



# Public Assistance in South Dakota



# FEMA

## What is Public Assistance?

The Public Assistance program provides supplemental funding to communities for emergency actions taken in response to a disaster and for work done to repair or possibly replace damaged public infrastructure. Funding is provided as a reimbursement for costs incurred.

## Eligibility

Whether FEMA and the state approve a project depends on four primary factors:

- **Is the applicant eligible?** Public Assistance grants are for state agencies, local governments, Indian tribes and certain private, nonprofit organizations that perform services of a public nature (e.g., public utilities, emergency medical facilities, museums).
- **Is the facility eligible?** The facility must be the responsibility of an eligible applicant, in the disaster area, active at the time of the disaster and not under authority of another federal agency.
- **Is the work eligible?** The work completed must be required as a result of the disaster, the legal responsibility of an applicant and within the disaster area (except for sheltering/evacuation).
- **Is the cost eligible?** Generally, eligible costs are costs that can be directly tied to the performance of eligible work. Costs must be reasonable to complete the work and compliant with procurement regulations, and will be reduced by insurance proceeds, salvage value or other duplicating funding sources.



## Categories of Work

### Emergency Work

- A: Debris Removal
- B: Emergency Protective Measures

### Permanent Work

- C: Roads and Bridges
- D: Water Control Facilities
- E: Buildings and Equipment
- F: Utilities
- G: Parks and Recreation/Other

## Funds Disbursement

Eligible work is documented on a Project Worksheet (PW) by a Project Officer. Following review and approval of a PW, FEMA obligates funds to the state. The state will then provide both the federal and state cost-shares to the applicant. FEMA will pay no less than 75 percent of project costs, with the state paying 10 percent and the local applicant paying the remaining 15 percent.

Funding for small projects (those less than \$63,900) is based on estimates (or actual costs if available) and is obligated immediately. Funding for large projects is provided only when the project is completed.

**NOTICE:** Before undertaking any permanent work, applicants must consult with FEMA and the state to ensure that all appropriate environmental and historic reviews have been addressed. Failure to do so could jeopardize disaster assistance funding.

## Roles of local officials working with FEMA & State

At the beginning of a disaster each applicant must designate an applicant agent. The applicant agent selected serves as the primary point of contact with the State of South Dakota and FEMA on all Public Assistance funding matters. The applicant agent should be someone familiar with the work to be completed. The applicant agent also provides documentation of disaster damages and works with FEMA and the state should project questions arise.

### **For Additional Assistance:**

If you have any questions about your Public Assistance projects, you should first talk to your Project Officer. If the problem can't be resolved, ask the Project Officer for the Public Assistance Coordinator responsible for your jurisdiction. If you are still not satisfied, contact State Public Assistance Officer Jason Bauder of SDOEM at (605) 773-3231.

### **Online Public Assistance Resources**

- South Dakota Office of Emergency Management  
[http://dps.sd.gov/emergency\\_services/emergency\\_management/default.aspx](http://dps.sd.gov/emergency_services/emergency_management/default.aspx)
- Policy and Guidance - 9500 Series Policies and other Publications  
<http://www.fema.gov/government/grant/pa/policy.shtm>
- Application Process - Step by step description of the Public Assistance grant life cycle  
<http://www.fema.gov/government/grant/pa/process.shtm>
- Roles and Responsibilities - Information on the duties of federal, state, and local partners  
<http://www.fema.gov/government/grant/pa/roles.shtm>
- Documentation Requirements  
[http://www.fema.gov/government/grant/pa/re\\_documentation.shtm](http://www.fema.gov/government/grant/pa/re_documentation.shtm)
- Reference Topics - Specific information and instructions on Public Assistance topics  
<http://www.fema.gov/government/grant/pa/reference.shtm>
- Resources and Tools - Appeal Database, Equipment Rates, Cost Estimating Format, and other resources  
<http://www.fema.gov/government/grant/pa/resources.shtm>

## FREQUENTLY ASKED QUESTIONS

**Question:** What is the deadline to complete repairs and still be eligible for Public Assistance funding?

**Answer:** The deadline to complete Emergency Work (Categories A or B) is 6 months from the disaster declaration. The deadline to complete Permanent Work (Categories C through G) is 18 months from the disaster declaration. If additional time is needed to complete work, extension requests should be directed to the state.

**Question:** What type of documentation should I keep to help ensure I receive funding for my eligible projects?

**Answer:** Take photographs of the damage sites so you have a before-and-after record of disaster-related damage if work was completed prior to an inspection. As work is being done, keep documents like estimates, receipts, invoices, timesheets, equipment logs, etc. In addition be sure to maintain any local disaster declaration documents or emergency decrees (e.g. evacuation authorizations) that served as the basis for the applicant to execute any emergency authorities.

**Question:** How long do we need to maintain records for FEMA audits?

**Answer:** Records and supporting documentation must be kept for three years following the official closeout of the disaster. SDOEM will send out a letter to all applicants advising them of closeout and the start of that three-year period. The closeout may not occur until several years after the disaster.

**Question:** How do we appeal a decision?

**Answer:** A formal appeal is only required following a final decision on a PW. If the PW is not yet finalized, you should talk with the Project Specialist about any concerns to see if they can be resolved before the PW goes through the approval process. If a PW has been obligated a formal appeal must be filed with the state within 60 days of receipt of the official PW by the applicant. The appeal should include additional supporting documentation. The last option is a second appeal through the state to FEMA headquarters.

**Question:** Who is responsible to make sure environmental laws and regulations are followed on repair projects?

**Answer:** It is the applicant's responsibility to obtain any necessary permits for repair work. Permanent work that is done prior to obtaining necessary consultations or permits will not be eligible for reimbursement. FEMA and the state will work with the applicant to identify what environmental consultations are required for a specific project.

**Question:** It has been longer than two weeks. Who should I contact?

**Answer:** Your jurisdiction's applicant agent can help verify which Project Worksheets have been obligated. If they don't have the answer you should contact the FEMA/state Public Assistance Coordinator (PAC) assigned to your community. If the PAC is unable to answer your question you should contact the State Public Assistance Officer Jason Bauder at (605) 773-3231.

Step in Process	Participants	Location	What is Accomplished
Pre-Declaration Preliminary Damage Assessment	SDOEM, FEMA, Local officials (Public Works Director, Road Supervisor, Emergency Manager)	Teams typically meet at local government offices to learn about disaster damage sites, and then visit the specific damage sites.	Damage is identified to determine if a Presidential disaster declaration is warranted. This is a cursory inspection to determine general damage
<b>Federal Disaster Declaration Occurs</b>			
PA Applicant Briefing	SDOEM, Emergency Managers.	Often a public building with meeting space that can accommodate emergency managers from as many as 8-10 counties. May be done via a conference call as well.	State/FEMA provide an overview of the Public Assistance Program – how to apply, what is eligible, and steps required to receive funding.
Kickoff Meeting	<b>FEMA/State:</b> Public Assistance Coordinator (PAC) <b>Local:</b> Designee(s) (Public Works Director, Road Supervisor, etc.)	A meeting place of the applicant's choice.	State/FEMA establish a working relationship with the applicant. Damage sites are reviewed and environmental and contracting issues are discussed.
Damage Site Inspections	<b>FEMA/State:</b> Project Officer <b>Local:</b> Designee (Public Works Director, Road Supervisor or official of applicant's choice.)	Teams visit damage sites. If repairs have already occurred, photos and documentation of the damage and repair work should be provided.	State, FEMA and the applicant review damage and reach a consensus on the work needed to return the site to pre-disaster condition.
PW Write-up and Signoff	<b>FEMA/State:</b> Project Officer/Public Assistance Coordinator (PAC) <b>Local:</b> Applicant Agent (Official of applicant's choice.)	PW write-up can occur in the field or within the FEMA/State Joint Field Office. A finalized PW will be provided to the applicant agent to sign.	The Project Officer will use information from the site inspection to formulate an estimate of the cost for the project. After resolving any differences, the applicant will sign off in concurrence.
PW Review	<b>FEMA/State:</b> Environmental and Historic Preservation, FEMA and State Public Assistance Officers, Mitigation Specialists.	Reviews occur within the Joint Field Office.	The project is reviewed to ensure it complies with all relevant state and federal regulations. Once the project clears review, it can be funded.
Obligation and Disbursal or funds	<b>FEMA:</b> Joint Field Office <b>State:</b> Smartlink Account <b>Local:</b> Applicant Agent	FEMA provides funds to the state electronically. The state can provide funds to the applicant electronically or via check.	The applicant receives funding. For small projects (<\$63,900) funding is immediate, for large projects it is provided as invoices are submitted.
Project Closeout	<b>FEMA:</b> Regional Office <b>State:</b> SDOEM <b>Local:</b> Applicant Agent	The state will meet with the applicant in person or by phone.	In its role as the grantee, the state is required to ensure that funds were used appropriately and within the scope of work outlined on the PW.