

Applicant Briefing

January 26–28, 2015

Severe Winter Storm, Snowstorm and Flooding



**Massachusetts Emergency Management Agency
Federal Emergency Management Agency**



Major Disaster Declaration

Declaration Number: FEMA-4214-DR-MA

Date of Declaration: April 13, 2015

Storm Incident Period: January 26–28, 2015

The incident period is the time span during which the disaster-causing incident occurs.

Types of Authorized Assistance

- ✓ Eligible costs for repairing or replacing damaged public facilities. Eligible counties include Barnstable, Bristol, Dukes, Essex, Nantucket, Norfolk, Middlesex, Plymouth, Suffolk and Worcester
- ✓ Snow assistance for a **CONTINUOUS 48 HOUR PERIOD OF TIME** during or proximate to the incident period. Eligible counties include Barnstable, Bristol, Dukes, Essex, Norfolk, Middlesex, Plymouth, Suffolk and Worcester
- ✓ Hazard Mitigation Grant Program (Section 404) projects undertaken by state and local governments (**statewide**) to prevent or reduce long-term risk to life and property from natural or technological disasters

FEMA Public Assistance (PA) Program

FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain Private Non-Profit (PNP) organizations.

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

2 Code of Federal Regulations (CFR), Part 200

- All reimbursements and related activity are subject to 2 CFR 200
 - Consolidates numerous previous regulations into one regulation set
 - Covers local, state, and PNPs under the same set of rules
- Key areas to review for changes or increased requirements
 - Conflict of Interest Disclosures (200.112)
 - Compliance Disclosures (200.113)
 - Internal Control Standards (200.303)
 - Local and PNP Procurement (200.318-326)
 - Federal and Non-federal Sub-recipient Monitoring (220.331)
- FEMA PA program implementation guidance provided at [2 C.F.R. Interim PA Guidance](#)

FEMA, State and Local Partnership

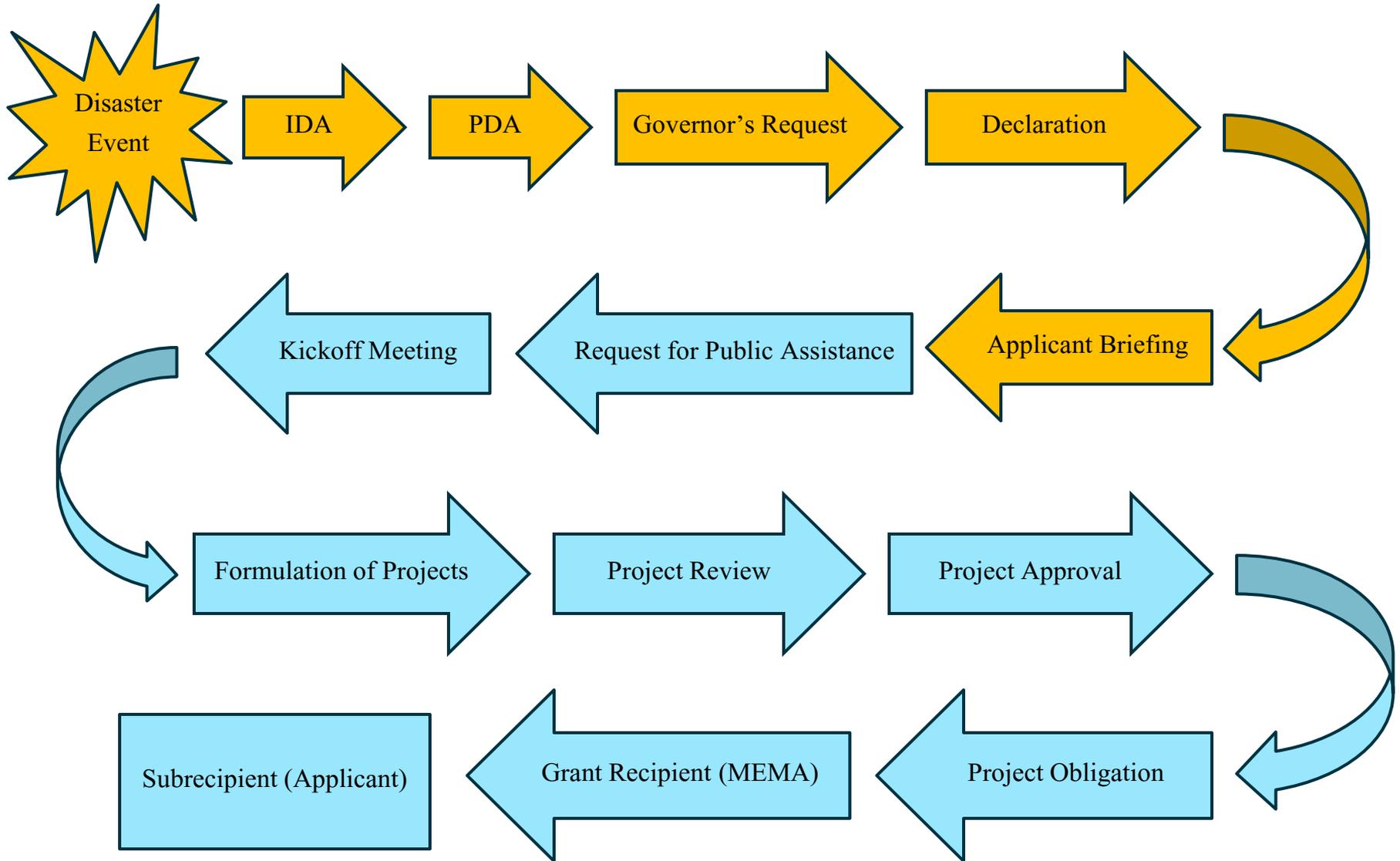
MEMA = Grant Recipient
Applicant = Grant Subrecipient

FEMA is responsible for managing the Program, approving grants, and providing technical assistance to the grant Recipient/subrecipients

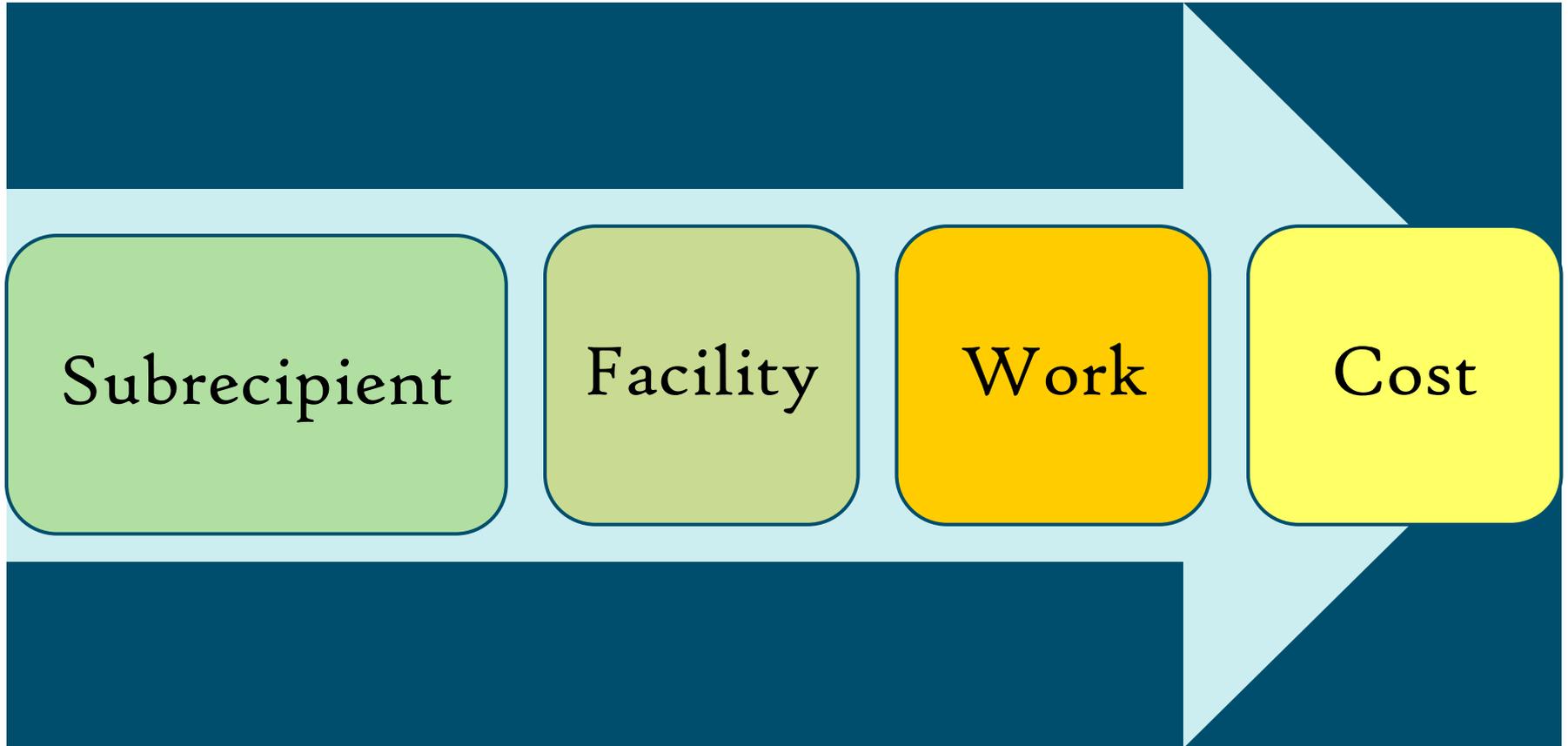
MEMA acts as the grant recipient for the PA Program. The grant recipient educates sub-recipients, works with FEMA to administer the Program, and is responsible for monitoring projects and disbursements of the grants.

Grant subrecipients are responsible for identifying damage, providing sufficient data for FEMA to develop an accurate scope of work and cost estimate for doing the work.

FEMA Public Assistance Process



Eligibility Structure



Eligible Subrecipients (Applicants)

Subrecipient

Facility

Work

Cost

- Local Government
Municipalities, Regional School Districts, Special Districts, Municipal Electric Utilities, Public Authorities
- State Government
- Indian Tribal Organizations
- Certain Private Non-Profits (PNPs)
FEMA Policy 9521.3, Private Non-profit Facility Eligibility

Request for Public Assistance (RPA)

Application for reimbursement - one RPA per subrecipient

Primary contact – Available point of contact who will oversee and manage projects and provide all project information to FEMA/MEMA

Alternate contact – Individual who is responsible for executing state standard contracts for reimbursement

Complete and submit RPA at briefing or email to disaster.recovery@state.ma.us or fax 508-820-1404 to MEMA by no later than application filing deadline date of May 13, 2015

PNP Application Procedures

All PNPs complete and submit RPA at Applicant Briefing or by no later than the application filing deadline date (May 13, 2015)

In addition to the RPA, all PNPs must submit the following to MEMA no later than the application filing deadline date.

- ✓ DUNS Number: <https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm>
- ✓ IRS Ruling Letter granting exemption under Sections 501(c), (d), or (e) of the Internal Revenue Code of 1954
- ✓ PNP Facility Questionnaire (obtain from MEMA website)
- ✓ PNP Certification Sheet (obtain from MEMA website)
- ✓ Mission Statement

Private Non-Profits (PNPs) and the Small Business Administration (SBA)

A private nonprofit facility means any private nonprofit 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.

Critical

Examples:

Emergency Medical Services,
Educational Facilities, Power and
Water Facilities, Communications
Facilities, Fire Protection Services

Small Business Administration (SBA)

Not required to apply for SBA loans
for emergency or permanent work*

*see slide #17

Non-Critical

Examples:

Community Centers, Daycare
Centers, Homeless Shelters, Assisted
Living Facilities, Zoos, Museums,
Rehabilitation Centers

Small Business Administration (SBA)

Must apply to SBA for permanent
work* only

see slide #17

Kickoff Meeting

- ✓ FEMA will contact the Primary POC on RPA
- ✓ All appropriate department heads (including finance) should be present
- ✓ Identify ALL damages to FEMA at kickoff meeting or within 60 days of kick off meeting
- ✓ Discuss damages, estimated costs and project grouping techniques
- ✓ Review potential issues, such as insurance, environmental, historic, and hazard mitigation opportunities that may affect the type and amount of assistance available
- ✓ Provide FEMA with documentation for completed work within 2 weeks of kickoff meeting
- ✓ For incomplete work, submit scope(s) of work and estimated costs for each project as soon as practicable



Facility Eligibility

Subrecipient

Facility

Work

Cost

To be eligible for reimbursement the damaged facility must be:

- ✓ located within a declared area
- ✓ legal responsibility of an eligible subrecipient
- ✓ not under the authority of another agency
- ✓ in active use at the time of the disaster

Work Eligibility

Subrecipient

Facility

Work

Cost

To be eligible for reimbursement the work must be:

- ✓ required as a direct result of the declared major disaster
- ✓ located in the designated disaster area
- ✓ the subrecipient's legal responsibility at the time of the disaster

Cost Eligibility

Subrecipient

Facility

Work

Cost

To be eligible for reimbursement, costs must:

- ✓ be reasonable and necessary to accomplish eligible work
- ✓ comply with federal, state, and local laws and regulations

Categories A-G

Types of Eligible Work

EMERGENCY WORK

Category A - Debris Removal (Debris Management Guide, FEMA 325)

Category B - Emergency Protective Measures

Category B - Snow Assistance

PERMANENT WORK

Category C - Roads and Bridges

Category D - Water Control Facilities

Category E - Buildings and Equipment

Category F - Utilities

Category G - Parks, Recreation, Other

Formulation of a Project Worksheet (PW)

FEMA Form 90-91

- A Project Worksheet (PW) is the primary Form used by FEMA to document the location, damage description and dimensions, approved scope of work, project requirements/conditions, and project cost.
- Every PW must contain the required documentation to substantiate the scope of work being funded.
- Notify MEMA immediately with any scope changes or significant cost increases.
- \$3,040 minimum per project.

Small Project PW vs Large Project PW

Small Project

- Approved PW cost is less than \$121,600
- Payment is made on the basis of the initial approved amount, whether estimated or actual
- Upon completion of work, submit project closeout request to MEMA

Large Project

- Approved PW cost is equal to or greater than \$121,600
- Funded using a final accounting of actual costs
- Upon completion of work, submit project closeout request to MEMA

SNOW ASSISTANCE



Payment of no less than 75% for snow assistance, for a continuous 48 hour period of time during or proximate to the incident period. Snow Assistance may include snow removal, de-icing, salting, snow dumps, and sanding of roads and other facilities essential to eliminate or lessen immediate threats to life, public health, and safety.

FEMA will provide reimbursement for a 48-hour period for the overtime but not the straight time cost of the applicant's regularly-employed personnel. Contract labor including temporary hires is an eligible cost, as are the costs of equipment and materials used in the performance of eligible emergency work.

FEMA-4214-DR-MA GUIDANCE

ELIGIBLE PERIOD OF SNOW ASSISTANCE (48-HOUR PERIOD)



- Each applicant may select its own 48-hour period during which it incurred the highest eligible snow assistance costs.
- Generally, the 48-hour period is “proximate” to the incident period. Given the extraordinary snowfall during the January 26-28 event that was never able to melt before additional snowfall occurred, an applicant could select a 48-hour period up to several weeks after the incident period so long as the snow removal can be primarily connected back to the January 26-28 snow event.

FEMA-4214-DR-MA GUIDANCE

SNOW REMOVAL FROM ROOFS

FEMA considers clearing of the snow from roofs to be an emergency protective measure that is not subject to the 48-hour time period limitation. Clearing of snow from roofs must eliminate an immediate threat and must be required as a direct result of the designated incident. Therefore, snow removal from roofs may be eligible so long as the snow removed can be primarily connected back to the original incident.



FEMA-4214-DR-MA GUIDANCE

PERMANENT WORK AND DEMONSTRATING DAMAGE WAS CAUSED BY THE JANUARY 26-28, 2015 INCIDENT

The snowfall from the January 26-28, 2015 incident was the largest and most significant snowfall and because the snowfall did not melt before the additional snowfall that occurred during the storms in February, most damage could not be identified until after snow melted. It is reasonable to assume that any snow-related damage that occurred between January 26 – February 22 was caused by that incident. FEMA may, therefore, consider damage caused by the effects of snow as eligible for funding unless there is information clearly indicating that damage was not caused by the January 26-28, 2015.

Other Emergency Protective - Category B

(not limited to 48 hours)

- ❖ Warning of risks and hazards
- ❖ Search and rescue
- ❖ Security forces in the disaster area
- ❖ Provision of shelters and emergency medical care
- ❖ Provision of emergency operation centers
- ❖ Bracing/shoring damaged structures
- ❖ Provision of food, water, ice and other essential needs at distribution points for use by the local population
- ❖ Emergency repairs / Emergency demolition
- ❖ Emergency Debris Clearance
- ❖ Snow removal from Roofs



Debris Clearance and Removal

Phase 1 - Debris Clearance (Category B)

Initial clearance activities necessary to eliminate immediate threats to life, public health and safety. Emergency clearance, is limited to the initial opening of roadways to allow access for emergency vehicles such as police, firefighters and other first responders.

Phase 2 - Debris Removal (Category A)

Removal, hauling and disposal of trees and woody debris from public rights of way.



Categories C - G, Permanent Work

Work that is required to restore a damaged facility, through repair and/or restoration, to its pre-disaster design, function, and capacity in accordance with applicable codes and standards.

Roads and Bridges, Water Control Facilities, Buildings and Equipment, Utilities, Public Parks/Recreational (PNP recreational areas excluded)

FEMA is prohibited from providing PA funds for the permanent repair of roads and bridges that are on federal-aid roads; even if the Emergency Relief Program through the Federal Highway Administration is not available....separate out permanent work performed on federal aid roads

Project Completion Time Limits

Categories A-G



Time frames for completing eligible work are measured from the date of the declaration (April 13, 2015)

Type of Work	Eligible time frame to complete work
Debris Removal (Cat A)	6 months (October 13, 2015)
Emergency Protective Measures (Cat B)	6 months (October 13, 2015)
Snow Assistance (Cat B)	48 Hours
Permanent Work (Cat C – G)	18 months (October 13, 2016)

If extenuating circumstances or unusual project conditions exist which prevents the work from being completed at the established timeframe, a time extension may be requested through MEMA ... *time extensions do not apply for snow assistance.*

Special Considerations

Subrecipients have a critical role in identifying special consideration issues. Special considerations could affect the scope of work and funding for a project.

- Insurance
- Hazard Mitigation
- Environmental
- Historic Preservation

Insurance Requirements

- Insurance may be required as a condition of the grant.
- Owners of insurable buildings need to provide FEMA with policy and statements of loss as soon as possible.
- FEMA will not provide assistance for damage or losses covered by insurance.
- FEMA will deduct from eligible costs the amount of actual insurance proceeds before providing funds for restoration of the facility.



Public Assistance Hazard Mitigation

Section 406

Cost effective measures that reduce or eliminate the potential for damages to a facility from a future event. For a hazard mitigation proposal to be eligible for funding under Public Assistance, the measure must apply only to the damaged elements of the eligible facility.

Prior to start of work, the mitigation proposal must be reviewed and approved by FEMA staff to ensure eligibility, technical feasibility, environmental and historic preservation compliance, and cost effectiveness.

Hazard Mitigation Grant Program (HMGP)

Section 404

- Hazard Mitigation Grant Program (HMGP) provides funds for hazard mitigation projects after a disaster (not an annual allocation)
- HMGP funds are available 'statewide'
- The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act
- HMGP provides a State with up to 15% of the total disaster grants awarded by FEMA. (*Individual Assistance + Public Assistance * 15% = HMGP Funds*)
- Stay tuned for future HMGP briefings and technical assistance opportunities – HMGP workshops - June 2015

Environmental



The National Environmental Policy Act (NEPA) requires all federal Agencies ensure that due consideration is given to the environment during project development.

Some projects that require environmental review:

- Snow dumps; location of snow disposal site(s)
- Debris disposal and staging areas
- Historic properties (buildings, structures, sites, objects)
- Where the footprint is different than pre-disaster conditions
- Threatened or endangered species, wetlands or floodplains

Make sure to adhere to State and local laws (permits, conditions, etc)

Historic Preservation

Any structure (buildings, walls, bridges, culverts, cemeteries) at least 50 years old, may be eligible for the National Register of

Historic Places. These structures may be reviewed by FEMA and the Massachusetts State Historic Preservation Officer (SHPO).

FEMA will work with the SHPO and subrecipient to develop measures to avoid adversely affecting the historic structure or site.



PA Procurement Requirements

Local and PNP procurements must meet or exceed all requirements of 2 CFR 200.317-326.

Review your current procurement policies and procedures to ensure these new federal requirements have been addressed.

Types of Eligible Costs

Reasonable costs for:

- Force Account Labor, including fringe benefits
- Force Account Equipment
- Rented Equipment
- Materials
- Contract Services
- Direct Administrative Costs

FEMA Workbook, Equipment Rates, Sample Snow Assistance Cover Letter, and PA Policies:

www.mass.gov/mema

Select “Disaster Recovery & Mitigation”

Scroll down and select “Public Assistance”

Force Account Labor

Labor performed by a sub-recipient's full-time permanent and/or reassigned employees. Standby labor is not eligible.

For EMERGENCY WORK: only OVERTIME and fringe benefit costs are eligible for force account labor. Must document both regular and overtime

For PERMANENT WORK: both REGULAR and OVERTIME labor and fringe benefit costs are eligible for force account labor

Documentation needed:

- ✓ Force Account Labor Summary Record
- ✓ Timesheets and payroll registers
- ✓ Overtime Policy
- ✓ Description of work performed



Force Account Labor

REGULAR and OVERTIME costs are eligible for reimbursement for part-time, on-call, or temporary personnel for disaster-related work.

Documentation needed:

- ✓ Force Account Labor Summary Record (indicate FT, PT, Temp)
- ✓ Timesheets and proofs of payment
- ✓ Description of work performed

Force Account Equipment

REGULAR and OVERTIME costs are eligible.

Documentation needed:

- ✓ Force Account Equipment Summary Record



Equipment rates are applied to the time equipment is actually working ... standby and idle time are not eligible.

FEMA Schedule of Equipment Rates (includes operation, depreciation, fuel, maintenance and most repairs)

For permanent/fixed or temporary/portable generators – use FEMA Schedule of Equipment Rates for hourly rate

Rented Equipment

Documentation needed:

- ✓ Rented Equipment Summary Record
- ✓ Description of work performed
- ✓ Type and size of equipment used
- ✓ Invoices, rental/lease agreement, proofs of payment

Materials

Material or supplies that were purchased or Taken from stock and used as a direct result of the declared storm event may be claimed

Re-stocking inventory cost is not eligible.

Documentation needed:

- ✓ Material Summary Record
- ✓ Document methodology for determining actual material usage
- ✓ Invoices and proofs of payment

If stock/inventory material was used, documentation may reflect past invoice(s).



Contract Work

For permanent work and typically debris:

- FEMA may provide assistance for time and materials contracts for a limited period (generally not more than 70 hours of work), then transition to normal procurement procedures.
- Provide a clear and definitive scope of work.

Documentation needed:

- ✓ Contract Summary Record
- ✓ Bid and contract documents, price list/costs, award letter
- ✓ Invoices (breakdown of work performed)
- ✓ Proofs of payment

Direct Administrative Cost (DAC)

Direct administrative costs may include staff time to complete field inspections, preparation of a PW, and make interim and final inspections of the project. Eligible costs include both regular and overtime that can be tracked, charged, and accounted for directly to a specific project (PW).

Documentation needed:

- ✓ Direct Administrative Summary Record
- ✓ Timesheets and payroll registers
- ✓ Description of work performed

Improved Projects

- When performing permanent work on a damaged facility, an applicant may decide to use the opportunity to make improvements to the facility while still restoring the pre-disaster function.
 - ... *Lay asphalt on a gravel road*
 - ... *Replace a firehouse that originally had two bays with one that has three*
- Improved project requests must be approved by MEMA prior to start of work.
- Funding for such projects is limited to the Federal share of the estimated cost that would be associated with repairing or replacing the damaged facility to its pre-disaster design.

Alternate Projects

An applicant may determine that the welfare would not be best served by restoring a damaged facility to its function. The Applicant may use the PA project grant for that facility for other eligible purposes.

All requests for alternate projects must be made within 12 months of the Kickoff Meeting and must be approved by FEMA prior to start of construction.

Funds for alternate projects are limited to 90% of the approved Federal share of the estimate eligible cost. Funding for alternate projects for PNPs is limited to 75% of the Federal share.

Mutual Aid

Mutual aid work provided in the performance of emergency work necessary to meet immediate threats to life, public safety, and improved property

- Pre-event mutual aid agreement
- Post-event mutual aid agreement (submit within 30 days from declaration date)
- FEMA Policy 9523.6: Mutual Aid Agreements for Public Assistance & Fire Management Assistance

Alternative Procedures under FEMA PA Program

The Sandy Recovery Improvement Act (SRIA) Law authorizes several significant changes to the way FEMA may deliver federal disaster assistance under the PA Program.

PA Permanent Work Alternative Procedures

- PA grants for permanent work on a fixed estimate
- Consolidating damaged facilities as a single project
- Excess funding from fixed estimate PW can be used for cost-effective activities

Debris Removal Alternative Procedures

- Use of sliding scale to determine federal share based on the time it takes to complete debris removal
- Straight time for force account labor
- Debris management plans

Record Keeping

Good record keeping facilitates the validation, approval, and reimbursement of all projects, as well as any future State or Federal audits.

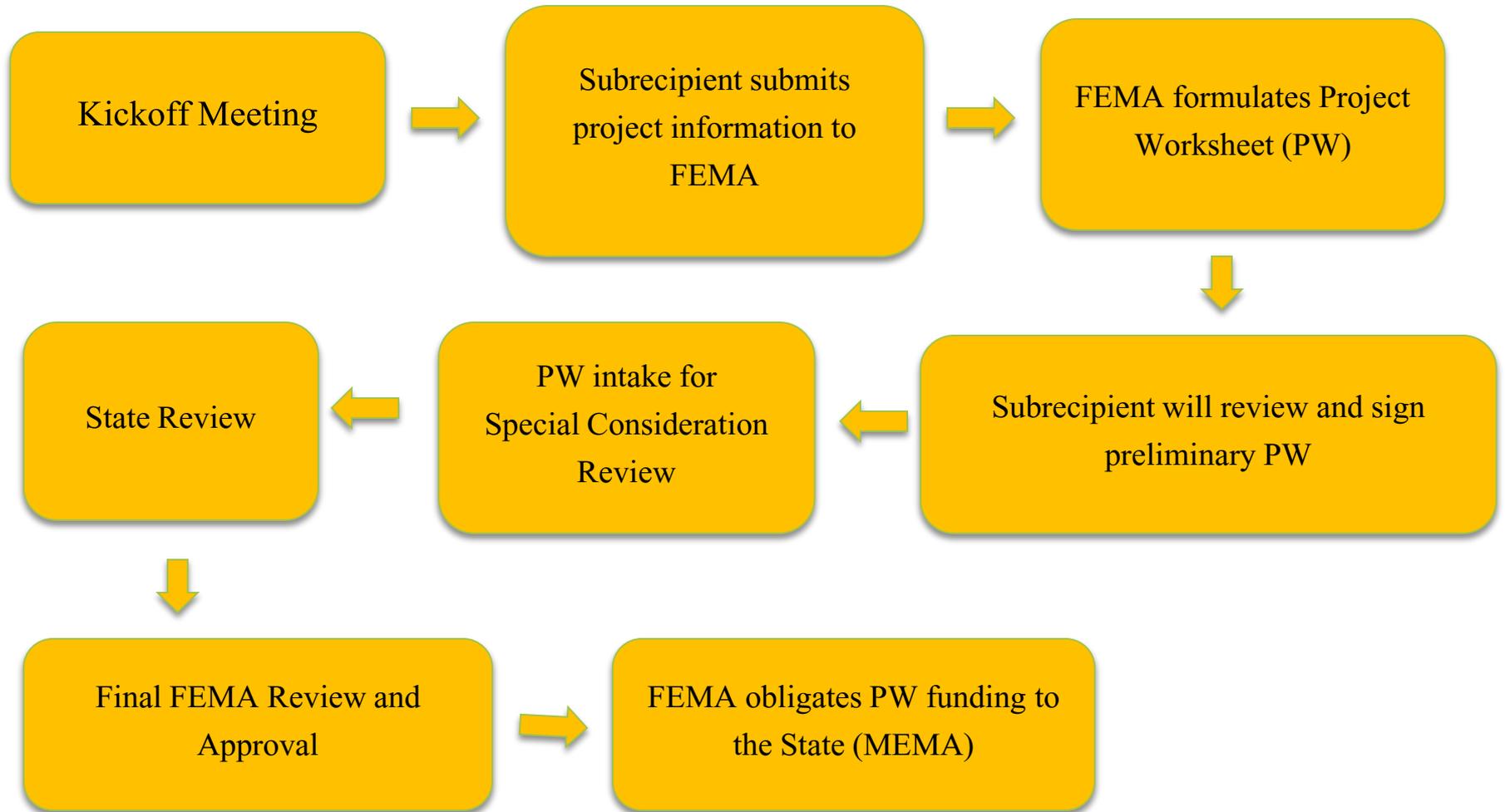
Documentation

Project documentation describes the “who, what, when, where, why and how much” for each item of recovery work. Your documentation package for review must include “cradle to grave” information related to the “significant history” of project expenditures.

Documentation will be required as back up for reimbursement requests and includes canceled checks, final warrant entries, or other authorized records of eligible activities.



Internal FEMA Reviews of Project Worksheet (PW)



Obligated PW / State Contract Documents

FEMA obligates
PW funding to the
State (MEMA)



MEMA mails PW to Alternate POC on RPA with a State standard contract package and Project Completion Certification Report (P.4 Report)



APPLICANT RESPONSIBILITIES

PROJECT WORKSHEET (PW)

- Review for accuracy

STATE STANDARD CONTRACT PACKAGE

- Prior to release of funding, the authorized signatory (as indicated on the CASL) must sign and return contract documents to MEMA

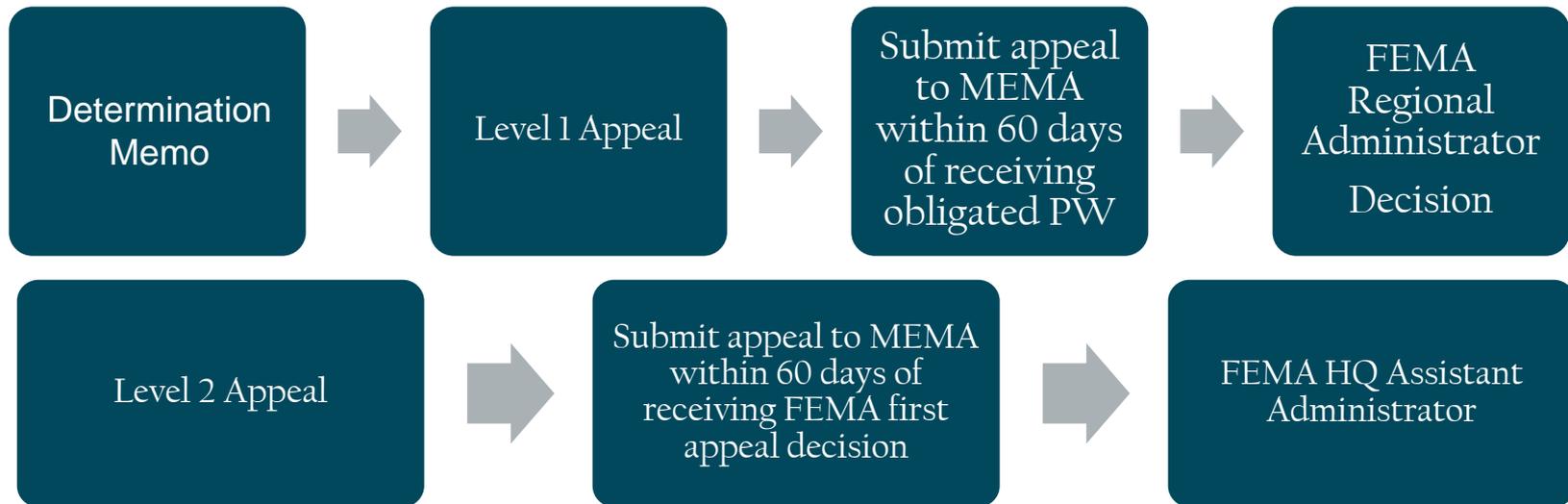
P.4 REPORT

- Hold until work is 100% complete
- When PW is complete, sign and return P.4 Report to MEMA with project closeout request and documentation

Appeal Process



A subrecipient has the right to appeal any decision or determination regarding a PA application for federal assistance, including eligibility and the amount of eligibility.



First Appeal (written letter with supporting documentation)

Second (Final) Appeal (written letter – NO documentation)

Important Deadline Dates

REQUEST FOR PUBLIC ASSISTANCE DUE TO MEMA



No later than May 13, 2015

PROJECT DOCUMENTATION FOR COMPLETED WORK



2 weeks from Kick-off Meeting

MEMA Disaster Recovery Contact Information

Scott MacLeod
Mitigation and Disaster Recovery Section Chief
scott.macleod@state.ma.us
508-820-1445

Erica Heidelberg
Disaster Recovery Unit Supervisor
erica.heidelberg@state.ma.us
508-820-2033

Pam Carota, Disaster Recovery Contract Specialist
pamela.carota@state.ma.us
508-820-1406

ALL RPA's & PNP Documentation:
disaster.recovery@state.ma.us
Fax 508-820-1404

MEMA Program Coordinators:

Barnstable, Dukes Nantucket & Middlesex Counties:

Lorraine Eddy, lorraine.eddy@state.ma.us
508-820-2055 (desk); 508-361-4901 (cell)

Worcester, Bristol & Plymouth Counties:

Gina Valentine, gina.valentine@state.ma.us
508-820-2004 (desk); 508-988-0007 (cell)

Suffolk, Norfolk, & Essex Counties:

Andrew Poliferno, andrew.poliferno@state.ma.us
508-820-2003 (desk); 617-413-9078 (cell)

MEMA Website

www.mass.gov/mema

Select “Disaster Recovery & Mitigation”
Scroll down and select “Public Assistance”

FEMA Forms, Equipment Rates, Policies and other
disaster specific information

Questions ??

