



FREED MAXICK COVID-19 RESOURCE CENTER

FEMA Public Assistance for DR-4480

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Overview

The President issued a major disaster declaration, DR-4480, on March 20, 2020 for the COVID-19 pandemic. Due to the unprecedented nature of the COVID-19 pandemic, for the first time ever FEMA will provide Public Assistance Funding for an event that does not include a physical or natural disaster. FEMA will provide funding for labor, materials and equipment directly related to the COVID-19 emergency. Since this marks a departure from the events for which FEMA typically provides Public Assistance Grants, expectations and guidance continue to evolve.

We strongly recommend that eligible organizations create an account with the FEMA PA Grants Portal and submit FEMA form "Request for Public Assistance" (RPA) as soon as possible to confirm their eligibility. The typical window to apply for FEMA Public Assistance grants is within 30 days of the disaster declaration. However, in this case, given the nature of the COVID-19 pandemic, FEMA has established an open-ended enrollment period for DR-4480. Costs must be incurred between January 20, 2020 and September 19, 2020 in order to be eligible for funding.

Ensuring that your organization receives the maximum amount of funding to support your COVID-19 activities will require a significant amount of coordination. FEMA is the payer of last resort, and applicants that are eligible for any non-FEMA Federal and State funds for COVID-19 must use funds from those sources first. The uncertainty as to how those other sources of funding will ultimately be managed only adds to the need for organizations to have a clearinghouse to manage all financial recovery efforts.

Trust earned.



Freed Maxick's Healthcare Team is comprised of over 50 healthcare operations, revenue cycle, reimbursement, finance, audit, tax, data analytics and information technology professionals who can assist in ensuring that your organization is fully capturing and pursuing all the available funding sources, including FEMA, the CARES Act, and other sources, to recoup expenses and other economic damages related to the COVID pandemic response. Given our depth and breadth of knowledge, Freed Maxick has created a Pandemic Response Project Management Office to assist organizations with the myriad data collection, application, reporting and other requirements of assistance programs.

Below, healthcare providers will find areas to consider in optimizing the planning, application, tracking and reporting of expenses for FEMA Public Assistance Grants.

DD-4480 authorizes FEMA to provide Public Assistance Grants to organizations that qualify in all four required categories:

1. Applicant
2. Facility
3. Work
4. Cost

In New York State the Department of Homeland Security and Emergency Services (NYS DHSES) will serve as the recipient of the Federal FEMA funds and coordinate all applications and funding to eligible applicants.

Eligible Applicants

1. Critical and Essential/Non-Critical Private Not-for-Profit (PNP) Organizations:
 - Critical PNPs include Hospitals and Emergency Care Facilities, Nursing Homes, Labs, Rehab Centers that provide medical care, Educational Facilities including institutions of Higher Education, and Fire/Rescue services
 - Essential/Non-Critical NPs include: Community Centers, Child Care Facilities, Food Assistance Programs, Performing Arts Facilities, Senior Citizen Centers, Homeless Shelters, Houses of Worship. Other PNPs may be eligible, and NYS DHSES can help determine eligibility
2. State Agencies, such as DOT, DEC, State Police, etc.
3. Local Governments, including School Districts
4. Federally recognized Native American Nations

In order to prove eligibility for FEMA funding, PNPs must provide:

- DUNS number
- Organization charter or by-laws
- Tax exempt letter, 50 (c), (d), or (e) IRS designation
- NYS Comptroller's W-9 form
- Articles of Incorporation
- PNP questionnaire
- Copy of the deed or lease agreement (may be waived at this time because funding focuses on work, equipment and materials, not physical plant repairs)
- PNP RPA package

NOTE: This list includes the minimum documentation required. After preliminary review NYS DHSES and FEMA may ask applicants to submit additional information to prove eligibility.

Eligible Facilities

The COVID-19 event differs from most FEMA public assistance efforts because it is not in response to an event that caused major damage to buildings and other physical structures. FEMA, NY DHSES and other states continue to work closely to determine how the facility requirements will be addressed and what documentation will be required for DR-4480. At a minimum, the expectation is that an eligible applicant will need to provide proof that they operate an eligible facility, which includes:

- Damages must be caused by the event (TBD based on FEMA guidance)
- Legal responsibility of the applicant
- Located in a declared county (all of NYS is declared)
- In active use at the time of the emergency
- Not under authority of another federal agency, e.g. HHS

The last bullet is critical because FEMA will not provide funding for any work, equipment or materials that are funded by other federal aid.

Eligible Work

This is the first time FEMA has issued a major federal disaster declaration for a medical event and the first time that emergency protective measures have been eligible for reimbursement through the FEMA Public Assistance Program. This is uncharted territory, and the State is working closely with FEMA to provide information on what costs and activities are eligible. Although this is subject to change as a result of ongoing discussions, eligible work typically includes:

- Emergency operations Center (EOC) Operations
- Emergency Care
- Medical sheltering
- Medical supplies and equipment
- Provision of food, water, ice, medicine and other essential needs
- Security and law enforcement for temporary facilities
- Communications of general health and safety information to the public
- Emergency protective measures for non-congregate sheltering, but only if at the direction of and documented through an official order signed by a state, local, tribal or territorial health official

Trust earned.

Eligible Costs

Labor

- Reassigned EEs
- Backfill EEs
- Shift Differential
- Stand-by Time
- Additional Security Staff
- Travel costs to bring staffing resources in from other areas

EMERGENCY WORK LABOR ELIGIBILITY		
Budgeted employees	Overtime	Straight-time
Permanent employee	☑	
Seasonal employee working during normal season of employment	☑	
Unbudgeted employees	Overtime	Straight-time
Essential employee called back from administrative leave	☑	☑
Permanent employee funded from external source	☑	☑
Temporary employee hired to perform eligible work	☑	☑
Seasonal employee working outside normal season of employment	☑	☑

Equipment and Supplies

- Personal Protective Equipment and other consumables – evidenced by invoices or purchase orders. May also include consumption of inventory
- Ventilators and other major pieces medical equipment
- Additional beds to expand hospital capacity
- Fuel and maintenance cost consumed in the use of medical equipment. Maintenance could include both time spent operating equipment and mobilizing equipment to project site.
- Sanitation and additional cleaning time to prevent virus spread
- Build out of “clean rooms” to segregate infected and noninfected patients
- Meals paid for emergency employees for long hours worked
- Set up of mobile testing or treatment sites

Note: All contracts must follow established contracting and purchasing requirements. New contracts may be subject to State, Local and Federal procurement rules, including the number of bids required, use of MWBE enterprises, and other expectations.



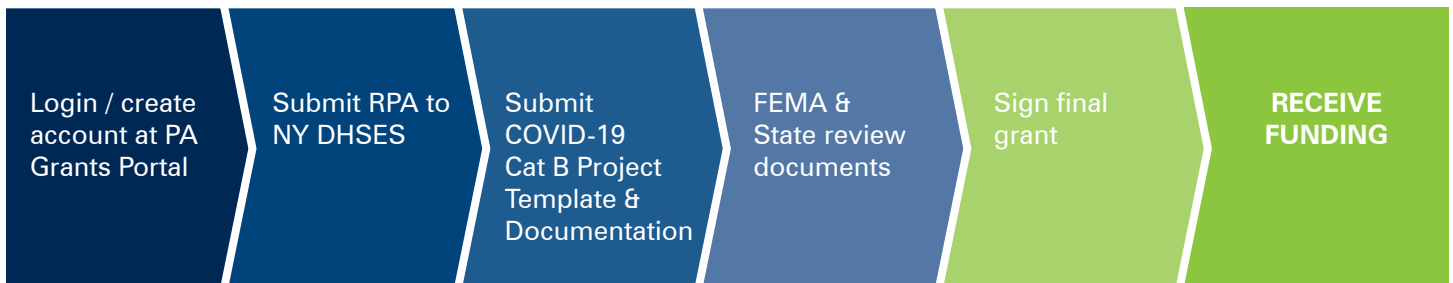
Donated Resources

FEMA Public Assistance grant recipients must track all donated resources, whether they are labor, supplies or equipment. DR-4480 requires a 25% match, and donated resources may be used to offset that matching requirement.

Project Management and Design Services

Management costs are capped at 5% of the applicant total obligated cost and must be fully documented. Note that management costs in typical FEMA public assistance grants are focused on site visits, project scoping, physical damage assessments, etc., and therefore FEMA will likely offer additional guidance in the future regarding acceptable project management costs for DR-4480.

The Application Process



Post-Funding Requirements

- Funded organizations must maintain records of all expenses related to their FEMA funding, even after they have submitted that information to FEMA
- Applicants must be able to demonstrate direct outreach to MWBE enterprises
- DHS OIG will conduct audits to ensure compliance with the requirement to seek bids from MWBE enterprises
 - > Note that language in a publication indicating “MWBE enterprises are encouraged to apply” does not meet this requirement
 - > Proof of active solicitation may include e-mail, telephone, or regular mail contact inviting MWBE enterprises to apply
- Insurance: although emergency work is not typically covered by standard insurance policies, FEMA will want documentation to show that any applicable insurance coverage was pursued

Contact us for more information by calling 716.847.2651 or:

