PURPOSE OF THIS PUBLICATION
To help private nonprofit (PNP) organizations understand Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program eligibility, documentation requirements and procurement rules.

INTENDED AUDIENCE
This publication is intended for PNP s who provide critical and/or essential services of a governmental nature, local and State governing authorities, emergency managers, those applying for and/or receiving recovery-funding grants through the FEMA PA Program and other disaster-recovery stakeholders.
GETTING HELP

Emergencies and/or disasters can devastate communities and those businesses, organizations and infrastructures that support them. When disaster damages exceed specific thresholds, the President may declare the event an emergency and/or major disaster. This declaration opens the door to Federal assistance for response and recovery measures, including those that help PNP entities providing critical or essential governmental – type services impacted by a disaster.

If you are a PNP providing critical or essential governmental type services, and your organization incurred damages as a result of a Presidentially declared disaster or emergency, GOHSEP encourages you to apply for assistance through the FEMA PA Program.

APPLICATION PROCESS

To be considered for assistance, your organization must submit:

- Request for Public Assistance (RPA).
- PNP Facility Questionnaire.
- Any supporting documentation.

The RPA, PNP Facility Questionnaire and documentation are then submitted to FEMA through GOHSEP.

The deadline for submitting an RPA is 30 days after the President’s disaster declaration relative to your location. For more information – and to complete an RPA – please visit LouisianaPA.com/site/resources.cfm and click Request for Public Assistance (PDF) under the GOHSEP State Administration Plan Documents section.

Also see the $ STEPS . . . Public Assistance (PA) Application Process for PNPs insert to this publication.
ELIGIBILITY

To be eligible for PA funding, a PNP must meet the following requirements:

• Provide critical or essential governmental-type services.
• Be a tax-exempt nonprofit. Documentation to support your tax-exempt status must include an Effective Ruling Letter from the Internal Revenue Service (IRS) granting tax-exemption under 501(c), (d) or (e) of the Internal Revenue Code of 1954. [SOURCE: 44 CFR 206.221(f)(1)] OR provide satisfactory evidence from the State that your organization is non-revenue-producing or a nonprofit entity organized or doing business under State law LRS 33:9024. [SOURCE: 44 CFR 206.221(f)(2)]
• Non-critical PNPs must be open to the public. [SOURCE: 44 CFR 206.221(e)(7)]

CRITICALITY + SERVICES

Eligible PNP participation in the FEMA PA Program is determined, in part, as to whether the PNP is offering critical or essential services of a “governmental nature” (as defined in 44 CFR 206.221(e)) and the critical nature of services provided. Eligible service providers generally fall into two (2) categories. PNP organizations that provide:

• Critical services.
• Non-critical – other essential services.

CRITICAL SERVICES PNPs

Critical services PNPs (as defined in 44 CFR 206.221(e)) provide the following services essential to a community’s viability.

Critical or essential PNPs are eligible for FEMA Emergency and Permanent Work disaster assistance.

NON-CRITICAL – OTHER ESSENTIAL SERVICES PNPs

Non-critical PNPs provide other essential governmental – type services to the community.

Non-critical PNPs are immediately eligible for FEMA Emergency Work disaster assistance. However, you must apply for Small Business Administration (SBA) funding prior to being considered for FEMA Permanent Work disaster assistance. (Please see next section.)

<table>
<thead>
<tr>
<th>Critical Services PNP</th>
<th>Non-critical Services PNP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services Provided</td>
<td>See list in red box above</td>
</tr>
<tr>
<td>Tax-exempt</td>
<td>✓</td>
</tr>
<tr>
<td>Non Profit</td>
<td>✓</td>
</tr>
<tr>
<td>Generally Open to the Public</td>
<td>✓</td>
</tr>
<tr>
<td>Immediately Eligible for Emergency Work</td>
<td>✓</td>
</tr>
<tr>
<td>Immediately Eligible for Permanent Work</td>
<td>✓</td>
</tr>
<tr>
<td>Must Apply First to SBA to be Considered for FEMA PA Permanent Work Funding</td>
<td>✓</td>
</tr>
<tr>
<td>50+% of Functional Space OR Time Used for Eligible Activities</td>
<td>✓</td>
</tr>
</tbody>
</table>

CRITICAL SERVICES

• Power
• Water
• Irrigation facilities
• Sewer services + wastewater treatment
• Communications
• Education
• Emergency medical care
• Fire department services
• Emergency rescue
• Nursing homes
• Eligible facilities supporting facilities that provide critical services

44 CFR 206.221(e)(1-6)

44 CFR 206.221(e)(7) + DISASTER ASSISTANCE POLICY (DAP) 9521.3

Business Administration (SBA) funding prior to being considered for FEMA Permanent Work disaster assistance. (Please see next section.)
Remember, FEMA PA is a REIMBURSEMENT PROGRAM. All PNP grants are reduced by insurance proceeds + may be reduced by other grants received. If you are a non-critical PNP, your FEMA PA grant amount is adjusted in accordance with the terms of your SBA loan.

RELATIONSHIP OF PNPS + SBA

**Non-critical – Other Essential Services PNPs**

To be considered for FEMA PA, non-critical PNP facilities requesting reimbursement for Permanent Work costs MUST first apply for a disaster loan from the SBA. (To learn more, visit SBA.gov/loanprograms.)

If your PNP is denied a loan through SBA OR if the loan and/or other funding resources do not fully cover eligible damages, your PNP is eligible for assistance through the FEMA PA Program.

You should apply to both SBA and FEMA concurrently to ensure you meet all deadlines for applications to both programs.

**Critical Services PNPs**

Critical services PNPs do NOT have to apply to SBA for loans to be eligible for FEMA PA.

**FACILITY USAGE ANALYSIS**

When a request is made for PA funding, damages to the facility are considered as follows:

**Space**

- **More than 50%** of facility functional space must be dedicated to eligible uses for the facility to be eligible for assistance.
  - Common spaces (lobbies, rest rooms, utility closets, janitorial closets, elevators, stairs, parking, etc.) are not included in calculating the proportion of eligible use.

- If the eligible space meets the **50% threshold**, PA funding is in direct proportion to the percentage of space dedicated to eligible use.

**Time**

- When space is not dedicated to specific activities, or is used for eligible and ineligible purposes, primary use is determined by the amount of time used for eligible services. [SOURCE: DAP-9521.3]
- Repairs must be made to the entire facility. The balance of costs to repair damages or replace a facility are not funded by FEMA.

**DOCUMENTATION REQUIREMENTS**

In addition to documenting tax-exempt status, and an Effective Ruling Letter from the IRS noted previously, your PNP must also provide proof of ownership or – if leased – proof of responsibility for repairs to the damaged facility at the time of the disaster.

You must also provide documentation that demonstrates what percentage of the facility is used for eligible purposes.

See Step 1 of the 5 STEPS . . . Public Assistance (PA) Application Process for PNPs insert for a detailed list of documentation requirements.

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**PROCUREMENT**

Procurement is the process of acquiring (buying, purchasing, renting/leasing or otherwise obtaining) goods and services. There are rules governing how goods and services are acquired when paid for with Federal dollars.

For Presidentially declared disasters prior to **December 26, 2014**, PNP are required to follow **2 CFR 215.40-48** and the cost principles articulated in **2 CFR 230**.

After **December 26, 2014**, PNPs follow 2 CFR 200, which addresses both administrative requirements and cost principles. ([SOURCE: 2 CFR 200.110](#))

There may also be State and local rules that apply. It is **YOUR responsibility** to comply with all that apply.

Under 2 CFR 200.320, there are **five (5) methods of procurement** accepted by FEMA:

- **Micro-purchases**
- **Small-purchase procedures**
- **Sealed bids**
- **Competitive proposals**
- **Non-competitive proposals in limited situations**


All contract procurement should be conducted in a manner providing **full and open competition**.

**IMPORTANT TO KNOW...**

- In the event of a Presidentially declared disaster, GOHSEP schedules **Applicant Briefings** + coordinates FEMA **Kickoff Meetings** that provide an overview of the FEMA PA Program.
- **Important deadlines**:  
  - The deadline for submitting an RPA is **30 days** after a Presidental disaster declaration is made.  
  - You have **60 days** from the FEMA Kickoff Meeting to identify + report damages.
- Prepare a list of sites damaged + mark them on a Parish road or city map.
- Gather copies of insurance policies + other important documents on damaged structures.
- Before + after pictures are important to support damage assessments.
- Be prepared to share information about historic structures that might be damaged + projects that may have a potential impact on the environment.
- Those applying for FEMA PA funding should be aware that there is a non-Federal or local cost share up to 25% of eligible project costs.
- **FEMA PA is a cost reimbursement** program. GOHSEP reimburses funds to a Subrecipient – now an Applicant – in accordance with its procedures. **Timelines for payment** vary depending upon a variety of circumstances.
- Anyone may obtain information about the FEMA PA Program at [fema.gov](http://www.fema.gov). Once on the FEMA web page, click on Disaster Assistance. Then, click on Public Assistance.
- **Important resources**:  
  - FEMA 321 – Public Assistance Policy Digest  
  - FEMA 323 – Public Assistance Applicant Handbook  
  - FEMA 325 – Debris Management Guide  
  - GOHSEP Documentation Requirements Checklist, PA Pre-event – Closeout

**GOHSEP PROCUREMENT CHECKLIST + GOHSEP THE NEW PROCUREMENT GUIDE: GETTING AND KEEPING YOUR FEMA GRANT DOLLARS! CAN BE DOWNLOADED AT gohsep.la.gov/publications.aspx**
ACRONYMS

<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>FULL NAME</th>
</tr>
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<tbody>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>DCFS</td>
<td>Louisiana Department of Children and Family Services</td>
</tr>
<tr>
<td>DOE</td>
<td>Federal Emergency Management Agency</td>
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<tr>
<td>FEMA</td>
<td>Louisiana Department of Education</td>
</tr>
<tr>
<td>GOHSEP</td>
<td>Governor's Office of Homeland Security and Emergency Preparedness</td>
</tr>
<tr>
<td>IRS</td>
<td>Internal Revenue Service</td>
</tr>
<tr>
<td>PA</td>
<td>Public Assistance</td>
</tr>
<tr>
<td>PNP</td>
<td>Private Nonprofit</td>
</tr>
<tr>
<td>RPA</td>
<td>Request for Public Assistance</td>
</tr>
<tr>
<td>SAL</td>
<td>GOHSEP State Applicant Liaison</td>
</tr>
<tr>
<td>SBA</td>
<td>Small Business Administration</td>
</tr>
</tbody>
</table>

REFERENCES

2 CFR 200
ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

44 CFR
eecfr.gov/cgi-bin/text-idx?SID=55b626c34d6c81858c72b0fddaaf48&mc=true&tpl=/ecfrbrowse/Title44/44chapter1.tpl

fema.gov/pdf/government/grant/pa/pdigest08.pdf

fema.gov/pdf/government/grant/pa/pguide07.pdf

FEMA 323 – Public Assistance Applicant Handbook – March 2010
fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf

fema.gov/pdf/government/grant/pa/demagde.pdf

GOHSEP – Documentation Requirements Checklist, PA Pre-event – Closeout
gohsep.la.gov/publications.aspx

GOHSEP PROCUREMENT CHECKLIST
gohsep.la.gov/publications.aspx

GOHSEP The NEW PROCUREMENT GUIDE: Getting and KEEPING your FEMA grant dollars!
gohsep.la.gov/publications.aspx

Internal Revenue Code of 1954
law.cornell.edu/uscode/text/26

Louisiana Public Assistance website (LAPA)
LouisianaPA.com

Louisiana Revised Statute (LRS)
legis.la.gov/legis/LawSearch.aspx

U.S. Small Business Administration
SBA.gov

All forms are available at LouisianaPA.com

For more information on PNPs, contact your GOHSEP Public Assistance (PA) State Applicant Liaison (SAL)

OR

Call GOHSEP at 225.925.7500.

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**5 STEPS . . .**

**Public Assistance (PA) Application Process for Private Nonprofits (PNPs)**

Under the FEMA Public Assistance (PA) Program, an eligible private nonprofit (PNP) organization is one that:
- Provides critical or essential governmental-type services.
- Is tax-exempt according to the Internal Revenue Service (IRS).
- Operates as a nonprofit under Louisiana law.
- Is generally open to the public.

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**ASSEMBLING APPLICATION PACKAGE**

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Applicant completes an application package and submits to GOHSEP to request PA.</td>
</tr>
</tbody>
</table>

**For more information:**
- RPA + PNP Facility Questionnaire can be found at LouisianaPA.com/site/resources.cfm
- To learn more about tax-exemption visit irs.gov or revenue.louisiana.gov
- Please also refer to 44 CFR 206.221(f)(2)

**OR**

- Provide evidence of Federal tax-exempt status, including an Effective Ruling Letter from the IRS granting tax-exemption under 501(c), (d) or (e) of the Internal Revenue Code of 1954 . . .

**SUBMISSION TO GOHSEP**

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>2</td>
<td>Submit package to GOHSEP within 30 days of a Presidentially declared disaster.</td>
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**SUBMISSION BY GOHSEP TO FEMA FOR REVIEW**

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>When all documents necessary for FEMA to make an eligibility determination have been submitted to GOHSEP, the application package is forwarded by GOHSEP to FEMA.</td>
</tr>
</tbody>
</table>

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As a reminder . . . all non-critical PNP facilities must apply with the Small Business Administration (SBA) for a disaster loan. Once an SBA determination has been made, you must submit the decision to GOHSEP. For more information, visit sba.gov/loanprograms.
If your RPA is approved and you have disaster-related damage to your facility(ies), please be prepared to provide the following additional information at the Kickoff Meeting:

- **Proof of ownership** of the damaged facility or – if leased – proof of responsibility for repairs to the damaged facility at the time of the disaster.
  - Examples include: Deed + mortgage + lease stating Subrecipient (Applicant) is responsible for repair of damages + bill of sale + any other applicable ownership documents.
  - Please also refer to: 44 CFR 206.223(a)(3)
  - **Public Assistance Guide FEMA 322/June 2007, page 23**

- **Copy of the insurance policy** in effect at the time of disaster associated with damaged facility/elements (if applicable).
  - Please also refer to 44 CFR 206.250-252(d)

- **Any required accreditations or licenses.** For example . . .
  - **If** your facility operates as a school, you need to demonstrate that the school is accredited or recognized by the Louisiana Department of Education (DOE).
  - **If** your facility operates as a day-care facility, you need to demonstrate that it is recognized as a licensed day-care facility by the Louisiana Department of Children and Family Services (DCFS).
  - Louisianabelieves.com or dcf.s.louisiana.gov

- **Proof of usage:**
  - Any documentation that can show percentage of the facility used for eligible purposes. Examples include anything that can show how the facility was used at the time of the disaster such as pre-disaster photos + activity calendars.
  - Public Assistance Guide - FEMA 322/June 2007

- **For non-critical – other essential services PNPs:**
  - Be prepared to provide a copy of your SBA application. To be considered for FEMA PA, you MUST first apply to SBA before becoming eligible for Permanent Work assistance.
  - Please note that final facility eligibility for the PA Program is not made until there is a determination of your SBA application.
  - SBA.gov

Additional information about the FEMA PA Program and PNP eligibility can be found at fema.gov by typing “Public Assistance” into the search engine, and also on www.LouisianaPA.com by clicking on the Resources page.