



# FEMA PUBLIC ASSISTANCE MMAA CONFERENCE JUNE 16, 2021

# MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY DISASTER RECOVERY UNIT

# AGENDA

- Introduction to the Public Assistance Process
- COVID 19 Guidance
- Grants Portal & FEMA Streamlined Application
- Documentation Requirements and Examples
- FEMA's Compliance Review
- State's Compliance Review
- Public Assistance Appeal Process
- CARES vs Public Assistance Funding
- Questions and Closing

# **OBJECTIVES & GOALS**

- Understanding FEMA COVID19 Specific Guidance
- Documentation Requirement Expectations and Examples
- FEMA Denied My Funding....Now What?
- When to apply for CARES versus Public Assistance

# INTRODUCTION TO PUBLIC ASSISTANCE

WHAT IS FEMA PA?

# FEMA PUBLIC ASSISTANCE (PA) PROGRAM

FEMA provides <u>supplemental</u> financial assistance to state, local and tribal governments, and certain private non-profit organizations for emergency protective measures that may be eligible under FEMA's Public Assistance Program in accordance with the COVID-19 Emergency Declaration in order to ensure that resource constraints do not inhibit efforts to respond to this unprecedented disaster.

The assistance FEMA provides through its PA Program is subject to a cost share. The Federal share is 100% of the eligible costs.

FEMA will not duplicate assistance provided by the Department of Health and Human Services (HHS), including the Centers for Disease Control and Prevention, or other federal agencies. Additionally, this emergency declaration does not make direct financial assistance available to private businesses or individuals.

# CATEGORIES OF WORK

#### **DEFINITION:**

An emergency protective measure (Category B) is an activity undertaken to eliminate or lessen an immediate threat to lives, public health, or safety.

### **Emergency Work**

Address an immediate threat:

- A Debris removal
- B Emergency protective measures

#### **Permanent Work**

#### Restoration of:

- C Roads/bridges
- D Water control facilities
- **E** Buildings/equipment
- F Utilities
- **G** Parks, recreational, and other facilities

# MINIMUM WORK ELIGIBILITY CRITERIA

- Be required as a result of the declared incident
- Be located within the designated area
- Be the legal responsibility of an eligible applicant

Want to Learn More on FEMA Public Assistance?

Visit our website <a href="here">here</a> to view our Applicant Briefing Video!

# **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

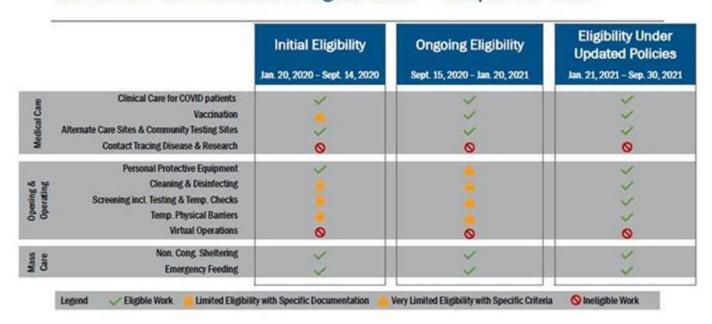
**DECLARED COUNTIES: All Massachusetts Counties** 

AUTHORIZED DISASTER ASSISTANCE: FEMA Public Assistance Program

Category B - FEMA Public Assistance Program

# **ELIGIBILITY PERIODS**

#### COVID-19 Public Assistance Eligible Work - Comparison Table



Want to Learn More on Cost Eligibility?

Visit our website <u>here</u> 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, <sup>19</sup> including cloth facial coverings, provided to persons conducting eligible emergency work and/or in facilities where eligible emergency work is performed.
- 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, <sup>20</sup> 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.<sup>21</sup>
- 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 reopening or operation costs

Click HERE for FEMA guidance.

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

- Medical care, in accordance with COVID-19 specific policy or subsequent updates.<sup>10</sup>
- Purchase and distribution of food, in accordance with COVID-19 specific policy or subsequent updates.<sup>11</sup>
- Non-congregate medical sheltering, in accordance with COVID-19 specific policy or subsequent updates.<sup>12</sup>
- d. Operation of Emergency Operations Centers to direct and coordinate resources and response activities for COVID-19 declarations.<sup>13</sup>
- 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.<sup>15</sup>
- g. Purchase and distribution of Personal Protective Equipment (PPE)<sup>16</sup> that is directly related to the performance of otherwise eligible emergency work,<sup>17</sup> or is provided to healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders.<sup>18</sup>
  - 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 <u>HERE</u> for FEMA guidance.

Want to Learn More on Opening Guidance?

Visit our website <u>here</u> to view our training!

# GRANTS PORTAL & THE STREAMLINED APPLICATION HOW DO I SUBMIT COSTS?

# SIMPLIFIED PUBLIC ASSISTANCE PROCESS

Step I – Streamlined Application Submission

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

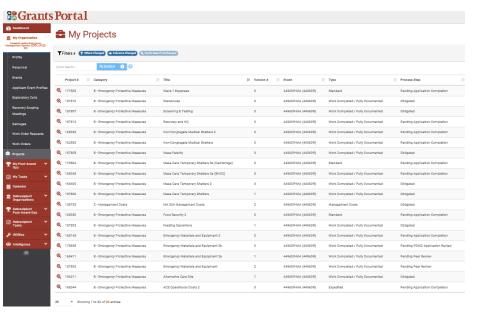
MEMA performs a full validation review confirming all submitted costs have supporting documentation in accordance with rules and regulation.

Step 5 – Applicant Review

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

# FEMA GRANTS PORTAL

- <u>FEMA Grants Portal</u> is the online platform to apply, submit, and track all projects for FEMA Public Assistance.
- Applicants NEED to use this platform in order to submit projects. MEMA nor FEMA will accept paper applications via email.



Want to Learn More on How to Use Grants Portal?

Visit FEMA's Youtube Tutorials!

# STREAMLINED PROJECT APPLICATION

- FEMA rolled out the streamlined project application for COVID-19 to simplify the process.
- The application is built into the FEMA Grants Portal.

Cost	Funding	Work	Cost Basis	Schedules Required							
COST	Request Type	Status	COST DASIS	Α	В	C	D	ΕZ	F*		
Less than \$131,100	Small	Any	Any					X	Х		
•	Large Expedited	Any	Applicant-Provided Information	Х					Х		
Equal to or greater		Complete	Actual Costs		Х		Χ		Х		
than \$131,100	Large Regular	In-progress	Actual Costs & Applicant-Provided Information			X	Х		Х		
		Not started	Applicant-Provided Information			X	X		X		

<sup>\*</sup>Schedule F may be required based on specific activities.

Want to Learn More About the Application?

Visit our website <u>here</u> to view guidance!

# DOCUMENTATION REQUIREMENTS & EXAMPLES

WHAT DO I NEED TO SUBMIT?

# SIMPLIFIED PUBLIC ASSISTANCE PROCESS

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# BEFORE SUBMISSION - DETERMINING COST

- I. Identify and collect your source documents for each cost type
  - a) Labor Costs Timesheets, Activity Logs
  - b) Equipment Costs Activity Logs, Timesheets, Work Orders
  - c) Material Costs Work Orders, Invoices, Receipts
  - d) Contractor Costs Purchase Orders, Invoices
- 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 <a href="here">here</a>
to view guidance!

# BEFORE SUBMISSION - DETERMINING COST

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Vendor	Vendor Description of work performed				Invoice No:			Dates Worked				Total Invoice Amount		Total Claim Amount		m	Comments				ents					
ABC Cleaning	ABC Cleaning Disinfection of facility before public reopening			public	4567				01/25/21			\$15,000.00		\$15,000.00		0.00										
DEF Installations	In	stalling F	Plexiglass	s barriers	3	2598			01/26/21				\$25,0	00.00		\$25,000	0.00									

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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			
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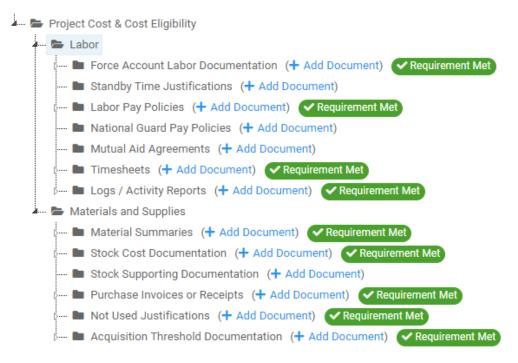
# UPLOADING SUPPORTING DOCUMENTATION

- 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?

<u>Click here</u> to view guidance!

#### **Documents**



# 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 <u>here</u> 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

# MEMA & FEMA REVIEWS

WHAT HAPPENS AFTER I SUBMIT AN APPLICATION?

# SIMPLIFIED PUBLIC ASSISTANCE PROCESS

#### Step I – Streamlined Application Submission

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

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#### Step 5 – Applicant Review

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

# WHAT DOES MEMA AND FEMA REVIEW?

Supporting documentation helps validate the expenses claimed for each project. Supporting documentation helps support the underlying cost principles of 2 CFR 200, which are:

#### **Allowable**

Necessary and reasonable for the performance of the federal award

#### Reasonable

• 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.

#### **Allocable**

 Goods or services involved are chargeable or assignable to that federal award or cost objective. Want to Learn More About PA Policy?

View FEMA's Public Assistance Program and Policy Guide here!

# 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

# FORCE ACCOUNT LABOR

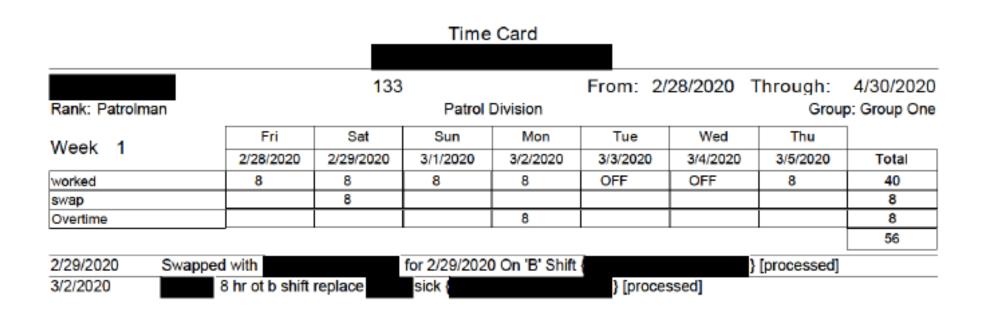
# **Review Step Examples**

- I. Tie Source Document to Summary
- 2. Confirm Activity is within Scope of Work
- 3. Confirm Pay Rates
- 4. Confirm a Breakout of Fringe Benefits
- 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**

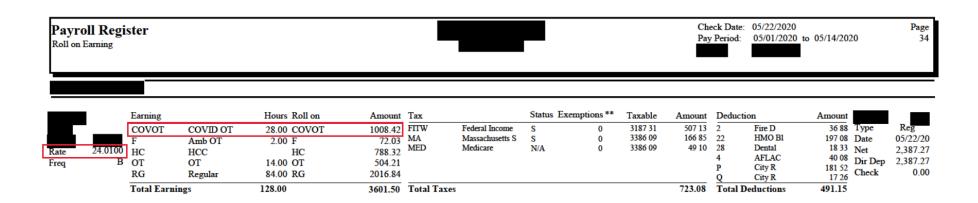
- I. Timesheet
- 2. Activity Log
- 3. Payroll Register / Bank Statement
- 4. Fringe Benefit Breakout
  - i. Individual
  - ii. Group
- 5. Payroll Policy

# LABOR TIMESHEET EXAMPLE



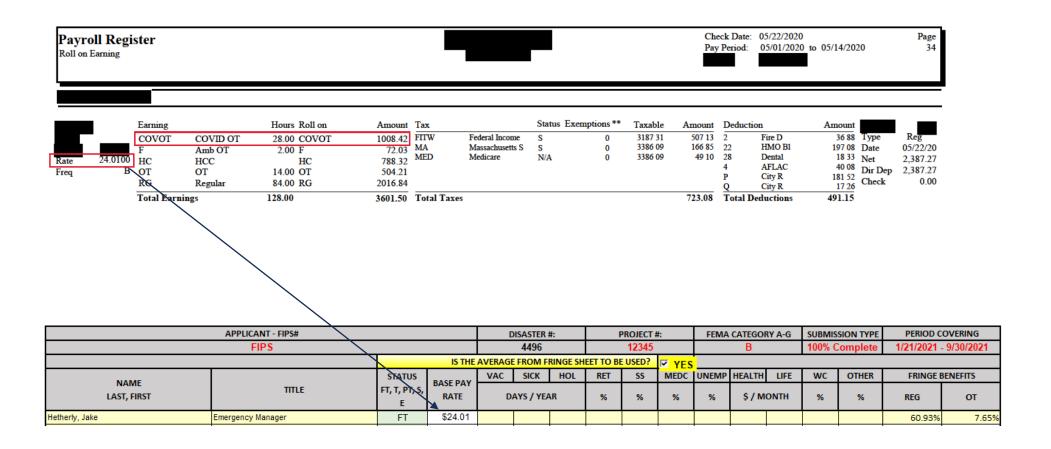
- I. Key Timekeeping Attributes
  - I. Tracking by days and hours
  - 2. Tracking Activities

# LABOR PAYROLL REGISTER EXAMPLE



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

# LABOR PAYROLL REGISTER EXAMPLE



# FORCE ACCOUNT EQUIPMENT

# **Review Steps Example**

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

# **Supporting Documents**

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

# MATERIALS

#### **Review Steps**

- I. 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)**

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

#### **Purchased Materials**

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

# CONTRACT COSTS

#### **Review Steps**

- I. 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**

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

# **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.

#### First-level appeals process



 Applicant has the right to appeal any FEMA decision regarding PA grant eligibility or award



 Applicant appeals through state within 60 days of denial



 State forwards appeal to FEMA region within 60 days



4. FEMA grants or denies appeal within 90 days

Region may request information (RFI), applicant responds within 30 days, Region decides appeal within 90 days thereafter®



5. If first appeal denied, applicant may file second appeal

#### Second-level appeals process



Applicant files second
 appeal through state within
 60 days of denial



7. State forwards second appeal to region within 60 days



 Region forwards appeal to FEMA Headquarters, Public Assistance Appeals and Audits Branch (PAAB) within 3 days



FEMA grants or denies appeal within 90 days

PAAB may send RFI, applicant responds within 30 days, PAAB decides appeal within 90 days thereafter<sup>a</sup>



10. No further appeal available to applicant

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

<sup>a</sup> FEMA may issue an RFI to an applicant multiple times before it renders a decision on an appeal.

## CRITICAL DEADLINES

#### **FIRST APPEAL**

Applicant Deadline

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

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**

I. Applicant Deadline

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

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 <u>here</u> 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.

## CARES VS PUBLIC ASSISTANCE FUNDING

- The Coronavirus Relief Fund (CRF), which was established through the CARES Act is administered by the Executive Office of Administration and Finance, whereas MEMA administers FEMA PA.
- CRF is more expansive than FEMA PA.
- Municipalities are expected to seek reimbursement on costs eligible for FEMA Public Assistance before seeking CRF for those costs.
- Questions on what is eligible for FEMA PA? Please submit a question here.

# 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