

The Federal Government's “Go-Bag”

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May 19, 2020

The Federal “go-bag”

- Large
- Extensive
- All authorities not centrally cataloged
- Guidance may not be static –
 - Recheck/validate
 - Document – cite authority
- Follow links
- Review FAQ's

Opportunities outside of the “norm”

*What is worth watching?
What are indicators of need – of future
activity – of contracts?*

Start with the
end in mind.



FEMA

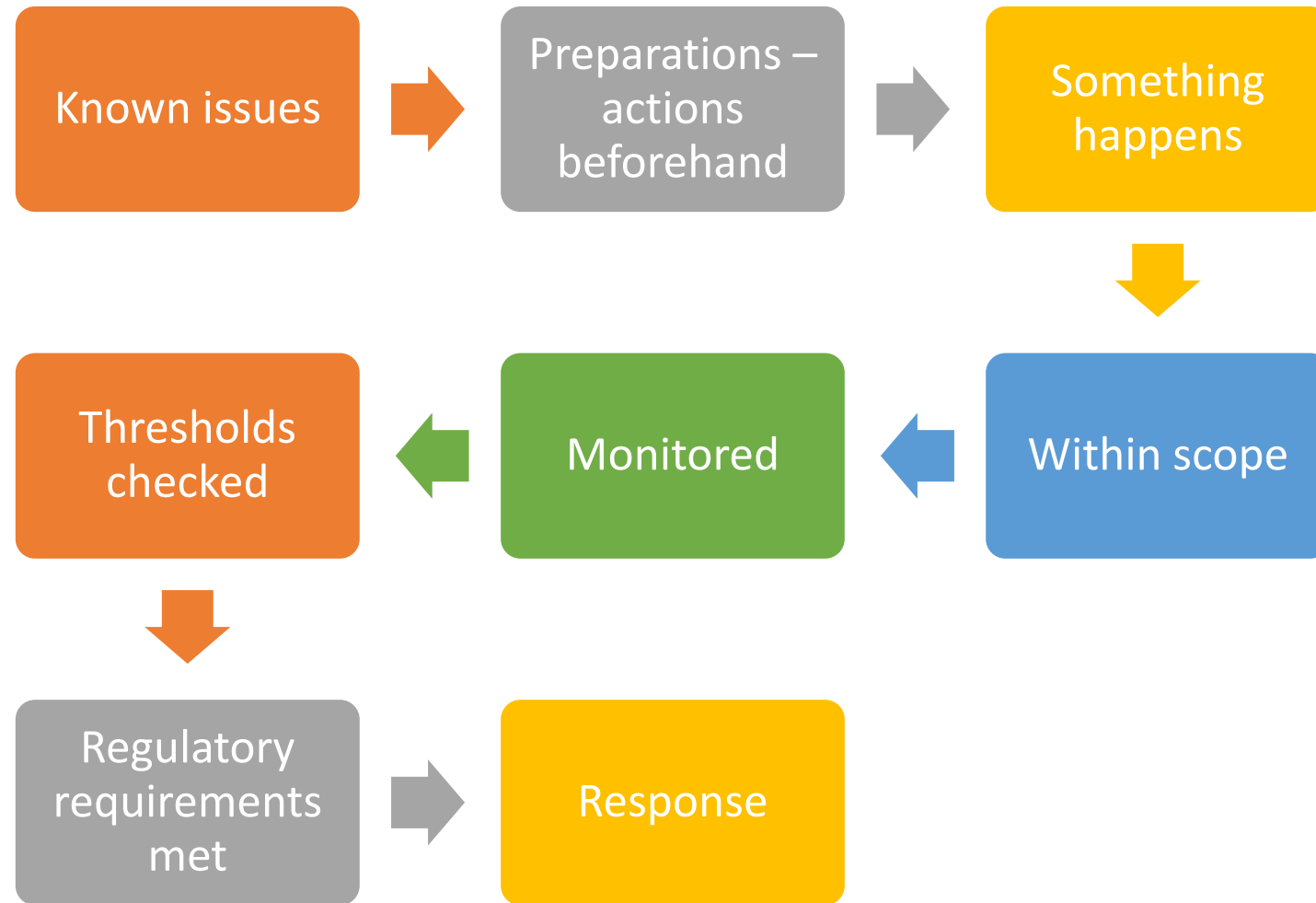
**FEMA's mission is helping people
before, during, and after disasters.**

Click [here](#) to subscribe to this briefing.
5/19/2020

Planning/Preparation 26.203 Transition of work

(a) **In anticipation** of potential emergency response requirements, agencies involved in response planning **should consider** awarding emergency response contracts **before a major** disaster or emergency occurs to ensure immediate response and relief. These contracts should be structured to respond to immediate emergency response needs, and should not be structured in any way that may inhibit the transition of emergency response work to local firms (*e.g.*, unnecessarily broad scopes of work or long periods of performance).

Planning/Preparation/Marketing





FEMA

Daily Operations Briefing

Tuesday, May 19, 2020

8:30 a.m. ET

National Current Operations & Monitoring



FEMA

Significant Incidents or Threats:

- COVID-19
- Severe thunderstorms possible – Northern Rockies to Northern Plains
- Heavy rain and flash flooding possible – Southeast and Mid-Atlantic to Tennessee and Ohio Valleys
- Critical fire weather – Southwest to Central Great Basin and Central/Southern Rockies

Tropical Activity:

- Atlantic – Tropical Storm Arthur

Declaration Activity:

- FMAG approved – East Desert Fire, AZ

East Desert Fire – AZ



Fire Name (County, ST)	FMAG #	Acres Burned	Percent Contained	Evacuations	Structures (Homes / Other)			Fatalities / Injuries
					Threatened	Damaged	Destroyed	
East Desert Fire (Maricopa County, AZ)	5310-FM-AZ	1,492	50%	M: 150 V: 0	100 homes	0 / 0	0 / 0	0 / 0

Evacuations: M = Mandatory / V = Voluntary

Situation:

- Fire began on May 17 in Maricopa County, AZ
- Threatening homes in the community of Cave Creek (pop. 5,015), homes, commercial downtown, desert and riparian habitats, and cultural and historical site
- Mandatory evacuations in effect
- No injuries or fatalities reported
- FMAG approved on May 18 Fire Management Assistance Grant

Response:

- AZ EOC at Full Activation (COVID-19)
- Region IX RWC at Steady State, continues to monitor Regional Watch Center
- NWC at Steady State, continues to monitor National Watch Center



COVID-19 Update



Situation: FEMA and federal partners continue to support COVID-19 response operations. Nationwide testing: 10,847,778 cumulative as of May 18.

Operational Task Forces:

Community Based Testing Sites:

- 194,529 (+2,588) samples collected at CBTS locations since Mar 20
- 274,037 (+13,066) tests processed by Private-Partnership Testing Sites since Apr 5

Lifelines Impacts:

Health and Medical Lifeline

Public Health:

- Testing: FEMA has delivered 4.73 (+.53) million swabs and 2.89 (+.39) million media across all states and territories and delivered 130k swabs and media to other federal partners
- Personal Protective Equipment: FEMA Region IX is coordinating donation of PPE for distribution to tribes/states based on unmet needs; first round of shipments will be sent this week to Pascua Yaqui Tribe and Tohono O'odham Nation (AZ) and Southern Indian Health Council (CA)

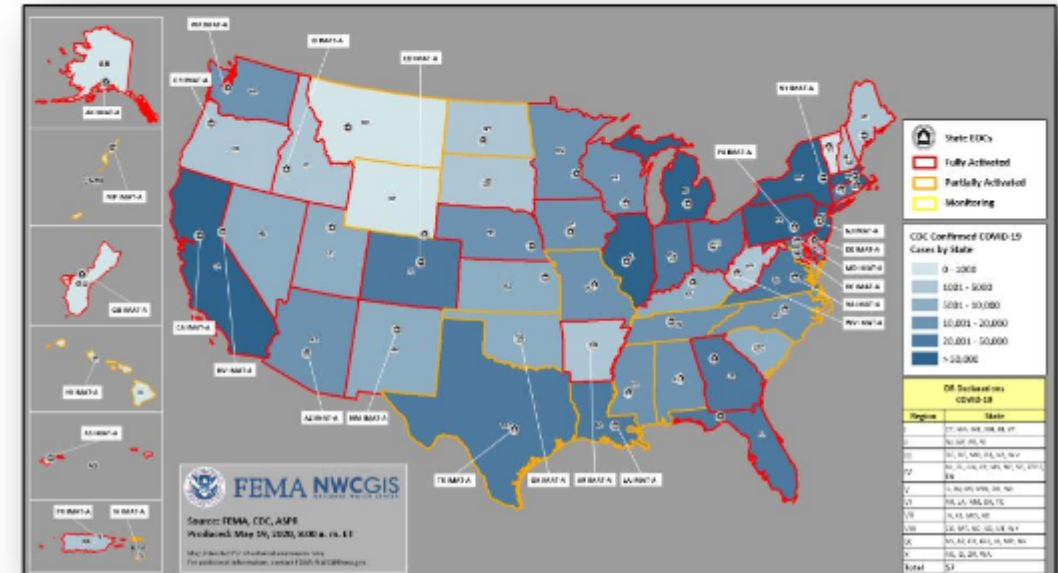
Other Domestic Lifelines

Safety & Security:

- AZ/CA: Growing concern of potential surge of COVID-19 infected legal/illegal crossings as COVID-19 cases in Mexico rise: 45,032 (+2,437) confirmed cases and 4,767 (+290) fatalities

Transportation:

- TSA issued guidance to frontline employees to conduct routine cleaning and disinfecting of frequently touched surfaces and security screening equipment at checkpoints



COVID-19	Confirmed	Deaths
United States	1,496,718 (+21,688)	90,150 (+901)
Worldwide	4,618,821 (+93,324)	311,847 (+4,452)

(FEMA SLB COVID-19, May 18)

Response:

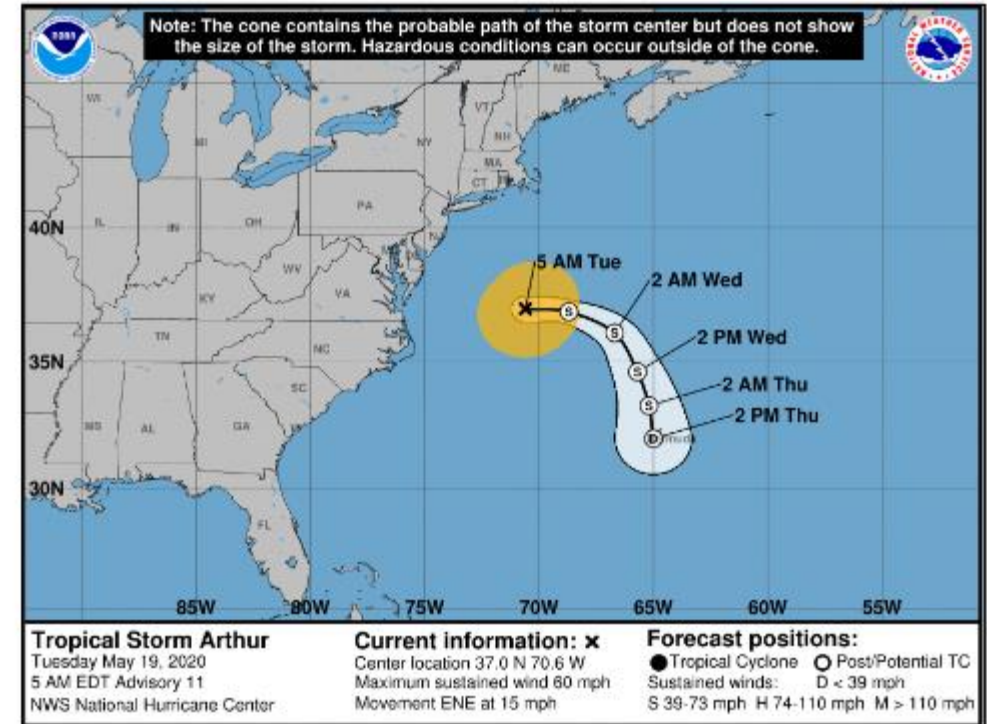
- FEMA NRCC activated to Level I; all FEMA RRCCs activated
- 28 FEMA IMAT-A teams deployed (24 actual/ 4 virtual) to states/territories/tribal nations; LNOs deployed to 37 states/territories/tribal nations
- 57 Major Disaster Declarations approved; All State / Territory EOCs activated
- 49,128 (+1,534) FEMA, DoD, HHS, VA, and CDC personnel deployed / activated; 3,123 (-13) FEMA employees deployed

Tropical Outlook – Atlantic

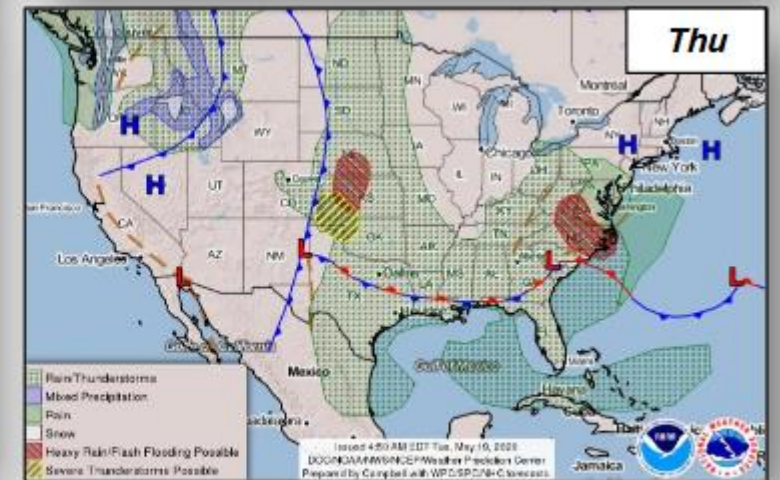
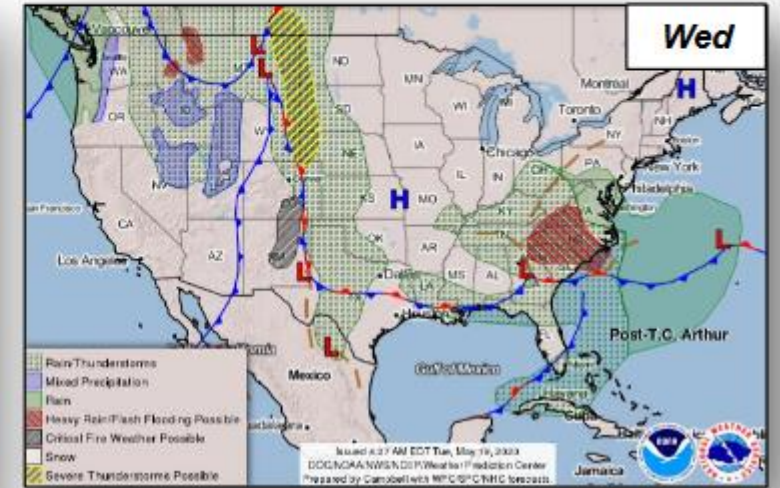
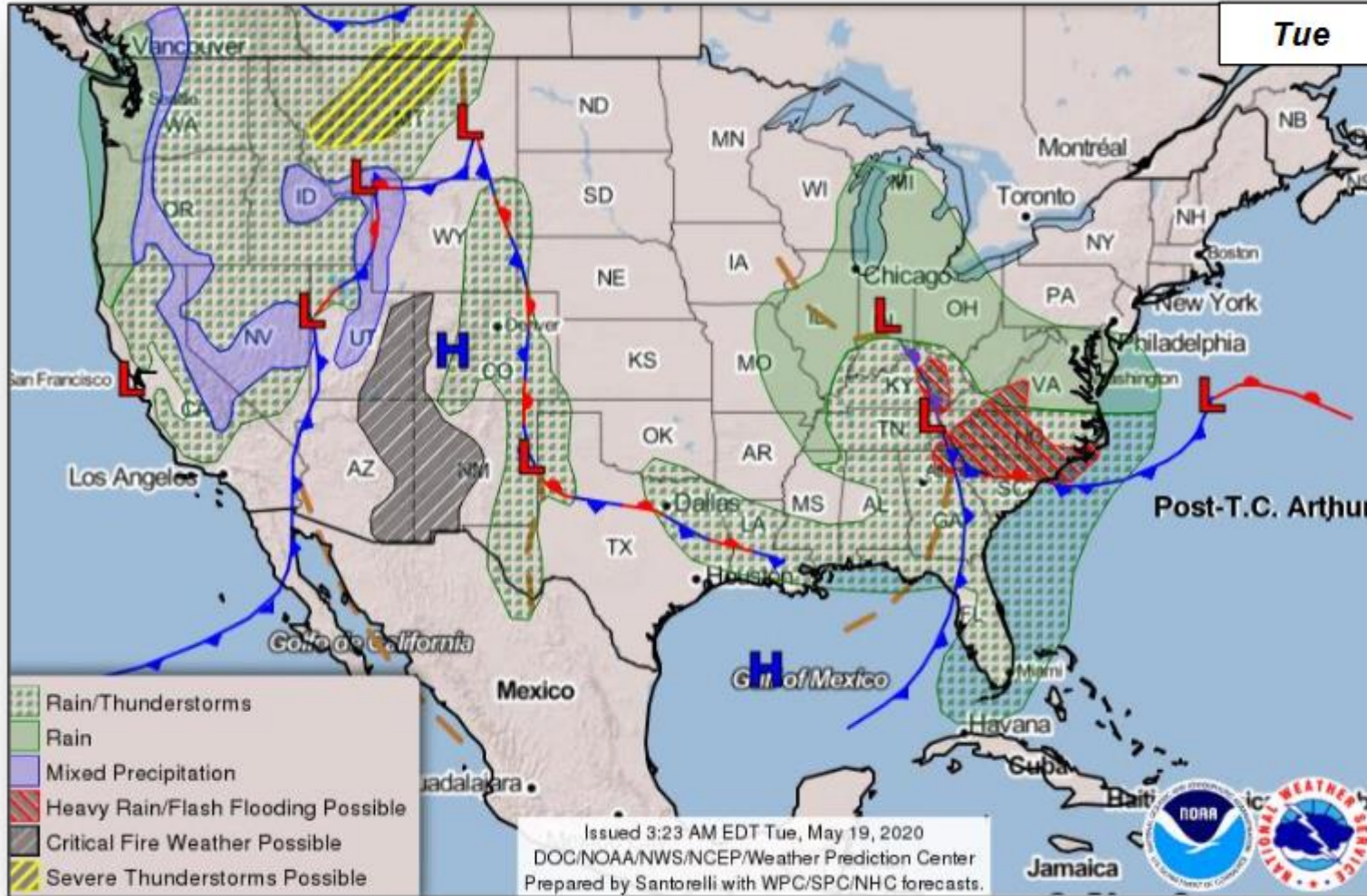


Tropical Storm Arthur (Advisory #11 as of 5:00 a.m. ET)

- Located 300 miles ENE of Cape Hatteras, NC
- Moving ENE at 15 mph
- A turn east is expected this morning, then is forecast to slow down and turn south in another day or so
- Maximum sustained winds 60 mph
- Forecast to become post-tropical later today and to dissipate by the end of the week
- Tropical-storm-force winds extend 140 miles
- Swells are expected to affect portions of the Mid-Atlantic and southeast U.S. coasts during the next day or two. These swells could cause life-threatening surf and rip current conditions
- There are no coastal watches or warnings in effect



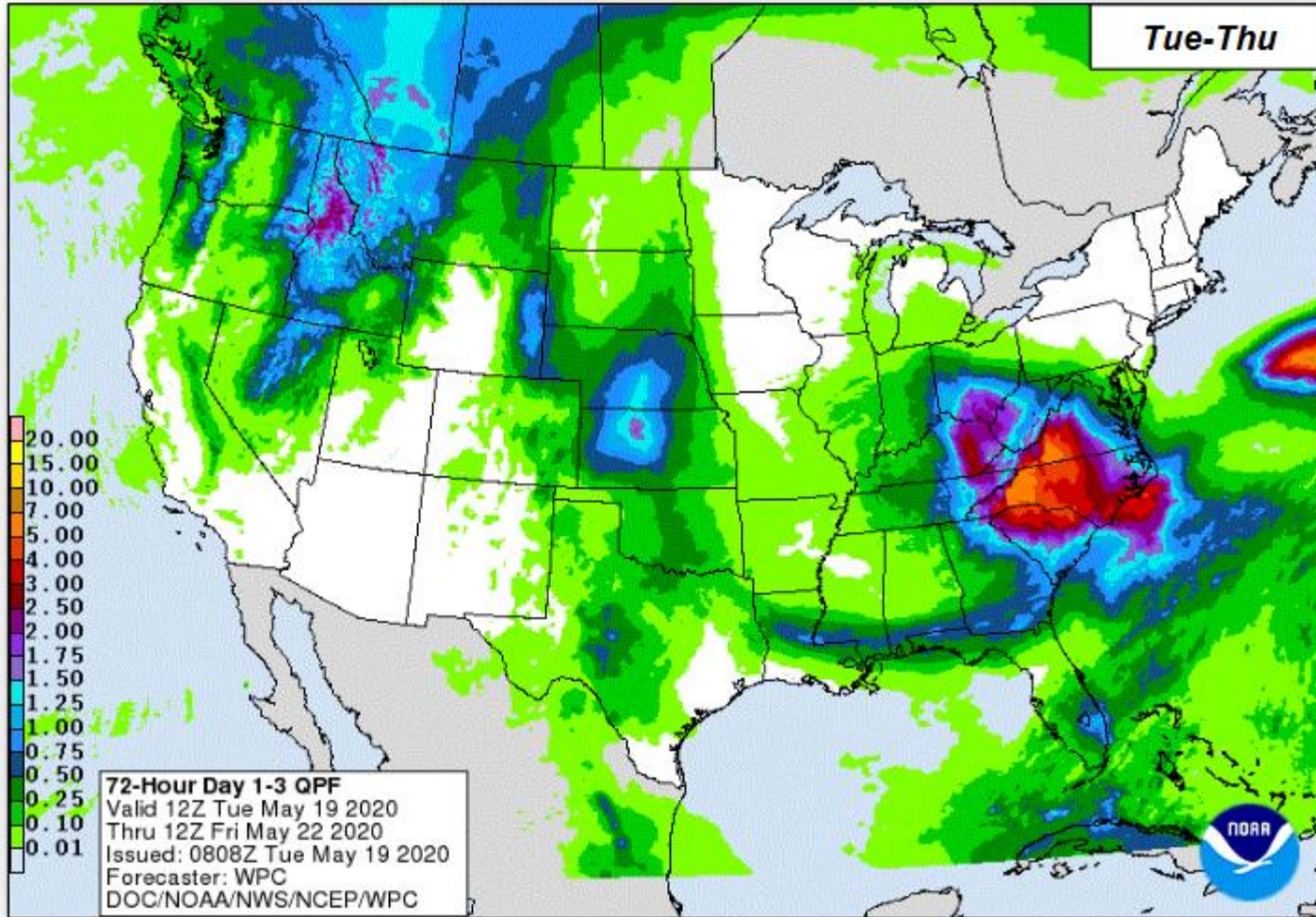
National Weather Forecast



Precipitation & Excessive Rainfall



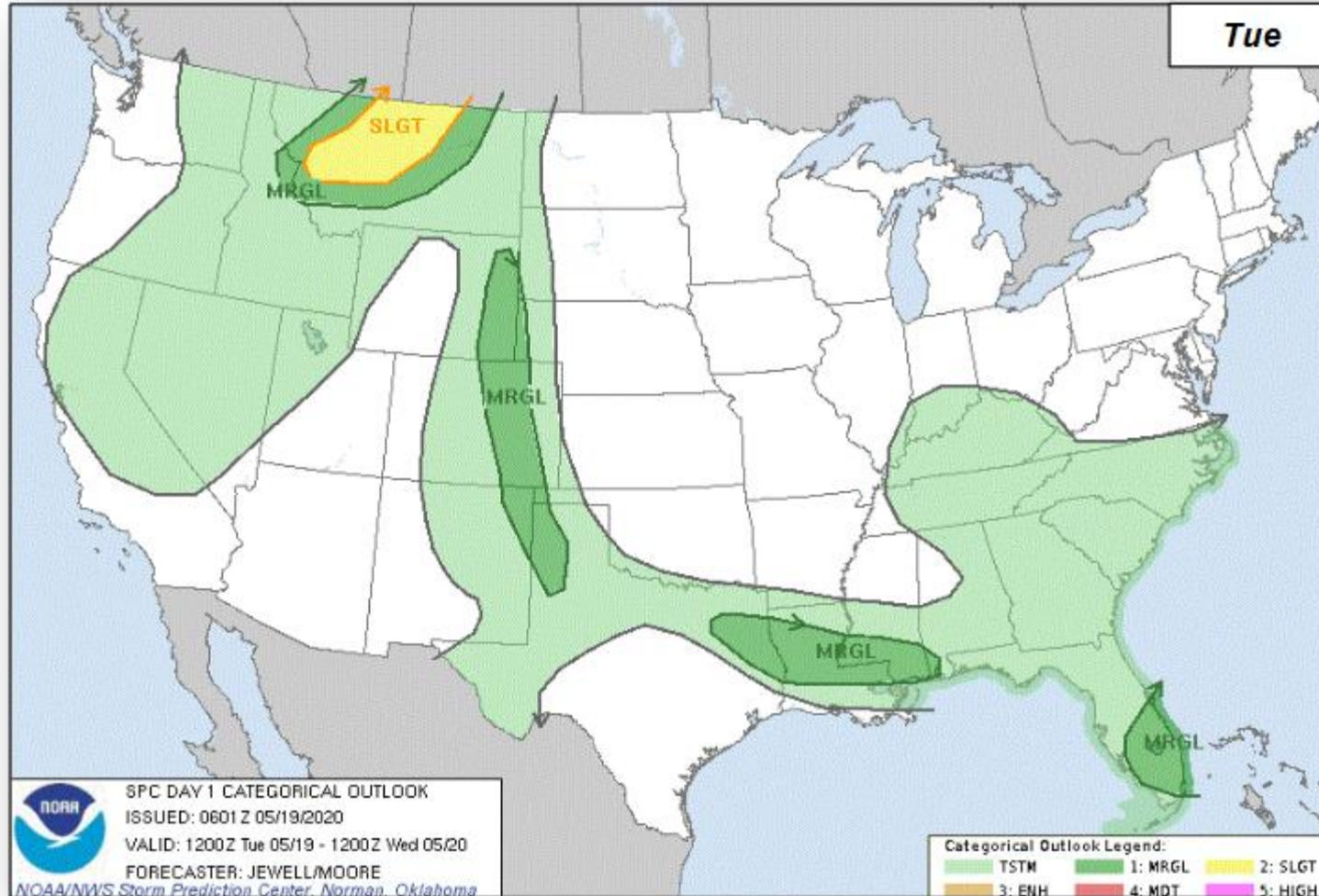
FEMA¹⁴



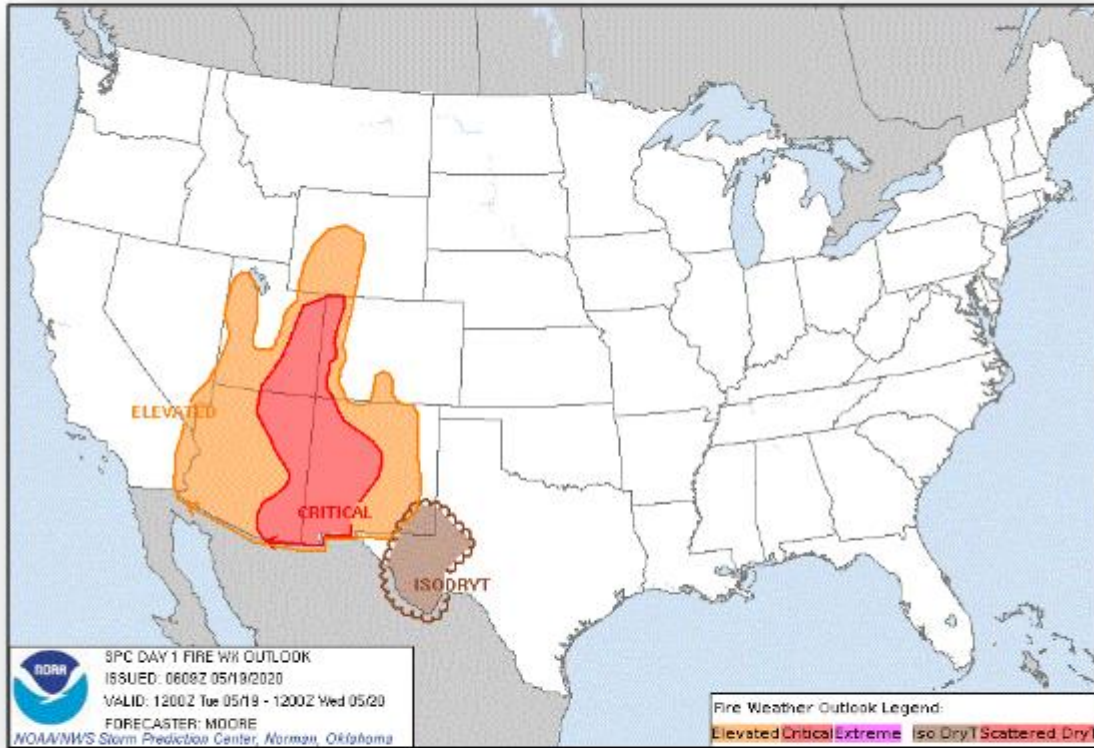
Severe Weather Outlook



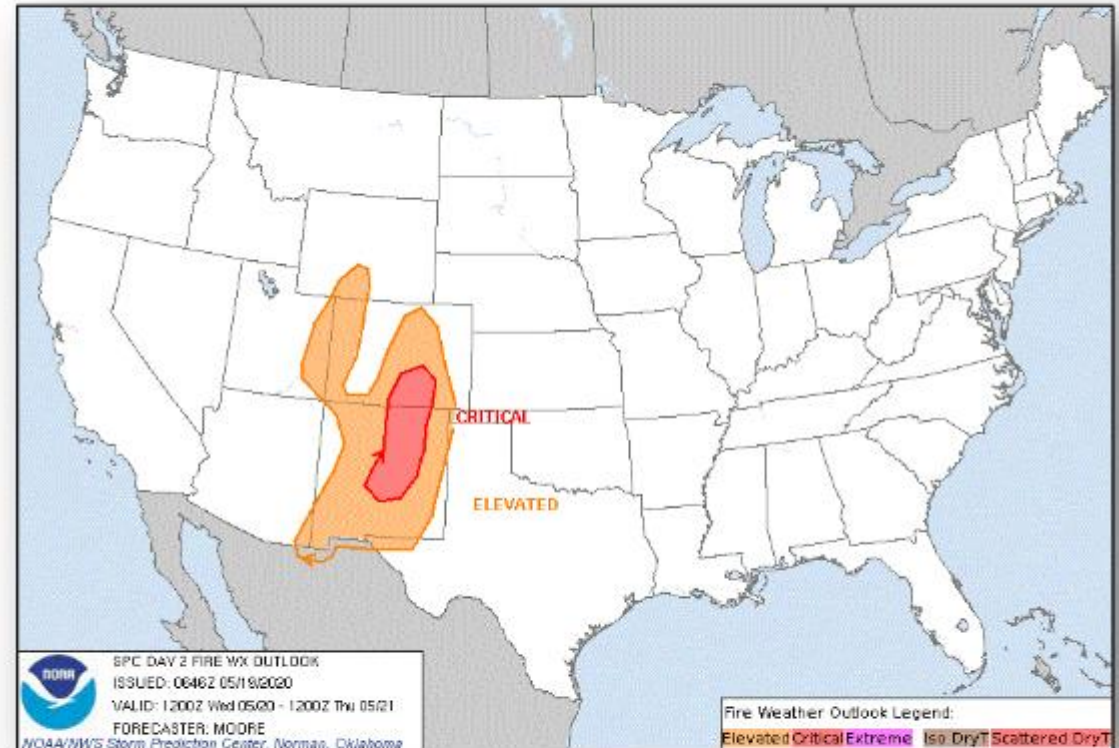
FEMA¹⁵



Fire Weather Outlook



Today

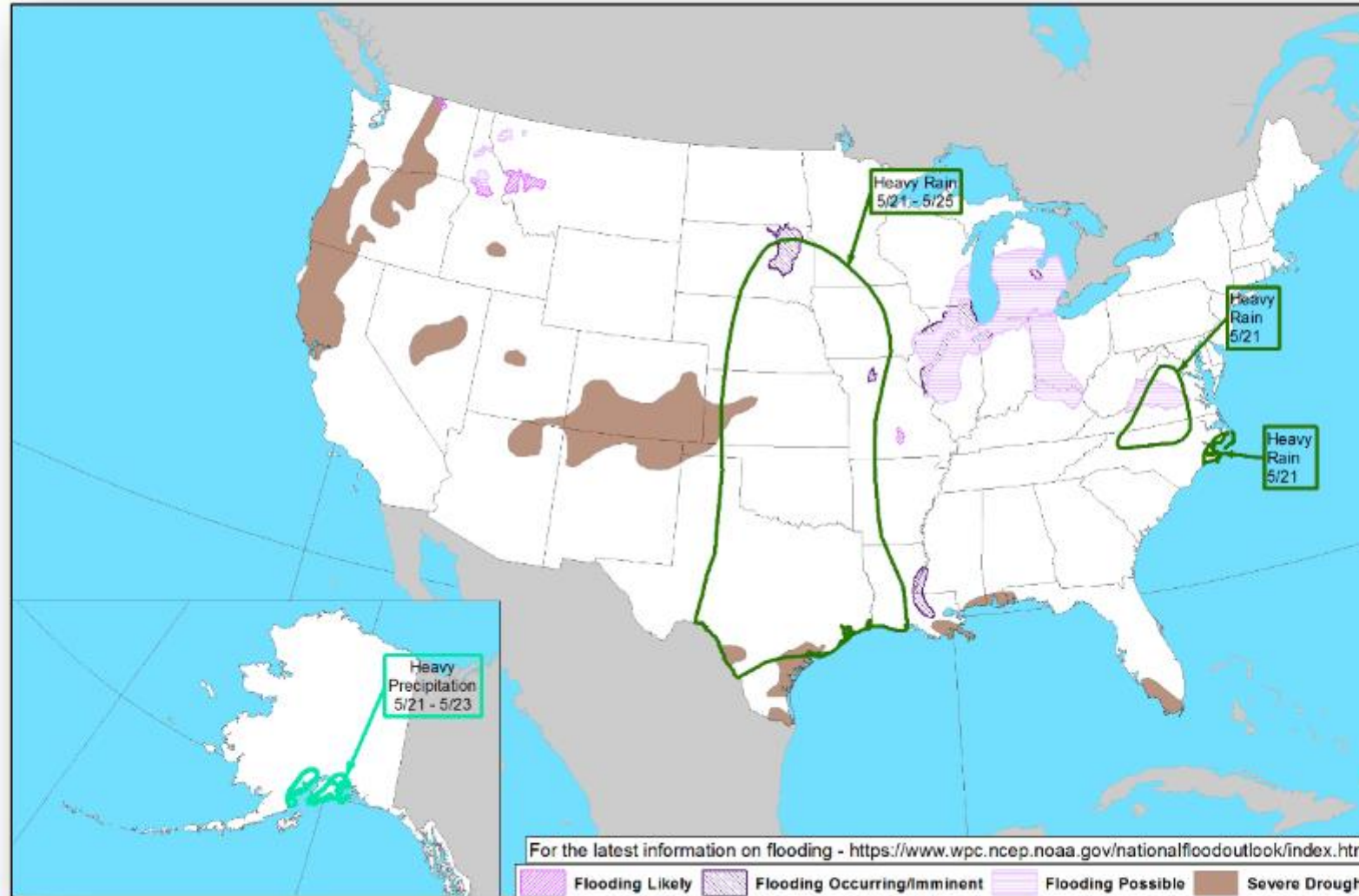


Tomorrow

Hazards Outlook – May 21-25



FEMA¹⁷

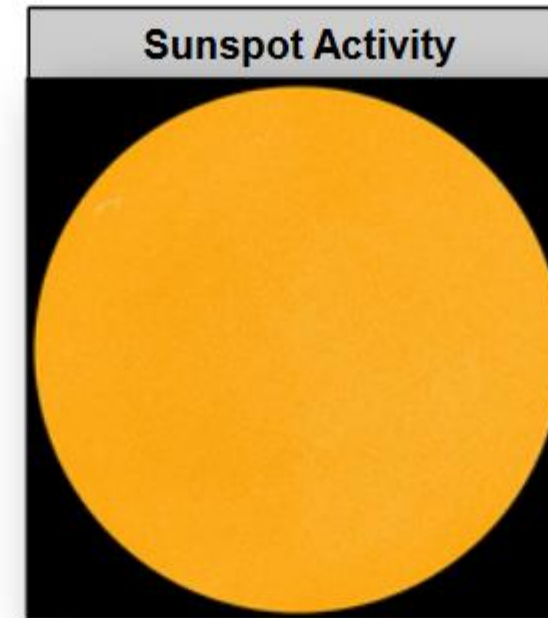
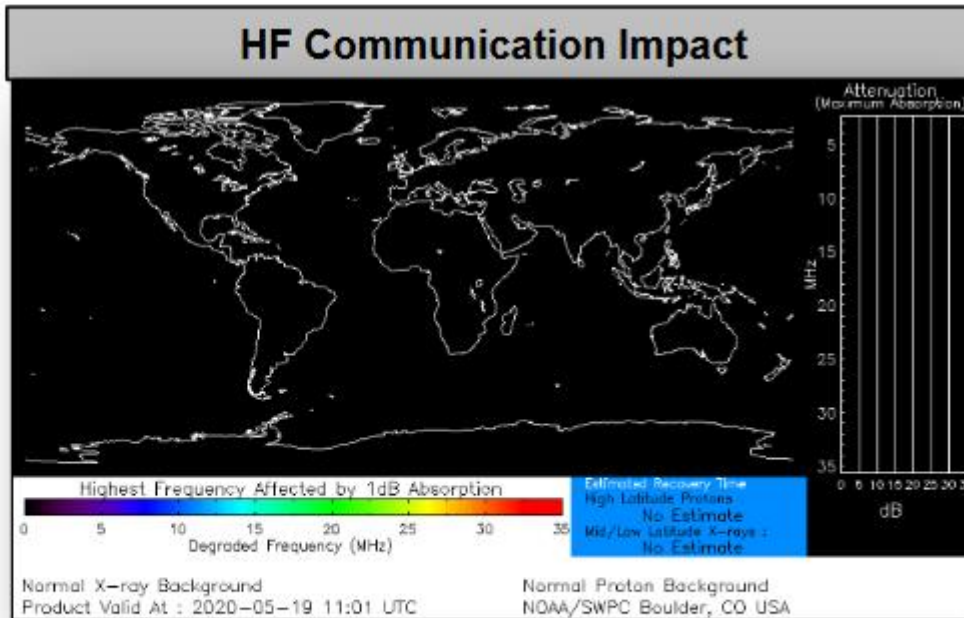


Space Weather



	Space Weather Activity	Geomagnetic Storms	Solar Radiation	Radio Blackouts
Past 24 Hours	None	None	None	None
Next 24 Hours	None	None	None	None

For further information on NOAA Space Weather Scales refer to: <http://www.swpc.noaa.gov/noaa-scales-explanation>



Declaration Requests in Process – 4



State / Tribe / Territory – Incident Description	Type	IA	PA	HM	Requested
AL – Severe Storms and Flooding	DR		X	X	Apr 25
HI – Severe Storms and Flooding	DR		X	X	Apr 27
TX – Severe Storms, Straight-line Winds, and Tornadoes (Appeal)	DR		X	X	Apr 27
UT – Earthquake and Aftershocks	DR	X	X	X	May 15

Joint Preliminary Damage Assessments



FEMA

Region	State / Location	Event	IA/PA	Number of Counties		Start – End
				Requested	Completed	
IV	AL	Severe Storms, Strong Winds, Tornadoes, and Hail Apr 19	IA	0	0	N/A
			PA	10	0	5/15 – TBD
		Severe Storm Apr 12	IA	0	0	N/A
			PA	7	2 (+2)	5/14 – TBD
	MS	Severe Storms, Flooding, Tornadoes, and Straight-line Winds Apr 22-23	IA	0	0	N/A
			PA	11	3	5/14 – TBD
	TN	Severe Storms May 3-4	IA	0	0	N/A
			PA	19	0	5/14 – TBD
VI	AR	Severe Storms Apr 4	IA	8	8 (+8)	5/1 – 5/16
			PA	11	0	5/1 – TBD
	TX	Tornado Apr 22	IA	5	5 (+5)	4/30 – 5/15
			PA	0	0	N/A
VII	MO	Severe Storms May 3-4	IA	0	0	N/A
			PA	19	0	5/14 – TBD

FEMA Common Operating Picture



FEMA 21

FEMA HQ		
NWC	NRCC	
Monitoring	Level I	
FEMA REGIONS		
WATCH	RRCC	
Monitoring	I	Level I
Monitoring	II	Level II
Monitoring	III	Level II
Monitoring	IV	Level II
Monitoring	V	Level II
Monitoring	VI	Level II
Alt Location	VII	Level II
Monitoring	VIII	Level II
Monitoring	IX	Level I
Monitoring	X	Level II

Notes:	
COVID-19 NRCC w/ESFs (Days)	GA: Flooding MS: Flooding PR: Earthquake TN: Tornadoes
All RRCCs (Days)	All EOCs activated for COVID-19

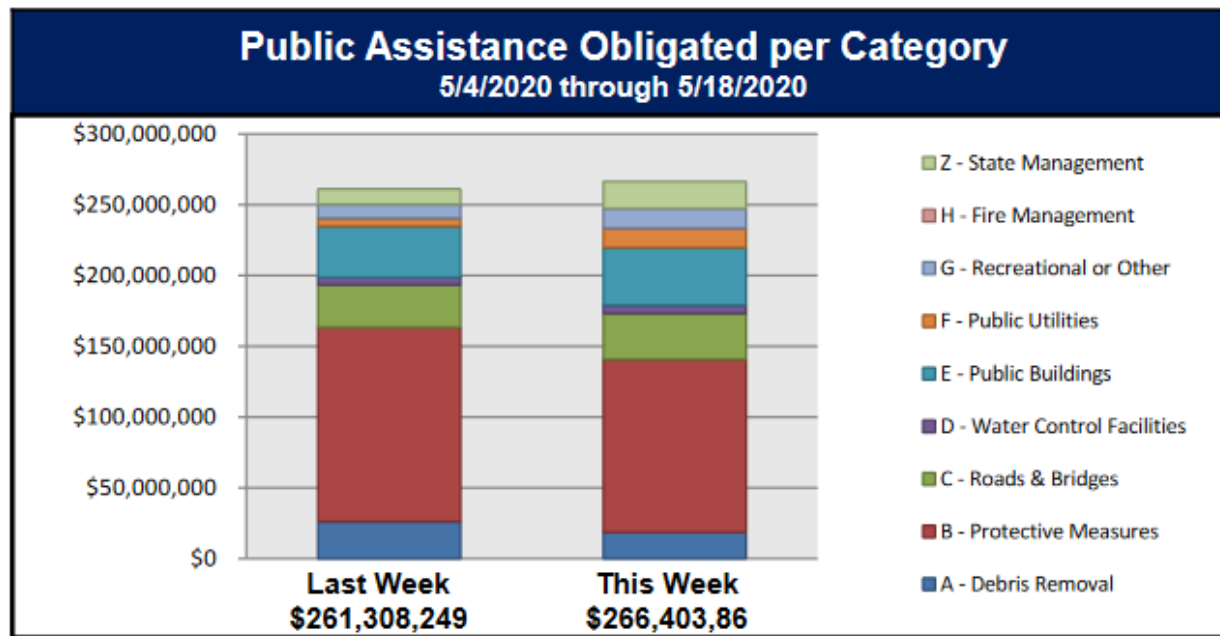
Team:	US&R	MERS	FCOs	FDRCs	IM WORKFORCE
Status	33 – 65%	>66%	≤1 Type I	= 2	
Assigned:	28	36	47	11	13,500 ▲
Unavailable:	10	0	0	0	2,492 ▼
Deployed:	0	1	42 (-2)	9	5,913 ▼
Available:	18	35	5 (+2)	2	5,095 / 38% ▲

IM CADRE AVAILABILITY SUMMARY	
Cadres with 25% or Less Availability	
EHP 21% (133/632); ER 20% (15/75); FL 14% (23/160); FM 23% (59/258); OPS 20% (58/295); PA 21% (662/3,094); PLAN 21% (87/415); SAF 24% (13/55)	

Public Assistance Grant Program



PA Project Worksheets Obligated										
in past week, as of 5/18/20 at 1500 EDT										
PA Category	Emergency Work		Permanent Work					H - Fire Management	Z - State Management	Total
	A - Debris Removal	B - Protective Measures	C - Roads & Bridges	D - Water Control Facilities	E - Public Buildings	F - Public Utilities	G - Recreational or Other			
Number Of PWs Obligated	62	98	208	18	131	32	82	0	111	742
Federal Share Obligated	\$18,398,602	\$122,315,247	\$32,552,189	\$5,636,664	\$40,872,864	\$13,626,166	\$13,978,383	\$0	\$19,023,750.07	\$266,403,864.37



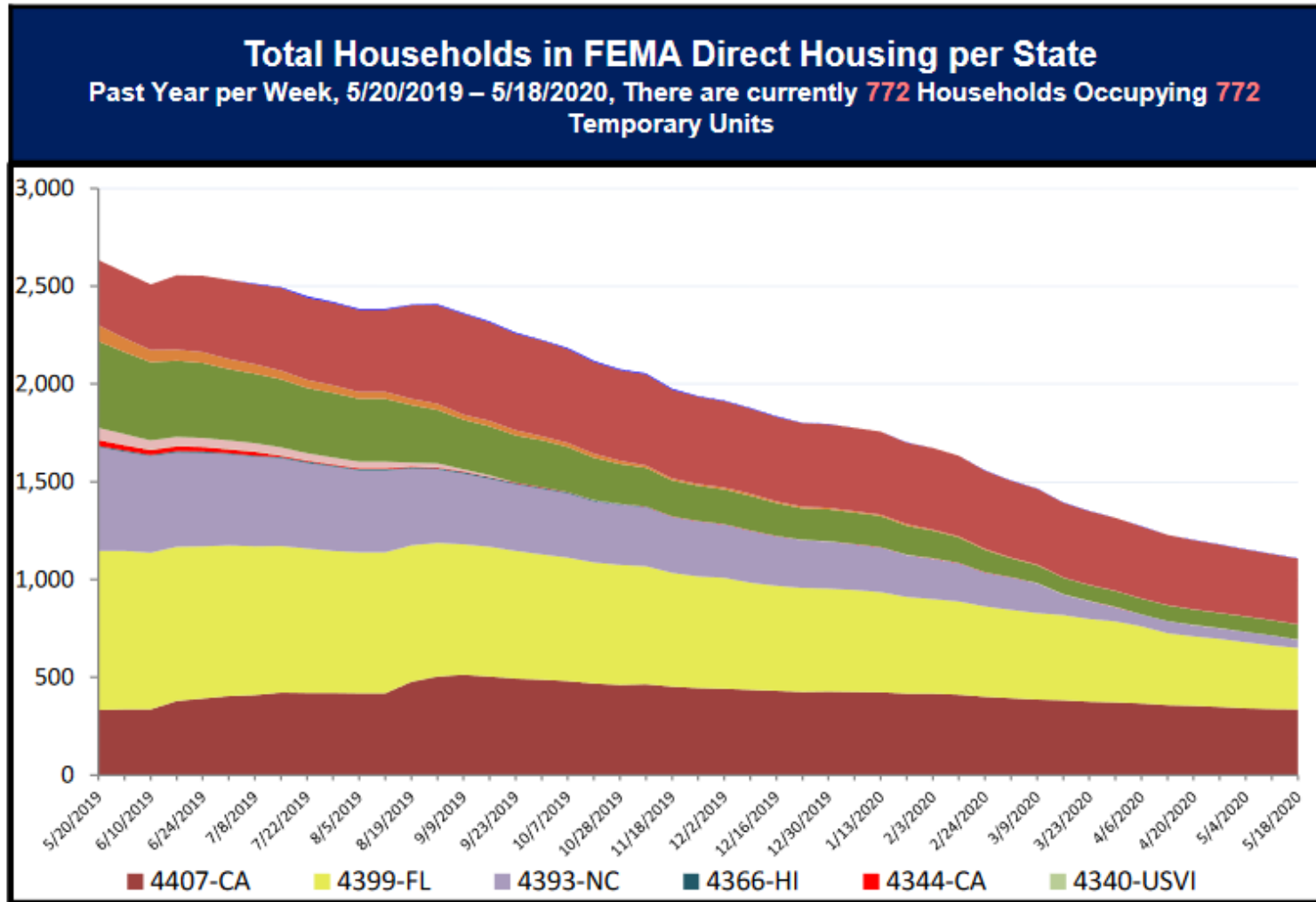
- ### This weeks PA Highlights
- In 4485 - TX
 - \$57 Million obligated for Category B – Protective Measures
 - In 4482 - CA
 - \$32 Million obligated for Category B – Protective Measures
 - In 4498 - CO
 - \$15 Million obligated for Category B – Protective Measures



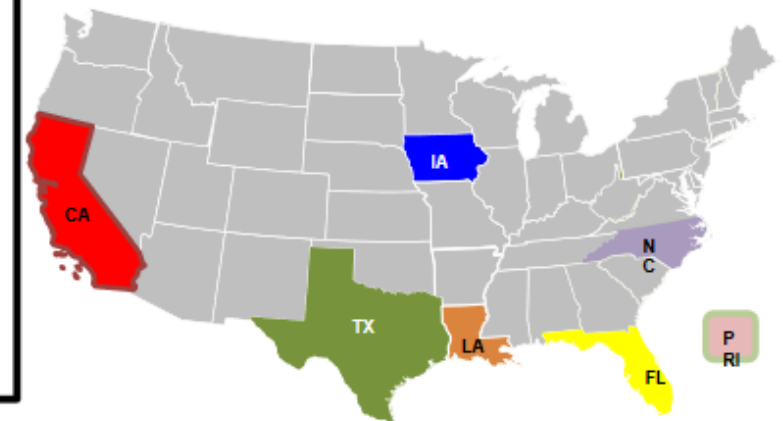
Direct Housing



FEMA



DR	IA Declaration Date	Program End Date	Current # of Households in Direct Housing (Weekly Change)
4421-IA	3/23/2019	9/23/2020	1 (0)
4407-CA	11/12/2018	5/12/2020	336 (-2)
4399-FL	10/11/2018	4/11/2020	314 (-10)
4393-NC	9/14/2018	3/14/2020	42 (-10)
4344-CA	10/10/2017	7/10/2019	0 (0)
4339-PR	9/20/2017	9/20/2019	1 (0)
4332-TX	8/25/2017	8/25/2019	76 (0)
4277-LA	8/14/2016	4/30/2019	2 (0)



States with Currently Occupied Units

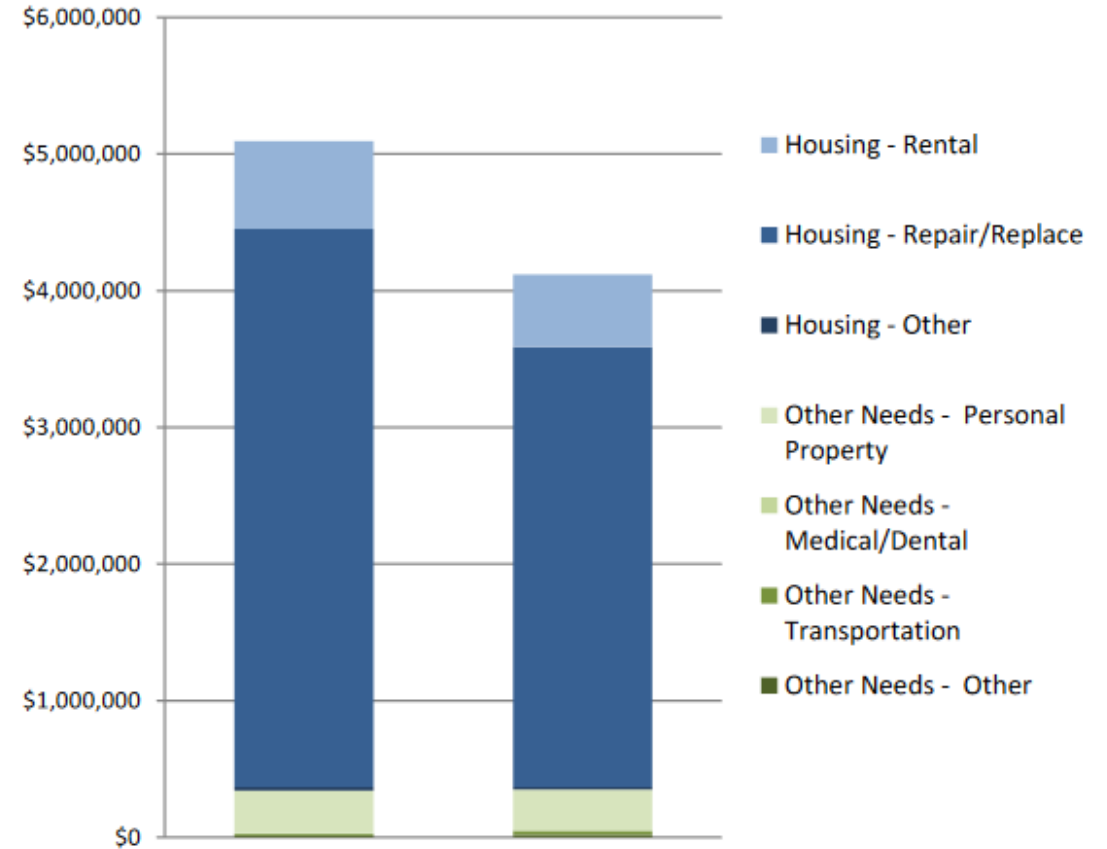


Individual Assistance Activity



	Individuals and Households Program Activity As Of: 5/18/20				
		In Past 7 Days		Cumulative	
		Applicants Approved	Amount Approved	Applicants Approved	Amount Approved
	4473-PR Declared 01-16-2020 End Of Reg Period 05-31-2020				
Open Registration Period	Housing Assistance	298	\$2,394,178.79	10,151	\$39,454,512.78
	Other Needs Assistance	64	\$38,752.15	3,759	\$1,840,562.39
	Total IHP		\$2,432,930.94		\$41,295,075.17
	Average IHP				\$3,498
	Total Max Grants			HA	ONA
				250	0
	4519-OR Declared 04-03-2020 End Of Reg Period 07-02-2020				
Open Registration Period	Housing Assistance	21	\$190,700.36	111	\$976,763.77
	Other Needs Assistance	4	\$6,437.26	32	\$103,492.31
	Total IHP		\$197,137.62		\$1,080,256.08
	Average IHP				\$9,732
	Total Max Grants			HA	ONA
				1	0
	4536-MS Declared 04-16-2020 End Of Reg Period 06-15-2020				
Open Registration Period	Housing Assistance	97	\$483,703.23	413	\$2,102,642.10
	Other Needs Assistance	52	\$118,824.08	220	\$554,484.29
	Total IHP		\$602,527.31		\$2,657,126.39
	Average IHP				\$6,080
	Total Max Grants			HA	ONA
				0	0
	4541-TN Declared 04-24-2020 End Of Reg Period 06-23-2020				
Open Registration Period	Housing Assistance	32	\$90,487.02	229	\$695,313.87
	Other Needs Assistance	13	\$37,088.44	78	\$213,948.17
	Total IHP		\$127,575.46		\$909,262.04
	Average IHP				\$3,869
	Total Max Grants			HA	ONA
				0	0
	4542-SC Declared 05-01-2020 End Of Reg Period 06-30-2020				
Open Registration Period	Housing Assistance	85	\$381,940.36	195	\$974,076.66
	Other Needs Assistance	43	\$100,037.70	71	\$174,905.60
	Total IHP		\$481,978.06		\$1,148,982.26
	Average IHP				\$5,524
	Total Max Grants			HA	ONA
				0	0
Other IHP Active	10 Declarations IHP Programmatically Open - Closed Registration *				
	Housing Assistance	45	\$226,819.01		
	Other Needs Assistance	25	\$47,926.72		
	Total IHP		\$274,745.73		
	Total IHP Approved in Past Week		\$4,116,895.12		

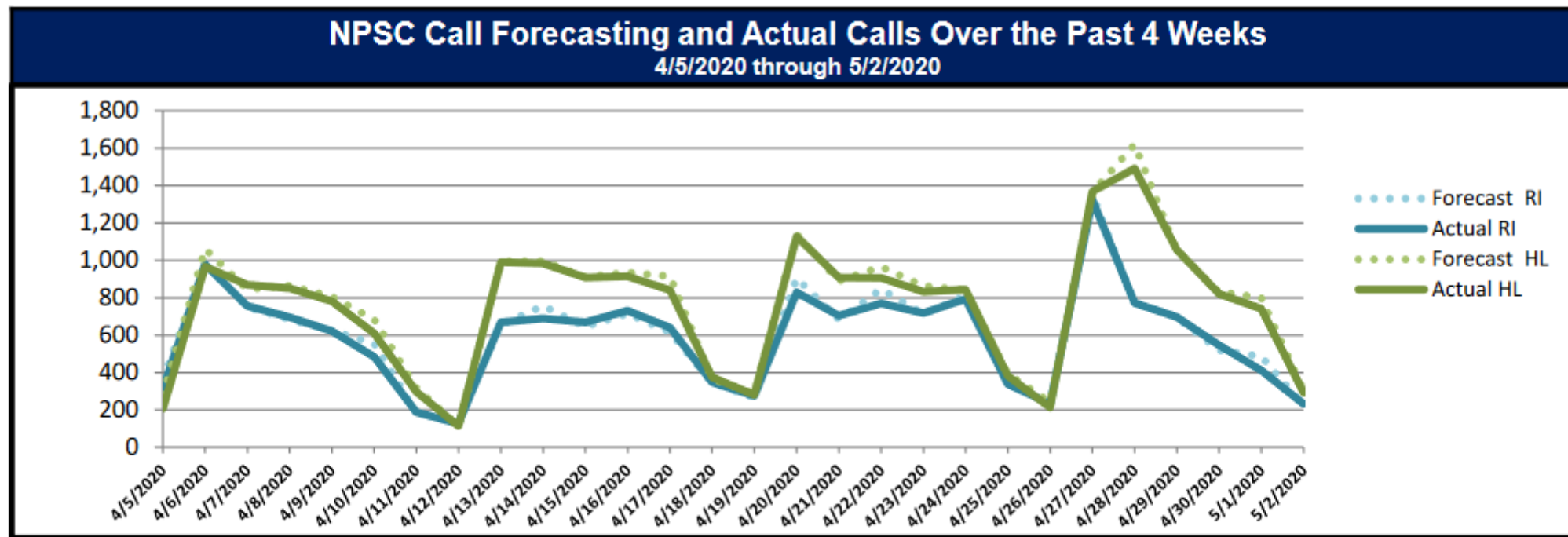
IHP Approved per Category in the Past 2 Weeks – 5/4/2020 through 5/18/2020



NPSC Call Activity



NPSC Call Activity in the Past Week		
4/26/2020 through 5/2/2020		
Call Type	Projected Calls	Actual Calls
Registration Intake:	4,265	4,214
Helpline:	6,213	5,984
Combined:	10,478	10,198



Individual Assistance Activity



IHP Approved per Category in the Past 2 Weeks – 4/20/2020 through 5/4/2020



Information Source – past activity

ezSearch

Google-like search to help you find federal contracts...

ezSearch contains procurement data as well as additional NASA data (for example, financial assistance actions).

Attention: FPDS contract data reports are now available at [beta.SAM.gov](#)

While FPDS remains the authoritative source for contract data reports, users should begin using the [beta.SAM.gov](#) Data Bank to run standard, static, administrative, and ad hoc reports.

SAM.GOV beta

Top Requests

- >> COVID-19 Report
- >> Hurricane Sandy Report
- >> Hurricane Michael Report
- >> Hurricane Florence Report
- >> Hurricane Harvey Report
- >> Hurricane Maria Report
- >> Hurricane Irma Report
- >> Other Hurricane/Disaster Relief

Latest News

- >> Reports Migration
- >> NIA Code - COVID-19 (P20C)
- >> NIA Code - Hurricane Dorian (H19D)
- >> Help Desk End-of-Year Support
- >> NIA Extension for OIR and OFS
- >> FY 2018 Small Business Goaling Report
- >> NIA Extension for Hurricane

NIA Code - COVID-19 (P20C)

A new National Interest Action value 'COVID-19 2020' has been added to track the relief contracts. For Web Portal users the value 'COVID-19 2020' is available for selection in the National Interest Action field. The Contract Writing systems shall use the code 'P20C' when creating/updating documents through Business Services.

NIA Extension for OIR and OFS

The expiration date for National Interest Action value 'Operations in Iraq and Syria' has been extended to 09/30/2023 in FPDS Production. National Interest Action value 'Operations in Iraq and Syria' (code O14S) is valid from 09/14/2014 to 09/30/2023. The expiration date for National Interest Action value 'Operation Freedom's Sentinel' has been extended to

National Interest Action (NAI)

- “establishment of a new National Interest Action (NIA) Code to track procurement actions made in support of _____”
- this action does not trigger or otherwise authorize agencies to use any Emergency Acquisition Flexibilities in Federal Acquisition Regulation (FAR) 18.2.
- Effective immediately, procurement actions in direct response to _____ should be reported in FPDS-NG using the NIA code
- This NIA Code should be used only to facilitate cost collection and reporting.
- the acquisition flexibilities described in FAR 18.1 may be available, as well as others in agency acquisition supplements

Top NAICS to date – 419 NAICS listed

423450	MEDICAL, DENTAL, AND HOSPITAL EQUIPMENT AND SUPPLIES MERCHANT WHOLESALERS	\$ 3,023,503,155.22
339112	SURGICAL AND MEDICAL INSTRUMENT MANUFACTURING	\$ 1,285,254,412.58
541711	RESEARCH AND DEVELOPMENT IN BIOTECHNOLOGY	\$ 790,788,571.00
236220	COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION	\$ 679,586,556.24
541611	ADMINISTRATIVE MANAGEMENT AND GENERAL MANAGEMENT CONSULTING SERVICES	\$ 618,464,288.32
315280	OTHER CUT AND SEW APPAREL MANUFACTURING	\$ 591,474,868.00
541519	OTHER COMPUTER RELATED SERVICES	\$ 561,316,833.46
339113	SURGICAL APPLIANCE AND SUPPLIES MANUFACTURING	\$ 544,734,128.47
541710	RESEARCH AND DEVELOPMENT IN THE PHYSICAL, ENGINEERING, AND LIFE SCIENCES	\$ 539,494,570.90
311991	PERISHABLE PREPARED FOOD MANUFACTURING	\$ 233,290,326.86
621910	AMBULANCE SERVICES	\$ 199,680,870.08
311999	ALL OTHER MISCELLANEOUS FOOD MANUFACTURING	\$ 188,424,035.19
325413	IN-VITRO DIAGNOSTIC SUBSTANCE MANUFACTURING	\$ 155,028,032.10
325414	BIOLOGICAL PRODUCT (EXCEPT DIAGNOSTIC) MANUFACTURING	\$ 143,201,167.30
541714	RESEARCH AND DEVELOPMENT IN BIOTECHNOLOGY (EXCEPT NANOBIOLOGY)	\$ 130,512,511.54
334510	ELECTROMEDICAL AND ELECTROTHERAPEUTIC APPARATUS MANUFACTURING	\$ 112,930,401.43
624230	EMERGENCY AND OTHER RELIEF SERVICES	\$ 104,610,853.57
339999	ALL OTHER MISCELLANEOUS MANUFACTURING	\$ 102,025,159.73

NAICS – comparison (OTSB v. SB)

		OTSB	SB
423450	MEDICAL, DENTAL, AND HOSPITAL EQUIPMENT AND SUPPLIES MERCHANT WHOLESALERS	123	184
339112	SURGICAL AND MEDICAL INSTRUMENT MANUFACTURING	389	247
541711	RESEARCH AND DEVELOPMENT IN BIOTECHNOLOGY	30	4
236220	COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION	113	235
541611	ADMINISTRATIVE MANAGEMENT AND GENERAL MANAGEMENT CONSULTING SERVICES	82	87
315280	OTHER CUT AND SEW APPAREL MANUFACTURING	5	6
541519	OTHER COMPUTER RELATED SERVICES	66	248
339113	SURGICAL APPLIANCE AND SUPPLIES MANUFACTURING	209	441
541710	RESEARCH AND DEVELOPMENT IN THE PHYSICAL, ENGINEERING, AND LIFE SCIENCES	17	
311991	PERISHABLE PREPARED FOOD MANUFACTURING	35	34
621910	AMBULANCE SERVICES	15	11
311999	ALL OTHER MISCELLANEOUS FOOD MANUFACTURING	8	64
325413	IN-VITRO DIAGNOSTIC SUBSTANCE MANUFACTURING	123	10
325414	BIOLOGICAL PRODUCT (EXCEPT DIAGNOSTIC) MANUFACTURING	18	10
541714	RESEARCH AND DEVELOPMENT IN BIOTECHNOLOGY (EXCEPT NANOBIO TECHNOLOGY)	11	10
334510	ELECTROMEDICAL AND ELECTROTHERAPEUTIC APPARATUS MANUFACTURING	106	44
624230	EMERGENCY AND OTHER RELIEF SERVICES	23	28
339999	ALL OTHER MISCELLANEOUS MANUFACTURING	16	29

NIA: COVID-19 Report; Summary

	Total
Total Actions	20,437
% Total Actions	100.0000%
Total Dollars	\$11,652,627,046.37
% Total Dollars	100.0000%
Local Area Set Aside Actions	56
% Local Area Set Aside Actions	0.27%
Local Area Set Aside Dollars	\$16,107,565.10
% Local Area Set Aside Dollars	0.14%
Small Business Actions	12,736
% Small Business Actions	62.3183%
Small Business Dollars	\$2,315,994,739.48
% Small Business Dollars	19.8753%
Small Disadvantaged Business Actions	2,191
% Small Disadvantaged Business Actions	10.7208%
Small Disadvantaged Business Dollars	\$1,108,561,785.50
% Small Disadvantaged Business Dollars	9.5134%

NIA: COVID-19; SB Summary

Women Owned Business Actions	3,295
% Women Owned Business Actions	16.1227%
Women Owned Business Dollars	\$735,868,567.79
% Women Owned Business Dollars	6.3150%
Hub Zone Actions	331.00
% Hub Zone Actions	1.6196%
Hub Zone Dollars	\$161,887,955.20
% Hub Zone Dollars	1.3893%
Veteran Owned Business Actions	1,659
% Veteran Owned Business Actions	8.1176%
Veteran Owned Business Dollars	705,576,793.91
% Veteran Owned Business Dollars	6.0551%
Service Disabled Veteran Owned Business Actions	1,422
% Service Disabled Veteran Owned Business Actions	6.9580%
Service Disabled Veteran Owned Business Dollars	\$578,949,407
% Service Disabled Veteran Owned Business Dollars	4.9684%
8(a) Firm Actions	547
% 8(a) Firm Actions	2.6765%
8(a) Firm Dollars	694,045,317.29

5/19/2020

Fundamental always apply - Tarps

- SULLIVAN: Yet there weren't reports of these logistical problems when Hurricane Georges hit 20 years ago. And the agency's records tell a different story. According to documents, the problems appear to be twofold. The agency did not preposition enough supplies on the island before the storm like it was supposed to. The day Maria hit, it had less than 12,000 tarps. Then FEMA scrambled to find a company to supply them. That didn't go well.
- First, records show FEMA hired a company that was two months old. It didn't provide a single tarp. Then FEMA chose a company whose last contract was for \$4,000 worth of kitchen utensils for a prison. It didn't produce a single tarp either. Finally, FEMA turned to a third company called Master Group. Its specialty - importing hookah tobacco. It produced some tarps, but when employees examined them in a warehouse in January, FEMA says they failed an inspection.

<https://www.npr.org/2018/05/01/607483473/how-fema-failed-to-help-victims-of-hurricanes-in-puerto-rico-recover>

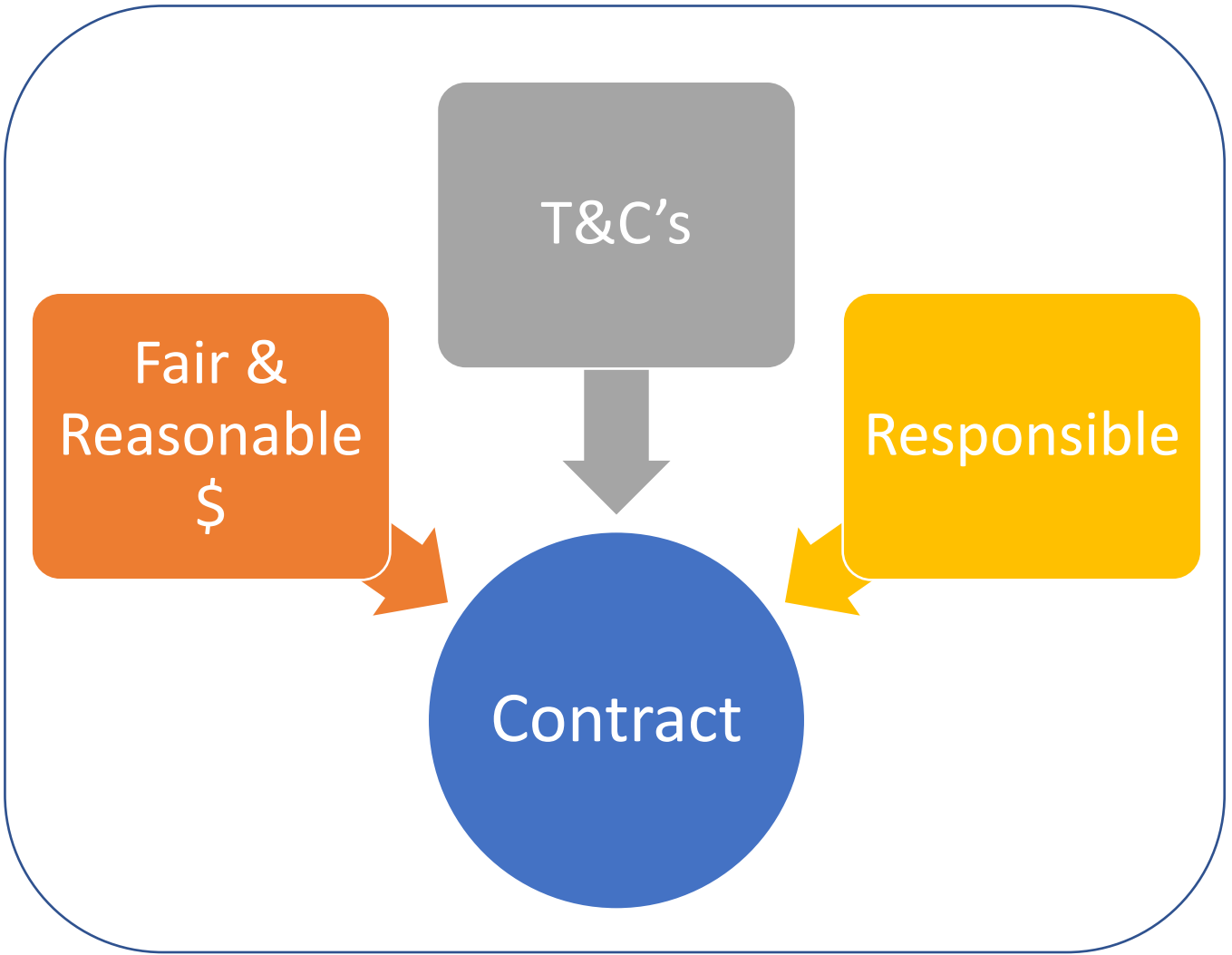
***FEMA Contract Called for 30 Million
Meals for Puerto Ricans. 50,000 Were
Delivered.***



<https://www.nytimes.com/2018/02/06/us/fema-contract-puerto-rico.html>

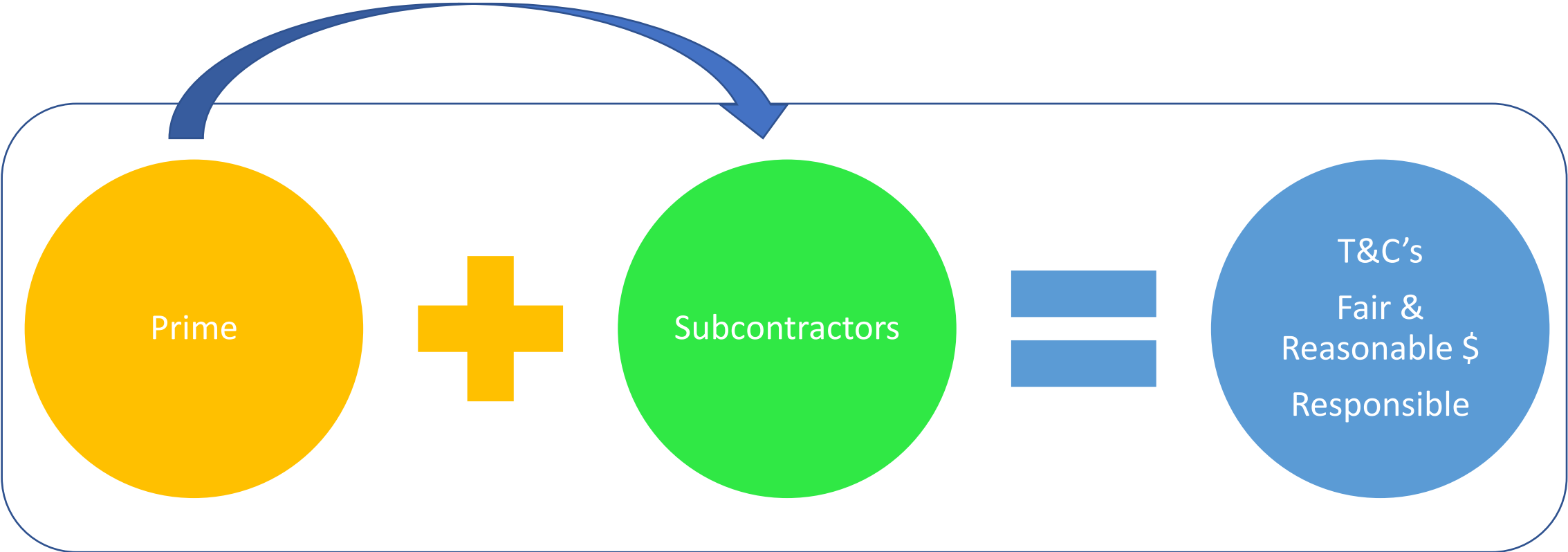
5/19/2020

Contracting Triangle

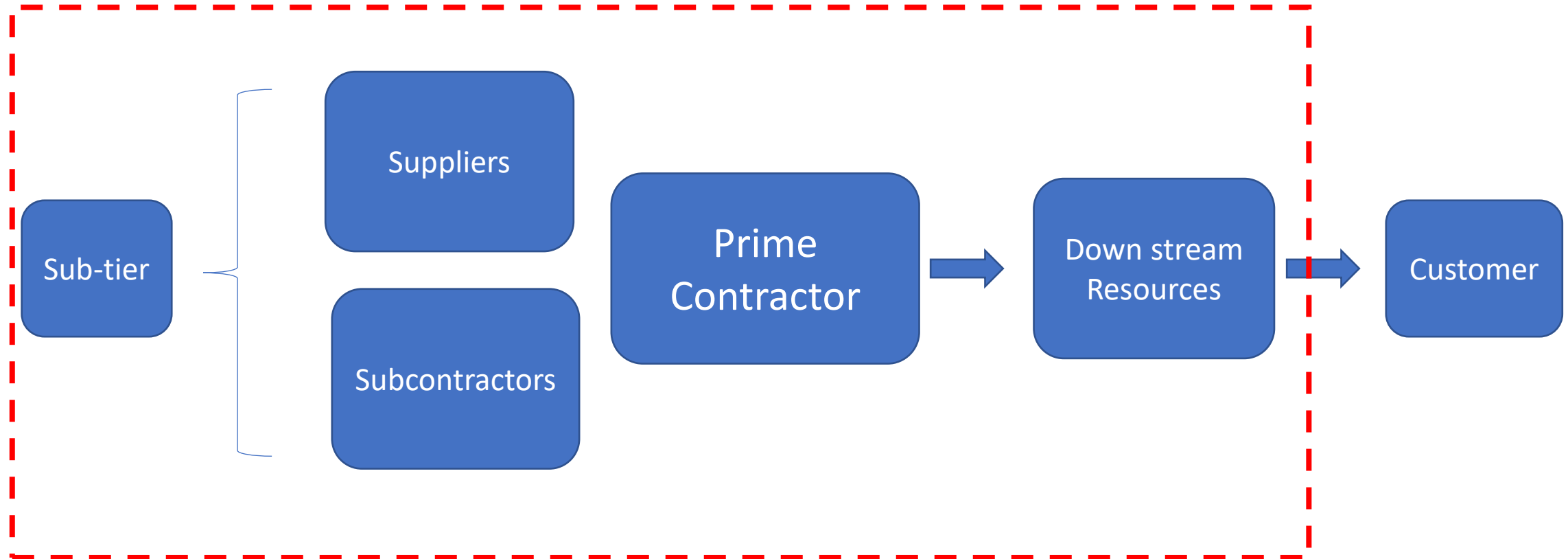


5/19/2020

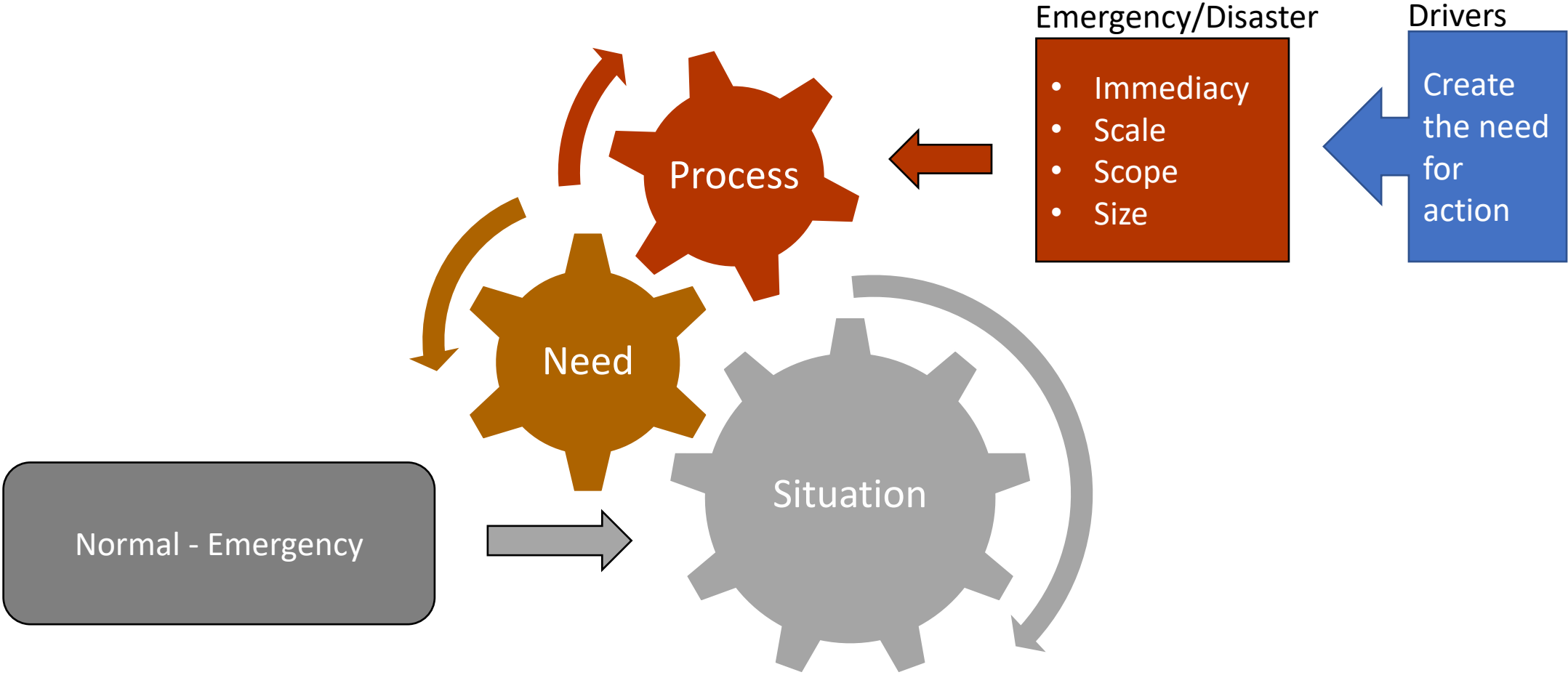
Contracting Equation



Performance Chain



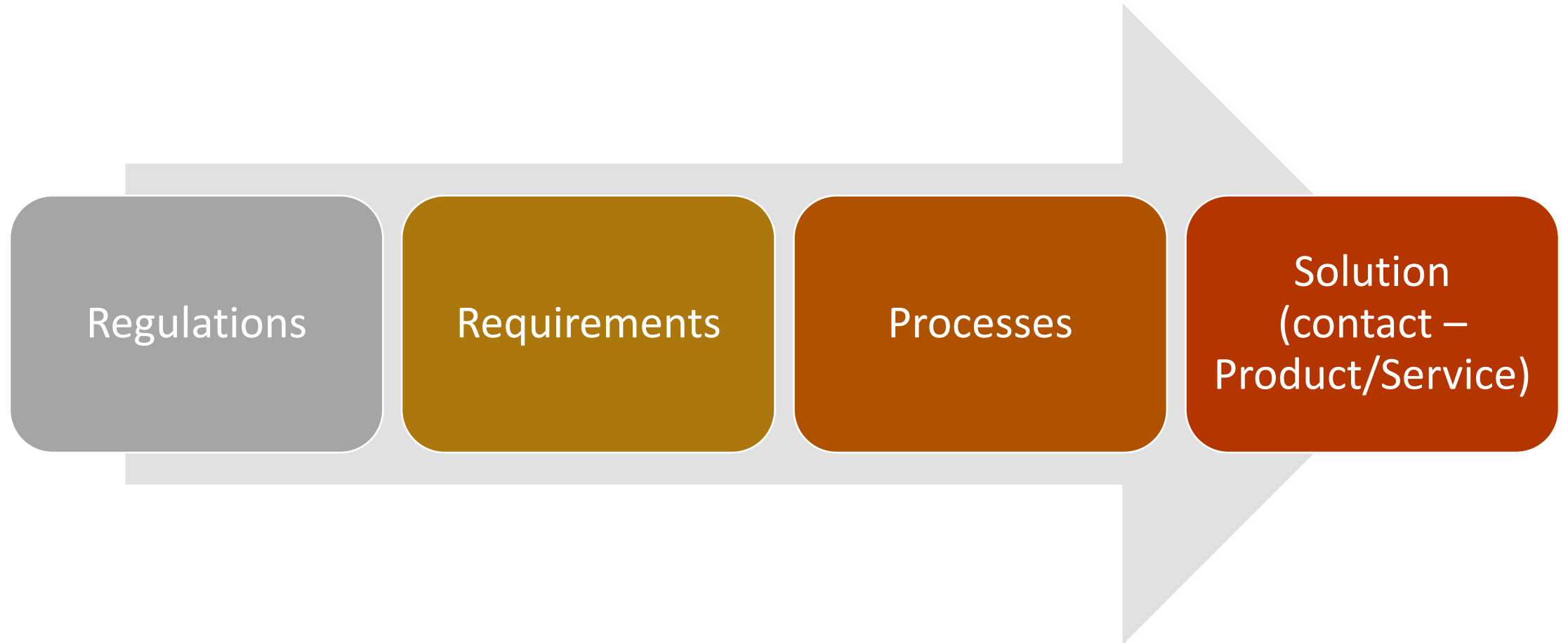
Process selection drivers



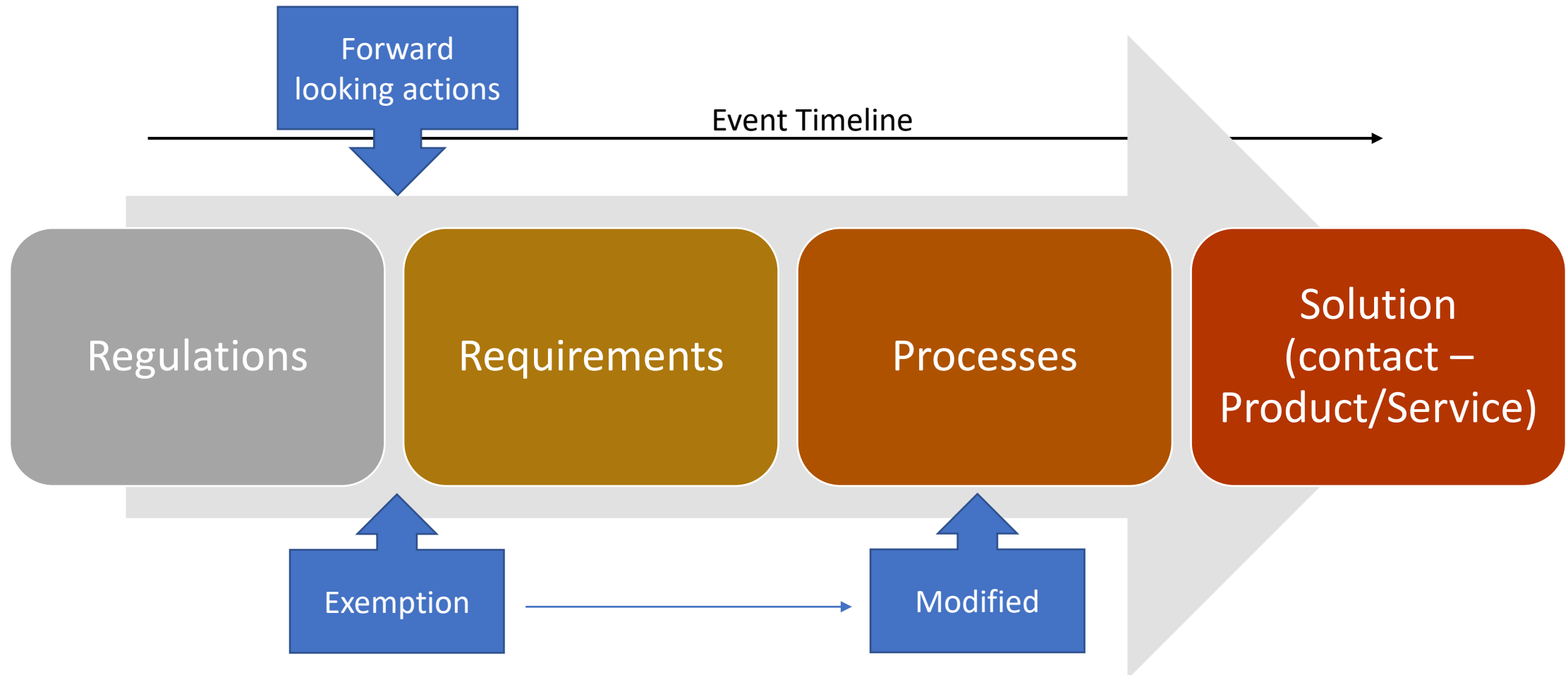
Key References

- Laws
 - Stafford Act
 - Defense Production Act
 - Prep Act
 - Jones Act - Maritime
- Regulations
 - Federal Acquisition Regulations
 - Agency Supplements
- Waivers/Other authorities

Normal Operations



Pre/Post Disaster Declaration Operations



Exemption – example (SAM)

4.1102 Policy.

- (a) Offerors and quoters are required to be registered in SAM at the time an offer or quotation is submitted in order to comply with the annual representations and certifications requirements **except for**—
 - (1) Purchases under the micro-purchase threshold that use a Governmentwide commercial purchase card as both the purchasing and payment mechanism, as opposed to using the purchase card for payment only;
 - (2) Classified contracts (see [2.101](#)) when registration in SAM, or use of SAM data, could compromise the safeguarding of classified information or national security;
 - (3) Contracts awarded by—
 - (i) Deployed contracting officers in the course of military operations, including, but not limited to, contingency operations as defined in [10 U.S.C.101\(a\)\(13\)](#) or humanitarian or peacekeeping operations as defined in [10 U.S.C.2302\(8\)](#);
 - (ii) Contracting officers located outside the United States and its outlying areas, as defined in [2.101](#), for work to be performed in support of diplomatic or developmental operations, including those performed in support of foreign assistance programs overseas, in an area that has been designated by the Department of State as a danger pay post (see <https://aoprals.state.gov/>); or
 - (iii) Contracting officers **in the conduct of emergency operations**, such as responses to natural or environmental disasters or national or civil emergencies, *e.g.*, Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C.5121](#));

<https://www.acquisition.gov/content/part-4-administrative-and-information-matters#i1122064>

Small Business Programs – FAR 18

18.114 Contracting with the Small Business Administration (The 8(a) Program).

Contracts may be awarded to the Small Business Administration (SBA) for performance by eligible 8(a) participants on either a sole source or competitive basis. (See [subpart 19.8](#) .)

18.115 HUBZone sole source awards.

Contracts may be awarded to Historically Underutilized Business Zone (HUBZone) small business concerns on a sole source basis. (See [19.1306](#) .)

18.116 Service-disabled Veteran-owned Small Business (SDVOSB) sole source awards.

Contracts may be awarded to Service-disabled Veteran-owned Small Business (SDVOSB) concerns on a sole source basis. (See [19.1406](#) .)

18.117 Awards to economically disadvantaged women-owned small business concerns and women-owned small business concerns eligible under the Women-Owned Small Business Program.

Contracts may be awarded to economically disadvantaged women-owned small business (EDWOSB) concerns and women-owned small business (WOSB) concerns eligible under the WOSB Program on a competitive or sole source basis. (See [subpart 19.15](#) .)

FAR 18 – Streamlined processes

18.103 Synopses of proposed contract actions.

Contracting officers need not submit a synopsis notice when there is an unusual and compelling urgency and the Government would be seriously injured if the agency complied with the notice time periods. (See [5.202\(a\)\(2\)](#).)

18.104 Unusual and compelling urgency.

Agencies may limit the number of sources and full and open competition need not be provided for contracting actions involving urgent requirements. (See [6.302-2](#).)

18.110 Soliciting from a single source.

For purchases not exceeding the simplified acquisition threshold, contracting officers may solicit from one source under certain circumstances. (See [13.106-1](#) (b).)

18.111 Oral requests for proposals.

Oral requests for proposals are authorized under certain conditions. (See [15.203](#) (f).)

18.112 Letter contracts.

Letter contracts may be used when contract performance must begin immediately. (See [16.603](#).)

Business Preparations

- As an example –
 - Letter contracts can be used when performance needs to start immediately
 - What isn't known?
 - There is an issue; the details and specifics are TBD
 - Contractor; performing working that is not well defined/priced/etc
 - Large amounts of work, moving quickly, invoices submitted
 - What creates risk?
 - Contractor's accounting systems and processes

FAR 18 – additional flexibilities

18.203 Emergency declaration or major disaster declaration.

(a) Disaster or emergency assistance activities. Preference will be given to local organizations, firms, and individuals when contracting for major disaster or emergency assistance activities when the President has made a declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Preference may take the form of local area set-asides or an evaluation preference. (See [6.208](#) and [subpart 26.2](#).)

(b) Ocean transportation by U.S. flag vessels. The provisions of the Cargo Preference Act of 1954 may be waived in emergency situations. (See [47.502\(c\)](#).)

18.205 Resources.

(a) *National Response Framework*. The National Response Framework (NRF) is a guide to how the Nation conducts all-hazards response. This key document establishes a comprehensive, national, all-hazards approach to domestic incident response. The Framework identifies the key response principles, roles and structures that organize national response. It describes how communities, States, the Federal Government, the private-sector, and nongovernmental partners apply these principles for a coordinated, effective national response. It also describes special circumstances where the Federal Government exercises a larger role, including incidents where Federal interests are involved and catastrophic incidents where a State would require significant support. The NRF is available at <http://www.fema.gov/emergency/nrf>.

(b) *OFPP Guidelines*. The Office of Federal Procurement Policy (OFPP) “Emergency Acquisitions Guide” is available at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/procurement_guides/emergency_acquisitions_guide.pdf.

Subpart 26.2 - Major Disaster or Emergency Assistance Activities

26.200 Scope of subpart.

- This subpart implements the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42U.S.C.5150](#)), which provides a preference for local organizations, firms, and individuals when contracting for major disaster or emergency assistance activities.

26.201 Definitions.

- *Emergency response contract* means a contract with private entities that supports assistance activities in a major disaster or emergency area, such as debris clearance, distribution of supplies, or reconstruction.
- *Local firm* means a private organization, firm, or individual residing or doing business primarily in a major disaster or emergency area.
- *Major disaster or emergency area* means the area included in the official Presidential declaration(s) and any additional areas identified by the Department of Homeland Security. Major disaster declarations and emergency declarations are published in the Federal Register and are available at <http://www.fema.gov/news/disasters.fema>.

Contract Clauses

- **26.206 Solicitation provision and contract clauses.**

(a) The contracting officer shall insert the provision at [52.226-3](#), Disaster or Emergency Area Representation, in solicitations involving the local area set-aside. For commercial items, see [12.301\(e\)\(4\)](#).

(b) The contracting officer shall insert the clause at [52.226-4](#), Notice of Disaster or Emergency Area Set-aside in solicitations and contracts involving local area set-asides.

(c) The contracting officer shall insert the clause at [52.226-5](#), Restrictions on Subcontracting Outside Disaster or Emergency Area, in all solicitations and contracts that involve local area set-asides.

26.202-2 Evaluation preference

The contracting officer **may use an evaluation preference**, when authorized in agency regulations or procedures.

Planning/Preparation 26.203 Transition of work

(a) **In anticipation** of potential emergency response requirements, agencies involved in response planning **should consider** awarding emergency response contracts **before a major** disaster or emergency occurs to ensure immediate response and relief. These contracts should be structured to respond to immediate emergency response needs, and should not be structured in any way that may inhibit the transition of emergency response work to local firms (*e.g.*, unnecessarily broad scopes of work or long periods of performance).

DISASTER RECONSTITUTION MULTIPLE AWARD CONSTRUCTION CONTRACT 51

- **SOURCES SOUGHT SYNOPSIS FOR UNITED STATES COAST GUARD (USCG)**
- The scope of work **is not anticipated to be limited** disaster reconstitution and resilience construction, but may be inclusive of all USCG major shore construction (similar to MILCON).
- **CONTRACTS ARE ESTIMATED TO BE FIVE TO SEVEN YEARS.**
- **Response due: January 20, 2020**

Planning/Preparation 26.203 Transition of work

(a) In anticipation of potential emergency response requirements, agencies involved in response planning should consider awarding emergency response contracts before a major disaster or emergency occurs to ensure immediate response and relief. These contracts should be structured to respond to immediate emergency response needs, and should not be structured in any way that may inhibit the transition of emergency response work to local firms (*e.g.*, unnecessarily broad scopes of work or long periods of performance).

(b) [42U.S.C.5 150\(b\)\(2\)](#) requires that agencies performing response, relief, and reconstruction activities **transition to local firms** any work performed under contracts in effect on the date on which the President declares a major disaster or emergency, unless the head of such agency determines in writing that it is not feasible or practicable. This determination may be made on an individual contract or class basis. The written determination shall be prepared within a reasonable time given the circumstances of the emergency.

(c) In effecting the transition, agencies are not required to terminate or renegotiate existing contracts. Agencies should transition the work at the earliest practical opportunity after consideration of the following:

- (1) The potential duration of the disaster or emergency.
- (2) The severity of the disaster or emergency.
- (3) The scope and structure of the existing contract, including its period of performance and the milestone(s) at which a transition is reasonable (*e.g.*, before exercising an option).
- (4) The potential impact of a transition, including safety, national defense, and mobilization.
- (5) The expected availability of qualified local offerors who can provide the products or services at a reasonable price.

Micro-purchase Threshold & Disasters

18.201 Contingency operation.

- (a) Contingency operation is defined in [2.101](#).
- (b) Micro-purchase threshold. The threshold increases when the head of the agency determines the supplies or services are to be used to support a contingency operation. (See [2.101](#) and [13.201\(g\)](#).)
- (c) Simplified acquisition threshold. The threshold increases when the head of the agency determines the supplies or services are to be used to support a contingency operation. (See [2.101](#).)
- (d) [SF 44](#), Purchase Order-Invoice-Voucher. The normal threshold for the use of the [SF 44](#) is at or below the micro-purchase threshold. Agencies may, however, establish higher dollar limitations for purchases made to support a contingency operation. (See [13.306](#).)
- (e) *Simplified procedures for certain commercial items*. The threshold limits authorized for use of this authority may be increased for acquisitions to support a contingency operation. (See [13.500\(c\)](#).)

Contingency operation ([10 U.S.C.101\(a\)\(13\)](#)) means a military operation that-

- (1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
- (2) Results in the call or order to, or retention on, active duty of members of the uniformed services under sections [688](#), [12301\(a\)](#), [12302](#), [12304](#), [12304\(a\)](#), [12305](#), or [12406](#) of [title 10](#) of the United States Code, [Chapter 15 of title 10](#) of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Procurement flexibilities

These flexibilities include increases to the micro-purchase threshold, the simplified acquisition threshold, and the threshold for using simplified procedures for certain commercial items. Specifically-(!)

- The micro-purchase threshold is raised from \$10,000¹ to \$20,000 for domestic purchases and to \$30,000 for purchases outside the U.S.;
- (2) The simplified acquisition threshold is raised from \$250,000² to \$750,000 for domestic purchases and \$1.5 million for purchases outside the U.S.; and
- (3) Agencies may use simplified acquisition procedures up to \$13 million for purchases of commercial item buys

<https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-18.pdf>

26.205 Disaster Response Registry

(a) Contracting officers **shall consult** the Disaster Response Registry via <https://www.sam.gov> to determine the availability of contractors for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities inside the United States and outlying areas.

(b) A list of prospective vendors voluntarily participating in the Disaster Response Registry can be retrieved using the System for Award Management (SAM) search tool, which can be accessed via <https://www.sam.gov>, Search Records, Advanced Search, Disaster Response Registry Search. These vendors may be identified by selecting the criteria for “Disaster Response Contractors”. Contractors are required to register in SAM in order to gain access to the Disaster Response Registry.

The Disaster Declaration Process

This page provides procedural information regarding the Stafford Act declaration process and is intended for emergency managers, elected officials, media, and stakeholders interested in the formal declaration process. All emergency and major disaster declarations are made solely at the discretion of the President of the United States.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act) §401 states in part that: "All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State." A State also includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Republic of Marshall Islands and the Federated States of Micronesia are also eligible to request a declaration and receive assistance through the Compacts of Free Association.

As a result of the Sandy Recovery Improvement Act, federally recognized Indian tribal governments now have the option of pursuing a declaration directly from the President. FEMA has developed [Tribal Declarations Pilot Guidance](#), which provides more detailed and specific guidance for Tribal requests.

FEMA has codified the declaration process at 44 C.F.R. Part §206, [Subpart B](#).

<https://www.fema.gov/disaster-declaration-process>

Declarations – process types

› The Preliminary Damage Assessment

› State Or Indian Tribal Government Resources Overwhelmed

› Declaration Types

› Appeals

› Post Declaration Actions

Preliminary Assessment

- If it is apparent that a Presidential disaster declaration may be necessary to assist in the recovery of the impacted area, the State or Indian tribal government should contact their FEMA Regional Office and request a joint Federal, State/Tribal Preliminary Damage Assessment (PDA). Local government representatives should be included, if possible. *Together, the team will conduct a thorough assessment of the impacted area to determine the extent of the disaster, its impact on individuals and public facilities, and the types of federal assistance that may be needed.* This information is included in the Governor or Tribal Chief Executive's request to show that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments or Indian tribal government and that supplemental federal assistance is necessary.

Declaration Types

- There are two types of disaster declarations provided for in the Stafford Act:
 - emergency declarations
 - major disaster declarations.²
- Both declaration types authorize the President to provide supplemental federal disaster assistance.
- However, the events related to the two different types of declaration and scope and amount of assistance differ.

Public Assistance

- Assistance to State, Tribal, and local governments and certain private nonprofit organizations for emergency work and the repair or replacement of disaster-damaged facilities, which may include the following Categories:

- A - Debris removal
- B - Emergency protective measures
- C – Roads and bridges
- D – Water control facilities
- E – Buildings and equipment
- F – Utilities
- G – Parks, recreational and other facilities



Opportunity -
categories

<https://www.fema.gov/disaster-declaration-process>

Individual Assistance

Assistance to individuals and households, which may include:

- Individuals and Households Program
- Crisis Counseling Program
- Disaster Case Management
- Disaster Unemployment Assistance
- Disaster Legal Services
- Disaster Supplemental Nutrition Assistance Program



Opportunity -
categories

<https://www.fema.gov/disaster-declaration-process>

Covid-19 Award

NEWS

USDA knocked for 'unfathomable' \$39M contract awarded to San Antonio event planner



Tom Orsborn | May 14, 2020 | Updated: May 15, 2020 5:08 p.m.

<https://www.expressnews.com/news/local/article/Federal-food-program-knocked-for-hiring-San-15270354.php>

5/19/2020

Developing a team

Defense Production Act

- “shape national defense preparedness programs and take appropriate steps to maintain and enhance the domestic industrial base.”
- “National defense,” it turns out, is quite broad
- Includes – “military-, energy-, and national security-related activities”
- “it also encompasses emergency preparedness activities under the Stafford Act”
- Provides ability to “control domestic resources and production capabilities”
- “additional authorities which can provide encouragement and funding to develop and promote critical national infrastructure”

<https://www.insidegovernmentcontracts.com/2020/03/a-coronavirus-contractors-guide-to-the-defense-production-act/>

DPA – other authorities

- *Purchases and Purchase Commitments.*
- *Loan Guarantees and Direct Loan.*
- *Defense Production Act Fund.*
- *Experts.*
- *Industry Agreements.*
- *Liability Protection.*

<https://www.insidegovernmentcontracts.com/2020/03/a-coronavirus-contractors-guide-to-the-defense-production-act/>

PREP Act

- Public Readiness and Emergency Preparedness Act (“PREP Act”)
- Codified at 42 U.S.C. § 247d-6d
- Protects individuals from suit and liability
 - Requires declaration from the Secretary (HHS)
 - Guidelines are required
 - Protections have limits

Other Authorities

- Jones Act
- Normally requires US flagged vessels to engage in commerce between US ports. Other restrictions exist.
- Waiver authority exists
- Must be properly requested
- Used for relief activity in Puerto Rico

Coronavirus Acquisition-Related Information and Resources

OMB Guidance and Memorandums

- OMB Memo M-20-17, [Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus \(COVID-19\) due to Loss of Operations](#)^{PDF}, (Issued March 19, 2020)
- OMB Memo M-20-18, [Memo Managing Federal Contract Performance Issues Associated with the Novel Coronavirus \(COVID-19\)](#)^{PDF}, (Issued March 20, 2020)
 - [Update to Guidance on Application of National Interest Action \(NIA\) Code to Increase Transparency](#)^{PDF}, (Issued April 6, 2020)
- OMB Memo M-20-19, [Harnessing Technology to Support Mission Continuity](#)^{PDF}, (Issued March 22, 2020)
- OMB Memo M-20-20, [Implementation Guidance for Supplemental Funding Provided in Response to the Coronavirus Disease 2019 \(COVID-19\)](#)^{PDF}, (Issued April 10, 2020)
- OMB Memo M-20-23, [Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again](#)^{PDF} (Issued 20, 2020)

Paid Leave for Contract Employees - Section 3610 Implementation

OMB

- OMB Memo M-20-22, [Preserving the Resilience of the Federal Contracting Base in the Fight Against the Coronavirus Disease 2019 \(COVID-19\)](#)^{PDF} (Issued April 17, 2020)

ODNI

- [IC Guiding Principles for the IC Acquisition & Procurement Community on Implementation of the Coronavirus Aid, Relief, and Economic Security Act](#)^{PDF}

DOD

- [Implementation Guidance for Section 3610 of the Coronavirus Aid, Relief, and Economic Security Act](#)^{PDF}

GSA

- CD-2020-12, [Guidance to implement Section 3610 of the Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#) (Pub. L. 116-136) [\(See Attachment A\) regarding paid leave reimbursement authority to contractors for Novel Coronavirus Disease 2019 \(COVID-19\)](#)^{PDF}, (Issued April 21, 2020)

Resources for State and Local Governments

General Services Administration (GSA)

- Information on the GSA Disaster Program: <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments/state-and-local-disaster-purchasing>^{PDF}

U.S. Department of Veterans Affairs (VA)

- [Presidential Declaration of National Emergency COVID-19 - State and Local Governments Authorized to Order Using VA Federal Supply Schedules](#)^{PDF}, (Issued April 10, 2020)
- [Presidential Declaration of National Emergency COVID-19 - State and Local Government Ordering Procedures](#)^{PDF}, (Issued March 13, 2020)

Department of Defense

US DEPT OF DEFENSE

Coronavirus Update What's New Our Story Newsroom

SPOTLIGHT

Coronavirus: DOD Response

The Defense Department is working closely with the Department of Health and Human Services and the State Department to provide support in dealing with the coronavirus outbreak.

[f](#) [t](#) [e](#)

For guidance specific to the Pentagon Reservation and DOD offices and facilities in the National Capital Region, visit the [WHS COVID-19 Guidance page](#).

For guidance specific to DODEA schools, please go to the [DODEA COVID-19 page](#).

For guidance specific to Military OneSource, family readiness and spouse programs, visit the [Military OneSource Coronavirus Information Center](#).

<https://www.defense.gov/Explore/Spotlight/Coronavirus/>

5/19/2020

Defense Guidance

Frequently Asked Questions

- [Implementation Guidance for Contract Place of Performance – Public Health Considerations \(current as of April 28, 2020\)](#)
- [Implementation Guidance for CARES Act Sec 3610 \(current as of April 24, 2020\)](#)
- [Implementation Guidance for Class Deviation 2020-O0010, Increased Progress Payments \(current as of April 3, 2020\)](#)

DPC Announcements

- [Coronavirus Disease 2019 \(COVID-19\): Emergency Acquisition Flexibilities – Contingency Operation, as of April 15, 2020](#)
- [Coronavirus Disease 2019 \(COVID-19\): Resources for Connecting Industry Capabilities to Requirements in Support of COVID-19 Response, as of April 9, 2020](#)
- [Coronavirus Disease 2019 \(COVID-19\): Limited Exemption and Waiver from Certain Federal Contracting Federal Acquisition Regulation \(FAR\) Requirements, as of March 17, 2020](#)
- [Coronavirus Disease 2019 \(COVID-19\): Emergency Acquisition Flexibilities and National Interest Action \(NIA\) Code, as of March 13, 2020](#)

SUBJECT: Class Deviation—Undefinitized Contract Actions During the National Emergency for the Coronavirus Disease 2019

Effective immediately, for undefinitized contract actions (UCAs):

- The requirement at DFARS 217.7404-4(a) to limit obligations, after receipt of a qualifying proposal, to 75 percent of the not-to-exceed price before definitization does not apply to UCAs related to the national emergency for the Coronavirus Disease 2019 (COVID-19), as determined by the head of the contracting activity.
- The head of the contracting activity may waive the limitations in DFARS 217.7404(a)(1)(i), 217.7404-3(a), and 217.7404-4(a) for a UCA, if the head of the contracting activity determines that the waiver is necessary due to the national emergency for COVID-19. The words “without power of redelegation” at DFARS 217.7404-3(a)(1) are deleted.

This class deviation implements sections 13004 and 13005 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136) and remains in effect until rescinded. My point of contact is Lt Col Bryan Lamb, who is available by telephone at 703-693-0497 or by email at Bryan.D.Lamb.mil@mail.mil.

National Interest Exemptions

OFCCP issues a national interest exemption to facilitate response efforts for COVID-19

Due to the COVID-19 pandemic, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has issued a temporary exemption from certain federal contracting requirements. For a period of three months, from March 17, 2020 to June 17, 2020, subject to possible extension, new Federal contracts to provide COVID-19 relief efforts will be exempt from several obligations under Executive Order 11246; The Vietnam Era Veterans' Readjustment Assistance Act; and Section 503 of the Rehabilitation Act of 1973, as amended.

- [COVID-19 National Interest Exemption](#)
- [Resources for New Contractors](#)
- [COVID-19 National Interest Exemptions FAQs](#)

National Interest Exemptions – FAQ's

9. Must a prime contractor include the NIE language in a subcontract specifically for coronavirus relief for the NIE to apply to the subcontract?

No, as long as the prime contract specifically for Coronavirus relief explicitly contains the alternate contract clauses set out in the Coronavirus [NIE memorandum](#), then the NIE also applies to any subcontractor providing goods or services as part of the prime contract. Prime contractors, however, may choose to also insert the alternate contract clause language into the subcontracts.

[Back to Top](#)

Utilize Lessons Learned



United States Government Accountability Office
Report to Congressional Requesters

April 2019

2017 DISASTER CONTRACTING

Actions Needed to
Improve the Use of
Post-Disaster
Contracts to Support
Response and
Recovery

<https://www.gao.gov/assets/700/698676.pdf>

5/19/2020