



North Carolina Emergency Management



COVID-19 FEMA-4487-NC

PUBLIC ASSISTANCE APPLICANT BRIEFING for LME/MCOs

Welcome



Kathryn Van Tol
NC Division of
Emergency Management



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AGENDA

- ✓ Event Details
- ✓ Public Assistance Program Overview
- ✓ 3 Steps To FEMA Reimbursement
 1. REGISTER in FEMA Grants Portal
 2. SUBMIT Registration Documents
 3. DOCUMENT Expenses
- ✓ Procurement for COVID-19 Event
- ✓ Resources and Contacts



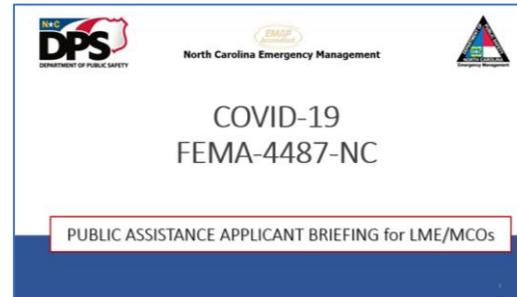
AGENDA

Applicant Briefing Housekeeping Tips

Hello
my name is

Type the name of your
LME/MCO in the chat box
so we know who you are

Briefing presentation slides
available at [NCEM COVID-19 Public
Assistance website](#) and on DHHS
website



PLEASE MUTE
YOUR PHONES!



Resource



Look For Helpful Resources Linked on Slides

Click on resource links in presentation slides pdf

We Know You'll Have Questions!



Please put your questions in the chat box

We may not be able to address all specific expense eligibility questions during this briefing

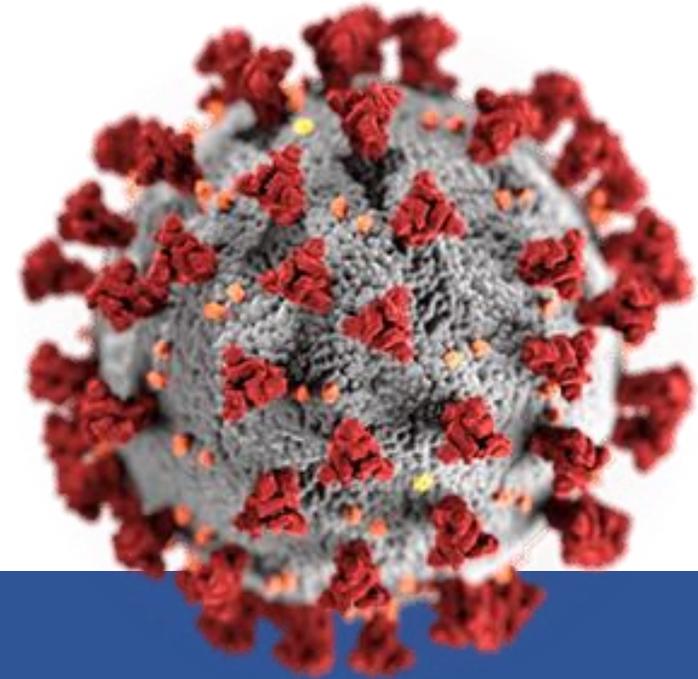
Email your questions to:

General Questions: Mary.Glasscock@ncdps.gov

Non-Congregate Sheltering: Brett.Boykin-Roach@ncdps.gov

Event Details

Basic Information on COVID-19 Event



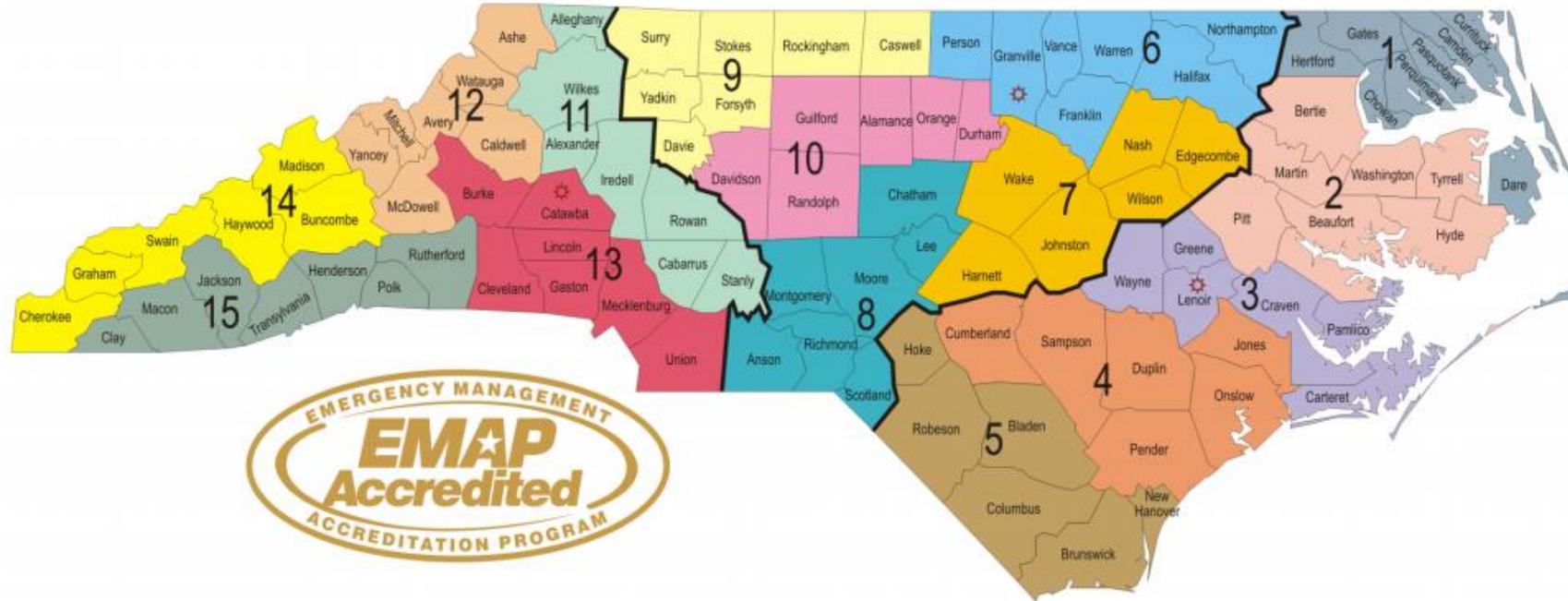
Event Details

- Major Disaster Declaration: FEMA-4487-NC
- Declaration Date: 3/25/2020
- Incident Period: January 20, 2020 (*effective date for expense eligibility*) – Ongoing
- RPA Deadline: Ongoing
- Declared Categories of Work Currently Only:
 - Category B (*Emergency Protective Measures*)
 - Category Z (*Management Costs*)
- Originating from Emergency Declaration 3471EM on 3/13/2020



[FEMA NC COVID-19 Website](#)

National Declaration Applies Statewide

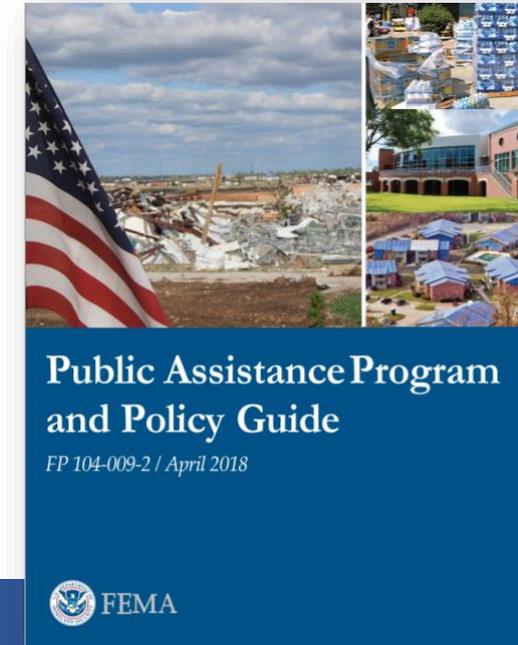


Declaration applies to ALL public entities and eligible private non-profits throughout the State

No local State of Emergency declaration is required for FEMA reimbursement eligibility in this event

FEMA Public Assistance Program

Public Assistance Program Overview
Public Assistance Application Process



Public Assistance (PA) Program Objective

Provides grants to eligible State and local governments, and certain private non-profits to assist with the cost of responding to and recovering from disasters

Entities eligible to apply for reimbursement are “Applicants”

Governing Laws, Regulations, and Policies

Stafford Act	44 CFR	2 CFR	PA Program & Policy Guide (PAPPG)
Law	Program Regulations	Procurement Requirements	Policy



[FEMA Public Assistance Program and Policy Guide](#)

Simplified PA Application Process

“Applicants are empowered to drive their own recovery”

- FEMA PA process for this event not the same as a “normal” disaster
- Process simplified to expedite reimbursement approval and payments
- Applicants can apply for reimbursement online directly through the FEMA Grants Portal



Resource



[FEMA Simplified Application Process Fact Sheet](#)

Starting the Process: 3 Easy Steps

Steps You Must Take To Start the FEMA Reimbursement Process:



LET'S GET STARTED . . .

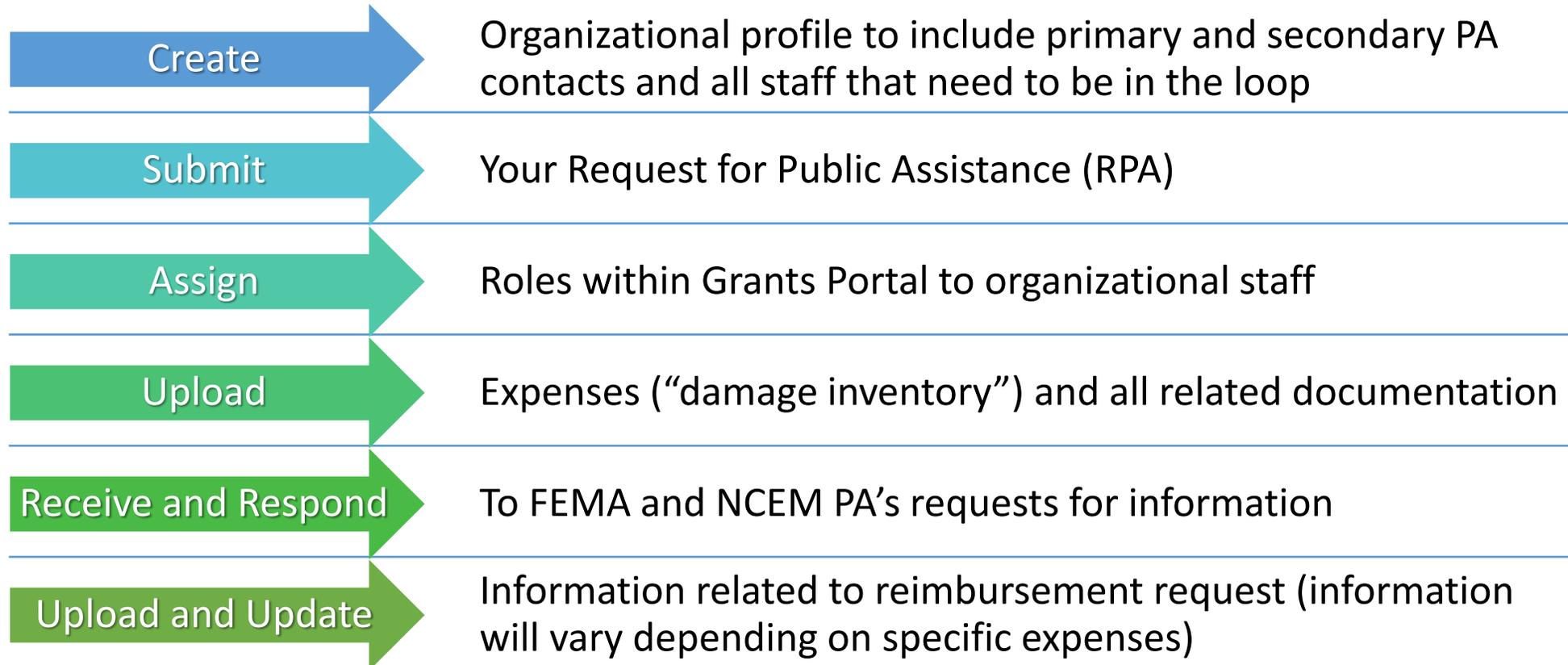
Step 1: REGISTER FEMA Grants Portal



FEMA Grants Portal Overview
Grants Portal Registration

What is the FEMA PA Grants Portal?

The primary access point between FEMA, the Applicant, and the State



Resource  [NCEM COVID-19 Public Assistance Website](#)

All Interested Applicants Should Register

Public Entities include:

- Counties
- Cities
- Public Schools
- Community Colleges
- Water and Sewer Authorities
- Airport Authorities
- Public Transportation Authorities
- Public Housing Authorities
- Regional Councils of Government
- Other Political Subdivisions of the State – *including LME/MCOs*

Private Non-Profits (PNP) include:

- Community Center
- Custodial Care Facility
- Educational
- Emergency Care Facility
- Homeless Shelter
- Library
- Medical Care Facility
- Rehabilitation Facility
- Senior Citizen Center
- Shelter Workshop
- Utility
- Houses of Worship
- Emergency Services
- Private Colleges
- Low Income Housing
- Assisted Living
- Child Care
- Day Care (for individuals with disabilities or access and functional needs)
- Food Assistance Programs
- Health and Safety Services
- Animal Control Services
- Domestic Violence Services
- Residential Services for Individuals with Disabilities

Not Sure Your Organization Qualifies? Register Anyway!

Who Is The Applicant?

PNPs:

- ALL PNPs must be tax exempt under Sections 501(c), (d), or (e) of the Internal Revenue Code of 1954, or through the North Carolina Secretary of State
- PNPs that are part of a corporate entity can apply individually if they have their own EIN number or through their corporate entity
- For this event, PNPs do not have to apply to the Small Business Administration (SBA) to be eligible for Public Assistance for Emergency Work

Local Governments:

- Individual departments will not create their own Organization Profile
 - *Example:* Office of Sheriff is included under County
 - *Example:* City Public Works Department is included under City
 - *Example:* Individual public school is included under LEA
- Individual departments will submit for reimbursement through their unit of government
- *If LME/MCO is incurring expense on behalf of a PNP provider, the LME/MCO is the applicant, not the PNP provider*

Not Registered Yet? Here's How To Do It

- Do not try to register yourself!
- Email the NCEM PA Hotline and we will register you!
- Email information below to: pahotline@ncem.org
 - ✓ Organization Name
 - ✓ Contact's Name
 - ✓ Contact's Phone Number
 - ✓ Contact's Email Address
 - ✓ Non-Profits Only: Indicate whether incorporated as a 501(c)(3) or other incorporation category

Send	To	'PAHotline' <PAHotline@ncem.org>
	Cc	
Subject		Grants Portal Registration
Organization: Tar Heel County Contact Name: Jane Doe Contact Phone Number: (555) 555-5555 Contact Email: jane.doe@tarheelcounty.xzy		
(If a PNP, add whether "501(c)(3)" or "other nonprofit")		

It's That Easy!

What Happens Next?

- You will receive an email from support.pagrants@fema.gov to complete your registration
- Answer the basic questions about your organization and hit “Submit”
- Once your organization is approved you receive another email that will prompt you to log back in and set a security question and password along with any personnel you added in the last step

This process registers your organization but is not a Formal Request for Public Assistance (discussed in next section of briefing)

Invitation Email to the Applicant - #1 Task

Step 1: Open this email from “support”

From:
Date: July 10, 2018 at 8:32:39 AM EDT
To: michelleb@cityofwfs.org
Subject: FEMA PA Notification - You have been invited to join the FEMA Grants Portal.

Hello Michelle,

You've been invited to join FEMA's Grants Portal for the Public Assistance program as a potential subrecipient within North Carolina Emergency Management by Ward, Tinishia . FEMA's Grant Portal is used to request assistance under the Public Assistance Program, submit documentation, and communicate with FEMA during development of your public assistance subgrants.

Please click here to fill in your organization's information and create an account:
<https://grantee.fema.gov/#organizationrequest/form/71B811B7-D39B-45B3-9D18-83B59ACF4FA7>

-FEMA PA Support Team

FEMA-PA-Support@FEMA.DHS.Gov
<https://grantee.fema.gov>

Step 2: Click on this link to start your registration

Already Registered? Check Your Profile

- Confirm log in
 - *Any NCEM staff can reset your password if needed*
 - *If you already have a state PA grants manager, contact your grants manager*
 - *If you do not have a state PA grants manager, email public.assistance@ncdps.gov*
- Check personnel information
 - *All needed personnel are added*
 - *Contact information is up to date (email, etc.)*
- Ensure all policies in Portal are up to date
 - *Most recent Insurance Information*
 - *Most recent Personnel Policy*
 - *Most recent Procurement (Purchasing) Policy*
- PNPs Only
 - *Ensure your PNP documentation is complete and accurate*
 - *Tax Exempt Certification*
 - *Articles of Incorporation, Charter, By-Laws, etc.*

Step 2: SUBMIT Registration Documents



Three Registration Documents Required:

1. Request for Public Assistance (RPA)
2. State-Applicant Disaster Assistance Agreement (SAA)
3. Designation of Applicant's Agent (DAA)



Required Registration Documents



Registration Document	How to Submit
1. Request for Public Assistance (RPA)	Complete in Grants Portal
2. State-Applicant Disaster Assistance Agreement (SAA)	Email to public.assistance@ncdps.gov
3. Designation of Applicant's Agent (DAA)	Email to public.assistance@ncdps.gov

All 3 Registration Documents Are Required!

Where To Get Registration Documents

RPA

Organization Profile
Alamance, Village of (001-00640-00)

General Information

ORGANIZATION NAME	Alamance, V.	FEMA PA CODE	001-00640-00
STATE/TRIBE/TERRITORY	North Carolin	EIN NUMBER	33-3333333
TYPE	City or Town	DUNS NUMBER	007751912
IS ACTIVE?	Yes	DEACTIVATE	

[PERSONNEL](#) [MANAGE](#)

[LOCATIONS](#) [MANAGE](#)

[COUNTIES WITH FACILITY](#) [MANAGE](#)

[INSURANCE PROFILE](#) [UPLOAD INSURANCE DOCUMENTS](#) [HELP](#)

[APPLICANT EVENT PROFILES](#) [REQUEST PUBLIC ASSISTANCE](#)

[DOCUMENTS](#) [UPLOAD](#) [DOWNLOAD](#) [MANAGE](#)



SAA and DAA

[NCEM COVID-19 PA Website](#)

COVID-19 Public Assistance

[Disaster Recovery](#)

[Individual Assistance](#)

Resources:

- [FEMA Non-Congregate Sheltering FAQs](#)
- [FEMA Fact Sheet - Eligible Emergency Protective Measures](#)
- [FEMA Fact Sheet Public Assistance Simplified Application](#)
- [Public Assistance Applicant Briefing Slides \(3 Slide Notes View\)](#)
- [Public Assistance Applicant Briefing Slides \(Full Slide View\)](#)
- [State - Applicant Disaster Assistance Agreement \(SAA\)](#)
- [Designation of Applicant's Agent and Applicant Assurances \(DAA\)](#)
- [FEMA Public Assistance Program and Policy Guide \(PAPPG\)](#)

New registration documents required for this event even if you are already registered in the Grants Portal from past disasters

Request for Public Assistance (RPA)

What Is The RPA?

Applicant's stated interest to participate in the FEMA PA program
Must be submitted to start PA process

Where Do I Get It?

Only available through the Grants Portal

Include DUNS, EIN & FEMA FIPS number (*if available*)

To get a DUNS number: <https://www.dnb.com/duns-number.html>

How Do I Submit It?

Submit through the Grants Portal

Deadline: 30-day deadline waived; filing period ongoing

Don't wait! FEMA PA process cannot start until RPA is approved

Once RPA is approved, NCEM PA or FEMA will be in touch to guide you through the reimbursement process and answer specific expense eligibility questions



State-Applicant Disaster Assistance Agreement (SAA)



What Is The SAA?

Contract between State and Applicant that authorizes reimbursement payments

Where Do I Get It?

SAA is available at the [NCEM COVID-19 Public Assistance Website](#)
Must complete all seven (7) pages
Include Federal Tax I.D.

How Do I Submit It?

Submit by email to public.assistance@ncdps.gov



Designation of Applicant's Agent (DAA)



What Is The DAA?

Designates organization's agents who will be the primary and secondary contacts for the Applicant

Where Do I Get It?

DAA is available at [NCEM COVID-19 Public Assistance Website](#)

How Do I Submit It?

Submit by email to public.assistance@ncdps.gov

What Happens Next?

- After your RPA is approved, you will be assigned a NCEM PA grants manager
- Your PA grants manager or a FEMA representative will be in touch to guide you through the reimbursement process
- Document your expenses so you will be ready to start applying for reimbursement
- You don't have to submit expenses to complete the registration process – go ahead and register now!



Audit Requirements

	Federal Single Audit Requirement <i>(2 CFR § 200.500(a))</i>	State Single Audit Requirement
Expenditures in a fiscal year	\$750,000 or more in federal awards	\$500,000 or more in state awards
Applies to	All non-Federal entities (state, local government, PNP)	Local governments and public authorities
Timing of single audit	When annual financial audit is conducted	When annual financial audit is conducted

- Discuss these requirements with your local auditor to determine the type of audit your organization must have
- When your audit is complete, forward copy to State NCEM Public Assistance at: public.assistance@ncdps.gov
- If you forget to submit your audit, NCEM PA will remind you!

Registration Process Recap

Register for
Grants
Portal



- Submit organization information to:
pahotline@ncem.org

Submit RPA



- Submit through Grants Portal

Submit SAA
and DAA

- Email to:
public.assistance@ncdps.gov

Step 3: DOCUMENT Your Expenses

Category B: Emergency Protective Measures

Category Z: Management Costs



Applicant Eligibility \neq Expense Eligibility

To be eligible for reimbursement, expenses must be:

- Incurred by an eligible applicant
- As a direct result of the event
- Within the area covered under the declaration
- Legal responsibility of the applicant
- Reasonable and necessary
- *Emergency work addresses an immediate threat*



For now - document, document, document everything!

Document Expenses NOW

- Recovery activities are evolving
- Guidance will be updated on the [NCEM COVID-19 Public Assistance Website](#) as it is received
- Your PA grants manager or a FEMA representative will guide you through the reimbursement process
- Basic information to track now for reimbursement requests later:
 - Date expenses was incurred
 - Description of expense/work performed
 - How expenses/work performed are related COVID-19
 - For equipment, hours used and location
 - Labor rates and Fringe Benefit Rate

For now - document, document, document everything!

Document Expenses NOW Example Summary Records

Grants Portal:
Resources Tab
provides examples

Or find them at:

✓ [FEMA Library](#)



← Support Center

Hi What can we help you with?

 **Resources**
Instructional tools and resources to assist in day-to-day activities.

 **Feedback?**
Provide feedback on an issue or suggestion for the system to FEMA.

 **Your Account**
View your personnel profile and manage your project subscriptions.

 **Contact Us**
Information to call or email the FEMA Grants Portal Hotline.

Confused about FEMA forms? Create excel spreadsheet to track expenses – FEMA or NCEM PA staff will help you after you have completed registration!

Eligible Expenses – Emergency Protective Measures (Category B)

- Management, control and reduction of immediate threats to public health and safety:
 - Emergency Operation Center costs
 - Training specific to the declared event
 - Disinfection of eligible public facilities
 - Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety
- Emergency Medical Care/Medical Sheltering
- Household pet sheltering
- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, such as PPE and hazardous material suits
- Movement of supplies and persons
- Security and law enforcement
- Communications of general health and safety information to the public
- Search and rescue to locate and recover members of the population requiring assistance
- Force account overtime costs (only overtime)

If You're Not Sure the Expense Qualifies, Document Anyway!

Resources



[PAPPG \(Pages 57-83\)](#)



[FEMA Emergency Protective Measures Fact Sheet](#)

What Is NOT Eligible Under Category B

Although FEMA guidance on expense eligibility continues to evolve, there are some categories of expenses that are not eligible under Category B

- Lost revenues (ex: utility fees, local occupancy and prepared food and beverages tax revenues, sales tax revenues)
- Permanent work repairs (ex: fixing roads, repairing damaged facilities)
- Regular telework expenses (ex: laptops for your employees to work from home)
- General operating expenses
- Expenses paid for with other federal funds (ex: CDC, HHS, CARES Act)
- Expenses not directly related to responding to COVID-19

Still Track ALL Your Expenses

- FEMA guidance on reimbursable expenses is still evolving
- Other federal disaster relief funds might cover the expense even if FEMA does not (ex: HHS, CDC, Cares Act)
- Document ALL your expenses now even if not FEMA reimbursable – those expenses might be covered by another federal disaster recovery program



FEMA Project Codes

- Types of Costs (Cost Code)

- Force Account Labor
- Force Account Equipment
- Materials
- Contract Work
- Rented Equipment

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
FORCE ACCOUNT LABOR SUMMARY

PAGE OF
O.M.B. Control Number: 1660-0017
Expires: December 31, 2019

PAPERWORK BURDEN DISCLOSURE NOTICE
Public reporting burden for this data collection is estimated to average 5 hours per response. The burden estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0017). **NOTE: Do not send your completed questionnaire to this address.**

APPLICANT		PA ID #	PROJECT #	DISASTER		
LOCATION/SITE		CATEGORY		PERIOD COVERING		
DESCRIPTION OF WORK PERFORMED						
NAME		DATES AND HOURS WORKED EACH WEEK			COSTS	
JOB TITLE	DATE				TOTAL HOURS	HOURLY RATE
NAME	REG.					BENEFIT RATE/HR
JOB TITLE	O.T.					TOTAL HOURLY RATE
NAME	REG.					TOTAL COSTS
JOB TITLE	O.T.					
NAME	REG.					
JOB TITLE	O.T.					
NAME	REG.					
JOB TITLE	O.T.					
NAME	REG.					
JOB TITLE	O.T.					
TOTAL COSTS FOR FORCE ACCOUNT LABOR REGULAR TIME						\$
TOTAL COST FOR FORCE ACCOUNT LABOR OVERTIME						\$
I CERTIFY THAT THE INFORMATION ABOVE WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.						
CERTIFIED	TITLE			DATE		

FEMA Form 009-0-123 PREVIOUS EDITION OBSOLETE

- Don't confuse cost codes in the Grants Portal with eligible expenses

If you don't know what cost code applies to a specific expense, continue to document your expenses – FEMA or NCEM PA staff will assist you after you have completed registration

Eligible Expenses - Management Costs (Category Z)

Administrative costs incurred in the management of Public Assistance grants

- Applicant may receive up to 5% of project net cost, based on actual costs
- Documentation will be required

Management Costs are any indirect costs and administrative expenses that are reasonably incurred in administering a grant or subgrant award. Eligible activities may include:

- Solicitation, review, and processing of sub-applications and subgrant awards
- Managing grants (e.g., quarterly reporting, closeout)
- Purchase of equipment, per diem and travel expenses, and professional development that is directly related to managing your FEMA reimbursement
- Staff salary costs directly related to performing the activities listed above

Category B and Category Z Recap

Category B

Expenses for responding to the COVID-19 event



Category Z

Expenses for managing your FEMA reimbursement



Large vs. Small Projects

What is a “Project”? – Documentation of eligible expenses, description of work or expenses, and cost estimate

Project Thresholds:

- Minimum Project Worksheet Amount: **\$3,300**
- Small projects: Less than **\$131,100**
 - Small project funding is fixed & paid as obligated, whether written on estimated or actual cost
 - Exception: verification of actual insurance proceeds if applicable
- Large projects: Greater than **\$131,100**
 - Reimbursable on actual cost
 - Request for Reimbursement
 - Monthly Progress Report
 - Final Inspection required

Force Account Labor

- Reimbursement for personnel expenses
 - Category B: overtime only
 - Overtime is paid based on personnel policy
 - Fringe benefits are also eligible
 - Reassigned employees paid at their regular rate of pay
 - Overtime and regular time is eligible for temporary employees hired for the disaster
- FEMA guidance is evolving - continue to document all force account costs
- Submit a copy of current personnel policy and a sample of time sheets into the Grants Portal

Force Account Labor

Regular and Reassigned Employees



Overtime (plus fringe benefits) only; rate based on applicant's personnel policy

Temporary Employees Hired for COVID-19 Event



Overtime and regular pay

Force Account Labor – Personnel Policies

For overtime/hazard duty pay to be eligible for FEMA reimbursement, personnel policies:

1. Must be adopted in writing prior to the date of the event (for this event, Jan 20, 2020)
2. Cannot make award of overtime discretionary on the part of the unit
 - Ex: *“The Board may, in its discretion, award overtime pay”* will not be reimbursable
3. Cannot make overtime rate higher in a federally declared disaster than in a non-federally declared disaster
4. Cannot make award of overtime contingent on receipt of federal funds
 - Ex: *“In the event of a federally declared disaster, overtime will be paid”* or *“Overtime will be awarded subject to FEMA reimbursement”* will not be reimbursable

Force Account Equipment

- Reimbursement for use of applicant-owned equipment
- Examples: Vehicles, generators
- Equipment rates:
 - State/Local rates based on past historical usage rates
 - FEMA Schedule of Equipment Rates



✓ [FEMA Equipment Rates](#)

Materials

- Reimbursement for materials and supplies
- Examples: Plastic Barrier Tarps, PPE, Sanitizing Supplies, Health Care Equipment
- Newly Purchased (if for emergency protective measures)
- Taken from applicant's inventory – go ahead and restock

Keep all invoices, receipts, inventory control registers, maintenance records, etc. for the duration of the time you work the event – Starting January 20, 2020 to end of event

Rented Equipment

- Reimbursement for rental equipment
- Examples: Health Care Equipment, Fans, Tents, Generators, etc.
- Be certain to keep your rental agreement
- Retain receipts to validate rented equipment costs

Contract Work

- Reimbursement for hiring outside contractors to perform eligible emergency protective measures work
- Temporary employees are not contractors – they are force account labor
- Check for debarred contractors (EPLS)
-  ✓ www.sam.gov – Excluded Parties List System
- Document your procurement process for all contracts
- Upload your local procurement policy in the Grants Portal

Non-Congregate Sheltering

- Reimbursement for Non-Congregate Shelters approved April 6-July 7, 2020
- For individuals who:
 - First Responders and healthcare workers who do not require hospitalization but need to avoid direct contact with their families due to exposure to COVID-19;
 - Test positive for COVID-19 who do not require hospitalization but need isolation
 - (including those exiting from hospitals);
 - Have been exposed to COVID-19 and warrant quarantine
 - Need precautionary social distancing (including high-risk groups and persons with living situations unable to social distance)
- “Wrap-around” services that are eligible (ex: laundry, food/meals, cleaning, security, special needs care, transportation, medicine)
- “Support services” are not eligible (ex: case management, mental health counseling)
- FEMA documentation and reporting is required for reimbursement

Resource



[NCEM COVID-19 Non-Congregate Sheltering Reimbursement Guidance](#)

Non-Congregate Sheltering Reporting and Documentation

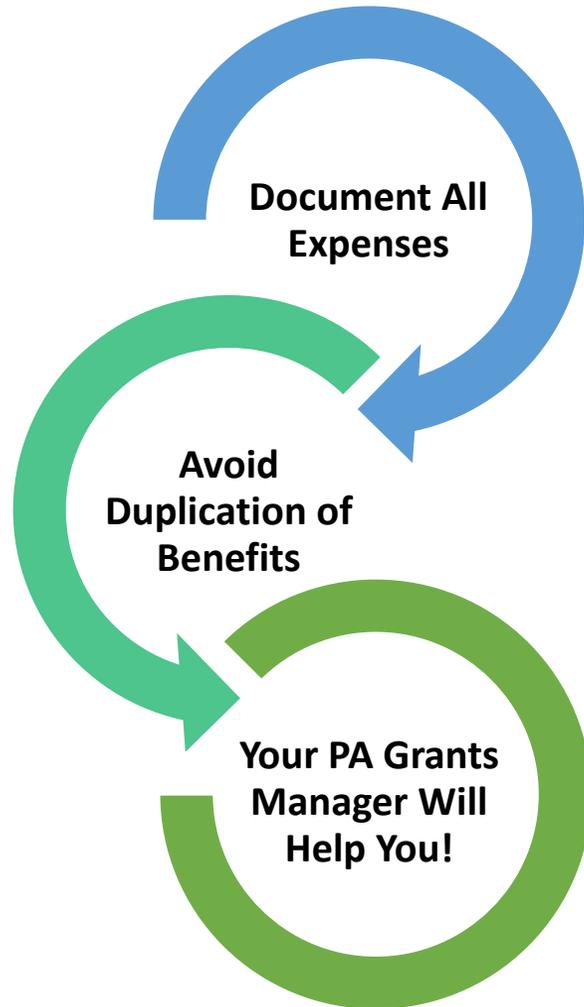
- Reporting is required every Friday ([Reporting form](#))
- Documentation required for reimbursement
 - Specific need for each individual sheltered (e.g., what eligibility category the individual falls into)
 - Length of stay for each individual sheltered
 - Age of each individual sheltered
 - If applicable, number of meals provided for each individual sheltered
 - If applicable, number of individuals with access or functional needs sheltered
 - If applicable, number of household pets sheltered
 - If applicable, number of assistance and service animals sheltered
 - If applicable, type of shelter provided for animals as stand-alone, co-located, co-habitational
 - Description of services provided to sheltered individuals

Duplication of Benefits

- FEMA will not reimburse for expenses paid for with any other outside funding sources (no “double-dipping”)
 - Ex: Other federal funds or programs; insurance payments
- Keep track of ALL expenses, and
- Keep track of which expenses have been paid for with other funds (ex: Medicaid, CCP-ISP, HHS, CDC, CARES Act, etc.)
- Be prepared to demonstrate no duplication of benefits if requested by FEMA



Documenting Expenses Recap



FEMA guidance on expense eligibility continues to evolve; ineligible expenses might be paid by other federal sources

Track other sources of federal funding (HHS, CDC, CARES Act, etc.)

Email Questions to:

General Questions: Mary.Glasscock@ncdps.gov

Non-Congregate Sheltering: Brett.Boykin-Roach@ncdps.gov

Procurement Requirements



Federal Procurement Requirements for COVID-19 Event

Federal Procurement Requirements

- Federal Uniform Guidance (2 CFR Part 200) procurement requirements apply to FEMA Public Assistance grant funds
- Failure to comply with procurement requirements most common reason for reimbursement denial
- ***Important guidance from FEMA on two procurement requirements:***
 - Exigent or Emergency Circumstances Exception (E/E)
 - Cost Reasonableness Requirements

Exigent or Emergency Circumstances (E/E)

- Exception to Uniform Guidance competitive procurement requirements
- Only permissible during the actual exigent or emergency circumstances

Exigency - a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the non-state entity, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.

Emergency - a threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.



[Exigent and Emergency Procurement Fact Sheet](#)

FEMA Guidance on E/E for COVID-19

- Effective January 27, 2020, for the duration of the event, applicants may use new and existing noncompetitive contracts:
 1. Emergency protective measures under FEMA's Public Assistance Program
 2. FEMA non-disaster grant funds to respond to or address COVID-19
- FEMA has determined that the ongoing COVID-19 pandemic qualifies per se (meaning, automatically) as an emergency and/or exigent circumstance

WHAT THIS MEANS:

FEMA PA grant applicants may use non-competitive procurement under the E/E exception for COVID-19 emergency protective measures contracts

WHAT YOU SHOULD DO:

Document reason for using E/E and how contract is related to COVID-19 response



[FEMA Exigent and Emergency Circumstances Fact Sheet](#)

E/E Exception— What Rules Still Apply?

1. Your own local purchasing policies (waiver of policy is determined locally - *document reason for waiver*)
2. Required federal contract clauses
 - ✓ [FEMA PDAT Contract Template](#)
3. Bonding requirements for construction contracts costing above Federal Simplified Acquisition Threshold (\$250,000 or more)
4. Contracts must be awarded to a responsible contractor – check www.sam.gov
5. Costs must be reasonable
6. Independent cost or price analysis for contracting costing above Federal Simplified Acquisition Threshold (\$250,000 or more)
7. Cost-plus-percentage-of-cost contracting is prohibited
8. Time and materials contracts must include not-to-exceed cap
9. Documentation and oversight of contractors
10. Conflicts of interest prohibitions (if a conflict of interest is unavoidable due to the exigent or emergency circumstances, must justify in procurement documentation)

Resource



[FEMA Exigent and Emergency Circumstances Fact Sheet](#)

FEMA Guidance on Cost Reasonableness For COVID-19

“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 decision was made to incur the cost*” (2 CFR 200.404(a))

- These are *not* normal circumstances, but you *still* might be audited later
- FEMA recommends:
 1. Make best efforts to take steps (such as market research, cost comparisons, etc.) to determine whether the price offered by a vendor was in fact reasonable
 2. Conduct required cost or price analysis for contracts costing \$250,000 or more
 3. Document your efforts

Resource



[FEMA Reasonable Cost Evaluation Job Aid](#)



[FEMA Pricing Guide](#)

Time/Materials and Cost-Plus Contracts

Time & Materials

Only allowed under very specific conditions:

1. For a reasonable time during circumstances where clear scope of work (SOW) cannot be defined
2. When no other possible alternative exists
3. Must set a ceiling price that the contractor exceeds at its own risk (“not-to-exceed” contract price)
4. Work must be bid when SOW can be defined

Cost Plus

- Also called “Cost Plus Percentage of Cost” contracts
- Never allowed under any circumstances under Federal law

If You Bid . . . Follow *ALL* Federal Procurement Requirements

More information about Uniform Guidance and FEMA Procurement Requirements is available at:

  [FEMA Procurement Disaster Assistance Team \(PDAT\) Website](#)

More procurement resources available on the UNC School of Government's COVID-19 Procurement resource site:

  [SOG COVID-19 Procurement Website](#)

We're Here to Help!



NCEM Public Assistance Contacts

Contact NCEM Public Assistance



General Questions:

Mary Glasscock

Mary.Glasscock@ncdps.gov

Non-Congregate Sheltering:

Brett Boykin-Roach

Brett.Boykin-Roach@ncdps.gov



Grants Portal Hotline for FEMA Public Assistance



(866) 337-8448

or

FEMA-Recovery-PA-Grants@fema.dhs.gov





North Carolina Emergency Management



THANK YOU FOR WHAT YOU DO!