

# CHANGE REQUEST COVER SHEET

**Change Request Number:** 09-03

**Date Received:** 9/29/2008

**Title:** Revision of FAA Emergency Procurement Guide

---

**Name:** Jeffrey Baker

**Phone:** 202-493-5723

**Policy OR Guidance:** Guidance

**Section/Text Location Affected:** AMS Procurement Guidance T3.2.1.5

**Summary of Change:** Revision of the FAA Emergency Procurement Guide to update Restricted/Prohibited Purchases and to indicate new thresholds in T3.2.2.5 and the new purchase card section, T3.2.6.

**Reason for Change:** To ensure the guide reflects current standards and guidance in T3.2.2.5 and T3.2.6.

**Development, Review, and/or Concurrence:** AGC-500, AJA-43, AJA-431, AJA-45, ACT, ARC

**Target Audience:** FAA Contracting Workforce and Operations

**Potential Links within FAST for the Change:** None

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Potential Links within FAST for the Change:** None

**Links for New/Modified Forms (or) Documents (LINK 1)**

**Links for New/Modified Forms (or) Documents (LINK 2)**

**Links for New/Modified Forms (or) Documents (LINK 3)**

## SECTIONS EDITED:

Procurement Guidance:

**T3.2.1.5 - Disaster or Emergency Preparedness and Response** [[Old Content](#)][[New Content](#)] [[RedLine Content](#)]

Procurement Guidance:

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

*Appendix*

**Section 1 : Appendix 1- Emergency Procurement Guide** [[Old Content](#)][[New Content](#)] [[RedLine Content](#)]

## SECTIONS EDITED:

**T3.2.1.5 - Disaster or Emergency Preparedness and Response (Revision 2, January 2008)**  
**Old Content:** Procurement Guidance:

**T3.2.1.5 - Disaster or Emergency Preparedness and Response (Revision 2, January 2008)**  
**New Content:** Procurement Guidance:

**T3.2.1.5 - Disaster or Emergency Preparedness and Response Red Line Content:**  
Procurement Guidance:

**T3.2.1.5 - Disaster or Emergency Preparedness and Response** ~~(Revision 2, January 2008)~~

### **Section 1 : Appendix 1- Emergency Procurement Guide**

**Old Content:** Procurement Guidance:

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

*Appendix*

**Section 1 : Appendix 1- Emergency Procurement Guide**

### **FAA Emergency Procurement Guide**

This guide is for the use of FAA personnel when responding to a bona fide emergency, incident of national significance, or aiding in disaster relief efforts. This guide supplements and summarizes FAA Acquisition Management System (AMS); specific policy and guidance for FAA procurement can be found at <http://fast.faa.gov>.

**Emergency:** A sudden, unforeseen event that requires action to correct or to protect lives or property.

The flexibilities in this guide may be used:

1. In support of FAA contingency operations or restoration of the NAS;

2. To facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States; or

3. When the President declares an incident of national significance, emergency declaration, or a major disaster declaration.

**Unauthorized Commitments: DO NOT** make commitments or promises of any kind to bind the Government if you are not a properly warranted Contracting Officer (CO) or an authorized holder of a purchase card and the requirement is within your warrant or delegation.

When purchasing goods or services in an emergency, COs and cardholders **must** ensure that applicable FAA security standards are properly addressed and adhered to.

### ***Purchase Cards***

The purchase card is a valuable tool that can be utilized to procure requirements in times of emergency. Despite the presence of an emergency situation:

- Single and monthly limits established for the card account by the Chief of the Contracting Office (COCO) in the cardholder's Delegation of Purchasing Authority (DPA) must still be strictly adhered to; and
- The person making the purchase must be the cardholder on the card account and have a valid DPA issued by the COCO.

### **Emergency Spending Limits**

The maximum single purchase limit that can be assigned to purchase card is \$100,000, while the maximum billing cycle or monthly limit is \$999,900. The COCO establishes both limitations based on justification and recommendations of a cardholder's approving official. If a cardholder is designated or tasked to respond to emergencies or participate in relief efforts, that individual's single and monthly limit can be raised to a level that allows for an efficient and effective emergency response.

A warranted CO can make purchases up to \$100,000 using a purchase card (if within their warrant limits); however non-warranted individuals have their single purchase limit established at a lower level due to their lack of procurement training. If a non-warranted cardholder wishes to have a single purchase limit above \$50,000 (up to the \$100,000 maximum) for emergency operations (in advance of an actual emergency or disaster), the individual must document completion of the following contracting courses, in addition to required purchase card training under AMS Procurement Guidance T3.2.2.5:

- CON 110- Mission Support Planning
- CON 111- Mission Planning Execution

Both courses are available to the FAA on-line at no cost through the Defense Acquisition University (DAU) at [www.dau.mil](http://www.dau.mil). Once completed, the approving official will submit the

FAST Version 01/2009

CR 09-03

p. 3

cardholder's training documentation and recommended single and monthly purchase limits to the COCO for consideration.

## **Prohibited Purchases**

**The GSA SmartPay contract stipulates that the purchase card may not be used for the following:**

- Rental or lease of land or buildings (except, it may be used to purchase short-term commercial conference and meeting-room space).
- Cash advances, including money orders.
- Telephone services controlled by GSA or the local Office of Information Services or Regional Communications Office.

**Federal appropriations law and FAA policy prohibit the use of appropriated funds for the following purposes:**

- Drinking water (**except** when a duly constituted public health authority pronounces the ordinary drinking water to be unsafe for human consumption at the site, or when a disaster or emergency is imminent and FAA personnel who will respond reasonably expect drinking water at the site to be unsafe).
- Subscriptions to publications or magazines.
- Rental of aircraft by persons not in aircraft related positions.
- Fans, air conditioning and cooling equipment, space heaters and heating equipment (**except** as properly installed for general use in connection with the maintenance and operations requirements of the site).
- Water coolers, or vacuum cleaners and other household appliances (**except** as requisitioned for general use by the authorities charged with building maintenance and equipment).
- Food items for meetings and conventions (**except** under narrowly defined conditions; the purchase card can only be used to purchase light refreshments for award ceremonies).
- Gifts to include store gift cards/certificates and office retirements.
- Membership fees for individual employees (**except** FAA may purchase membership in a society or association in its own name).
- Personal expenses and furnishings, including clothing, decorations, and food for personal use or consumption (**except** as authorized by Human Resources Policy Manual (HRPM) 9.2.; Note that the use of the purchase card to purchase an item of clothing required to perform job duties or functions is permitted, e.g. purchasing a pair of safety shoes or a uniform. This purchase should be coordinated with the procurement office).
- Use of the purchase card to purchase real property (land, buildings, or other structures) is prohibited (see AMS Real Property Guidance, Chapter 5, Section II.A.20 for exceptions.)
- Use of the purchase card, in lieu of the travel charge card, for travel-related expenses is prohibited.

- Use of the purchase card to obtain government owned or leased vehicles or to purchase fuel is prohibited (**except** purchase card may be used to purchase of fuel for utility machines such as lawn mowers, engine generators, fork lifts, and snowmobiles)
- Use of the purchase card for services (i.e. landscaping, snow removal, security services), for the same function, some contractor, and some location are limited to \$2,500 per procurement.
- Use of the purchase card for construction for the same function, same contractor, same location and limited to \$2,000 per procurement.

## **Purchase Card Flexibilities**

See the *Emergency Procurement Flexibilities* section below in this guide.

## **Purchase Card Dos and Don'ts**

- Be sure not to charge travel related expenses on the purchase card.
- Ensure that funding is available and approvals are received. Despite the presence of an emergency, funding must be available prior to purchase.
- Never allow anyone else to use a purchase card.
- Secure the card at all times and immediately report lost or stolen cards to the Agency Program Coordinator (APC) and bank.
- Ensure that vendors understand that FAA is exempt from sales tax.
- Never exceed assigned single or monthly purchase limits.
- Never split a purchase to avoid single or monthly purchase limits.

## **Credit Card Checks**

- For those vendors that don't accept a purchase card, credit card checks have a single purchase limit of \$2,500.

## ***Procurement Resources and Tools for Emergencies***

**Mailing Lists:** Keeping a mailing list of vendors for a given locale for various supplies or services may prove useful when emergency response limits time for market research. Some if not all regional procurement offices have lists available, and can be easily formed.

**Qualified Vendors List (QVL):** A QVL is a mailing list where vendors submit their background (to include experience, certifications, etc) to the FAA to qualify to be on the QVL. As requirements become known, QVL vendors compete for award. A QVL can be useful where lists are needed in specialized areas such as NAVAIDS, electrical, EPDM roofing, or EFIS siding.

## **Blanket Purchase Agreement (BPA)**

- If an area finds a recurring need for a supply or service during an emergency response, the procurement office can establish BPAs locally.

- Individuals can be identified by the CO as authorized users of the BPA and can place purchases or “calls” against it.
- A BPA can be established with zero funding, and when needs arise it can be funded per action or in “bulk.”
- BPAs can be established with either local or national vendors depending on the need.
- BPAs can be established with multiple vendors for the same need.

### **Indefinite Delivery/ Indefinite Quantity Contract (ID/IQ)**

- If a need is known but the schedule and quantity are unknown, an ID/IQ contract can be a valuable tool.
- An ID/IQ contract can be established with a single or multiple vendors.
- An ID/IQ does have a guaranteed minimum quantity in the contract.
- Funds are obligated by each task or delivery order, not by the contract itself.

### **County, City, or Local Trade Organization**

- As a response to an emergency can involve varying levels of government, many state, county, and city governments have already established listings of vendors in varying trades that can be utilized.
- In several areas, vendors have committed personnel and equipment to mobilize for emergency response when required.
- Several trade organizations have also formulated listings of their members that have committed their resources to emergency responses. These include heavy construction contractors (earth moving, etc), electricians, and landscape contractors (tree removal, etc.).
- Many government offices or trade organizations list these vendors in annual publications for reference when needed.

### ***Other Federal Resources***

#### **GSA**

- GSA Advantage Disaster Relief: GSA has established a website to identify those products and services that are traditionally utilized in relief efforts. As the products are available through GSA *Advantage* and GSA Federal Supply Schedule (FSS) contracts, products and pricing are easily obtained. <http://www.gsaadvantage.gov/disasterrelief>
- GSA Advantage: While using the purchase card, required supplies can be purchased and received in a short period of time. A cardholder can locate required items using the search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment. <https://www.gsaadvantage.gov>
- GSA e-Buy: If a requirement is needed quickly, yet time limitations allow for some market research, e-Buy allows for the distribution of an opportunity to FSS vendors and submission of the resulting vendor quote for the need electronically.

- **GSA FSS or GSA BPA:** There are several FSS contracts and Blanket Purchase Agreements (BPA) established by GSA or other agencies for various goods or services. GSA has the goods and services organized by type, and provide them in the GSA Schedule e-Library at <http://www.gsaelibrary.gsa.gov/ElibMain/ElibHome>.

**Department of Homeland Security (DHS) or Federal Emergency Management Agency (FEMA):** DHS has established several contracts and agreements for supplies and services to be utilized during an emergency response. Information regarding the ability to utilize these tools or to learn of avenues available can be obtained by calling DHS at (202) 205-5045.

**FEMA Source Lists:** FEMA has formulated several lists of vendors of varying trades that may be utilized in relief efforts. The lists and contact information can be obtained by calling (202) 646-4686.

**Defense Logistics Agency (DLA):** DLA contracts for various supplies and services that can be utilized by the FAA. These include contracts for heavy equipment and buildings. [www.dla.mil](http://www.dla.mil)

**Air Force Contract Augmentation Program (AFCAP):** This program provides various civil engineer and service capabilities to include structural fire protection, environmental management, and lodging. [http://www.afcesa.af.mil/cex/cexx/cex\\_afcap.asp](http://www.afcesa.af.mil/cex/cexx/cex_afcap.asp)

**Navy's Construction Capability (CONCAP) contract:** Provides rapid response capability in emergency operations and is focused on construction and construction-related activities. Tasks include airfield construction, pier construction, and petroleum storage. [http://portal.navfac.navy.mil/portal/page?\\_pageid=181,1&\\_dad=portal&\\_schema=PORTAL](http://portal.navfac.navy.mil/portal/page?_pageid=181,1&_dad=portal&_schema=PORTAL)

**Army's Logistics Civil Augmentation Program (LOGCAP):** Provides rapid response in areas to include construction support, general logistics services, and facility engineer support. [http://www.amc.army.mil/amc/ci/pubs/p700\\_30.pdf](http://www.amc.army.mil/amc/ci/pubs/p700_30.pdf)

### ***Emergency Procurement Flexibilities***

- **Mandatory Sources:** An emergency may exempt procurements from complying with the Javitts-Wagner-O'Day (JWOD) Act, Randolph Sheppard Act, and the Federal Prison Industries requirements. (AMS Procurement Guidance T3.8.4)
- **Single Source Procurement:** In an emergency, procurements can be awarded to a single source if in the best interest of the FAA. (AMS Procurement Guidance T3.2.2.4)
- **Public Announcement:** The requirement to synopsise or publicly announce procurements over \$100,000 is waived for emergency actions. (AMS Procurement Guidance T3.2.2)
- **Walsh-Healey Public Contracts Act:** Contracts for supplies under emergency conditions are waived from this act. (AMS Procurement Guidance T3.6.2)
- **Purchase Card:** See section *Purchase Cards*.
- **Credit Card Checks:** See section *Purchase Cards*.
- **Letter contracts:** If the situation demands immediate response, a CO may issue a letter contract to a vendor. A letter contract includes identification of the requirement and a brief description of the work, a total amount for which the contractor shall be limited to

expend and the FAA shall be required to pay; and the period of performance by the contractor. (AMS Procurement Guidance T3.2.4)

- Verbal Authorization: A CO may give a vendor a verbal authorization to begin work once funds are committed and complete the remaining contract phases after the fact. (AMS Policy 3.2.2.4.1.1)
- Oral Solicitations and Quotations: Oral solicitations may be used when processing a written solicitation would delay the acquisition of supplies or services in an emergency to the detriment of the FAA. Oral quotations may be authorized to allow for quicker receipt of pricing for goods and services. Documentation for each oral Request for Quote (RFQ) should include:
  - Description of requirement and RFQ number;
  - Rationale for use of oral quotations;
  - Sources solicited: Include date, time, and name of individuals contacted, and prices offered; and
  - Best value determination.
- Central Contractor Registration (CCR): Contractors do not have to be registered in CCR before award of a contract, agreement, or lease in response to an emergency or disaster. (AMS Procurement Guidance T3.3.1)
- Electronic Fund Transfer (EFT): Payment by EFT is not required during emergencies or contingency operations. (AMS Procurement Guidance T3.3.1)
- Local Area Set-Asides for Disaster or Emergency: The CO may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. (AMS Procurement Guidance T3.2.1.5)
- Bonds: For emergency acquisitions, the CO may waive the requirement to obtain a guarantee when performance bond and/or payment bonds are usually required. (AMS Procurement Guidance T3.4.1)
- Legal Coordination: At Headquarters, the Assistant Chief Counsel for Procurement, and at Regions and Centers, the Region or Center Counsel, may make written exceptions to the Coordination Policy described in T1.15, adjust dollar minimums, or in appropriate cases, waive the Coordination Policy. (AMS Procurement Guidance T1.15)
- Overtime: Approval of contractor overtime should be prospective, but if justified by emergency circumstances, approval may be retroactive. (AMS Procurement Guidance T3.6.2)

**New Content:** Procurement Guidance:

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

*Appendix*

## **Section 1 : Appendix 1- Emergency Procurement Guide**

### **FAA Emergency Procurement Guide**

This guide is for the use of FAA personnel when responding to a bona fide emergency, incident of national significance, or aiding in disaster relief efforts. This guide supplements and summarizes FAA Acquisition Management System (AMS); specific policy and guidance for FAA procurement can be found at <http://fast.faa.gov>.

FAST Version 01/2009

CR 09-03

p. 8



**Emergency:** A sudden, unforeseen event that requires action to correct or to protect lives or property.

The flexibilities in this guide may be used:

1. In support of FAA contingency operations or restoration of the NAS;
2. To facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the

United States; or

3. When the President declares an incident of national significance, emergency declaration, or a major disaster declaration.

**Unauthorized Commitments: DO NOT** make commitments or promises of any kind to bind the Government if you are not a properly warranted Contracting Officer (CO) or an authorized holder of a purchase card and the requirement is within your warrant or delegation.

When purchasing goods or services in an emergency, COs and cardholders **must** ensure that applicable FAA security standards are properly addressed and adhered to.

### ***Purchase Cards***

The purchase card is a valuable tool that can be utilized to procure requirements in times of emergency. Despite the presence of an emergency situation:

- Single and monthly limits established for the card account by the Chief of the Contracting Office (COCO) in the cardholder's Delegation of Purchasing Authority (DPA) must still be strictly adhered to; and
- The person making the purchase must be the cardholder on the card account and have a valid DPA issued by the COCO.

### **Emergency Spending Limits**

The maximum single purchase limit that can be assigned to purchase card is \$100,000, while the maximum billing cycle or monthly limit is \$999,900. The COCO establishes both limitations based on justification and recommendations of a cardholder's approving official. If a cardholder is designated or tasked to respond to emergencies or participate in relief efforts, that individual's single and monthly limit can be raised to a level that allows for an efficient and effective emergency response.

A warranted CO can make purchases up to \$100,000 using a purchase card (if within their warrant limits); however the maximum Single Purchase Limit that may be issued to an unwarranted cardholder is \$10,000. If a non-warranted cardholder wishes to have a single purchase

limit above \$10,000 (up to the \$100,000 maximum) for emergency operations, the individual must receive written approval from the COCO.

### **Prohibited Purchases**

The following items cannot be purchased using a government purchase card:

- Long-term rental or lease of land or buildings
- Cash advances, including money orders
- Telephone services controlled by the GSA or the local Office of Information Services or Regional Communications Office
- Cellular or communication devices and services covered by the National Wireless Program Office (NWPO)
- Personal purchases or services
- Travel-related expenses
- Obtain Government owned or leased vehicles

### **Restricted Purchases**

- Drinking water, except when:
  - A duly constituted health authority pronounces the drinking water to be unsafe for human consumption at the site;
  - A viable and safe water source for FAA personnel is not available on or within a reasonable distance of the worksite;
  - FAA personnel reasonably foresee a disaster or emergency, such as the imminent landfall of a hurricane (See AMS Procurement Guidance 3.2.2.5 for additional restrictions); or
  - The drinking water is provided in a controlled environment to enable collections for drug use analysis for safety sensitive positions.
- Food items for meetings and conventions, except as detailed in AMS Procurement Guidance 3.2.2.5.
- Gifts to include store gifts cards/certificates or office retirements (Note that authorized office retirement plaques are not gifts and fall under non-cash awards)
- Membership fees for individual employees (the agency may purchase membership in a society or association in its own name)
- Subscriptions to publications or magazines not relating to official duties
- Clothing (or personal apparel of any description); requirements for special type clothing necessitated by agency requires written justification from the requestor's supervisor and should be coordinated with legal counsel
- Rental of aircraft by persons not in aircraft related positions
- Fans, air conditioning and cooling equipment, space heaters and heating equipment, except as properly installed for general use in connection with the maintenance and operations requirements for the site.
- Water coolers, or vacuum cleaners and other household appliances (i.e. refrigerators, microwaves, etc), except as requisitioned for general use by the authorities charged with building maintenance and equipmentPlaques, trophies, etc. (exceeding \$75.00) given to

employees for high quality work or special projects (See AMS Procurement Guidance 3.2.2.5 for additional information) Services over \$2,500

- Construction over \$2,000

### **Purchase Card Flexibilities**

See the *Emergency Procurement Flexibilities* section below in this guide.

### **Purchase Card Dos and Don'ts**

- Be sure not to charge travel related expenses on the purchase card.
- Ensure that funding is available and approvals are received. Despite the presence of an emergency, funding must be available prior to purchase.
- Never allow anyone else to use your purchase card.
- Secure the card at all times and immediately report lost or stolen cards to the Agency Program Coordinator (APC) and bank.
- Ensure that vendors understand that FAA is exempt from sales tax.
- Never exceed assigned single or monthly purchase limits.
- Never split a purchase to avoid single or monthly purchase limits.

### **Credit Card Checks**

- For those vendors that don't accept a purchase card, credit card checks have a single purchase limit of \$2,500.

### ***Procurement Resources and Tools for Emergencies***

**Mailing Lists:** Keeping a mailing list of vendors for a given locale for various supplies or services may prove useful when emergency response limits time for market research. Some if not all regional procurement offices have lists available, and can be easily formed.

**Qualified Vendors List (QVL):** A QVL is a mailing list where vendors submit their background (to include experience, certifications, etc) to the FAA to qualify to be on the QVL. As requirements become known, QVL vendors compete for award. A QVL can be useful where lists are needed in specialized areas such as NAVAIDS, electrical, EPDM roofing, or EFIS siding.

### **Blanket Purchase Agreement (BPA)**

- If an area finds a recurring need for a supply or service during an emergency response, the procurement office can establish BPAs locally.
- Individuals can be identified by the CO as authorized users of the BPA and can place purchases or "calls" against it.
- A BPA can be established with zero funding, and when needs arise it can be funded per action or in "bulk."
- BPAs can be established with either local or national vendors depending on the need.

- BPAs can be established with multiple vendors for the same need.

### **Indefinite Delivery/ Indefinite Quantity Contract (ID/IQ)**

- If a need is known but the schedule and quantity are unknown, an ID/IQ contract can be a valuable tool.
- An ID/IQ contract can be established with a single or multiple vendors.
- An ID/IQ does have a guaranteed minimum quantity in the contract.
- Funds are obligated by each task or delivery order, not by the contract itself.

### **County, City, or Local Trade Organization**

- As a response to an emergency can involve varying levels of government, many state, county, and city governments have already established listings of vendors in varying trades that can be utilized.
- In several areas, vendors have committed personnel and equipment to mobilize for emergency response when required.
- Several trade organizations have also formulated listings of their members that have committed their resources to emergency responses. These include heavy construction contractors (earth moving, etc), electricians, and landscape contractors (tree removal, etc.).
- Many government offices or trade organizations list these vendors in annual publications for reference when needed.

### ***Other Federal Resources***

#### **GSA**

- GSA Advantage Disaster Relief: GSA has established a website to identify those products and services that are traditionally utilized in relief efforts. As the products are available through GSA Advantage and GSA Federal Supply Schedule (FSS) contracts, products and pricing are easily obtained. <http://www.gsaadvantage.gov/disasterrelief>
- GSA Advantage: While using the purchase card, required supplies can be purchased and received in a short period of time. A cardholder can locate required items using the search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment. <https://www.gsaadvantage.gov>
- GSA e-Buy: If a requirement is needed quickly, yet time limitations allow for some market research, e-Buy allows for the distribution of an opportunity to FSS vendors and submission of the resulting vendor quote for the need electronically.
- GSA FSS or GSA BPA: There are several FSS contracts and Blanket Purchase Agreements (BPA) established by GSA or other agencies for various goods or services. GSA has the goods and services organized by type, and provide them in the GSA Schedule e-Library at <http://www.gsaelibrary.gsa.gov/ElibMain/ElibHome>.

**Department of Homeland Security (DHS) or Federal Emergency Management Agency (FEMA):** DHS has established several contracts and agreements for supplies and services to be utilized during an emergency response. Information regarding the ability to utilize these tools or to learn of avenues available can be obtained by calling DHS at (202) 205-5045.

**FEMA Source Lists:** FEMA has formulated several lists of vendors of varying trades that may be utilized in relief efforts. The lists and contact information can be obtained by calling (202) 646-4686.

**Defense Logistics Agency (DLA):** DLA contracts for various supplies and services that can be utilized by the FAA. These include contracts for heavy equipment and buildings. [www.dla.mil](http://www.dla.mil)

**Air Force Contract Augmentation Program (AFCAP):** This program provides various civil engineer and service capabilities to include structural fire protection, environmental management, and lodging. [http://www.afcesa.af.mil/cex/cexx/cex\\_afcap.asp](http://www.afcesa.af.mil/cex/cexx/cex_afcap.asp)

**Navy's Construction Capability (CONCAP) contract:** Provides rapid response capability in emergency operations and is focused on construction and construction-related activities. Tasks include airfield construction, pier construction, and petroleum storage.  
[https://portal.navfac.navy.mil/portal/page?\\_pageid=181,1&\\_dad=portal&\\_schema=PORTAL](https://portal.navfac.navy.mil/portal/page?_pageid=181,1&_dad=portal&_schema=PORTAL)

**Army's Logistics Civil Augmentation Program (LOGCAP):** Provides rapid response in areas to include construction support, general logistics services, and facility engineer support. [http://www.amc.army.mil/amc/ci/pubs/p700\\_30.pdf](http://www.amc.army.mil/amc/ci/pubs/p700_30.pdf)

### ***Emergency Procurement Flexibilities***

- **Mandatory Sources:** An emergency may exempt procurements from complying with the Javits-Wagner-O'Day (JWOD) Act, Randolph Sheppard Act, and the Federal Prison Industries requirements. (AMS Procurement Guidance T3.8.4)
- **Single Source Procurement:** In an emergency, procurements can be awarded to a single source if in the best interest of the FAA. (AMS Procurement Guidance T3.2.2.4)
- **Public Announcement:** The requirement to synopsise or publicly announce procurements over \$100,000 is waived for emergency actions. (AMS Procurement Guidance T3.2.2)
- **Walsh-Healey Public Contracts Act:** Contracts for supplies under emergency conditions are waived from this act. (AMS Procurement Guidance T3.6.2)
- **Purchase Card:** See section *Purchase Cards*.
- **Credit Card Checks:** See section *Purchase Cards*.
- **Letter contracts:** If the situation demands immediate response, a CO may issue a letter contract to a vendor. A letter contract includes identification of the requirement and a brief description of the work, a total amount for which the contractor shall be limited to expend and the FAA shall be required to pay; and the period of performance by the contractor. (AMS Procurement Guidance T3.2.4)
- **Verbal Authorization:** A CO may give a vendor a verbal authorization to begin work once funds are committed and complete the remaining contract phases after the fact. (AMS Policy 3.2.2.4.1.1)

- Oral Solicitations and Quotations: Oral solicitations may be used when processing a written solicitation would delay the acquisition of supplies or services in an emergency to the detriment of the FAA. Oral quotations may be authorized to allow for quicker receipt of pricing for goods and services. Documentation for each oral Request for Quote (RFQ) should include:
  - Description of requirement and RFQ number;
  - Rationale for use of oral quotations;
  - Sources solicited: Include date, time, and name of individuals contacted, and prices offered; and
  - Best value determination.
- Central Contractor Registration (CCR): Contractors do not have to be registered in CCR before award of a contract, agreement, or lease in response to an emergency or disaster. (AMS Procurement Guidance T3.3.1)
- Electronic Fund Transfer (EFT): Payment by EFT is not required during emergencies or contingency operations. (AMS Procurement Guidance T3.3.1)
- Local Area Set-Asides for Disaster or Emergency: The CO may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. (AMS Procurement Guidance T3.2.1.5)
- Bonds: For emergency acquisitions, the CO may waive the requirement to obtain a guarantee when performance bond and/or payment bonds are usually required. (AMS Procurement Guidance T3.4.1)
- Legal Coordination: At Headquarters, the Assistant Chief Counsel for Procurement, and at Regions and Centers, the Region or Center Counsel, may make written exceptions to the Coordination Policy described in T1.15, adjust dollar minimums, or in appropriate cases, waive the Coordination Policy. (AMS Procurement Guidance T1.15)
- Overtime: Approval of contractor overtime should be prospective, but if justified by emergency circumstances, approval may be retroactive. (AMS Procurement Guidance T3.6.2)

**Red Line Content: Procurement Guidance:**

*T3.2.1.5 - Disaster or Emergency Preparedness and Response*

*Appendix*

**Section 1 : Appendix 1- Emergency Procurement Guide**

**FAA Emergency Procurement Guide**

This guide is for the use of FAA personnel when responding to a bona fide emergency, incident of national significance, or aiding in disaster relief efforts. This guide supplements and summarizes FAA Acquisition Management System (AMS); specific policy and guidance for FAA procurement can be found at <http://fast.faa.gov>.

**Emergency:** A sudden, unforeseen event that requires action to correct or to protect lives or property.

The flexibilities in this guide may be used:

FAST Version 01/2009

CR 09-03

p. 14

1. In support of FAA contingency operations or restoration of the NAS;
2. To facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the ~~United~~

United States; or

3. When the President declares an incident of national significance, emergency declaration, or a major disaster declaration.

**Unauthorized Commitments: DO NOT** make commitments or promises of any kind to bind the Government if you are not a properly warranted Contracting Officer (CO) or an authorized holder of a purchase card and the requirement is within your warrant or delegation.

When purchasing goods or services in an emergency, COs and cardholders **must** ensure that applicable FAA security standards are properly addressed and adhered to.

### ***Purchase Cards***

The purchase card is a valuable tool that can be utilized to procure requirements in times of emergency. Despite the presence of an emergency situation:

- Single and monthly limits established for the card account by the Chief of the Contracting Office (COCO) in the cardholder's Delegation of Purchasing Authority (DPA) must still be strictly adhered to; and
- The person making the purchase must be the cardholder on the card account and have a valid DPA issued by the COCO.

### **Emergency Spending Limits**

The maximum single purchase limit that can be assigned to purchase card is \$100,000, while the maximum billing cycle or monthly limit is \$999,900. The COCO establishes both limitations based on justification and recommendations of a cardholder's approving official. If a cardholder is designated or tasked to respond to emergencies or participate in relief efforts, that individual's single and monthly limit can be raised to a level that allows for an efficient and effective emergency response.

A warranted CO can make purchases up to \$100,000 using a purchase card (if within their warrant limits); however ~~non-warranted individuals have their single~~the purchase limit established at a lower level duemaximum Single Purchase Limit that may be issued to ~~their~~an ~~lack~~un-warranted of procurement cardholder is training \$10,000. If a non-warranted cardholder wishes to have a single purchase limit above ~~\$50~~10,000 (up to the \$100,000 maximum) for emergency operations ~~(in advance of an actual emergency or disaster)~~, the individual must ~~document completion of the following contracting courses, in addition to required purchase card training under AMS Procurement Guidance T3.2.2.5: CON 110–Mission Support Planning CON 111–Mission Planning Execution Both courses are available to the FAA on-line at no cost~~

through the Defense Acquisition University (DAU) at [www.dau.mil](http://www.dau.mil). Once completed, the approving official will submit the cardholder's training documentation and recommended single and monthly receive purchase limits to written approval from the COCO for consideration.

## Prohibited Purchases

The ~~GSA SmartPay~~ contract stipulates that the following purchase card may not be used for the following items cannot be purchased using a government purchase card:

- ~~Rental~~ Long-term rental or lease of land or buildings ~~(except, it may be used to purchase short term commercial conference and meeting room space).~~
- Cash advances, including money orders.
- Telephone services controlled by the GSA or the local Office of Information Services or Regional Communications Office.

### Federal

- Cellular or ~~appropriations law~~ communication devices and ~~FAA services~~ policy prohibit covered by the use National of appropriated funds Wireless Program Office ~~for (NWPO)~~
- Personal ~~the following~~ purchases or purposes: services
- Travel-related expenses
- Obtain Government owned or leased vehicles

## Restricted Purchases

- Drinking water, ~~(except when: a~~
  - A duly constituted ~~public~~ health authority pronounces the ~~ordinary~~ drinking water to be unsafe for human consumption at the site, ~~or when a disaster or emergency is;~~
  - A ~~imminent~~ viable and ~~FAA personnel who will respond reasonably expect drinking~~ safe water ~~at the site to be~~ source for FAA personnel is ~~unsafe).~~ Subscriptions ~~not~~ to publications available on or magazines. Rental of aircraft by within persons not in aircraft related a reasonable distance of the ~~positions.~~ worksite;
  - Fans, air conditioning and ~~FAA~~ cooling personnel equipment, reasonably space heaters and heating foresee a disaster or equipment emergency, ~~(except such~~ as properly installed for the general use in connection with imminent landfall of a hurricane ~~the~~ (See maintenance and operations AMS Procurement Guidance requirements 3.2.2.5 of the site for additional restrictions); or
  - Water The coolers, drinking or vacuum cleaners and other household appliances water is provided in a controlled environment ~~(except to~~ as requisitioned enable collections for general drug use by the authorities charged with analysis building maintenance and for safety sensitive equipment) positions.
- Food items for meetings and conventions, ~~(except under narrowly defined~~ as detailed ~~conditions; in -AMS the~~ Procurement -Guidance ~~purchase~~ 3.2.2.5.



- Gifts card can only to include store gifts be cards/certificates used to purchase or office retirements light (Note refreshments that -authorized for award office retirement ceremonies). Gifts plaques to include store gift are not gifts and cards/certificates fall and under office non-cash retirements awards)
- Membership fees for individual employees (except the FAA agency may purchase membership in a society or association in its own name):
- Personal expenses and furnishings, including clothing, decorations, and food for Subscriptions personal use to publications or consumption (except as authorized magazines by Human Resources Policy not relating to official Manual duties)
- Clothing (HRPM) 9.2.; Note that or the use personal apparel of the purchase card any to description; purchase an item of requirements for special type clothing required to perform necessitated job duties or functions is by agency requires written justification permitted, from e.g. the requestor &#1608217; purchasing a pair of safety shoes or a uniform. This purchase supervisor and should be coordinated with the procurement legal office counsel
- Use Rental of the purchase aircraft card to purchase real property by persons not in aircraft (and related buildings positions)
- Fans, or other air conditioning structures) and is cooling prohibited equipment, (see space AMS Real Property Guidance heaters and heating equipment, Chapter except 5, as Section properly H.A.20 installed for exceptions.) Use of the purchase general card, use in lieu of connection with the travel charge maintenance card, and for operations travel-related requirements expenses is prohibited for the site.
- Use of the purchase card to obtain government Water owned coolers, or leased vehicles or vacuum to purchase fuel is prohibited cleaners and other household appliances (except i.e. purchase refrigerators, card microwaves, may etc), be used to purchase of fuel for utility machines such as lawn except as requisitioned for general use by the authorities charged with building mowers, maintenance engine generators and equipment Plaques, fork lifts trophies, and etc. snowmobiles) Use (exceeding of \$75.00) the purchase card given to employees for services (i.e. landscaping, snow high removal, quality security work services), or for the special projects same (See function, AMS some Procurement contractor, Guidance and 3.2.2.5 some location for additional are information) limited to Services over \$2,500 per procurement.
- Use of the purchase card for construction for the same function, same contractor, same location and limited Construction to over \$2,000 per procurement.

## Purchase Card Flexibilities

See the *Emergency Procurement Flexibilities* section below in this guide.

## Purchase Card Dos and Don'ts

- Be sure not to charge travel related expenses on the purchase card.
- Ensure that funding is available and approvals are received. Despite the presence of an emergency, funding must be available prior to purchase.
- Never allow anyone else to use your purchase card.

- Secure the card at all times and immediately report lost or stolen cards to the Agency Program Coordinator (APC) and bank.
- Ensure that vendors understand that FAA is exempt from sales tax.
- Never exceed assigned single or monthly purchase limits.
- Never split a purchase to avoid single or monthly purchase limits.

### **Credit Card Checks**

- For those vendors that don't accept a purchase card, credit card checks have a single purchase limit of \$2,500.

### ***Procurement Resources and Tools for Emergencies***

**Mailing Lists:** Keeping a mailing list of vendors for a given locale for various supplies or services may prove useful when emergency response limits time for market research. Some if not all regional procurement offices have lists available, and can be easily formed.

**Qualified Vendors List (QVL):** A QVL is a mailing list where vendors submit their background (to include experience, certifications, etc) to the FAA to qualify to be on the QVL. As requirements become known, QVL vendors compete for award. A QVL can be useful where lists are needed in specialized areas such as NAVAIDS, electrical, EPDM roofing, or EFIS siding.

### **Blanket Purchase Agreement (BPA)**

- If an area finds a recurring need for a supply or service during an emergency response, the procurement office can establish BPAs locally.
- Individuals can be identified by the CO as authorized users of the BPA and can place purchases or "calls" against it.
- A BPA can be established with zero funding, and when needs arise it can be funded per action or in "bulk."
- BPAs can be established with either local or national vendors depending on the need.
- BPAs can be established with multiple vendors for the same need.

### **Indefinite Delivery/ Indefinite Quantity Contract (ID/IQ)**

- If a need is known but the schedule and quantity are unknown, an ID/IQ contract can be a valuable tool.
- An ID/IQ contract can be established with a single or multiple vendors.
- An ID/IQ does have a guaranteed minimum quantity in the contract.
- Funds are obligated by each task or delivery order, not by the contract itself.

### **County, City, or Local Trade Organization**

- As a response to an emergency can involve varying levels of government, many state, county, and city governments have already established listings of vendors in varying trades that can be utilized.
- In several areas, vendors have committed personnel and equipment to mobilize for emergency response when required.
- Several trade organizations have also formulated listings of their members that have committed their resources to emergency responses. These include heavy construction contractors (earth moving, etc), electricians, and landscape contractors (tree removal, etc.).
- Many government offices or trade organizations list these vendors in annual publications for reference when needed.

### ***Other Federal Resources***

#### **GSA**

- GSA Advantage Disaster Relief: GSA has established a website to identify those products and services that are traditionally utilized in relief efforts. As the products are available through GSA Advantage and GSA Federal Supply Schedule (FSS) contracts, products and pricing are easily obtained. <http://www.gsaadvantage.gov/disasterrelief>
- GSA Advantage: While using the purchase card, required supplies can be purchased and received in a short period of time. A cardholder can locate required items using the search feature on the site, or utilize tailored sections of the site that categorize the products into areas such as Homeland Security Products or Wild Fire and Equipment. <https://www.gsaadvantage.gov>
- GSA e-Buy: If a requirement is needed quickly, yet time limitations allow for some market research, e-Buy allows for the distribution of an opportunity to FSS vendors and submission of the resulting vendor quote for the need electronically.
- GSA FSS or GSA BPA: There are several FSS contracts and Blanket Purchase Agreements (BPA) established by GSA or other agencies for various goods or services. GSA has the goods and services organized by type, and provide them in the GSA Schedule e-Library at <http://www.gsaelibrary.gsa.gov/ElibMain/ElibHome>.

**Department of Homeland Security (DHS) or Federal Emergency Management Agency (FEMA)**: DHS has established several contracts and agreements for supplies and services to be utilized during an emergency response. Information regarding the ability to utilize these tools or to learn of avenues available can be obtained by calling DHS at (202) 205-5045.

**FEMA Source Lists**: FEMA has formulated several lists of vendors of varying trades that may be utilized in relief efforts. The lists and contact information can be obtained by calling (202) 646-4686.

**Defense Logistics Agency (DLA)**: DLA contracts for various supplies and services that can be utilized by the FAA. These include contracts for heavy equipment and buildings. [www.dla.mil](http://www.dla.mil)

**Air Force Contract Augmentation Program (AFCAP):** This program provides various civil engineer and service capabilities to include structural fire protection, environmental management, and lodging. [http://www.afcesa.af.mil/cex/cexx/cex\\_afcap.asp](http://www.afcesa.af.mil/cex/cexx/cex_afcap.asp)

**Navy's Construction Capability (CONCAP) contract:** Provides rapid response capability in emergency operations and is focused on construction and construction-related activities. Tasks include airfield construction, pier construction, and petroleum storage. [https://portal.navfac.navy.mil/portal/page?\\_pageid=181,1&\\_dad=portal&\\_schema=PORTAL](https://portal.navfac.navy.mil/portal/page?_pageid=181,1&_dad=portal&_schema=PORTAL)

**Army's Logistics Civil Augmentation Program (LOGCAP):** Provides rapid response in areas to include construction support, general logistics services, and facility engineer support. [http://www.amc.army.mil/amc/ci/pubs/p700\\_30.pdf](http://www.amc.army.mil/amc/ci/pubs/p700_30.pdf)

### ***Emergency Procurement Flexibilities***

- Mandatory Sources: An emergency may exempt procurements from complying with the ~~Javits~~**Javits**-Wagner-O'Day (JWOD) Act, Randolph Sheppard Act, and the Federal Prison Industries requirements. (AMS Procurement Guidance T3.8.4)
- Single Source Procurement: In an emergency, procurements can be awarded to a single source if in the best interest of the FAA. (AMS Procurement Guidance T3.2.2.4)
- Public Announcement: The requirement to synopsise or publicly announce procurements over \$100,000 is waived for emergency actions. (AMS Procurement Guidance T3.2.2)
- Walsh-Healey Public Contracts Act: Contracts for supplies under emergency conditions are waived from this act. (AMS Procurement Guidance T3.6.2)
- Purchase Card: See section *Purchase Cards*.
- Credit Card Checks: See section *Purchase Cards*.
- Letter contracts: If the situation demands immediate response, a CO may issue a letter contract to a vendor. A letter contract includes identification of the requirement and a brief description of the work, a total amount for which the contractor shall be limited to expend and the FAA shall be required to pay; and the period of performance by the contractor. (AMS Procurement Guidance T3.2.4)
- Verbal Authorization: A CO may give a vendor a verbal authorization to begin work once funds are committed and complete the remaining contract phases after the fact. (AMS Policy 3.2.2.4.1.1)
- Oral Solicitations and Quotations: Oral solicitations may be used when processing a written solicitation would delay the acquisition of supplies or services in an emergency to the detriment of the FAA. Oral quotations may be authorized to allow for quicker receipt of pricing for goods and services. Documentation for each oral Request for Quote (RFQ) should include:
  - Description of requirement and RFQ number;
  - Rationale for use of oral quotations;
  - Sources solicited: Include date, time, and name of individuals contacted, and prices offered; and
  - Best value determination.

- Central Contractor Registration (CCR): Contractors do not have to be registered in CCR before award of a contract, agreement, or lease in response to an emergency or disaster. (AMS Procurement Guidance T3.3.1)
  - Electronic Fund Transfer (EFT): Payment by EFT is not required during emergencies or contingency operations. (AMS Procurement Guidance T3.3.1)
  - Local Area Set-Asides for Disaster or Emergency: The CO may set-aside procurements for competition among only offerors residing or doing business primarily in an area where the President has declared a major disaster or emergency. (AMS Procurement Guidance T3.2.1.5)
  - Bonds: For emergency acquisitions, the CO may waive the requirement to obtain a guarantee when performance bond and/or payment bonds are usually required. (AMS Procurement Guidance T3.4.1)
  - Legal Coordination: At Headquarters, the Assistant Chief Counsel for Procurement, and at Regions and Centers, the Region or Center Counsel, may make written exceptions to the Coordination Policy described in T1.15, adjust dollar minimums, or in appropriate cases, waive the Coordination Policy. (AMS Procurement Guidance T1.15)
  - Overtime: Approval of contractor overtime should be prospective, but if justified by emergency circumstances, approval may be retroactive. (AMS Procurement Guidance T3.6.2)
-