

UNCLASSIFIED



FEMA

EMERGENCY ACQUISITION FIELD GUIDE

FEMA 574

SEPTEMBER 2007

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1.	OVERVIEW	1
2.	WHO DOES WHAT AROUND HERE?	1
2.1	ACCOUNTABLE PROPERTY OFFICERS	1
2.2	AGENCY HEAD	2
2.3	CHIEF ACQUISITION OFFICER	2
2.4	COMPTROLLER.....	2
2.5	CONTRACTING OFFICER.....	2
2.6	DISASTER ASSISTANCE EMPLOYEE.....	2
2.7	FEDERAL COORDINATING OFFICER	3
2.8	HEAD OF THE CONTRACTING ACTIVITY.....	3
2.9	INFORMATION TECHNOLOGY COORDINATOR	3
2.10	LEGAL COUNSEL	3
2.11	PROGRAM MANAGEMENT REPRESENTATIVE.....	4
	2.11.1 Contracting Officer’s Technical Representative	4
	2.11.2 Project Officers and Technical Monitors	4
	2.11.3 Logistics Chief	4
3.	WHAT DO I NEED TO KNOW TO STAY OUT OF TROUBLE?.....	4
4.	HOW DO GOVERNMENT PURCHASE CARDS WORK?	5
4.1	PURCHASE CARD CERTIFICATION	5
4.2	PURCHASE CARD PROGRAM PROCEDURES	5
4.3	PURCHASING LIMITS.....	5
4.4	FUNDING AND DOCUMENTATION.....	5
4.5	PURCHASE CARD TRANSACTION REVIEW AND APPROVAL	6
4.6	PURCHASE CARD DOS AND DON’TS.....	6
	FOR PROGRAM MANAGEMENT REPRESENTATIVES	
5.	WHAT IS THE RIGHT WAY TO MAKE A PURCHASE?	7
6.	ARE THERE ANY SPECIAL CONTRACTOR ELIGIBILITY OR BADGING REQUIREMENTS?.....	8
7.	HOW DO I MAKE SURE I GET WHAT I THOUGHT I BOUGHT?.....	9
7.1	QUALITY CONTROL AND INSPECTION	10
7.2	ACCEPTANCE	10
7.3	CERTIFYING CONTRACTOR INVOICES	10
8.	HOW DO I ACCOUNT FOR PROPERTY?	10
8.1	CONTRACTOR-ACQUIRED OR GOVERNMENT-FURNISHED PROPERTY	10
8.2	PURCHASED GOVERNMENT PROPERTY.....	11

FOR CONTRACTING OFFICERS

- 9. WHAT CONTRACT DOCUMENTATION IS REQUIRED?.....12**
 - 9.1 REGISTERING CONTRACTORS IN THE CCR OR THE FEMA INTEGRATED FINANCIAL MANAGEMENT INFORMATION SYSTEM .12
 - 9.2 CONTRACTOR PAYMENT INSTRUCTIONS12
 - 9.3 PAYING CONTRACTOR INVOICES12
 - 9.4 RECORDING PROCUREMENT TRANSACTIONS IN THE FEDERAL PROCUREMENT DATA SYSTEM13
 - 9.5 RESPONDING TO CONTRACTOR BID PROTESTS AND CONTRACT PERFORMANCE DISPUTES13

- 10. WHAT ARE SPECIAL ACQUISITION FLEXIBILITIES FOR EMERGENCY CONTRACTING?13**
 - 10.1 AVAILABLE ACQUISITION FLEXIBILITIES13
 - 10.1.1 Other than Full and Open Competition13
 - 10.1.2 Small Business Administration Socioeconomic Programs14
 - 10.2 EMERGENCY ACQUISITION FLEXIBILITIES14
 - 10.2.1 Micropurchase and Simplified Acquisition Thresholds..14
 - 10.2.2 Preferences for Local Contractors14
 - 10.2.4 Stafford Act Emergency Declaration or Major Disaster Declaration15

- 11. WHAT IS THE QUICKEST WAY TO ACQUIRE SUPPLIES OR SERVICES?15**
 - 11.1 DHS AND FEMA INDEFINITE-DELIVERY, INDEFINITE-QUANTITY CONTRACTS15
 - 11.1.1 DHS Contract Vehicles.....15
 - 11.1.2 FEMA Contract Vehicles.....17
 - 11.2 DHS BLANKET PURCHASE AGREEMENTS18
 - 11.3 INTERAGENCY AGREEMENTS.....19
 - 11.4 GOVERNMENT-WIDE ACQUISITION CONTRACTS20

- 12. ARE THERE MORE EMERGENCY CONTRACTING RESOURCES?...20**
 - 12.1 DEFENSE ACQUISITION UNIVERSITY EMERGENCY RESPONSE COMMUNITY OF PRACTICE.....20
 - 12.2 CONTRACTOR SOURCE LISTS21
 - 12.3 GENERAL SERVICES ADMINISTRATION DISASTER RELIEF CATALOG.....21

- 13. CONCLUSION.....22**

APPENDIX A: PURCHASE CARD PROCESS DIAGRAM AND SAMPLE TRANSACTION LOGA-1

PURCHASE CARD TRANSACTION PROCESS DIAGRAMA-1

SAMPLE PURCHASE CARD TRANSACTION LOG.....A-2

SAMPLE TAX EXEMPT IDENTIFICATION LETTERA-3

APPENDIX B: FOR THE PROGRAM MANAGEMENT REPRESENTATIVE – COMMONLY USED ACQUISITION FORMSB-1

FEMA FORM 60-1: REQUISITION FOR SUPPLIES, EQUIPMENT AND/OR SERVICES.....B-1

FEMA FORM 61-9: CUSTODY RECEIPT FOR PERSONAL PROPERTYB-1

APPENDIX C: FEMA CONTRACTOR ELIGIBILITY AND IDENTIFICATION VERIFICATION PROCESS DIAGRAMC-1

APPENDIX D: FOR THE CONTRACTING OFFICER - COMMONLY USED ACQUISITION CHECKLISTS, FORMS, SAMPLES, AND TEMPLATES.....D-1

CHECKLIST FOR CONTRACT DISTRIBUTIOND-1

FEMA FORM 40-1: REQUISITION AND COMMITMENT FOR SERVICES AND SUPPLIESD-2

SAMPLE JUSTIFICATION AND APPROVALD-3

SAMPLE DETERMINATION AND FINDINGSD-6

TEMPLATE ELECTRONIC FUNDS TRANSFER DATA SHEETD-7

TEMPLATE CONTRACTING OFFICER’S TECHNICAL REPRESENTATIVE APPOINTMENT LETTERD-8

TEMPLATE CONTRACT CLOSE-OUT MEMORANDUM D-14

APPENDIX E: TABLE OF FEMA POINTS OF CONTACT E-1

APPENDIX F: PURCHASE CARD DO’S AND DON’TS F-1

1. OVERVIEW

The purpose of this field guide is to provide you with a durable pocket or desk guide that contains fundamental information you need to perform specific assignments or functions in an emergency acquisition environment.

This field guide is specifically designed to define the critical elements of emergency acquisition in plain language that any member of the disaster support team can understand and apply. It was developed because you need to have critical information and resources easily available to make it easier for you to do the amazing work you do. So before you deploy, read this field guide and thoroughly acquaint yourself with the resources available to you.

Because the guide addresses an audience with various roles and responsibilities in the acquisition process, it is organized to allow each stakeholder to focus on the topics that are most important to him or her.

That is not to say you should not take the time to read the entire guide—understanding every stakeholder’s responsibilities is important to performing in a functional team. However, the first few sections are intended to be thoroughly read by every member of the acquisition team, and subsequent chapters provide details on topics that will be of particular interest and utility to specific team members and are separated by special headings to draw their attention.

This field guide is being made available in a hard-copy booklet and is posted in a format that is easy to download to a compact disc or memory stick on the Defense Acquisition University (DAU) Emergency Response website at <https://acc.dau.mil/emergencyresponse> and the latest version is available on the FEMA intranet at <http://online.fema.net/policy-guidance.shtm>. You are encouraged to take both formats of the field guide with you to your assignment at a joint field office (JFO). The Disaster Contracting Desk Guide is also a valuable resource and available through the DAU website.

2. WHO DOES WHAT AROUND HERE?

There are many stakeholders in the emergency acquisition process. Understanding their roles and responsibilities is important to a successful response to national disasters. Though acquisition team members’ authority is necessarily regulated and limited, it is prudent that you keep foremost in your mind the acquisition manager’s duty to do what is correct given the circumstances of each situation. The role of each member of the acquisition team is to exercise personal initiative and sound business judgment in providing the best value product or service to meet the customer’s needs.

The subsections below are arranged in alphabetical order and are intended to briefly describe the key players’ roles and responsibilities.

2.1 Accountable Property Officers

Every joint field office has one or more accountable property officers (APOs) onsite to establish and maintain official records over accountable property acquired during an

emergency response and recovery effort. APOs are officially nominated by the federal coordinating officers and appointed in writing by an official in the FEMA Support Services and Facilities Management Division. APOs are responsible for ensuring all nonexpendable accountable property received and issued is distinctively marked with a bar code so it can be readily identified and traced.

2.2 Agency Head

“Agency head” or “head of the agency” means the secretary, administrator, or other chief official of an executive agency. Though the agency head retains many responsibilities, acquisition decision-making authority generally is delegated to the agency’s chief acquisition officer (CAO).

2.3 Chief Acquisition Officer

The CAO’s primary duty is to advise and assist the agency head and other senior officials to ensure the Department of Homeland Security mission is achieved through the management of the agency’s acquisition activities. The CAO delegates many functional responsibilities to the head of the contracting activity.

2.4 Comptroller

The comptroller oversees financial operations, including travel management, contracting, and acquisitions operations, and advises on JFO financial matters to ensure adequate funding levels are maintained to carry out disaster operations. The comptroller and a team of finance officers ensure sufficient funds have been allocated before certifying and committing them on purchase requests. For purchase requests issued in support of a disaster response effort, the comptroller coordinates activities with the FEMA Disaster Finance Center, the primary office responsible for receipt, processing, and payment of contractor invoices.

2.5 Contracting Officer

The head of the contracting activity delegates most operational aspects of the acquisition function to contracting officers (COs). COs have ultimate contracting authority and are responsible for entering into and signing (to the extent of the authority delegated to them by the head of the contracting activity) all contract documents that obligate the government financially. The head of the contracting activity appoints COs in writing and specifically states the limits of their delegated authority, whether disaster-specific or general. The CO certificates of appointment should be available for public inspection at a disaster site. Within their warrant authorities, COs are responsible for entering into and signing on behalf of the government all documents relating to contracting that obligate the government financially. One of the CO’s most important responsibilities is to ensure sufficient funds have been committed before he or she obligates the government to a contract. Within a JFO, the CO is a member of the Finance and Administration Division and reports to the comptroller.

2.6 Disaster Assistance Employee

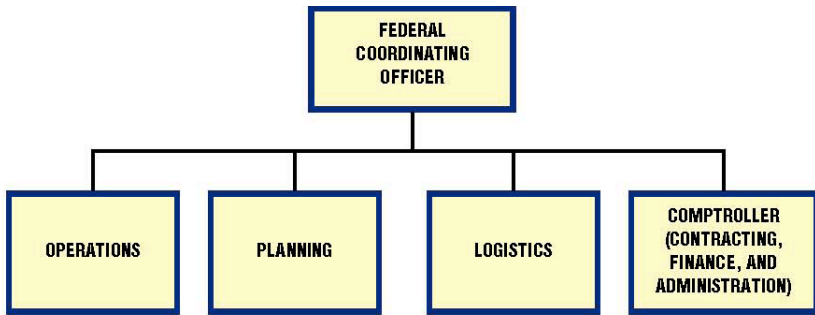
Disaster assistance employees (DAEs) are temporary, intermittent, civilian “reservists” who support FEMA during a disaster by providing support in acquisition, logistics, administration, community relations, and many other disciplines. Sometimes referred to as

Stafford Act employees (SAEs) because their role is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act,¹ DAEs have designated home regions, but they can be called up to work in any region, anywhere in the United States or its territories. When a JFO is established at a disaster area, the call goes out, and DAEs report for duty.

2.7 Federal Coordinating Officer

The federal coordinating officer (FCO) is the person designated by the President to coordinate federal assistance activities at a JFO pursuant to a specific emergency or major disaster declaration. When a disaster is declared, FEMA staff immediately start responding to the disaster. Though FEMA has ten regional offices located across the nation, the JFO FCO is the temporary authority for managing all FEMA disaster relief and recovery efforts for the specific emergency or major disaster declaration.² A typical JFO is structured as illustrated in figure 1.

Figure 1. Typical Joint Field Office Organization Structure



2.8 Head of the Contracting Activity

The DHS CAO delegates many functions to the head of the contracting activity (HCA), including the responsibility to monitor the agency's acquisition activities and evaluate them based on relevant performance measurements; to enhance competition in contracting; to establish clear lines of authority, accountability, and responsibility for acquisition decision making; and to develop and maintain an acquisition career management program. The Director of the Office of Acquisition Management is the HCA for FEMA.

2.9 Information Technology Coordinator

The information technology coordinator is responsible for reviewing all information technology (IT) procurement requests to ensure the hardware or software will be compatible with the existing network configuration and poses no cybersecurity risk.

2.10 Legal Counsel

Federal and agency regulations require FEMA's legal counsel to provide a legal review of various acquisitions and for all new procurement transactions that exceed \$500,000. Legal counsel also provides a review regardless of the threshold when the CO determines that the complexity or sensitivity of acquisition issues require legal assistance and guid-

ance at critical junctures in the acquisition life cycle.

2.11 Program Management Representative

A program management representative is a member of the acquisition team with technical expertise regarding required supplies or services. He or she is responsible for defining contract requirements, preparing and funding a requisition for supplies and services, and preparing the statement of work and/or performance work statement. A program management representative typically is responsible for assisting and advising the CO on technical matters relating to pre- and post-award acquisition activity, such as soliciting, evaluating, and negotiating contract awards; contract quality assurance; and inspection, acceptance, and review of the contractors' invoices to ensure amounts billed are appropriate.

2.11.1 *Contracting Officer's Technical Representative*

For complex or high-value acquisition requirements, the CO might appoint a program management representative as an official contracting officer's technical representative (COTR). The COTR's appointment letter delegates specific, limited, technical responsibilities to the COTR for contract performance management.

2.11.2 *Project Officers and Technical Monitors*

The CO and COTR often rely on project officers or technical monitors to conduct some post-award technical administration and contract surveillance duties. Though not officially appointed, they often act as liaisons between the supplier, the COTR, and the CO.

2.11.3 *Logistics Chief*

The logistics chief is also a stakeholder, and he/she reviews and approves all procurement requests before they are sent to the comptroller. The logistics chief often serves as the project officer/COTR as well.

3. WHAT DO I NEED TO KNOW TO STAY OUT OF TROUBLE?

Do not:

- Ever make commitments or promises of any kind purporting to bind the government if you are not a properly warranted CO or certified purchase card holder
- Make verbal commitments to acquire goods or services
- Solicit or accept any gift or other item of monetary value from contractors
- Engage in outside employment or seek or negotiate for employment if the work conflicts with your official duties and responsibilities

Do:

- Maintain especially high standards of honesty, impartiality, character, and conduct
- Report unauthorized commitments to a CO and cooperate during the contract ratification process
- Avoid the appearance of impropriety
- Ensure contractors that prepare specifications or a statement of work that is to be incorporated into a solicitation are precluded from competing for such requirements to avoid a potential organizational conflict of interest (if mitigation is not feasible)

4. HOW DO GOVERNMENT PURCHASE CARDS WORK?

4.1 Purchase Card Certification

Purchase cards are generally issued prior to a government employee before deployment to a JFO. To become a certified purchase card (PC) holder, the employee must complete the Department of Homeland Security (DHS) Purchase Card On-Line Training, Section 508 Rehabilitation Act training, and a cardholder agreement statement. Certificates of eligibility must be provided at the time of application

Applications and instructions may be obtained from the purchase card coordinator at FEMA headquarters, Paula Lyons. Her phone number and e-mail address are:

Paula.Lyons@dhs.gov
(202) 646-4201

4.2 Purchase Card Program Procedures

The FEMA purchase card program procedures follow the DHS Purchase Card Manual and supplemental FEMA policies. An employee may be issued more than one purchase card if the employee is required to purchase disaster and nondisaster items. A purchase card holder's failure to follow any of the DHS Purchase Card Manual or FEMA rules may result in personal liability and suspension or withdrawal of the purchase card.

4.3 Purchasing Limits

A card holder's "Delegation of Authority" letter will state a single purchase limit and a monthly purchase limit, and the amounts will vary depending on the card holder's status. An employee's single PC transactions generally are limited to the micropurchase threshold, i.e., purchases not exceeding \$3,000, and the monthly purchase limit generally is \$30,000. In exceptional circumstances, an employee may be authorized higher purchase limits. For warranted COs, the typical single transaction limit for a PC is \$50,000, and the monthly limit is \$250,000.

PCs are for over-the-counter purchases, phone orders, mail/catalog orders, and Internet purchases. They are for OFFICIAL USE ONLY to buy allowable supplies and services. The PCs may never be used for business travel, cash advances, or the purchase of personal items.

4.4 Funding and Documentation

If you are issued a disaster / non-disaster PC, you will be responsible for ensuring a FEMA Form 40-1 is processed to commit and obligate the proper funds before using the card. A detailed diagram of the PC purchasing process is included in appendix A.

As a purchase card holder, you must record all your transactions in a purchase card transaction log. You also will need to sign invoices or receiving reports to indicate acceptance of supplies and services at the point of purchase. A transaction log template is provided in appendix A. Consider the transaction log your "checkbook register." Just like your personal checkbook register, it will be the basis for reconciling your purchases at the end of each reporting period. As with balancing your personal checkbook, you will need to keep the log up to date and guard it carefully! When making purchases,

always get a dated and itemized invoice; the invoice should describe what items were purchased, and keep the receipts with your transaction log. It is the cardholders responsibility to obtain and maintain as part of file documentation separate freight bills when freight charges are incurred over \$100.00. Note that there are additional requirements as prescribed in the Federal Acquisition Regulations for any purchase over \$3,000 (\$2,500 for services) that may require a written contractual action in conjunction with the purchase card transaction. Cardholders are responsible for including a copy of their electronic bank statement, obtaining an itemized invoice, and ensuring that the receiving report is signed, dated and bar coded if applicable to indicate acceptance of supplies or services.

4.5 Purchase Card Transaction Review and Approval

An approving official (AO) is assigned to each cardholder and will be responsible for reviewing cardholder transactions to ensure PCs are being used only for allowable purchases. Purchase card holders are responsible for reconciling their purchase card statements each month and promptly reporting any disputed or suspect charges. Cardholders are responsible for reconciling and approving their bank statements no later than the 19th of each month and for disputing charges within the bank's system. It is also the cardholders responsibility to provide any additional documentation requested by the bank within the time allotted, and failure to do so will forfeit the cardholders right to dispute. The Approving Official is responsible for reviewing the cardholder records and either certify the statement as approved for payment or reject the cardholder bank statement.

4.6 Purchase Card Dos and Don'ts

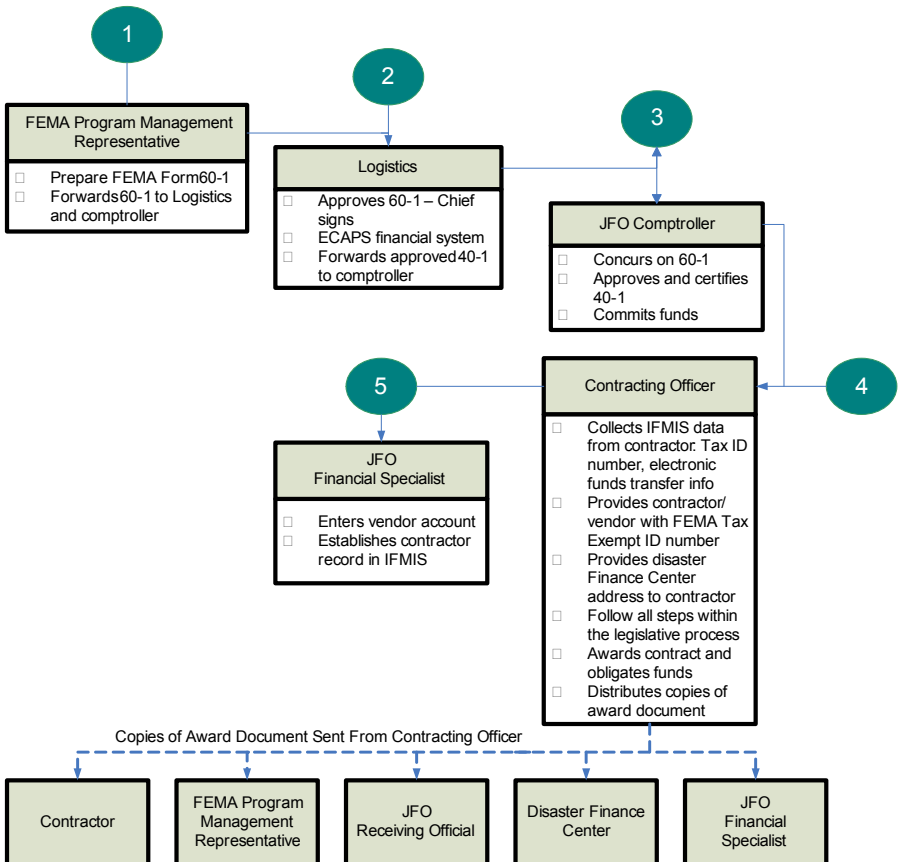
- Appendix F lists common Do's and Don'ts for the purchase card program. The list is not meant to be all inclusive.
- Vendors must be informed that FEMA is exempt from sales tax. The phrase "U.S. Government Tax Exempt" is embossed on each card to remind the card holder and the merchant that FEMA is exempt from all state and local taxes. A sample tax exempt identification letter is provided in appendix A.

For Program Management Representatives

5. WHAT IS THE RIGHT WAY TO MAKE A PURCHASE?

In order to make a purchase, you have to have the money or authorization to buy goods or services. Funds must be certified by the comptroller before they may be obligated by a CO or paid to a contractor. The figure below depicts the commitment and obligations process and is followed by a narrative description

Figure 2. Funds Commitment and Obligation Process Diagram



One of the most critical aspects of the acquisition process occurs after the requirement is identified. Regardless of how important the requirement is, the acquisition cannot

proceed until the program management representative prepares a FEMA Form (FF) 60-1, “Requisition for Supplies, Equipment, and/or Services,” and ensures adequate funds are committed in the Enterprise Coordination and Approval Processing System (ECAPS) (a component of the National Emergency Management Information System [NEMIS]).

To start the acquisition process, a FEMA program management representative prepares an FF 60-1 and submits it to the Logistics Section. The FF 60-1 is one of the forms provided for program management representatives in appendix B. If necessary, a logistics representative will provide assistance with completion of the requisition form. The authorized Logistics Section chief must approve and the comptroller must concur on the FF 60-1. The FF 60-1 does NOT commit or obligate funds.

Once the FF 60-1 is approved, the Logistics Section will initiate an electronic FF 40-1, “Requisition and Commitment for Services and Supplies,” in the ECAPS. The FF 40-1 identifies the COTR and an alternate, the project officer or technical monitor, provides a detailed description of goods/services and recommended source(s) of supply, if available, and an estimated dollar amount necessary to complete the activity. Logistics submits the completed FF 40-1 with all appropriate approvals to the comptroller for certification and commitment of funds. The FF 40-1 then will be forwarded to the CO, who will negotiate contract terms and conditions, award the contract, assign a contract number (or identify a preexisting contract number to which the action can be added as a task), and obligate the funds.

6. ARE THERE ANY SPECIAL CONTRACTOR ELIGIBILITY OR BADGING REQUIREMENTS?

While future guidance is being prepared, consult with General Counsel and the FEMA Office of Security to ensure that appropriate Homeland Security Presidential Directive (HSPD) clauses are included in the contract. The inclusion of the clauses will address some very specific eligibility and badging requirements for contractor employees who require access to FEMA information technology systems, FEMA-controlled facilities, sensitive information, or disaster victims. The definition of “sensitive information” at a disaster site includes access to information regarding disaster victims.

The COTR is responsible for coordinating with FEMA personnel security and/or FEMA physical security to ensure contractors have processed all the required forms:

- FEMA Form FD-258, “Fingerprint Cards”
- FEMA Form 12-62, “Personal Identity Verification”
- Fair Credit Reporting Act Release Form
- DHS Form 11000-6, “Non-Disclosure Form”
- SF 85P, “Questionnaire for Public Trust Positions” (Completed via e-QIP)

The process is described in a process diagram in appendix C, and a narrative description follows.

Contractor employees will be quickly screened for “basic eligibility.” Once basic eligibility is established, contractor employees may be issued badges and placed on the job. A more in-depth investigation is performed on the employee’s background and records if performance is expected to exceed 180 days or the position is designated as above non-sensitive/low-risk level. In the event a background investigation later proves an employee

to be unsuitable for work on a FEMA contract, the COTR is required to coordinate with security to collect the individual's badge and to remove him or her from the job site. For contractor employees who will work on a single task on a single FEMA contract for 180 days or fewer, the detailed investigation can be waived; however, used once, the waiver can never be used again. In this case, a badge may be issued with an expiration date not to exceed 180 days. In the event such contract employees are extended beyond 180 days, they must complete the e-QIP submittal process before a new badge can be issued for a period no longer than one year, not to exceed the contract expiration date. At the end of their period of performance, the COTR must collect the FEMA issued contractors' badges.

Contractor employees who need access to FEMA facilities and who pass the required eligibility checks are provided by FEMA HQ Security with the appropriate FEMA-issued badge to grant access to FEMA facilities and information technology. The COTR is responsible for ensuring that badged contractor employees restrict their performance to duties as defined in their contracts.

With the specific approval of the FEMA Security Division, contractors may issue approved badges to their FEMA-determined "suitable" contractor employees who do not have access to FEMA facilities but have access to disaster victims or sensitive information as required by their contracts that designate them as "Under Contract to FEMA."

For additional guidance and details of the FEMA contractor eligibility and badge issuance process, please refer to the following guides available on <http://online.fema.net>:

- FEMA Contractor Eligibility and Badge Issuance Process Guide
- FEMA Contracting Officer Technical Representative Eligibility and Badge Issuance Process Guide

For more information on the FEMA Badging Standard Operating Procedure (SOP), please contact the FEMA Security Division at 202-646-3455.

The FEMA Security Division and your local FEMA Security DAE or CORE can answer more detailed questions concerning the badging and suitability process.

The Security Division has also created an orientation especially for contractors. Beginning in September 2007, all HQ contractors will be required to attend a mandatory orientation briefing that shall acquaint them with a variety of FEMA offices and functions. The briefing will cover subject matter concerning Safety, Information Technology (IT), Office of General Counsel (Ethics), Acquisition, and Security.

In the very near future, contractor training will be offered at Regional facilities and disaster sites. The briefing should contribute to a better working relationship with our contractor staff, and reduce some of the confusion about the work restrictions and limitations that exist between contractors and federal employees.

7. HOW DO I MAKE SURE I GET WHAT I THOUGHT I BOUGHT?

The program management representative is ultimately responsible for inspecting work products to ensure they conform to the contract requirements. To be sure, everyone is moving fast in an emergency acquisition environment. But take a minute to think about it—What is the most important thing for a disaster victim? Getting the right goods or services, delivered at the right time, to the right location. Here's how to do it:

7.1 Quality Control and Inspection

Delivering high-quality products and services that meet the government's needs is the contractor's duty, but it ultimately is the program management representative's responsibility to monitor the contractor's performance to ensure the contractor performs as required by the contract.

7.2 Acceptance

Acceptance of supplies or services is the responsibility of the CO; however, the CO generally delegates this responsibility to the COTR. Once the COTR has formally accepted the contractor's goods or services, the contractor is considered to have met the contract's requirements.

7.3 Certifying Contractor Invoices

Certification of invoices for payment is the responsibility of the COTR, and the CO should not allow this responsibility to be delegated to a person who does not have firsthand insight into the contractor's performance. If it is simply not possible to communicate with the COTR, then the CO should coordinate with the FCO to designate some other member of the JFO to conduct the COTR's duties.

Once the contractor satisfactorily completes contract performance, the COTR will review the invoice for accuracy and verify the quality and quantity of the goods and services received (especially the labor mix and hours on a service contract). If everything is in order, the COTR must certify that the invoice is appropriate for payment and promptly send the certified invoice to the Disaster Finance Center.

If the COTR is no longer at the JFO when the contractor's invoice arrives, and they did not designate a replacement, correspondence between the former COTR and the Disaster Finance Center generally can be conducted by e-mail, phone, or fax, so review and approval can be accomplished easily from any location. If the logistics office has closed, the Regional CO will take over the invoice review and approval responsibility.

8. **HOW DO I ACCOUNT FOR PROPERTY?**

There are two scenarios for acquiring accountable property. The first is accountable property acquired by a contractor under the terms of a contract; the second is accountable property purchased from a vendor and maintained in the control of government employees or contractor support personnel.

8.1 Contractor-Acquired or Government-Furnished Property

Contractors are accountable for all contractor-acquired or government-furnished property (GFP) that is used to perform in accordance with contract terms and conditions. If delegated the responsibility by the CO, the COTR or the property administrator for the contract is responsible for ensuring a contractor properly maintains accountable records for all government personal property in its custody³. If a COTR is not designated, the

contractor is responsible for ultimate accountability to the CO.

8.2 Purchased Government Property

If you have purchased and received accountable property, you are responsible for coordinating with the APO to ensure the personal property is bar coded and the property ID serial number makes it into the Logistics Information Management System (LIMS) and contract file. This requirement is frequently overlooked when purchases are made by purchase card—but its accountability is just as important and in fact, mandatory.

You know you have bought accountable property when it:

- It has a serial number on it as provided by the manufacturer,
- Originally cost \$5,000 or more and is not expendable or consumable
- IT with an original cost of \$1,000 or more
- Is a sensitive item. Sensitive items are those items, regardless of value, that require special control and accountability because of susceptibility to unusual rates or loss, theft, or misuses, or due to national security export control considerations. Items include, but are not limited to, weapons, ammunition, explosives, classified property, laptops, computers, personal digital assistants, other information technology and removable components with memory capability. Sensitive items are items with an original acquisition cost of under \$5,000 and are highly susceptible to misuse, loss, or theft and will be accounted for and controlled through the use of a custody receipt, FEMA Form 61-9.

A sample list of accountable property includes such items as office furniture and equipment, household furniture and appliances, shop and industrial equipment, institutional/clinical furniture and equipment, motor vehicles, armaments and weapons, telecommunications equipment, information systems equipment, trailers and mobile homes, biological, chemical, and radiological equipment, pharmaceuticals and medical equipment, hazardous material, and security systems.

If you are in doubt about whether the equipment or supplies you are acquiring meet the definition of accountable property, or if you need guidance regarding property accounting procedures, please call your JFO APO or the Support Services and Facilities Management at FEMA headquarters. All property must be protected and accounted for in accordance with the provisions of the FEMA Personal Property Management Program manual 6150-1, available online at <http://online.fema.net/logistics/docs/6150-1.doc>.

Accountable property requires a complete audit trail from receipt to final disposition. If you have bought, received, and then redistributed accountable property, you are responsible for getting the property recipient's signature on a FEMA Form 61-9, "Custody Receipt for Government Property on Personal Charge" (see appendix B). For accountability sake, make sure a copy of the custody receipt gets to the APO; otherwise, you will be the person the APO comes to, looking to retrieve the property. If it is not in your possession and no one has a signed custody receipt, you may be in for a grueling few days looking for the missing property, and if not found, you may be held financially responsible. This is true even if the APO has issued you personal property.

The most important lesson to remember is that personal property accountability is not an option; it is a *requirement*.

For Contracting Officers

9. WHAT CONTRACTOR DOCUMENTATION IS REQUIRED?

One of the most important aspects of the funds obligation process is collecting the information necessary to document the award and get the contractor paid.

9.1 Registering Contractors in the Central Contractor Registration (CCR) or the FEMA Integrated Financial Management Information System (IFMIS)

If a contractor is not registered in the CCR database and has never done business with FEMA, and IFMIS has no vendor data record, then the Disaster Finance Center cannot disburse payment. The CO is responsible for ensuring the relevant information is collected from the contractor and sent to the finance section at HQ or given to a finance person in the field for entry into the IFMIS vendor database. Establishment of a contractor data record in IFMIS is required before the CO can obligate funds. An Electronic Funds Transfer Data Sheet is one of the many forms, samples, and templates provided for COs in appendix D. The data sheet should be completed and either called in or faxed to the Disaster Finance Center to ensure all the necessary information is loaded into the system.

9.2 Contractor Payment Instructions

The CO must ensure the contract instructs contractors to send invoices directly to the FEMA Disaster Finance Center for payment processing.

Regular Mail:	Overnight Delivery:
FEMA Disaster Finance Center	FEMA Disaster Finance Center/Bldg. 708
Attn: Vendor Payments	Attn: C. Showers / (540) 542-7590
P. O. Box 800	19844 Blue Ridge Mountain Road
Berryville, VA 22611-0800	Mt. Weather, VA 20135

9.3 Paying Contractor Invoices

To ensure all stakeholders have information regarding contracts and orders, the CO must distribute award documents to the contractor, requestor, receiving official, JFO comptroller, and APO (if accountable property was acquired). Three original copies of the contract award must be created: one must be provided to the contractor, one given to the Disaster Finance Center, and one placed in the contract file. The CO also should provide a copy of the contract and a COTR appointment letter to the COTR to describe the COTR's authorized roles and responsibilities. A checklist for contract distribution and a COTR appointment letter template are provided in appendix D.

Certification of invoices for payment is the responsibility of the cognizant program management representative, and the CO should not allow this responsibility to be delegated to a person who does not have firsthand insight into the contractor's performance. If it is simply not possible to communicate with the program management representative, then the CO should coordinate with the FCO to designate some other member of the JFO to conduct the program management representative's contract management duties.

9.4 Recording Procurement Transactions in the Federal Procurement Data System

COs are responsible for ensuring all procurement transactions (including purchase card transactions) over \$2,500 are entered through the appropriate FEMA data system or directly into the Federal Procurement Data System–Next Generation within 48 hours after award.

9.5 Responding to Contractor Bid Protests and Contract Performance Disputes

When an award is made under urgent and compelling circumstances, the HCA may authorize the contracting process to continue even after the Government Accountability Office has received a protest. COs must seek legal advice in all bid protest matters.

Given the often chaotic environment at a disaster site, claims and disputes are not uncommon. Generally, dispute resolution procedures are no different; however, a CO should advise other members of the acquisition team that all disputes should be brought to the CO's attention immediately. The CO should coordinate responses to all contract disputes and proposed settlements with JFO Logistics, the comptroller, the HCA, and legal counsel.

10. **WHAT ARE SPECIAL ACQUISITION FLEXIBILITIES FOR EMERGENCY CONTRACTING?**

You probably are well aware that the Federal Acquisition Regulation (FAR) has emergency acquisition coverage in many different subparts. What you may not know is that the FAR Council recently issued an interim rule creating consolidated coverage of acquisition flexibilities in the new FAR part 18.⁴ Application of these special acquisition flexibilities may significantly expedite the acquisition of supplies and services during emergencies, so it is worth a few paragraphs to get familiar with the various scenarios under which they can be used.

Despite the wide array of “flexibilities” authorized, COs must remain vigilant regarding the contracting regulations that remain unchanged. Failure to be mindful could result in ineffective competition, price inefficiency, or process ambiguity (not to mention negative post-emergency audit findings).

There is an entire laundry list of “flexibilities” in FAR part 18. Some of the most common exceptions relate to the normal competition requirements. There are two main categories of acquisition flexibilities: those that are always available and those that may be used only after an emergency declaration or other official designation.

10.1 Available Acquisition Flexibilities

10.1.1 *Other than Full and Open Competition*

There are certain conditions that permit exceptions to the full and open competition requirement. One of the most useful in the event of an emergency is the exception to competition for micropurchases; that is, purchases with a value under \$3,000 need not be competed.

You also may limit competition in the event of an “unusual and compelling urgency.” Any justification of this nature must be written and should clearly identify the harm the government will suffer unless immediate action is taken to make a limited or sole source

award. Appendix D provides a sample justification for other than full and open competition. In addition to relief from the full and open competition requirement, this exception also provides relief from two other requirements:

- You may do business with contractors even if they have not registered in the CCR database (though they still must be entered into IFMIS) and you prepare a determination and finding to support the transaction.
- If a waiver is approved, you need not follow normal requirements for publication and synopsis of a proposed contract action (though publication of the contract award still is required).
- Additionally, for purchases under the Simplified Acquisition Threshold, the contracting officer must promote competition to the “maximum extent practicable” and award to the source whose offer is the most advantageous to the Government, considering the administrative cost of the purchase. For these purchases not exceeding the simplified acquisition threshold, contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand name or industrial mobilization). A written justification must be executed for any single source procurement.

10.1.2 Small Business Administration Socioeconomic Programs

Sole source contracts may be awarded to eligible small and small disadvantaged businesses under various Small Business Administration (SBA) programs. 8(a) contractors, HUBZone small businesses, and service-disabled-veteran-owned small businesses offer a variety of supplies and services that may facilitate disaster response and recovery and be awarded without competition.

10.2 Emergency Acquisition Flexibilities

Emergency acquisition authorities may be used only after a contingency operation, emergency declaration, or other designation has been made by the appropriate official.

10.2.1 Micropurchase and Simplified Acquisition Threshold

Agency heads may in certain critical situations increase the micropurchase threshold (MPT) and simplified acquisition threshold (SAT) to relieve COs from many competition and regulatory requirements. Changes to the MPT and SAT are evaluated and modified as required for each specific emergency, and the HCA will advise COs in the event the threshold is increased.

Increasing the MPT also increases the threshold for requiring a procurement to be set aside for small businesses. However, increasing the MPT is a seemingly beneficial flexibility that can sometimes worsen a situation because other regulatory thresholds do not automatically increase with it. COs must be aware that despite the increase in the MPT, to be compliant with the unchanged requirements of the Service Contract Act, they should simultaneously prepare a conforming purchase order that includes the required contract clauses.

10.2.2 Preferences for Local Contractors

When the President has declared an emergency under the Stafford Act, goods and services in support of that emergency are to be purchased, to the extent feasible and practicable, from private organizations, firms, or individuals residing or doing business primarily in

the area affected by the disaster or emergency.

10.2.3 Stafford Act Emergency Declaration or Major Disaster Declaration

The CO may limit the use of full and open competition when statutes authorize or require that the acquisition be made through another agency or from a specified source. For example, the Stafford Act allows FEMA to enter into agreements with other agencies or make acquisitions from a specified source without respect to normal competition requirements.

11. WHAT IS THE QUICKEST WAY TO ACQUIRE SUPPLIES OR SERVICES?

Streamlined acquisition procedures and a broad range of goods and services may be available under government-wide acquisition contracts, GSA federal supply schedule (FSS) contracts, multiagency blanket purchase agreements (BPAs), or indefinite-delivery, indefinite-quantity (IDIQ) contracts. These contracting methods offer advance planning, prenegotiated line items, and prenegotiated terms and conditions that permit rapid contract execution.

11.1 DHS and FEMA Indefinite-Delivery, Indefinite-Quantity Contracts

11.1.1 DHS Contract Vehicles

The DHS Office of the Chief Procurement Officer (OCPO) Strategic Sourcing and Acquisition Systems Branch maintains a website with a list of all active IDIQ contracts available for use by FEMA and all other DHS organizational components. Having the terms and conditions prenegotiated for supplies and services that may be needed during an emergency response could be an efficient and effective time-saving resource. To view available contracts, go to: <https://dhsonline.dhs.gov/>; locate the “my services” column on far right side, click on enterprise-wide contracts; locate the procurement links section on the left side; and select the appropriate link. An ordering guide and templates for task order request for proposals are available on the DHS public website: www.dhs.gov/open-forbusiness.

If you have no access to the DHS intranet and have a need for the supplies and services described in the table 1, call DHS OCPO Strategic Sourcing and Acquisition Systems at (202) 205-5045.

Table 1. DHS Indefinite-Delivery, Indefinite-Quantity Contracts

Contract Title/Number	Offerings	Contractors	Contract Type
HSHQDC-05-D- (individual suffix to each contractor)	Copiers and copier services ⁵	Canon, -00002 Lanier, -00003 Sharp, -00004 Xerox, -00005	Firm fixed price (FFP)
HSHQDC-05-D-00001	Express mail service	DHL	FFP
Enterprise Acquisition Gateway for Leading Edge (EAGLE) Solution	<ul style="list-style-type: none"> ➤ Infrastructure engineering design, development, implementation, and integration ➤ Operations and maintenance ➤ Independent test, validation, verification, and evaluation ➤ Software development ➤ Management support services 	<p>Multiple large IT companies that compete in one or more functional categories:</p> <p>Accenture, AT&T, BAE Systems, Bearing Point, Booz Allen Hamilton, CACI, Computer Corp., Dynamics Research, EDS, General Dynamics, IBM, Keene Federal Systems, Lockheed Martin ISS, Lockheed Martin Services, McDonald Bradley, Nortel, Northrop Grumman, Perot Systems, Pinkerton Computer, Pragmatics, QSS Group, Raytheon, SAIC, SRA International, Unisys Corp.</p>	Hybrid FFP, cost reimbursement (CR), time and materials (T&M)
FirstSource Initiative	<ul style="list-style-type: none"> ➤ Multiple-award, indefinite delivery/indefinite quantity (ID/IQ) contract vehicle ➤ Designed as the primary source of IT products for DHS' enterprise infrastructure needs ➤ Complementary vehicle to the EAGLE IT services contracts 	<p>IT companies that compete for enterprise wide-contracts:</p> <p>All Points Logistics, Inc., Computer World Services Corporation, EG Solutions, LLC, Government Acquisition, Inc., Gov Place, iGov, MultimaxArray, NCS Technologies, Net Direct Systems, ST Net-Apttis FirstSource Joint Venture, Wildflower International, Ltd.</p>	ID/IQ

⁵These contracts are for long term copier leases and should not be used for initial disaster requirements.

11.1.2 FEMA Contract Vehicles

Table 2. FEMA Indefinite-Delivery, Indefinite-Quantity Contracts

Contract Title/Number	Offerings	Contractors	FEMA Contact Information	Contract Type
IA-TAC HSFEHQ-06-D-(individual suffix per BPA holder)	<ul style="list-style-type: none"> ➤ Housing operations support ➤ Site assessments for temporary housing placement ➤ Install, deactivate, and remove housing ➤ Temporary housing for disaster workers and/or applicants ➤ Maintenance of temporary housing 	Shaw Enterprises - 0814 Flour Enterprises - 0815 PATH - 0816 PBS&J - 0817 Betchtel National - 0818 CH2M Hill - 0819	Helen Housand (202) 646-2658; George Herndon (202) 646-4631	Hybrid cost plus fixed fee (CPFF)/ FFP
Surge Staffing	Temporary Logistics staff support	Alutig	Helen Housand (202) 646-2658	T&M
Housing Inspection Services HSFEHQ-07-D-(individual suffix per BPA holder)	Nationwide housing inspection services	Alltech, Inc. - 0225 PaRR - 0570	Helen Housand, (202) 646-2658;	FFP
HMTAP, HSFEHQ-06-D-0162	Hazard mitigation engineering services	URS Group	David Gale, (202) 646-4150; Nancy Costello, (202) 646-4373	CPFF
Telecommunication Services, HSFEHQ-04-D-0023	<ul style="list-style-type: none"> ➤ Facilities ➤ Equipment, supplies, and services ➤ Systems engineering ➤ Network security and support services 	Verizon Federal, Inc.	Patricia Voss, (202) 646-3205	FFP/T&M
PA-TAC, HSFEHQ-06-D- (individual suffix per BPA holder)	Architect-engineering public assistance and technical services	Fluor Enterprises, Inc. - 0487 Emergency Response Program Management Consultants - 0488 Nationwide Infrastructure Support Technical Assistance Consultants - 0489	Helen Housand (202) 646-2658 Lorine Boardwine, PM (202) 646-2946	FFP/T&M

Contract Title/Number	Offerings	Contractors	FEMA Contact Information	Contract Type
Mobile Disaster Recovery Center (MDRC) Satellite Airtime (Service) HSFEHQ-07-D-0214	➤ Satellite airtime enables MDRC communication and access to FEMA networks and communications for disaster operations.	On Call Communications, Inc.9	Darcy Bingham (202) 646-3259 Patricia Voss (202) 646-3205	
Disaster Satellite Communications (Access to Transponder on a KU Band Satellite System for MERS) GS00T00NSD0012 HSFEHQ-06-F-0881		AT&T Government Solutions	Luther Rogers (202) 646-2532 Patricia Voss (202) 646-3205	
Housing Inspection Services (HIS) HSFEHQ-07-D-0225	The Housing Inspection Services contract provides damage inspection services in affected disaster areas in support of claims for damaged homes.	All Tech, Inc.	Steve Eells (540) 678-2143 Helen Housand (202) 646-2658	
National Commercial Bus Transportation (Evacuation) HSFEHQ-07-C-0380	The purpose of this procurement is to acquire commercial services for bus transportation in response to Presidential-declared emergencies and natural disasters within the United States, its territories and possessions.	CUSA, GCT, LLC	Cliff Oliver (202) 646-4631 Kevin Kelly (202) 646-3205	

⁵These contracts are for long term copier leases and should not be used for initial disaster requirements.

11.2 DHS Blanket Purchase Agreements

DHS organizational components are authorized users of several blanket purchase agreements for acquisition, financial, and program management support services in accordance with the terms of the contractors' GSA contracts. The website maintained by DHS OCPO Strategic Sourcing and Acquisition Systems Branch also includes a list of all active BPAs. To view available BPAs, go to: <https://dhsonline.dhs.gov/>; locate the "my services" column on the far right side, click on enterprise-wide contracts; locate the procurement links section on the left side; and select the appropriate link.

Again, if you have no access to the DHS intranet and believe the supplies or services could be of use at the JFO, call OCPO Strategic Sourcing and Acquisition Systems at (202) 205-5045 for more information. A summary of the professional services BPAs is provided below in table 3:

Table 3. DHS Professional Services BPAs

Contract Title/ Number	Offerings	Contractors	Contract Type
GS-10F06-LP-A (individual suffix per BPA holder)	Acquisition support services	Acquisition Solutions, -AQ002 BAE Systems, -AQ006 Govt Contract Consultants, -AQ004 Nortel Govt Solutions, -AQ007 Stratcon, -AQ003 Tech & Project Engineering, -AQ001 Tessada Assoc., -AQ005 Perf Mgmt Consultants, -AQ009	FFP and T&M
GS-10F06-LP-A (individual suffix per BPA holder)	Professional and program management support services	BAE Systems, -0002 Customer Value Partners, -0003 Deloitte Consulting, -0004 Grant Thornton, -0006 ICF Incorporate, -0007 Kadix Systems, -0008 Silosmashers, -0009 SRA Touchstone, -0010 The Tauri Group, -0011	FFP and T&M
GS-23F-06-FD-A (individual suffix per BPA holder)	Financial management services	Bearing Point, -0001 Bradson Corp, -0002 Deva and Associates, -0003 Eagan McCallister Assoc, -0004 Grant Thornton, -0005 Perot Systems, -0006 Quantech Services, -0007 Starry Associates, -0008 The MIL Corporation, -0009 STG, Inc. Deloitte & Touche Booz Allen Hamilton	FFP and T&M

11.3 Interagency Agreements

FEMA negotiated an interagency agreement (IAA) with the Defense Logistics Agency (DLA) to provide common supplies and commodities used at a disaster site. Orders for any of the supply chain commodities listed in the table below should be coordinated with designated FEMA COTRs/task order monitors (TOMs). Orders should *not* be placed for these commodities using any method outside the IAA. TOMs are assigned to each commodity, and all questions or orders must be coordinated with the FEMA TOMs identified in the table below. In the event that the TOM is not available by phone or e-mail, please call (202) 646-3226/3440.

Table 4. FEMA Task Order Monitors by Supply Chain

Supply Chain	Primary Contact	Alternate Contact
DSCP/ Subsistence/ J00001	Name: Janet Green E-mail Address: Janet.green@associates.dhs.gov Phone #: (202) 646-7919 Cell #: (202) 498-0651	Name: Rich Taylor E-mail Address: richardw.taylor@dhs.gov Phone #: (202) 646-3876 Cell #: (202) 439-9337

Supply Chain	Primary Contact	Alternate Contact
DSCC/Land Weapon Systems Support, Aviation Detachment/ J00002	Name: Scott Cromwell E-mail Address: Scott.cromwell@dhs.gov Phone #: (301) 874-4200 Cell #: (240) 372-4831	Name: Jimmy Phillips E-mail Address: jimmy.phillips@dhs.gov Phone #: (301) 874-4203 Cell #: (240) 372-6802
DPSC/Clothing and Textiles/J00003	Name: Chris Ferguson E-mail Address: chris.ferguson@dhs.gov Phone #: (202) 646-2509 Cell #: (202) 498-7288	Name: Marc Tyler E-mail Address: marc.tyler@dhs.gov Phone #: (202) 646-2513 Cell #: (240) 832-8220
DSCP/Construction and Equipment/ J00004	Name: Scott Cromwell E-mail Address: Scott.cromwell@dhs.gov Phone #: (301) 874-4200 Cell #: (240) 372-4831	Name: Jimmy Phillips E-mail Address: jimmy.phillips@dhs.gov Phone #: (301) 874-4203 Cell #: (240) 372-6802
DESC/Fuel/ J00005	Name: Jules Hurst II E-mail Address: jules.hurst@dhs.gov Phone #: (202) 646-3604 Cell #: (202) 528-9228	Name: Tom Weldon E-mail Address: tommy.weldon@dhs.gov Phone #: (540) 542-3307 Cell #: (832) 588-0368
DSCP/Medical/ J00006	Name: Scott Cromwell E-mail Address: Scott.cromwell@dhs.gov Phone #: (301) 874-4200 Cell #: (240) 372-4831	Name: Jimmy Phillips E-mail Address: jimmy.phillips@dhs.gov Phone #: (301) 874-4203 Cell #: (240) 372-6802
GSA IAA Variety of Supplies and Services	Name: Chris Ferguson E-mail Address: chris.ferguson@dhs.gov Phone #: (202) 646-2509 Cell #: (202) 498-7288	Name: Tedd Winneberger E-mail Address: tedd.winneberger@dhs.gov Phone #: (202) 646-3521 Cell #: (703) 946-2188

11.4 Government-wide Acquisition Contracts

A government-wide acquisition contract (GWAC) is a contract established by one agency that may be used by another. GWACs offer many different information technology supplies and services that may be useful in a disaster response or recover effort; e.g., computers, software, and maintenance. A list and summary of GWACs is available on the GSA website at <http://www.gsa.gov/gwacs>.

12. ARE THERE MORE EMERGENCY CONTRACTING RESOURCES?

12.1 Defense Acquisition University Emergency Response Community of Practice

An emergency response community of practice recently was established on the DAU website. The DAU website previously was limited to military contingency contracting resources and knowledge, but this new community of practice seeks to provide a collaborative tool to foster knowledge sharing across the entire federal government to support national emergency response and recovery incidents.

If you have Internet connectivity, it would be well worth your while to register as a member of the community at <https://acc.dau.mil/emergencyresponse> and familiarize yourself with the website's content.

12.2 Contractor Source Lists

In April and May 2006, the FEMA OCPO issued "sources sought" announcements on the government point of entry, FedBizOpps, to identify vendors that sell commonly procured items used during emergencies. The interested contractors were evaluated for technical competency, and those meeting the basic requirements are maintained on source lists for portable toilets, ice production and cold storage, satellite airtime, generators, and commercial air transportation.

For a complete list of the sources and their contact information, call Patricia Voss, Chief, OCPO Response and IT Branch, (202) 646-4686 or send a message to Patricia.Voss@dhs.gov.

12.3 General Services Administration Disaster Relief Catalog

Given the requirement to give preference to local organizations, firms, and individuals when contracting for major disaster or emergency assistance activities, the obvious next question is: How do I locate competent local contractors? The Yellow Pages directory and Internet will yield a group of prospects, but, for a number of obvious reasons, they may not provide the desired results.

One alternative to the Yellow Pages is GSA's disaster relief catalog of FSS contracts. This web-based resource lists FSS contracts grouped by a broad array of products and services. The most important aspect of this catalog is that the contractors can be screened by socioeconomic status and sorted by location. The catalog provides COs with a set of FSS contractors capable of providing products and services specifically related to emergency needs at a specific location. Here's how to use the website:

- Go to the GSA Schedules E-Library: <http://www.gsaelibrary.gsa.gov/ElibMain/ScheduleList.jsessionid=www.gsaelibrary.gsa.gov-60dbb%3A44b6ca98%3A5e29b7fd353b0c6?catid=294&famid=294&sched=no>.
- Select either supplies or services, then narrow the scope of your search to a particular federal class of supply or service by clicking on the name of the general category.
- Narrow your search even more by clicking on the relevant category of supplies or services.
- Select any screening requirements for socioeconomic status, then sort by location.

These steps should bring up any FSS contractors in the local area near the disaster location. If you are fortunate enough to find a GSA contractor listed near a disaster location, you can then select the link to the terms and conditions of the vendor's FSS contract and jump to the GSA *Advantage!* shopping page to make your purchase.

13. CONCLUSION

This guide is not meant to teach technical skills to members of the acquisition team. The time to learn general federal acquisition regulations, processes, and procedures is before you depart for a JFO. Rather, this guide is intended to highlight only those special considerations that arise during the conduct of acquisitions in an emergency environment. In addition, all the FEMA key contributors recognize that the guide is an adaptable document. It can and will be updated as soon as significant revisions come to light.

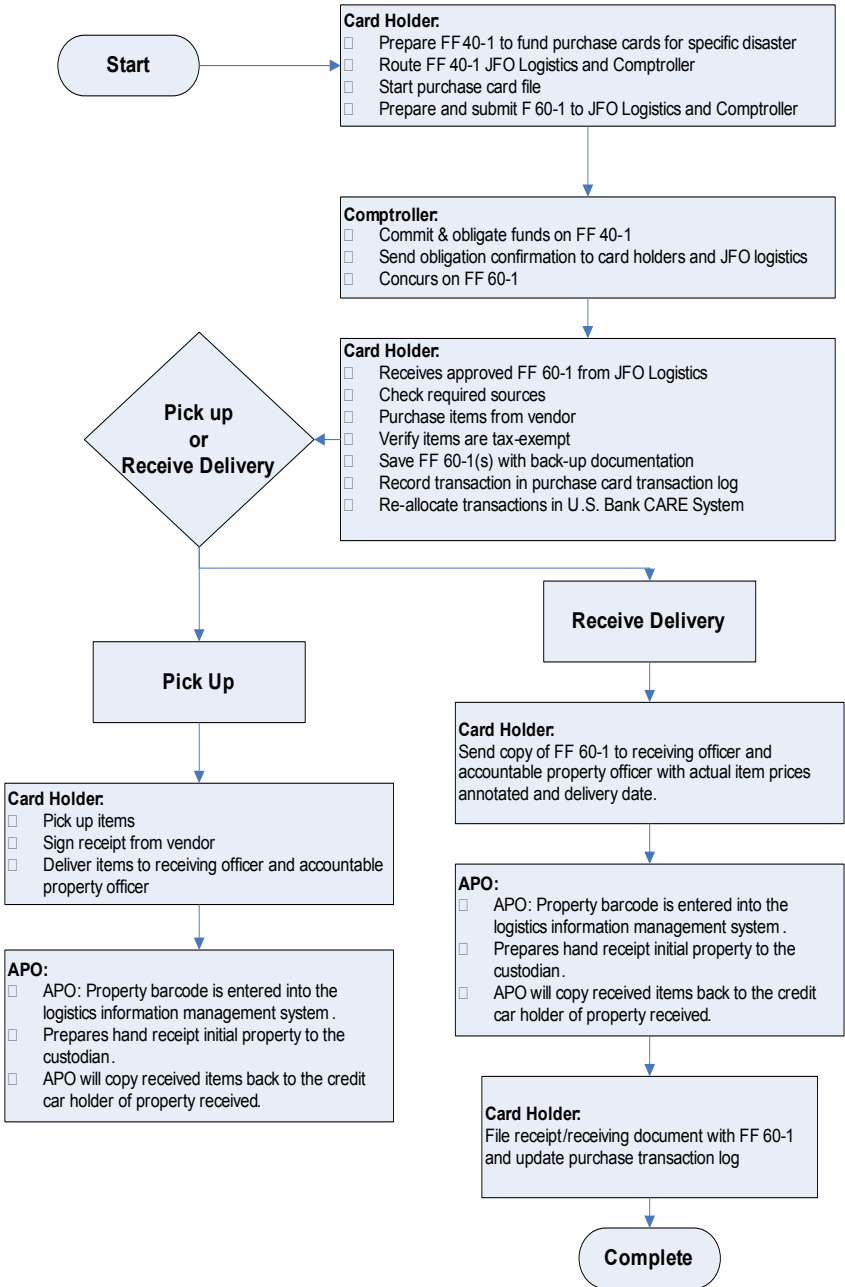
By now, you probably have several questions this guide hasn't answered. We expected that and hope you will take the time to give us your feedback. Please send your comments for additions and suggestions for revision to FEMA.AcqMgr@dhs.gov. Additionally, you are welcome to use this email address for information if any of the POCs who are listed in this Guide are no longer available when you try to contact them. Although every effort was made to ensure that the POCs were current and had accurate contact information, some listings could become outdated due to job and office changes.

Please use the resources provided here, apply your best judgment, and do what makes good sense for disaster victims. Remember, FEMA leads the nation's unified disaster response and recovery efforts. It is an important and rewarding mission. Reliance on our core values of accountability, integrity, and public stewardship will demonstrate our compassion and commitment, ultimately earning FEMA the respect and trust of a grateful nation.

- 1 [Public Law 93-288, 42 U.S.C. 5121](#), et seq.
- 2 For more detailed information on JFOs, see the Joint Field Office Activation and Operations Interagency Integrated Standard Operating Procedure, version 8.3 (Interim Approval April 2006), available at <http://online.fema.net>
- 3 For further information, please see the Federal Acquisition Regulation (FAR), Chapter 45.1 and Chapter 52.245. The website is available at <http://www.arnet.gov/far>.
- 4 <http://www.arnet.gov/far/current/html/FARTOCP18.html#wp262112>

APPENDIX A: PURCHASE CARD PROCESS DIAGRAM AND SAMPLE TRANSACTION LOG

Contractor Source Lists



Sample Tax Exempt Identification Letter

Federal Emergency Management Agency
Washington, DC 20024

**FEMA**

[Date]

[Contractor Name
Street Address
City, State Zip Code]

Dear Sir/Madam,

This letter furnishes documentation of FEMA's contract exemption from most federal, state, and local taxes in accordance with Federal Acquisition Regulation (FAR) subpart 29.305.

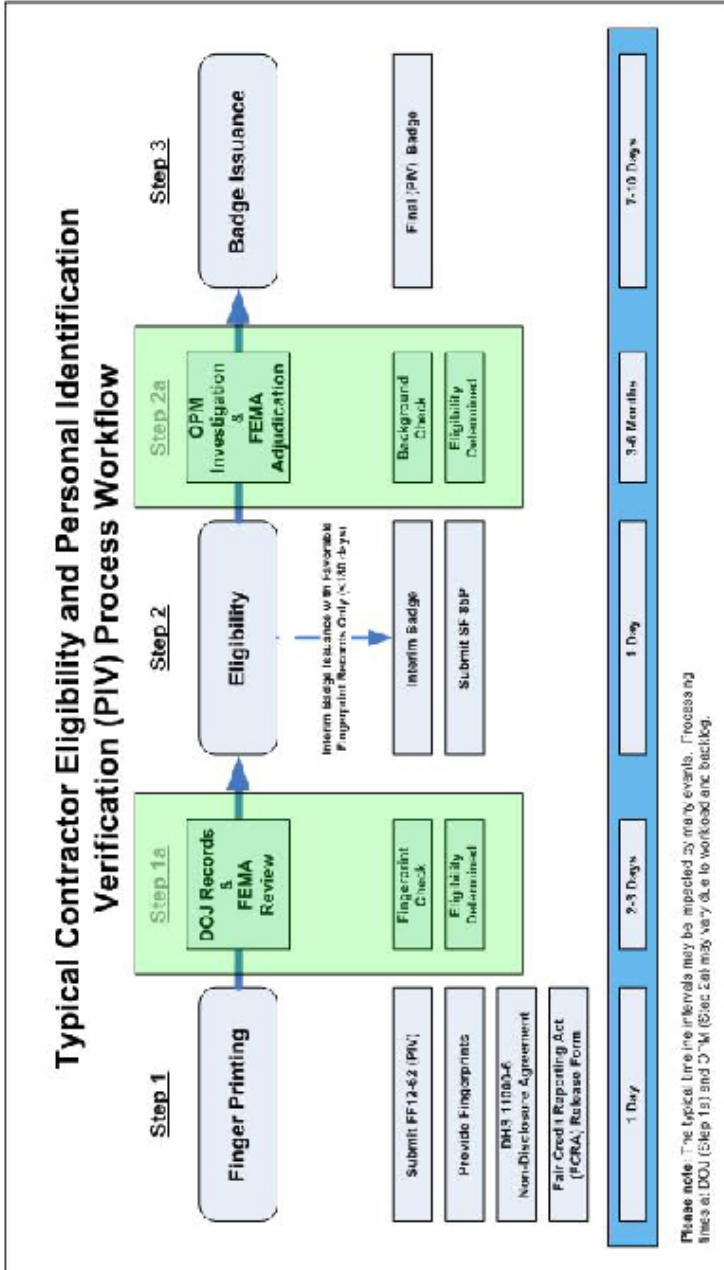
Please be advised that [describe services or supplies] purchased under contract [number] are exempt from most state and local taxes in accordance with FAR part 29. This exemption does not include the [state] state and local sales and use tax. If this tax is appropriate for purchases under the contract, you are required to provide the government with evidence of the amount of [state] state and local sales and use tax paid in compliance with FAR subpart 29.304 so the government can obtain an appropriate and timely refund.

If you have any questions, please feel free to call me at [phone number].

Sincerely,

[Name]
Contracting Officer

APPENDIX C: FEMA CONTRACTOR ELIGIBILITY AND IDENTIFICATION VERIFICATION PROCESS DIAGRAM



APPENDIX D: FOR CONTRACTING OFFICERS – COMMONLY USED ACQUISITION CHECKLISTS, FORMS, SAMPLES, AND TEMPLATES

Checklist for Contract Distribution

FEMA Contract Distribution List

Procurement Instrument Identification Number _____ - _____ - _____ - _____

	# of Copies	Base Contract	Mod #	Mod #	Mod #	Mod #	Mod #
	(Once distributed, place a check mark in the appropriate column)						
Contractor	1 Original						
Contract File	1 Original						
Disaster Finance Center Payment Office	1 Original						
COTR	1 Copy						
JFO Receiving Officer	1 Copy						
JFO Finance Officer	1 Copy						
Other (e.g., Accountable Property Officer)	As Needed						

Sample Justification and Approval

Federal Emergency Management Agency Joint Field Office 100 Sunport Lane New Orleans, LA

FEMA is legally required to promote full and open competition; however, there are statutory authorities that allow for the absence of competition. The most frequent exception to competition in a disaster environment is when the requirement is an unusual and compelling urgency. It is the customer's responsibility to fill out this justification.

Justification for Other than Full and Open Competition

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) and Department of Homeland Security Acquisition Manual (HSAM) subpart 6.3, use of the statutory authority is justified by the following facts and rationale:

1. Agency and Contracting Activity

Identification of the agency and the contracting activity. Example: The Department of Homeland Security, Office of Procurement Operations, proposes to enter into a contract on a basis other than full and open competition.

2. Nature and/or Description of the Action Being Approved

Approval for a sole source for supplies, services, maintenance, rework, etc. Example: FEMA has a requirement on a sole source basis to urgently upgrade and maintain temporary housing units at an estimated cost of \$5,520,000.

3. Description of Supplies/Services

Describe the supplies or services to be acquired. Provide the estimated total value (including options, if any). Example: The requirement is to provide housing upgrade and maintenance support for XYZ Housing Co. at a total cost of \$5,520,000. These upgrades will allow FEMA to accommodate the 22,400 additional residents who arrived a week ago. The manufacturer is the only one that provides these upgrades and the required support for a smooth transition.

	Period	Unit Price	Total
Base Year	12 mo	\$70,000	\$840,000
Option Year 1	12 mo	\$80,000	\$960,000
Option Year 2	12 mo	\$90,000	\$1,080,000
Option Year 3	12 mo	\$100,000	\$1,200,000
Option Year 4	12 mo	\$120,000	<u>\$1,440,000</u>
		Total	\$5,520,000

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

Example: The statutory authority permitting other than full and open competition is 10 USC 2304(c)(1) implemented by FAR subpart 6.302-1, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Demonstration That the Nature of the Acquisition Requires Use of the Authority Cited

Identify what unique event the proposed contractor will fulfill with the contract requirements. Example: This requirement is to upgrade and retrofit existing housing designed by XYZ contractor. The existing environment requires XYZ to make the modifications.

6. Determination by the Contracting Officer That the Anticipated Cost to the Government Will Be Fair and Reasonable

You may have information, such as commercial pricelists or prior acquisition history, that will help the contracting officer determine the anticipated cost is fair and reasonable (FAR part 15.4).

7. Description of Market Research

Market research is required by FAR part 10. Describe the results of your market research. If none was conducted, provide a reason for its absence. Example: The General Services Administration and Defense Logistics Agency catalogs were searched for a list of contractors that could provide the work with XYZ housing. The market research showed that only XYZ could provide the upgrades, and there are no other options but the manufacturer.

8. Any Other Facts Supporting the Use of Other Than Full and Open Competition

You must explain why technical data packages, specifications, SOWs, or purchase descriptions are not suitable for full and open competition. Discuss why your requirement cannot be modified to enhance competition. For example, provide an estimate of the opportunity cost to the government that would otherwise be incurred and how it was derived.

9. A Statement of the Actions, If Any, the Agency May Take to Remove or Overcome Any Barriers to Competition

Include a statement of actions taken or to be taken to increase competition before any subsequent acquisition for supplies or services required.

This justification is accurate and complete to the best of my knowledge and belief.

Contracting Officer

Date

I certify this requirement meets the government's minimum need and that the supporting data, which form a basis for this justification, are complete and accurate.

Technical Representative

Date

APPROVAL:

Contracting Officer <\$500k Date

>\$500k - <\$10M Comp Advocate Date

>\$10M to \$50M HCA Date

>\$50M CAO Date

Sample Determination and Findings

**Federal Emergency Management Agency
Joint Field Office (DR-1378-WV)
Columbia Gas Transmission Building
1700 MacCorkle Avenue
Charleston, WV 25314**

Subject: Determination and Findings, Use of an IDIQ-Type Contract
EMP-2001-RQ-6260, Installation and Set-Up of Travel Trailers

Findings

The Joint Field Office (JFO) was established in response to the presidential disaster declaration (DR-1378-WV) of June 3, 2001, following severe storms, flooding, and landslides. Heavy rains on July 7 and 8, 2001, caused the Guyandotte River to flood its banks, closing the town of Mullens and causing extensive flooding in the following counties: Wyoming, Mullens, Doddridge, McDowell, Mercer, Fayette, and parts of Sumner, creating unusual and compelling circumstances for this disaster declaration.

The Human Services Division has been tasked with providing temporary housing for victims displaced by flooding caused by torrential rain. The victims do not have anywhere else to go, and all available rental housing has been exhausted.

Requests for housing have come in from the public; however, it is not yet known how many units (manufactured homes or travel trailers) will be required or when they will be required.

The Human Services Division has established that FEMA needs to purchase manufactured homes and travel trailer units to provide the necessary housing. FEMA needs to have a contract vehicle in place to provide for the installation and set-up of each type of unit.

The nature of the requirement allows for obtaining fixed unit prices with several incidental items that will have to be negotiated prior to the issuance of individual work orders.

Determination

Based on the above findings, it is hereby determined that the use of an indefinite-delivery, indefinite-quantity (IDIQ) contract type for the installation of travel trailers is the most appropriate means of procuring these services.

Ryan S. O'Leary
Contracting Officer

Date

Template Electronic Funds Transfer Data Sheet**Department of Homeland Security
Federal Emergency Management Agency**

Electronic funds transfer is the required form of payment for all contracts awarded by the federal government. Please furnish the information below to process payments to your financial institution:

Contractor/Vendor Information

1. Contractor/Vendor Name:
2. DUNS No.:
(To obtain DUNS Number, go to <https://eupdate.dnb.com> or call (800) 234-3867)
3. Federal Tax ID No.:
4. Contractor/Vendor Address:
5. City, State & Zip:
6. Contact Name:
7. Telephone No.:
8. Fax No.:

Banking Information

9. Bank Name:
10. Routing No. (ABA #):
11. Account No.:
12. Type of Account: Checking Savings Lockbox
13. Telephone No.:
14. Bank Point of Contact:

Template Contracting Officer's Technical Representative Appointment Letter

FEMA

Program Office
 [insert program office]
Telephone
 [insert telephone number]

Employee
 [insert employee name]
Location
 [insert location]

Dear [Employee Name]:

You are hereby appointed as the contracting officer's technical representative (COTR) for FEMA contract number: [insert contract number] awarded to [insert name of contractor/awardee organization] effective [insert effective date].

[Insert contract number] is a (check one below):

Contract Purchase Order Task/Delivery Order

Under this COTR appointment, you are assigned responsibilities to assist the contracting officer in the administration of the contract referenced above. This appointment remains in effect for the duration of the period of performance, as long as your COTR certification remains current. This appointment can only be changed or rescinded in writing by the contracting officer.

Please carefully review the explanation of COTR authority and responsibilities and sign the last page of this document acknowledging your understanding and acceptance of this COTR appointment. After signing the last page of the COTR appointment letter, please return it (last page only) to [insert name of contracting officer] within ten (10) calendar days.

Scope of Authority

I, [insert COTR name], understand and agree that:

1. The FEMA contracting officer is the only agent with authority to enter into and administer contracts. I have been delegated the authority to monitor delivery and performance under the contract, as the contracting officer's technical representative. Other than the contracting officer, or the alternate COTR acting in my absence, I am the duly appointed government employee assigned to provide technical direction for the contract between the government and the contractor.
2. This appointment does not change or supersede the established line of authority and/or responsibility of any organization.
3. I shall notify the contracting officer immediately if I am unable to fulfill the responsibilities of this position for an extended period.
4. I shall protect the government's interests while performing my COTR duties. I must avoid any action that places me in a real or apparent conflict of interest that may compromise security or impair public confidence in the integrity of FEMA.

5. I have read DHS Management Directive 0480.1, “Ethics/Standards of Conduct,” and discussed any questions I have regarding my understanding of the duties and obligations under this policy.

COTR Responsibilities

1. Preparation

- a. The COTR must be knowledgeable of the terms and conditions, as well as the technical content, in the contract. To understand the terms, the COTR must read the entire contract and discuss any unclear areas with the contracting officer. The COTR is expected to understand and manage the following topics in the contract:
- Contract Type
 - Time, Place, and Method of Delivery or Performance
 - Security requirements
 - Packaging and Markings
 - Reports and Deliverable Items
 - Performance Standards and Metrics
 - Inspection, Acceptance, and Special Clauses
 - Government-Furnished Property
 - Quality Assurance
- b. While the official contract/agreement file is maintained by the contracting officer, the COTR must create and maintain a file to document COTR actions under this contract. The file should include:
- A complete copy of the contract, a copy of the COTR letter of appointment
 - Copies of any related correspondence
 - Record of any significant telephone conversations or other communications with the contractor
 - Signed invoices
 - All records of the contractor’s performance, such as performance monitoring, inspection and service reports, and other documents as applicable
- c. To effectively monitor delivery and performance, the COTR must read and become very familiar with the contract’s schedule for performance standards and metrics, deliveries, completion dates, invoice due dates, option renewal dates, and other report or data submission dates. The COTR also must establish a log or tracking system to ensure he or she is prepared and available for upcoming actions.

2. General Administration Information

- a. Determine the need and ensure all requirements are met for contractor badges, background checks, and all other required clearances.
- b. Plan and coordinate as necessary with the [insert local facilities managers, real estate personnel, or appropriate FEMA points of contact].

Obtain and maintain a list of employees who will be working at the [insert appropriate information] facility. Keep list current by making adjustments for new and terminated employees. This is important to the security of the facility. This list may be used to initiate background checks by the security office in the relevant location.

Coordinate with the contracting officer to ensure all contractors (and subcontractor as applicable) have signed nondisclosure forms, as prudent or required.

Safeguard the contractor's confidential business and technical information. Confidential information may include proposal pricing, technical documentation, or personnel data. Do not release any information without first consulting with the contracting officer to determine if release of such information is permissible.

Maintain communications with the contractor and the contracting officer. Meet with the contractor or his/her designated representative at the beginning of the contract period of performance to discuss working methods. Also, serve as the contact through which the contractor can relay questions and problems to the contracting officer.

Ensure all contractor personnel identify themselves and their company affiliation in all communications (written, telephonic, and electronic) related to the contract.

Monitor the contractor's compliance with safety, security, labor, and environmental law requirements.

Report any observed fraud, waste, or opportunities to improve performance or cost efficiency to the contracting officer.

Provide independent government cost estimates and other supporting information as required by the contracting officer when changes to the contract are required.

Assist the contracting officer in negotiating supplemental agreements and coordinating with related contractors on other business arrangements.

Write an evaluation of the contractor's technical performance at least annually and at the end of performance or delivery. If a specific form is required, it will be provided by the contracting officer.

Keep the contracting officer fully informed of any technical, administrative, or contractual difficulties encountered during performance and make recommendations as appropriate.

Seek guidance from the contracting officer for specific situations not covered in this delegation.

3. Monitoring and Surveillance

- a. Perform surveillance of the performance under the contract and conduct inspections necessary to ensure performance and compliance with the terms and conditions of the agreement. Resolve day-to-day matters within the scope of your authority.
- b. Assist the contractor in interpreting the terms and conditions or performance requirements, provided that any interpretation or clarification is within the limitations prescribed within this delegation.
- c. Immediately bring to the contractor's attention any potentially hazardous working conditions. The contractor is always required to comply with Federal Occupational Safety and Health Administration (OSHA) guidelines, applicable labor and environmental laws, and any state or local requirements for workplace safety, whether in a federal facility or other location. In addition, ensure the contractor adheres to any specific safety clauses and/or the safety plan in the contract.

- d. Immediately alert the contracting officer to any possible contractor deficiencies or questionable practices so corrections can be made before the problems become significant. Advise the contracting officer of the following situations:
 - Possible changes in contractor management and/or key personnel
 - Potential labor disputes or workforce problems
 - Disagreements with the contractor regarding performance of statement of work/ statement of objectives (SOW/SOO) requirements or other potential disputes with the contractor about technical or other business matters
 - Lack of performance that may jeopardize the cost or required schedule of the contract
- e. Review contractor requests for travel, overtime, government assets, or subcontracting in a timely manner and forward to the contracting officer for approval.
- f. Review and analyze the contractor's deliverable, service, and management reports.
- g. Provide feedback on contractor performance as input to the past performance database or as otherwise requested by the contracting officer.

4. Inspection and Acceptance

- a. Inspect deliverables and monitor services for conformance to the performance standards, and accept or reject them.
- b. Follow the guidance within the contract regarding inspection and acceptance. If there are any questions, contact the contracting officer.

5. Invoices and Payment

- a. Refer to contract clause [insert appropriate clause] for processing of invoices and adhere to those conditions.
- b. Report any discrepancies in payment vouchers to the contracting officer. Provide documentation to support the representation.
- c. Evaluate progress payment requests based on costs incurred and actual work accomplished.
- d. Review interim cost vouchers. If this is a cost reimbursable agreement, the contractor is entitled to be reimbursed periodically for all reasonable costs incurred in performing the contract. You should review such vouchers to make sure charges are commensurate with observed performance. It is your responsibility to question or concur with direct charges such as labor, materials, travel, etc. Alert the contracting officer if the billing includes material or equipment charges for items that have not been delivered to the work site. The contracting officer is responsible for verifying correctness of indirect rates, fringe benefits, and fee, if any.

6. Government-Furnished Assets: Equipment, Materials, and Facilities

- a. You are not authorized to provide any government-owned (or leased) equipment or supplies or use of government space to the contractor, other than those specifically identified in the contract and authorized by the contracting officer.

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- b. During performance, it is your responsibility to monitor the contractor's use and care of any government-furnished assets. If you believe the contractor is using the item for unauthorized purposes or is not providing adequate maintenance or security for the property, you are required to bring your concerns to the contractor's attention. If the contractor does not agree to remedy the problem, or indicates that corrective action will affect cost, performance, or schedule, refer the matter to the contracting officer.
- c. Coordinate with the [insert point of contact] regarding the completion of all required documentation for the acceptance, use, and return of government-furnished assets.
- d. Assist the [insert point of contact] with the disposal of excess government-furnished assets and/or contractor acquired assets.
- e. Assist the [insert point of contact] with the valuation of lost, damaged, and destroyed government-furnished assets and/or contractor acquired assets.
- f. Alert the [insert point of contact] and the contracting officer to any potential or existing government asset issues.

7. Conflict of Interest and Standards of Conduct

- a. The COTR is required to complete a one-hour procurement ethics training course annually. Upon completion of the annual ethics training, the COTR shall submit documentation, e.g., certificate or e-mail, to the contracting officer indicating the annual ethics training requirement has been met.
- b. If applicable, the COTR must submit a disclosure such as a Statement of Financial Interest and Outside Employment, Financial Disclosure Report, to the appropriate FEMA confidential reporting system.
- c. COTR appointees must adhere to standards of conduct as prescribed in federal statutes, laws, regulations, and departmental guidelines.

8. Exclusions from COTR Responsibilities

The COTR is expressly excluded from performing or being responsible for:

- a. Making or giving the appearance of being able to make commitments, modifications, or any other action that would commit the government to a change in price, performance quality, quantity, or delivery schedule.
- b. Providing guidance to the contractor, either orally or in writing, that might be interpreted as a change in the scope or terms of the contract.
- c. Signing any changes or modifications to contracts and/or task or delivery orders.
- d. Specifying how the contractor will accomplish performance.
- e. Imposing or placing a demand on the contractor to perform any task or permitting any substitution not specifically provided for in the contract.
- f. Increasing the dollar limit of the contract or authorizing expenditures not specified under the contract.
- g. Engaging in conduct prejudicial to the government.

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- h. Making a government decision outside official channels.
- i. Discussing procurement plans or any other advance acquisition information that might provide preferential treatment to one firm.

The responsibilities and exclusions set forth in this document are not intended to be all-encompassing. As a COTR, you are required to consult with the contracting officer when there are questions about your authority. You are not authorized to redelegate your authority. Violation or misuse of your authority could result in abuse of FEMA policy and resources at a minimum, or monetary loss to the COTR or firm involved, disciplinary actions, and other measures, depending on the extent of the offense.

Contracting Officer Signature

Date

The undersigned acknowledges the COTR appointment on contract number: [insert contract number] and accepts the duties, responsibilities, and limitations described in the appointment letter.

COTR Acknowledgment:

I, [insert COTR name], have read the COTR appointment letter herein for agreement/contract number [insert agreement/contract number] and fully understand my responsibilities and the limits of my authority. I further understand that my performance as a COTR will be evaluated and documented on an annual basis by the contracting officer. I certify that I have taken the required training to obtain the FEMA acquisition certification for COTRs or have received a waiver. In addition, I certify that I will take the mandatory skills currency training to maintain my certification during the duration of this appointment.

COTR Signature

Date

Return no later than [fill in date] to: [include fax number, e-mail, or mailing address]

Template Contract Close-out Memorandum

**Federal Emergency Management Agency
Joint Field Office (DR-1539-FL)
100 Sunport Lane
Orlando FL 32809**

MEMORANDUM FOR: _____
Contracting Officer's Technical Representative

FROM: _____
Contracting Officer

SUBJECT: Closeout of Procurement Instrument Identification Number:

The period of performance of the subject document expired on _____. Please respond to the questions listed below by circling "yes" or "no" and include any narrative required to support your answers. Please return this form and its attachment to me at your earliest convenience. Should you have any questions, contact me at extension _____.

1) YES NO All deliverable items have been received and are acceptable in accordance with the statement of work (If "NO," please detail which items have not been delivered or do not meet the specification and propose corrective action.)

2a) YES NO The contractor/servicing agency/recipient was provided with government-furnished property (GFP). (If "YES," proceed to question 2b.)

2b) YES NO All GFP has been returned to the government. (If "NO," detail which items the contractor/servicing agency/recipient has retained and your disposition recommendations.)

3) YES NO Contractor/servicing agency/recipient holds data to which the government has a right to possession and is required to hold such data for ___ years after completion of contract.

4) YES NO Patentable devices or inventions were developed under this contract. (If "YES," detail below.)

5a) YES NO Contractor/servicing agency/recipient holds classified material. (If "YES," proceed to question 5b.)

5b) YES NO

All classified material has been returned to the government. (If "NO," detail what material the contractor/servicing agency/ recipient retains and your recommendations for its return or destruction.)

6) Contractor performance was of a(n) excellent, good, poor nature.

Please provide a short narrative in the space below supporting the rating given above. Please sign and date below.

Signature Date

APPENDIX E: TABLE OF FEMA POINTS OF CONTACT

Office	Name/Title	Phone Number
Disaster Finance Center	Cindy Showers, Finance Specialist	(540) 542-7323
Office of Acquisition Management (OAM)	Tina Burnette, Head of Contracting Activity	(202) 646-1897
FEMA Information Office	Customer representatives available from 7am to 11pm	(202) 566-1600
FEMA Office of General Counsel	Ed Broyles, Associate Chief Counsel for General Law	(202) 646-3961
FEMA Operations Center	Customer representatives available 24 x 7	(800) 634-1600
FEMA Property Management	Luis Morales, Management Analyst	(202) 646-3736
Office of Acquisition Management (OAM)	Steve Orsino, Director, Acquisition Program & Planning	(202) 646-2602
OAM Acquisition Policies and Legislation	Paula Lyons, Management Analyst, OAM Purchase Card Program Coordinator	(202) 646-4201
Office of Management	Amy A. Welch, Editor	(202) 646-1906

APPENDIX F: PURCHASE CARD DO'S AND DON'TS

DO review the list of unauthorized purchases obtain pre acquisition clearances, coordination and/or waivers prior to making purchases.	DON'T split purchases to stay within your single purchase limit. (See examples of split purchases below)
DO purchase from DOD E Mall office Supplies and Required Sources for Supplies and Services, maintain proper documentation and reconcile all purchases.	DON'T make purchases until the mandatory sources have been reviewed.
DO notify your OPC before you transfer or leave the agency.	DON'T accept charges for taxes on purchases.
DO buy environmentally friendly products.	DON'T make repairs on non agency owned vehicles.
DO verify availability of funds	DON'T purchase fuel or gasoline.
DO use the card "For Official Use Only," and ensure that the purchase is consistent with the policies and procedures for the Program.	DON'T use Pay Pal.
DO ensure that someone other than you accepts the product/service.	DON'T purchase airline, bus, train or other related travel activities.
DO examine electronic statement to verify accuracy of charges.	DON'T make repairs or alterations on non GSA owned buildings.
DO reallocate charges within 48 hours after posting to your account.	DON'T use the card to buy items for your personal use, or purchase items unrelated to the mission of your office.
DO notify bank of any discrepancies.	DON'T delay resolving billing errors and discrepancies.
DO approve the statement within 7 days after cycle. Our billing cycle ends on the 12th day of each month.	DON'T delay in reporting fraud.
DO ensure that original receipts for each purchase along with other supporting documentation is maintained for period of 6.3 years.	DON'T allow anyone else to use your card or account number or leave your card in an unsecured location.
DO keep a purchase card ordering log for all purchases.	DON'T use the card to purchase toll tickets.
DO protect your card from loss or theft.	DON'T use the card for recurring services that exceed \$3,000 in a 12 month period.

