



North Carolina Emergency Management



COVID-19 FEMA-4487-NC

PUBLIC ASSISTANCE APPLICANT BRIEFING

Welcome



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Norma Houston
UNC School of Government
NC Office of Recovery and Resiliency



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



Applicant Briefing Housekeeping Tips

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



We Know You'll Have Questions

We cannot address all specific expense eligibility questions during this briefing

Email your questions to:

pahotline@ncem.org

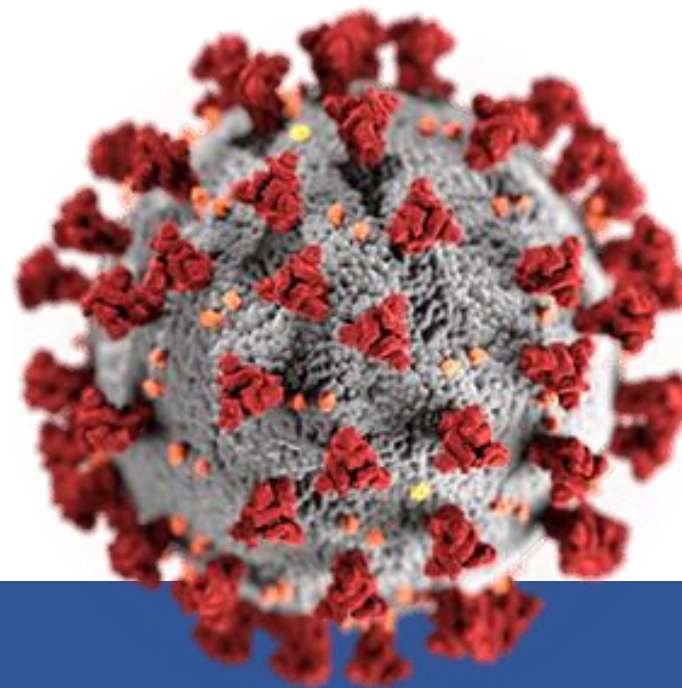


[Look For Helpful Resources Linked on Slides](#)

Click on resource links in presentation slides pdf

Event Details

Basic Information on COVID-19 Event



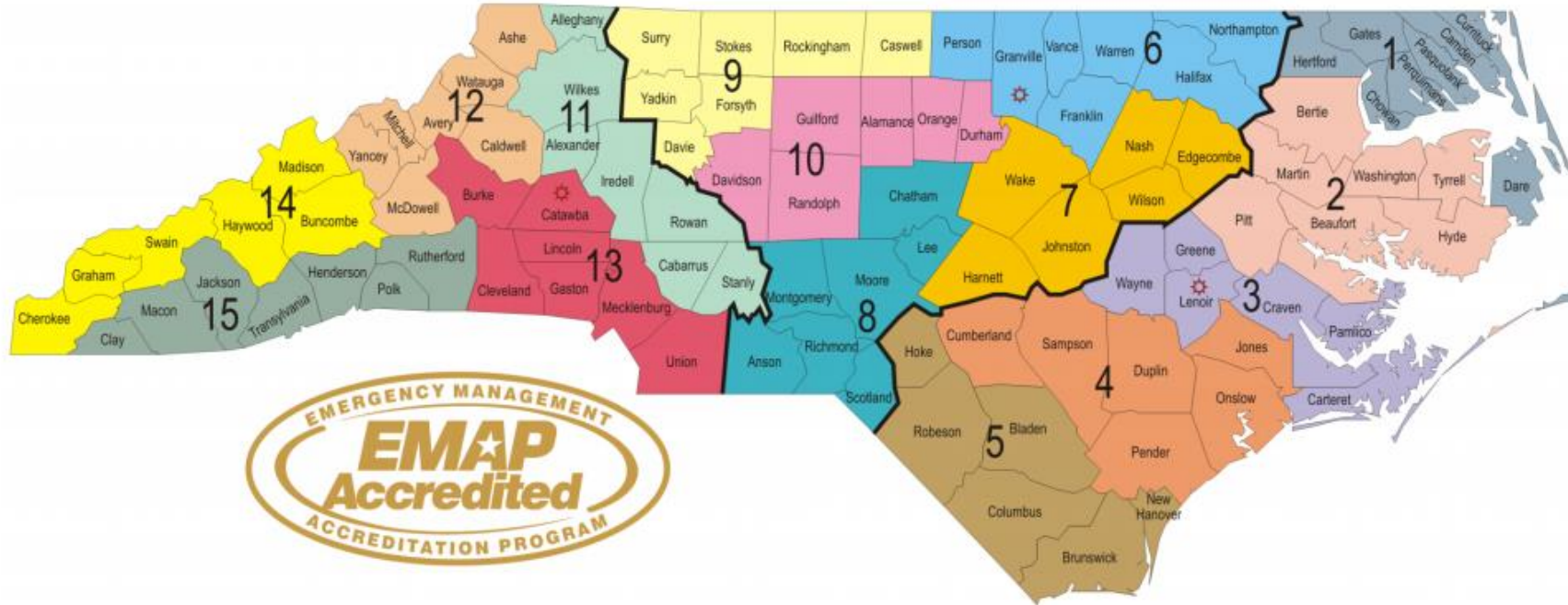
Event Details

- 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

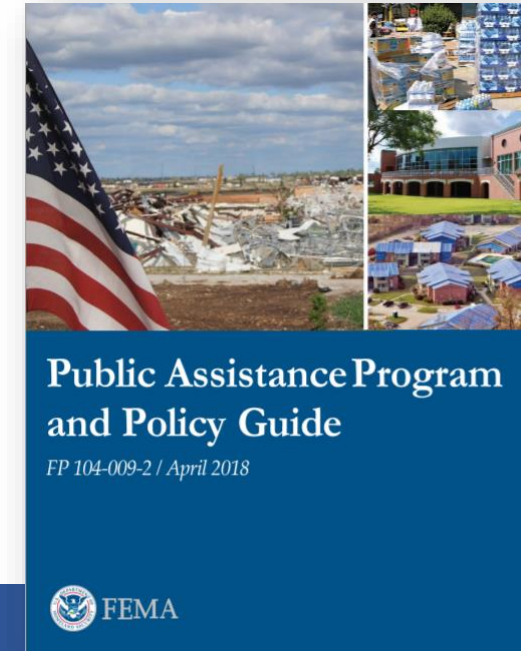


Declaration applies to ALL
public entities and eligible
private non-profits
throughout the State

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

Create	Organizational profile to include primary and secondary PA contacts and all staff that need to be in the loop
Submit	Your Request for Public Assistance (RPA)
Assign	Roles within Grants Portal to organizational staff
Upload	Expenses (“damage inventory”) and all related documentation
Receive and Respond	To FEMA and NCEM PA’s requests for information
Upload and Update	Information related to reimbursement request (information will vary depending on specific expenses)

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

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

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@cityvofws.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)



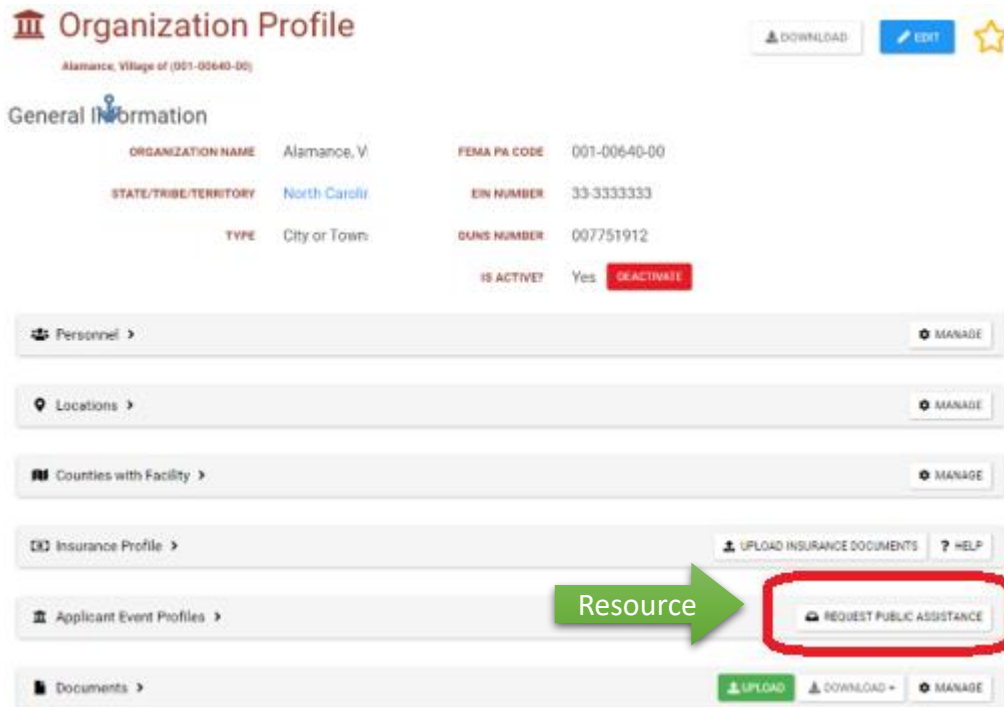
Required Registration Documents

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 Carolina	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

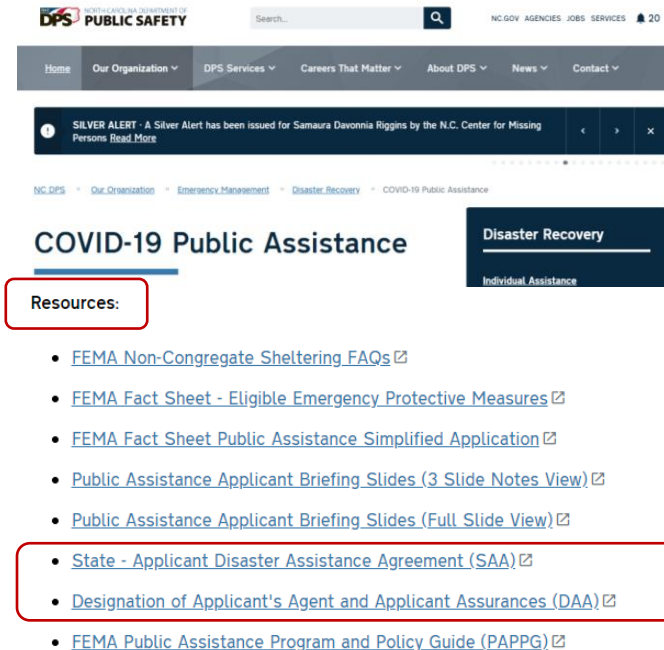
Documents UPLOAD DOWNLOAD MANAGE

REQUEST PUBLIC ASSISTANCE

Resource

SAA and DAA

[NCEM COVID-19 PA Website](#)



COVID-19 Public 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

Additional PNP RPA Documentation

Private Nonprofits must submit this information as part of the RPA process:

- Tax Exemption Certification (*IRS Letter showing 501 (c),(d) or (e) status, or NC Secretary of State Tax Exempt Letter*)
 - Proof of Ownership (*such as deed*) or Legal Responsibility (*a lease*)
 - Proof of Insurance
 - Corporate Documents: Articles of Incorporation, Charter, By-Laws, etc.
 - Accreditation (*for private educational organizations only*)
-
- Submit in Grants Portal during the RPA process

Does NOT Apply to Public Entities!



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!

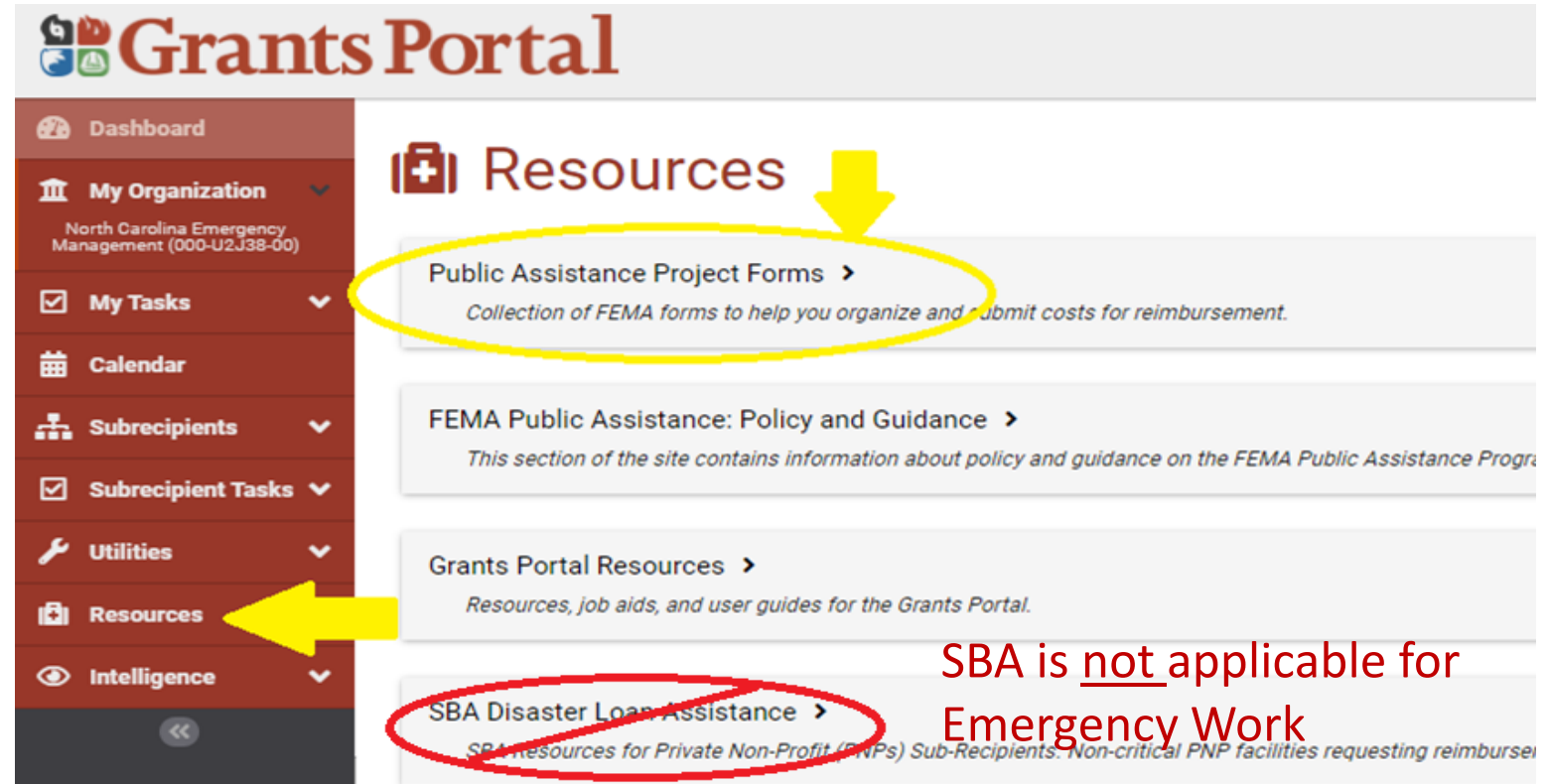
Document Expenses NOW

Example Summary Records

Grants Portal:
Resources Tab
provides examples

Or find them at:

✓ [FEMA Library](#)



Grants Portal

- Dashboard
- My Organization
North Carolina Emergency Management (000-U2J38-00)
- My Tasks
- Calendar
- Subrecipients
- Subrecipient Tasks
- Utilities
- Resources**
- Intelligence

Resources

- Public Assistance Project Forms** >
Collection of FEMA forms to help you organize and submit costs for reimbursement.
- FEMA Public Assistance: Policy and Guidance >
This section of the site contains information about policy and guidance on the FEMA Public Assistance Program.
- Grants Portal Resources >
Resources, job aids, and user guides for the Grants Portal.
- ~~SBA Disaster Loan Assistance~~ >
~~SBA resources for Private Non-Profit (PNPs) Sub-Recipients. Non-critical PNP facilities requesting reimbursement.~~

SBA is not applicable for
Emergency Work

*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!



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)
- 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
- Guidance is coming on non-FEMA federal disaster relief funding when federal guidance has been released

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 Collection 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	DATE	DATES AND HOURS WORKED EACH WEEK					COSTS						
		REG.	O.T.	REG.	O.T.	REG.	O.T.	TOTAL HOURS	HOURLY RATE	BENEFIT RATE/HR	TOTAL HOURLY RATE	TOTAL COSTS	
JOB TITLE													
NAME	REG.												
JOB TITLE	O.T.												
NAME	REG.												
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
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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: Law enforcement and first responder vehicles, mobile command trailers, 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, Cleaning Supplies
- 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: Forklifts, Fans, Tents, Generators, etc.
- Be certain to keep your rental agreement
- Retain receipts to validate rented equipment costs

Contract Work

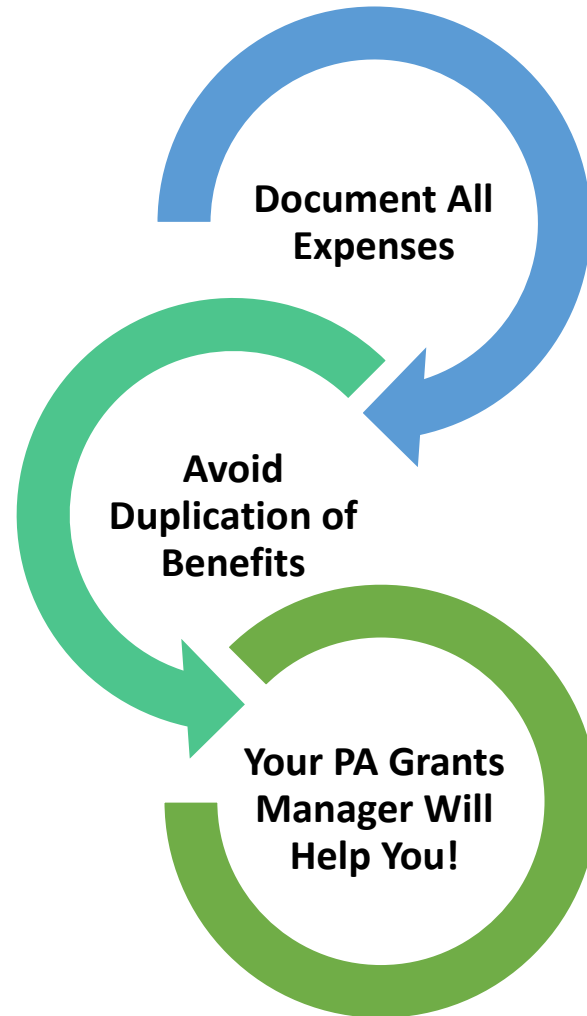
- Reimbursement for hiring outside contractors to perform eligible emergency protective measures work
- Temporary employees are not contractors – they are force account labor
- Check for debarred contractors (EPLS)
-  ✓ www.sam.gov – Excluded Parties List System
- Document your procurement process for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

Duplication of Benefits

- FEMA will not reimburse for expenses paid for with any other funding sources
- Keep track of ALL expenses, and
- Keep track of which expenses have been paid for with other funds (ex: CDC, HHS or CARES Act funding)
- Be prepared to demonstrate no duplication of benefits if requested by FEMA

More guidance coming on other federal disaster funding
Continue to document all expenses and other funding you receive

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 PAHotline@ncem.org

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
Resource → ✓ [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:

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

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

Resource → ✓ [SOG COVID-19 Procurement Website](#)

We're Here to Help!



NCEM Public Assistance Contacts

Contact NCEM Public Assistance



PAHotline@ncem.org

or

919-825-2548



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!