

# WEBINAR ETIQUETTE

## PLEASE

- Log in with your first and last name, just as you registered online.
- Place your phone or computer on MUTE
- Use the CHAT option to ask your question(s).
  - We will share the questions with the speakers who will respond to the group

## THANK YOU!



# CONTRACTING AND COVID-19 WEBINAR MARCH 30, 2020

# NEW FEDERAL CONTRACTING GUIDANCE: ESSENTIAL CRITICAL INFRASTRUCTURE

- US Dept. of Homeland Security / CISA March 19: Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (Version 1.0)
- Undersecretary of Defense, Acquisition and Sustainment, March 20: Memorandum for Defense Industrial Base
- Defense Contract Management Agency, DCMA Chicago Milwaukee, March 23: Memorandum for Wisconsin Defense Industrial Base
- Documents available at agency home pages, or from Wisconsin Procurement Institute

# MAKE SURE YOU ARE LISTED IN THE DISASTER RESPONSE REGISTRY

- **How do I add my company to the Disaster Response Registry?**
  - Your entity must be fully registered in the System for Award Management (SAM) at <https://www.sam.gov> for federal contracts and other procurement opportunities in accordance with FAR [Subpart 4.11](#) System for Award Management, to be included in the Disaster Response Registry. On average, it takes 2-3 days to properly register and have your registration become active in SAM. It may take longer.
  - During the registration process, you must indicate you want to participate in the Disaster Response Registry and provide the required information on the Disaster Response Information page within the Assertions module. Once your registration is active, you will be added to the Disaster Response Registry and contracting officers will be able to locate your company through the Disaster Response Registry Search.

The System for Award Management (SAM) is an official website of the U.S. government. There is no cost to use SAM. You can use this site for FREE to:

- Register to do business with the U.S. government
- Update or renew your entity registration
- Check status of an entity registration
- Search for entity registration and exclusion records

Click on either of these links

## Getting Started

Create A User Account



Start by creating a SAM user account.

Register Entity



After creating your SAM user account, log in to register to do business with the U.S. government.

Search Records



Do a public search for existing entity registration records or exclusion records.

## Search Records

### Search Tips to Get Started:

- Looking for entity registration records or entity exclusion records in SAM? Use **Quick Search** if you know an entity's Business Name, DUNS Number or CAGE Code. Use **Advanced Search** to structure your search using multiple categories and criteria.
- Are you a Federal government employee? Create a SAM user account with your government e-mail address and log into SAM before searching to see FOUO information and registrants who chose to opt out of the public search.
- Conducting small business-focused research? In addition to what is contained in SAM, small businesses can provide the Small Business Administration (SBA) supplemental information about themselves. Use the [SBA's Dynamic Small Business Search](#) to conduct further market research.
- Trying to find a contractor participating in the Disaster Response Registry? Use the **Disaster Response Registry Search** to locate contractors willing to provide debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief services in the event of a national disaster.

### Choose Quick Search or Advanced Search

#### QUICK SEARCH:

(Example of search term includes the entity's name, etc.)

DUNS Number Search:

CAGE Code Search:

SEARCH

Need Help?

#### ADVANCED SEARCH:

Use specific criteria in multiple categories to structure your search.

ADVANCED SEARCH - ENTITY

ADVANCED SEARCH - EXCLUSION

DISASTER RESPONSE REGISTRY SEARCH

Click Here

## Disaster Response Registry Search

Structure your search for a contractor participating in the Disaster Response Registry by using a combination of criteria from multiple categories. The checkbox corresponding to each category header expands the accordion to display your options. If you select more than one search term within a category, results can meet either value, i.e. the system applies an OR logic. If you select search terms in multiple categories, results must meet both criteria, i.e. the system applies an AND logic. Any search results returned will only include those entities which have selected to participate in the Disaster Response Registry.

### Search Tips:

- You can search by Legal Business Name, DUNS Number, and CAGE Code using the Entity category.
- You can search by location where contractors are able to deliver emergency products and services using the Geographic Area Served category.
- You can search by the contractors' physical address City, State, ZIP Code, and Congressional District using the Location category.
- You will find socio-economic indicators, such as SBA Certified 8(a) and HUBZone, in the Socio-Economic Status category.
- You can conduct a small business search by NAICS Code using the Products and Services category.
- [Search terms are defined in the SAM User Guide Glossary.](#)

<b>Registration Status</b>	<input checked="" type="checkbox"/> Active	<input type="checkbox"/> Inactive
<b>Registrations with an Active Exclusion(s)</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Registrations with Debt Subject to Offset</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Within an accordion, search will be performed with an OR condition. Between accordions, search will be performed with an AND condition. The Geographic Area Served accordion is an exception, as noted below.

<input type="checkbox"/>	Entity
<input type="checkbox"/>	Geographic Area Served
<input type="checkbox"/>	Location
<input type="checkbox"/>	Socio-Economic Status

Shop by  
Category

**Search**

Products

Go

Advanced Search



## Products

Building & Industrial

Electronics & Technology

Facilities & Supplies

Furniture & Furnishings

Janitorial & Sanitation Supplies FSSI (BIC)

Law Enforcement, Fire & Security

Maintenance, Repair & Operations FSSI (BIC)

Office Equipment

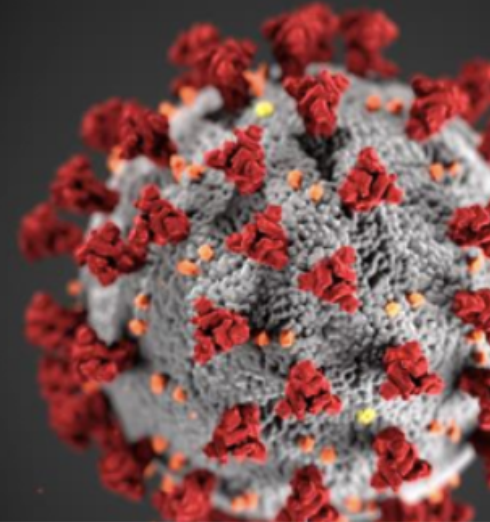
Office Supplies

Last updated: March 22, 2020

# ATTENTION

Due to current heightened demand for products which could be associated with COVID-19, please contact the vendor(s) prior to placing your order to confirm availability.

[Learn how to find vendor contact information](#)



1 2 3 4 5 6 7

Special Programs

Strategic Sourcing

## Schedule Buyers

Overview

Purchase Card Holders

Contracting Officers

### State and Local Governments

Cooperative Purchasing

**Disaster Purchasing**

1122 Program

Public Health Emergencies

Fire Program

# State and Local Disaster Purchasing

GSA's Disaster Purchasing Program allows state and local governments to buy supplies and services directly from all GSA Schedules to facilitate disaster preparation, response, or major disaster recovery. Purchases made in support of recovery must be in response to a Stafford Act Presidential declaration. The Federal Emergency Management Agency (FEMA) manages the list of declared disasters.

State and local governments can purchase equipment and services to support natural or man-made disasters, including acts of terrorism, or nuclear, biological, chemical, or radiological attack.

<b>Eligibility</b>	<b>+</b>
<b>Program Authority</b>	<b>+</b>
<b>Program Scope</b>	<b>+</b>
<b>Definitions</b>	<b>+</b>
<b>How to Order</b>	<b>+</b>

<https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments/state-and-local-disaster-purchasing>

## Schedule Buyers

Overview

Purchase Card Holders

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### State and Local Governments

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Disaster Purchasing

1122 Program

**Public Health Emergencies**

Fire Program

## Public Health Emergencies Program

When a federal Public Health Emergency (PHE) is declared, state, local, tribal, and territorial governments can benefit from GSA Schedules' speed, savings, and ease of use.

Under the GSA PHE program, these non-federal entities are authorized to buy from all Schedules when spending federal grants funds in direct response to PHEs. This authorization was granted by the GSA Administrator in conjunction with the Secretary of Health and Human Services, under section 319 of the Public Health Services Act, codified at 42 U.S.C. § 247d.

### Purchasing Limitations

Only state, local, tribal, and territorial governments receiving grant funds in direct response to a PHE can access Schedules under this program.

When purchasing from Schedules, state, local, tribal, and territorial governments should follow the ordering and competitive procedures that meet their own procurement regulations, and any requirements stipulated in the grant funding.

### Participation

Participation is voluntary for state, local, tribal, and territorial governments, as well as Schedule contractors.

### Required Ordering Language

Include the following language on all task or delivery orders placed by state, local, tribal, and territorial governments under this authority:

"This order is placed under Federal Supply Schedule number <Insert Number Here> according to GSA policy that authorizes state, local, territorial, and tribal governments, as authorized users for purchasing goods and services, when expending federal grant funds in response to Public Health Emergencies (PHEs) declared by the Secretary of Health and Human Services, under section 319 of the Public Health Services Act."

FAQs are also available for the following areas of interest to customer agencies and industry partners:

- [Blanket Purchase Agreements](#); and
- [Contractor Team Arrangements](#)

For more information on how to order from GSA Schedule, please view the [Schedule buyers](#) section.

<https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments/public-health-emergencies-program>

## COVID-19 related products

**Attention: Due to current heightened demand for products which could be associated with COVID-19, please contact the vendor(s) prior to placing your order to confirm availability.**

Because of the constant changing levels of product availability, vendors are recommending that customers contact them directly before placing orders on GSA Advantage! to ensure their availability.

Vendors will attempt to answer any questions regarding the "in-stock" availability of products, so please make sure that your request is specific. The more detailed the request, the better the vendor will be able to respond.

The contractor's contact information including phone number, and email is located on the *Contractor Information* page of GSA Advantage!. The *Contractor Information* page can be accessed as follows:

1. Navigate to the *Product Detail* page for the specific product you are interested in.
2. Under the price at the top left of the *Product Detail* you will see "sold and shipped by" followed by a vendor name. Click on this **vendor name** to bring up the *Contractor Information* page.

[Click here to see more details on finding the vendor contact information](#)

You can access search categories that include COVID-19 related products under "Disaster Relief and Pandemic Products" aisle.

Customers with FEDSTRIP/MILSTRIP requisitioning capability (primarily DOD) can place STRIP requisitions for relevant GSA Global Supply National Stock Numbers (NSNs) and part numbers via their internal supply requisition systems or via the [FEDSTRIP ordering utility on GSA Advantage](#) under "NSN Ordering" (account required). NSNs can be found by searching on GSA Advantage and the [GSA Global Supply website](#) as well as in the [GSA Global Supply e-catalog](#).

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## COVID-19 Fraud and Price Gouging

GSA has received reports of companies fraudulently claiming to be GSA vendors attempting to exploit legitimate COVID-19 concerns to mislead consumers into paying exorbitant prices for products associated with COVID-19. If a supplier claims to be a GSA vendor, please verify by checking prices and details on GSA Advantage or validate the contract number and supplier details on GSA eLibrary vendor database. Even if information seems credible, take a moment to verify.

If you have questions or suspect fraudulent activity or price gouging with companies claiming to be GSA vendors, please contact GSA's National Customer Service Center at (800) 488-3111 or email [NCSCcustomer.service@gsa.gov](mailto:NCSCcustomer.service@gsa.gov).

# FEDERAL PROVISIONS

- Defense Prioritization Acquisition System (DPAS)
- Contracts designated as DO (High priority) or DX (Highest priority)
  - See: <https://www.dcmamilitary.com/DPAS/>
  - Other contracts deemed necessary for the national interest.
- Need for continual and written communications between Contracting Offices and prime contractors, and between primes and subcontractors.

# FEDERAL PROVISIONS

- FAR 52.212-4(f) *Excusable Delays* Source: [www.acquisition.gov](http://www.acquisition.gov)
- The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers.
- *The Contractor shall notify the Contracting Officer in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to the Contracting Officer of the cessation of such occurrence.*

# FEMA

<https://www.fema.gov/industry-liaison-program>

## Industry Liaison Program

The Industry Liaison Program (ILP) establishes strategic relationships with suppliers and stakeholders; serves as an i provider for suppliers seeking to do business with FEMA; and connects suppliers with program offices in support of mission.

If you are seeking to do business with FEMA in support of a disaster recovery effort, please be aware that in accorda the [Robert T. Stafford Act](#) (specifically Section 307), FEMA's goal is to seek local companies within the disaster area for services related to a specific disaster when practical and feasible.

**\*President Trump has declared a nationwide emergency for COVID-19. This [declaration increases federal](#) the U.S. Department of Health and Human Services (HHS) in its role as the lead federal agency for the fed government's response. Please ensure you continually monitor contracting opportunity sites for the need and other Federal agencies in support of the response.**

> [Expand All Sections](#)

> [How To Do Business With FEMA](#)

> [FEMA's Procurement Needs During A Disaster](#)

> [Transportation Programs](#)

> [Resources](#)

# FEMA

- Emergency Management Agencies by State - <https://www.fema.gov/emergency-management-agencies>
  - During emergencies, each state coordinates the activation and use of resources needed to support the local governments to respond and recover from emergency and disasters.

## **Wisconsin Emergency Management**

2400 Wright Street P.O. Box 7865

Madison, Wisconsin 53707-7865

Phone: (608) 242-3232

Fax: (608) 242-3247

<https://dma.wi.gov/DMA/wem>

# STATE AND LOCAL PROVISIONS – UPDATED:

- State of Wisconsin
- Dane County
- City of Madison
- City of Milwaukee
- Milwaukee County
- Milwaukee Metropolitan Sewerage District (MMSD)
- Milwaukee Public Schools (MPS)



# STATE OF WISCONSIN

- Wisconsin Department of Administration (DOA) **Purchase Orders** must contain DOA-3054, OR Standard Terms and Conditions for State of Wisconsin Printing (DOA-3604)
- If it contains DOA -3604, the clause is:
- *Unavoidable Emergencies*: The contractor will be excused for delays due to uncontrollable causes, such as natural disasters, national emergencies, strikes, or fires. Production problems are not considered unavoidable emergencies. The contractor must notify the ordering agency in writing, of such developments immediately, stating the reason, justification, and estimated extent of the delay. Under these conditions the State may, in its sole discretion, purchase from other sources until the situation is remedied and the State is notified in writing.

# STATE OF WISCONSIN

- FORM DOA-3054 (Standard Terms and Conditions – **Request for Bid / Request for Proposal**) has a Force Majeure clause:
- 35.0 FORCE MAJEURE: Neither party shall be in default by reason of any failure in performance of this Agreement in accordance with reasonable control and without fault or negligence on their part. Such causes may include, but are not restricted to, acts of nature or the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather, but in every case the failure to perform such must be beyond the reasonable control and without the fault or negligence of the party.

# STATE OF WISCONSIN

- **State of Wisconsin Simplified Construction Contracts**

- Paragraph 7 B. of “DOA-4532 Condition of the Contract for Simplified Projects” includes the following language:
- The Contractor shall keep the Owner informed about Work activities, progress, delays, and anticipated completion date. Should delays be caused by reasons beyond the control of the Contractor, an extension of the contract completion date may be requested. All such requests shall be delivered to the Owner’s Project Representative within ten (10) working days from the beginning of such delay, or within ten (10) working days from the time when the circumstance with potential for delay becomes reasonably known to the Contractor, whichever is earlier. Permitting the change shall not serve as a waiver on the part of the Owner of any right under the contract. The Contractor shall be responsible for damages resulting from delays that were not beyond the Contractor’s control.
- *Contact WPI for additional detail and documentation on this provision.*

# DANE COUNTY

- In response to WPI query, Dane County states it does not have a “Force Majeure” clause that would unilaterally kick in.
- However, the County retains “the right to work with individual vendors to amend contracts as needed due to a change in circumstances or other reasoning, including the current international pandemic. “

# CITY OF MILWAUKEE

Clause 28.4.3

[https://city.milwaukee.gov/ImageLibrary/Groups/doaPurchasing/CityofMilwaukee-PurchasingDivisionTermsandConditionsdatedFebruary042020-](https://city.milwaukee.gov/ImageLibrary/Groups/doaPurchasing/CityofMilwaukee-PurchasingDivisionTermsandConditionsdatedFebruary042020-FINALcadbo1264971.CAODOA1.pdf)

[FINALcadbo1264971.CAODOA1.pdf](https://city.milwaukee.gov/ImageLibrary/Groups/doaPurchasing/CityofMilwaukee-PurchasingDivisionTermsandConditionsdatedFebruary042020-FINALcadbo1264971.CAODOA1.pdf) that could be used to excuse delays

because of COVID-19. This appears to be from the standard T&C's for all City of Milwaukee procurements – supplies, services and construction.

# MILWAUKEE PUBLIC SCHOOLS (MPS)

- **Supplies and Services Purchase Order** <https://mps.milwaukee.k12.wi.us/MPS-Shared/Documents1/Procurement/MPSPurchaseOrderTermsandConditions4-14.pdf>)
- **Supplies and Services Bids** <https://mps.milwaukee.k12.wi.us/MPS-Shared/Documents1/Procurement/MPSTermsandconditionsForBids4-143.pdf>)
- **Supplies and Services RFP** <https://mps.milwaukee.k12.wi.us/MPS-Shared/Documents1/Procurement/MPSTermsandConditionsForRFP4-14.pdf>)
- **Construction Contracts** <https://mps.milwaukee.k12.wi.us/en/District/Vendors-Contractors/Contractors/Master-Specifications1.htm>
- **Professional Services Contracts** <https://mps.milwaukee.k12.wi.us/MPS-Shared/Documents1/Procurement/ProfessionalServicesContract-over100003.03.16.docx>

# MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD)

Construction contracts

(at least the ones that are currently open for bid)

Clause 34

<https://vw.questcdn.com/questvw/action/pdfViewer?jobNo=6857792&itemIndex=0&page=1> )

# ***UPDATES – THIS DOCUMENT WILL BE UPDATED AS MORE INFORMATION BECOMES AVAILABLE:***

The Small Business Administration (SBA) and Wisconsin Procurement Institute (WPI) will continue to provide updates on the impacts of the current emergency upon contractors at all levels.

More detail and additional documents are available from SBA and WPI on the material presented here.

Log in to this webinar every Monday, Wednesday and Friday at 11:00 am for the most current information. Registration Links at [www.wispro.org](http://www.wispro.org)

# CONTACT

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