

COVID-19 PURCHASING REACTION

ARE THEY ALL EMERGENCY PURCHASES

GOVERNMENT PROCUREMENT AND LEADERSHIP SOLUTIONS

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Declarations

Allows state agencies, local governments, and certain non-profit organizations to purchase additional supplies and receive reimbursements

- Federal - President
- State - Governor
- Local
 - Know who has the authority
 - County Judge
 - Mayor
 - City Manager's

Public Assistance Defined

It is a supplemental cost **REIMBURSEMENT** program with specific eligibility requirements.

The FEMA share of eligible costs will be awarded to the recipient (State) for disbursement to the applicants.

FEMA is authorized to provide Public Assistance funding for **Emergency Work** (Emergency Protective Measures).

Emergency Work is that which must be done immediately to:

- Save lives
 - Protect public health and safety
 - Protect improved property
 - Eliminate or lessen an immediate threat of additional damage.
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Where does the Procurement Fall

Emergency

In the case of an emergency, there is a threat to life, public health or safety, improved property, or some other form of dangerous situation that requires immediate action to alleviate the threat. Emergency conditions are generally more short-lived than exigency circumstances.

Exigency

In the case of an exigency, there is a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the applicant, and use of competitive procurements would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.

Emergency Circumstances Example

Severe weather impacts a city and causes widespread and catastrophic damage, including loss of life, widespread flooding, loss of power, damage to public and private structures, and millions of cubic yards of debris across the city, leaving almost the entire jurisdiction inaccessible. The city needs to begin debris removal activities immediately to restore access to the community, support search and rescue operations, power restoration, and address health and safety concerns.

Under these circumstances, the city may find it necessary to award non-competitive contracts to address threats to life, improved property, and public health and safety.

Exigent Circumstances Example

A tornado impacts a city in June and causes widespread and catastrophic damage, including to a city school. The city wants to repair the school by the beginning of the school year in September. Awarding a contract using a sealed bidding process would require at least 90 days, and the repair work would be another 60 days, extending the project beyond the beginning of the school year. Rather than conducting a sealed bidding process, the city—in compliance with state and local law—wants to sole-source with a contractor it has contracted with previously.

The city can demonstrate that this is an "exigent circumstance" because use of a sealed bidding process would cause an unacceptable delay, affecting children's education and the city's economy if parents must stay home with the children. Thus, procurement by non-competitive methods was necessary.

“Is the purchase of laptops for our county/city employees to allow them to work from home an eligible cost?”

The purchase of computers, laptops, internet service, and other related expenses is NOT eligible as an emergency protective measure. These purchases would be considered increased operating costs which are not eligible for public entities unless the additional costs is specifically related to eligible emergency actions to save lives or protect public health and safety or improved property.

“Is the sanitizing/disinfecting of facilities because of COVID 19 eligible?”

For eligible facilities, costs associated with disinfecting the facility to eliminate or lessen an immediate threat to lives, public health, and safety ARE eligible. The work should be consistent with current public health guidance as it relates to disinfection recommendations. CDC guidance for disinfection is available at:

www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html.

www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

What about.....

Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits Movement of supplies and persons

Medical Sheltering

Security and law enforcement

Communications of general health and safety information to the public

Search and rescue to locate and recover members of the population requiring assistance

Reimbursement for state, tribe, territory and/or local government force account overtime costs

Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines

Steps to Take During Emergency or Exigent Circumstances

Write a justification to describe the emergency or exigent circumstances: Explain why sole-sourcing is necessary based on the specific conditions and circumstances that demonstrate why immediate or urgent action is needed. Include the specific steps taken to determine why full and open competition could not have been used. A separate justification is required for every sole-sourced contract.

Provide a brief description of the goods or services: Justify the need for the specific good or service being contracted to address the emergency or exigency circumstance.

Estimate the expected dollar amount of the goods or services: A cost or price analysis is required for all procurement transactions above \$250,000.

Describe any known conflicts of interests and efforts made to identify possible conflicts of interests. If no efforts were made, explain why.

Define and justify the period of emergency or exigency for the specific situation: The period of emergency or exigent circumstances may vary per incident.

Transition to a competitively bid contract as soon as the emergency or exigent period ends: Failure to plan for transition to a competitively bid contract cannot be the basis for continued use of the emergency or exigency exception.

When in Doubt

Cooperatives

- Have a ready list of available cooperatives that be a Go-To Resource Listing
 - BE CAREFUL: The cooperatives must meet all of the Federal requirements and have the contract clauses to meet the requirements for reimbursement. Some do but not all, so make sure you have vetted fully before you need them

Compete

- The only way to be fully sure you will be reimbursed
 - If you are competing contracts for items/services that may be needed in an emergency anyway, go ahead and include the necessary clauses and Federal info, so it can be used in an emergency with questions asked!

Information Required:

- A description of the activities including when, where, and who conducted the activities.
 - A summary of how much the activities cost.
 - Supporting documentation or certification of certain conditions including compliance with applicable federal, State, tribal, territorial, and local laws and regulations pertaining to insurance, contracts, and environmental and historic preservation.
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Where Does COVID 19 Fit.....

Readiness Levels	Level Description	Example Incident
Level 4 Normal Operations - Monitoring	<ul style="list-style-type: none"> Local Emergency Exists ICS and responders at scene are capable of managing incident 	<ul style="list-style-type: none"> Motor vehicle accident Grass fire Approaching severe weather Special Events Multi-Alarm Fire Major police or ESU response
Level 3 Emergency / Crisis Operations	<ul style="list-style-type: none"> Escalation to non-routine emergency Multi-departmental response 	<ul style="list-style-type: none"> Severe or Winter Weather damage Major HazMat release Isolated evacuation(s) Suspected communicable disease response Law Enforcement incident requiring mutual aid and multiple operational periods Major Mass-Casualty incident Multi-alarm fire requiring mutual aid (multiple operational periods)
Level 2 Disaster Operations	<ul style="list-style-type: none"> Help from other jurisdictions, agencies, or mutual aid may be necessary Regional Disaster response may be required Multi-site incident 	<ul style="list-style-type: none"> Confirmed WMD/Bio event Extensive severe weather damages Large scale evacuation Mass care / Sheltering needed
Level 1 Catastrophic Event Operations	<ul style="list-style-type: none"> Wide area disaster State and/or federal help required 	<ul style="list-style-type: none"> Large tornado or significant severe weather damages CBRNE/ Terrorism Incident Extended Mass Care or sheltering operations Widespread infectious disease outbreak

Could You Have Known?

News

- Don't wait for your entity to catch up: Speak UP

Fire Department

Police Department

Warehousing/Inventory Control Research

Vendors

ISM – Import/Export and Cost Trends

Not New Items

Current Stock Levels

Order Quantities Decreased

Import Levels Decreased

“Guidelines for reimbursement?”

The latest guidelines for purchasing are –

Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19 Memo.

https://www.fema.gov/media-library-data/1584457999950-7186ffa29ace3e6faf2ca2f764357013/Procurement_Under_EE_Circumstances_Memo_final_508AB.pdf

COVID-19 Guidance Fact Sheet: Procurements Under Grants During Periods of Exigent or Emergency Circumstances.

https://www.fema.gov/media-library-data/1584386517416-40bc24e5a2c4154c1ee44ed143e6491b/Procurement_During_EE_Circumstances_Fact_Sheet_508AB.pdf

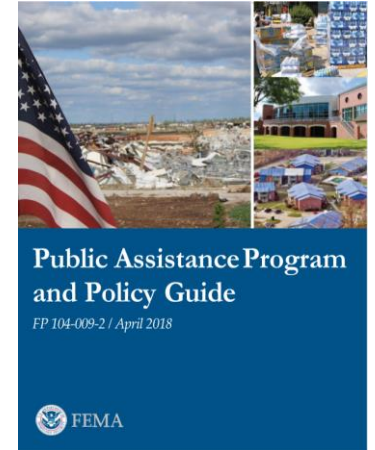
Resources

The Public Assistance Program and Policy Guide address typical Category B projects and costs.

<https://www.fema.gov/media-library/assets/documents/111781>

The COVID-19 Eligible Emergency Protective Measures Fact Sheet

<https://www.fema.gov/news-release/2020/03/19/coronavirus-covid-19-pandemic-eligible-emergency-protective-measures>



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