



Virginia Department of Emergency Management **COVID-19 RECOVERY**



Private Non-Profit Organization Guidance

Eligibility of Private Non-profits and Guidelines

Certain private non-profit (PNP) organizations are eligible to apply for the FEMA Public Assistance program. FEMA makes the final determination of eligibility. FEMA assistance will be provided at 75 percent of total eligible costs. The Virginia Department of Emergency Management (VDEM) is the state pass-through agency. The reimbursement timeline is unknown due to the magnitude of this disaster.

To be an eligible PNP applicant, the PNP must show that it has:

- Ownership or operation of an eligible facility to be an eligible applicant and apply directly to FEMA. Eligible facilities would include education, utilities, emergency, medical, custodial care, or other essentials social services.
- A current ruling letter from the U.S. Internal Revenue Service granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; or
- Documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law.

If a PNP does not fit the criteria to be an eligible applicant, PNP could enter into a memorandum of understanding (MOU) with an eligible legally responsible applicant (i.e., local, state, tribal government, private-non-profit as described above) and seek reimbursement through that Applicant.

Cost Threshold: The minimum cost threshold for an eligible applicant is \$3,300 in costs associated with eligible work for COVID-19 (see eligible work guidance below).

Eligibility of type of work under COVID-19 Category B

Under the COVID-19 Emergency Declaration, FEMA may provide assistance for emergency protective measures (Category B). While some activities listed may be eligible for funding, **final reimbursement determinations will be coordinated by HHS and FEMA**. These activities include, but are not limited to:

- Management, control and reduction of immediate threats to public health and safety
- Emergency medical care
- Medical sheltering (when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)



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- All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures
- Non-congregate medical sheltering is subject to **prior approval by FEMA** and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the Public Health Emergency
- Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines
- 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

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.

Eligible Costs

- **(Force Account) Labor:** Based on actual hourly rates plus the cost of the employee's actual fringe benefits. FEMA calculates the fringe benefit cost based on a percentage of the hourly pay rate. Eligibility of overtime, premium pay, and compensatory time are based on the Applicant's pre-disaster written labor policy.
- **(Force Account) Equipment:** Equipment is based on equipment rates <https://www.fema.gov/schedule-equipment-rates>.
- **Contracts:** Contracts must be compliant with the 2 CFR 200.317 – 326
- **Materials and Supplies:** Based on current commercial rates, which FEMA validates based on invoices from previous purchases or information available from vendors in the area.
- **Volunteer Labor:** Volunteer labor is based on the same straight-time hourly labor rate, and fringe benefits, as a similarly qualified person in the Applicant's organization who normally performs similar work. If the Applicant does not have employees performing similar work, FEMA uses a rate consistent with the labor market. Volunteer labor cannot be directly reimbursed by FEMA but can count towards the applicant's 25% cost share.



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- **Donated Equipment:** Equipment is based on equipment rates <https://www.fema.gov/schedule-equipment-rates>. Volunteer equipment cannot be directly reimbursed by FEMA, but can count towards the applicant's 25% cost share.

For more information on Coronavirus, please go to the Virginia Department of Emergency Management's COVID-19 website located at <https://www.vaemergency.gov/coronavirus>.

For information on disaster grants, please go to the Virginia Department of Emergency Management's Disaster Grants website located at <https://www.vaemergency.gov/coronavirus/disaster-grants-and-loans/gov-ngo/>

We want to know more about your organization

Please click on the following [Virginia PNP COVID-19 PA Pre-Screening](#) to submit a pre-application screening questionnaire about your organization to assist us in determining eligibility for the Public Assistance Program. As a reminder, FEMA makes the final determination of eligibility.

Resources

State Corporation Commission

<https://www.scc.virginia.gov/clk/befaq/vanon.aspx>

Virginia Tax – PNP Taxes

<https://www.tax.virginia.gov/nonprofit-organizations>

Virginia Service – Funding and Grants

<http://virginiasservice.virginia.gov/resources/funding-grants/>

ConnectVA – PNP Directory

<https://www.connectva.org/nonprofit-directory/>

Foundation Group – PNP Information

<https://www.501c3.org/state-nonprofit-guide/how-to-start-a-nonprofit-in-virginia/>

Prosper Strategies – PNP Communication Best Practices

<https://cdn2.hubspot.net/hubfs/331925/Coronavirus-nonprofit-comms-best-practices-3102020-2.pdf>



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» www.vaemergency.gov
f facebook.com/VAemergency
t @VDEM

Communications Network – Communications Triage Kit

<https://www.comnetwork.org/resources/coronavirus-crisis-comms-triage-kit/>

National Council of Nonprofits – Self Insured Nonprofits and Unemployment Insurance

<https://www.councilofnonprofits.org/thought-leadership/self-insured-nonprofits-and-unemployment-insurance>

National Council of Nonprofits – Families First Act

<https://www.councilofnonprofits.org/trends-policy-issues/what-the-families-first-coronavirus-response-act-means-nonprofits>

National Council of Nonprofits – Loans Available for Nonprofits in the CARES Act

<https://www.councilofnonprofits.org/trends-policy-issues/loans-available-nonprofits-the-cares-act-public-law-116-132>

U.S. Department of Treasury – Paycheck Protection Program

<https://home.treasury.gov/system/files/136/PPP%20Borrower%20Information%20Fact%20Sheet.pdf>

Coronavirus (COVID-19) Pandemic: Private Nonprofit Organizations

All 50 states, the District of Columbia, five territories, and numerous tribes are working directly with FEMA under President Trump's March 13, 2020, nationwide emergency declaration for COVID-19. Under this emergency declaration, and subsequent major disaster declarations, certain private non-profit (PNP) organizations are eligible to apply for funding through FEMA's Public Assistance program. This fact sheet provides guidance for determining the eligibility of PNP applicants and work performed in accordance with the COVID-19 emergency and major disaster declarations.

PNP Applicant Eligibility

To be eligible for Public Assistance, a PNP applicant must show that it has:

- A ruling letter from the Internal Revenue Service granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; or
- Documentation from the state substantiating that the non-revenue producing organization or entity is a nonprofit entity organized or doing business under state law.¹

Eligible PNPs must also own or operate an eligible facility.² For PNPs, an eligible facility is one that provides an eligible service, which includes education, utilities, emergency, medical, custodial care, and other essential social services.³

Private entities, including for profit hospitals or restaurants, are not eligible for assistance from FEMA under Public Assistance. However, state, local, tribal, and territorial government entities may contract with private entities to carry out eligible emergency protective measures. In these cases, FEMA will reimburse the eligible applicant for the cost of eligible work, and the applicant will then pay the private entity for the provision of services.

PNP Work Eligibility

In accordance with sections 403 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the "Stafford Act"), eligible emergency protective measures taken to respond to the COVID-

¹ 44 C.F.R. 206.221(f)

² 44 C.F.R. 206.222(b), 206.223(b)

³ Stafford Act, Section 102(11); 44 C.F.R. 206.221(e). For non-critical PNP facilities, services must be provided to the general public.



19 emergency at the direction or guidance of public health officials may be eligible for reimbursement under category B of FEMA's Public Assistance program.⁴ Emergency work is that which is necessary to save lives or protect public health and safety. To be eligible, work must be the legal responsibility of an eligible applicant.⁵

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 be legally responsible to provide services and enter into an agreement with a PNP to provide those services (e.g., sheltering or food distribution). In these cases, Public Assistance funding is provided to the legally responsible government entity, which then pays the PNP for the cost of providing those services under the agreement.⁶

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.

More Information

Further information about PNP eligibility can be found in the "Public Assistance Program and Policy Guide," FP 104-009-2, dated April 2018.

For more information, visit the following websites:

1. [FEMA Public Assistance Program and Policy Guide](#)
2. [U.S. Department of Health and Human Services](#)
[Centers for Disease Control and Prevention](#)
[Centers for Medicare & Medicaid Services](#)

⁴ For more information on eligible emergency protective measures see *Fact Sheet: Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures* (March 19, 2020), and the *Public Assistance Program and Policy Guide*, FP 104-009-2, (April 2018). FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC), or other federal agencies.

⁵ 44 C.F.R. 206.223(a)(3)

⁶ *Public Assistance Program and Policy Guide*, FP 104-009-2, at pg. 60 (April 2018)

Private Non-Profit

COVID-19 Cost Recovery Webinar

Virginia Emergency Support Team

Finance and Admin Section

Recovery Section



Private Non-Profit (PNP) Specific COVID-19 Cost Recovery Webinar

Agenda

- FEMA Authorized Assistance
- PNP Eligibility Guidance & Criteria
- PNP Eligibility Screening Process
- Overview of Resources Available
- PNP POCs



Federal Assistance – Declaration

- April 2, 2020 Major Disaster Declaration for Virginia received
This allows state agencies, local governments, and certain non-profit organizations to purchase additional supplies and receive reimbursements for COVID-19 related costs under the FEMA Public Assistance program.
- The President Declared a National Emergency on March 13, 2020



Federal Assistance – Declaration

- **January 20, 2020 - and ongoing (*the date in which costs begin, no end date, as of now*)**

Authorized for the reimbursement of Category B (*emergency protective measures*) under the Public Assistance grant program at a 75% federal cost share

- Minimum threshold of \$3,300

Authorized the ability for the Commonwealth to request direct federal assistance to fulfill a specific gap or need at a 75% federal cost share (*mission requests through the Virginia Emergency Operations Center*)



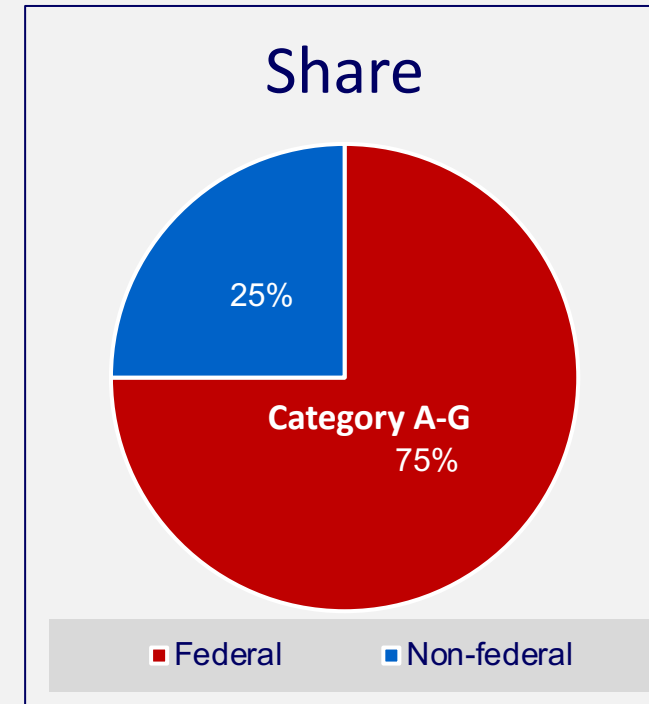
VDEM's Role in the PA Program

- VDEM is the pass-through state agency for funds obligated by FEMA through this program
- Coordinate cost recovery operations with FEMA
- Provide technical assistance to potential applicants
- Grant administration and reimbursement



Public Assistance Program Cost Share

- ❖ FEMA will reimburse no less than 75% of eligible costs for project within the Category B Guidance specific to COVID-19.
- ❖ The non-federal share, remaining 25%, will be the responsibility of the PNP.
- ❖ Thirds party donations for eligible work performed, if documented, may off-set the 25% non-federal share.



FEMA Eligibility Guidance

COST

WORK

FACILITY

APPLICANT

FEMA makes
final
determination



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PNP Applicant Eligibility

Documentation to Support PNP Eligibility

- Private Non-Profit organizations must have a ruling letter from the Internal Revenue Service (IRS) granting a tax exemption under Section 501(c), (d), or (e) of the IRS Code of 1954; or
- They must have documentation from the State substantiating that the non-revenue producing organization or entity is a non-profit entity organized or doing business under state law.



PNP Facility Eligibility

COST

WORK

FACILITY

APPLICANT

PNPs must own or operate
an eligible facility to be an
eligible applicant



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PNP Facility Eligibility

- For PNPs, an eligible facility is one that provides an eligible service, which includes education, utilities, emergency, medical, custodial care, and other essential social services.



PNP Facility Eligibility – Required Documentation

- If the Applicant owns the facility, proof of ownership
- If the Applicant leases the facility, proof of legal responsibility to perform eligible work
- List of services provided in the facility and when and to whom
- Who is allowed membership
- What fees are charged
- Policy regarding waiving memberships



Special Facility Considerations

- Education/School
 - Proof that the school is accredited or recognized by the state Department of Education.
- Child Care Facility
 - Proof that the State Department of Children and Family Services, Department of Human Services, or a similar agency, recognizes it as a licensed child care facility.
 - Child care has been deemed ineligible at this time by FEMA in relation to COVID-19.
- Mixed-use facility
 - Proof of the established purpose of the facility with documentation such as:
 - Pre-disaster charter, bylaws, and amendments
 - Calendar of activities



Eligible Work Under COVID-19

Must be the legal
responsibility of the
PNP to perform the
work



FEMA COVID-19 Work Eligibility Guidance

Management and
Control to Reduce
the Immediate
Threat

Medical Sheltering
(when existing
facilities cannot
accommodate)

Emergency
Medical
Care

Other Resources



Eligible Work for PNPs – Management and Control

Eligible Work

Emergency Operation Center costs

Training specific to the declared event

Disinfection of eligible public facilities

Technical assistance to state, tribal, or local governments on emergency management and control of immediate threats to public health and safety

Management and
Control to Reduce
the Immediate
Threat



Eligible Work for PNPs – Medical Care

Eligible Work

Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility

Related medical facility services and supplies

Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons)

Use of specialized medical equipment

Medical waste disposal

Emergency medical transport

Emergency
Medical
Care



Eligible Work for PNPs - Medical Sheltering*

Eligible Work

All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures

Non-congregate medical sheltering is subject to **prior approval by FEMA** and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the Public Health Emergency

*Medical Sheltering is further defined by FEMA for COVID-19 (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)

Medical Sheltering
(when existing
facilities cannot
accommodate)



Eligible Work for PNPs – Other Resources

Eligible Work

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

Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines

Other Resources



Private Non-Profit (PNPs) and Government Entities

PNP as Applicant:

- PNPs that **own or operate an eligible facility and perform eligible work**, such as providing emergency, medical or custodial/sanitation services for which they are **legally responsible** for in response to the COVID-19 incident, may be eligible for reimbursement of costs as a Public Assistance Applicant independent of another entity.

Government Entity as Applicant:

- A government entity may be legally responsible to provide services and enter into a memorandum of agreement (MOU) with a PNP to provide those services (e.g., sheltering or food distribution).
- In these cases, Public Assistance funding is provided to the legally responsible government entity, which then reimburse the PNP for the cost of providing those services under the agreement.



Eligibility Process Flow

▼ Private-Non-Profit Guidance

Resource	File
PNP COVID-19 Eligibility Fact Sheet Final	PDF
COVID-19 Private Nonprofit Organizations Fact Sheet	PDF
PNP Eligibility Process Flow	PDF



Eligibility of Costs



Costs Must Be

- Tied directly to eligible work
- NECESSARY AND REASONABLE
- Reduced by all applicable credits
 - Ex: Insurance, other federal programs (CDC/HHS)
- Consistent with applicant's policies and procedures
 - Policies and procedures must be in place prior to the event
- NOT ELIGIBLE – Loss of Revenue



Cost Categories

- Force Account (*Inside Sources*):
 - Labor
 - Equipment (FEMA Equip rates apply)
 - Materials/Supplies
- Contract Costs – (*Outside Sources*)



Cost: Labor

- Labor rates must be based on the applicant's pre-disaster labor policy, that is uniformly applied
- Category B – Only overtime is eligible



Cost: Equipment

- Force Account Equipment
- State, Local, or FEMA 2019 Equipment Rates <https://www.fema.gov/schedule-equipment-rates>
- Other Leased/Rental Equipment



Cost: Supplies and Materials

- Used for eligible work
- Reasonable and Necessary



Cost: Contracts

- Eligible if:
 - Comply w/Federal, State, and Local procurement procedures 2 CFR 200.317-326
 - Procurement Disaster Assistance Team
 - <https://www.fema.gov/procurement-disaster-assistance-team>
 - Contract Provisions Template
 - <https://www.vaemergency.gov/wp-content/uploads/2020/04/Procurement-Disaster-Assistance-Team-Contract-Provisions-Template.pdf>



Documentation Requirements for Potential Reimbursement

- Obtain cost estimates and determine eligibility
- Coordinate with FEMA on setting up account in the FEMA Grants Portal
- Grant writing process/eligibility review (new guidance for this event)
- FEMA obligates funding to VDEM at 75% of total costs
- Grant management processes for post-obligation are being developed for this disaster
- **Due to the unprecedented nature of this event, it is unclear how quickly federal funding will be available**



Next Steps

Getting Started

Step 1: Track your costs related to COVID-19 back to January 20, 2020.

Step 2:

For state, local, and tribal governments Submit your cost estimates in <https://VirginiaPA.org> (see “COVID-19 Cost Recovery Instructions”)

For private non-profit organizations fill out eligibility screening survey:

- Downloadable word version template with instructions [Download Template \(.docx\)](#).
- [Web-Portal to Submit PNP Pre-Screening Eligibility Survey](#).



Next Steps continued...



Virginia Department of Emergency Management (VDEM)
COVID-19 Public Assistance (PA) Pre-Screening
FEMA-DR-4512-VA

VDEM has set up this tool to gain the necessary information from your organization to pre-screen eligibility for the FEMA PA Program. This tool is set up to mirror the FEMA requirements, and ultimately FEMA makes the final eligibility determination for PNP applicants. In addition to determining eligibility, the intent of this tool is to prevent un-necessary efforts from your organization if the eligibility requirements for the PA Program are not met.



Due Date for Submitting your PNP's Pre-Application Portal

- Please submit your organization's pre-application screening through the portal by COB April 30, 2020



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Requests for Public Assistance

- No due date set – it will be 30 days after the National Public Health Emergency is over



Resources and Next Steps:

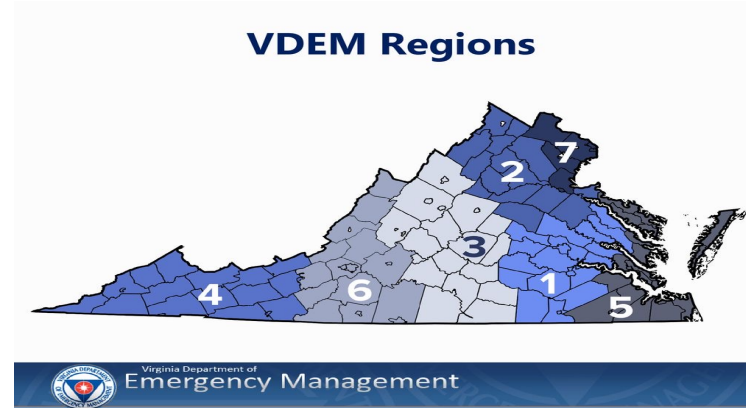
- Look for updates on the COVID-19 disaster as they become available
<https://www.vaemergency.gov/coronavirus>
- Take advantage of our Public Assistance resource library, including Job Aids and Cost-Tracking templates <https://virginiapa.org/site/resources.cfm>
- Pay particular attention to the 2018 version of the FEMA Public Assistance Program and Policy Guide (PAPPG) and the Commonwealth Public Assistance Administrative Plan (2020) for cost-tracking guidance and supporting documentation requirements
- PNP expenses not reimbursable by HHS, FEMA, nor any Other Federal Agency should be tracked as they may be reimbursable by other means.
- For more information and disaster-specific guidance from FEMA, please visit <https://www.fema.gov/coronavirus>



Technical Support for PNPs:

For assistance submitting your assessment, please utilize the following contacts:

Geographic Area	PA/Recovery Coordinator	Contact
VDEM Regions 2, 3, 4, 6 (West)	Heather Williams	heather.williams@vdem.virginia.gov
VDEM Regions 1, 5, 7 (East)	Andrew Forcucci	andrew.forcucci@vdem.virginia.gov
Recovery Team (alternate)	Recovery Team (alternate)	Recovery@vdem.virginia.gov



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FEMA-DR-4512-VA COVID-19 Decision Tree PNP
Eligibility (FEMA Makes Final Determination)

