

# FEMA FUNDING FOMO?

*Procurement's Role in Calming Fears and Maximizing Disaster Recovery*



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# Webinar FYI

- Webinar is set to conclude at noon.
- Webinar is being recorded (and will be posted at [www.choicepartners.org](http://www.choicepartners.org))
- All attendees will be in listen-only mode.
- Submit a question. (All questions will be responded to through chat during the webinar and/or answered at the end of the webinar).
- CP staff members are on standby if you need help.



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# Introduction

## **Welcome** (*Jeff Drury, Director of Choice Partners*)

- Choice Partners / HCDE Background

## **Agenda**

- Introduction (10:05 to 10:15 a.m.)
- DRS presentation (10:15 to 11:05 a.m.)
- CP presentation (11:05 to 11:30 a.m.)
- Q & A and Closing (11:30 to 11:50 a.m.)

## **Panelists Introduction**

- Kim Abrego
- Shelley Vineyard
- Kristi Nichols



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# Panelists

**Kim Abrego** is the president and COO of Disaster Recovery Services. Kim and her team help public entities recover hundreds of millions of dollars from insurance and FEMA following adverse events. Since 2001, Kim has focused on successfully positioning clients to be resilient following a disaster, enabling them to recover better and faster. This includes helping agencies learn how to PREPARE, RESPOND, and RECOVER.



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# Panelists

**Shelley Vineyard** is the business development and marketing coordinator of Disaster Recovery Services. She focuses on public entity risk management and procurement strategies in facilitation of complex disaster recovery projects. With 13 years experience, Shelley provides procurement guidance, training and assistance, helping develop comprehensive procurement strategies to help clients PREPARE, RESPOND and RECOVER.



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# Panelists



**Kristi Nichols** is a contract manager for Choice Partners. She focuses on writing technology contracts and oversees the online supply catalog for CP members. Kristi handles the RFPs for the 1,100+ items that are available through the online system. With more than 15 years purchasing experience, she provides guidance and training to prospective and awarded vendors as well as assistance in promoting Choice through tradeshow exhibits and networking.

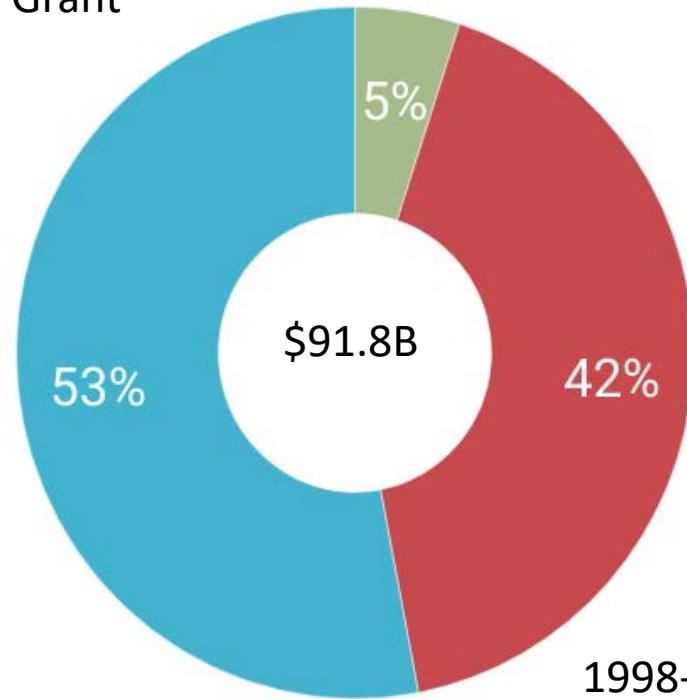


# FEMA Funding FOMO?

## What You Could Be Missing



PA Grant



1998-2018

Emergency Work

Permanent Work

Administrative



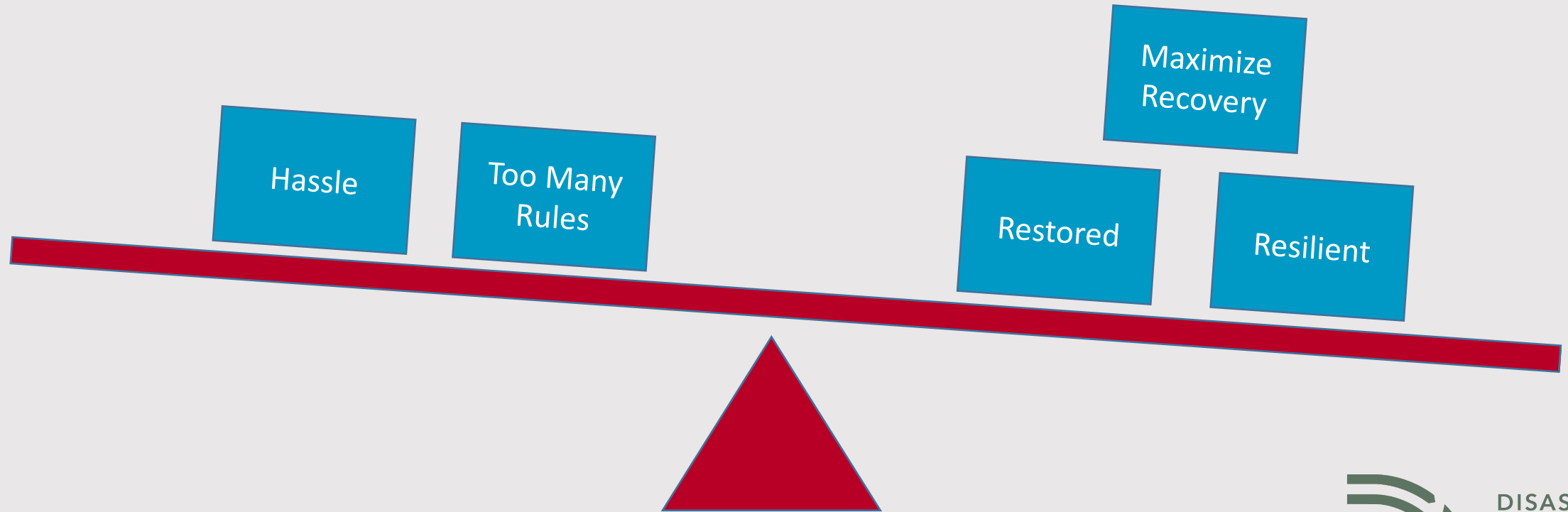
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Source: <https://www.fema.gov/openfema-dataset-public-assistance-funded-projects-details-v1>



# FEMA Funding FOMO?

*Weigh the Options*



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# Procurement's Role

*Calm Fears and Maximize Recovery*



To Do List

- ✓ Prepare.
- ✓ Keep Calm.
- ✓ Own the Day!



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## 2 C.F.R. 200

*Apply the Most Restrictive Rule – Federal vs. State vs. Local*



Current Federal Thresholds



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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*

[www.fema.gov/procurement-disaster-assistance-team](http://www.fema.gov/procurement-disaster-assistance-team)

### Top 10 Procurement under Grants Mistakes

- 1** Restricting full & open competition
- 2** Not performing detailed price or cost analysis for procurements above \$250,000
- 3** Engaging in a sole-sourcing procurement without documenting emergency or exigent situation
- 4** Continuing work under a sole-source contract after the urgent need has ended
- 5** Not making and documenting efforts to take all "affirmative steps"
- 6** Awarding a "time-and-materials" contract without a ceiling price and documenting why no other contract type is suitable
- 7** Not including the required contract clauses
- 8** Awarding a "cost-plus-percentage-of-cost" or "percentage-of-construction-cost" contract
- 9** Awarding a contract to contractors that are suspended or debarred
- 10** Not documenting all steps of a procurement to answer questions that could arise months or years later

Avoiding these obstacles can speed up your road to recovery



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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*

### Sole Source

- Document emergency or exigent circumstance
- Do not continue after urgent need has ended



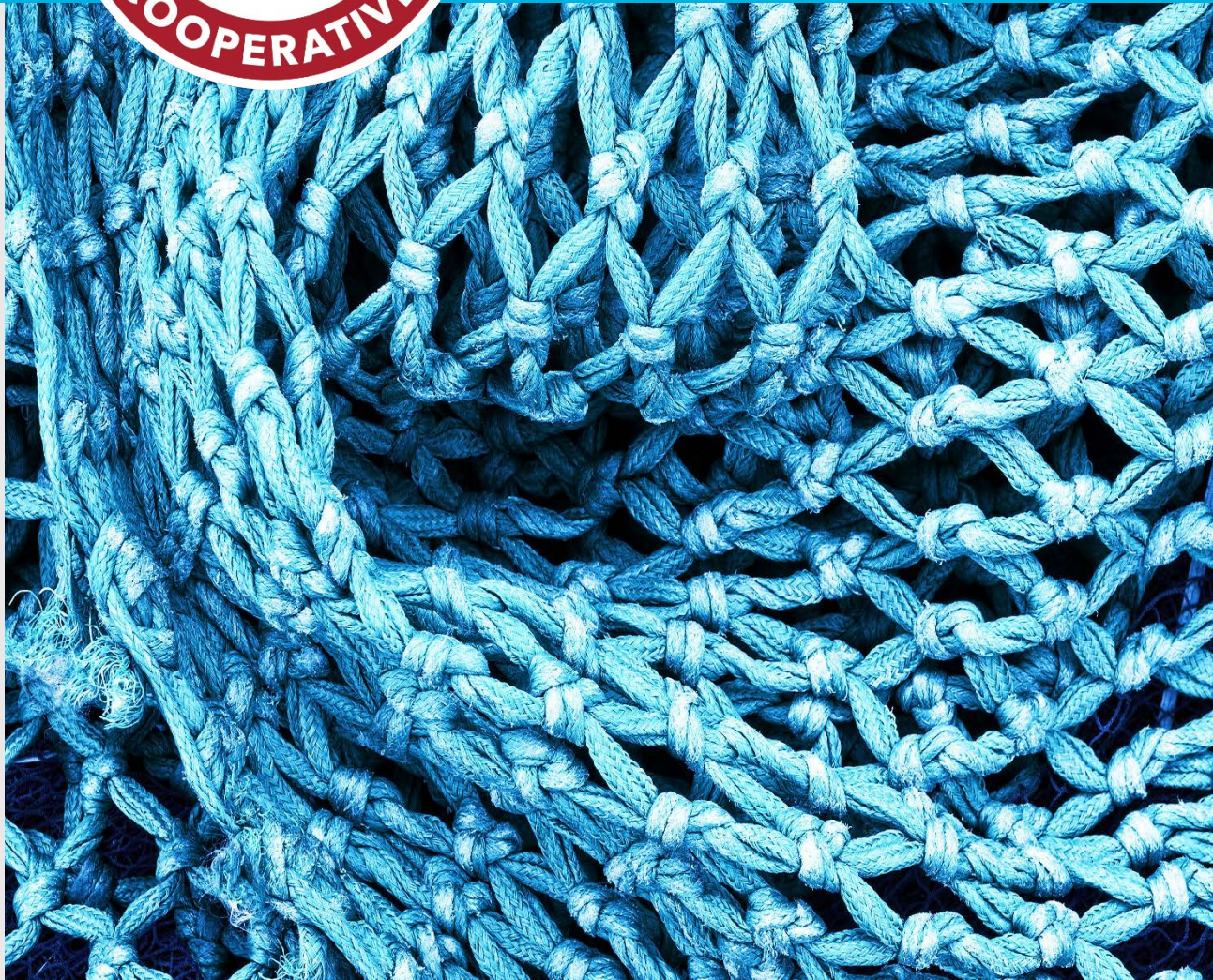
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# FEMA's Top 10 Procurement

*Under Grants Mistakes and How to Avoid Them*



## Full and Open Competition



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# FEMA's Top 10 Procurement

*Under Grants Mistakes and How to Avoid Them*

M/WBE Inclusion  
6 Affirmative Steps

Require

Use

Establish

Divide

Ensure

Include



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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*



Independent  
Estimate

**Before  
receiving  
proposals**



Cost/Price  
Analysis

**Above the  
simplified  
acquisition  
threshold**



Documented  
Justification

**Fair and  
reasonable  
pricing**



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# FEMA's Top 10 Procurement

## Under Grants Mistakes and How to Avoid Them

### Check for Suspension or Debarment

A screenshot of the SAM.gov website. At the top, there is a navigation bar with links for HOME, SEARCH RECORDS, DATA ACCESS, CHECK STATUS, ABOUT, and HELP. A yellow banner reads "A NEW WAY TO SIGN IN - If you already have a SAM account, use your SAM email for login.gov." with a "Log In" button. Below the navigation bar, a blue alert box states: "ALERT: SAM.gov will be down for scheduled maintenance Saturday, 03/14/2020 from 8:00 AM to 3:00 PM". The main content area is titled "Search Records" and includes "Search Tips to Get Started" with a list of bullet points. Below this is a section for "Choose Quick Search or Advanced Search" with input fields for "QUICK SEARCH", "DUNS Number Search", and "CAGE Code Search", and buttons for "ADVANCED SEARCH - ENTITY", "ADVANCED SEARCH - EXCLUSION", and "DISASTER RESPONSE REGISTRY SEARCH". The footer contains the GSA logo, IBM-P-20200214-1547 WWW8, and a list of links: Search Records, Data Access, Check Status, About, Help, Disclaimers, Accessibility, Privacy Policy, FAPIS.gov, GSA.gov/IAE, GSA.gov, and USA.gov.



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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*

### Cost Plus Contracts

<b>Cost plus percentage of cost</b>	<b>No</b>
<b>Cost plus percentage of construction cost</b>	<b>No</b>
<b>Cost plus incentive fee</b>	<b>Yes</b>
<b>Cost plus award fee</b>	<b>Yes</b>
<b>Cost plus fixed fee</b>	<b>Yes</b>



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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*

### Time and Materials



- ▶ **Conditions**
- ▶ **Ceiling Price**
- ▶ **Oversight**
- ▶ **Documentation**

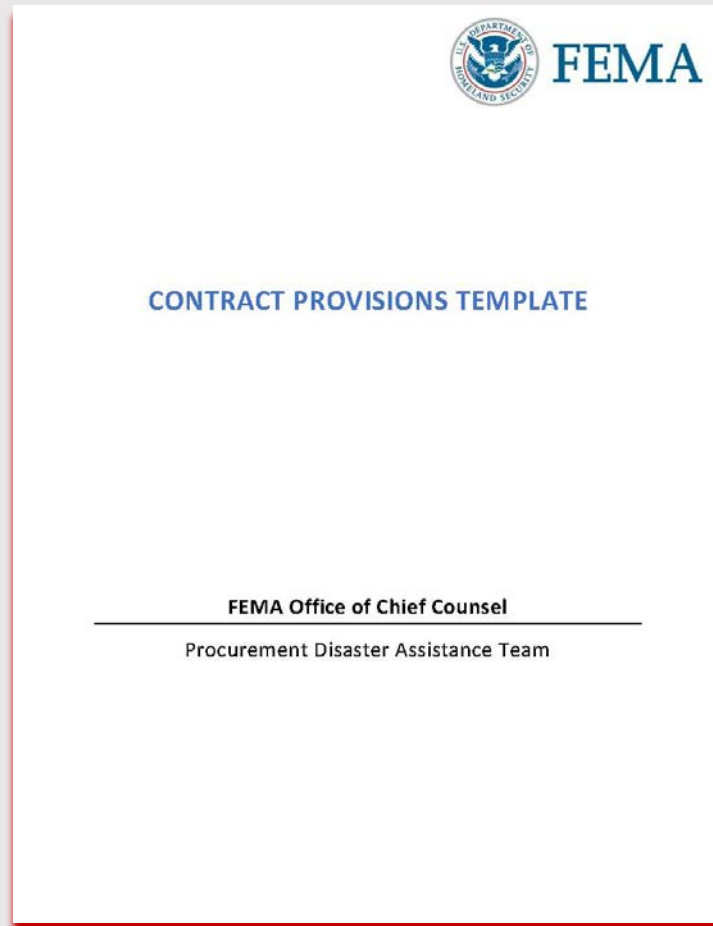


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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*



**Include all required and recommended FEMA contract clauses.**



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# FEMA's Top 10 Procurement

## *Under Grants Mistakes and How to Avoid Them*



Document, document,  
and then document  
some more.



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# Understanding How Purchasing Co-ops

## *Fit Into the Overall Recovery Strategy*

*The Uniform Rules, to foster greater economy and efficiency, encourage a NFE to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. 2 C.F.R. § 200.318(e).*



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# Understanding How Purchasing Co-ops Fit Into the Overall Recovery Strategy

## January 2018

## September 2018

**Fact Sheet**

**PUBLIC ASSISTANCE: PURCHASING GOODS OR SERVICES THROUGH COOPERATIVE PURCHASING PROGRAMS**

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to states, tribes, and local governmental entities, as well as certain private non-profit organizations (hereinafter referred to as applicants). FEMA's Public Assistance Program and Policy Guide (2018 PA Program and Policy Guide (PAPPG) V3.0) provides comprehensive information regarding the assistance that FEMA can provide and the requirements applicants must meet in order to receive the assistance. This guidance addresses the use of cooperative purchasing programs by non-state applicants.

As a general matter, FEMA suggests that non-state applicants exercise caution when using cooperative purchasing programs because the Agency has observed problems with non-state applicants' ability to meet all of the requirements of the federal procurement standards found in 2 C.F.R. §§ 200.317 - 200.326 when a non-state applicant uses these programs. Applicants are not permitted to use out-of-state cooperative purchasing programs.

**Background**

To foster economy and efficiency, the federal procurement standards encourage non-state applicants to enter into local-intergovernmental agreements or inter-entity agreements where appropriate for the procurement of goods or use of common or shared goods or services under federal awards.<sup>1</sup> While the federal procurement standards encourage non-state applicants to use these agreements, non-state applicants still must ensure that their procurements meet all requirements of the federal procurement standards found in 2 C.F.R. §§ 200.317 - 200.326. A cooperative purchasing program is one type of local-intergovernmental agreement or inter-entity agreement that a non-state applicant may want to use to foster economy and efficiency when purchasing goods or services under a federal award. Cooperative purchasing programs are a type of cooperative arrangement where businesses, non-profit organizations, and/or governmental entities agree to aggregate their demand for certain goods or services to get lower prices from selected vendors. Entities typically sign up to use a cooperative purchasing program through a cooperative purchasing agreement, and program membership gives the entities access to lists of agreements or contracts for goods and services at pre-negotiated rates or prices. Typically, the member then accomplishes the actual purchase of goods or services by negotiating with participating vendors and placing purchase orders or entering into contracts based on the rates or prices listed in the cooperative purchasing program's agreements or contracts with vendors.

<sup>1</sup> Non-state applicants include local governments, tribal governments, and non-profit organizations who obtain applications for assistance under a state or tribal government's Public Assistance award (2 C.F.R. § 200.318(c)).

*"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."*  
January 26, 2018

**Fact Sheet**

**PUBLIC ASSISTANCE: PURCHASING GOODS OR SERVICES THROUGH COOPERATIVE PURCHASING PROGRAMS**

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to states, tribes, and local governmental entities, as well as certain private non-profit organizations (hereinafter referred to as applicants) to assist them with recovering from emergencies and major disasters. FEMA's Public Assistance Program and Policy Guide provides comprehensive information regarding assistance that FEMA can provide and the requirements that applicants must follow in order to receive the assistance. The purpose of this Fact Sheet is to provide key information regarding the use of cooperative purchasing programs by non-state applicants for procurements above the simplified acquisition threshold. Failure to follow federal contracting requirements may jeopardize FEMA funding for costs associated with that contract.

**Understanding Cooperative Purchasing Programs**

A "COOPERATIVE PURCHASING PROGRAM" is a cooperative arrangement for acquiring goods or services that involves aggregating the demand of two or more entities in an effort to obtain a more economical purchase. Entities typically sign up to use cooperative purchasing programs through a cooperative purchasing agreement. Program membership may provide entities with access to lists of agreements or contracts for goods and services at pre-negotiated rates or prices. Typically, the member then purchases the goods or services by negotiating with participating vendors and placing purchase orders or entering into contracts based on the rates or prices listed in the cooperative purchasing program's agreements or contracts with vendors.

**NOTE:** Cooperative purchasing programs are distinguishable from joint procurements. A "JOINT PROCUREMENT" is a method of contracting in which two or more purchasers agree from the outset to use a single solicitation and enter into a single contract with a vendor for the delivery of goods and/or services. FEMA sees fewer compliance issues with joint procurements. While joint procurements are not the focus of this fact sheet, they still must comply with the federal procurement requirements.

**DISCLAIMER:** This Fact Sheet is intended to provide general information on procurement compliance and is not inclusive of every rule that an applicant may need to comply with. Additional information regarding the federal procurement standards can be found at the following webpage: [www.fema.gov/procurement-disaster-assistance-team](http://www.fema.gov/procurement-disaster-assistance-team).

*"FEMA's mission is to help people before, during and after disasters."*

Page 1 of 2 September 18, 2018

- ✓ Proceed with caution.
- ✓ Provide documentation.
- ✓ Explain compliance with FEMA requirements.



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# Choice Partners Contracts

## *Are FEMA-friendly*

- Independent Estimate (prior to soliciting bids)
- Final Solicitation Document
- Documentation of Full & Open Competition
  - Solicitation Vendor Invitation List
  - Other Documentation Inviting Full & Open Competition
- Public Advertisement of Solicitation
- Good Faith Efforts to take 6 Affirmative Steps to include M/WBE firms
- Bid Tabulation



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# Choice Partners Contracts

## *Are FEMA-friendly*

- Cooperative Cost/Price Analysis
- Evaluation Summary
- Suspension & Debarment Check/Certification
- Cooperative Governing Board Approval of Contract Award
- Cooperative Contract with Awarded Vendor
- Presence of FEMA Required Contract Clauses
- All Downloadable from the Choice Partners Website



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# Disaster Recovery-Related Services

*Available Through Choice Partners*

- Construction (JOC-IDIQ)
- Disaster Debris Removal Services
- Disaster Mitigation
- Disaster Recovery Consultants
- Furniture
- Industrial Equipment
- M&O Parts and Equipment
- Modular Buildings (JOC-IDIQ)
- Fuel & Lubricants



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# Disaster Recovery-Related Services

*Available Through Choice Partners*

- Painting, Drywall, Ceilings & Flooring (JOC-IDIQ)
- Power & Cooling Solutions
- Roofing (JOC-IDIQ)
- Safety Supplies & Equipment
- Two Way Radios



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# Contact information

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**Phone:** 832-603-2251



# Closing

## Webinar Afterthought

- Jeff Drury

*Director of Choice Partners*

## Q & A

- Joann Nichols

*Assistant Director of Choice Partners*

## Reminders

- Stephanie De Los Santos

*Director of Client Engagement*



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## Helpful Links

FEMA – Procurement Disaster Assistance Team (PDAT) Landing Page:

<https://www.fema.gov/procurement-disaster-assistance-team>

→ Explore Procurement Under Grant Tools and Resources

- Top 10 Procurement Under Grant Mistakes
- Public Assistance Grantee and Subgrantee Procurement Requirements Field Manual and Supplement
- [Cost and Pricing Guide](#)
- Checklist for Reviewing Procurements Under Grants
- [Contract Provisions Template for Procurements](#)
- Template for Comparison of Federal and State Procurement Requirements

→ COVID-19 Guidance

- COVID-19 Memo
- COVID-19 Fact Sheet: Procurement Under Grants Conducted Under Emergency or Exigent Circumstances
- COVID-19 Fact Sheet: Eligible Emergency Protective Measures
- FEMA COVID-19 Updates

Public Assistance Fact Sheets Landing Page:

<https://www.fema.gov/media-library/assets/documents/90743>

- Public Assistance Fact Sheet
- Public Assistance Delivery Model Fact Sheet
- Public Assistance Reasonable Cost Evaluation Job Aid
- Public Assistance Debris Removal Tips
- Public Assistance Contracting Requirements Checklist
- Exigent or Emergency Circumstances Procurement for Public Assistance
- Purchasing Goods or Services through Cooperative Programs

Suspension and Debarment Check:

<https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>

National Cooperative Procurement Partners:

<https://ncppassociation.org/page/FirstAidKit>

- First Aid Kit for Emergency Preparedness
- Recommendation List for Emergency Contracts



## FEMA Procurement Checklist

Choice Partners purchasing cooperative offers quality, legal procurement and contract solutions to meet government purchasing requirements. We also meet all of the EDGAR/Uniform Guidance/2 CFR 200 requirements.

FEMA requires an applicant that decides to use a cooperative purchasing program to document and explain how its use of the program complied with all federal procurement standards **and** applicable state, tribal and local procurement rules and policies.

Choice Partners offers the following checklist as a guide to pulling together required procurement package documentation in support of our member's use of Choice Partners contracts for their FEMA projects.

Page 1 of the checklist demonstrates all the requirements that have been met by Choice Partners. The documentation listed on Page 1 can be found under the 'Due Diligence' section of the selected vendor contract.

Page 2 of the checklist represents the items that must be documented by the Choice Partner **member** to complete the FEMA required procurement package.



## FEMA PROCUREMENT PACKAGE CHECKLIST

**Vendor Name:** \_\_\_\_\_ **Contract No.:** \_\_\_\_\_

	Reference	Present
<b>Choice Partners Procurement Documents</b>		
Independent Estimate - Prior to Soliciting Bids	2 C.F.R. § 200.323	x
Final Solicitation Document	2 C.F.R. § 200.319	x
Documentation of Full and Open Competition	2 C.F.R. § 200.319	x
Solicitation Vendor Invitation List	2 C.F.R. § 200.318(i) and 200.319	x
Other Documentation Inviting Full and Open Competition	2 C.F.R. § 200.319	x
Documentation of Applicable SOW or goods required	2 C.F.R. § 200.319	x
Public Advertisement of Solicitation	2 C.F.R. § 200.320	x
Documentation of Good Faith Efforts to Take Affirmative Steps to Include M/WBE Firms	2 C.F.R. § 200.321	x
Solicitation Process Addenda (if any)	2 C.F.R. § 200.318(i)	x
List of Firms Responding to Solicitation/Public Opening Bid-Proposal Log Sheet	2 C.F.R. § 200.318(i)	x
Bid Tabulation	2 C.F.R. § 200.318(i)	x
Cooperative Cost/Price Analysis	2 C.F.R. § 200.323	x
Evaluation Summary	2 C.F.R. § 200.318(i)	x
Suspension and Debarment Check/Certification	2 C.F.R. § 200.213	x
Cooperative Governing Board Approval of Contract Award (if required)	2 C.F.R. § 200.318 (a)	x
Cooperative Contract with Awarded Vendor	2 C.F.R. § 200.318(i)	x
Presence of FEMA Required Contract Clauses	2 C.F.R. §200.326 & Appendix II 2 C.F.R. § 200	x





## FEMA PROCUREMENT PACKAGE CHECKLIST

Vendor Name: \_\_\_\_\_

Contract No.: \_\_\_\_\_

	Reference	Present
<b>Choice Partners Member - Additional Procurement Documents</b>		
Applicant Cost/Price Analysis	2 C.F.R § 200.323; FEMA Fact Sheet Cooperative Purchasing Programs dated 9.18.2018	
Rationale as to Procurement Method Selected	2 C.F.R. § 200.318(i)	
Rationale for Selecting Contract Type (fixed price, cost reimbursement, or T&M)	2 C.F.R. § 200.318(j)	
Documented Suspension and Debarment Check	2 C.F.R. § 200.213	
Applicant Board Approval of Vendor Contract (if required by local govt. policy)	2 C.F.R. § 200.318 (a)	
Documentation of Applicant's Good Faith Efforts to Take Affirmative Steps to Include M/WBE Firms (if not present with Cooperative bid process).	2 C.F.R. § 200.321	
Documentation of Applicant Requirement for Prime Contractors to Make Good Faith Efforts to take Affirmative Steps to include M/WBE When Subcontracting	2 C.F.R. § 200.321	
Copy of Applicant Contract/PO with Vendor	2 C.F.R. § 200.318(i)	
Presence of FEMA Required Contract Clauses	2 C.F.R. § 200.326 & Appendix II 2 C.F.R. § 200	
Documentation of meeting bonding requirements (if applicable).	2 C.F.R. § 200.325	
Documentation of compliance with Procurement of Recovered Materials (if applicable).	2 C.F.R. § 200.322	
Documentation of Applicant Maintaining Oversight of Contractors	2 C.F.R. § 200.318 (b)	
Conflict of Interest Policy	2 C.F.R. § 200.318(c)(1)	
Local Government Procurement Policy	2 C.F.R. § 200.318 (a)	