



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

CHIEF FINANCIAL OFFICER
89 Washington Ave., Room 121, EB
Albany, New York 12234

E-mail: Phyllis.Morris@nysed.gov
Tel: (518) 474-5837

May 6, 2020

To: BOCES District Superintendents
School District Superintendents
School District Business Officers
Charter School Leaders

From: Phyllis D. Morris, Chief Financial Officer

RE: Claiming Eligible COVID-19 Costs to Federal Emergency Management Agency (FEMA) Funding

Background

This memorandum provides guidance on claiming eligible COVID-19 costs to Federal Emergency Management Agency (FEMA) funding.

Disaster Declaration and Incident Period

The President issued a major disaster declaration for New York State on March 20, 2020. FEMA assigns a number to every federally declared disaster, and the disaster number for the COVID-19 incident is 4480. The COVID-19 emergency is labeled "**FEMA-4480-DR-NY.**" The Declaration Date of this emergency is March 20, 2020 and the Incident Period began January 20, 2020 with the ending date not yet established.

The New York State Department of Homeland Security and Emergency Services (DHSES) is the lead agency for FEMA claiming for New York State and all FEMA claims must be submitted through DHSES. More information, which DHSES updates regularly, may be found at: <http://www.dhSES.ny.gov/recovery/public/active-declarations.cfm> .

Public Assistance

Public Assistance is a reimbursement program that provides financial assistance to eligible applicants for some costs incurred for response and recovery activities as a result of a declared emergency. FEMA will provide financial assistance for eligible expenses that are a direct result of the declared event (COVID-19). The disaster is set at a 75% Federal cost share, which means Applicants will have a local cost share of 25%. Donated resources may be used to offset the local cost share.

FEMA is the payer of last resort – all other available sources of funding need to be exhausted or not available, and FEMA will not reimburse what can be covered with other federal or state funding streams. If insurance is available, the insurance claim needs to be filed first.

Claims and payments are subject to audit.

Application Deadlines

Applicants should make every effort to complete and return their Request for Public Assistance (RPA) as quickly as possible. FEMA has not established a deadline to submit the RPA for the COVID-19 federal disaster declaration for New York State, DR-4480. However, FEMA will establish a deadline at some point and Applicants should submit their RPA as soon as possible.

Eligible Applicants

Governmental entities and certain Private Non-Profit entities are eligible entities to claim FEMA funding for this disaster. Individuals are not eligible applicants.

The following education institutions are eligible:

- primary or secondary education as determined under State law and provided in a day or residential school, including parochial schools.
- higher-education institutions that meet all of the following criteria are eligible without regard to their religious character or use for religious instruction:
 - admit students or persons having a high school diploma or equivalent;
 - are legally authorized to provide education beyond a secondary level;
 - award a bachelor's degree or a 2-year degree that is acceptable as full credit toward a bachelor's degree or provides at least a 1-year training program to prepare students for gainful employment in a recognized occupation; and
 - are accredited by a nationally recognized agency or association (as determined by the Secretary of Education).

Eligible Costs

Eligible costs incurred by eligible applicants between January 20, 2020 and September 19, 2020 may be submitted for reimbursement. For costs to be eligible, they must be submitted by an eligible applicant; be for eligible emergency work (which is the legal responsibility of the applicant); and be for an eligible cost (reasonable and necessary to protect public health and safety from the COVID-19 virus).

To be eligible, actual costs must be:

- fully documented;
- reasonable and necessary to protect the public;
- directly related to or resulting from the COVID-19 emergency; and
- for "emergency protective measures."

Examples of eligible costs include:

- Personal Protective Equipment (PPE) to protect the public from spread of the virus; and
- Reasonable and necessary costs to disinfect common areas to prevent spread of the virus.

The definition of allowable costs may be expanded as the emergency continues.

Ineligible Costs

FEMA has determined that the following costs are not eligible for FEMA claiming under this disaster:

- Loss of revenue or income;
- Childcare for essential workers; and
- Costs associated with remote working capabilities, distance learning, or face-to-face services becoming remote (such as Zoom, WebEx, Telehealth, and Chromebooks).

Application Process

The first step in the process is for the Applicant to have a Grants Portal accounts established and then complete a Request for Public Assistance (RPA):

<http://www.dhSES.ny.gov/recovery/public/documents/DR-4480-RPA-Packet.pdf>.

- DHSES will submit the RPA in the Grants Portal. Once FEMA approves the RPA, the Applicant will be able to submit projects in the Grants Portal.
- DHSES is the point of contact for New York State with FEMA. All FEMA claims need to go through DHSES. DHSES will assist applicants with completion of the necessary forms.
- Eligible applicants will be provided with access to the Grants Portal that has a template for projects. Applicants must maintain complete and accurate records. Applicants must maintain their own file with copies of the information submitted to FEMA.

The Applicant must designate their Representative(s) or point(s) of contact on the RPA. The Representative(s) should have the authority of the Chief Elected Official and should be:

- Knowledgeable of the work to be inspected;
- Knowledgeable of the location of damages;
- Easily accessible by telephone (day and evening); and
- Available for future FEMA or State inquiries.

The Representative(s) will also have the overall responsibility to:

- Consolidate the disaster documentation activities among departments;
- Ensure completion of disaster work; and
- Submit applicable forms.

Procurement/Contract Requirements

- All procurement rules (state, local and federal) must be followed unless otherwise waived, including Minority Women-Owned Business (M/WBE) requirements.
- Time and materials contracts cannot exceed \$200,000 or 70 hours of work.
- The following types of contracts are not eligible:
 - cost plus % of cost contracts;
 - contracts contingent on receipt of FEMA reimbursement; and
 - contracts with a debarred contractor.
- \$3,300 is the minimum threshold. Small projects are defined as those under \$131,100 and large projects are \$131,100 or over.

Thank you for all of the support you are providing to your students as we work together to respond to the unique challenges brought about by this unprecedented situation. If you have questions or need additional information, please contact Ed Lenart (Edward.Lenart@nysed.gov).

cc: Shannon Tahoe
John D'Agati
Kim Wilkins
Kathleen DeCataldo
Andrew Klippel
Ed Lenart