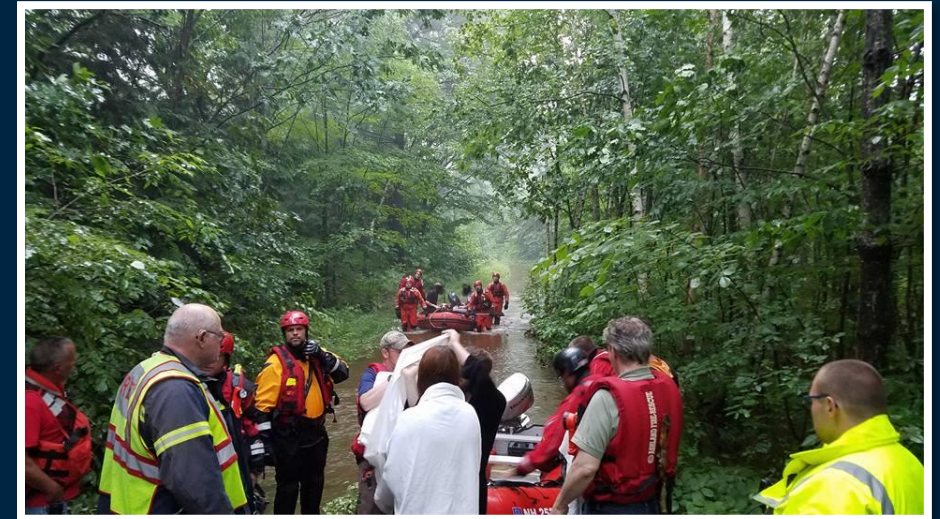


Emergency protective measures to save lives and Public health- examples:

- Flood Fighting, sandbagging, road closures
- Security, barricades, law enforcement
- EOC operating costs
- Evacuation and sheltering

Emergency protective measures to protect improved Property – examples:

- Construction of emergency berms or levees,
- Emergency Slope Stabilization
- Emergency repairs to roads, bridges, buildings, utilities, etc.



Category B - Emergency Access



- When an incident causes damage or debris that blocks access to essential community services
- Work related to providing access may be eligible, such as:
 - Clearing debris from access facility
 - Conducting emergency repairs to an access facility (e.g. road or bridge)
- Eligible work is limited to what is necessary for access to remain passable

Category B - Emergency Access



Emergency repairs to privately-owned roads, including those within gated communities, may be eligible only when ALL the following conditions are met:

- There is no other access point;
- Repair of the damage economically eliminates the need for temporary housing; and
- The Applicant completes all legal processes and obtains rights-of-entry and agreements to indemnify and hold harmless the Federal Government.

Categories C-G - Permanent Work



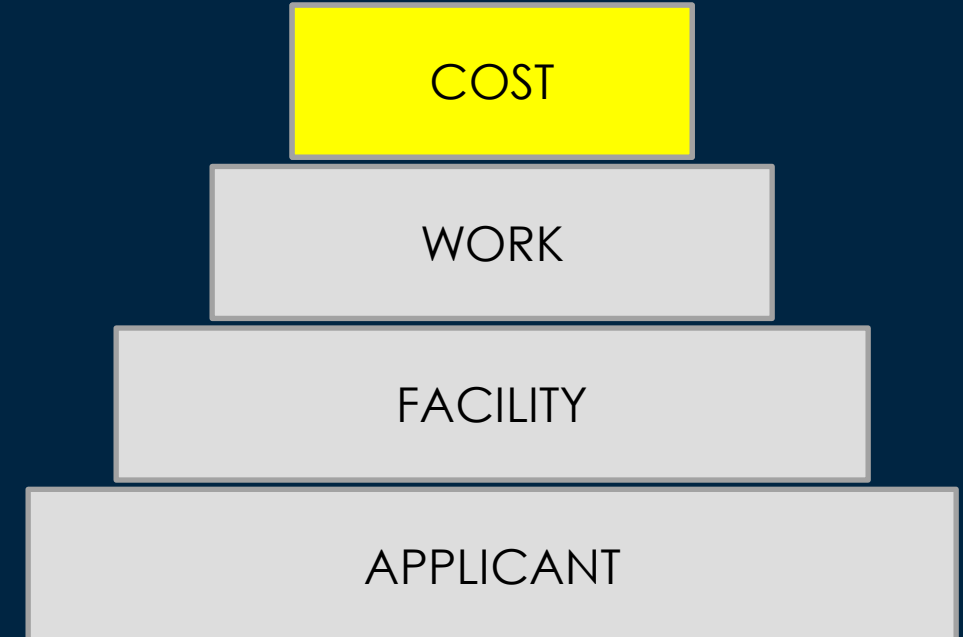
- Must restore the facility to its pre-disaster design, function, size and capacity.
- Must be a result of the declared disaster.
- Should include cost effective mitigation, when possible.

How is Eligibility Determined?



Costs must be:

- Tied to eligible work
- Adequately documented
- Consistent with Applicant's internal policies and procedures
- Necessary and reasonable to accomplish the repairs



Types of Eligible Costs



Force Account Labor (FAL):

- Applicant's personnel
- Actual hourly rates plus fringe benefits, such as:
 - Holiday leave;
 - Sick leave;
 - Retirement;
 - Health insurance, etc.

Types of Eligible Costs Cont.



Table 5. Emergency Work Labor Eligibility

Emergency Work Labor Eligibility		
Budgeted Employee Hours	Overtime	Straight-Time
Permanent employee	☑	
Part-time or seasonal employee working during normal hours or season of employment	☑	
Unbudgeted Employee Hours	Overtime	Straight-Time
Reassigned employee funded from external source	☑	☑
Essential employee called back from furlough	☑	☑
Temporary employee hired to perform eligible work	☑	☑
Part-time or seasonal employee working outside normal hours or season of employment	☑	☑

Types of Eligible Costs Cont.



- Applicant-Owned and Purchased Equipment
 - Equipment rates
- Leased and Rented Equipment
- Contracted Work
- Materials
 - Purchased
 - Stock

Ineligible Costs



- Loss of revenue
- Loss of useful service life
- Tax assessments
- Increased operating costs
- Deferred Maintenance

Factors That Impact Permanent Work Projects



Elements that may affect the scope of work and funding of a project include:

- EHP (Environmental Historic Preservation)
- Insurance
- Floodplain Management
- Hazard Mitigation

EHP- Consideration for Permanent work



- EHP takes into consideration endangered species, wetlands, environmental impact of work, and potential historical sites
- EHP reviews are conducted on every PA project
- Applicant is responsible for complying with all State and Federal Environmental laws when conducting repairs
- NH DES CONTACT INFORMATION:
 - Phone: 603-271-3710
 - Email: permit-coordination@des.nh.gov
- U.S. ARMY CORPS OF ENGINEERS CONTACT INFORMATION:
 - Email: cenae-pa@usace.army.mil

Insurance



- Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured.
- Applicants that receive PA funding for permanent work to replace, repair, reconstruct, or construct a facility must obtain and maintain insurance to protect the facility against future loss.
 - If the Applicant does not maintain the required insurance from a previous disaster, then the facility is ineligible for PA funding in a subsequent disaster, regardless of the hazard(s) that caused the damage

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.
- 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.



Hazard Mitigation: FEMA 406



- Administered by FEMA
- Mitigation of incident caused damage
- Funding is available only for disaster damaged facilities.
- Mitigation is written as part of applicant PA projects.
- Cost effective

Benefit Cost Analysis



- A BCA is based on a comparison of the total estimated cost for the PA mitigation measure to the total value of expected benefits to society.
- FEMA's BCA methodology considers common project benefits, which include reductions in the magnitude or frequency of:
 - Damage to the facility and its contents;
 - The need for emergency protective measures;
 - The need for temporary facilities;
 - Loss of function;
 - Casualties (typically included only for earthquake, tornado, and wildfire mitigation); and
 - Previous impacts regardless of whether the impacts occurred in Federal declarations (only if documented).

State 404 Hazard Mitigation Grant Program (HMGP)



- Multi-hazard Statewide competitive mitigation grant program.
- Funding is available for communities impacted by the disaster and communities outside of the declared areas.
- Sub-Applicants must have a FEMA-Approved Local Hazard Mitigation Plan at the time of obligation of grant funds and projects must be consistent with the plan's goals and objectives.
- Eligible activities can be located within the HMGP Brochure on the HSEM Resource Center.

Contact: HMGP Staff



If interested in learning more about State HMGP please contact:
NH.HM@dos.nh.gov

Capped Projects



- FEMA provides three options that provide flexibility for the Applicant to use PA funding differently than restoring the pre-disaster design and function of the facility
 1. Improved Project
 2. Alternate Project
 3. Alternative Procedures Pilot Program
- For these options, FEMA caps the amount of PA funding based on the estimated amount to restore the damaged facility to its pre-disaster design and function.

Reasonable Costs



- 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.
- FEMA takes into consideration if the cost is comparable to the current market price for similar goods or services in the same geographical area. Based on:
 - Historical documentation (previous contracts, invoices, or other documentation).
 - Average costs in the area.
 - Published unit costs from national cost estimating databases.

Federal Procurement Guidelines



- All applicants must comply with Federal Procurement standards in 2 CFR § 200.320.
- Applicants must use their own documented procurement procedures that should reflect all applicable State, Local and Federal laws.
- If the applicant does not have a procurement policy, they **must** follow the State or Federal Policy, whichever is stricter.

Federal Procurement Methods



- Local governments and PNPs must use one of the following procurement methods:
 - Micro-purchase
 - Small Purchase
 - Sealed Bidding
 - Competitive Bidding

Contracts



- FEMA reimburses costs incurred using three types of contract payment obligations:
 - Fixed Price
 - Cost-Reimbursement
 - To a limited extent, time and materials (T&M) contracts
- FEMA does NOT reimburse costs incurred under a cost-plus percentage of cost contract or a contract with a percentage of construction cost method.

Category Z - Management Costs



- Administrative costs reimbursed as Management Costs are for **costs for activities related to the receipt and administration of PA** funding, not on work/activities completed as part of the project.
 - Costs incurred to manage the project/complete the work = project costs (Categories A-G)
 - Cost incurred to manage the PA grant and seek reimbursement from FEMA = Management Costs (MC) (Category Z)

Category Z - Management Costs Cont.



- Reimbursement (per each applicant)
 - **up to 5%** of the total project amount obligated for the disaster
 - for **actual costs** incurred only (no excess funds)
 - 100% federal share (no cost share for the Subrecipient)
- Documentation required for all expenses
- Eligible expenses include:
 - Indirect costs
 - Direct Administrative Costs
 - Other administrative expenses associated with the disaster

Category Z - Management Costs Cont.



- **Labor, Equipment, and Supplies associated with the following activities:** *(not an all-inclusive list)*
 - Applicant Briefings
 - Meetings regarding the PA Program or overall, PA damage claim
 - Preparing correspondence
 - Collecting, copying, filing, or submitting documents to support a claim
 - Developing the detailed damage description
 - Organizing PA damages into logical groups
 - Preparing and Reviewing PWs
 - Preparing Small and Large Projects
 - Requesting disbursement of PA funds
 - Travel expenses
 - Training
- **Track ALL time and expenses spent on the management of the grant**

Donated Resources



- **Applicants may use the value of donated resources used for eligible work to offset the non-Federal share if ALL the following conditions are met:**
 - The donated resource is from a third party;
 - The donated resource is necessary and reasonable;
 - The applicant uses the resource to perform eligible work; AND
 - The applicant 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.

STAFFORD ACT PUBLIC ASSISTANCE PROCESS



Request for Public Assistance



- Applicants must submit a Request for Public Assistance (RPA) to HSEM no later than **March 28, 2024**.
- Each entity that would like to participate in the PA Program must submit this form
- Applicants can submit an RPA in Grants Portal, or through the HSEM Resource Center

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
REQUEST FOR PUBLIC ASSISTANCE

OMB Control Number 1660-0017
Expires June 30, 2020

Paperwork Burden Disclosure Notice
Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collection Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) **NOTE: Do not send your completed form to this address.**

Privacy Act Statement
Authority: FEMA is authorized to collect the information requested pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, §§ 402-403, 406-407, 417, 423, and 427; 42 U.S.C. 5170a-b, 5172-73, 5184, 5189a, 5189e; The American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, § 601; and "Public Assistance Project Administration", 44 C.F.R. §§ 206.202, and 206.209.

APPLICANT (Political subdivision or eligible applicant) _____ DATE SUBMITTED _____

COUNTY (Location of Damages. If located in multiple counties, please indicate) _____

APPLICANT PHYSICAL LOCATION

STREET ADDRESS _____

CITY _____ COUNTY _____ STATE _____ ZIP CODE _____

MAILING ADDRESS (if different from Physical Location)

STREET ADDRESS _____

POST OFFICE BOX _____ CITY _____ STATE _____ ZIP CODE _____

Primary Contact/Applicant's Authorized Agent		Alternate Contact	
NAME	NAME	NAME	NAME
TITLE	TITLE	TITLE	TITLE
BUSINESS PHONE	BUSINESS PHONE	BUSINESS PHONE	BUSINESS PHONE
FAX NUMBER	FAX NUMBER	FAX NUMBER	FAX NUMBER
HOME PHONE (Optional)	HOME PHONE (Optional)	HOME PHONE (Optional)	HOME PHONE (Optional)
CELL PHONE	CELL PHONE	CELL PHONE	CELL PHONE
E-MAIL ADDRESS	E-MAIL ADDRESS	E-MAIL ADDRESS	E-MAIL ADDRESS
PAGER & PIN NUMBER	PAGER & PIN NUMBER	PAGER & PIN NUMBER	PAGER & PIN NUMBER

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? YES NO

Private Non-Profit Organization? YES NO

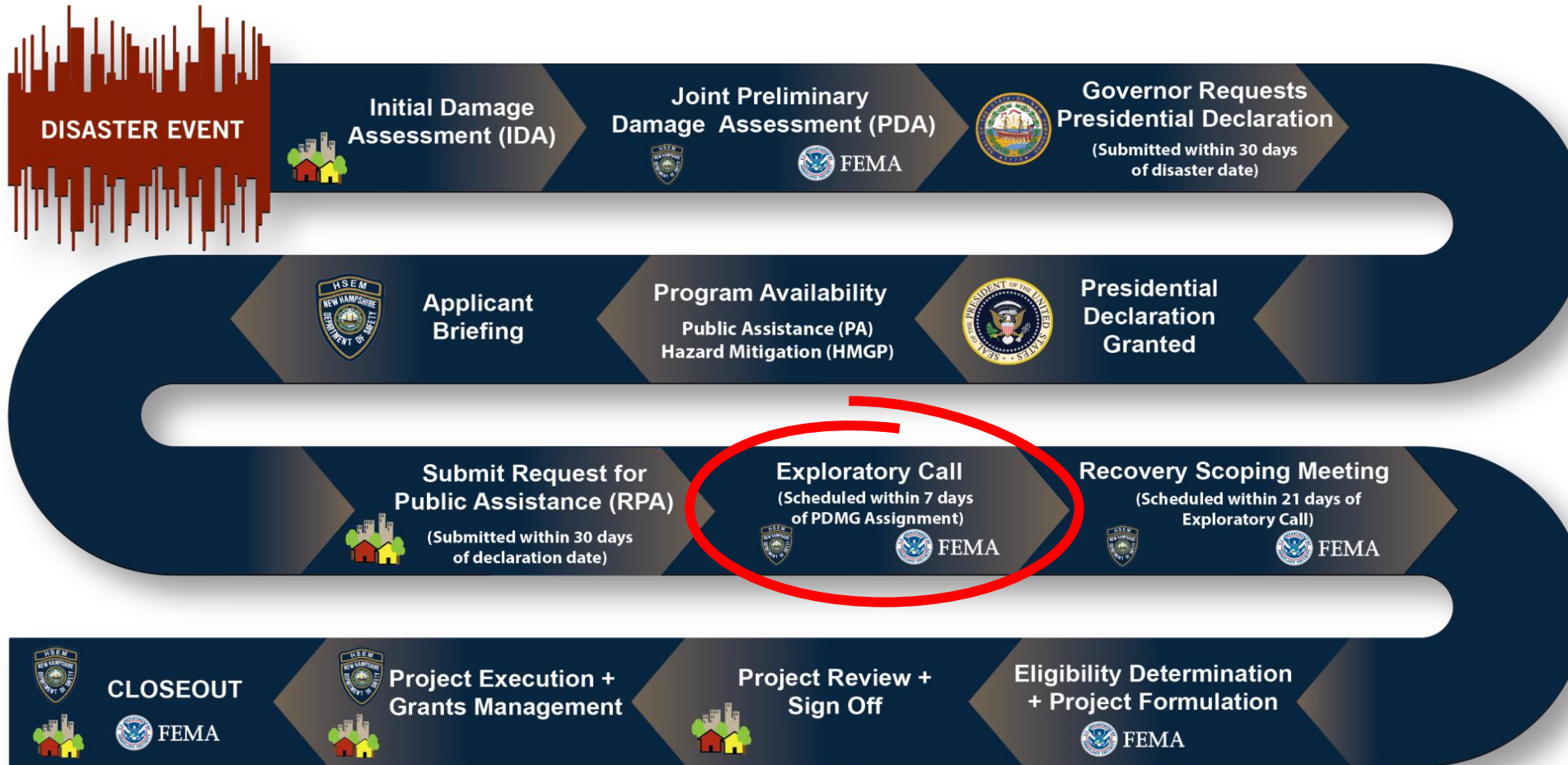
If yes, which of the facilities identified below best describe your organization?
Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety services of a governmental nature. All such facilities must be open to the general public."

Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.

OFFICIAL USE ONLY: FEMA - _____ -DR- _____ - FIPS# _____ DATE RECEIVED _____

FEMA Form 008-0-49 9/16 PREVIOUS EDITION OBSOLETE

STAFFORD ACT PUBLIC ASSISTANCE PROCESS



Exploratory Call (EC)



- Occurs within 7 days of the FEMA PDMG assignment
- Conference call with FEMA and HSEM
- Introduce FEMA PDMG to Applicant
- Discuss damages at high level
- Schedule date/time for Recovery Scoping Meeting (RSM)

STAFFORD ACT PUBLIC ASSISTANCE PROCESS



Recovery Scoping Meeting (RSM)



- Scheduled within 21 days of FEMA PDMG assignment
- Staff with knowledge of the incident-related damage, emergency activities performed, and related costs attend the meeting (e.g., public works official, finance staff, risk manager).

Review and refine the list of impacts and discuss

- PA delivery process;
- Details of the Applicant's impacts from the incident;
- Hazard mitigation opportunities;
- Eligibility criteria for facilities, work and costs;
- Logical grouping of damage;
- Procurement requirements;
- Insurance reductions and requirements;
- EHP compliance requirements;
- Documentation requirements;
- Interagency Recovery Coordination;
- Deadlines; and
- Appeal process.

STAFFORD ACT PUBLIC ASSISTANCE PROCESS



Damage Inventory



- **Must be submitted within 60 days of RSM**
- **Identify all possible damages in this incident period! Eligibility will be determined later**
- Submitted through Grants Portal
- Excel spreadsheet to log all damages that includes:
 - Category of Work
 - Facility/Damage Name
 - Address, including Lat/Long
 - Description of damages (L x W x D)
 - Approximate Cost
 - % Work Complete
 - Labor Type
 - Priority

Project Formulation



- Site Inspections may take place before projects are formulated
- Formulate incident-related damage and work into projects based on logical groupings of the damage and category of work
- Remember: Who, What, Where, Why, and How... when documenting damages

Project Formulation



- Identify & Report Damages (Damage Inventory)
 - **must be completed within 60 days of RSM**
- Develop Scope of Work (SOW)
- Develop Project Cost
- Provide Project Documentation

FFY 23 Project Thresholds



- Small Projects - \$3,900
- Large Projects - \$1,037,000
- If a project's total cost falls below the small project threshold, the project would be considered **not eligible**
- Projects with a total cost of this amount or greater are large projects
- Adjusted each Federal Fiscal Year (FFY)
- Based on the final approved amount of eligible costs

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.
- FEMA does not reconcile costs at project completion. If the estimate is greater than the actual cost, the Subrecipient may retain leftover funding. Cost overruns can be addressed via a project amendment.

Large Projects

- 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. Reimbursement requests showing proof of payment are required to receive funds.

Project Completion Deadlines



Project completion deadlines begin on the disaster declaration date.

- Emergency work must be completed by **August 25, 2024** (6 months)
- Permanent work must be completed by **August 25, 2025** (18 months)
- Extensions may be requested from the Recipient (State) for an additional 6 months for emergency work and up to 30 months for permanent work. FEMA must approve extensions outside of these limits.

Documentation



Audit and Document Retention Policies

- Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report per 2 CFR § 200.334.
- 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.

Timelines & Deadlines



Applying For Public Assistance

- Applicants must submit a Request for Public Assistance (RPA) to FEMA through the Recipient within **30 days** of the designation of the declared disaster area.
- **RPA's Must Be Submitted to HSEM by March 28, 2024.**

Identify and Report Damage

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

Appeals

- Any determination of ineligibility 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. Time extensions are not permitted.

Required Post-Award Monitoring



Applicant Risk Assessment (RA) and Current Audit

- Current Audits and RA's will be required prior to funds being awarded to the applicant.
- Completed to determine if additional post-award monitoring is required.

Quarterly Progress Reports (QPR)

- QPRs are required by FEMA for all Large Projects and Management Costs Projects until the project has been closed by FEMA.

Federal Funding Accountability and Transparency Act (FFATA)

- This form is required for any project equal to or greater than \$30,000.

Project Completion and Certification Report (PCCR)

- Once all funds are awarded for a project, the applicant will complete the PCCR certifying that all work related to the project has been completed.

Important/Helpful Resources



Grants Portal

- [FEMA - Grants Portal Login](#)
- If you do not have access to Grants Portal, please contact nhpa@dos.nh.gov for assistance.

Public Assistance Program and Policy Guide (PAPPG)

- [FEMA - Public Assistance Program and Policy Guide - Version 4](#)
- PAPPG v4 applies to all disasters declared after June 1, 2020.

Important/Helpful Resources Cont.



Public Assistance Simplified Procedures

- [FEMA Policy: Public Assistance Simplified Procedures](#)

Schedule of Equipment Rates

- [FEMA - Schedule of Equipment Rates 2023](#)

Procurement Training Video

- [Understanding PA - Procurement and Contract Guidance](#)

Important/Helpful Resources Cont.



Federal Disaster Assistance Guidelines

- 44 CFR Part 206 -- Federal Disaster Assistance

Federal Grant and Agreement Guidelines

- 2 CFR Chapter II -- Office of Management and Budget Guidance

FEMA Independent Study Courses



Suggested Emergency Management Institute Courses

- IS 1000-1026: Public Assistance Specific Courses
- IS 393b: Introduction to Hazard Mitigation
- IS 403: Introduction to Individual Assistance
- IS 559: Local Damage Assessment

Contact: Recovery Staff



Austin Brown

Chief of Mitigation and Recovery

603-227-8767

Danielle Duggins

Assistant Chief of Recovery

603-271-7593

***Emails and documentation
directed to:***

NHPA@dos.nh.gov