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# Tips for Agencies During a Major Disaster or Emergency

*As declared by the President under authority of the Stafford Act*

VAO Research Institute

NOTE: There is a separate [declaration](#) for each state/territory in writing by the President.

## TIPS FOR CONTRACTING OFFICERS (COs; KOs for Department of Defense (DoD))

Carefully review each emergency declaration to identify which authorities have been activated.

- The local area contractor preference is applicable; tips and guidance include:
  - [FAR 26.202](#): CO and requiring office define specific geographic area – cannot be broader than counties identified in declaration(s).
  - COs “shall” give preference “to the extent feasible and practicable” to firms or individuals residing or doing business primarily in the affected area when contracting for activities such as debris clearance, distribution of supplies, or reconstruction.
  - Limited to the period of time in the declaration.
  - CO’s discretion: Local set-aside (no justification required), use locality as evaluation factor (justification required), or set aside for small business (justification required for sole source over established thresholds).
  - Provisions and clauses applicable to local area set-asides: [FAR 52.226-3](#), [52.226-4](#), [52.226-5](#).
- Under a major disaster declaration, [15 U.S. Code \(USC\) 644](#) also mandates a preference for small businesses in the covered area.

Agencies can seek outside help during major disasters or emergencies under the [Stafford Act](#). See section 5149: “any [f]ederal agency” to: 1) appoint temporary personnel, experts, and consultants to assist in responding to emergency and major disaster situations; and 2) accept and use the services or facilities of any state or local government. See part I of the Office of Federal Procurement Policy (OFPP) [January 2011 Emergency Acquisitions Guide](#).

Some available procurement processes:

- Micro-purchase threshold (MPT) increases to \$20,000 and simplified acquisition threshold (SAT) increases to \$750,000 for contracts awarded and performed in the U.S. or purchases made in the U.S. (\$30,000/\$1.5 million, respectively, for contracts/purchases outside the U.S.).
- Limited competition methods available: unusual and compelling urgency. Declared/designated by CO plus higher-level approving official, depending on dollar value of requirement (per [FAR 6.304](#)).
- [40 USC 3147](#) allows the President “in the event of a national emergency” to suspend requirements of the Construction Wage Rate Requirements statute (formerly known as the Davis-Bacon Act). Must be in declaration.
- Defense Priorities and Allocations System (DPAS): Authorized agencies may apply DPAS to facilitate industry mobilization and rapid delivery of supplies without additional authorization (see [FAR 11.603](#) and the VAO Advisory: [Understanding and Responding to Emergencies: A Contracting Officer’s Guide to Emergency Contracting](#)).
- Fixed-price construction contracts: During a period of national emergency, the CO may use the clause at [FAR 52.249-10](#) with Alternate II (for a fixed-price construction contract) or Alternate III (for a dismantling, demolition, or removal of improvements contract).

*(Table continues on page 2)*

### TIPS FOR CONTRACTING OFFICERS

Flexibilities that can be applied in any emergency situation:

- Orders under governmentwide acquisition contracts (GWACs); multi-agency contracts (MACs); existing agency indefinite-delivery, indefinite-quantity (IDIQ) contracts; and blanket purchase agreements (BPAs)
- GSA Federal Supply Schedules (FSS; see [FAR 8.405-6](#) and FSS contracts for [disaster relief](#))
- [FAR 16.505\(b\)\(2\)\(i\)](#): exceptions to the fair opportunity process in emergency situations (except FSS)
- Simplified acquisition procedures (see [FAR 13.104](#) and [FAR 5.202\(a\)](#))
- Sole-source contracts to [8\(a\)](#), Historically Underutilized Business Zone ([HUBZone](#)), service-disabled veteran-owned small businesses ([SDVOSBs](#)), or economically disadvantaged/women-owned small businesses ([ED/WOSBs](#)).
- For purchases not exceeding the SAT, COs may solicit from a single source (see [FAR 13.106-1\(b\)\(1\)](#)). Absence of competition must be justified in the file.
- Limit competition (see [FAR 6.302-2](#)).

- Search the System for Award Management (SAM) [Disaster Response Registry](#):
  - Log in.
  - Select the Search Records tab on the main navigation menu.
  - Select the Disaster Response Registry Search button.
  - Select additional search criteria, such as locality/location if applicable, to identify contractors that voluntarily added themselves to the registry.
- For additional help with this registry: Download a short [quick start guide](#).

### VAO Resources

- Advisory: [Understanding and Responding to Emergencies: A Contracting Officer's Guide to Emergency Contracting](#)
- Templates:
  - [Justification for Other Than Full and Open Competition](#)
  - [Sole Source Justification for Acquisitions Under the Simplified Acquisition Threshold](#)
  - [Justification for an Exception to Fair Opportunity](#)
  - [Sole Source Justification Under Simplified Procedures for Certain Commercial Items In Accordance with FAR 13.5](#)
  - [Justification for Sole Source 8\(a\) Contract Exceeding \\$22 Million](#)
  - [Justification for Award of a Sole Source Contract to an Economically Disadvantaged Women-Owned Small Business or Women-Owned Small Business Firm](#)
  - [Decision to Set Aside Acquisitions for Economically Disadvantaged Women-Owned Small Business and Women-Owned Small Business Firms](#)
  - [Determination - Authority to Award an Indefinite-Quantity Contract to a Single Source \(Over \\$112M\)](#)
  - [Determination that Performance Period for Contract May Exceed One Year Under Unusual and Compelling Urgency Authority](#)
  - [Limited Sources Justification \(Schedules\)](#)
- Other [samples and templates](#)

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