

The Public Assistance Program White Paper

The Public Assistance Program is based on a partnership with FEMA. The Public Assistance Program provides supplemental financial assistance to state, local governments, and certain private non-profit organizations for response and recovery activities required as a result of a disaster.

The Public Assistance Program provides assistance for debris removal, emergency protective measures, and permanent restoration of infrastructure. The Federal share of these expenses are typically not less than 75% of eligible costs.

Below are key resources and policies for the Public Assistance Program.

Public Assistance Overview

FEMA website: <http://www.fema.gov/government/grant/pa/overview.shtm>
<http://www.fema.gov/government/grant/pa/index.shtm>

Public Assistance Guide
Public Assistance Digest
Debris Management Guide

Eligibility

Eligibility begins with the Applicant. Once an applicant is determined eligible, the eligibility determination process moves on to the facility, then if the facility is eligible it moves on to the work and finally cost.

1. Applicant - A subgrantee is an eligible applicant that receives a Public Assistance Grant as reimbursement for performing eligible disaster recovery work.

- City/Town Government
- County Government
- State Government
- Private Non-Profit Entities

FEMA website: http://www.fema.gov/government/grant/pa/re_applicants.shtm
Public Assistance Guide: pages 9-22
Public Assistance Digest: page 41

2. Facility - To be considered for eligibility, facilities must be the legal responsibility of an eligible applicant, have been in active use at the time of the disaster, have been damaged as a result of the declared disaster, and be located in the designated disaster area.

FEMA website: http://www.fema.gov/government/grant/pa/re_facilities.shtm
Public Assistance Guide: pages 22-28
Public Assistance Digest: page 43

3. Work – Work must be required as a direct result of the declared major disaster or emergency. Eligible work must also be located within the designated disaster area.

FEMA website: http://www.fema.gov/government/grant/pa/re_work.shtm
Public Assistance Guide: pages 29-40
Public Assistance Digest: pages 44

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Continue 3. Work

- Negligence
FEMA website: http://www.fema.gov/government/grant/pa/re_work.shtm
Public Assistance Guide: pages 31-32
Public Assistance Digest: pages 90
 - Repair or Replacement
FEMA website: http://www.fema.gov/government/grant/pa/policy_archive/9524_4-9_24_1998.shtm
Public Assistance Guide: pages 36-38
Public Assistance Digest: pages 113
 - Codes and Standards
FEMA website: http://www.fema.gov/government/grant/pa/9527_4.shtm
Public Assistance Guide: pages 33-36, 79, 83, 125
Public Assistance Digest: page 19
 - Contracts and Procurement
FEMA website: http://www.fema.gov/government/grant/pa/9580_4.shtm
Public Assistance Guide: pages 28, 42, 51-53, 104
Public Assistance Digest: page 23
Debris Management Guide: pages 93-104
 - Equipment
FEMA website: http://www.fema.gov/government/grant/pa/policy_archive/9525_12-8_29_2000.shtm
http://www.fema.gov/government/grant/pa/policy_archive/9525_8-8_17_1999.shtm
Public Assistance Guide: pages 48-50, 66, 83-85
Public Assistance Digest: page 49
 - Equipment Rates
FEMA website: <http://www.fema.gov/government/grant/pa/eqrates.shtm>
Public Assistance Guide: pages 41, 44, 48-49, 84, 103
Public Assistance Digest: page 50
 - Labor Cost
FEMA website: http://www.fema.gov/government/grant/pa/policy_archive/9525_7-7_20_2000.shtm
Public Assistance Guide: pages 42-47
Public Assistance Digest: page 79
 - Mutual Aid Agreements
FEMA website: http://www.fema.gov/government/grant/pa/9523_6.shtm
Public Assistance Guide: pages 50-51
Public Assistance Digest: page 87
 - Donated Resources
FEMA Policy website: http://www.fema.gov/government/grant/pa/9525_2.shtm
Public Assistance Guide: page 56
Public Assistance Digest: page 37
4. Cost (reasonable) – Generally, costs which can be directly tied to the performance of eligible work are eligible. Such costs should be reasonable and necessary to accomplish eligible work, comply with federal, state, and local laws and regulations, include deductions of insurance proceeds, salvage value, and purchase discounts.
- Duplication of Benefits
FEMA website: http://www.fema.gov/government/grant/pa/9525_3.shtm
Public Assistance Guide: page 41-42
Public Assistance Digest: page 38

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Continue 4. Cost

- **Contract and Procurement**
FEMA website: http://www.fema.gov/government/grant/pa/9580_4.shtm
Public Assistance Guide: pages 28, 42, 51-53, 104
Public Assistance Digest: page 23
Debris Management Guide: pages 93-104
- **Cost Estimates**
FEMA website: http://www.fema.gov/government/grant/pa/re_costs.shtm
Public Assistance Guide: pages 96, 103-106
Public Assistance Digest: page 25
- **Cost Codes**
FEMA website:
Public Assistance Guide: pages 41, 104
Public Assistance Digest: page 24
- **Reasonable Cost**
FEMA website: http://www.fema.gov/government/grant/pa/re_costs.shtm
Public Assistance Guide: pages 40-41, 51
Public Assistance Digest: page 108
- **General**
Public Assistance Guide: pages 40-65
Public Assistance Digest: page 42

Categories of Work

Emergency Work – Emergency work must be performed to reduce or eliminate an immediate threat to life, public health or safety, and eliminate or reduce an immediate threat of significant damage to improved public or private property.

- A. Debris Removal - Debris Removal is eligible for Public Assistance when it is in the best interest of the public. Eliminate immediate threat to life, public health and safety, eliminate immediate threat of significant damage to improved public or private property, ensure economic recovery of the affected community and provide a benefit for the community-at-large, mitigate the risk to life and property by removing substantially damaged structures.

FEMA website: <http://www.fema.gov/government/grant/pa/demagde.shtm>
http://www.fema.gov/government/grant/pa/debris_main.shtm
http://www.fema.gov/media/fact_sheets/debris-removal.shtm
http://www.fema.gov/government/grant/pa/9523_5.shtm
http://www.fema.gov/government/grant/pa/9523_13.shtm

Public Assistance Guide: pages 20-21, 29, 66, 67-71
Public Assistance Digest: page 31
Debris Management Guide

- B. Emergency Protective Measures - Emergency protective measures are measures taken before, during, and after a disaster to save lives, protect public health and safety, and prevent damage to improved public and private properties.

FEMA website:
Public Assistance Guide: pages 66, 71-74
Public Assistance Digest: page 46

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Permanent Work - Permanent work is required to restore damage through repair or restoration to the pre-disaster design, function, and capacity in accordance with certain codes and standards. Permanent work categories include categories C-G.

FEMA website: http://www.fema.gov/government/grant/pa/re_categories.shtm
Public Assistance Guide: pages 66, 79-87
Public Assistance Digest: page 95

C. Roads and Bridges

FEMA website: http://www.fema.gov/government/grant/pa/re_categories.shtm#catC
Public Assistance Guide: pages 20, 21, 25-26, 66, 68, 79-82
Public Assistance Digest: page 13, 115

D. Water Control Facilities

FEMA website: http://www.fema.gov/government/grant/pa/re_categories.shtm#catD
Public Assistance Guide: pages 66, 82-83
Public Assistance Digest: page 138

E. Buildings and Equipment

FEMA website: http://www.fema.gov/government/grant/pa/re_categories.shtm#catE
Public Assistance Guide: pages 66, 83-85
Public Assistance Digest: page 15

F. Public Utilities

FEMA website: http://www.fema.gov/government/grant/pa/re_categories.shtm#catF
Public Assistance Guide: pages 10, 18, 21, 54-55, 66, 85
Public Assistance Digest: page 135

G. Parks and Recreational Facilities

FEMA website: http://www.fema.gov/government/grant/pa/re_categories.shtm#catG
Public Assistance Guide: pages 20, 66, 68, 86-87
Public Assistance Digest: page 92

Types of Projects - Types of projects include: Small projects – Large projects – Alternate projects – and Improved projects. Basically, a project is a logical method of performing work required as a result of the declared event. You as the applicant are responsible for identifying all work that is required as a result of the disaster.

- Small Project - Small project funding is based on estimates, if actual costs are not available. Payments are made on the basis of the initial approved amount whether it is an estimate or actual cost. The current threshold is under \$63,200 which adjusted annually.

FEMA website:
Public Assistance Guide: pages 95, 96, 106-10, 109, 113, 137, 140, 141
Public Assistance Digest: page 121

- Large Project - Due to the complexity and nature of large projects work is typically not complete at the time of FEMA's approval. Therefore, Large projects are funded on the basis of actual documented costs. The current threshold is equal or exceeds \$63,200.00 which is adjusted annually.

FEMA website: http://www.fema.gov/government/grant/pa/re_lgprojects.shtm
Public Assistance Guide: pages 95, 96, 98, 105, 109, 140, 141
Public Assistance Digest: page 81

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- **Alternate Project** - When restoration of a damaged facility or function does not serve the public welfare, a subgrantee may use a Public Assistance grant for another public facility. However, the alternate project must be approved, may require an environmental assessment and funding is limited to 75% of the funding of the original estimate or actual alternate project cost whichever is less.
FEMA website: http://www.fema.gov/government/grant/pa/re_alternate.shtm
Public Assistance Guide: pages 79, 111-112, 134
Public Assistance Digest: page 5
- **Improved Project** – Subgrantee’s performing restoration work on a damaged facility may make improvements to the facility while restoring the facility to its pre-disaster condition. Federal funding is limited to the cost of restoration.
FEMA website: http://www.fema.gov/government/grant/pa/re_improved.shtm
Public Assistance Guide: pages 79, 110-111
Public Assistance Digest: page 71

Project Completion Deadlines - Time limits for project completion begin on the disaster declaration date. Emergency work must be completed within 6 months, permanent work must be completed within 18 months. For extenuating circumstances or project requirements beyond the subgrantee’s control, the Grantee may extend the emergency work deadline an additional 6 months and the permanent work deadline an additional 30 months on a project by project basis.

FEMA website:
Public Assistance Guide: 38-39, 113, 138-139, 141
Public Assistance Digest: 133

Special Considerations - The term “Special Considerations” describe issues other than the basic program eligibility which affect the scope of work and funding for a project. It’s the applicant’s responsibility to identify the existence of Special Considerations issues for each project and discuss with your FEMA representative

FEMA website:
Public Assistance Guide: 115-136
Public Assistance Digest:

1. **406 Hazard Mitigation** - Cost effective measures that reduce or eliminate the potential for damages to a facility from a future event. For a hazard mitigation proposal to be eligible for funding under Public Assistance, the measure must apply only to the damaged elements of the eligible facility.
FEMA website: http://www.fema.gov/government/grant/pa/9526_1.shtm
Public Assistance Guide: 115, 116, 124-127
Public Assistance Digest: 66
2. **Environmental Compliance** - Ensure that all practical means are used to protect, restore, and enhance the environment.
FEMA website: http://www.fema.gov/government/grant/pa/co_environment.shtm
Public Assistance Guide: 127-136
Public Assistance Digest:

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3. Special Flood Hazard Areas - Any project within or affecting the floodplain must be reviewed to ensure it meets the requirements of the Executive Orders on Floodplain Management and the Protection of Wetlands.

FEMA website: <http://www.fema.gov/plan/prevent/floodplain/nfipkeywords/sfha.shtm>

Public Assistance Guide:

Public Assistance Digest: 58, 59

4. Insurance Requirement - Actual or anticipated insurance proceeds will be deducted from the eligible project costs for facilities that are insured. All subgrantee's are required to obtain and maintain insurance coverage on all insurable facilities, as a condition of Public Assistance funding. For flood damaged facilities located within a Special Flood Hazard Area not covered by flood insurance, Federal assistance will be reduced by the maximum flood insurance proceeds that would have been payable had the facility been insured.

FEMA website: http://www.fema.gov/government/grant/pa/9580_2.shtm

http://www.fema.gov/government/grant/pa/policy_archive/9580_3-8_23_2000.shtm

Public Assistance Guide: 40, 41, 70, 83, 119-123

Public Assistance Digest: 76

Obtaining a Public Assistance Grant

Applicant MUST submit a Request for Public Assistance (RPA) to KyEM, even if you are unsure if you will meet eligibility – submit RPA. The requests must be made within 30 days of the declaration date.

1. Mandated Forms

ALL APPLICANTS MUST SUBMIT:

- i. Request for Assistance (RPA)– formal notice to KyEM and FEMA by applicant for assistance
KyEM website: <http://kyem.ky.gov/NR/ronlyres/064CE84C-864D-4F34-BDEF-DC012FF98541/173375/DesignationofApplicantsAgent.pdf>
- ii. Designation of Applicant Agent – authorizes individual to act on behalf of the applicant
KyEM website: <http://kyem.ky.gov/NR/ronlyres/064CE84C-864D-4F34-BDEF-DC012FF98541/173375/DesignationofApplicantsAgent.pdf>
- iii. Proof of Necessity Agreement (PON2) – this is a contract between the state and applicant necessary for disbursement of funds – will be mailed or send electronically, using the information provided on the RPA.
- iv. Authorization for Electronic Deposit of Vendor Payment – all disbursements to applicants will wired directly to applicant's bank account
KyEM website: <http://kyem.ky.gov/NR/ronlyres/064CE84C-864D-4F34-BDEF-DC012FF98541/173373/AuthorizationforElectronicDeposit706.pdf>

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IN ADDITION TO THE PREVIOUSLY LISTED FORMS:
PRIVATE NON-PROFITS MUST ALSO SUBMIT COPIES OF THE ORGANIZATION'S:

- i. Tax Exemption Certificate
 - ii. Charter
 - iii. By-Laws
2. Project Worksheet Requirement and Supporting Documentation - FEMA requires applicants to adhere to all applicable state and local codes and standards, obtain all necessary construction permits, provide copies of invoices, purchase orders, payroll documents, operator logs, cancelled checks, stock tickets, etc., and provide copies of all insurance policies for affected facilities

FEMA website: http://www.fema.gov/government/grant/pa/re_documentation.shtm

3. Project Funding - Before funding is obligated by FEMA and available to applicants, all PWs must be reviewed and approved by FEMA, Environmental, Mitigation, Insurance, State, and others as necessary. Funding is cost shared at a federal share of 75%, state share of 12% and the local share of 13%

Roles and Responsibilities

1. Applicant Role – Each applicant (subgrantee) is responsible for filing all required forms with KyEM, completing work as required by the project worksheet, ensuring that all procurement and contracting adheres to state and local laws, obtaining all required permits, maintaining thorough documentation of all expenditures and activities
2. State Role - The State (the grantee) acts as liaison between applicants and FEMA maintains repository of all required applicant forms, ensures each applicant performs work in accordance with scope of work and grant requirements, facilitates requests for time extensions and all appeals, disburses project funds to applicants.
3. FEMA Role - FEMA is responsible for approving projects, making federal funding available to the State, and performing final inspections.

Audits

Public Assistance Program Grant Recipients are required to comply with the provisions set forth under the Single Audit Act. If an applicant expends more than \$500,000 in Federal grant funds during a fiscal year, it must undergo an OMB A-133 single audit.

- A copy of the audit must be sent to KyEM

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- The Federal Office of Management and Budget requires applicants to maintain and program records for three years following official closure from FEMA.
- The KyEM Administrative Branch Subrecipient Monitoring Section is responsible for the review of all OMB A-133 audits.
- The branch will conduct assessment procedures for entities which have audits which contain qualified or disclaimed opinions.
- Assessment procedures may include site visits, reconciliation of documentation, etc.
- Poor assessment results will result in sanctions and corrective action measures.

FEMA website:
Public Assistance Guide: 141-142
Public Assistance Digest: 11

Appeals

Any determination related to Federal assistance may be appealed. The appeal must be submitted to the grantee (KyEM) within 60 days of receipt of notice of the action which is being appealed.

FEMA website: http://www.fema.gov/government/grant/pa/pr_appeals.shtm
Public Assistance Guide: 109, 112-114
Public Assistance Digest: 8

Public Assistance Program Frequently Asked Questions

FEMA website: <http://www.fema.gov/government/grant/pa/faq.shtm>