



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

getting it right!  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

### Federal procurement Best practices

- There are **few** objective criteria.
- **2 CFR 215.40-48 + 44 CFR 13.36** are open to **different interpretations + vague + sometimes is contradictory.**

Procurement:  
AVOIDING DHS-OIG Audit Findings!

---

---

---

---

---

---

---

---

getting it right!  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

### Federal procurement Best practices

- **Only source documents** for interpretation are FEMA responses to Office of Inspector General (OIG) audits.

Procurement:  
AVOIDING DHS-OIG Audit Findings!

---

---

---

---

---

---

---

---

getting it right!  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

### Federal procurement Best practices

- **The Applicant is ultimately responsible.**
- GOHSEP provides **“technical support” ONLY.**
- So . . . always **act like a good risk manager**, as if it was **your money.**

---

---

---

---

---

---

---

---

**Key takeaways**

- Always have a **competitive process**.
- **Avoid prohibited contracts** and be very careful with Time + Materials contracts.
- **Take the most conservative approach**.
- **DOCUMENT! DOCUMENT! DOCUMENT!**

---

---

---

---

---

---

---

---

**from the 30K-foot view**

**Purpose of this publication:** To assist eligible Applicants in identifying and applying the required Federal regulations (44 CFR 13.36) when using FEMA funds for the procurement of disaster and non-disaster materials, supplies, public works projects and services.

**This publication is private:** private (not public) through FEMA Public Assistance and Homeland Security.

**METHODS of procurement [44 CFR 13.36 (d)]**

TYPE OF PROCUREMENT	WHEN TO USE
Fixed purchase	<ul style="list-style-type: none"> <li>• Applies to all contracts for less than \$500K.</li> <li>• Requires only quotes.</li> <li>• Requires contract for procuring construction contracts.</li> <li>• Available to the lowest responsive, responsible bidder.</li> </ul>
Sealed bids	<ul style="list-style-type: none"> <li>• RFP</li> <li>• Qualifications + price selection.</li> </ul>
Competitive proposals	<ul style="list-style-type: none"> <li>• MFPC (if design services ONLY)</li> <li>• Qualifications ONLY (used selection)</li> <li>• Requires RFP (not a number of requirements 44 CFR 13.36 (d) (4))</li> <li>• Available to lowest + responsible contractors + consultants</li> <li>• Requires cost analysis.</li> </ul>
Non-competitive proposals	<ul style="list-style-type: none"> <li>• RFP</li> <li>• Requires cost analysis.</li> </ul>

**RFPs + RFPs may be published**

Separating larger projects into multiple smaller projects to avoid a competitive bid process is not allowed.

Separating larger projects into multiple smaller projects to avoid a competitive bid process is not allowed.

---

---

---

---

---

---

---

---

**from the 30K-foot view**

**Purpose of this publication:** To assist eligible Applicants in identifying and applying the required Federal regulations (44 CFR 13.36) when using FEMA funds for the procurement of disaster and non-disaster materials, supplies, public works projects and services.

**This guide:** private (not public) through IS and FEMA.

**Advertisement vs. publicizing**

**METHODS of procurement [44 CFR 13.36 (d)]**

TYPE OF PROCUREMENT	WHEN TO USE
Fixed purchase	<ul style="list-style-type: none"> <li>• Applies to all contracts for less than \$500K.</li> <li>• Requires only quotes.</li> <li>• Requires contract for procuring construction contracts.</li> <li>• Available to the lowest responsive, responsible bidder.</li> </ul>
Sealed bids	<ul style="list-style-type: none"> <li>• RFP</li> <li>• Qualifications + price selection.</li> </ul>
Competitive proposals	<ul style="list-style-type: none"> <li>• MFPC (if design services ONLY)</li> <li>• Qualifications ONLY (used selection)</li> <li>• Requires RFP (not a number of requirements 44 CFR 13.36 (d) (4))</li> <li>• Available to lowest + responsible contractors + consultants</li> <li>• Requires cost analysis.</li> </ul>
Non-competitive proposals	<ul style="list-style-type: none"> <li>• RFP</li> <li>• Requires cost analysis.</li> </ul>

**RFPs + RFPs may be published**

Separating larger projects into multiple smaller projects to avoid a competitive bid process is not allowed.

Separating larger projects into multiple smaller projects to avoid a competitive bid process is not allowed.

---

---

---

---

---

---

---

---



getting it right! 13  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

FAQs

**1. What is procurement?** Under Federal Acquisition Regulation (48 CFR 201.20), procurement is the process of acquiring goods and services, with the exception of the purchase of real property.

**2. What are the three (3) most important points I need to know about FEMA procurement?**

**3. Why are there so many procurement rules?**

**4. What is a cost analysis? When is it needed?** A cost analysis is a report or determination for the cost of an acquisition in accordance with 48 CFR 301.604.

**5. What are the differences between an STG and an STP?** STG is for the purchase of goods and services and STP is for the purchase of construction services.

**6. Do I need to document all procurement?** Yes, all procurements must be documented. However, there are some exceptions for small procurements.

**7. Can I purchase a combination of different products work in one contract?** No, each contract must be for one type of product.

**8. What are the consequences of non-compliance with procurement rules?** Non-compliance with procurement rules can result in the suspension or debarment of an organization from receiving federal funds.

**9. What is the difference between an STG and an STP?** STG is for the purchase of goods and services and STP is for the purchase of construction services.

**10. Do I need to document all procurement?** Yes, all procurements must be documented. However, there are some exceptions for small procurements.

**11. Are procurement processes subject to public release?** Yes, all procurement processes are subject to public release. However, some information may be withheld under the Freedom of Information Act (FOIA).

Possible procurement penalties:

- Withheld payment
- Suspended funds
- Withheld future grants
- A and HCEC
- Suspended grant

---

---

---

---

---

---

---

---

---

---

---

---

getting it right! 14  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

445	Administrative Requirements	445	Administrative Requirements
446	Administrative Requirements	446	Administrative Requirements
447	Administrative Requirements	447	Administrative Requirements
448	Administrative Requirements	448	Administrative Requirements
449	Administrative Requirements	449	Administrative Requirements
450	Administrative Requirements	450	Administrative Requirements
451	Administrative Requirements	451	Administrative Requirements
452	Administrative Requirements	452	Administrative Requirements
453	Administrative Requirements	453	Administrative Requirements
454	Administrative Requirements	454	Administrative Requirements
455	Administrative Requirements	455	Administrative Requirements
456	Administrative Requirements	456	Administrative Requirements
457	Administrative Requirements	457	Administrative Requirements
458	Administrative Requirements	458	Administrative Requirements
459	Administrative Requirements	459	Administrative Requirements
460	Administrative Requirements	460	Administrative Requirements
461	Administrative Requirements	461	Administrative Requirements
462	Administrative Requirements	462	Administrative Requirements
463	Administrative Requirements	463	Administrative Requirements
464	Administrative Requirements	464	Administrative Requirements
465	Administrative Requirements	465	Administrative Requirements
466	Administrative Requirements	466	Administrative Requirements
467	Administrative Requirements	467	Administrative Requirements
468	Administrative Requirements	468	Administrative Requirements
469	Administrative Requirements	469	Administrative Requirements
470	Administrative Requirements	470	Administrative Requirements
471	Administrative Requirements	471	Administrative Requirements
472	Administrative Requirements	472	Administrative Requirements
473	Administrative Requirements	473	Administrative Requirements
474	Administrative Requirements	474	Administrative Requirements
475	Administrative Requirements	475	Administrative Requirements
476	Administrative Requirements	476	Administrative Requirements
477	Administrative Requirements	477	Administrative Requirements
478	Administrative Requirements	478	Administrative Requirements
479	Administrative Requirements	479	Administrative Requirements
480	Administrative Requirements	480	Administrative Requirements

FEMA PA WORK CATEGORIES

EMERGENCY WORK

Category 1 - 48 CFR 201.201-1

Category 2 - 48 CFR 201.201-2

Category 3 - 48 CFR 201.201-3

Category 4 - 48 CFR 201.201-4

Category 5 - 48 CFR 201.201-5

Category 6 - 48 CFR 201.201-6

Category 7 - 48 CFR 201.201-7

Category 8 - 48 CFR 201.201-8

Category 9 - 48 CFR 201.201-9

Category 10 - 48 CFR 201.201-10

Category 11 - 48 CFR 201.201-11

Category 12 - 48 CFR 201.201-12

Category 13 - 48 CFR 201.201-13

Category 14 - 48 CFR 201.201-14

Category 15 - 48 CFR 201.201-15

Category 16 - 48 CFR 201.201-16

Category 17 - 48 CFR 201.201-17

Category 18 - 48 CFR 201.201-18

Category 19 - 48 CFR 201.201-19

Category 20 - 48 CFR 201.201-20

Category 21 - 48 CFR 201.201-21

Category 22 - 48 CFR 201.201-22

Category 23 - 48 CFR 201.201-23

Category 24 - 48 CFR 201.201-24

Category 25 - 48 CFR 201.201-25

Category 26 - 48 CFR 201.201-26

Category 27 - 48 CFR 201.201-27

Category 28 - 48 CFR 201.201-28

Category 29 - 48 CFR 201.201-29

Category 30 - 48 CFR 201.201-30

Category 31 - 48 CFR 201.201-31

Category 32 - 48 CFR 201.201-32

Category 33 - 48 CFR 201.201-33

Category 34 - 48 CFR 201.201-34

Category 35 - 48 CFR 201.201-35

Category 36 - 48 CFR 201.201-36

Category 37 - 48 CFR 201.201-37

Category 38 - 48 CFR 201.201-38

Category 39 - 48 CFR 201.201-39

Category 40 - 48 CFR 201.201-40

Category 41 - 48 CFR 201.201-41

Category 42 - 48 CFR 201.201-42

Category 43 - 48 CFR 201.201-43

Category 44 - 48 CFR 201.201-44

Category 45 - 48 CFR 201.201-45

Category 46 - 48 CFR 201.201-46

Category 47 - 48 CFR 201.201-47

Category 48 - 48 CFR 201.201-48

Category 49 - 48 CFR 201.201-49

Category 50 - 48 CFR 201.201-50

Category 51 - 48 CFR 201.201-51

Category 52 - 48 CFR 201.201-52

Category 53 - 48 CFR 201.201-53

Category 54 - 48 CFR 201.201-54

Category 55 - 48 CFR 201.201-55

Category 56 - 48 CFR 201.201-56

Category 57 - 48 CFR 201.201-57

Category 58 - 48 CFR 201.201-58

Category 59 - 48 CFR 201.201-59

Category 60 - 48 CFR 201.201-60

Category 61 - 48 CFR 201.201-61

Category 62 - 48 CFR 201.201-62

Category 63 - 48 CFR 201.201-63

Category 64 - 48 CFR 201.201-64

Category 65 - 48 CFR 201.201-65

Category 66 - 48 CFR 201.201-66

Category 67 - 48 CFR 201.201-67

Category 68 - 48 CFR 201.201-68

Category 69 - 48 CFR 201.201-69

Category 70 - 48 CFR 201.201-70

Category 71 - 48 CFR 201.201-71

Category 72 - 48 CFR 201.201-72

Category 73 - 48 CFR 201.201-73

Category 74 - 48 CFR 201.201-74

Category 75 - 48 CFR 201.201-75

Category 76 - 48 CFR 201.201-76

Category 77 - 48 CFR 201.201-77

Category 78 - 48 CFR 201.201-78

Category 79 - 48 CFR 201.201-79

Category 80 - 48 CFR 201.201-80

Category 81 - 48 CFR 201.201-81

Category 82 - 48 CFR 201.201-82

Category 83 - 48 CFR 201.201-83

Category 84 - 48 CFR 201.201-84

Category 85 - 48 CFR 201.201-85

Category 86 - 48 CFR 201.201-86

Category 87 - 48 CFR 201.201-87

Category 88 - 48 CFR 201.201-88

Category 89 - 48 CFR 201.201-89

Category 90 - 48 CFR 201.201-90

Category 91 - 48 CFR 201.201-91

Category 92 - 48 CFR 201.201-92

Category 93 - 48 CFR 201.201-93

Category 94 - 48 CFR 201.201-94

Category 95 - 48 CFR 201.201-95

Category 96 - 48 CFR 201.201-96

Category 97 - 48 CFR 201.201-97

Category 98 - 48 CFR 201.201-98

Category 99 - 48 CFR 201.201-99

Category 100 - 48 CFR 201.201-100

What else do I need to know?

It is YOUR responsibility to comply with local, State, Federal - and your own - purchasing guidelines in order to get and keep all funds you were approved to receive

Purchasing guidelines in order to get and keep all funds you were approved to receive

For more information or help with your procurement needs, visit [www.fema.gov/procurement](http://www.fema.gov/procurement) or contact your organization's purchasing officer OR **CONTACT: 202.675.7500**

---

---

---

---

---

---

---

---

---

---

---

---

15

Procurement: AVOIDING DHS-OIG Audit Findings!

getting it right!

GOVERNOR'S OFFICE  
HOME AND SECURITY & EMERGENCY PREPAREDNESS

---

---

---

---

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---











getting it right! 31  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

## Contact GOHSEP

**Ben Plaia**  
(225) 242-6030

**Procurement:**  
AVOIDING DHS-OIG Audit Findings!

---

---

---

---

---

---

---

---

32

## Procurement: AVOIDING DHS-OIG Audit Findings!

getting it right!

GOVERNOR'S OFFICE  
HOMELAND SECURITY & EMERGENCY PREPAREDNESS

---

---

---

---

---

---

---

---

getting it right! 33  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE

## Procurement Checklist

---

---

---

---

---

---

---

---





getting it right!  
37  
PREPARE + PREVENT + RESPOND + RECOVER + MITIGATE



GOVERNOR'S OFFICE  
HOME LAND SECURITY & EMERGENCY PREPAREDNESS

**Kipp Nelson**  
(985) 507-2011

**Ben Plaia**  
(225) 242-6030

**Procurement:**  
AVOIDING DHS-OIG Audit Findings!

---

---

---

---

---

---

---

---