1. What is procurement? Under federal guidelines found in 44 CFR 13.36, procurement is the process of acquiring (buying, purchasing, renting/leasing or otherwise obtaining) goods and services.

2. What are the two most important points I need to know about FEMA procurement?
   - Must have a Grant scope of work (SOW)
   - FEMA-ineligible work in the contract.

3. Where can I find guidelines for procurement?
   - General Services Administration (GSA) provides guidance for using pre-competed contracts on the GSA schedule.
   - Louisiana Legislative Auditors (LLA) provides federal guidance:
     http://www.lla.state.la.us/legalassistance/
   - Ask local authorities for local purchasing guidelines.

4. What is the 30K-foot process for procuring using federal funds such as Public Assistance (PA) or disaster recovery grants?
   - Disaster State guidance
     http://www.gsa.gov/
   - General Services Administration (GSA) provides federal guidance:
     http://www.gsa.gov/
   - After a Disaster:
     http://www.gsa.gov/

5. Can I procure a combination of eligible and ineligible work in one contract?
   - Yes.
   - FEMA-eligible work needs to be separated from FEMA-ineligible work in the contract.
   - Grant scope of work (SOW) edication and contract should be consistent.

6. A cost reasonableness?** A cost is not unreasonable if:
   - Competitive procurement (sealed bids, RFP, etc.) may be an acceptable form of cost analysis.
   - Non-competitive procurements and request qualifications (RFQs) require a cost analysis prior to awarding the contract.

7. Is there a standard cost analysis format?
   - No.
   - Method and degree of analysis is dependent upon existing circumstances.
   - Cost analysis needs to be supported by copies of quotes, cost of similar products/services, etc.

8. What is “cost reasonableness”?** A cost is both fair and equitable for the type of work performed under existing circumstances at the time the cost is incurred.

9. What is the difference between an RFP and an RFQ? An RFP may only be used for the acquisition of architecture and engineering (A/E) design services. Cost is negotiated separately.
   - A request for proposals (RFP) may be used for any acquisition.
   - Price MUST be a selection criteria.

10. Do I need to document all procurement?
   - Yes.
   - Document the “who, what, when, where, why and how much.” Without proper documentation you will not be reimbursed.

11. Is my procurement process subject to audit? Yes.
   - Build your records from the beginning so they are audit ready.
   - Poor record keeping is the #1 reason for failure to be reimbursed.

** A cost analysis is an applicant’s demonstration that the cost of an acquisition is reasonable.

Procurement penalties:
- Withhold payment.
- Deobligate funds.
- Suspend grant.
- Withhold future grants.
- And MORE!
When to use
Work done on a local awarding agency’s requirements pertaining to an award to the contract for work within a prescribed boundary with compliance with mandatory state energy efficiency requirements or qualitative requirements

Compliance with 44 CFR 13.36
Authorized under 44 CFR 13.36 (PA), Hazard Mitigation Assistance (HMA) programs and Homeland Security grants where this publication is intended for: required federal regulations.

METHODS OF PROCUREMENT

Types of contracts

The most restrictive rules apply; those are circled above. Local rules may vary.

Required contract PROVISIONS [44 CFR 13.36 (k)]

Required contract PROVISIONS [44 CFR 13.36 (k)]

APPLICATION

Construction or facilities improvement contracts or subcontracts exceeding $100K. Bonding requirements include: Bid guarantee or performance bond or payment bond. Bonding company requirements can be found in Louisiana R.S. 35:282.

Administrative + legal remedies for violation or breach of contract.

Termination for cause + convenience (see 44 CFR 15.144 for procedure for termination for convenience).

Compliance with Executive Order (EO) 11246 (Equal Employment Opportunity (EEO))

All construction contracts greater than $100K.

Compliance with Davis-Bacon Act

It is NOT required for state or local contracts under the FEMA HMA program or HMA programs. May apply to other FEMA grant programs. May be required by local ordinance.

Compliance with section 1005 and 1007 of the Contract Work Hours and Safety Standards Act

Compliance with Clean Air Act + Clean Water Act + Environmental Protection Agency (EPA) regulations

All contracts + sub-contracts greater than $100K.

Compliance with mandatory state energy efficiency standards + policies.

Not eligible under FEMA regulations.

Provision ofnotice of awarding agency requirements for reporting.

Not eligible under FEMA regulations.

Not to exceed $3K for other contracts which involve the employment of mechanics or laborers.

All contracts. May be subject to government unrestricted use or ownership.

Noting of awarding agency requirements pertaining to copyrights + data.

All contracts. May be subject to government unrestricted use or ownership.

Access to contractor grant-related records.

All contracts.

Retention of required records for 5 years.

All contracts. Requirement to maintain all records for 3 years after closed. Closeout may be defined differently for different grant programs.

PROVISION

Bonding requirements.

Administrative + legal remedies for violation or breach of contract.

Termination for cause + convenience (see 44 CFR 15.144 for procedure for termination for convenience).

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All construction contracts greater than $100K.

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NOT TO BE USED

Required contract PROVISIONS [44 CFR 13.36 (k)]