MISSOURI

State Emergency Management Agency



DR - 4490

Public Assistance

Program

DECLARED MARCH 26, 2020

Summary

STATE: Missouri

NUMBER: FEMA-4490-DR

INCIDENT: COVID-19

INCIDENT PERIOD: January 20, 2020 and continuing **DATE REQUESTED BY GOVERNOR:** MARCH 23, 2020

INDIVIDUAL ASSISTANCE: UNDER REVIEW

PUBLIC ASSISTANCE: Emergency protective measures (Category B) not authorized under other Federal statutes, including direct Federal assistance, under the Public Assistance program at 75 percent Federal funding for all areas in the State of Missouri

HAZARD MITIGATION GRANT PROGRAM: UNDER REVIEW

OTHER: Additional designations may be made at a later date if warranted and requested by the state.

TO APPLY:

Download and complete a Request for Public Assistance (RPA) https://sema.dps.mo.gov/programs/state_public_assistance.php

AND

Submit your completed RPA to SEMA SEMA.PA@sema.dps.mo.gov

OR

Set up your Grants Portal account and request an RPA digitally https://grantee.fema.gov/

Upon submission of your RPA to SEMA the Primary and Alternate contact that you've provided will receive an email with instructions for accessing FEMA's Grants Portal.

Download and review FEMA's Public Assistance Program and Policy Guide https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf

- * Track your incurred costs by codes that are exclusive to COVID-19
- * Compile a Damage Inventory of costs incurred as related to COVID-19
- * Compile your documentation for submission: payroll policy, procurement policy, insurance policy, primary source documentation (invoices, proofs of payment, timesheets/pay logs, equipment use records, materials and contracts, documentation for volunteer work or donated resources, etc.)

THE APPLICATION PROCESS

Request for Public Assistance Form

SUBMIT request within

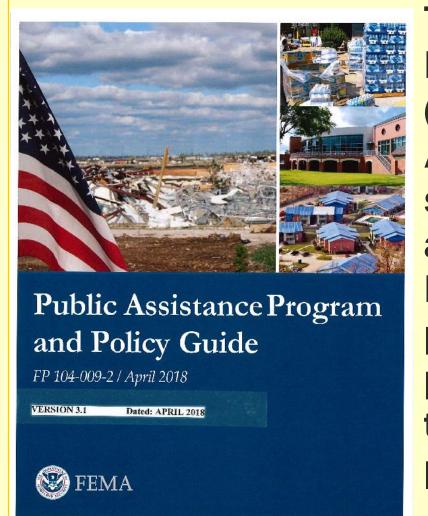


days after **Declaration**.

DR-4490 Declaration date: March 26, 2020

 PNP sub-grantees must submit additional documentation WITH the RPA.

FEMA Public Assistance Program and Policy Guide



The Public Assistance **Program and Policy Guide** (PAPPG) combines all Public Assistance (PA) policy into a single volume and provides an overview of the PA **Program implementation** process with links to other publications and documents that provide additional process details.

PUBLIC ASSISTANCE

Supplemental 75%/25% (federal/non-federal) cost share assistance to state and local governments and certain private non-profit organizations for response and recovery in a Presidentially declared disaster or emergency.

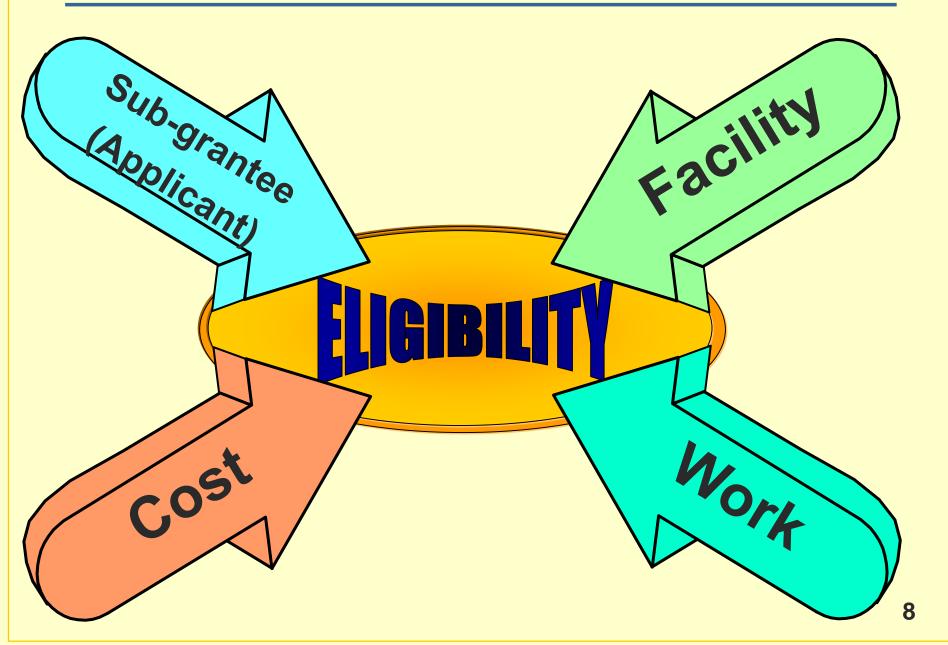


The Public Assistance Process



^{*} No PDA's, county thresholds or state thresholds are required for the DR-4490 COVID-19 Major Presidential Disaster Declaration.

FACTORS OF ELIGIBILITY



FACTORS OF ELIGIBILITY



ELIGIBLE APPLICANTS

State

County

City/Town/Village

Certain Private Non-Profit Organizations (PNP)

Other State Political Subdivisions

Native American Tribes and Tribal Organizations

PRIVATE NON-PROFIT ELIGIBILITY

- A facility that provides a <u>critical service</u>, such as education, utility, emergency, medical, or custodial care
- A facility that provides a <u>non-critical</u>, but essential social service and <u>provides those</u> <u>services to the general public</u>, such as child care, rehabilitation, libraries, museums, zoos, and houses of worship

ELIGIBLE PRIVATE NONPROFITS

"Critical services" includes power, water (including irrigation to provide drinking water, fire suppression, or electricity generation), sewer, wastewater treatment, communications, and emergency services.

-OR-

The owner or operator of the PNP that provide non-critical, essential social services has applied for an SBA disaster loan; and has been determined to be ineligible for such a loan (after denial, the PNP can apply to FEMA for possible eligible disaster expenses); or has obtained such a loan in the maximum amount for which the Small Business Administration (SBA) determines the facility is eligible, but the loan does not cover all eligible Permanent Work costs.

PRIVATE NON-PROFIT ENTITIES

- Must submit a PNP Facility Questionnaire (FEMA Form 90-121)
- A current ruling letter from the IRS granting tax exemption status OR letter from the State substantiating it is a non-revenue producing, nonprofit entity
- Proof of ownership or legal responsibility
- List of services provided in the facility and when and to whom (calendar of activities)

PRIVATE NON-PROFIT ENTITIES

- Must submit proof of the established purpose of the facility such as a charter or bylaws and amendments.
- Some PNP's need not be open to the general public to be eligible for Public Assistance.
- PNP's with questions should contact SEMA for an eligibility determination from FEMA.

FACTORS OF ELIGIBILITY



DEFINITION OF A FACILITY

"Public Facility" generally indicates facilities owned by a state or local government entity and may include:

- Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility.
- Any non-federal aid street, road, or highway. (Federal aid roads only eligible for emergency protective measures).
- Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.
- Any park.

"Private Nonprofit Facility" generally indicates an incorporation status files as a 501c classification and may include:

An eligible PNP facility is one that provides educational, utility, emergency, **medical**, or custodial care, including for the aged or disabled, and other essential social-type services to the general public (further described in Tables 1 and 2, PAPPG).

See Appendix B: Private Nonprofit Facility Eligibility (PAPPG, page 170) for various examples of PNP facilities and corresponding eligibility determinations.

FACTORS OF ELIGIBILITY



ELIGIBLE EMERGENCY WORK

- Emergency Protective Measures *(Category B).
 - Eliminate immediate threats to lives or public health or safety.
 - Eliminate immediate threats of significant damage to improved public or private property.
 - *Examples include: COVID-19 response and supplies, temporary staffing, sheltering, security, etc.

FACTORS OF ELIGIBILITY



Generally, costs that can be directly tied to the performance of eligible work are eligible. Such costs, according to 2 CFR Part 200*, must be:

- Reasonable and necessary to accomplish the work.
- Compliant with federal, state, and local requirements for procurement.
- Reduced by all applicable credits, such as insurance proceeds and salvage values.

^{*} http://www.ecfr.gov/cgi-bin/textidx?SID=5d58de650b6270a8bce77b94b5dc677c&mc=true &node=pt2.1.200&rgn=div5

- It is essential that you accurately document the expenses incurred in disaster response and recovery operations. (2 CFR Part 200)
- Accurate documentation will help you to:
 - Recover all of your eligible costs;
 - Develop your disaster projects;
 - Validate the accuracy of your small projects; and
 - Prepare for federal/state audits and financial reviews.

REASONABLE

REVIEW INVOICES PRIOR TO PAYMENT.

- Hours worked versus overtime and time and a half or double time rates.
- Ineligible costs may not be reimbursed.
- COST INCURRED/PAID ≠ REIMBURSEABLE EXPENSE.

REASONABLE

- A cost that is both fair and equitable for the type of work being performed.
- Reasonable costs can be established through:
 - The use of historical documentation for similar work;
 - Average costs for similar work in the area;
 - Published unit costs from national cost estimating databases; and
 - FEMA cost codes.

NO DUPLICATION OF BENEFITS

- FEMA cannot provide funding that duplicates insurance proceeds.
- FEMA cannot duplicate funds provided by another Federal Agency.
- Grants and cash donations from other sources (CDBG, etc.)
 may only be used towards the non-Federal cost share or PA
 ineligible work.

- In performing work, applicants <u>must</u> adhere to all federal, state, and local* procurement requirements.
- Normal procedures <u>must</u> <u>NOT</u> be altered because of the potential for reimbursement from federal funds.
- Local procurement procedures <u>must meet or</u> exceed state/federal requirements.
 - *Procurement procedures <u>must</u> be in writing, adopted, and implemented. (2 CFR Part 200)

CONTRACTING

- Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms:
 - Normally, the non-federal entity must <u>take</u>, and <u>document</u>, all necessary <u>affirmative</u> <u>steps</u> to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
 - However, FEMA has issued guidance that is specifically applicable to DR-4490 in which Awarding agencies may waive the procurement requirements contained in 2 CFR§ 200.319(b) regarding geographical preferences and 2 CFR§ 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms. (FEMA, M-20-17)

 Contracts <u>must</u> be of reasonable cost, <u>must</u> be competitively bid, and <u>must</u> comply with <u>federal</u>, state, and local procurement standards.

 Copies of contracts, bid tabs, and identification of selected contractor <u>must</u> be provided to SEMA and FEMA <u>prior</u> to the reimbursement of funds.

Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

For "non-state entities", Federal regulations (2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) establish requirements for the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as "sole-source contracting." In general, this will be fact-specific and entity-specific as to when exigent or emergency circumstances necessitate the use of noncompetitive procurements. It is essential that all non-state entities understand that both FEMA and the U.S. Department of Homeland Security's Office of Inspector General (OIG) closely review procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. Failure to follow Federal contracting and procurement requirements puts non-state entities at risk of not receiving reimbursement or not being able to use FEMA grant funds for otherwise eligible costs.

- Sub-grantee <u>must</u> provide SEMA with <u>written justification</u> for selection of contractor other than lowest bid <u>PRIOR</u> to award of contract.
- SEMA will provide a written response regarding the eligibility of the selection back to the sub-grantee.
- The below site may be of assistance to the State and Local communities when determining whether certain contractors are debarred or not:
 - Shortcut to Federal website:
 - https://www.sam.gov/SAM/
 - Shortcut to State website:
 - https://ago.mo.gov/app/search

The Revised Statutes of Missouri (RSMo) Sections 285.525 through 285.555 (Illegal Immigrants) to ensure that "no business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the State of Missouri."

- FEMA may reimburse costs incurred under a Time and Materials contract <u>only if all</u> of the following apply:
 - No other contract was suitable;
 - The contract has a ceiling price that the contractor exceeds at its own risk; <u>and</u>
 - The Sub-Grantee provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

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

Contracts contingent on FEMA reimbursement are strongly discouraged and may jeopardize funding.

LABOR COST ELIGIBILITY

- Force account labor is performed by the applicant's employees, rather than by a contractor.
- Claimed at an hourly rate, in accordance with your existing written policy.
- Labor rates include actual wages paid plus fringe benefits paid or credited to personnel.

REASSIGNED EMPLOYEES

- Labor cost for employees assigned to perform tasks that are not part of their normal jobs is eligible as long as the reassigned employees are performing eligible work. For emergency work, only overtime is eligible.
- The pay rate is based on the reassigned employee's normal rate of pay.
- The pay rates must be <u>reasonable</u>.

TEMPORARY EMPLOYEES

- Temporary employees are <u>extra personnel hired as</u> <u>a direct result of the disaster to perform eligible</u> <u>work</u>.
- For example, additional nursing staff temporarily hired to respond to COVID-19.
- Reasonable wages paid to temporary or part-time employees hired in response to COVID-19 who perform eligible emergency work are eligible; including straight time and overtime.

FORCE ACCOUNT LABOR

- Sub-Grantee can demonstrate the employee was directly involved with a specific project.
- Individual's time is normally charged to specific projects regardless of Federal funding.
- Incurs overtime costs for the employee in accordance with a labor policy does not include a contingency clause that payment is subject to Federal funding and policy is applied uniformly at all times.

COMPENSATORY TIME

- If a sub-grantee has a policy for providing compensatory time in place of overtime, FEMA reimbursement will be based on that policy.
- Reimbursement at premium rates for overtime hours is <u>NOT</u> eligible.
- Costs for compensatory time are eligible at regular rates, but must be part of the official timekeeping system.

FRINGE BENEFITS

- Fringe benefits that are actually paid as part of an established policy are eligible.
- Because certain items in a benefit package are not dependent on hours worked, such as health insurance, the fringe benefit rate will be different for regular and overtime hours.
- The overtime fringe benefit rate is usually significantly lower.

MATERIAL COSTS

- The cost of materials/supplies that were purchased or taken from an sub-grantee's stock and used during the performance of eligible work are eligible.
- If available, actual costs for materials should be taken from invoices.
- If the materials were taken from stock and invoices are not available, costs may be developed from the sub-grantee's historical data or by contacting area vendors.

39

DONATED RESOURCES

FEMA allows Sub-Grantees to use the value of donated resources (non-cash contributions, property, or services related to eligible Emergency Work) to offset the non-Federal cost share of its eligible Emergency Work Project Worksheets (PWs) and Direct Federal Assistance.

FEMA applies the offsets regardless of the cost share arrangements between the Grantee and the Subgrantees. In addition to overarching Federal PA Program requirements as defined in the PAPPG, the following policy language applies.

DONATED RESOURCES

The Sub-Grantee may apply the offset if <u>all</u> of the following conditions are met:

- The donated resource is from a third-party (a private entity or individual that is not a paid employee of the Sub-Grantee or Federal, State, Territorial or Tribal government);
- The donated resource is necessary and reasonable for accomplishment of the project.

DONATED RESOURCES

- The Sub-Grantee uses the resource in the performance of eligible work and within the respective project's period of performance; and
- The Sub-Grantee or Volunteer organization tracks the resources and work performed, including description, specific locations, and hours.

Additional rules apply.

Management Costs under the Interim Policy

- The following procedures apply to all Sub-grantees that receive management cost contributions under the Interim Policy. Sub-grantees may only request the initial Category Z Project Worksheet (PW) once projects have been obligated.
- The Category Z PW will be based on the <u>Total Award</u> <u>Amount</u>. The Total Award Amount is the actual eligible PA Project cost, including the non-Federal share, after insurance and any other reductions. It does not include Donated Resources or management costs.

- PDMG will formulate a Cat Z PW for 5% of the Total Award Amount obligated for a Sub-grantee at the time of its request. FEMA may process amendments up to once a quarter for 5% of the Total Award Amount obligated for the Sub-grantee at the time of its amendment request.
- EXAMPLE: A Sub-grantee has 5 PW's with a combined Total Award Amount obligated at \$300,000. The Cat Z PW would be obligated for a maximum of 5% of \$300,000, or \$15,000. If another PW is obligated, 5% of those costs would be added to the Cat Z PW as an amendment request.

- If all final actual management costs are known at the time the Sub-grantee requests a Category Z PW, the Sub-grantee should submit its claim for all eligible costs incurred and FEMA will obligate the Category Z PW based on the actual eligible costs up to the 5% maximum. If additional project costs are obligated or de-obligated, FEMA will adjust the 5% maximum and the actual eligible costs as appropriate.
- FEMA will use Cost Code 9905 to track Sub-grantee costs obligated under this Interim Policy.

TRACKING AND DOCUMENTING MANAGEMENT COSTS

- Sub-grantees must provide documentation to substantiate costs claimed for eligible management activities. Additionally, costs claimed must be reasonable.
- FEMA will publish a reasonable cost policy specific to management cost.

Public Assistance Management Costs Interim Policy (FP 104-11-2 effective August 1, 2017) Documentation Requirements

An explanation of work performed with a representative sample of daily logs/activity reports. The activity must be related to eligible projects. Therefore, management costs associated with an appeal that is ultimately denied are not eligible. If an eligibility determination is appealed and the appeal is ultimately granted, that project is eligible for inclusion in the calculation of the Cat Z PW and management activities associated with the eligible project costs are eligible for reimbursement.

Documentation Requirements

- Documentation to substantiate the necessity of any claimed office supplies, equipment, or space.
- For meetings, the activity description needs to include the number and purpose of the meetings.
- Travel costs need to include the purpose of travel and a copy of the travel policy.

Documentation Requirements

 Training needs to include the location, date(s), and title of the course. The training must be related to PA and occur within the period of performance of the Cat Z PW.

 Sub-grantees need to certify that the management activities and associated costs claimed are eligible, consistent with the Interim Policy, and not related to ineligible projects.

Closeout and Final Reconciliation

- All Cat Z PWs will be reconciled and reimbursed based on actual costs not to exceed the maximum percentage allowed (5% for Sub-grantees). This includes Cat Z PWs that are below the large project threshold.
- The period of performance for all Cat Z PWs for management costs under the Interim Policy is tied to the timelines provided in Sections C.4 and C.5 of the Interim Policy. SEMA must submit its certification of the Subgrantee's Cat Z PW with the final payment of claim and supporting documentation to FEMA within 180 days of the end of the period of performance.

Project Formulation

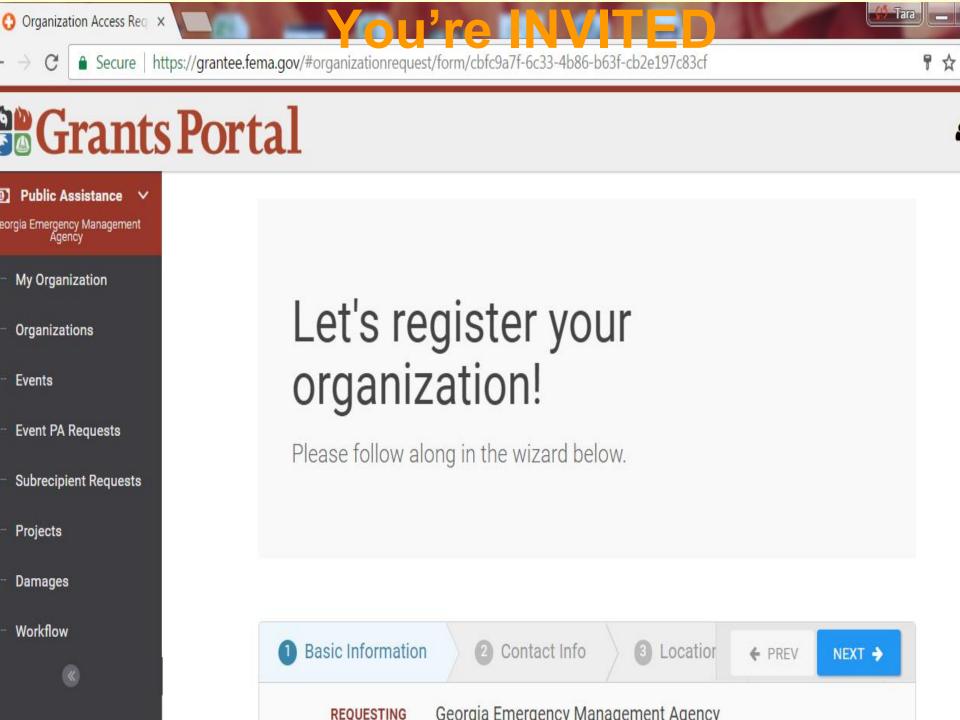
Due to the rapid development of the COVID-19 pandemic, FEMA PDMG resources will be assigned but may be utilized according to exceptional cost and/or urgency.

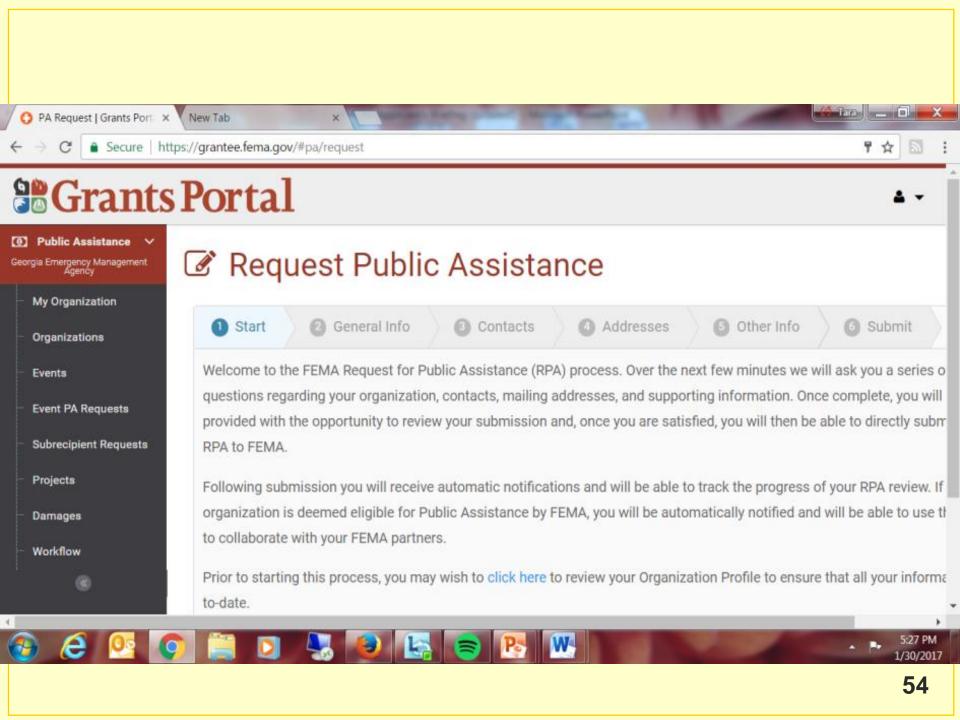
Sub-grantees should compile incurred costs that have been coded to COVID-19 with descriptions of work that has been complete and work that remains to be completed. This information will be submitted into Grants Portal for review and submission to FEMA's Consolidated Resource Center (CRC) for project formulation.

GRANTS PORTAL

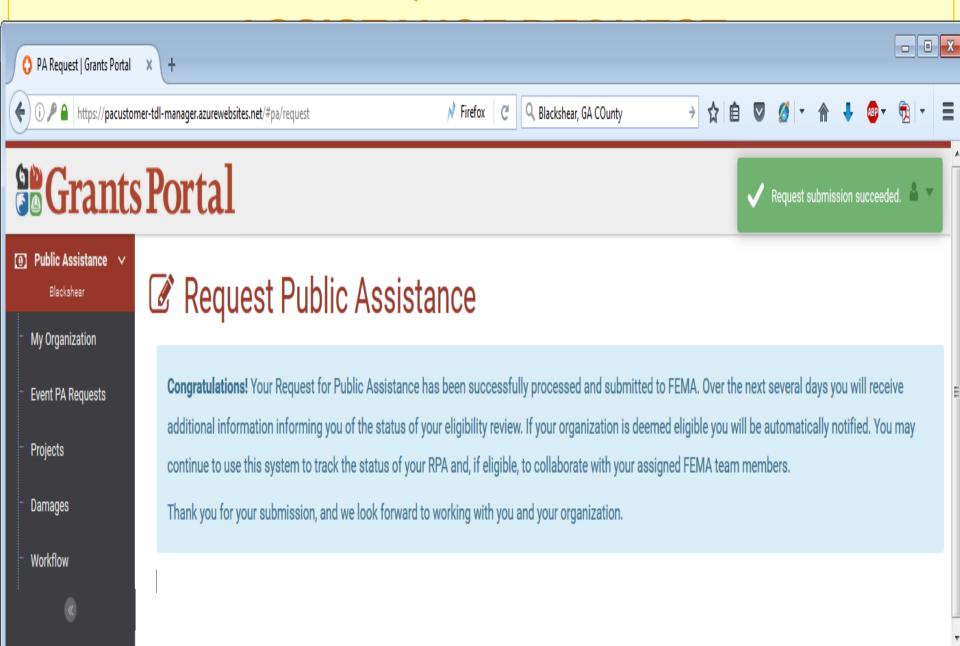
New PA Delivery Model Customer Relationship Management Tool CRM - Tool

The Firefox or Chrome browser is recommended for this program.

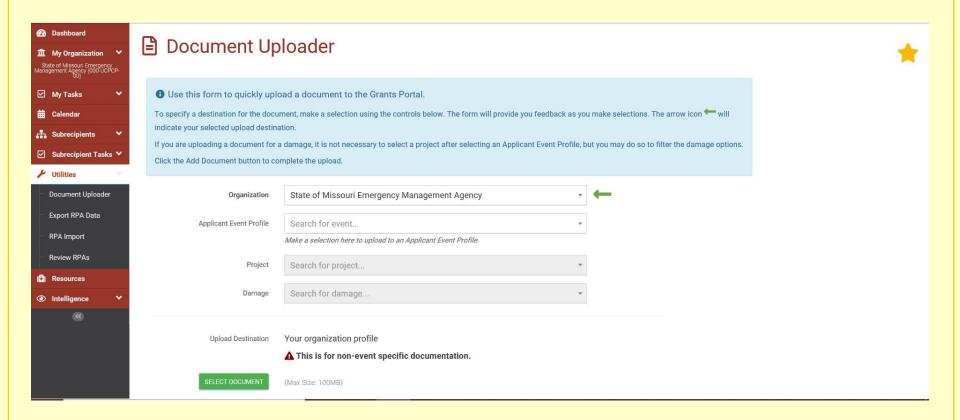




SUBMIT REQUEST FOR PUBLIC



UPLOAD DOCUMENTS



UPLOADING DOCUMENTS

- Recommend you collect <u>copies</u> of the following documents and upload them to the Portal as soon as possible:
 - Current Payroll Policies
 - Procurement Policy
 - Primary source documentation that supports costs that have been, or will be, incurred as a response to COVID-19

TYPES OF GRANTS

The DR-4490 declaration includes only Category B, "Emergency Protective Measures".

See FEMA's Public Assistance Program and Policy Guide, page 57, for more information.

Approved projects will be divided into two groups:

- LARGE Projects.
 - Small Projects.





LARGE PROJECT OR SMALL PROJECT?



Annually updated, \$131,100 is the FY 2020 threshold amount.

LARGE PROJECTS

- Federal cost share is obligated when the Project Worksheet is approved by FEMA.
- Individual Projects greater than \$131,100 (adjusted annually).
- Final cost based on actual documented, eligible cost as applied to the approved scope of work.
- Final payment made following project completion, site inspection, files review, and project closed by FEMA.

SMALL PROJECTS

- Federal cost share for a small project is paid upon Project Worksheet approval by SEMA and FEMA and receipt of all required documentation by SEMA.
- Individual projects less than \$131,100 (adjusted annually).
- The minimum amount for a small project is \$3,300.00.
- Final cost based on the approved estimate (from the Project Worksheet) of project cost.
- Cost overruns are resolved in the aggregate.

SCOPE OF WORK

- The Scope of Work on the (Project Worksheet) Subaward identifies the approved repair/replacement methodology and eligible costs for completing the project work.
- The Sub-grantee is responsible for completing the Scope of Work as specified.
- The Sub-grantee is responsible for informing SEMA of any conditions that create a need to change the Scope of Work, <u>BEFORE</u> proceeding with the work.

PROJECT COMPLETION TIME LIMITS

Time limits for all Projects begin with the date of the disaster declaration.

COVID-19

Emergency Work Category B - 6 months

(The State has the authority to grant limited extensions.)

GRANT MANAGEMENT REQUIREMENTS

The (subgrantee) sub-grantee must:

- Complete work within established regulatory timeframes and request time extensions, as appropriate.
- Submit quarterly progress reports to the (Grantee/State)
 Grantee for projects were work is not yet completed.
- Not deposit grant funds in an interest bearing account. If this occurs, the <u>(subgrantee) sub-grantee must remit any</u> interest earned to SEMA.

- (Subgrantees) Sub-grantees must maintain records that identify the source and application of funds for financially assisted activities.
- (Subgrantees) Sub-grantees must establish a project file (or site file for multiple site projects) containing the approved corresponding (PW) Sub-award and all documentation pertaining to the project (or site).
- (Subgrantees) Sub-grantees must follow the same or more stringent internal controls when accounting for and expending disaster grant funds as it does for its annual operating revenue.

- (Subgrantees) Sub-grantees <u>must</u> maintain documentation by project, <u>reconcile source</u> <u>documentation to invoices</u>, and determine validity of all project invoices before filing claims.
- (Subgrantees) Sub-grantees <u>must</u> follow federal procurement standards as set forth in Code of Federal Regulations (CFR) 2 Part 200*
- Improperly contracted work <u>may</u> result in the total ineligibility for that project.

* Please see additional documentation posted at: https://sema.dps.mo.gov/programs/state_public_assistance.php

- (Subgrantees) Sub-grantees will be required to sign the Audit Compliance Requirements Checklist before any funds are disbursed.
- SEMA reserves the right, as (Grantee) Grantee, to conduct periodic reviews of any (subgrantees) subgrantees records and to cease payments to any (subgrantee) sub-grantee found to be non-compliant with these requirements.

- Approval of your procurement procedures, cost documentation, source documents, etc. by representatives of the Federal Emergency Management Agency (FEMA) <u>DOES NOT provide</u> any assurance that auditors will not require that you return disaster grant funds should the Office of the Inspector General (OIG) disagree with those procedures.
- This information and procedures are the result of previous OIG audits within the State of Missouri.

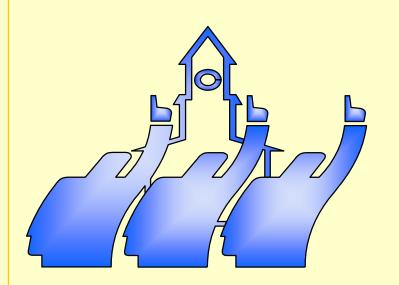
FINAL PROJECT REVIEW



All projects are subject to final FEMA/SEMA review.

Accurate records of expenses must be coded for COVID-19 and maintained by subgrantees.

APPEALS



A determination related to federal assistance may be appealed.

The time limit for appeal submission is 60 days from receipt of notice of the action which is being appealed.

Submit written appeals to SEMA for processing.

REMEMBER...

These actions will help you obtain and retain eligible funding in the shortest amount of time:

- TIMELY SUBMISSION OF FORMS, DOCUMENTATION, AND QUARTERLY REPORTS.
- IF THERE IS <u>ANY</u> DOUBT, ASK <u>BEFORE</u> COMMITTING RESOURCES.
- MAINTAIN <u>COMPLETE</u> and <u>ACCURATE</u>
 DOCUMENTATION, <u>BY PROJECT</u>, OF ALL COVID-19 RELATED COSTS.
- COMPLY WITH THE SCOPE OF WORK.

RECURRING ISSUES

- Documentation of eligible costs.
- Use proper contracts and unit costs.
- Follow approved/established procurement processes in accordance with state and federal guidelines.
- COMPLY WITH THE APPROVED SCOPE OF WORK.
- Identify all damages and incurred costs.
- Oversight of projects and contracts.
- Documentation of donated resources.
- Information flow to the public.
- Information flow between the Sub-grantee, SEMA, and FEMA.
- FOLLOW THE PROVISIONS OF YOUR CONTRACT.

RECURRING ISSUES

SUBMIT TO SEMA:

- WRITTEN Requests for:
 - Change to SOW; Time Extensions; Large Project Interim Payments; Final Payments;
 - Forms; Quarterly Reports; Signed P.4's (Project Completion and Certification Report);
 - Any other documentation that is requested by SEMA or FEMA that supports your eligible costs.

This concludes the overview of the Public Assistance Grant Program

Information provided in this presentation is current as of March 30, 2020.

Additional information can be obtained from:

- The Missouri State Emergency Management Agency
 http://sema.dps.mo.gov/programs/state_public_assistance.php
- Your SEMA and FEMA representatives
- FEMA's Web Site:
 https://www.fema.gov/public-assistance-local-state-tribal-and-non-profit

CONTACT INFORMATION

SEMA DISASTER SECTION

SEMA.PA@sema.dps.mo.gov	To submit a non-digital RPA
David.Burgan@sema.dps.mo.gov	(573) 526-9378
Diane.Petty@sema.dps.mo.gov	(573) 526-9234
Karen.Cassmeyer@sema.dps.mo.gov	(573) 526-9108
Matthew.Boley@sema.dps.mo.gov	(573) 526-9131
Regina.Dredge@sema.dps.mo.gov	(573) 526-9218
Public Assistance Mailing Address:	State of Missouri Emergency Management Agency P.O. Box 116 ATTN: PA Jefferson City, Missouri 65102
Public Assistance Fax Number:	(573) 526-9272

TEAM AREAS of RESPONSIBILITY

