FEMA

MEMA

MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

DISASTER RECOVERY UNIT

AGENDA

- Requests for Information (RFI)
- Documentation Requirements and Examples
- COVID19 Guidance
- Public Assistance Appeal Process
- Questions and Closing

OBJECTIVES & GOALS

- What leads to Request's for Information (RFI's)?
- Understanding Documentation Requirement Expectations and Examples
- FEMA Denied My Funding….Now What?

REQUESTS FOR INFORMATION

WHAT IS COMMONLY REQUESTED IN AN RFI?

MOST COMMON REQUESTS IN AN RFI

Request

1. Reconciliation of costs
2. Missing supporting documentation
3. Costs need further justification to determine eligibility

Response

1. Ensure that all cost summaries provided tie to the costs entered into the Streamlined Application in Grants Portal
2. Provide missing documentation by uploading to Grants Portal or submitting it to your Project Coordinator for upload
3. Provide a detailed narrative explaining how the costs were necessary as a direct result of the disaster

DOCUMENTATION REQUIREMENTS & EXAMPLES

WHAT DO I NEED TO SUBMIT?

BEFORE SUBMISSION - DETERMINING COST

1. Identify and collect your source documents for each cost type
    a) Labor Costs – Timesheets, Activity Logs, Payroll Documentation
    b) Equipment Costs – Activity Logs, Timesheets, Work Orders
    c) Material Costs – Work Orders, Invoices, Receipts, Proof of Payment
    d) Contractor Costs – Purchase Orders/Contracts, Invoices, Proof of Payment
2. Create a summary record for each cost type using the source documents
3. Fill out the MEMA Summary Workbook

Want to Learn More About the MEMA Summary Workbook?

Visit our website here to view guidance!

BEFORE SUBMISSION - DETERMINING COST

APPLICANT NAME

Jake

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COST SUMMARY FOR LABOR/EQUIPMENT

APPLICANT - FIPS#				DISASTER #:		PROJECT #:						FEMA CAT A-G			SUBMISSION TYPE				PERIOD COVERING					
FIPS				4496		12345						B			100% Complete				1/21/2021 - 9/30/2021					
Employee/ Equipment		RATE w/ FRINGE	STATUS	COST CODE	RATE	1/17 Sun	1/18 Mon	1/19 Tue	1/20 Wed	1/21 Thu	1/22 Fri	1/23 Sat	1/24 Sun	1/25 Mon	1/26 Tue	1/27 Wed	1/28 Thu	1/29 Fri	1/30 Sat	REG	OT1	REG TIME COST	OT1 COST
Hetherly, Jake	REG	48.28	FT											16.0	16.0	8.0				40.0		$ -	
Emergency Manager	OT1	48.44	FT															8.0	8.0		16.0		$ 775.08
																						$ -	
Doe, Jane	REG	72.42	FT											16.0	16.0	8.0				40.0		$ -	
	OT1	72.66	FT													8.0	8.0				16.0		$ 1,162.62

Jake

Materials

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APPLICANT - FIPS#		PROJECT #			DISASTER #	CATEGORY	SUBMISSION TYPE	PERIOD COVERING
FIPS		12345			4496	B	100% Complete	1/21/2021 - 9/30/2021
VENDOR	DESCRIPTION	INVOICE #	QUANT	UNIT	UNIT PRICE	TOTAL PRICE	PURCHASE DATE	DATE USED
XYZ Materials	Face Masks	1	2,500.0	1	$1.00	$ 2,500.00	1/1/2021	1/26/2021
XYZ Materials	Electrostatic Disinfector	2	2.0	1	$ 8,500.00	$ 17,000.00	1/1/2021	1/26/2021
						$ -		

Jake

CONTRACTS

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APPLICANT - FIPS#		PROJECT #	DISASTER #	CATEGORY	SUBMISSION TYPE	PERIOD COVERING
FIPS		12345	4496	B	100% Complete	1/21/2021 - 9/30/2021
Vendor	Description of work performed	Invoice No:	Dates Worked:	Total Invoice Amount	Total Claim Amount	Comments
ABC Cleaning	Disinfection of facility before public reopening	4567	01/25/21	$15,000.00	$15,000.00	
DEF Installations	Installing Plexiglass barriers	2598	01/26/21	$25,000.00	$25,000.00	

COST SUMMARY RECORD CREATE PDF

APPLICANT	PROJECT #	CATEGORY	PERIOD COVERING	SUBMISSION TYPE	DISASTER #
Jake	12345	B	1/21/2021 - 9/30/2021	100% Complete	4496
FIPS	COMMENTS				CLAIMED COSTS
FORCE ACCOUNT LABOR REGULAR TIME					$ -
FORCE ACCOUNT LABOR OVER TIME					$ 1,937.70
FORCE ACCOUNT EQUIPMENT					$ -
MATERIALS					$ 19,500.00
RENTAL EQUIPMENT					$ -
CONTRACTS					$ 40,000.00
TOTAL					$ 61,437.70

STREAMLINED APPLICATION COSTS

- Copy the cost amounts of each cost category from your MEMA Summary Workbook into your FEMA Streamlined Application in Grants Portal.

Costs

$302,125.00

☑ Labor (More Info)

Including the Applicant's own staff, Mutual Aid, prison labor, or National Guard.

Please enter the total cost of labor. To calculate the total cost, complete FEMA Form 009-0-123 Force Account Labor Summary and FEMA Form 009-0-128 Applicants Benefit Calculation Worksheet or provide all information contained therein.

Please also provide:

- Justification for any standby time claimed
- Labor pay policy (must cover each employee type used, for example part time, full time, and temporary)
- National Guard pay policy (required for National Guard)
- Mutual aid agreement (required for mutual aid labor)
- Timesheets (please provide either (1) a summary list of all your timesheets, which FEMA will sample and request copies of a limited number of time sheets; or (2) a sample set of timesheets and a detailed explanation of the sampling methodology you used to select the representative sample)
- Daily logs or activity reports (please provide either (1) a summary list of all your logs or reports, which FEMA will sample and request copies of a limited number of logs or reports; or (2) a sample set of logs or reports and a detailed explanation of the sampling methodology you used to select the representative sample)

Want to Learn More About the MEMA Summary Workbook?

Visit our website here to view guidance!

DOCUMENTATION REQUIREMENTS
WHAT NEEDS TO BE UPLOADED TO YOUR APPLICATION

SMALL PROJECT DOCUMENTATION
from $3,300 - $131,100

- Electronic Streamlined Project Application
- MEMA Workbook (Summary Log)
- Subrecipient Small Project Certification Form
- Procurement Policy
- Pay Policy & Applicable Union Contracts

LARGE PROJECT DOCUMENTATION
equal to or exceed $131,100

- Electronic Streamlined Project Application
- MEMA Workbook (Summary Log)
- Procurement Policy
- Pay Policy & Applicable Union Contracts
- Force Account Labor
  - *Time Sheets*
  - *Proof of Payment*
- Force Account Equipment
  - *Proof of Ownership*
  - *Operator Time Sheets & Logs*
- Materials & Supplies
  - *Invoices/Receipts*
  - *Proof of Payment*
  - *Procurement Documentation*
- Contracts
  - *Contract Agreements*
  - *Invoices/Receipts*
  - *Proof of Payment*
  - *Procurement Documentation*

SUPPORTING COSTS - EXAMPLES

Policies

- Purchase Policy
- Payroll Policy
- Personnel Policy
- Insurance Policies

Procurement

- Solicitation for Bids
- Bid Documents
- Bid Tabulations
- Price Analysis
- & etc.

Proof of Payment

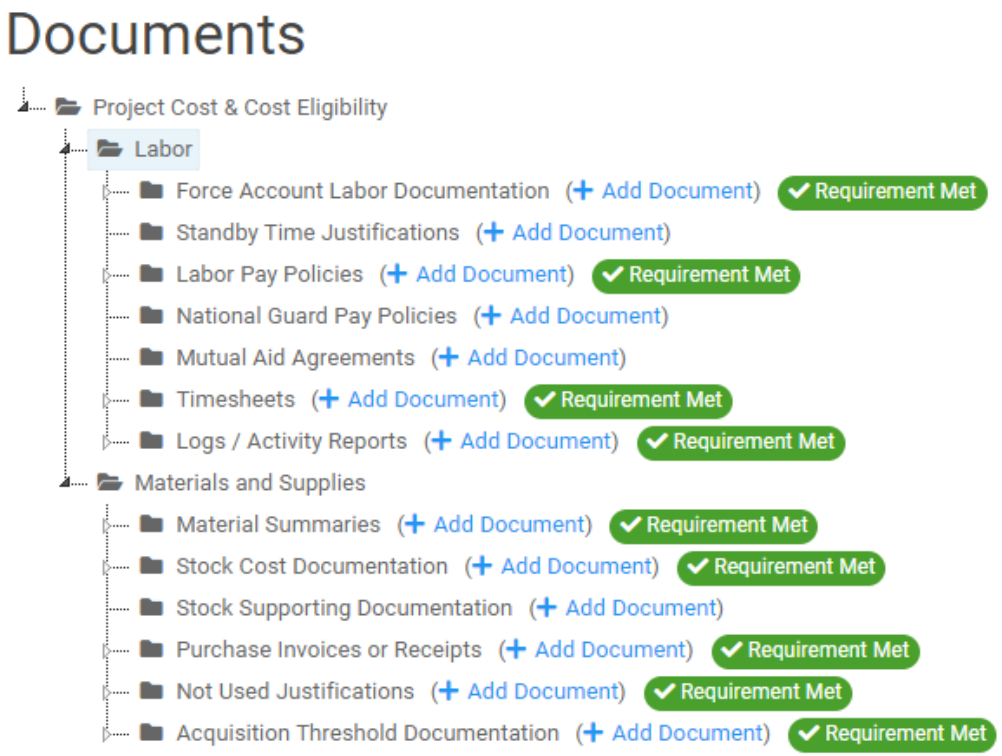
- Bank Statement
- Payroll Register
- Cancelled Checks
- Payment Voucher

UPLOADING SUPPORTING DOCUMENTATION

- Upload documentation to grants portal
- Ensure the source documents used to reach your claim amounts are included

Want to Learn More About Uploading Documents to Grants Portal?

Click here to view guidance!



MEMA & FEMA REVIEWS

WHAT HAPPENS AFTER I SUBMIT AN APPLICATION?

SIMPLIFIED PUBLIC ASSISTANCE PROCESS

Step 1 – Streamlined Application Submission

Applicants must complete the streamlined application, input all costs they want to claim for public assistance, and upload appropriate documentation.

Step 2 – State Preliminary Review

MEMA performs an application review, tying out cost totals and confirming supporting documentation.

Step 3 – FEMA Formulation and Final Review

FEMA reviews the streamlined application and formulates a project based upon the information provided.

Step 4 – State Final Review

MEMA performs a full validation review confirming all submitted costs have supporting documentation in accordance with rules and regulation.

Step 5 – Applicant Review

- Applicant reviews the project to confirm agreeance with what was written and approved within the project.

FORCE ACCOUNT LABOR

Review Step Examples

1. Tie Source Document to Summary
2. Confirm Activity is within Scope of Work
3. Confirm Pay Rates
4. Confirm a Breakout of Fringe Benefits
5. Confirmed Overtime & Fringe is Consistent with Subrecipient's Payroll Policy
6. Confirm pay rates are not contingent upon federal funding or arbitrarily increased
7. Verify Proof of Payment

Documentation

1. Timesheet
2. Activity Log
3. Payroll Register / Bank Statement
4. Fringe Benefit Breakout
   i. Individual
   ii. Group
5. Payroll Policy

LABOR TIMESHEET EXAMPLE

Time Card

[redacted]

[redacted] 133 From: 2/28/2020 Through: 4/30/2020

Rank: Patrolman Patrol Division Group: Group One

Week 1	Fri	Sat	Sun	Mon	Tue	Wed	Thu	
	2/28/2020	2/29/2020	3/1/2020	3/2/2020	3/3/2020	3/4/2020	3/5/2020	Total
worked	8	8	8	8	OFF	OFF	8	40
swap		8						8
Overtime				8				8
								56

2/29/2020 Swapped with [redacted] for 2/29/2020 On 'B' Shift [redacted] [processed]

3/2/2020 [redacted] 8 hr ot b shift replace [redacted] sick [redacted] [processed]

1. Key Timekeeping Attributes
   1. Tracking by days and hours
   2. Tracking Activities

LABOR PAYROLL REGISTER EXAMPLE

Payroll Register
Roll on Earning

[redacted]

Check Date: 05/22/2020
Pay Period: 05/01/2020 to 05/14/2020

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[redacted]

[redacted]
Rate 24.0100
Freq B

Earning		Hours	Roll on	Amount
COVOT	COVID OT	28.00	COVOT	1008.42
F	Amb OT	2.00	F	72.03
HC	HCC		HC	788.32
OT	OT	14.00	OT	504.21
RG	Regular	84.00	RG	2016.84
Total Earnings		**128.00**		**3601.50**

Tax		Status	Exemptions **	Taxable	Amount
FITW	Federal Income	S	0	3187 31	507 13
MA	Massachusetts S	S	0	3386 09	166 85
MED	Medicare	N/A	0	3386 09	49 10
Total Taxes					**723.08**

Deduction		Amount
2	Fire D	36 88
22	HMO Bl	197 08
28	Dental	18 33
4	AFLAC	40 08
P	City R	181 52
Q	City R	17 26
Total Deductions		**491.15**

[redacted]

Type	Reg
Date	05/22/20
Net	2,387.27
Dir Dep	2,387.27
Check	0.00

1. Straight regular/overtime rates claimed within your summaries should tie back to your payroll register/pay stub documentation
   1. Pay Rate Example
      1. $24.01 * 1.5 = $36.015/hr
      2. $1008.42 / 28 hours = $36.015/hr

LABOR PAYROLL REGISTER EXAMPLE

Payroll Register
Roll on Earning

[redacted]

Check Date: 05/22/2020
Pay Period: [redacted] 05/01/2020 to 05/14/2020 [redacted]

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[redacted]

[redacted]

Rate 24.0100
Freq B

Earning		Hours	Roll on	Amount
COVOT	COVID OT	28.00	COVOT	1008.42
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4	AFLAC	40 08
P	City R	181 52
Q	City R	17 26
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[redacted]	[redacted]
Type	Reg
Date	05/22/20
Net	2,387.27
Dir Dep	2,387.27
Check	0.00

APPLICANT - FIPS#	DISASTER #:	PROJECT #:	FEMA CATEGORY A-G	SUBMISSION TYPE	PERIOD COVERING
FIPS	4496	12345	B	100% Complete	1/21/2021 - 9/30/2021

IS THE AVERAGE FROM FRINGE SHEET TO BE USED? ☑ YES

NAME LAST, FIRST	TITLE	STATUS FT, T, PT, S, E	BASE PAY RATE	VAC	SICK	HOL	RET	SS	MEDC	UNEMP	HEALTH	LIFE	WC	OTHER	FRINGE BENEFITS	
				DAYS / YEAR			%	%	%	%	$ / MONTH		%	%	REG	OT
Hetherly, Jake	Emergency Manager	FT	$24.01												60.93%	7.65%

FORCE ACCOUNT EQUIPMENT

Review Steps Example

1. Verify within SoW
2. Review Equipment List
3. Review Ownership Documentation
4. Verify Hourly Rates
5. Verify Operator Hours

Supporting Documents

1. Timesheet
2. Equipment Ownership Documentation
   i. Title
   ii. Invoice with Proof of Payment
   iii. Equipment Listing (Equipment Schedule)

MATERIALS

Review Steps

1. Verify Materials in Scope of Work
2. Compare Work Order/ Picking Ticket to claimed materials
3. Review Inventory Listings
4. Review Purchase Policy (If applicable)
5. Review Purchase Order/Fees to Invoice
6. Validate Cost of Pre-Existing Inventory (If applicable)

Force Account Materials (Stock)

1. Material Summary
2. Historical Costs – Invoice
3. Inventory Listing
4. Work Order, Picking Tickets

Purchased Materials

1. Material Summary
2. Purchase Order
3. Invoice
4. Proof of Payment
5. Procurement Documentation

CONTRACT COSTS

Review Steps

1. Verify Procurement
2. Reconcile Invoices
3. Compare Fee Structure to Invoices
4. Compare Goods/Services to PW SoW
   a. 100% Complete Projects
5. Dates of Work are within Period of Performance
6. Confirm Proof of Payment

Documentation

1. Invoices
2. Proof of Payment
   i. Cancelled Checks
   ii. Bank Statements
3. Contract or Written Agreement
4. Procurement Information
5. Purchasing Policy

EMERGENCY PROCUREMENT REVIEW

Review Steps

1. Review procurement policy
2. Ensure contract is based on an eligible fee structure (i.e. no cost plus contracts)
3. Verify all required contract provisions are included in the contract
4. Verify a cost or price analysis was performed (if over the simplified acquisition threshold – currently $250k)

Documentation

1. Procurement Policy
2. Justification for using a noncompetitive procurement
    1. MEMA Emergency Procurement Form
3. A cost or price analysis (if over the simplified acquisition threshold – currently $250k)
4. A copy of the signed contract or agreement
    1. Contract should include all required contract provisions

CONTRACT PROVISIONS

	Required Provision	Contract Criteria	Sample Language?
1.	Legal/contractual/administrative remedies for breach of contract	> Simplified Acquisition Threshold ($250k)	No. It is based on applicant's procedures.
2.	Termination for cause or convenience	> $10k	No. It is based on applicant's procedures.
3.	Equal Employment Opportunity	Construction work	Yes. 41 CFR Part 60-1.4(b)
4.	Davis Bacon Act	Construction work	**Not applicable to PA grants**
5.	Copeland Anti-Kickback Act	Construction work > $2k	**Not applicable to PA grants**
6.	Contract Work Hours and Safety Standards Act	> $100k + mechanics or laborers	Yes. 29 CFR 5.5(b)
7.	Rights to inventions made under a contract or agreement	Funding agreement	**Not applicable to PA grants**
8.	Clean Air Act and Federal Water Pollution Control Act	>$150k	Yes
9.	Debarment and Suspension	All	Yes
10.	Byrd Anti-Lobbying Amendment	All (>$100k: Certification)	Yes. Clause and certification
11.	Procurement of Recovered Materials	Applicant is a state or political subdivision of a state. Work involves the use of materials.	Yes

COVID-19 GUIDANCE

WHAT CAN I GET REIMBURSED FOR?

MAJOR DECLARATION
FEMA-4496-DR-MA

DECLARATION DATE: March 27, 2020

INCIDENT DATE: January 20, 2020 and continuing

DECLARED COUNTIES: All Massachusetts Counties

AUTHORIZED DISASTER ASSISTANCE: FEMA Public Assistance Program

Category B - FEMA Public Assistance Program

ELIGIBILITY PERIODS

COVID-19 Public Assistance Eligible Work – Comparison Table

		Initial Eligibility Jan. 20, 2020 – Sept. 14, 2020	Ongoing Eligibility Sept. 15, 2020 – Jan. 20, 2021	Eligibility Under Updated Policies Jan. 21, 2021 – Sep. 30, 2021
Medical Care	Clinical Care for COVID patients	✓	✓	✓
	Vaccination	▲	✓	✓
	Alternate Care Sites & Community Testing Sites	✓	✓	✓
	Contact Tracing Disease & Research	⊘	⊘	⊘
Opening & Operating	Personal Protective Equipment	✓	▲	✓
	Cleaning & Disinfecting	●	▲	✓
	Screening incl. Testing & Temp. Checks	●	▲	✓
	Temp. Physical Barriers	●	▲	✓
	Virtual Operations	⊘	⊘	⊘
Mass Care	Non. Cong. Sheltering	✓	✓	✓
	Emergency Feeding	✓	✓	✓

Legend: ✓ Eligible Work ● Limited Eligibility with Specific Documentation ▲ Very Limited Eligibility with Specific Criteria ⊘ Ineligible Work

Want to Learn More on Cost Eligibility?

Visit our website here to view our training!

Links to Guidance: Initial Eligibility
Ongoing Eligibility
Eligibility Under Updated Policies

ELIGIBILITY: SEPTEMBER 15, 2020 – JANUARY 20, 2021

a. Purchase and distribution of face masks,[19] including cloth facial coverings, provided to persons conducting eligible emergency work and/or in facilities where eligible emergency work is performed.
b. Temperature scanning, including purchase and distribution of hand-held temperature measuring devices and associated supplies, in facilities where eligible emergency work is performed.
c. Disinfection, in accordance with CDC guidance,[20] in facilities where eligible emergency work is performed, including purchase and provision of necessary supplies and equipment, and in excess of current operating costs.
d. Acquisition and installation of temporary physical barriers, such as plexiglass barriers, in facilities where eligible emergency work is conducted.
e. Law enforcement and security.
f. Training and technical assistance specific to the declared event.
g. Reimbursement for force account overtime costs, costs related to hiring temporary employees, and contract labor costs associated with performance of eligible emergency protective measures.[21]
h. Movement of equipment and supplies, including transportation and storage.
i. Other work and costs delineated within COVID-19 policies referenced in C.4.

- Eligible Emergency Work: emergency actions taken to directly respond to COVID-19.
- Does not include school re-opening or operation costs

Click HERE for FEMA guidance.

ONGOING GUIDANCE: SEPTEMBER 15, 2020 – JANUARY 20, 2021

a. Medical care, in accordance with COVID-19 specific policy or subsequent updates.[10]
b. Purchase and distribution of food, in accordance with COVID-19 specific policy or subsequent updates.[11]
c. Non-congregate medical sheltering, in accordance with COVID-19 specific policy or subsequent updates.[12]
d. Operation of Emergency Operations Centers to direct and coordinate resources and response activities for COVID-19 declarations.[13]
e. Communications to disseminate public information regarding health and safety measures and provide warnings about risks and hazards.[14]
f. Mass casualty management, including storage of human remains and mass mortuary services, as necessary to manage fatalities caused by COVID-19.[15]
g. Purchase and distribution of Personal Protective Equipment (PPE)[16] that is directly related to the performance of otherwise eligible emergency work,[17] or is provided to healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders.[18]
    i. Funding for stockpiling a supply of eligible PPE is limited to a supply that is projected for up to 60 days from date of purchase.
    ii. Funding for storing eligible PPE is limited to what is necessary to store a projected 60-day PPE supply.

Activities are eligible for reimbursement ONLY if the entity has the legal responsibility!

ELIGIBILITY: JANUARY 21, 2021 – SEPTEMBER 30, 2021

FEMA may provide assistance to all eligible PA Applicants, including SLTTs and eligible PNPs, for the following measures implemented to facilitate the safe opening and operation of all eligible facilities in response to COVID-19 declared events:

a. Purchase and distribution of face masks, including cloth face coverings, and Personal Protective Equipment (PPE).
b. Cleaning and disinfection, in accordance with CDC guidance or that of an appropriate Public Health official available at the time the work was completed, including the purchase and provision of necessary supplies and equipment in excess of the Applicant's regularly budgeted costs.
c. COVID-19 diagnostic testing.
d. Screening and temperature scanning, including, but not limited to, the purchase and distribution of hand-held temperature measuring devices or temperature screening equipment.
e. Acquisition and installation of temporary physical barriers, such as plexiglass barriers and screens/dividers, and signage to support social distancing, such as floor decals.
f. Purchase and storage of PPE and other supplies listed in this section based on projected needs.

- Supplemental to September 1st 2020 policy
- Eligible Public Facilities
- Click HERE for FEMA guidance.

Want to Learn More on Opening Guidance?

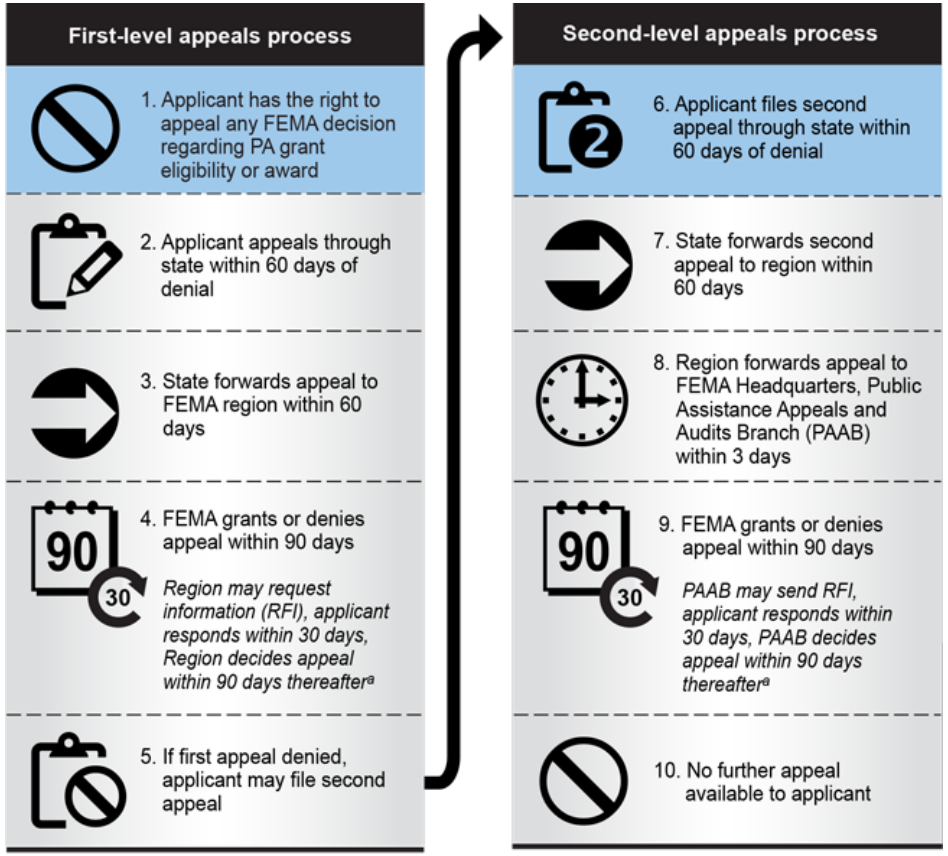
Visit our website here to view our training!

APPEALS PROCESS

WHAT HAPPENS IF FEMA DENIES MY COSTS?

APPEALS PROCESS

- FEMA will first issue a Request for Information, i.e. please provide a narrative on how increase construction costs is not an increased operating cost.
- FEMA will review additional information submitted by applicant in response to RFI. If FEMA determines that the costs are ineligible or not supported by appropriate documentation- a DETERMINATION MEMO (DM) will be issued via FEMA Grants Portal.
- Grants Portal will generate a notification email. Once applicant logs onto Grants Portal and reviews DM, the System will date and time stamp the opening of that document. This will be the start of the applicant's 60 day window.



Sources: GAO analysis of Federal Emergency Management Agency (FEMA) information. | GAO-18-143

[a] FEMA may issue an RFI to an applicant multiple times before it renders a decision on an appeal.

CRITICAL DEADLINES

FIRST APPEAL

1. Applicant Deadline

   Submit appeal to MEMA Project Coordinator within **60 days** of reviewing DM on Grants Portal.

2. MEMA Deadline

   Forward appeal with recommendation to FEMA Region within **60 days** of receiving appeal from applicant.

3. FEMA Deadline

   Must make a written decision on appeal or issue a request for information within **90 days** of receiving appeal from MEMA.

SECOND APPEAL

1. Applicant Deadline

   Submit second appeal to MEMA Project Coordinator within **60 days** of receiving FEMA's first appeal decision.

2. MEMA Deadline

   Forward appeal with recommendation to FEMA HQ within **60 days** of receiving second appeal from applicant.

3. FEMA Deadline

   Must make a written decision on appeal or issue a request for information within **90 days** of receiving second appeal from MEMA

Want to Learn About Arbitration Options?

Visit our website here to view guidance!

WHAT NEEDS TO BE IN MY APPEAL

- The written appeal letter should be on official letterhead and addressed to:

  Samantha Phillips, Director
  Massachusetts Emergency Management Agency
  400 Worcester Road
  Framingham, MA 0170

- The Subrecipient must include the following in their appeal:
  - The facts surrounding the damage incurred, development of the Request for Public Assistance or the Project Worksheet, and ineligibility determination;
  - Documented justification supporting the Subrecipient's position;
  - Specify the monetary figure in dispute; and
  - Cite the provisions in federal law, regulation, or policy with which the Subrecipient believes the initial action was inconsistent.

STATE PUBLIC ASSISTANCE CONTACTS

- MA Public Assistance Officer

  Erica.Heidelberg@mass.gov
- MA Public Assistance Program Coordinator – Complex Lane Projects

  Lorraine.Eddy@mass.gov

  MA Public Assistance Program Coordinator – Standard Lane Projects

  Amanda.Campen@mass.gov

- Questions?

  https://www.mass.gov/info-details/covid-19-federal-disaster-declaration#questions-

  Disaster.Recovery@mass.gov