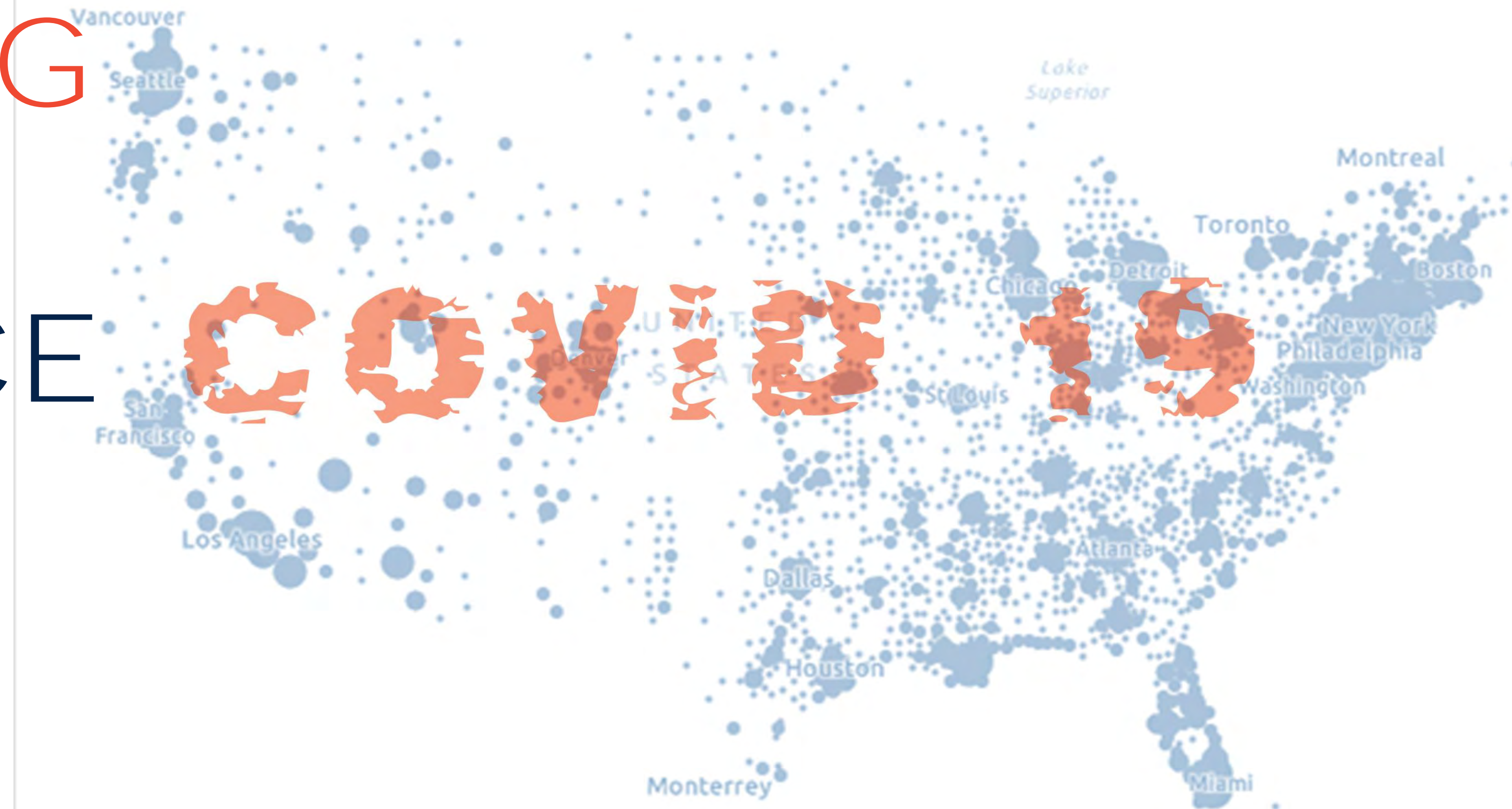


# INSIDERS GUIDE TO COVID-19 ASSISTANCE

## MAXIMIZING FEDERAL ASSISTANCE

Version 05.6 | April 2020

**WITT O'BRIEN'S**  
PART OF THE **SEACOR** FAMILY





# OUR EXPERTS

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# WHAT YOU WILL LEARN IN THE NEXT 30-MINUTES

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**How do I get FEMA funding – fast?**

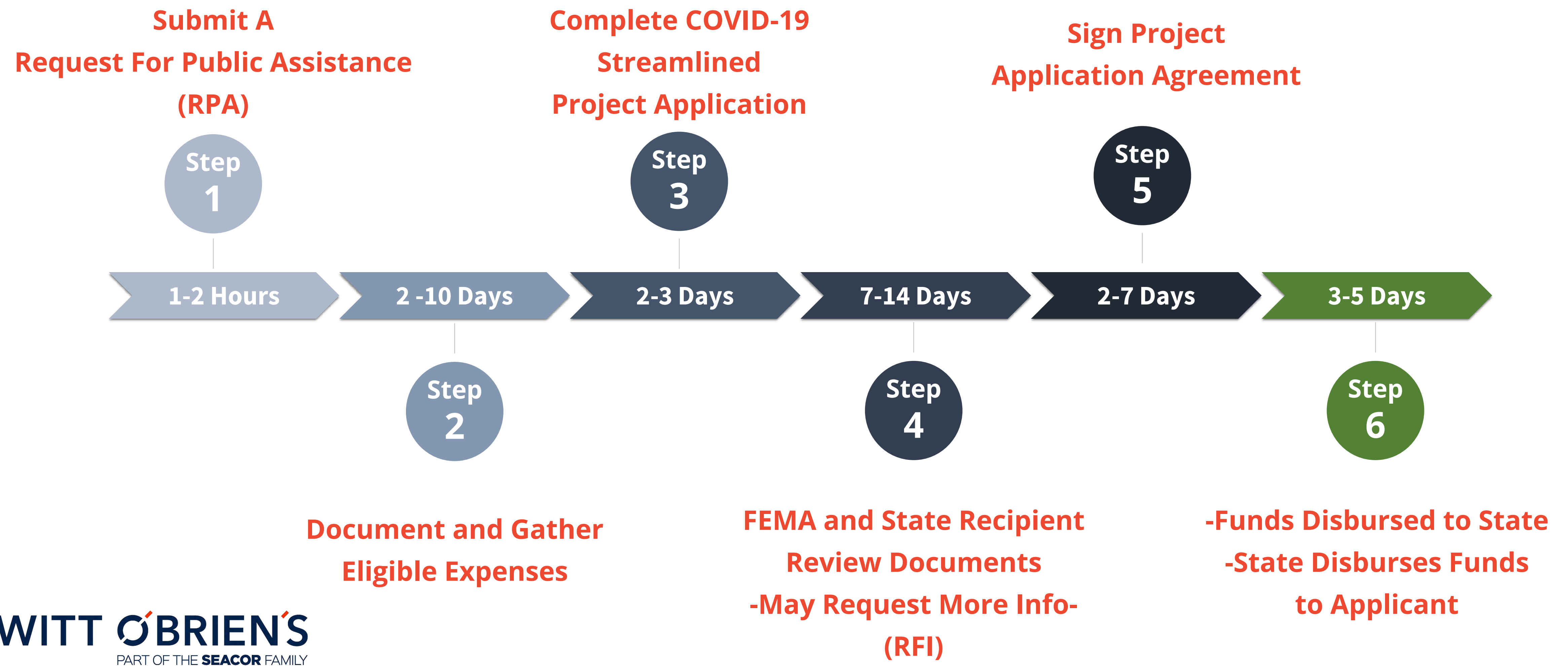


**What do I need to know about FEMA  
funding – and what should I try to avoid?**



**How about all of this other  
federal COVID-19 aid?**

# HOW LONG DOES IT TAKE TO GET FEMA ASSISTANCE?

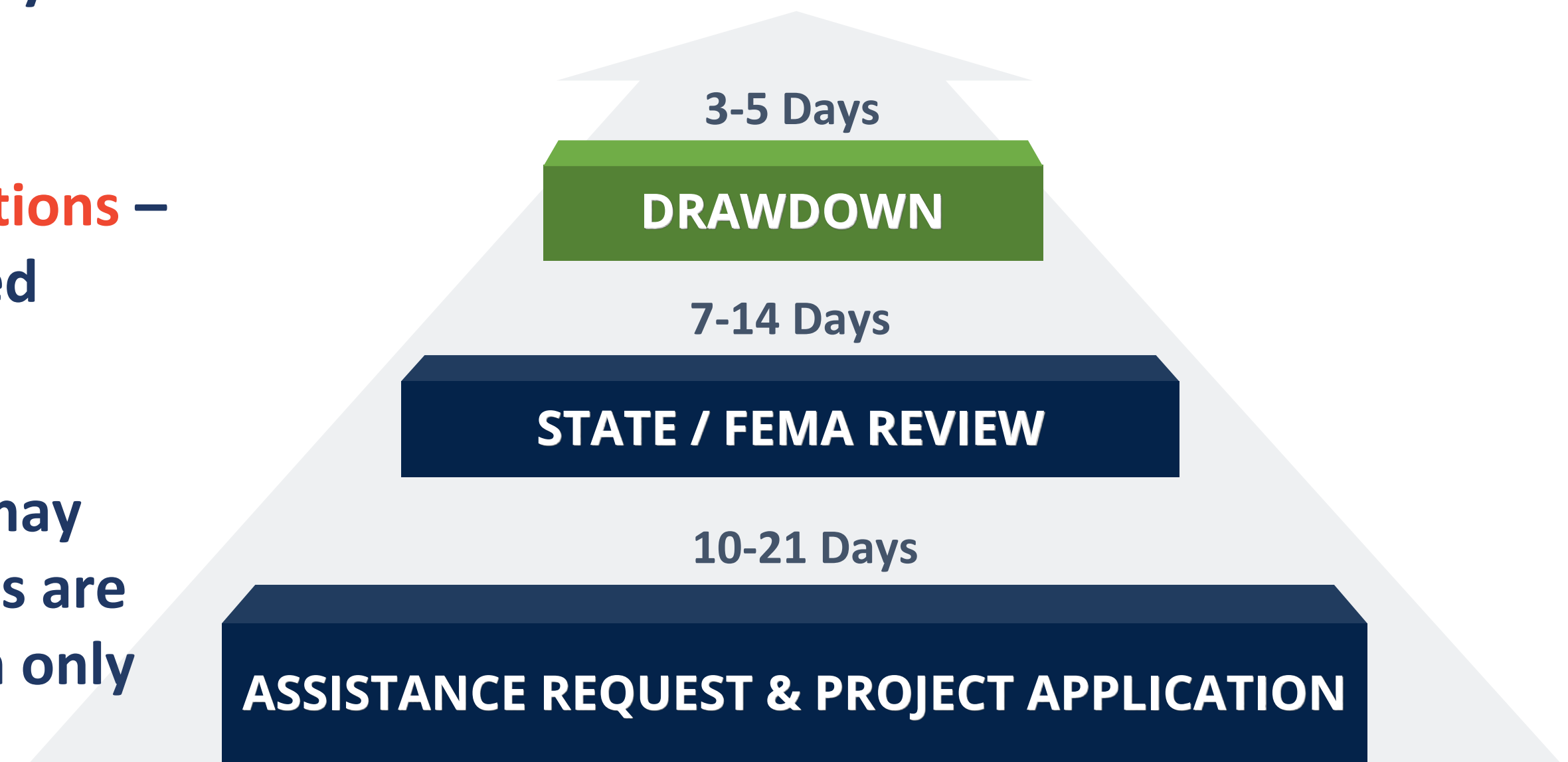


# ARE THERE WAYS TO GET FUNDING FASTER?

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- Timeframes within each step can be shortened based on Applicant effectiveness in accurate and completely documenting need, rapidly providing supporting documentation and always being “1 step ahead”
- Provide clear descriptions of **Immediate Need – Prudent Actions – Scope – Cost** that will be taken to protect public and detailed estimates for FEMA validation
- Having people with prior experience of FEMA PA Program may significantly shorten timeframe by ensuring submitted items are in the correct format, use the right terminology and contain only eligible items





# WITT O'BRIEN'S INSIGHTS:

## LOCAL GOVERNMENTS

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Even during a public health crisis that results in shelter-in-place, there remains a need to maintain essential Government Services.

Simultaneously, local governments will need to stand up services in response to the emergency, mitigating community transmissions, and adjusting to surge capacity to support emergent threats.

Thinking outside the box, some potential approaches that would be FEMA eligible:

- Emergency transportation services in lieu of public transport
- Emergency delivery of food, supplies, and checking on welfare of vulnerable population
- Linking these innovative approaches to local and State public health directives

**!** Make sure to document that these innovative approaches were reasonable and prudent given your community's needs and the information available at the time, and capture decision points and related actions taken



**INSIDE INSIGHT**

# WITT O'BRIEN'S INSIGHTS:

## LOCAL GOVERNMENTS (cont.)

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Decades of combined experience tells us that there are particular high-risk areas for Local Governments that may jeopardize reimbursement.

Specific to administrative requirements:

- Challenges with cash flow and covering significant expenses
- Low capacity to document decisions and maintain records
- Insufficient detail on internal rate structures
- Timekeeping deficiencies, such as lack of project and task-specific detail
- Lack of internal policies supporting overtime, PPE, telework, etc.
- External agreements with external parties such as PNPs, private companies, and external service providers not in place (specific to the type of Emergency)



**INSIDE INSIGHT**

# WITT O'BRIEN'S INSIGHTS:

## LOCAL GOVERNMENTS (cont.)

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### Specific to the FEMA PA Program Regulations, Policies, Guidance:

- Emergency management and FEMA PA program is not the primary focus of the Local Government
- May not have recent experience with new FEMA Policies, Procedures, Guidance, and Systems
- Need to creatively interpret policy (not designed for a pandemic)
- Risk of taking prudent Emergency Protective Measures that are not “typical” for the FEMA PA Program
- Overwhelmed Federal and State staff means you are unlikely to receive timely advice, guidance, or “pre-approval”

Knowledge of the flexibility inherent in the PA program will help you get unconventional response efforts reimbursed



**INSIDE INSIGHT**



# FEMA FUNDING NEED TO KNOW:

## LABOR - STAFF TIME & ADMIN COSTS

### Use of Existing Personnel:

- Federal regulation establishes the cost of straight-time salaries and benefits of force account labor (an applicant's own permanent employees) to be ineligible when performing emergency work.
- However, if your existing HR policy allows salaried employees to be paid overtime, the cost of overtime labor may be considered eligible if it is directly supporting the emergency work or protective measure.
- Records for straight-time employees on emergency work is strongly suggested to be tracked and will be required to verify associated equipment usage.

### Backfill Employees:

- If you need to temporarily replace an employee who is responding to an incident, overtime costs for the backfill employee are eligible even if the backfill employee is not performing eligible work as long as the employee that he/she is replacing is performing eligible Emergency Work.



### INSIDE INSIGHT

Some critical service providers and salaried employees may not use conventional timesheets.

Accounting for hours attributable to COVID-19 response will be essential for costs to be eligible

# FEMA FUNDING NEED TO KNOW:

## LABOR – TEMP CONTRACTORS & VOLUNTEERS

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### Temp and Contract Labor:

- The use of temp / contract labor is eligible for reimbursement if the activities that the staff are supporting is directly related to emergency work or protective measures.
- The same allowance regarding backfill labor applies for the use of temp/contract labor to backfill salaried employee's who have been assigned to emergency work.

### Volunteer Hours & Mutual Aid Agreements

- Donated resources used on eligible work that is essential to meeting immediate threats to life and safety may be credited toward the non-Federal share portion of your FEMA award. Donated resources may include volunteer labor, donated equipment and donated materials.
- If costs are incurred under a written/formal mutual aid or other agreement, the applicant must pay the salaries of the jurisdiction's employees who are providing assistance. FEMA has determined that these agreements serve the same purpose as extra hires and that they are eligible costs.



### INSIDE INSIGHT

If you receive mutual aid that was provided at no additional expense to you, then these costs are not eligible. Reimbursement cannot be provided unless a cost has been incurred.

If the provider incurred the cost and is not passing them on to you, they will need to seek reimbursement from FEMA on their own if they are an eligible applicant or PNP.

# FEMA FUNDING NEED TO KNOW:

## BUSINESS RELATED & OPERATING EXPENSES

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- Business-related costs are typically indirect, financial or bottom line costs that will not be reimbursable through FEMA Public Assistance (PA):
  - Cancelled services
  - Loss of income / revenue
  - Emergency financial assistance
  - Managing liquidity issues
  - Debt servicing
  - Business interruption costs
- While the Treasury Coronavirus Relief Fund payments to State and local governments does not allow for revenue replacement, there are strategies for mitigating further revenue loss or impacts of revenue loss by pairing FEMA PA and CRF payments together to maximize reimbursement for staff time substantially dedicated to COVID-19 emergency work.



### INSIDE INSIGHT

While increased operating costs are generally not eligible, it is always a good idea to document business related losses anyway because FEMA assistance is net of insurance, and you may be able to use ineligible costs to reduce FEMA deductions



# FEMA FUNDING NEED TO KNOW:

## TEMPORARY RELOCATION OF ESSENTIAL SERVICES

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- To be eligible for reimbursement, costs incurred must “fit” under the concept of Emergency Protective Measures for FEMA assistance, i.e. eliminating or lessening immediate threats to lives, public health, or safety. That means services directly related to, not just because of, the emergency.
- Facilities should always be appropriate for their intended use
- Rule of Thumb: facilities necessary to perform first-order, emergency or essential services
- Private/Non-Profits can be eligible if additional costs are: specifically related to the emergency, for a defined and limited period of time, and tracked and documented



### INSIDE INSIGHT

Even though facilities are for “temporary use” they should still be renovated to code and can be transitioned into normal operating use after the immediate response

!

Documentation will be absolutely critical to ensuring reimbursement

# FEMA FUNDING NEED TO KNOW:

## PPE, NEW EQUIPMENT & CONSUMABLE ITEMS

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- Supplies and commodities directly related to the emergency and services necessary are eligible
- First order items, like PPE for workers providing essential services, are eligible
- New durable medical equipment required as a result of the emergency and have a clear relationship to essential services being performed are eligible
- Equipment used directly in the performance of medical care, emergency transportation, etc. is eligible
- As you get into second and third order items, e.g. purchasing new computers or equipment to support non-emergency functions, documentation and reasonableness become issues
- It will be important to demonstrate the justification for purchase vs renting or leasing. What is prudent given the information and assumptions available?
- When considering purchasing, the equipment must still arrive in time to address the immediate need to be considered an Emergency Protective Measure



### INSIDE INSIGHT

When ordering supplies, it's okay to overestimate based on your real-time knowledge

However, the purchasing should be informed and reasonable

!

Cost reasonableness will be extremely subjective because of the nature of the event and availability of supplies

# FEMA FUNDING NEED TO KNOW:

## EMERGENCY OPERATIONS CENTER, COMMUNICATION, INFORMATION SHARING

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- EOC-related costs are eligible
- COVID-19 warnings, guidance, and information sharing are eligible
- Raising awareness of new services available and related communications are eligible.
- This includes the staff time, materials, reasonable contract costs, delivery, etc.
- Some tele-working solutions to ensure continuous critical services for health and safety may also be eligible



### INSIDE INSIGHT

Even though the Emergency was declared March 13, 2020 the incident period began January 20, 2020. Cost incurred from this date forward may be reimbursed

Staff augmentation and capacity building/support for EOC and first line response is typically an eligible expense



# FEMA FUNDING NEED TO KNOW:

## EMERGENCY & PUBLIC TRANSPORTATION COSTS

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- Transporting and pre-positioning resources is eligible
- Can include transportation of emergency related supplies, staff, as well as community members
- Contract services can be eligible; need to document the circumstances, appropriateness, and applicability
- Transport associated with evacuation and sheltering (even if performed by another entity) can be eligible



### INSIDE INSIGHT

Targeted temporary transportation services could be considered eligible if they meet a critical life safety purpose

Enhanced deep cleaning of emergency and public vehicle to prevent community transmission should be considered

# FEMA FUNDING NEED TO KNOW: SOCIAL DISTANCING & QUARANTINE ENFORCEMENT MEASURES

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- Costs associated with quarantine, such as cleaning and disinfecting facilities and equipment, may be eligible
- Additional services and associated costs may be incurred due to Shelter-in-Place orders by federal, state, and local officials, e.g. state Public Health officers
- Dealing with pets and service animals
- Other “wildcard” items need to be carefully documented and linked to emergency protective measures to eliminating or lessening immediate threats to lives, public health, or safety



## INSIDE INSIGHT

Many of your essential government services may have altered service schedules or locations.

Costs associated with outreach and messaging to inform the public that services will be temporarily modified or provided at a new location may be eligible

# FEMA FUNDING NEED TO KNOW:

## NON-CONGREGATE SHELTERING / FEEDING

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### Non-Congregate Sheltering – Policy 03/31/2020

- Purpose is for isolation and quarantine
- Target populations include COVID-19 positives, those who have been in contact with COVID-19 and asymptomatic high risk individuals such as those over 65 with underlining health conditions
- Requires pre-approved local or state NCS plan. Approved in 30-day increments

### Purchase and Distribution of Food – Policy 4/11/2020

- **Legal Responsibility** – generally responsibility of local governments  
LG's may enter into agreements with PNPs, or private organizations to provide services but must bill/seek reimbursement from local governments.
- **Eligible Services** – purchasing, packaging and/or preparing food; delivering food; leasing distribution and storage space, vehicles and necessary equipment.
- **Populations** – COVID-19 in isolation, high risk individuals, others based on public health officials guidance
- **Cost Eligibility** – All costs must be necessary and reasonable. Must follow cost principles and procurement requirements.
- **Time Limitation** – FEMA will provide funding for initial 30-day time-period. Must request extensions in 30 day increments.



### INSIDE INSIGHT

If you are implementing a food distribution program, consider engaging your local businesses to provide these services.

Make sure to follow your procurement guidelines and establish competitive and reasonable fixed rates for services rendered.



## ARE THE RULES DIFFERENT?



### INSIDE INSIGHT

- You can use existing contracts to support expanded need, such as a municipal janitorial company for public space cleaning

- Use your normal documented procurement process, but include both local -and- federal provisions.
- When possible, ensure full and open competitive bid processes
- Allowable contract types:
  - Fixed Price
  - Cost Reimbursement
  - Time & Materials
    - Limited us only

# DOCUMENTATION REQUIREMENTS

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## HOW DO I HELP ENSURE I WILL GET REIMBURSED?



### INSIDE INSIGHT

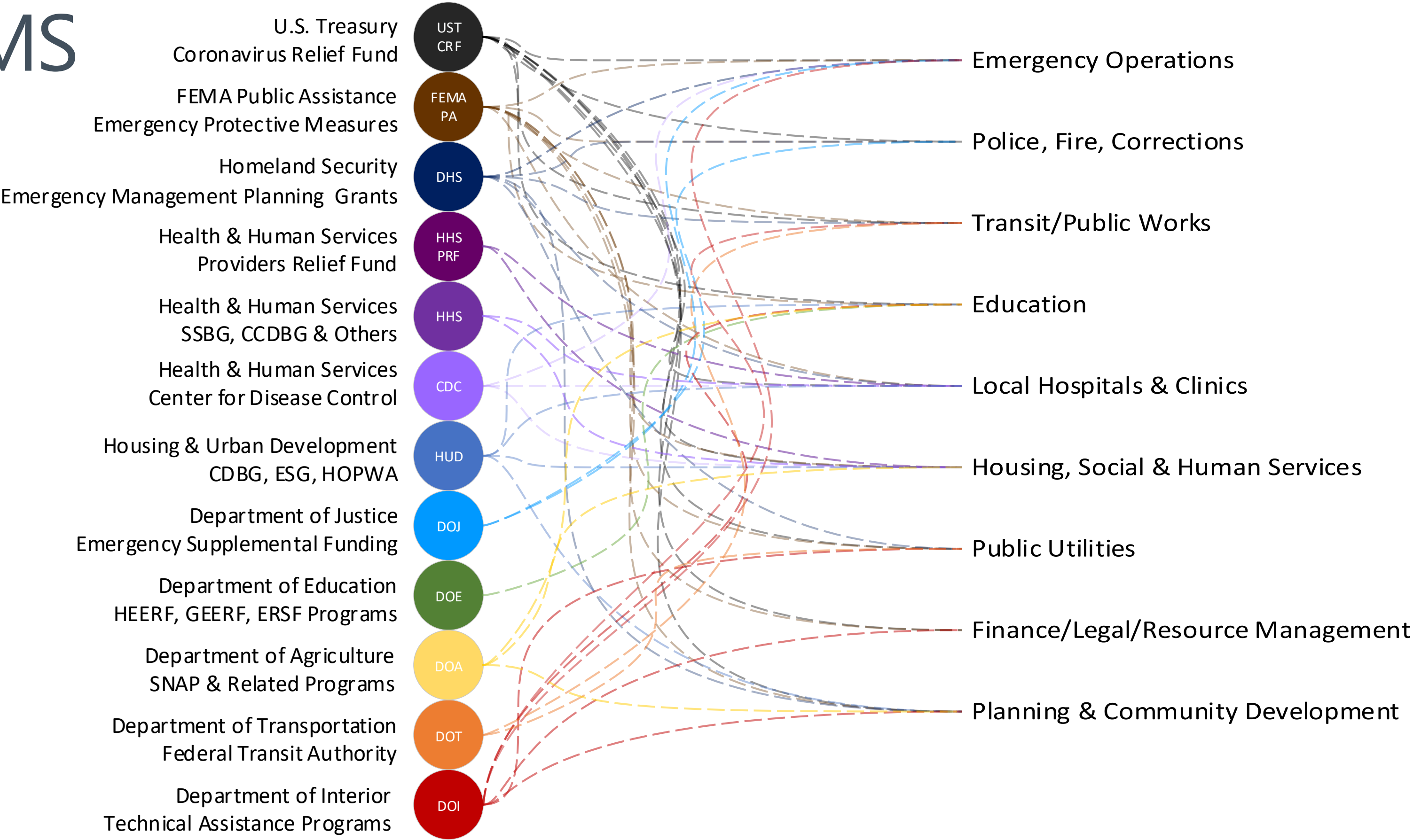
- **Document volunteer support hours, donated resources and equipment**
- **Document FEMA/State meetings! Keep detailed notes and send FEMA/State a copy**

- Enter into Mutual Aid Agreements if you are providing services outside of your immediate jurisdiction to cover:
  - Loaned staff
  - Overtime
  - Loaned equipment
- Use your existing HR policy regarding overtime, and avoid modifying it or creating a new one unless absolutely necessary.
- Develop timekeeping systems to capture time for salaried employees and/or contract staff
- Assign emergency-specific cost codes immediately for:
  - Capital Expenses
  - Equipment & Supplies
  - Contract services
  - Overtime

# WHO PAYS FOR WHAT?








## NAVIGATING THE COMPLEXITY OF MULTIPLE FUNDING STREAMS

Ultimately, there are multiple funding streams that can be used to reimburse items related to COVID-19 response. Developing a well thought out funding plan and reimbursement strategy will be the key to maximizing this federal assistance to serve your needs.





# POTENTIAL SOURCES FOR COST RECOVERY

FEMA Public Assistance	Coronavirus Relief Fund	Housing & Urban Development	Department of Justice	Department of Transportation	Department of Education
<div>Emergency Protective Measures</div> <div><ul style="list-style-type: none"><li>EOC Costs</li><li>Overtime – Emergency Work</li><li>Non-Congregate Sheltering</li><li>Food Distribution</li><li>Temporary Facilities</li><li>Emergency Equipment</li><li>Costs Eligible 01/20 – through end of emergency period</li></ul></div> <div><div></div><div>■ April 17, 2020</div><div></div></div>	<div>State / Local Government</div> <div><ul style="list-style-type: none"><li>Direct appropriation / payment from US Treasury to States or Local Governments with &gt;500k population</li><li>Can be used to account for increased cost attributable to COVID-19</li><li>Cannot be used to account for lost revenue</li></ul></div> <div><div></div></div>	<div>CDBG / ESG / HOPWA</div> <div><ul style="list-style-type: none"><li>Supplemental appropriation to existing CDBG, ESG and HOPWA entitlement grantees</li><li>Clarified eligible activates for COVID-19</li><li>Must amend Con Plan, expedited process allowed</li><li>CDBG funds could be used for non-federal share match</li></ul></div> <div><div></div></div>	<div>Coronavirus Emergency Supplemental Funding</div> <div><ul style="list-style-type: none"><li>Unbudgeted expenses for Police, Corrections or Fire and any department serving public safety function</li><li>Can pay for:<ul style="list-style-type: none"><li>PPE</li><li>Overtime</li><li>Transportation</li><li>Disinfection/Treatment of eligible departments / staff space</li></ul></li><li>Could potentially pay for technology solutions for ensuring continuity</li></ul></div> <div><div></div><div>■ May 29, 2020</div></div>	<div>Federal Transit Authority</div> <div><ul style="list-style-type: none"><li>Grant appropriation to urbanized and rural area formula grantees</li><li>Can be used for operating expenses to maintain service during emergency period, beginning 01/20</li><li>Can be used to pay administrative leave for transit personnel due to reduced operations</li></ul></div> <div><div></div></div>	<div>Education Stabilization Fund</div> <div><ul style="list-style-type: none"><li>Formula Grants for SEAs and LEAs, including charter schools that are LEAs emergency relief funds to address impact of COVID-19.</li><li>Amounts same proportion as each State received funds under Part A of Title I in 2019.</li><li>\$1B discretionary to states with highest COVID burden</li><li>\$3B Governor’s EERF</li></ul></div> <div><div></div></div>

# OTHER FEDERAL AID

## CORONAVIRUS RELIEF FUND

## STATE & LOCAL GOVERNMENTS

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Important to start documenting your expenses and needs now, build a strategic plan for your allocation; or for asking State for assistance from their allocation.

Counties that did receive direct payment from Treasury:

- Consider issuing a Notice of Funding Opportunity to municipalities and non-profits in your county. Aggregate responses/applications and develop a global needs assessment to inform a potential method of distribution.

Counties or municipalities that did not receive direct payment from Treasury:

- Solicit feedback from local stakeholders within county, city, COG in the same mindset, but also build a strategic plan of your own needs. Send combined or separate requests to State. State may look more favorably on funding combined request for capacity/compliance reasons.

High level eligibility requirements:

1. Expenses are necessary due to public health emergency
2. Were not accounted for in the budget most recent approved as of March 27, 2020
3. Were incurred between March 1 and December 30, 2020



### INSIDE INSIGHT

Good baseline to start from in your ask to your State is documenting need up to the amount that your municipal population represents of state population.

IE: If your City population is 10% of state population, work towards 10% of \$1.25B or \$125M.

# OTHER FEDERAL AID

## CORONAVIRUS RELIEF FUND

## STATE & LOCAL GOVERNMENTS

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### Examples of eligible expenses:

#### 1. Medical Expenses

Guidance suggests that governments who received the payments can assist local healthcare providers with offsetting increased cost of COVID-19 medical expenses. Unclear if this extends to private for-profit providers and networks as well.

#### 2. Public Health Expenses such as PPE, disinfection of public spaces, public safety measures and quarantining individuals

Guidance allows for governments to pay for disinfection of public areas and other facilities, such as nursing homes. 'Public Areas' could also be interpreted to include central congregating points, such as grocery stores and gas stations which have become essential facilities to public health and safety

#### 3. Payroll expenses for employees substantially dedicated to mitigating spread or responding to confirmed COVID-19 cases

FEMA only pays for overtime associated with performing emergency work since it represents an increased cost burden; however, the guidance does not explicitly exclude straight time for employees who have been reassigned to COVID-19 work or other special overtime and other HR policies that may have been put into effect after the onset of the pandemic in order to sustain staffing levels. Pairing these funds with FEMA can maximize cost recovery.



### INSIDE INSIGHT

If staff have been re-assigned from their standard role to substantially support functions that are now COVID-19 related, a case can be made that their function has changed from previously budgeted position.

Strategy to mitigate potential impacts of loss of revenue



# OTHER FEDERAL AID

## CORONAVIRUS RELIEF FUND

## STATE & LOCAL GOVERNMENTS

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### Examples of eligible expenses:

**4. Food delivery to residents, technology for distance learning, teleworking of government employees, paid sick leave/family leave, maintain state prisons and county jails, care of homeless populations**

FEMA sets a relative high bar for establishing that conditions warrant distribution of food, and to what populations the food can be distributed. Guidance for these funds is less restrictive. Another example of pairing funds to maximize cost recovery.

**5. Economic Support in connection with COVID-19**

Engage with local economic development authority to understand local conditions in your area and what kind of economic support program would best suit business needs with least amount of administrative burden for all involved.

**6. Any other COVID-19 related expense necessary**

Very broad catch all that offers greater flexibility. Make sure to document the how and why of necessary and reasonable.

**FUNDS CANNOT BE USED EXPLICITLY FOR REVENUE REPLACEMENT**



### INSIDE INSIGHT

Using local restaurants to engage in food distribution programs to vulnerable populations, whether FEMA or Fund reimbursable, can help inject much needed economic opportunity into this hard hit business sector.

# OTHER FEDERAL AID

## HUD PROGRAMS

### (CDBG, ESG, HOPWA)

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The CARES Act appropriated over \$12B to HUD to increase existing annual allocations for entitlement grantees, with specific focus on Community Development Block Grant (CDBG) and Emergency Solutions Grants (ESG) programs.

#### CDBG eligible COVID-19 related activities:

- Construct medical facilities for testing and treatment
- Acquire a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery
- Replace HVAC systems to temporarily transform commercial buildings or closed school buildings into clinics or treatment centers
- Support businesses manufacturing medical supplies
- Construct a group living facility to centralize patients undergoing treatment
- Carry out job training of health care workers and technicians who are available to treat disease within a community

#### ESG eligible activities:

- Build more emergency shelters for homeless individuals and families
- Offset cost of operating emergency shelters
- Provide hotel/motel vouchers for homeless families or individuals



#### INSIDE INSIGHT

Non-federal cost share match is an eligible CDBG activity and could be used to account for the local cost share requirement, if the expenses meet an eligible activity and don't trigger any additional regulatory provisions such as Davis Bacon.

We recommend include HUD contract provisions in your COVID-19 related contracts in the event that you choose to use CDBG-CV funding as non-federal cost share match in future.

# OTHER FEDERAL AID

## HHS PROVIDERS RELIEF FUND

## HOSPITALS & HEALTHCARE PROVIDERS

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Many city and county governments are also the responsible entity for clinics and hospitals and have incurred costs treating COVID patients or have suffered revenue loss from cancelled outpatient treatment.

The CARES Act appropriated \$175 Billion to the Department of Health and Human Services for a 'Providers Relief Fund' to specifically address uncovered cost of COVID care, or to help offset revenue loss. 1<sup>st</sup> distribution of \$30 billion went out week of April 10-17. 2<sup>nd</sup> distribution of \$20 billion will go out on rolling weekly basis as CMS reports are submitted and validated through HHS portal.

It is a payment NOT a loan. It does not have to be paid back.

1<sup>st</sup> disbursement = 6.2% of 2018 Medicare FFS net patient revenue

2<sup>nd</sup> disbursement = based on 2018 net patient revenue → must apply through portal



### INSIDE INSIGHT

This is different than the CMS Accelerated and Advance Payment Program.

CMS Accelerated / Advance Payment Programs are loans, this Relief Fund payment is not.

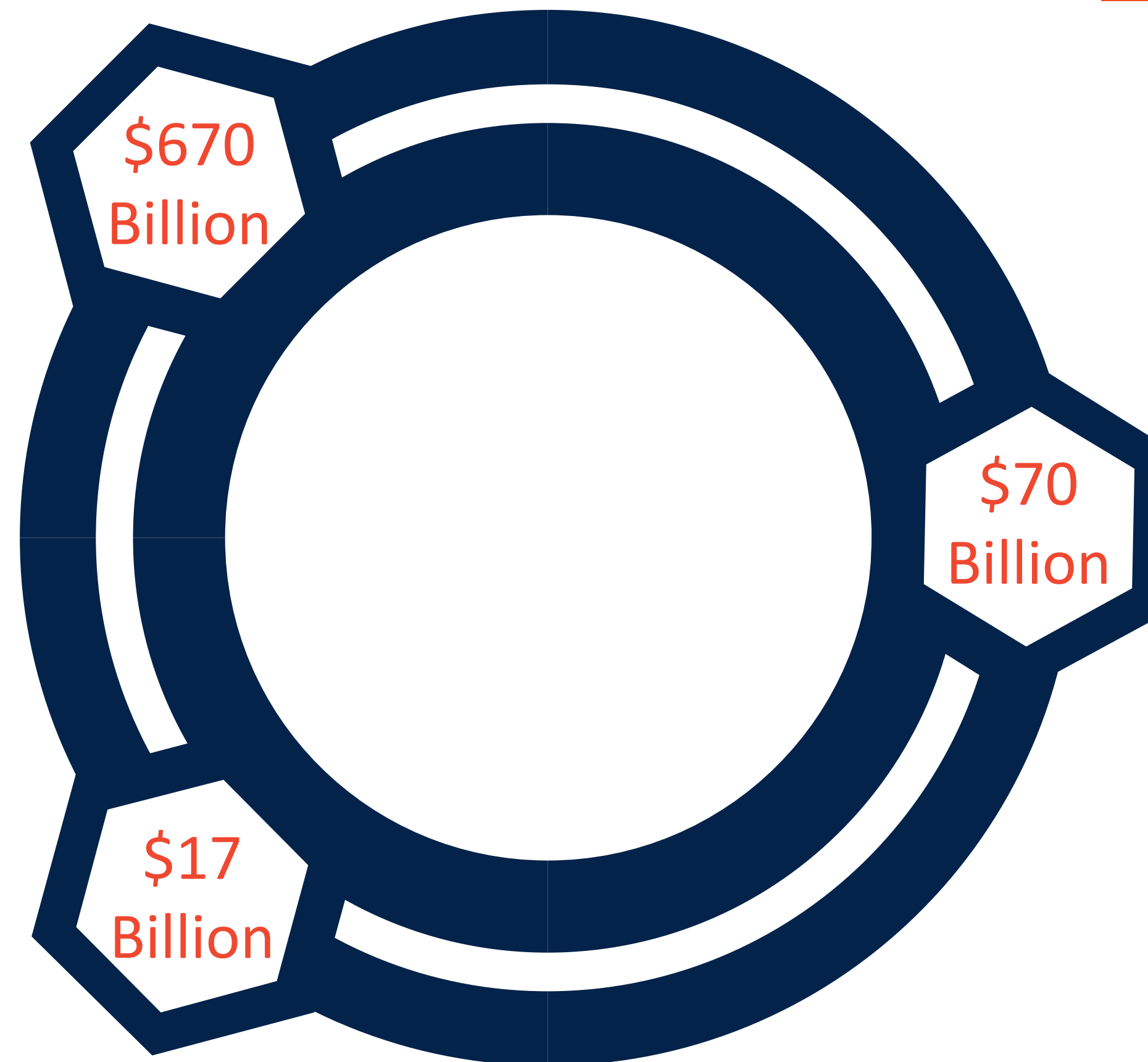


## Small Business Administration Paycheck Protection Programs

Under the program, small businesses, other business concerns, nonprofits and veterans organizations that generally have fewer than 500 employees; self-employed; sole proprietors; independent contractors; and businesses in the accommodation and food services sector with fewer than 500 employees per location are eligible for **forgivable** small business loans to cover payroll; health care costs; mortgage interest payments, rent and utility payments; and interest on pre-existing debt obligations.

## Small Business Administration Business Loan Program Account

Allows SBA to forgive up to 6 months of existing SBA loan payments.



## Small Business Administration EIDL and EBL Programs

### Economic Injury Disaster Loan Program

The SBA's Economic Injury Disaster Loan program provides small businesses with working capital loans of up to \$2 million.

#### Terms

- These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact.
- The interest rate is 3.75% for small businesses.
- The interest rate for non-profits is 2.75%.

### Express Bridge Loans

Express Bridge Loan Pilot Program allows small businesses who currently have a business relationship with an SBA Express Lender to access up to \$25,000 with less paperwork.

#### Terms

- Up to \$25,000
- Fast turnaround
- Will be repaid in full or in part by proceeds from the EIDL loan

# SBA PPP: THE RULES OF THE ROAD

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## 1. 75/25 Rule

At least 75% of your loan must be used for payroll costs. This can include independent contractors.

## 2. Eight Weeks of Coverage

Eligible expenses are those that are incurred over 8 weeks starting from the day the first payment was issued to you by the lender.

## 3. Staffing requirement

Must maintain the number of employees on your payroll

## 4. Pay Requirements

You must maintain at least 75% of total salary – will be evaluated at employee level not aggregate of company.

## 5. Rehiring Grace Period

You can rehire any staff laid off or put on furlough. 75% noted above would be of 8 week period so you don't have to play "catch up"

## Self-Employed:

Special rules apply. Cannot use PPP full amount to replace pay. Eight weeks worth of 2019 net profit will be eligible for forgiveness.

# SBA ECONOMIC INJURY DISASTER LOAN

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Additional funds also issued for Economic Injury Disaster Loans (EIDL)

Streamlined Application Process – Online only

Application Questions:

- Business name
- EIN
- Type of business (organization type)
- Business address
- Contact name
- Email
- Date business established
- Business activity
- Any owned entities
- Ownership
- Banking info:
- County & State
- Number of employees -- as of 1/31/2020
- Gross revenue (2/1/19-1/31/20)
- COGS (2/1/19-1/31/20)
- Combined annual operating expense (2/1/19-1/31/20)
- Rental property
- Non-Profit Org (Y/N)
- Compensation received from other sources related
- Are you interested in getting the advance?



**Existing EIDL loans can  
be converted into PPP loans**



# WHAT IF WE NEED HELP

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## CONSULTANTS & CONTRACTORS ARE ELIGIBLE EXPENSES FOR REIMBURSEMENT

What to look for what when seeking professional assistance with Program & Project Management:

- Well qualified, 10+ years of experience preferred
- Understanding of FEMA and other Federal funding sources and the regulations associated with each
- Broad range of experience across multiple emergency or disaster events -> key for lessons learned
- Scalable resources, able to support multiple engagements at once

# QUESTIONS?

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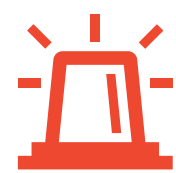
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## WITH YOU WHEN IT COUNTS



Federal Funding  
Expertise



Crisis and Disaster  
Management



Public &  
Stakeholder  
Communication



Business &  
Operations  
Continuity



Emergency Operations  
Center Surge Staffing

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