New York Contracting for Human Services Organizations During the COVID-19 Pandemic

Summary:

The COVID-19 pandemic has brought many challenges and varied impacts for human services nonprofits across New York City. This compilation of resources may help your organization weather through an emergency as you face the impact.

However, please note that there may be changes depending on the emergency, a second wave of COVID-19, or any amendments by government agencies. Some of these policies were developed specifically for this first wave of the pandemic and may change or not be implemented at all in the future. Organizations should reach out to their contracting agency for specific resources and assistance on their contracts.

See below for tips and information relating to funding opportunities, State and City contracts, and the FEMA Public Assistance program – and email info@humanservicescouncil.org with any questions.

Search for Funding Opportunities:

The City may release HHS Requests for Proposals (RFPs) through either HHS Accelerator or PASSPort. Procurements on the Procurement Roadmap in HHS Accelerator listed as “Planned” and containing “Managed in PASSPort” in the Procurement Title have been released in PASSPort. For more information on how PASSPort and HHS Accelerator work to support contracting for Health and Human Service Providers, please read this one-page document.

Tips for State & City Funded Providers:

During the pandemic, the human services sector was called on by State and City government to support communities through extraordinary challenges and struggles with decades of underfunding. The Human Services Council and its members advocated for our government partners to address the health and stability of the nonprofit sector during this crisis, and the ability to continue serving the New Yorkers who are hardest hit by COVID-19. This advocacy led to various guidance from the State and City on business continuity and streamlining administrative practices.

New York State:

The Governor declared a State disaster emergency for the entire State of New York that provides a budget bulletin on funding eligibility for nonprofit human services providers unable to meet performance requirements due to the COVID-19 public health emergency. This applies to eligible contracts that were awarded prior to March 7, 2020 and, in effect, until Executive Order No. 202 ceases to be in effect.
State Agencies Covered:

- Office of Children and Family Services (OCFS)
- Office of Temporary and Disability Assistance (OTDA)
- Office of Addiction Services and Supports (OASAS)
- Office of Mental Health (OMH)
- Office for People with Developmental Disabilities (OPWDD)
- State Office for the Aging (SOFA)
- Division of Criminal Justice Services (DCJS)
- Department of Labor (DOL)
- Department of Health (DOH)

**TIP #1: Reach out to your State contracting agency and program manager**

State agencies are instructed to work with nonprofits with which they have contracts to determine whether a nonprofit’s ability to meeting performance/reporting requirements are:

- Impaired primarily as a result of the COVID-19 public health emergency; AND
- Established only in the contract between the agency and the Human Services NFP.

Nonprofits should document and certify the impacts on their performance due to COVID-19 and the contracting agency will approve or reject the certification and work with the impacted nonprofit to amend the respective contract. This will be conducted on a contract-by-contract, not a provider-by-provider, basis.

*Agency contract provisions which provide expense-based reimbursement to nonprofits will not be covered by this budget bulletin.*

**TIP # 2: Reporting**

Nonprofits should submit the following information to the Division of the Budget’s Legal and Procurement Unit at LPU@budget.ny.gov:

- Human Services NFP name and EIN or Tax ID number;
- Contract Number;
- Contract Term;
- Total Grant Amount;
- Grant amount paid pursuant to this Budget Bulletin;
- Services Provided; and
- COVID-19 impact causing inability to meet Performance/Reporting Requirements.

For more information, see [Budget Bulletin H-0502: Not-for-Profit Human Services Providers - Performance Requirements for Funding during COVID-19 Disaster Emergency](https://www.budget.ny.gov/0502.html) or contact the Division of the Budget's Legal and Procurement Unit at LPU@budget.ny.gov or (518) 474-2334.
New York City:
The Mayor declared a State of Emergency that creates flexibility on contract performance while maintaining organizational cash flow and financial flexibility. As long as the State of Emergency remains in effect, providers may continue to operate under a modified scope of work (e.g. remotely) previously approved by the contracting City agency.

**TIP #3: Reach out to your City contracting agency and program manager**
The City may re-evaluate the continuation of modified services and/or methods of payment for programs.

- Programs that have been converted from performance-based budgets to line-item budgets or programs that no longer meet contract goals may continue operating, and receiving payment, unless otherwise notified.
- Any new modifications to scopes of work must be approved in writing by the contracting agency.
- Use the [HHS Accelerator Budget Modification FAQ Sheet](#) to initiate a budget modification.
- See the [COVID-19 FY21 Fiscal and Budget Guidance for Human Service Providers](#) for more information.

**TIP #4: Track COVID-related expenditures**
The City is reimbursing providers’ contracted expenses for COVID-19 response, according to the revised scopes of work developed and authorized in collaboration with City contracting agencies.

- COVID-19 expenses must be invoiced separately. For contracts managed in HHS Accelerator, invoices should be submitted in HHS Accelerator through a separate invoice submission.
- Maintain records of all COVID-19 expenditures by creating separate cost centers or grant codes within your organization’s financial management systems to track costs related to COVID-19.
- Develop a narrative explanation that summarizes how activities and services directly relate to COVID-19 response and work. The narrative should directly relate to the services and expenses submitted for reimbursement on COVID-19 invoices per category: labor, supplies, equipment, contracts.
- If costs can be accommodated within the provider’s annual fiscal year contract budget, the provider may initiate a budget modification. Use the [HHS Accelerator Budget Modification FAQ Sheet](#) to initiate a budget modification.
- If such costs cannot be accommodated within the provider’s annual fiscal year contract budget, the provider must submit a request to their contracting agency for approval prior to purchase.
- Use the [Guidance for COVID-19 Invoice Submission](#) to facilitate reimbursement for COVID-19 expenses.
- See the [COVID-19 Expenditure Tracking and Reporting Guidance for Human Service Providers](#) for more information.
FEMA Public Assistance Program:

FEMA may provide funding to eligible applicants for costs related to emergency protective measures conducted as a result of the COVID-19 pandemic. Eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s Public Assistance program. FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC), or other federal agencies. FEMA assistance will be provided at a 75% federal cost share.

Eligible Assistance:
Under the COVID-19 Emergency Declaration, FEMA may provide assistance for emergency protective measures including, but not limited to, the following, if not funded by the HHS/CDC or other federal agency. While some activities listed may be eligible for funding through HHS/CDC, final reimbursement determinations will be coordinated by HHS and FEMA. FEMA will not duplicate any assistance provided by HHS/CDC:

- Medical care, in accordance with COVID-19 specific policy or subsequent updates;
- Purchase and distribution of food, in accordance with COVID-19 specific policy or subsequent updates.
- Non-congregate medical sheltering, in accordance with COVID-19 specific policy or subsequent updates;
- Operation of Emergency Operations Centers to direct and coordinate resources and response activities for COVID-19 declarations;
- Communications to disseminate public information regarding health and safety measures and provide warnings about risks and hazards;
- Mass casualty management, including storage of human remains and mass mortuary services, as necessary to manage fatalities caused by COVID-19; and
- Purchase and distribution of Personal Protective Equipment (PPE) that is directly related to the performance of otherwise eligible emergency work, or is provided to healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders, including:
  - 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 and
  - Funding for storing eligible PPE is limited to what is necessary to store a projected 60-day PPE supply.

Application Process:
Recipients should work through their FEMA regional point of contacts to begin the process.

You can apply for assistance online through the Public Assistance Grants Portal. To apply for a grant online please follow this process:

- Attend a virtual applicant briefing
- Log on and create account at Public Assistance (PA) Grants Portal
- Submit a Request for Public Assistance (RPA)
• Submit a COVID-19 Streamlined Project Application
• FEMA and Recipient review documents
• Applicant Signs Project
• Receive funding through Recipient

FEMA reviews information you have submitted online including work activities, costs, and supporting documentation and may contact you if they have any questions. You can log-in to the Grants Portal to see the progress of your grant at any time.

More Information:
• FEMA Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance
• A list of federal funding for COVID-19
• Public Assistance Program and Policy Guide
• FEMA Grant Portal Video
• American Hospital Association guidance on COVID-19 FEMA funding for hospitals and healthcare systems

Thank you for your work during COVID-19!
Please email info@humanservicescouncil.org with any questions.

Thank you to the Fund for Public Health in New York City and the New York City Department of Health and Mental Hygiene for supporting the creation of this material.