



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 2, 2026

CBCA 8559-FEMA

In the Matter of HARRIS COUNTY, TEXAS

Christian D. Menefee, Harris County Attorney, Jonathan G. C. Fombonne, Deputy County Attorney and First Assistant County Attorney, and Moustapha Gassama, Assistant County Attorney, Office of Harris County Attorney, Houston, TX; Jordan Corbitt of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Houston, TX; and Charles Schexnaildre of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Baton Rouge, LA, counsel for Applicant.

Rebecca Otey and Andrew Bevacqua, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Federal Emergency Management Agency.

Before the Arbitration Panel consisting of Board Judges **BEARDSLEY** (Chair), **VERGILIO**, and **VOLK**.

VOLK, Board Judge, writing for the Panel.

Applicant, Harris County, Texas (the County), seeks \$7,498,578.41 in public assistance (PA) funding for payments the County made to a contractor, Genuent Global, LLC (Genuent), for COVID-19 operational support. We find that the documentation the County has provided is not adequate to support its request.

Background

Genuent's work for the County began years before the COVID-19 pandemic. In March 2016, the County entered into a consulting agreement with Genuent, under which Genuent was to provide information technology (IT) consulting, recruitment, and staff

augmentation services to the County. Federal Emergency Management Agency (FEMA) Exhibit 2.

When the COVID-19 pandemic began, the County used its existing contract with Genuent to fill various temporary staffing needs. In its request for arbitration, the County provides the following description of the services it obtained from Genuent:

Genuent's services encompassed staffing for COVID-19 testing and vaccination sites, development of IT platforms, public safety communications, positive case data collection, and support for the County's [emergency operations center (EOC)].

Testing and vaccination assistance provided by Genuent staff included collecting and analyzing patient data, assisting with call center duties at the County's COVID-19 EOC by answer[ing] and making calls to schedule testing and vaccine appointments, reviewing local and state immunization registries to ensure compliance with Patient Health Information requirements, and developing and managing the Testing and Vaccination Site's IT system. The Genuent staff also assisted with public safety messaging by developing COVID-19 media campaigns regarding safety, testing and vaccination, updating data in the County's public facing dashboard and providing the latest COVID-19 information directly to citizens, which was often done through the Harris County Communicable Disease Control Orders, which the County issued to individual citizens based on their personal exposure and illness history. It also allowed each citizen to contact and speak directly with one of the Genuent staff to ask questions and receive additional guidance regarding their personal health and safety, as well as the health and safety of their friends and family, which included discussions from data analysis collected for each citizen.

Request for Arbitration (RFA) at 5-6 (footnotes omitted).

In March 2023, the County applied to FEMA for \$15,302,511.60 in PA for the Genuent staffing expenses it incurred as part of its COVID-19 emergency protective measures. FEMA Exhibit 11. In July 2023, FEMA issued a request for information (RFI) to the County. FEMA Exhibit 12. The RFI raised concerns that FEMA had identified during its review of the County's funding application, including the level of detail regarding the work that was performed, duplicative invoices, and costs related to ineligible work for contact tracing.

In August 2023, the County reduced its request from more than \$15,000,000 to approximately \$8,900,000. The reduction was largely attributed to removing contact tracing costs. *See RFA at 6 (“Recognizing that certain activities—specifically contact tracing—may not be eligible for reimbursement under FEMA’s PA program, the County proactively reduced its claim to \$8,897,065.81.”).*

In September 2023, FEMA issued a second RFI, indicating, among other things, that the County’s amended request still appeared to include contact tracing costs. FEMA Exhibit 19. FEMA subsequently raised additional concerns, particularly that the County’s amended request included ineligible strategic planning costs. The County provided additional documents in response to the second RFI, but it did not further adjust the amount of its PA request in response to the RFI.

In May 2024, FEMA issued a determination memorandum denying the County’s request for \$8,897,065.81 on the basis that the County had not provided sufficient documentation in response to FEMA’s RFIs. The County filed a first-level appeal with FEMA in August 2024, in which it reduced its request to the amount now at issue: \$7,498,578.41. Applicant Exhibit 7. FEMA denied the appeal on June 16, 2025, and the County timely elected arbitration before the Board.

Discussion

FEMA’s principal argument is that the County has not presented adequate documentation to establish that its costs are eligible. We agree.

Under FEMA policy, the applicant is responsible for providing documentation demonstrating that both the work and the costs at issue are eligible for PA. Public Assistance Program and Policy Guide (PAPPG) (Apr. 2018) at 9; *see also id.* at 133 (“Documentation should provide the ‘who, what, when, where, why, and how much’ for each item claimed.”).

The briefs and evidence submitted by the County in this arbitration do not allow us to connect the \$7,498,578.41 sought by the County (or any specific dollar amount) to PA-eligible work performed by Genuent personnel. Although such personnel may well have performed significant amounts of eligible work—a point FEMA does not appear to contest—the County’s documentation is not sufficient to tie particular payments to Genuent in its cost spreadsheet to specific, eligible tasks.

Although the County’s documentation generally shows that the costs at issue were incurred to respond to COVID-19, the County has effectively conceded that much of Genuent’s COVID-19-related work is not eligible for PA. Previously, in response to

concerns raised by FEMA, the County voluntarily reduced its initial PA request by more than half.

The documents relied on by the County, including general contract documents, position descriptions, and broad declarations, are not specific enough to allow one to determine whether a particular Genuent employee was performing eligible or ineligible work during a given shift. The County presents sixteen pages of sample invoices and timesheets, but these tend to confirm the inadequacy of its documentation. At best, the timesheets may include a comment describing an entire day's work as "COVID19 Response," "COVID-19 ASSIGNMENT," or "Activated for COVID19." Applicant Exhibit 13. Such general descriptions do not provide enough detail to determine if the person was performing eligible work. General descriptions of this nature could easily refer to the contact tracing work that FEMA determined is ineligible, without objection from the County.

The County has not presented sufficient documentation to establish that the costs it seeks to recover were incurred to perform eligible emergency protective measures.

Decision

The \$7,498,578.41 sought by the County is not eligible for PA.

Daniel B. Volk
DANIEL B. VOLK
Board Judge

Erica S. Beardsley
ERICA S. BEARDSLEY
Board Judge

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge