



Mississippi Emergency Management Agency
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Mississippi Gulf Coast Alliance for Response Forum

Public Assistance

April 27, 2016





Public Assistance Defined

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

Funding is cost shared at a federal share of no less than 75% of eligible costs.



Public Assistance Applied

- The Public Assistance Program assists in the restoration of community infrastructure.
- It is a supplemental cost **reimbursement** program with specific eligibility requirements.
- The FEMA share of eligible costs will be awarded to the recipient (grantee) for disbursement to the applicants.



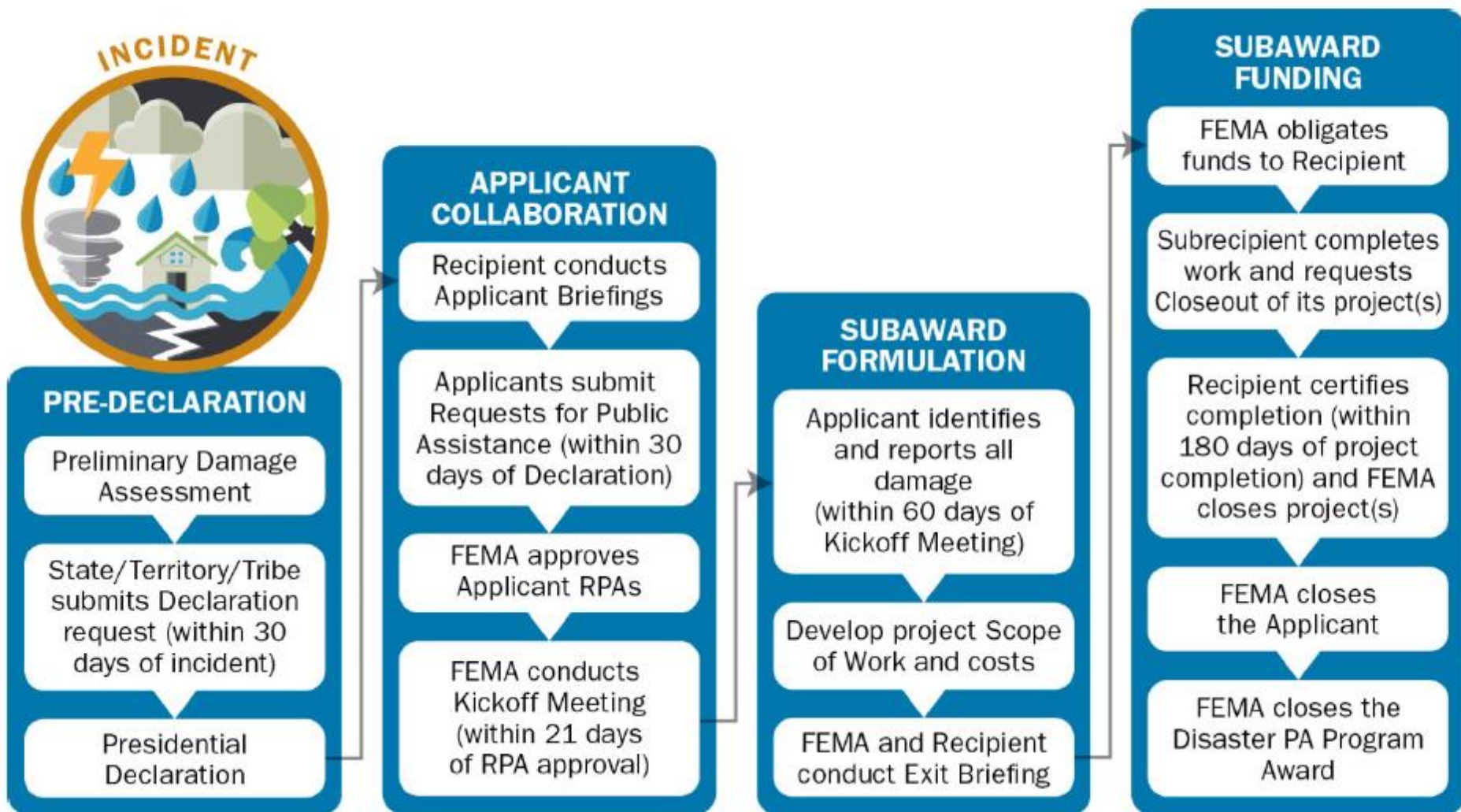
Public Assistance is a Partnership

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





The PA Process





Eligible Applicants

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

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

A subrecipient (subgrantee) is an eligible applicant that receives a Public Assistance grant as reimbursement for performing eligible disaster work.



Private Non-Profit Entities (PNP)

- Must submit a tax exempt certificate and organization charter or bylaws.
- Must be open to the general public.



Private Non-Profit Entities

Critical Services

Eligible for both Emergency Work and Permanent Work:

- Fire / Emergency Rescue
- Medical Treatment
- Power, Water, & Sewer Utilities
- Communications Systems
- Educational Facilities



Private Non-Profit Entities

Essential Services

The following essential service facilities are eligible for Public Assistance for emergency work. However, the PNP must first apply to the Small Business Administration (SBA) for a disaster loan for permanent repair work before applying to FEMA.

- Museums ▪ Community Centers ▪ Educational Institutions
- Libraries ▪ Homeless Shelters ▪ Rehabilitation Facilities
- Zoos ▪ Shelter Workshops
- Senior Citizen/Day-Care Centers
- Other facilities that provide health and safety service of a governmental nature



Facility Eligibility

To be eligible, the facility must:

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



Types of Work

Emergency Work

- A. Debris Removal
- B. Emergency Protective Measures

Permanent Work

- C. Roads and Bridge Systems
- D. Water Control Facilities
- E. Public Buildings / Equipment
- F. Public Utilities
- G. Other (Parks, Recreation, etc.)



Emergency Work

Category A – Debris Removal



Debris removal is eligible when:

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



Debris Removal

Private Property

Debris removal is generally the responsibility of the property owner.

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

Debris Removal from Private Property requires prior approval from FEMA Federal Coordinating Officer (FCO).





Emergency Work

Category B – Emergency Protective Measures

Actions taken by applicants before, during, and after a disaster to save lives, protect public health and safety, and prevent damage to improved property. Includes:

- Search and Rescue; Security Forces (Police and Guards);
- Sheltering; Sandbagging; Emergency Repairs
- Removal of Health and Safety Hazards (and more)





Permanent Work

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, capacity and function in accordance with applicable codes and standards
- Must be required as a result of the disaster
- May include cost effective hazard mitigation measures



Category E

Buildings/Equipment

Buildings/Contents

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



**DEDUCT INSURANCE
AND SALVAGE**



Category G

Parks/Recreation/Other

- Playgrounds
- Swimming Pools
- Ballparks
- Grass: Seed/Sod for erosion protection only





Cost Eligibility

To be eligible for reimbursement, costs must:

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



Eligible Direct Costs

Force Account Labor – Emergency Work

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

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



Eligible Direct Costs

(Continued)

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



Types of Projects

- Small Projects
- Large Projects
- Improved Projects
- Alternate Projects



Projects

Small Projects versus Large Projects

Public Assistance projects are processed as either small or large projects. If the project cost is less than the annually updated cost threshold amount (**currently \$121,800**) the project is processed as a small project. If the project cost equals or exceeds the threshold the project is processed as a large project.



Projects

Small Projects versus Large Projects

Small Projects

Funding is based on work completed (if available) or initial cost estimate.

Federal cost share is paid upon project approval.

When the cost of work is less than \$3,050, that work is not eligible.

Large Projects

Initially approved based on estimated costs.

Funding is based on documented actual costs.

Federal cost share is paid as work is accomplished.



LARGE PROJECTS

NOTE

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

All large projects are subject to a Final Inspection Review by both the State and FEMA.



Projects

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



Projects

Project Completion Extensions

Time limits for project completion begin on the disaster declaration date.

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

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

NOTE: If the deadline for any project has been reached, without an approved time extension, no costs past the deadline date will be eligible for funding!



Special Considerations

Special considerations are issues other than program eligibility that could affect the scope of work and funding of a project.

These issues include:

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



Special Considerations

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

Environmental and Historic Preservation (EHP) Compliance

- All FEMA funded projects must comply with a variety of EHP Laws, Regulations and Executive Orders
- EHP Review is done prior to funding to ensure compliance with applicable Federal laws.
- EHP Review is a collaboration between FEMA, the State, applicants, tribal entities, and local organizations
- Construction of new facilities, alternate projects, modification, expansion, or mitigation of existing facilities may require more extensive EHP review.
- FEMA must complete review before work starts.



Special Considerations

Environmental Protection

To ensure that all practical means are used to protect, restore, and enhance the environment, FEMA projects must comply with all applicable laws and regulations, including

- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- Clean Water Act (CWA)
- Clean Air Act (CAA)
- 44CFR Parts 9 and 10





Special Considerations

Floodplain and Wetland Management

Any project within or affecting the floodplain or wetlands must be reviewed to ensure that it meets the requirements of several Federal laws and Executive Orders (EO).

- EO 11988 Floodplain Management
- EO 11990 Protection of Wetlands
- Clean Water Act (CWA)





Special Considerations

Historic Preservation and Cultural Resources

The National Historic Preservation Act (NHPA) requires FEMA, grantees, and applicants to assess potential effects to historic and cultural resources, such as:

- Historical buildings, structures, and districts
- Archaeological and tribal sites
- Objects and artifacts





Special Considerations

Historic Preservation and Cultural Resources

- FEMA, the state, and the applicant work together to identify and address historic preservation issues before approval of funding for a Public Assistance project.
- May require consultation with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Officer (THPO), and Advisory Council on Historic Preservation (ACHP).
- Resources are available to applicants on the FEMA website and through FEMA's Office of Environmental and Historic Preservation (OEHP).



Time Limits

Important Deadlines

Applying for a Public Assistance Grant

- Applicant must submit a Request for Public Assistance (RPA) within **30 days** of the designation of the federally declared disaster area.
- Applicant must attend a kick-off meeting with their assigned PAC and project worksheets submitted within **60 days** of the kick-off meeting.



Project Worksheet (PW)

- Used to document the scope of work and cost estimate for a project.
- Supplies FEMA with the information necessary to approve the scope of work and fund the project.
- A legal and binding document.



Life of a Project Worksheet

- Applicant provides list of damages to the PAC at the Kick-off meeting.
- Eligibility of damage is determined.
- Special considerations are discussed.
- Appropriate documentation is provided by the Applicant and reviewed.
- The PW is written by the Project Officer and submitted within 60 days of the Kick-off Meeting.
- The PW is reviewed by the State and FEMA for approval.



Record Keeping

- Applicants are required to maintain complete and accurate documentation, by project, for all disaster-related costs.
- Documentation must be maintained a minimum of three years after applicant close-out.





Documentation

What records do I need to keep and for how long?

Force account labor

Force account equipment

Rented equipment

Materials and purchases

Photographs of damage, work underway, work completed

Records of donated goods and services

Contract Services - Procurement Process; Contracts, Invoices, etc.

Applicants should retain all records for three (3) years from the date of the Final Status Report or the date of the final certification of completion of the applicant's last project.





Force Account Labor

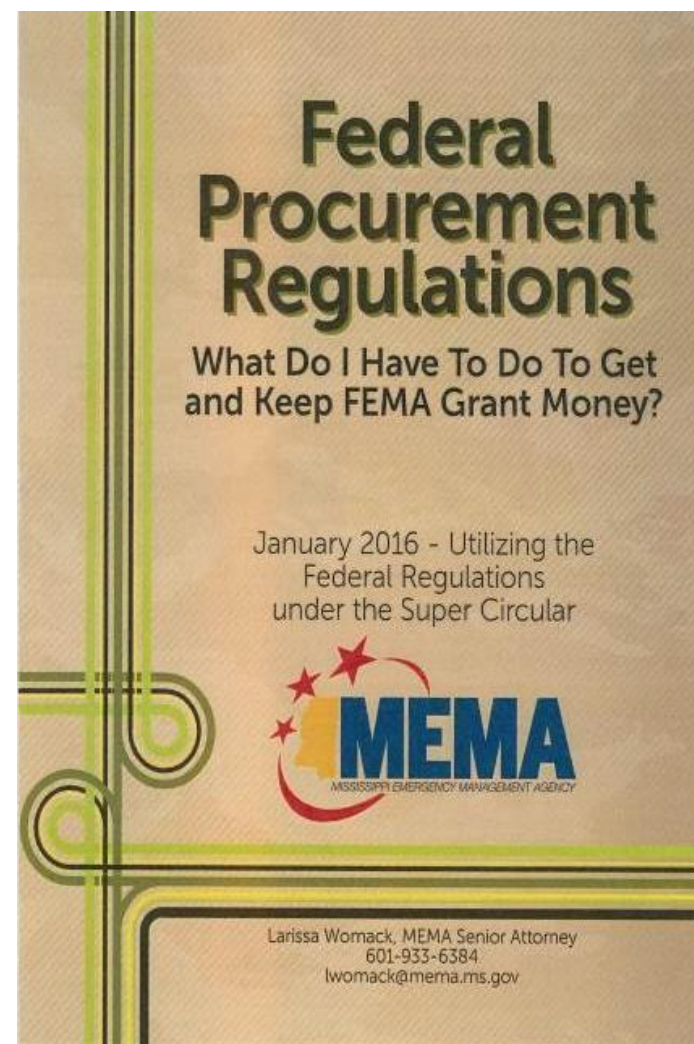
Documentation

- Category A – Regular/Straight Time and Overtime (including Fringe Benefits) are eligible (new Sandy Recovery Improvement Act of 2013).
- Category B – Only Overtime is eligible (including Fringe Benefits).
- Category C-G – Regular/Straight Time and Overtime (including Fringe Benefits) are eligible.
- NOTE: All Timesheets must be signed by employee or supervisor.



Procurement

- Procurement
 - Federal, State , Local Requirement, whichever is the most stringent

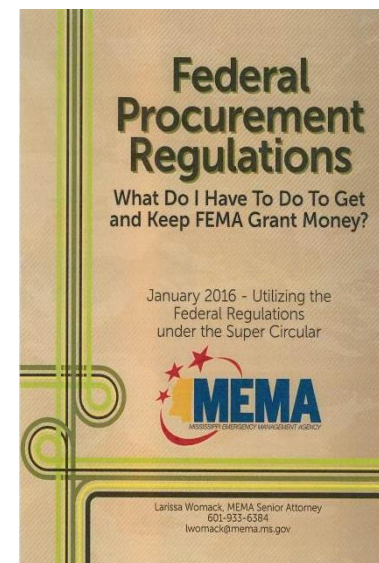




Materials

Documentation (continued)

- **Purchased Materials**
 - Materials Summary Record
 - Proof of Procurement
 - \$0-\$50,000 - obtain quotes (Federal)
 - Over \$50,000 - bids required (State)
 - If bid; proof of bid advertisement, bid tab, copies of bids, and signed contract
 - Invoices, receipts, purchase orders
 - Proof of Payment

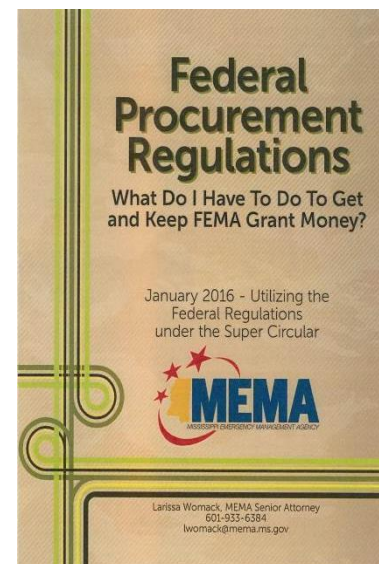




Procurement for Contract Services

The full price of the contract determines the way you solicit:

- \$0-\$149,999 - must obtain quotes (Federal) (MS AG recommends some form of competition)
- Over \$150,000 - must use full procurement process (Federal)





Appeals

Any determination related to Federal Assistance may be appealed.

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

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

Two levels of appeal are available:

- 1) to the **Regional Administrator** and.
- 2) to the **Assistant Administrator for Disaster Assistance Directorate**.



Sandy Recovery Act Changes

Debris Removal Operations

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

Time Frame (Days after Start of Incident Period)	Federal Cost Share
1-30	85%
31-90	80%
91-180	75%
181+	0% unless FEMA approves extension

- Applicant can retain earnings from recycling.
- Debris management cost share increase (2%) for a FEMA pre-approved debris management plan.



Sandy Recovery Act Changes

Public Assistance Alternative Procedures Pilot Program for Debris Removal

- Alternative Procedures for Debris Operations is Voluntary
- If Applicant chooses to participate in Alternative Procedures then the Applicant must sign the Participation Acknowledgement Letter
- Pilot Program scheduled to end June 27, 2016.

Public Assistance Alternative Procedures Pilot Program for Debris Removal Acknowledgement	
In accordance with the Sandy Recovery Improvement Act of 2013, the Federal Emergency Management Agency (FEMA) is implementing alternative procedures for the Public Assistance (PA) Program through a pilot program.	
As a representative of the subgrantee, we elect to participate in the following:	
<input type="checkbox"/> Accelerated Debris Removal - increased federal cost share (sliding scale)	
<input type="checkbox"/> Recycling Revenue (Subgrantee retention of income from debris recycling without a grant offset)	
<input type="checkbox"/> One-time incentive for a FEMA-accepted debris management plan and identification of at least one pre-qualified contractor	
<input type="checkbox"/> Reimbursement of straight time force account labor costs for debris removal	
1. The pilot is voluntary and the subgrantee must apply the selected alternative procedures to all of its debris removal subgrants.	
2. For the sliding scale, the subgrantee accepts responsibility for any costs related to debris operations after six months from the date of the incident unless, based on extenuating circumstances, FEMA grants a time extension.	
3. The subgrantee acknowledges that FEMA may request joint quantity evaluations and details regarding subgrantee operations necessary to assess the pilot program procedures.	
4. All contracts must comply with local, state, and federal requirements for procurement, including provisions of 44 CFR Part 13.	
5. The subgrantee must comply with all federal, state and local environmental and historic preservation laws, regulations, and ordinances.	
6. The Office of Inspector General may audit any subgrantee and/or subgrant.	
_____ Signature of Subgrantee's Authorized Representative	_____ Date
_____ Printed Name and Title	
_____ Subgrantee Name	_____ PA ID Number
<input type="checkbox"/> We elect to <u>not</u> participate in the Alternative Procedures for Debris Removal.	
_____ June 27, 2014	_____ 11



Sandy Recovery Act Changes

(continued)

- Permanent Work
 - Grants Based on Estimates (Capped)
 - Cost overrun absorbed by applicant
 - Under run can be used by applicant for specific mitigation uses (must be approved by FEMA)
 - Applicant may consolidate multiple projects in one Project Worksheet (PW)
 - FEMA may accept applicant's licensed engineer's cost estimates
 - Must be very sure of costs to use this method
 - Over runs in permanent work is common



Public Assistance Alternative Procedures Pilot Program

Public Assistance Alternative Procedures Pilot Program for Permanent Work

- Alternative Procedures for Permanent Work is Voluntary
- If Applicant chooses to participate in Alternative Procedures then the Applicant must sign the Participation Acknowledgement Letter

Public Assistance Alternative Procedures Pilot Program for Permanent Work Acknowledgement

In accordance with the Sandy Recovery Improvement Act of 2013, the Federal Emergency Management Agency (FEMA) is implementing alternative procedures for the Public Assistance (PA) Program through a pilot program. As a representative of the Subgrantee, our agency understands the following:

1. We plan to participate in the following elements:
 - Subgrants based on fixed estimates, and as the Subgrantee, accept responsibility for costs above the estimate
 - Consolidation of multiple fixed subgrants into a single subgrant
 - FEMA validation of Subgrantee-provided estimates
 - Elimination of reduced eligible funding for alternate projects
 - Use of excess funds
 - Review of estimates by an expert panel for projects with a Federal share of \$5 million or greater
2. The pilot is voluntary, and a Subgrantee may participate in alternative procedures for one or more large project subgrants.
3. If the Subgrantee accepts a fixed subgrant estimate, the Subgrantee understands they are responsible for all costs greater than the fixed amount.
4. The Subgrantee agrees to notify the Grantee regarding the specific use of excess funds.
5. All contracts must comply with local, State, and Federal requirements for procurement, including provisions of 44 CFR Part 13.
6. The Office of Inspector General may audit any Subgrantee and/or subgrant.
7. EHP review must be completed for all subgrants, including cases where new scopes of work would require EHP compliance, before the subgrant scope of work is implemented. Failure to comply with this requirement may lead to loss of federal funding.
8. The Subgrantee may submit appeals in accordance with 44 CFR§206.206. However, FEMA will not consider appeals solely for additional costs on fixed subgrants.

Signature of Subgrantee's Authorized Representative Date

Printed Name and Title

Subgrantee Name PA ID Number

- We elect to not participate in the Alternative Procedures for Permanent Work.



Summary

- The Public Assistance Program assists in the restoration of community infrastructure.
- It is a supplemental cost reimbursement program with specific eligibility requirements.
- The FEMA share of eligible costs will be awarded to the recipient/grantee for disbursement to the applicants.



Need more information?

For more information visit www.mississippipa.org

The screenshot shows a Windows Internet Explorer browser window displaying the Mississippi Public Assistance website. The address bar shows the URL <http://mississippipa.org/>. The page header includes the date "June 2, 2008" and navigation links for "Home", "PA Info", "Resources", "MEMA Forms", and "Contacts". The main content area is titled "MississippiPA.org" and "Mississippi Public Assistance". It features a circular logo for the Mississippi Department of Emergency Management and a descriptive paragraph about the FEMA Public Assistance program. Below this, there are sections for "Individual Assistance" and "Business Assistance". A "Headlines" section lists recent news items with dates and titles, such as "Quarterly Reports Overdue for Hurricane Katrina Applicants" and "Time Extension for Alternate Project". On the right side, there are two prominent buttons: "First Time Here: Submit a PDA or RPA" and "Return Visit: Sign In". The "Sign In" section includes input fields for "Username" and "Password", and a "Login" button. The browser's taskbar at the bottom shows several open applications, including "miss app briefing", "MEMA Public Assist...", "Inbox - Microsoft...", "Breaking News an...", and "Mississippi Public A...". The system clock indicates the time is 1:53 PM.



Questions?

www.mississippipa.org

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