

Region V PA COVID-19 Resource Reference Guide

Issued: May 15th, 2020

ISSUE UPDATES

1. FEMA Public Assistance has put together an Adobe Connect Dashboard as a one-stop-shop for COVID-19 resources:
<https://fema.connectsolutions.com/hq-patrainingsession-covid19-resources-slitt/>
2. Addition of section on Category B information, both general and specific to COVID-19
3. Inclusion of section for Medical Care Costs addressing the disaster-specific policy issued by FEMA Headquarters on May 9th, 2020
4. Addition of section regarding Alternate Care Sites “Warm Status” Eligibility
5. Clarification on Purchase and Distribution of Food Policy 60-day extensions (**in bold type under corresponding section**)

Top Line Messages

COVID-19 Declarations authorize funding for emergency protective measures – actions taken to eliminate or lessen immediate threats to lives, public health or safety.

State, tribe or local government should always take appropriate actions within their legal authorities to protect life, health and safety regardless of federal reimbursement.

FEMA is simplifying the Public Assistance application process to address the magnitude of this event and allow applicants to directly apply for assistance.

Category B Eligibility

Resources:

[Coronavirus \(COVID-19\) Pandemic: Eligible Emergency Protective Measures Fact Sheet](#)

In general, Standard Public Assistance program eligibility for Category B applies to the COVID-19 events

- Emergency Operation Center costs
- Disinfection of eligible public facilities
- Emergency medical care:
- Medical waste disposal
- Emergency medical transport

- Sheltering
- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment 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
- Reimbursement for state, tribe, territory and/or local government force account overtime costs

Medical Care Costs

Resources:

[Coronavirus \(COVID-19\) Pandemic: Medical Care Costs Eligible for Public Assistance, FP 104-010-04](#)

- The parameters for eligible medical care work and costs for COVID-19 declarations is based on the type of facility providing medical care
- For medical care provided in a primary medical care facility work must be directly related to the treatment of COVID-19 patients; work may include both emergency and inpatient treatment of COVID-19 patients; this includes both confirmed and suspected cases of COVID-19
 - Eligible medical care activities and associated costs in primary medical care facilities include:
 - Emergency medical transport related to COVID-19;
 - Triage and medically necessary tests and diagnosis related to COVID-19 patients;
 - Necessary medical treatment of COVID-19 patients; and
 - Prescription costs related to COVID-19 treatment.
 - Purchase, lease, and delivery of specialized medical equipment necessary to respond to COVID-19 (equipment purchases are subject to disposition requirements³);
 - Purchase and delivery of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 (supply purchases are subject to disposition requirements);
 - Medical waste disposal related to COVID-19; and
 - Certain labor costs associated with medical staff providing treatment to COVID-19
 - For primary medical care facilities, increased operating costs for administrative activities (such as medical billing) are not eligible.
- FEMA may approve work and costs associated with temporary medical facilities or expanded medical facilities used to treat COVID-19 patients, non-COVID-19 patients, or both, as necessary; Medical care activities and associated costs related to treating both COVID-19 and non-COVID-19 patients in a temporary or expanded medical facility may be eligible
 - Eligible costs for temporary and expanded medical facilities include:
 - All eligible items and costs stipulated for a primary medical care facility, but applicable to both COVID-19 and non-COVID-19 patients;

- Lease, purchase, or construction costs, as reasonable and necessary, of a temporary facility as well as reasonable alterations to a facility necessary to provide medical care services;
 - Mobilization and demobilization costs associated with setting up and closing the temporary or expanded medical facility;
 - Operating costs including equipment, supplies, staffing, wraparound services, and clinical care not covered by another funding source; and
 - Maintenance of a temporary or expanded medical facility in an operationally ready but unused status available for surge capacity for COVID-19 readiness and response when necessary to eliminate or lessen an immediate threat to public health and safety, based on public health guidance, location of areas expected to be impacted, and local/state hospital bed/ICU capacity
- For contract costs related to establishing and/or operating a temporary or expanded medical facility, contracts must include a termination for convenience clause that will be implemented if the site is ultimately not needed, or the needs are less than projected, as determined by the legally responsible entity
- Ongoing and projected needs regarding continuing operations at a temporary or expanded medical facility should be based on regular assessments and the Applicant must document the review process to support its decision making.
- The assessments should include adjustments to projected needs based on guidance from public health officials, caseload trends, and/or other predictive modeling or methodologies; lead times and associated costs for scaling up or down based on projected needs; and any other supporting information.
- Eligible claimed costs must be necessary in order to respond to the COVID-19 Public Health Emergency and reasonable pursuant to Federal regulations and Federal cost principles
 - A cost is considered 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
 - For COVID-19 declarations, FEMA will use Medicare rates as the basis to determine reasonable costs for eligible clinical care not covered by another funding source. Both patient payments and insurance payments are considered another funding source; clinical care for which providers have received or will receive payments from patients or insurance is not eligible
- FEMA cannot duplicate assistance provided by HHS or other federal departments and agencies
- FEMA cannot provide PA funding for clinical care costs funded by another source, including private insurance, Medicare, Medicaid/CHIP, other public insurance, a pre-existing private payment agreement, or the COVID-19 Uninsured Program for uninsured patients
- Costs for eligible medical care for COVID-19 declarations are limited to those incurred within six months of the date of the declaration in accordance with regulatory timeframes for emergency work or until the end of the COVID-19 Public Health Emergency, whichever comes first
- For all COVID-19 declarations, FEMA may extend the deadline if the duration of the COVID-19 Public Health Emergency extends beyond six months or for work required after the end of the Public Health Emergency, such as demobilization of temporary medical facilities, or to address localized needs as appropriate

Alternate Care Sites (ACS) “Warm Status” Eligibility

Resources:

[Coronavirus \(COVID-19\) Pandemic: Alternate Care Site \(ACS\) "Warm Sites" Fact Sheet](#)

- Governments may, under certain conditions, be reimbursed for costs associated with keeping Alternate Care Sites (ACS), including temporary and expanded medical facilities, minimally operational when COVID-19 cases diminish and the facilities are no longer in use
- All claimed costs must be necessary and reasonable in order to effectively respond to the COVID-19 Public Health Emergency, in accordance with public health guidance, and are subject to standard program eligibility, the applicable cost share for the declaration, and other federal requirements
- Costs that may be necessary to maintain the minimum operational level of an ACS warm site include:
 - Renting/leasing the space for an ACS facility and/or the necessary equipment to operate the facility and provide adequate medical care in the event of a COVID-19 resurgence;
 - Other facility costs such as utilities, maintenance, and/or security;
 - Keeping the necessary equipment and supplies (including PPE) in stock, including inspection and maintenance of equipment and supplies, and replacement of non-functioning equipment and expired supplies and commodities;
 - Demobilization of ACS facilities when it is more cost effective than maintaining a warm site, and remobilizing in the event of a COVID-19 resurgence based on projected needs;
 - Storage of equipment and supplies for ACS warm sites or demobilized ACS facilities which can be re-deployed for future rapid activation;
 - Wraparound services, as defined in the ACS Toolkit,³ necessary for minimal operational readiness;
 - Minimal level of medical and/or non-medical staffing, if necessary;
 - Site restoration to allow a facility that was/is being used as an ACS to return to normal operations until such time as the facility is needed as an ACS again in the event of a COVID-19 resurgence; and/or
 - Other costs necessary to maintain a minimum level of operational readiness
- The continued need for an ACS warm site should be assessed on a monthly basis by FEMA and SLTTs and based on the latest federal and/or SLTT COVID-19 projections of the likelihood of a COVID-19 resurgence in the area and the subsequent capacity and capability needs.
- FEMA will not reimburse costs related to maintaining ACS warm sites for more than 30 days after the end of the COVID-19 Public Health Emergency, as determined by HHS

Application Process

Resources:

[COVID-19 Pandemic Public Assistance Simplified Application Process](#)

- FEMA has modified and streamlined its Public Assistance application and funding process for the COVID-19 event and this can be found at the location hyperlinked above
- Public Assistance applicants can now directly apply for reimbursement through FEMA's web-based system, Grants Portal (grantee.fema.gov), that now has a logic-based application wizard that will guide applicants through submitting a project application

- Applicants should not seek funding from multiple federal agencies for the same activities
 - Application for funding will require Applicants to certify they are not seeking funding from another federal source for the same activity
- Applicants will complete a Project Application form for their emergency protective measures (Category B assistance) for COVID-19:
 - Applicants will complete the form online in the PA Grants Portal at <https://grantee.fema.gov>
 - The form will collect information about the work activities being performed and costs
 - The form will include a few basic questions to establish eligibility
 - The form will require minimal documentation to support eligibility based on the project's risk of providing ineligible funding and emergency need:
 - Small Projects: Limited documentation and self-certified as to basic eligibility requirements
 - Large Projects: Full documentation for all costs required at the end of grant performance
- For Applicants with experience with FEMA and the Public Assistance Program, there will be some noticeable changes:
 - Applicants will apply directly for funding; a FEMA POC or PDMG will NOT be assigned to applicants
 - FEMA is eliminating exploratory calls, recovery scoping meetings, and most site inspections (temporary facilities will be inspected on a case-by-case basis)
 - Many steps, including most initial steps to begin the reimbursement process, will remain the same: Account creation, Request for Public Assistance (RPA) submission, Scope of Work and Cost Estimate development, compliance reviews, and eligibility reviews
- FEMA has resources for applicants to [create accounts](#) and [submit Requests for Public Assistance](#) and will be sharing follow-on guidance and training materials for how to navigate the process
 - Eligibility guidance is available and will be updated on FEMA's website
 - Guidance on how to apply is available in the "Resources" tab in Grants Portal
 - Applicants can find additional information at <https://www.fema.gov/coronavirus/fact-sheets>
 - Ongoing webinars via [FEMAs YouTube PA Grants Portal-Grants Manager channel](#) to provide training on the Grants Portal system and completing applications and forms
- If applicants have questions about Grants Portal access they may contact the Grants Portal Hotline at (866) 337-8448 or FEMA-Recovery-PA-Grants@fema.dhs.gov

Eligible Applicants

Resources:

[FEMA Applicant eligibility: PAPPG, Section I. General Public Assistance Eligibility, pages 9-14](#)

- To be eligible for PA reimbursement, **work must be the legal responsibility of an eligible applicant;**
 - Measures to protect life, public health, and safety are generally the responsibility of state, local, tribal, and territorial (SLTT) governments
- For-profit enterprises are not eligible for FEMA funding
- Individuals are not eligible for FEMA Public Assistance funding

- Some private non-profits may be eligible applicants; **however, funding will generally be limited to costs associated with their facility**, e.g. disinfecting public facilities
 - Some medical or emergency services PNPs may be eligible to apply directly to FEMA for reimbursement of costs beyond facility cleaning
- Applicants with multiple organizations under a single structure will need to determine if they should apply as a single entity or as separate organizations
 - This should be based on the both legal relationship between organizational components as well as how they function and interact
 - For example, are operations and accounting systems intermingled or totally separate

Reimbursement Funding

Resources:

[FEMA Financial Support information](#) - click the “FEMA Financial Support” drop-down link

[The CARES Act Assistance for State and Local Governments](#)

[FEMA PAPPG, Section I. General Public Assistance Eligibility, page 9](#)

- Loss of revenue is not eligible
- General operating expenses are not eligible, even when those operating costs increase as a result of the declared event; only those costs that are directly tied to an eligible emergency action to save lives or protect public health and safety, and above and beyond normal, budgeted operations, are eligible for funding
- Straight time for budgeted employees is not eligible
- Section 312 of the Stafford Act prohibits FEMA from providing financial assistance where it would duplicate funding from another program, insurance, or any other source for the same costs.
 - The CARES Act and supplemental appropriations provide significant Federal funding from several departments and agencies to address the impacts of the COVID-19 pandemic, including the Treasury, HHS, HUD, USDA and FEMA; some of these authorities are very broad, and FEMA and other Federal agencies may be able to provide assistance for the same activities, however funding cannot be used to pay for the same cost twice
 - The responsibility will be on the applicants to ensure that they do not request PA funding for costs that are being claimed or paid for by other sources of funding, such as insurance or other federal programs
 - Applicants must certify to the following when applying for PA funding:
 - “I certify that the specific activities and costs in this project application were not requested from another funding source or, if they were requested, that other source has not yet approved the funding. Further, I certify that if the Applicant does receive funding for the specific activities and costs in this project application, I must notify the Recipient and FEMA, and funding will be reconciled to eliminate duplication.”
 - If FEMA or the Recipient later determines an Applicant has paid for costs using funding from another federal agency, FEMA may de-obligate funding and the Applicant will have to demonstrate that duplicate funding was not provided

Private Nonprofit (PNP) Organizations

Resources:

[COVID-19 Pandemic Private Nonprofit Organizations](#)

- Measures to protect life, public health, and safety are generally the responsibility of state, local, tribal, and territorial governments; in some cases, a government entity may enter into an agreement with a PNP to provide such services (e.g., sheltering or food distribution); in these cases, Public Assistance funding is provided to the legally responsible government entity to pay the PNP for the cost of providing those services under the agreement
- In limited circumstances, essential components of a facility are urgently needed to save lives or protect health and safety, such as an emergency room of a PNP hospital; in these cases, PNPs that own or operate an eligible facility and perform eligible work, such as providing emergency, medical or custodial care services for which they are legally responsible in response to the COVID-19 incident, may be eligible for reimbursement of costs as a Public Assistance applicant
- For PNPs, operating costs (such as patient care and administrative activities) are generally not eligible even if the services are emergency services, unless the PNP performs an emergency service at the request of and certified by the legally responsible government entity. In such case, FEMA provides Public Assistance funding through that government entity as the eligible applicant.

Purchase and Distribution of Food

Resources:

[Coronavirus \(COVID-19\) Pandemic: Purchase and Distribution of Food Eligible for Public Assistance, FP 104-010-03](#)

- **Extensions beyond the initial 60 days (30 days or less per extension) are allowable when necessary as an Emergency Protective Measures for the purchase and distribution of food; The Regional Administrator is authorized to grant these additional extensions**
- Because FEMA cannot reimburse food banks directly, these organizations may enter into formal agreement with an SLTT to receive reimbursement when food security has been impacted and food distribution is necessary to protect public health and safety
- Eligible work related to the purchase and distribution of food for response to COVID-19 may include:
 - Purchasing, packaging, and/or preparing food, including food commodities, fresh foods, shelf-stable food products, and prepared meals;
 - Delivering food, including hot and cold meals if necessary, to distribution points and/or individuals, when conditions constitute a level of severity that food is not easily accessible for purchase; and
 - Leasing distribution and storage space, vehicles, and necessary equipment
- Indicators of negative food security impacts include:
 - Documented decreases of in-kind donations to food banks;
 - Reduced mobility of those in need due to government-imposed restrictions;
 - Marked increase or atypical demand for feeding resources; or
 - Disruptions to the typical food supply chain within the relevant jurisdiction

Emergency Medical

Resources:

[COVID-19 Pandemic Emergency Medical Care information](#)

- Emergency medical care activities under the COVID-19 Declarations include, but are not limited to:
 - Triage and medically necessary tests and diagnosis related to COVID-19 cases
 - Emergency medical treatment of COVID-19 patients
 - Prescription costs related to COVID-19 treatment
 - Use or lease of specialized medical equipment necessary to respond to COVID-19 cases
 - Purchase of PPE, durable medical equipment, and consumable medical supplies necessary to respond to COVID-19 cases (note that disposition requirements may apply)
 - Medical waste disposal related to eligible emergency medical care
 - Emergency medical transport related to COVID-19
 - Temporary medical facilities and expanded medical care facility capacity for COVID-19 for facilities overwhelmed by COVID-19 cases and/or to quarantine patients infected or potentially infected by COVID-19; Temporary facilities and expansions may be used to treat COVID-19 patients or non-COVID-19 patients, as appropriate

Non-Congregate Sheltering

Resources:

[Public Assistance Non-Congregate Sheltering Delegation of Authority Memo](#)

[Public Assistance Non-Congregate Sheltering FAQ's](#)

- Non-congregate sheltering may be necessary in this Public Health Emergency to save lives, to protect property and public health, and to ensure public safety
- Non-congregate sheltering must occur under the direction of and consistent with guidance from public health officials
- Generally, the following populations would be provided non-congregate shelter
 - Those who test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals);
 - Those who have been exposed to COVID-19 and do not require hospitalization;
 - Asymptomatic high-risk individuals needing social distancing as a precautionary measure, such as people over 65 or with certain underlying health conditions (respiratory, compromised immunities, chronic disease)
- Sheltering specific populations in non-congregate shelters should be determined by a public health official's direction or in accordance with the direction or guidance of health officials by the appropriate state or local entities

Procurement

Resources:

[FEMA Guidance on Procurement Under Exigent or Emergency Circumstances](#)

- All FEMA grant programs are subject to the **Federal procurement standards** found at 2 C.F.R. §§ 200.317-326
- States are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326
- Current Federal procurement standards (found at 2 C.F.R. § 200.320(f)(2)) allow non-state entities to noncompetitively procure contracts (i.e., sole-sourcing) under certain emergency or exigent circumstances. FEMA defines an emergency or exigent circumstances as unexpected and unusually dangerous situations requiring immediate action or an urgent need for assistance or relief
- Use of the emergency/exigency exception is only permissible during the actual emergency or exigent circumstances
- The President's unprecedented Nationwide Emergency Declaration, and the Secretary of Health and Human Services' (HHS) declaration of a Public Health Emergency for COVID-19 establish that exigent and emergency circumstances currently exist
- **For the duration of the Public Health Emergency**, which began January 27, 2020 as determined by HHS, local governments, tribal governments, nonprofits, and other non-state entities may proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations for 1) Emergency protective measures under FEMA's Public Assistance Program and 2) Use of FEMA non-disaster grant funds by non-state recipients and sub-recipients to respond to or address COVID-19
- Non-state entities must still comply with the other Federal procurement requirements when sole sourcing a contract under exigent or emergency circumstances, including:
 - Contracts must include the required contract clauses (2 C.F.R. § 200.326 & Appendix II) (also applicable to states)
 - Contracts exceeding the Federal simplified acquisition threshold must include the Federal bonding requirements if the contract is for construction or facility improvement (2 C.F.R. § 200.325)
 - Contracts must be awarded to a responsible contractor (2 C.F.R. § 200.318(h))
 - The non-state entity must complete a cost or price analysis to determine that the cost or price of the contract is fair and reasonable if the contract exceeds or is expected to exceed the Federal simplified acquisition threshold (2 C.F.R. § 200.323(a) and (b))
 - The use of cost-plus-percentage-of-cost contracting is prohibited (2 C.F.R. § 200.323(c))
 - Use of time and materials contracts must comply with 2 C.F.R. § 200.318(j)
 - The non-state entity must follow documentation, oversight, and conflict of interest requirements among other general procurement requirements in 2 C.F.R. § 200.318; if a conflict of interest is unavoidable due to the exigent/emergency circumstances, the non-state entity must explain that in the procurement documentation