Disaster Contracting Desk Guide

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# CHAPTER 1: INTRODUCTION

## General

The Disaster Contracting Desk Guide provides Standard Operating Procedures (SOP) regarding the acquisition of supplies, services, and equipment in support of declared disasters. This guide also outlines the roles and responsibilities of the Contract Specialist, Contracting Officer’s Technical Representative (COTR), and others involved in the procurement process. It covers the entire procurement process from submittal of a requisition through receipt of the services or supplies and payment to the vendor. Separate discussions are included for Blanket Purchase Agreements (BPA), Delivery Orders (DO)/Task Orders (TO), Interagency Agreements (IA) vs. Mission Assignments (MA), Purchase Orders (PO), and the Government purchase card. Each Contract Specialist is responsible for keeping abreast of current changes in regulations, policies, and procedures that may affect the accuracy of the information contained within this document.

The section on the Government purchase card covers the unique requirements relative to purchasing services and supplies at a disaster with the card. Emphasis is placed on policy and procedures for purchases between the micro-purchase limit of $2,500 and the Simplified Acquisition Threshold (SAT), currently at $100,000 ($5 million for commercial items/services). Parameters for cardholders at or below the micro-purchase threshold are also defined. A flowchart is included that details the entire process from purchase card activation to processing of the monthly purchase card statement.

Certain procurement issues require waivers and/or special consideration. These items are identified, followed by a description of the policy and/or reference site. Points of contact for these issues and many others can be found in Chapter 5.

## Applicability

The Disaster Contracting Guide is applicable to all FEMA personnel (and all Other Federal Agency volunteers assisting FEMA) with assigned responsibilities for acquisition of supplies and services during a disaster declaration.

## Scope

The scope of this guide includes planning for disaster contracting as well as pre-award, award, post-award, and closeout of procurement actions at declared disasters. Useful samples of documents and forms, policy documents, links to the FAR and other important reference material, and much more can be found on the FEMA Acquisition Central website at [http://](NULL)acqsolinc.com/km/vao. Check this site often for the latest updates.

## RESPONSIBILITIES

### FEMA Contracting Officer

1. **FEMA’s Head of Contracting Activity (HCA)** delegates disaster contracting authority in accordance with Federal Acquisition Regulations (FAR) 1.6 and the Agency’s Warrant Policy.
2. The **Contracting Officer** is a member of the Administration Section at the Joint Field Office (JFO) and reports to the Comptroller. The **Comptroller** is responsible for managing all resources, personnel, and funds to carry out the fiscal responsibilities of disaster operations and serves as the Administration Section Chief. However, the HCA has **ultimate** contracting authority and all contracting issues fall under his/her purview.
3. Contracting Officers are responsible for entering into and signing, on behalf of the Government, only to the extent of the authority delegated to them, all documents obligating the Government financially. Contracting Officer appointments are made in writing, stating the limit of delegated authority. The delegated authorities (Contracting Officer Certificate of Appointments) should be available for public inspection. Delegations may be disaster specific or may cover any declared disaster.
4. Contracting Officers are responsible for ensuring all requirements of law, executive orders, regulations, and other applicable procedures, including clearances and approvals, are met prior to entering into contracts on behalf of the Government. The Contracting Officer ensures sufficient funds have been certified by the Comptroller prior to obligating the Government.
5. Contracting Officers are responsible for administering the contract, including the resolution of disputes and protests, and terminating and/or closing out the contract.
6. Contracting Officers are responsible for ensuring all Contractors receive impartial, fair, and equitable treatment.
7. Contracting Officers are responsible for ensuring socio-economic contracting goals established by the Agency are met.
8. Contracting Officers are responsible for ensuring that the Competition in Contracting Act (CICA) is adhered to.

### General Services Administration (GSA) Contracting Officer

1. When tasked under a MA, GSA will provide contracting support by appointing a **GSA Contracting Officer** to the JFO.
2. At a minimum, GSA will be tasked to negotiate and issue leases for any land and facility requirements in support of disaster operations.
3. The GSA’s Associate Administrator for Acquisition Policy, in accordance with FAR 1.603 and the GSAAR 501.603, delegates the GSA Contracting Officer’s contract authority.
4. The GSA Contracting Officer’s responsibilities are the same as those of the FEMA Contracting Officer specified in the previous section.

### Contracting Officer’s Technical Representative (COTR)

1. COTRsare responsible fordefining the requirements and preparing the request for supplies and services along with the statement of work and/or defined specifications.
2. COTRsare responsible for assisting and advising the Contracting Officer on technical matters related to soliciting and negotiating proposed awards and technical administration of the contract that results from the awards.
3. COTRsare responsible for inspecting and accepting work performed by the contractor.
4. COTRs must review the contractor’s invoice; they must ensure costs billed are appropriate and are in accordance with the terms of the contract, and approve payments to the contractor.
5. COTRs must have COTR training and perform their duties in accordance with DHS MD 0780.

# CHAPTER 2: PLANNING OVERVIEW

##

## GENERAL

This chapter provides guidelines with regard to planning for disaster contracting. Contracting personnel must be knowledgeable and ready to provide contracting support when a disaster occurs. Therefore, acquisition planning is essential. Effective acquisition planning is a team effort.

Upon arrival at the disaster site, it is important to identify key players and establish strong lines of communication. The interface between the Comptroller, Contracting Officer, Financial Specialist, Logistics Chief, Resource Support Lead, Receiving Officer, and Accountable Property Officer (APO) is an important element in addressing the needs of the JFO and providing quick and efficient ordering and delivery of supplies and services. A meeting among these key players is essential to address the financial and acquisition needs of the JFO with emphasis on the procedures for submission and processing of FEMA Forms 60-1 and 40-1.

## PREPARATION

Specific requirements resulting from an emergency cannot be fully predicted. However, some needs remain constant from disaster to disaster and steps can be taken to prepare for the unknown variables:

**Training:**  Certain training requirements must be met in order to obtain a disaster warrant. This includes formal training such as the Simplified Acquisition Procedures (SAP) course and the Federal Acquisition Institute’s (FAI) Contingency Contracting class as well as more informal on-the-job training. The disaster cadre Qualifying Plan (formerly called Credentialing Plan) describes the training required for disaster assistance employees to become fully qualified and obtain a disaster warrant.

**Maintain Disaster Contracting Kits “Go Kits”:** Suggested contents of Go Kits are: office supplies (paper, pencils, calculator, etc.), telephone and facsimile contact numbers, a National Yellow Pages directory on CD, an initial supply of contracting forms (SF1449, OF347, SF30), purchase card and blank log sheets, instructions and policy memos, and samples. In the event that communications have not been established, the kit should contain an adequate amount of supplies and materials to sustain performance for the initial phase of the disaster.

Also, maintain an up-to-date listing of the types of supplies and services that are required during start-up of most JFOs and review and document lessons learned from previous disasters and take steps to implement corrections for future emergency or disaster situations.

# CHAPTER 3: CONTRACTING DURING A DISASTER OR EMERGENCY

## GENERAL

This chapter provides a discussion of the following: procurement types; procurement processes; designation of the Contracting Officer; types of requirements needed to establish and maintain a JFO; contracting tools available to the Contracting Officer; and the importance of exercising professional judgment.

The Contracting Officer should be familiar with the following procedures which commonly apply to disaster requirements. These and other emergency procurement flexibilities can be found in FAR Part 18.

Exception to full and open competition – FAR 6.302-2.

Simplified Acquisition Procedures (SAP) -- Federal Acquisition Regulation (FAR) Part 13 for the procurement of supplies/services under $100,000.

Use of SAP for commercial procurements up to $5M – FAR 12.203 and FAR 13.5

## PROCUREMENT TYPES

### Blanket Purchase Agreement (BPA)

The requirements for establishing, preparing and ordering under a BPA can be found at FAR 13.303. No funding is to be obligated against a BPA award. Funding must be obligated for each call order issued through the issuance of a BPA Order. This must be done by the CO using FEMA’s automated procurement system. A bulk funded 40-1 may be provided so that the CO can obligate funding against it as needed for each BPA Order. A call may be placed verbally as long as it is followed up with the written Order within one business day. A BPA is a simplified method of filling anticipated repetitive needs for supplies or services by establishing “charge accounts” with qualified sources. The BPA does not convey the government’s offer to buy. It is simply an agreement of terms and conditions in the event the government does place an order.

The BPA sets forth:

The type of service or supply which can be ordered,

Mandatory terms and conditions, which includes the names of the Ordering Officer(s) (see FAR 13.303-3),

Order limits for each Ordering Officer, and

Terms of the agreement.

Each person authorized to place orders (Ordering Officer(s)) will have a limit specified in the BPA as to the amount that can be ordered for each transaction; for example, $2,500 for each order placed by the individual. BPAs should be used for supplies or services that will be repetitive purchases and the exact items, quantities, and delivery requirements are unknown. The existence of a BPA does not justify purchasing from only one source or avoiding small business set-asides. An example of when BPAs may be required is in a large disaster situation where there is inadequate staffing of purchase card holders and the urgency and quantity of supplies/services is such that setting up multiple BPAs is more efficient and cost effective in supporting the needs of the disaster.

### BPA Ordering Process

An approved 60-1 from the requestor must be prepared to document all items to be ordered. When placing the first order with a vendor, remind the vendor to include the award number assigned to the BPA on all invoices. The delivery address given to the vendor must include the address of the receiving area, to the attention of the Receiving Officer (RO). As purchases are made against the BPAs, a log must be kept to track all orders placed. The necessary support documentation should be attached for all orders such as 60-1s or signed memos.

Ordering of items at satellite locations should be through the Logistics Section at the satellite office and should follow the same procedures outlined above. A copy of each 60-1 must be provided to the main JFO Receiving Officer by the Ordering Officer for all items ordered for the JFO and satellite locations. An in-box for the RO, located in the Logistics Section, will be provided for this purpose. Information from the satellite locations should be routed to the main JFO via courier. All items, whether picked up or delivered, must be processed through the RO.

**NOTE:** Attempt to obtain discounts over GSA schedule pricing when issuing a BPA. Also, quotes and price schedules should be obtained and included in the BPA item description where practicable. For example: Copier rentals - Include rental rates, whether there will be additional charges for toner, service calls, price per copy, etc.

### PURCHASE ORDER (PO)/DELIVERY ORDER (DO), or TASK ORDER (DO/TO)

A PO is an offer by the Government to buy certain supplies or services under specified terms and conditions using simplified acquisition procedures. The PO differs from the BPA in that it is an actual offer to buy specified quantities at a specified price of supplies/services from a vendor. If exact quantities or performance period is unknown at the time of issuance, the PO may be written as an un-priced PO with a not-to-exceed ceiling amount (FAR 13.302-2). Normally, a PO will be used for items that are more than $2,500 or whenever the purchase card cannot be used (see Purchase Card Section). The Contracting Officer may choose to issue aDO/TO if the item can be purchased from a GSA Federal Supply Schedule (FSS). The DO/TO is similar to a PO except that a DO/TO references the prices, terms, and conditions contained in the base contract (FSS, FEMA or other agency’s contract). A DO is used for ordering supplies while a TO is used to order services.

### INTERAGENCY AGREEMENTS vs. MISSION ASSIGNMENTS

An Interagency Agreement (IA) is a procedure by which a Federal agency needing supplies or services (requesting agency) obtains them from another Federal agency (servicing agency). When an interagency agreement is required, the Contracting Officer prepares the 40-3 (IA form) upon receipt of a 40-1. The Disaster Finance Center’s (DFC) **Agency Location Code (ALC), 70-07-0002,** needs to be noted on the document. The authority granted to disaster-related IAs and to be cited in Block 13 on Form 40-3, is the “Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended by Public Law 100-707, 42 U.S.C. 5121 et seq.” Modifications shall be executed on FEMA 40-2, “Modification of Interagency Agreement.” Contract Specialists must comply with DHS MD 0710.1 and all IAs must be reviewed and approved by OCC prior to award. The billing address for interagency agreements is to read as follows:

Disaster Finance Center

Attn: OFA Payments Team

P O Box 800

Building 708

Berryville, VA 22611

An IA may be needed when employees from other agencies are brought in to share a particular expertise not covered by a MA such as with the Library of Congress for damage assessments of State institutions of higher education.

IMPORTANT: Agencies that deploy permanent employees, as defined by the Office of Management and Budget (OMB) Circular A-11, §83.7, or use them to backfill for deployed staff, cannot be reimbursed for the employees’ regular labor costs using the Disaster Relief Fund (DRF). Specific authorities, terms and conditions, and file documentation are outlined in the IA award document.

A MA is an agreement used to request services/support from Other Federal Agencies (OFA) in anticipation of or response to a Presidential Disaster Declaration. OFAs must provide assistance under the authority of the Stafford Act, 44CFR and National Response Plan (NRP). After 60 days, MAs should not be used unless it is a very large or catastrophic event or other proper justification is provided. The MA is executed using an obligating document called a Request for Federal Assistance (RFA). The Contracting Officer is not involved in the MA process. The Mission Assignment Coordinator (MAC) assigned to the disaster processes the paperwork. There is a detailed MA overview describing the eight phases, including reimbursement procedures, on the Disaster Finance Division intranet Website under “Mission Assignments”.

### PURCHASE CARD

The preferred method of procurement is the Government-wide commercial purchase card. The card is accepted any place that accepts VISA credit cards. There are generally two categories of disaster purchase cardholders. One is the micro-purchase cardholder with the authority to purchase supplies/services costing $2,500 or less. These cardholders are typically logistics personnel. The second type of cardholder is the Contracting Officer, typically with higher limits.

Purchase by the purchase card is one of the methods that the Logistics Chief considers when a requisition (FF 60-1) is received. In most cases, it is more efficient to find a vendor who will accept the card rather than go through the more costly and time-consuming process of issuing a PO.

There are certain individuals who have been designated as cardholders. These individuals must receive formal training in purchase card use before a card is issued. Purchase cards to be used for disaster purposes are specifically marked “Disaster” on the card. These cards can only be used for disaster needs, using disaster funding. There are some vendors who have been “blocked” and the cardholder will not be able to make purchases with their cards from these establishments. FEMA’s purchase card administrator can provide information as to which vendors are blocked. Disaster cards have per-purchase limits and monthly purchase limits. Under no circumstances may requirements be split to avoid these limits.

When a disaster is declared, it is important that a sufficient number of disaster cardholders be deployed. All cards must have funds committed and obligated for the disaster before any purchases can be made. Therefore it is imperative that a NEMIS 40-1 be processed (committed and obligated) for card purchases as soon as a declaration is received. The Anti-Deficiency Act (31 USC 665(a)) prohibits the expenditure of funds or contract obligations in excess of available funds. A separate 40-1 will be prepared for each purchase card. Cardholders are responsible for ensuring that any excess funds in their accounts in the Integrated Financial Management Information System (IFMIS) are de-committed or de-obligated before departing the JFO.

The funding requested in the 40-1 must be separated by commodity classification, called the Object Class. Common Object Classes used are 2400 (printing and reproduction), 2600 (supplies), 3100 (equipment), 2200 (transportation), 2300 (rentals), and 2500 (services). Detail on all object classes is contained in FEMA Manual 2300.13, Financial Accounting and Reporting System. Assistance is available from the Financial Specialist at the Region or JFO. It is important to note the Object Class of each item when it is purchased, since this information must be used when doing re-allocations in the C.A.R.E. system.

## PROCUREMENT PROCESS

### Request, Review, and Setup

The FEMA staff or program area requesting the item(s) to be purchased prepares a FEMA Form 60-1, Requisition for Supplies, Equipment, and/or Services, and submits it to the Logistics Section. Assistance for completing the requisition can be given by Logistics or the Help Desk if there is one onsite. An authorized official or Section Chief, the Logistics Section Chief, and the Comptroller must sign the 60-1 before processing can begin.

Resource Support (Logistics) will review the 60-1 against the available sources. If the request cannot be filled internally, Resource Support will initiate the 40-1 in NEMIS. The 40-1 must indicate the COTR and an alternate, detailed description of goods/services, recommended source(s), and estimated dollar amounts. The completed NEMIS 40-1, with all appropriate approvals, is forwarded to the Comptroller for funding approval/certification prior to being available to the Contracting Officer for processing.

The Contracting Officer should be alert to requests that could possibly be filled in-house through the Logistics Centers, or the Disaster Information Systems Clearinghouse (DISC). Requirements for computer software/hardware must be coordinated with Information Technology (IT). Telecommunications requirements must be processed through the Telecommunications Inventory Management and Control System (TIMACS). The 60-1 should be documented that these sources were contacted and why they could not provide the requested items.

The Contracting Officer will decide whether the goods/services are to be purchased from established sources or open market. The Contracting Officer will contact the vendor and determine the best type of procurement—Purchase Card, BPA, PO, DO/TO, or IA. The Contracting Officer will add an identification number to the document in accordance with the DHS numbering system. A block of numbers to be used as the last four digits of award identification numbers is assigned by the Regional Contract Specialist. The Contracting Officer will obtain a Taxpayer Identification Number (TIN) and ACH electronic funds transfer information from each vendor. This information will be used by the Financial Specialist at the JFO to set up a vendor account number in IFMIS. This is required before the document can be obligated. It is also the Contracting Officer’s responsibility to inform the vendor of FEMA’s tax-exempt status and provide the vendor with the **tax-exempt number: 52-122-7911**.

Vendors should be instructed to send invoices directly to the DFC for payment processing:

Disaster Finance Center

Attn: Vendor Payments (or “OFA Payment Team” for interagency agreements)

Building 708

P O Box 800

Berryville, VA 22611

Street Address for Overnight Mail:

Disaster Finance Center

Building 708

19844 Blue Ridge Mountain Road

Bluemont, VA 20135

Procurement documents are generated using the Automated Acquisition Management System (AAMS) Web-based software. Distributed Solutions, Inc. provides a technical support hotline for the procurement software.

The Contracting Officer will distribute the award document to the contractor, requestor, receiving officer, DFC, and the Financial Specialist at the JFO. Original copies of all awards shall be placed in the contract file. The COTR/Ordering Officer must be provided with a copy of the contract and a letter designating him/her as the COTR or Ordering Officer and describing his/her roles and responsibilities. A master log is kept for all acquisitions to include document number, requisition number, vendor name and contact, purpose, and dollar amount. If there is more than one Contracting Officer on staff at the JFO, the log should also contain the name of the Contracting Officer responsible for the procurement.

### File Setup and Documentation

All award files are to be set up in the following manner:

**File Labels**: Document number on the top line left to right, disaster number and Contractor name on second line, for example:

HSFE04-05-P-1234

DR1376 ABC Company

**Contract File Order—Six-Part Folder**

1ST SECTION: 40-1 and AWARD BACKUP

 DOCUMENTATION (60-1 and Other)

2ND SECTION: BACKUP DOCUMENTATION FOR MODIFICATIONS

 (TABBED FOR EACH MOD)

3RD SECTION: CORRESPONDENCE

4TH SECTION: MISCELLANEOUS

5TH SECTION: LIQUIDATION LOG, INVOICES and RECEIVING REPORTS

6TH SECTION: AWARD DOCUMENT AND MODIFICATIONS

Following is a list, not all inclusive, of documentation to be included in the file:

* 60-1/40-1
* Documentation leading up to award. Notes, emails, quotes, vendor contact information, etc.
* Vendor’s ACH form for banking information to include TIN, Routing number, Account

 number, and DUNS number or CCR printout

* Distribution Checklist
* COTR designation memo
* Ordering Officer instruction memo with blank ordering log (for BPAs)
* DHS Form Summary of Procurement Action (memo to file)
* Justification for noncompetitive procurement
* Justification for not using a local business
* Justification for not using a small business
* Responsibility determination including Dun & Bradstreet Report and printout from debarred and excluded parties list (FAR Part 9 and HSAM)
* Letters to Unsuccessful Offerors
* Wage determination for service contracts
* Proof of insurance and bonds, if applicable

##  Micro-Purchase orders

In the event that a written order needs to be issued for a requirement under the micro-purchase limit (currently $2,500.00) , the format for micro-purchase order instrument numbers is

EM&-2006-MP-????, where “ &” is the office identifier and “????” is a sequential set of numbers obtained from the Regional contract Specialist. For example, if you are issuing a micro-purchase order while at a disaster within Region 4, the micro-purchase order number would be EMA-2006-MP-0001. Micro-purchase orders can be created in full Prodoc and need to be manually obligated in the IFMIS system by Funds Control. When issuing a micro-purchase order, here are the office location identifiers:

1. W FEMA Headquarters - Washington DC
2. E NETC - Emmitsburg, MD
3. B Region 1 - Boston, MA
4. N Region 2 – New York, NY
5. P Region 3 – Philadelphia, PA
6. A Region 4 – Atlanta, GA
7. C Region 5 – Chicago, IL
8. T Region 6 – Denton, TX
9. K Region 7 – Kansas City, MO
10. D Region 8 – Denver, CO
11. F Region 9 – San Francisco, CA
12. S Region 10 – Bothell, WA
13. V Mt. Weather EAC – Roundhill, VA

## GOVERNMENT PURCHASE CARD

The purchase card purchase process is similar to the acquisition process. The process is shown on the flowchart on page A-2. When using the purchase card, here are some important items to remember:

1. Inform the vendor that the purchase must be tax exempt. Do not complete the purchase unless this is resolved. It is a lot easier to resolve this at the time of purchase rather than resolving it when the monthly statement is reconciled. Cardholders will need to give the vendor the FEMA tax-exempt number: 52-122-7911.
2. Get an itemized receipt for each purchase. If purchasing over the phone, request the vendor to fax or e-mail a receipt to you. If shipping/freight is broken out separately on vendor invoice and is more than $100, the vendor must provide a copy of the actual invoice from his/her shipping/freight company.
3. Keep receipts together with the 60-1, 40-1, and all other backup documents in a file.
4. Enter every purchase in your purchase card order log. This log must contain the following information: date of order, name of vendor, item descriptions, quantities and unit amounts, 40-1 number(s), the date each item is received and the bar code numbers and locations of any accountable property.
5. Items purchased are subject to the same receiving procedures as stated in the above section.

Each cardholder in the Acquisition Cadre must follow the instructions below. Additional detailed guidance is provided to each cardholder during his/her formal training along with a list of disallowed purchases and intra-agency coordination requirements.

1. Keep your purchase card order log up to date.
2. Backup must include 60-1 (if using bulk funding) or 40-1, itemized invoice (no sales tax), copy of the Office of Chief Counsel (OCC) approval if renting conference room, purchasing bottled water, waiver for print jobs not using the Government Printing Office (GPO), separate invoice from shipping company if vendor is charging shipping separately (not included in price of item) and is more than $100, and a receiving document (can be e-mail or signature on 60-1 with statement that items were received) to include signature by an APO when applicable.
3. Your backup documentation must be in a contract file folder or a three-ring binder in the order in which it was posted in the C.A.R.E. system. Backup documents should not be stapled together. If you are deployed past the end of a statement period (the 12th), send your backup documentation via express mail to the Cadre Manager as soon as you have reconciled that statement’s charges. Otherwise, express mail your backup prior to departing the JFO.
4. All transactions that have not posted to your account or for which you still need invoices or other backup documents must be annotated and kept separate from your other backup. In order to avoid this, please stop using your purchase card about a week before your departure, if possible.

### Receiving

All items acquired with FEMA funds must be accounted for, per FEMA Property Manual 6150.1. Items must be delivered or brought to the receiving area. This includes items purchased from the GSA Customer Supply Center (CSC) or with a purchase card.

As Contracting Officers place orders for items, copies of award documents are distributed to the Receiving Officer. As items are received, a receiving report will be generated for the items by the RO. The RO should attach to the receiving report all documentation that arrived with the order, such as packing slips, invoice copies, or receipts. The RO will verify with the APO whether any item is considered to be accountable or sensitive. Items determined to be accountable or sensitive will normally be bar coded and entered into the Logistics Information Management System (LIMS). LIMS is an automated database used by the APO to track all accountable property. A hand receipt will then be generated by the APO and signed by the end user for all accountable property items.

After documenting the receipt of an item through the APO process, the RO will notify the requestor who will provide delivery instructions. The RO will assure that delivery is made and that the recipient signs the receiving document. A copy of all receiving documentation must be provided to the CO or cardholder for their file.

### Payment and Closeout

The DFC makes all vendor payments. Vendors should be reminded to send their invoices directly to the DFC at the address indicated on the award document. Upon receipt, the DFC will date stamp each invoice and fax it to the assigned COTR at the JFO along with a form for certification, often called a Receiving Document. The COTR verifies each charge against the records, signs the receiving document, and sends/faxes it to the DFC for payment to the vendor. A copy of the invoice and receiving document are to be kept in the official files at the JFO. The Order and Payment Record indicating each payment made to the vendor and the amount still remaining must be updated. NOTE: If the vendor sends the invoice to the JFO instead of the DFC, forward it to the DFC to avoid Prompt Payment Act penalties.

When all payments have been made, and no more orders will be placed, the Contract Specialist will prepare a closeout form. If necessary, the vendor will be contacted to verify that the final invoice has been sent and all payments have been received. These actions will then be documented on the closeout form. A copy of the completed form will be provided to the Finance Specialist or the DFC so that any remaining funds can be de-obligated. The completed file is maintained by the Logistics Section and forwarded to the Regional Office at the close of the disaster. **All files should be closed out at the JFO location to the maximum extent possible prior to closure of the JFO.**

## DESIGNATION OF THE CONTRACTING OFFICER

Once the disaster declaration is signed, the process of staffing the JFO begins. The contracting function may be tasked to one of the following:

1. Headquarters Acquisition Cadre
2. GSA Contracting Officer
3. Regional Contracting Officer
4. Headquarters Contracting Officer

In most cases, this decision is based on the recommendation of the Region. Although there may be differences in the methods of procurement used by each of the above mentioned COs, all are required to adhere to the regulations set forth in the FAR and are required to provide adequate justification for all contracting decisions they make.

It is standard procedure for GSA to lease all required space (office, warehouse, etc.), which may or may not include utilities and janitorial services. The NRP sets forth responsibilities of other Federal agencies.

## TYPICAL DISASTER OPERATIONS REQUIREMENTS

Typical items required to support disaster operations are:

Office supplies, office equipment, rental equipment, telephones, printing and reproduction, portable toilets, temporary labor, bottled water, computer software/hardware, trash collection, building alterations/construction, janitorial services, express mail and regular mail service, office furniture, camera equipment, film processing, hotel conference rooms, and charter aircraft or other special conveyances.

It should be noted that there are restrictions regarding some types of procurements. These are discussed in more detail in Chapter 4: Waivers and Special Considerations.

## RECORD MANAGEMENT AND REPORTING REQUIREMENTS

Record management is a key element in the acquisition process. Good recordkeeping and a detailed memo to the file will aid a new Contracting Officer coming in to the JFO and in the transitioning of files to the Region for administration and/or closeout. The following is a list of common tracking and recordkeeping requirements. Samples of each can be found on the FEMA Acquisition Central web site.

1. **Action Log—**Used for tracking and maintenance of 60-1s and 40-1s. Requesting document will be numbered sequentially in the order and date received, description, cost, action (i.e., purchase card, P.O., etc.), and date action completed.
2. **Order Log—**Tracks the use of assigned document identification numbers. Contains award date, document number, 40-1 number, vendor, item description, amount, and modification/comments.
3. **Purchase Card Order Log—**Used to maintain purchase card transaction data. Spreadsheet consists of the following fields: date of order, name of vendor, item descriptions, quantities and unit amounts, 40-1 number(s), the date each item is received and the bar code numbers and locations of any accountable property.
4. **Receiving Document—**FEMA Property Manual 6150.1 is the authority requiring accountability for all items procured with FEMA funds. The RO will document the receipt of an item through the APO and notify the requestor. Delivery is made and the recipient signs the receiving document. If a cardholder purchased the item, it is the responsibility of the cardholder to make sure he/she has the receiving document to complete the Purchase card file requirements.
5. **Electronic Funds Transfer (EFT)—**Public Law 104-134 mandates EFT payments and requires contractors to provide specific information. DUNS number, TIN, Routing Transit Number (RTN), bank account number, and the type of account are the key elements needed to process vendor payments. It is necessary to collect this information when vendors are not registered in the Central Contractor Registration (CCR).

# CHAPTER 4: WAIVERS AND SPECIAL CONSIDERATIONS

## GENERAL

Each disaster’s requirements for goods/services will have some variation, and the Contract Specialist should stay informed of new regulations and/or internal policies and procedures relative to these issues. Legislation, regulations, and FEMA policy may restrict the purchase of some items or established procedures may already be in place for obtaining certain items. This chapter covers typical acquisition requests that involve special consideration or waivers before they can be procured.

## INFORMATION TECHNOLOGY (IT)

IT guidelines (per the CIO Guidance memorandum 03-01) were established to prevent duplication of IT capabilities and to provide IT systems that promote the Agency’s objectives. There are two levels of approvals for IT purchases:

1. Less than $10,000—Explicit CIO approval is not required for purchases of replacements for existing equipment, FEMA-supported standard hardware, and FEMA-supported standard software. A copy of the 40-1 or of a monthly Purchase card statement must be sent to the Information Resources Management Division, Policy and Compliance Branch (IT-IR-PC) promptly after procurement. All other purchases less than $10,000 require CIO approval and are processed as described below.
2. More than $10,000—CIO approval is required prior to the submission of a Form 40-1 to a FEMA procurement official. Form 40-1s will be produced for purchase card purchases that cost more than $10,000. Form 40-1s should be placed in the in-box of the Information Resources Management Division (IT-IR) located in room 633, where they shall be time stamped and processed for Information Technology Services Directorate (ITSD) review. Purchase documents may be faxed to IT-IR via (202) 646-3074.

## DISASTER INFORMATION SYSTEMS CLEARINGHOUSE (DISC)

The DISC must be contacted prior to purchasing the following types of items:

* + - Work stations (computer/keyboard/mouse)
		- Facsimile machines
		- 4-in-1 office machines (print/fax/copy/scan)
		- Laptops
		- Laptop printers
		- Personal and network compatible high speed/high output printers
		- Digital cameras
		- Hubs
		- Modems
		- GPS units (Global Positioning System/Navigational Use)

Normally, Logistics will have already contacted the DISC as part of their sourcing efforts prior to submitting the requirement to acquisitions. If the DISC did not have the item(s), it should provide this information in writing for your files as backup documentation that you followed the correct procedures before procuring the item(s). Also, the DISC maintains standard specifications for items to be purchased (http://techlab.mw.fema.net).

## LOGISTICS CENTERS (LC)

FEMA also stocks Initial Response Resources (IRR) Commodities, furniture and other disaster equipment and supplies generally needed at JFOs. FEMA operates Logistics Centers (LC) that store and distribute these items. The LC must be contacted if it is determined that the JFO’s needs would be best served if the requested item(s) were shipped from the LC. Several factors must be taken into consideration such as quantity, cost to procure locally vs. cost of transporting from the LC and time restraints—before deciding to use the LC. For example: If the request was for a filing cabinet, it would not be cost effective to have one shipped from the LC when it could be purchased locally for much less than it would cost to ship it from the LC.

## BOTTLED WATER

Pursuant to B-147622, December 1961, 2 Comp. Gen. 776 (1923), purchasing drinking water with appropriated funds is prohibited unless the existing water presents a documented health problem.

Bottled water may be purchased if one of the following conditions exists: a water test is performed by a certified firm that demonstrates that the water is non-potable; the number of water supplies for drinking water is inadequate for the size of the facility and number of employees; employees are working in the field with no vendors available to purchase drinking water. If either of these conditions exists, it is still necessary to obtain the approval of the FEMA OCC prior to making the purchase.

## BUSINESS CARDS

Acquisition of business cards are authorized under certain circumstances, however, all such procurements must be in accordance with DHS MD 0570, Acquisition of Department of Homeland Security Employee Business Cards.

## CAR RENTALS AND FEMA VEHICLES

The rental of vehicles from a commercial rental car agency cannot be charged on a Government purchase card. A PO must be generated for this type of activity with the appropriate clauses and liability issues addressed (see sample order on FEMA’s Acquisition Central intranet site). This policy does not prohibit the rental of a moving van or truck from U-haul or Ryder type entities—these may be rented using the Government purchase card when necessary.

FEMA has a fleet management program that is centrally managed at Headquarters. FEMA has fleet cardholders that are responsible for purchasing fuel and maintenance services for FEMA-owned vehicles. Fleet cards are to be used to purchase fuel for vehicles rented under a PO to maintain a motor pool or fleet of vehicles. Maintenance and other costs would be covered by the rental car agency.

##

## CHARTER FLIGHTS AND OTHER SPECIAL CONVEYANCES

Charter Flights and Other Special Conveyancesmust have approval from the Chief Financial Officer (CFO). The approval must be obtained prior to incurring the cost. A written justification must accompany the request to the CFO and must include: a comparison of the cost to travel by common carrier versus the special conveyance; a list of the common carrier flights available to the destination; the reason that these flights are not suitable to reach the destination; and any other extenuating circumstances (see CFO Bulletin #88 for more detail).

## EMall

EMall is a mandatory online system for purchasing office supplies. Disaster operations have a 30-day waiver (from date of declaration) for purchasing locally.

##

## EMERGENCY VEHICLE SIGNS OR LIGHTS

FEMA Manual 6250.2, paragraph 2-8, prohibits the use of “emergency vehicle” signs and emergency type lights (such as police/rescue of blue or red lights) on any government-owned or commercial rental vehicles. Magnetic signs for vehicles displaying only the DHS seal may be appropriate and approved under certain conditions. Contact the FEMA OCC for a case-by-case determination.

## FEMA CLOTHING/Insignia

Requests for FEMA clothing are handled through the APO and are not typically procured by the JFO acquisition staff. The APO follows established guidelines in obtaining the clothes and processes the order through the Logistics Centers using FEMA Form 63-3. It is important to note that prior to placing the order, coordination with the Comptroller is required to verify adequate funding has been allocated in object class 2650. The National Emergency Management Information System (NEMIS) 40-1 is initiated at the JFO but processed at HQ.

## HEALTH CARE CLINIC

If the Safety Officer at a JFO determines it to be necessary to establish a Health Care Clinic, they will prepare a 60-1 and a description of the services to be provided in coordination with the FOH POC. This action will require generation of a 40-1 which then needs to be sent to FEMA acquisition at HQ to fund a modification to the IA administered at HQ.

## LIGHT REFRESHMENTS

In accordance with CFO Bulletin #96, appropriated funds may not be used to provide light refreshments at FEMA-sponsored conferences or training sessions except under certain special circumstances. Any questions regarding this policy need to be directed to the FEMA OCC.

## MANUFACTURED HOUSING OPERATIONS

If it is determined there is a need for temporary housing for victims during a disaster declaration, coordination with the Acquisition Cadre Manager is essential. There are various ways the process may work depending in large part on the State’s wishes and available resources within the area.

## PAID ADVERTISEMENTS

Various types of paid advertisements and legal notices are necessary in providing information to the public under a disaster declaration. Authority to approve the publication of paid advertisements in newspapers is delegated to the Federal Coordinating Officer (FCO). Policy procedures require the Contracting Officer to obtain written authorization before advertising in newspapers. Advertisements should be placed pursuant to the authority of FAR 5.502, Executive Order 11988, 44 CFR Part 9, and 44 U.S.C. 3702.

## Personal safety items

Various items such as bug spray, sunblock, bottled water, steel toed boots, boonie hats, life jackets, safety vests, etc., are sometimes requested for field staff. Prior to purchasing any of these items, there needs to be a justification written by the safety officer and approved by the FCO or higher that supports the need for such items and why the individuals cannot purchase them using their incidental expense portion of their per diem.

## PRINTING AND REPRODUCTION

At no time can anyone go to a local commercial printer without a waiver from the FEMA Printing Officer. A blanket waiver may be issued for the first 10 days of a disaster. When a blanket waiver is issued, the JFO must provide details as to all work being done to the Printing Officer. This includes number of volumes, pages, costs, etc. Also, a blanket waiver does not permit the use of any printer other than a GPO-approved vendor for all work over $1,000. If the job is under $1,000 and needs to be done at a non-GPO-approved vendor, a waiver needs to be obtained on a case-by-case basis from the Printing Officer.

GPO has a Simplified Purchase Agreement (SPA) program for which there are many vendors. When a disaster declaration is made, contact the FEMA printing office and it will identify any GPO SPA vendors close to the JFO or wherever the requirement exists. If there is one, it can be used for all print requests up to $2,500 for the entire duration of the disaster without the need for a waiver for each job.

If there are no SPA vendors and the cost is more than $1,000, then the job must be contracted through the FEMA printing office or through the Regional GPO office.

## TEMPORARY SERVICE FIRMS

In order to use Private Sector, Temporary Service Firms, each request must be coordinated with the Office of Human Resource Management (OHRM) to obtain a waiver or for guidance and/or clarification. The purpose is to ensure that each request is consistent with the procedures set forth in the Code of Federal Regulations (5 CFR) Part 300.503. The JFO Administration staff is responsible for following these procedures before submitting the requisition to acquisitions and OHRM’s response should be attached to the 40-1. Temporary support services are available on GSA Schedule.

## VACCINATION PROGRAM

Under the Director’s Policy No. 4-99, FEMA Occupational Safety and Health (OSH) Office offers employees a voluntary vaccination plan through an agreement with the Federal Occupational Health (FOH) Branch of the U.S. Public Health Service. During a disaster, the Disaster Safety Officer will typically contact the closest available FOH office to provide shots onsite at the JFO. FEMA already has an interagency agreement in place. If funding is required, the 40-1 is generated at the JFO and forwarded to the HQ for processing. See “FEMA Infectious Disease Prevention Program” booklet for program details or call the OSH Program Office.

## YOUNG LAWYERS PROGRAM

The Young Lawyers Program is managed by the American Bar Association (ABA) and is used to provide legal assistance at JFOs. Initiation of this program is requested by the Individual Assistance (IA) Program at a JFO. There are standard documents that need to be in place prior to placing a purchase order with the ABA. Refer all requests for use of this program to the POC identified in Chapter 5.

# CHAPTER 5: RESOURCES and AUTHORITIES

## GENERAL

Acquisition is one of the critical elements used to further the mission of FEMA. The acquisition process is controlled by legislation, regulations, Executive Orders (EO), and internal and external FEMA directives. This section provides a list of resources on accessing the authorities inclusive of Websites and intranet addresses, reference materials, required sources of supplies and services, and POCs.

## INTERNET AND INTRANET WEBSITES

### Research/Regulations/Information

|  |  |
| --- | --- |
| FEMA Acquisition Central | <http://acqsolinc.com/km/vao> |
| Wage Determinations On-line Program | <http://wdol.gov> |
| DHS Procurement regulations (Go to Management and then to Acquisitions) | <https://dhsonline.dhs.gov/portal/jhtml/community.jhtml>  |
| FAR online | <http://farsite.hill.af.mil/> |
| Federal Procurement Data Center (Includes NAICS, Location, and FDPS Service/Product Codes) | https://www.fpds.gov/ |
| FEMA DOCNET (Includes FEMA Documents | <http://docnet.fema.gov/docnet/main.htm> |
| GSA Schedules (including disaster relief supplies and services) | <http://www.gsaelibrary.gsa.gov/ElibMain/ElibHome> |
| FEMA Intranet  | <http://online.fema.net/> |
| Code of Federal Regulations (CFR), Public Law, Federal Register and United States Government Manual | http://www.gpoaccess.gov/nara/index.html |
| Office of Federal Procurement Policy (OFPP), Federal Acquisition Regulations (FAR), Federal Acquisition Circulars, GSA Forms Library | <http://www.arnet.gov/> |
| Office of Government Wide Policy (OGP) (then click Policy) | <http://www.gsa.gov> |
| U.S. Office of Personnel Management | <http://www.opm.gov/> |
| List of GSA Contractors - Federal Supply Schedules E-Library | <http://www.fss.gsa.gov/> |
| Excess Inventory | http://www.fss.gsa.gov/ |
| GSA Forms | <http://www.gsa.gov/Portal/gsa/ep/formsWelcome.do?pageTypeId=8199&channelPage=/ep/channel/gsaOverview.jsp&channelId=-13253> |
| Federal Prisons - Unicor  | <http://www.unicor.gov/> |
| Javits-Wagner-O’Day (JWOD) | <http://www.jwod.gov/> |
| FedBizOpps - Process for electronically posting synopses, notices and solicitations | <http://www.eps.gov/> |
| Davis-Bacon Act Wage Determination | <http://wdol.gov> |
| Stafford Act | <http://www.fema.gov/library/stafact> |
| National Response Plan | <http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml> |
| NAIC Codes and Size Standards | <https://eweb1.sba.gov/naics/dsp_naicssearch2.cfm> |
| U.S. Bank Government Purchase Card | <https://care.usbank.com> |
| EMall | <https://emall.prod.dodonline.net/scripts/emLogon.asp> |
| AAMS | <http://aams6.fema.net/aams6> |
| Nine digit zip | <http://zip4.usps.com/zip4/welcome.jsp> |
| County Identifier | <http://www.zipinfo.com/search/zipcode.htm> |
| DHS Management Directives | [https://dhsonline.dhs.gov/portal/jhtml/community.jhtml;jsessionid=DZT25RG4L0KYTQFIAACCFFI?index=0andcommunity=Managementandid=1](https://dhsonline.dhs.gov/portal/jhtml/community.jhtml;jsessionid=DZT25RG4L0KYTQFIAACCFFI?index=0&community=Management&id=1) |
| FEMA CIO Guidance | <http://cio.fema.net/memos.htm> |
| FEMA Bulletin Boards | <http://bulletinboards.fema.net/> |
| GPO Regional Offices | <http://www.access.gpo.gov/procurement/pp002.html> |
| Emergency Response and Recovery Community | https://acc.dau.mil/emergencyresponse |

## REFERENCE MATERIALS

1. Title 48 CFR Ch. 1 Parts 8, 13, 19 and 38 - Federal Acquisition Regulations System
2. Title 44 CFR - Emergency Management and Assistance
3. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended, 42 U.S.C. 5121, et seq,
4. National Response Plan (NRP)
5. Department of Homeland Security Act of 2002
6. FEMA 4100.1 Manual - Acquisition Management
7. FEMA Instruction 4200.1 – Government-Wide Commercial Purchase Card Service
8. Executive Order (EO) 12731, Principles of Ethical Conduct
9. 41 United States Code (USC) 423, The Office of Federal Procurement Policy (OFPP) Act of 1974
10. PL 97-177, The Prompt Payment Act
11. 41 USC 423, Section 27, The Procurement Integrity Act
12. 31 USC/1535, The Economy Act
13. Department of Homeland Security Acquisition Regulations (HSAR)
14. Department of Homeland Security Acquisition Manual (HSAM)

## REQUIRED/PREFERRED SOURCES OF SUPPLIES AND SERVICES (see FAR 8.002)

###

### Supplies

1. Agency inventories (DISC, LCs, Warehouses, etc.)
2. Excess property of another agency
3. Federal Prison Industries, Inc.
4. Committee for Purchase from the Blind and Other Severely Handicapped
5. Wholesale supply sources, such as stock programs of the GSA, the Defense Logistics Agency, the Department of Veterans Affairs, and military inventory control points
6. Federal Supply Schedules
7. Commercial sources (including educational and nonprofit institutions)

### Services

1. Committee for Purchase from the Blind and Other Severely Handicapped
2. Optional use Federal Supply Schedules
3. Federal Prison Industries, Inc., or other commercial sources (including educational and nonprofit institutions)
4. Government Printing Office (GPO)

## POINTS OF CONTACT

|  |  |
| --- | --- |
| FEMA Switchboard | 1-800-634-7084 |
| FEMA Personnel Locator | 202-566-1600 |
| Vendor Payments, DFC Cindy Showers | 540-542-7323 |
| IFMIS Vendor Database (EFT Info)Louise Young | 202-646-3699 (w)202-646-4241 (f) |
| AAMS Help Desk Hotline | 703-471-7530 |

###

### Acquisitions

|  |  |
| --- | --- |
| Head of Contracting Activity (HCA) Patricia English | 202-646-4257 (w) |
| Acquisition Cadre Manager Richard Spillane | 202-646-3857 (w) 301-943-2745 (c)202-646-3259 (f) |
| FEMA Purchase Card Administrator Paula Lyons | 202-646-4201 (w)202-646-2493 (f) |
| IA Tech. Assistance ContractsSandra Park | 202-646-4230 |

### Regional Contract Specialists

|  |  |
| --- | --- |
| I Diane McKenzie | 617-956-7529 |
| II Michael Wagner | 212-680-3646 |
| III Dave Rule | 215-931-5686 |
| IV Annette Wright | 770-220-5264 |
| V Scott Sands | 312-408-5513 |
| VI Vacant | 940-898-9335 |
| VII Larry Larson | 816-283-7067 |
| VIII Vacant | 303-235-4738 |
| IX Marcus Tikotsky | 510-627-7105 |
| X Joe Webb | 425-487-4769 |

### Other

|  |  |
| --- | --- |
| Training Issues Elizabeth Gober | 202-646-3979 |
| FEMA Clothing/Insignia Issues Carol Wood | 202-646-3008 |
| Ron Cooper | See LC Below |
| Immunizations Jean Adams | 202-646-3903 |
| Information Technology Cynthia Martin-Smith | 202-646-2621 |
|  Rose Christmas | 202-646-2958 |
| Headquarters TravelCaroline Nawrocki | 202-646-2698 |
|  Tange Drake | 202-646-2983 |
| Mission Assignments Brenda Bowen | 540-542-7321 |
| Logistic Centers (LC) Ron Cooper | 540-542-3301 (during regular working hours) 800-634-7084 (after hours call the NECC) |
| Disaster Information Systems Clearinghouse (DISC) Dave Pyne | 540-542-3294 |
| Printing Ken Brown | 202-646-2649 |
| Lisa Halla | 202-646-2647 |
| Shirley Hamilton | 202-646-2646 |
| National Travel | 800-294-8283 |

|  |  |
| --- | --- |
| Mail System (i.e. Pitney Bowes or Aston-Hasler) Ken Brown | 202-646-2649 |
| Fleet Gas Cards Virginia Akers  | 202-646-2608 |
| Barbara Miller | 202-646-4565 |
| FEMA Office Of Chief Counsel (HQ) Steve Orsino | 202-646-3204 |
| OHRM—Use of Temporary Employment Agencies VACANT |  202-646-3605 |
| Publications Warehouse | 800-480-2520 |
| Young Lawyer Program Coordinator Victoria Childs | 202-646-3844 |
| Express Mail IssuesGil Tucker | 202-646-7061 |

