

## State of Nebraska PA Call

Purpose of call-Discuss the implementation of the PA program

- RPAs- who should be submitting
  - Municipalities (incorporated)
  - Districts
  - PNPs (critical or non critical)
- Grants portal-access
  - Training-webinars
- Next step- Getting ready for FEMA
  - List of damages
  - Cost incurred-documentation to support
    - Financial constraints
  - Damages to facilities
    - Critical infrastructure impacts
    - Insurance
  - What will be your priorities
- Having the above ready when your program delivery manager calls will facilitate better grant development (projects).
- Contracting-follow procurement guidelines
  - Training
  - Use of applicant procurement checklist
  - Contract reviews by FEMA
- Q&A

# Public Assistance Applicant Procurement Compliance Checklist



## Purpose:

Checklist for Reviewing Procurements under Grants by States, local and tribal governments, Institutions of Higher Education, Hospitals, and private non-profit organizations - 2 C.F.R. pt. 200. Revised on 11/19/18.

## Complementary Resources:

- Procurement Rules Online: [www.ecfr.gov](http://www.ecfr.gov)  
2 C.F.R. 200.317-326 can be viewed in its entirety at this website.  
Title 2 → Subtitle A → Chapter II → Part 200 → Subpart D → Procurement Standards
- [Field Manual](#) and [Supplement](#) available at [www.fema.gov/procurement-disaster-assistance-team](http://www.fema.gov/procurement-disaster-assistance-team)










Type of Entity	Applicant Name:	
	Reviewer Name:	Date Reviewed:
	Type of Entity Conducting the Procurement	
	The term “non-Federal entity” (NFE) below refers to the entity that is conducting the procurement action (i.e., the state, local, territorial or tribal government, or private-non-profit entity).	
	1 Is the NFE a <b>State</b> as defined by 2 C.F.R. § 200.90?	Yes <input type="checkbox"/> → The NFE must comply with 2 C.F.R. 200.317, 200.322, and 200.326 No <input type="checkbox"/> → The NFE must comply with 2 C.F.R. 200.318 through 200.326
2 Does the <b>procurement</b> comply with the State’s own procurement laws, rules, and procedures? §200.317	Yes <input type="checkbox"/> No <input type="checkbox"/> → The procurement does not comply with federal requirements	
3 Does the <b>procurement</b> comply with the requirement to make maximum use of recovered/recycled materials? § 200.317, § 200.322	Yes <input type="checkbox"/> No <input type="checkbox"/> → The procurement does not comply with federal requirements N/A <input type="checkbox"/> → Work does not involve the use of materials (e.g., debris removal or otherservices) or the NFE is not a political subdivision of a State	



## Required Contract Clauses

Contract Clauses		
4	If the contract amount exceeds \$250,000, does it address <b>administrative, contractual, or legal remedies</b> in instances where contractors violate or breach contract terms, and provide for sanctions and penalties?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
5	If the contract amount exceeds \$10,000, does it address <b>termination for cause and for convenience</b> , including the manner by which it will be effected and the basis for settlement?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
6	If the contract is for construction, does it include the required <b>Equal Employment Opportunity</b> clause?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
7	For construction contracts exceeding \$2,000 awarded under a Federal grant, does the contract include a <b>Davis-Bacon Act clause and Copeland "Anti- Kickback" Act</b> clause addressing prevailing wage rates?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>
8	If the contract amount exceeds \$100,000 and involves the <b>employment of mechanics or laborers</b> , does the contract include the required <b>Contract Work Hours and Safety Standards</b> clause?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9	<b>Rights to Inventions Made Under a Contract or Agreement</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
10	If the contract or subrecipient amount exceeds \$150,000, does the contract include clauses addressing the <b>Clean Air Act and the Federal Water Pollution Control Act</b> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>



Required Contract Clauses	11	Does the contract include a <b>Suspension and Debarment</b> clause?	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The contract does not comply with federal requirements
	12	Does the contract include a <b>Byrd Anti-Lobbying</b> clause?	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The contract does not comply with federal requirements
	13	<b>For contracts exceeding \$100,000, have bidders submitted the required Byrd Anti-Lobbying Certification?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The contract does not comply with federal requirements
	14	Does the contract include a clause requiring the contractor to maximize use of <b>recovered/recycled materials</b> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/> 	The contract does not comply with federal requirements  Work does not involve the use of materials (e.g., debris removal or other services) or NFE is not a political subdivision of a State
Recommended Contract Clauses	15	Does the contract include a clause allowing for <b>changes or modifications</b> to the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The contract does not include provisions <b>recommended by FEMA</b>
	16	Does the contract include a clause requiring the contractor and any subcontractors to comply with applicable provisions governing <b>Department and FEMA access to records</b> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The contract does not include provisions <b>recommended by FEMA</b>
	17	Does the contract restrict any contractors and subcontractors from using <b>DHS's seal, logo, or flag</b> without express permission?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The contract does not include provisions <b>recommended by FEMA</b>
	18	Does the contract contain a clause requiring the contractor to comply with all <b>applicable federal law, regulations, executive orders</b> , and FEMA policies, procedures and directives?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The contract does not include provisions <b>recommended by FEMA</b>



Recommended Contract  
Clauses

19	Does the contract contain a provision stating that the <b>Federal Government is not a party to the contract</b> and is not subject to any obligations or liabilities to any party under the contract?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The contract does not include provisions <b>recommended by FEMA</b>
20	Does the contract include a provision in which the contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for <b>False Claims and Statements</b> ) applies to its actions pertaining to the contract?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The contract does not include provisions <b>recommended by FEMA</b>



If a State agency is awarding the contract, STOP here.

The District of Columbia, USVI, the commonwealth of Puerto Rico, Guam, American Samoa, and the commonwealth of the Northern Mariana Islands are included in the definition of a state.

If the contract is being awarded by a local or tribal government or private nonprofit entity, CONTINUE with the checklist.



Type of  
Entity

Written Standards of Conduct

General Requirements			
21	Does the <b>procurement</b> comply with the NFE's own procurement laws, rules, and procedures which reflect applicable <b>state, local, and tribal laws and regulations</b> ? §200.318(a)	Yes <input type="checkbox"/> No <input type="checkbox"/>	The procurement does not comply with federal requirements
22	Did the NFE maintain <b>contract oversight</b> to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders? §200.318(b)	Yes <input type="checkbox"/> No <input type="checkbox"/>	The procurement does not comply with federal requirements
23	Does the NFE have written standards of conduct covering - §200.318(c)(1):		
24	<b>Conflicts of interest</b> and governing the actions of its employees engaged in the selection, award, and administration of contracts?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The standards do not comply with federal requirements
25	Any employee, officer, or agent participating in the selection, award, or administration of a contract supported by a Federal award that has an <b>actual or apparent conflict of interest</b> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The standards do not comply with federal requirements
26	Any employee, officer, or agent that has solicited and/or accepted <b>gratuities, favors, or anything of monetary value</b> from contractors or parties to subcontracts?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The standards do not comply with federal requirements
27	Do standards of conduct provide for <b>disciplinary actions</b> to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The standards do not comply with federal requirements
28	If the NFE has a <b>parent, affiliate, or subsidiary organization</b> that is not a state, local government, or Indian tribe, does the non-Federal entity have written standards of conduct covering <b>organizational conflicts of interest</b> ? §200.318(c)(2)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	The standards do not comply with federal requirements
29	The NFE must avoid acquisition of <b>unnecessary or duplicative items</b> . Has the NFE <b>considered</b> consolidating or breaking out procurements to obtain a more economical purchase? Where appropriate, has the NFE <b>considered</b> lease versus purchase alternatives? § 200.318(d)	Yes <input type="checkbox"/> No <input type="checkbox"/>	The procurement does not comply with federal requirements



## T&amp;M Contracts











30	Is the <b>contract</b> being awarded to a <b>responsible contractor</b> possessing the ability to perform successfully under the terms and conditions of the proposed procurement, giving consideration to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources? § 200.318(h)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The contract does not comply with federal requirements
31	Is the <b>NFE</b> keeping <b>records sufficient</b> to detail the history of the procurement, including, but not limited to, records documenting the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price? § 200.318(i)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
32	Is the contract a <b>time-and-materials contract</b> ? § 200.318(j)	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Answer questions 33 and 34 Skip to 35
33	Has the NFE documented <b>why</b> no other contract is suitable?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The contract does not comply with federal requirements
34	Does the contract include a <b>ceiling price</b> that the contractor exceeds at its own risk?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The contract does not comply with federal requirements
35	Is the <b>NFE alone</b> responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements? §200.318(k)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements

## Competition

## Full &amp; Open Competition

36	All procurement transactions must be conducted in a manner providing <b>full and open competition</b> consistent with the standards of this section. Does the procurement involve any of the following § 200.319(a) (see below)?		
37	Placing <b>unreasonable requirements</b> on firms in order for them to qualify to do business?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The procurement does not comply with federal requirements
38	Requiring <b>unnecessary experience</b> and <b>excessive bonding</b> ?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The procurement does not comply with federal requirements













Full & Open Competition	39	Noncompetitive pricing practices between firms or between affiliated companies?	Yes <input type="checkbox"/>  No <input type="checkbox"/>	The procurement does not comply with federal requirements
	40	Noncompetitive contracts to consultants that are on <b>retainer contracts</b> ?	Yes <input type="checkbox"/>  No <input type="checkbox"/>	The procurement does not comply with federal requirements
	41	Organizational conflicts of interest?	Yes <input type="checkbox"/>  No <input type="checkbox"/>	The procurement does not comply with federal requirements
	42	Specifying only a “ <b>brand name</b> ” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement?	Yes <input type="checkbox"/>  No <input type="checkbox"/>	The procurement does not comply with federal requirements
	43	Any <b>arbitrary action</b> in the procurement process?	Yes <input type="checkbox"/>  No <input type="checkbox"/>	The procurement does not comply with federal requirements
Geographic Preference	44	Was the contractor that is bidding on the contract also involved with developing or drafting the specifications, requirements, statement of work, invitation for bids, or request for proposals? § 200.319(a)	Yes <input type="checkbox"/>  No <input type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements (That contractor must be excluded from competing for such procurement)
	45	Does the <b>contract</b> include a state or local <b>geographic preference</b> for local contractors? § 200.319(b)	Yes <input type="checkbox"/>  No <input type="checkbox"/> 	Answer 46 Skip to 47
Written Procurement Procedures	46	Did the NFE document one of the exceptions?	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The contract does not comply with federal requirements
	47	Do the NFE’s <b>written procurement procedures</b> ensure that all solicitations comply with the following: § 200.319(c)?		
	48	Incorporate a clear and accurate description of the <b>technical requirements</b> for the material, product, or service to be procured? § 200.319(c)(1)	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The procedures do not comply with federal requirements





Pre-Qualified Lists	49	Identify <b>all requirements</b> which the offerors must fulfill and all other factors to be used in <b>evaluating bids or proposals</b> ? § 200.319(c)(2)	Yes <input type="checkbox"/> No <input type="checkbox"/>	The procedures do not comply with federal requirements
	50	Is the NFE using a <b>prequalified list</b> of persons, firms, or products which are used in acquiring goods and services: § 200.319(d)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Answer questions 51-53 Skip to 54
	51	Is the list <b>current</b> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The prequalified list does not comply with federal requirements
	52	Does the list include <b>enough qualified sources</b> to ensure maximum open and <b>free competition</b> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The prequalified list does not comply with federal requirements
	53	Were any <b>potential bidders precluded from qualifying</b> during the solicitation period?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The procurement does not comply with federal requirements
Method of Procurement				
Micro-Purchase	54	Is the NFE using one of the following acceptable methods of procurement? § 200.320		
	55	<b>Micro-purchase</b> (i.e., purchases below \$10,000, see, §200.67 Micro- purchases) § 200.320(a)  <b>Note:</b> Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.	Yes <input type="checkbox"/> No <input type="checkbox"/>	Answer 56 Skip to next method
	56	To the extent practicable, is the NFE distributing micro-purchases equitably among qualified suppliers?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements



Small Purchase	57	<b>Small purchase procedures § 200.320(b)</b>  <b>Note:</b> Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the lesser of either (1) the federal small purchase threshold (i.e., \$250,000), or (2) whatever amount State or local procurement rules set as the small purchase threshold— <b>if more restrictive than the federal threshold</b>	Yes <input type="checkbox"/>  No <input type="checkbox"/> 	Answer 58  Skip to next method
	58	Did the NFE obtain price or rate <b>quotations from an adequate number of</b> qualified sources (at least 3 or more)?	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The procurement does not comply with federal requirements?
Sealed Bids	59	<b>Sealed bids § 200.320(c)</b>  <b>Note:</b> Note: Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.	Yes <input type="checkbox"/>  No <input type="checkbox"/> 	Answer 59-70  Skip to next method
	60	Are <b>all</b> of the following conditions to use sealed bidding present? § 200.320(c)(1)	Yes <input type="checkbox"/>  No <input type="checkbox"/> 	Check if <b>all</b> answers between 61 and 63 are “Yes”  If you answer “No” to any of the questions between 61 and 63, the procurement does not comply with federal requirements
	61	A complete, adequate, and realistic specification or purchase description is available	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The procurement does not comply with federal requirements
	62	Two or more responsible bidders are willing and able to compete effectively for the business	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The procurement does not comply with federal requirements
	63	The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price	Yes <input type="checkbox"/> No <input type="checkbox"/> 	The procurement does not comply with federal requirements
	64	If sealed bids are used, the following requirements apply: § 200.320(c)(2)		



## Sealed Bids

65	Did the NFE solicit bids from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
66	If the NFE is a local or tribal government, was the invitation for bids publicly advertised?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
67	Did the invitation for bids include any specifications and pertinent attachments, and define the items or services in order for the bidder to properly respond?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
68	Did the NFE open all bids at the time and place prescribed in the invitation for bids?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
69	For <b>local and tribal governments</b> , were the bids opened publicly?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
70	Did the NFE award a firm fixed price contract award in writing to the lowest responsive and responsible bidder?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
71	If any bids were rejected, was there a sound documented reason supporting the rejection?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
72	<b>Procurement by competitive proposals § 200.320(d)</b>  <b>Note:</b> The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Answer 73-76  Skip to next method

## Competitive Proposals



Competitive Proposals	73	Did the NFE publicize the Requests for Proposals (RFPs) and identify all evaluation factors and their relative importance?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
	74	Did the NFE solicit proposals from an adequate number of qualified sources?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
	75	Did the NFE have a written method for conducting technical evaluations of the proposals received and for selecting recipients?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
	76	Did the NFE award the contract to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements
	77	<b>Note regarding architectural/engineering (A/E) professional services:</b> The NFE may use competitive proposal procedures for qualifications-based procurement of A/E professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. <b>The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.</b>		
Non-Competitive Proposals	78	<b>Noncompetitive proposals § 200.320(f)</b>  <b>Note:</b> Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one (or an improperly limited number of) source(s)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Answer 79-83
	79	If using a noncompetitive proposal method, do <b>one or more of the following circumstances</b> apply?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Check if <b>one or more of</b> answers to 79-82 are "Yes"  If you answer "No" or "N/A" to 79-82, the procurement does not comply with federal requirements







## Non-Competitive Proposals

80	The item is available only from a single source	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
81	The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
82	The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
83	After solicitation of a number of sources, competition is determined inadequate	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

## Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms (Not Required for Micro-Purchases)

## Affirmative Steps

84	Has the NFE taken the <b>following affirmative steps</b> to assure that minority businesses, women's business enterprises, and labor surplus area firms are used <b>when possible?</b> § 200.321	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/> 	The procurement does not comply with federal requirements Not required for procurements under \$250,000. (Document)
85	Placing qualified small and minority businesses and women's business enterprises on solicitation lists?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/> 	The procurement does not comply with federal requirements (Document)



## Affirmative Steps






86	Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements No potential sources. (Document)
87	Dividing total requirements, <b>when economically feasible</b> , into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements Not economically feasible. (Document)
88	Establishing delivery schedules, <b>where the requirement permits</b> , which encourage participation by small and minority businesses, and women's business enterprises?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements The requirement does not permit. (Document)
89	Using the services and assistance, <b>as appropriate</b> , of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements Not appropriate. (Document)
90	Requiring the prime contractor, <b>if subcontracts are to be let</b> , to take the affirmative steps listed above?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/>	The procurement does not comply with federal requirements No subcontractors will be let. (Document)

## Contract Cost and Price

## Cost or Price Analysis

91	If the <b>contract amount</b> (including contract modifications) exceeds <b>\$250,000</b> , did the NFE perform a cost or price analysis? § 200.323(a)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
92	Did the NFE <b>negotiate profit</b> as a separate element of the price for each contract in <i>which there is no price competition and, in all cases, where cost analysis is performed</i> ? § 200.323(b)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The procurement does not comply with federal requirements



<b>CPPC Contract</b>	93 Is the contract a <b>“cost plus a percentage of cost”</b> or <b>“percentage of construction cost”</b> contract?	Yes <input type="checkbox"/>  No <input type="checkbox"/>	This form of contract is <b>prohibited</b> under the Federal procurement standards.
	<b>Bonding Requirements for Construction or Facility Improvement Contracts Exceeding \$250,000</b>		
<b>Bonding Requirements</b>	94 <b>Note:</b> For construction or facility improvement contracts or subcontracts exceeding the <b>Simplified Acquisition Threshold</b> (i.e., \$250,000), the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected.		
	95 If such a determination (see above) has not been made, does the procurement include the following?	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
	96 A <b>bid guarantee</b> from each bidder equivalent to <b>five percent of the bid price</b> ?  The <b>“bid guarantee”</b> must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
	97 A <b>performance bond</b> on the part of the contractor for <b>100 percent of the contract price</b> ?  A <b>“performance bond”</b> is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The procurement does not comply with federal requirements
	98- A <b>payment bond</b> on the part of the contractor for <b>100 percent of the contract price</b> ?  A <b>“payment bond”</b> is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.	Yes <input type="checkbox"/> No <input type="checkbox"/>  N/A <input type="checkbox"/>	The procurement does not comply with federal requirements



# Public Assistance Application Requirements for Private Nonprofit Organizations

This Quick Guide outlines FEMA's **Request for Public Assistance process for private nonprofit organizations** and explains which private nonprofits must also apply for a U.S. Small Business Administration (SBA) disaster loan before receiving certain Public Assistance funding.

## Submit a Request for Public Assistance with Supporting Documentation

Private nonprofit organizations that offer certain types of eligible services are eligible to receive FEMA Public Assistance funding for damages caused by a presidentially-declared emergency or major disaster. Private nonprofit organizations interested in pursuing Public Assistance reimbursement must submit a **Request for Public Assistance (RPA)** through the Recipient. In the Request for Public Assistance, a private nonprofit organization must demonstrate that it 1) is a non-revenue producing, nonprofit entity under federal or state law and 2) owns or operates a facility that provides an eligible service.

### Proof of legal private nonprofit entity status

An organization must demonstrate private nonprofit status using one of the following documents:

- ☐ A current ruling letter from the U.S. Internal Revenue Service granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; or
- ☐ Documentation from the state substantiating it is a non-revenue producing, nonprofit entity organized or doing business under state law.

#### Recipient

State, tribe or territory that receives and administers the Public Assistance Federal award.

#### Applicant

State, local, tribal, or territorial government or eligible private nonprofit entity submitting a request for assistance under the Recipient's Federal award.

### Eligibility of services provided at the damaged facility

The eligibility of a private nonprofit organization is also based on the services provided at the facility owned or operated by the private nonprofit. Each facility must provide **critical** or **non-critical but essential** services, as defined by federal statute, to be considered eligible for Public Assistance.

Type of services provided	Examples of services
<b>Critical Services</b>	Schools, utilities, emergency services, medical services
<b>Non-Critical but Essential Government Services</b>	Houses of worship, community centers, libraries, child care

*Note: A private nonprofit that provides both eligible and ineligible services may be considered a mixed-use facility. Eligibility of mixed-use facilities is determined based on the type and extent (measured as a percentage) of the primary use of the facility. Mixed-use facilities may be subject to additional eligibility requirements that are explained in the [Public Assistance Program and Policy Guide](#).*



In addition to providing the name and location of the damaged facility and the primary purpose of each facility, a private nonprofit Applicant will need to answer the following questions:

- ☐ Who can use the facility and is use restricted to certain groups?
- ☐ Is there a fee to use the facility?
- ☐ Does the private nonprofit have the legal responsibility to repair the facility?

**If an Applicant does not provide this information when submitting a Request for Public Assistance, the eligibility determination will be delayed.**

## Approval of the Request for Public Assistance

Once an Applicant submits a Request for Public Assistance, a representative of the Recipient will review and send the request to FEMA. **FEMA staff make the determination whether the Request for Public Assistance is eligible. Applicants will be notified of their eligibility for Public Assistance.**

## Small Business Administration Loan Requirements

Federal regulations require that **private nonprofits providing non-critical but essential services apply for a disaster loan through the U.S. Small Business Administration (SBA) before receiving Public Assistance funding for permanent work.** This requirement does not apply to emergency work. After applying for the SBA loan, the Applicant must report the results to FEMA. The amount of funding provided by an SBA loan will be deducted from the cost estimate that FEMA will reimburse. The table that follows summarizes when private nonprofits must apply for an SBA loan to receive Public Assistance reimbursement.

**Emergency work**  
Emergency protective measures and debris removal.

**Permanent work**  
Permanent restoration of damaged facilities, including roads, bridges, water control facilities, buildings and equipment, utilities, parks, and recreational facilities.

Type of services provided	Emergency work	Permanent work
<b>Critical Services</b>	SBA application <u>not</u> required	SBA application <u>not</u> required
<b>Non-Critical but Essential Government Services</b>	SBA application <u>not</u> required	<b>SBA application <u>IS</u> required</b>

SBA offers loans to qualified businesses and most private nonprofit organizations to cover disaster losses not fully covered by insurance. These loan proceeds may be used for the repair or replacement of real property, machinery, equipment, fixtures, inventory, or leasehold improvements. For more information, including deadlines and to apply online for a SBA disaster loan visit [disasterloan.sba.gov/ela/Information/BusinessPhysicalLoans](https://disasterloan.sba.gov/ela/Information/BusinessPhysicalLoans).

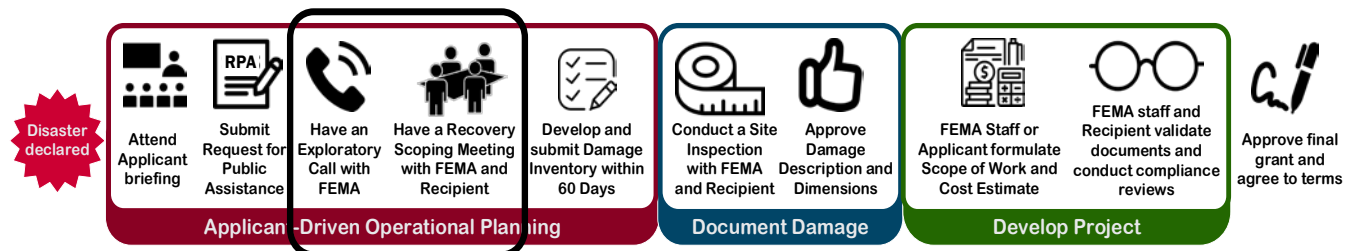
**Insurance Proceeds**  
FEMA and SBA cannot provide disaster assistance funding that duplicates insurance proceeds. An Applicant must pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s).

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# Early Coordination: Exploratory Call and Recovery Scoping Meeting

This Quick Guide explains **why the Exploratory Call and the Recovery Scoping Meeting are important** to the success of FEMA Public Assistance grant development and the **responsibilities of an Applicant** in this early coordination.

## The Public Assistance Program Delivery Process



## What is an Exploratory Call?

An Exploratory Call is **an introductory discussion between an Applicant and FEMA staff** to discuss disaster-related damages and learn what is required to develop a Public Assistance grant. After a Request for Public Assistance has been approved, Applicants are assigned a Program Delivery Manager, who will be their central FEMA point of contact to help navigate the grant process. The Program Delivery Manager will conduct an Exploratory Call, which should occur within 7 days of assignment. During the call, an Applicant will:

- Connect with the Program Delivery Manager
- Learn about Public Assistance grants and how they are developed
- Describe incident-related damage and barriers to recovery, including impacts to critical infrastructure and funding needs
- Learn how to report damage claims
- Identify key personnel to include in future meetings
- Learn about key documentation that must be submitted in support of damage claims
- Discuss and schedule the Recovery Scoping Meeting.

### Recipient

State, tribe or territory that receives and administers the Public Assistance Federal award.

### Applicant

State, local, tribal, or territorial government or eligible private non-profit entity submitting a request for assistance under the Recipient's Federal award.

The Program Delivery Manager uses the Exploratory Call to tailor the agenda of the Recovery Scoping Meeting. It also allows an Applicant to prepare for and coordinate participation in the Recovery Scoping Meeting.

## What is a Recovery Scoping Meeting?

A Recovery Scoping Meeting is a **detailed and in-depth working session** between an Applicant and FEMA staff to discuss the impacts of the incident and develop the strategy for Public Assistance grant development. The discussion during the Recovery Scoping Meeting establishes an Applicant's priorities and sets the tempo for the Public Assistance delivery process. The Recovery Scoping Meeting occurs within 21 days of Applicant assignment to a Program Delivery Manager.

**The Recovery Scoping Meeting starts the 60-day regulatory timeframe during which an Applicant must identify and report damage.**

## How should an Applicant prepare for a Recovery Scoping Meeting?

An Applicant should be ready to actively participate in this working session and invite all relevant staff with knowledge of disaster-related damages and community needs, to ensure the Applicant and FEMA can develop an appropriate strategy for recovery. To prepare for the Recovery Scoping Meeting, an Applicant should consider the steps below.

### Topics in Recovery Scoping Meeting

- Applicant's recovery plans and priorities
- Details of incident-related damage
- Work that has already been done
- Logically grouping damages into projects
- Documentation and information needs
- Schedule and dates for site inspections
- Potential hazard mitigation opportunities
- Insurance, environmental and historic preservation compliance requirements

- ☐ Continue to **identify and report disaster-related damages** in the Damage Inventory in Grants Portal. Applicant may develop a draft damage inventory to discuss with the Program Delivery Manager prior to uploading into Grants Portal.
- ☐ Identify **desired recovery outcomes** for disaster-related damage. Consider:
  - How do you want to fix your damaged facilities and/or infrastructure?
  - Do you have long-term community development plans?
  - Do you need help in determining your long-term plan?
- ☐ **Prioritize disaster-related damages.** Consider:
  - Which facilities or infrastructure should be addressed first?
  - Do you have any funding needs?
- ☐ Identify and **invite the staff** with in-depth knowledge of disaster-related damages, such as public utilities managers, transportation department staff, or bookkeeping staff who can gather supporting documentation for disaster claims.
- ☐ Identify **representatives with knowledge** of damaged facilities or infrastructure **who will participate in site inspections.**
- ☐ Begin to **gather supporting documentation**, including pay/personnel policy, procurement Policy, relevant insurance policies, and contracts.
- ☐ **Review schedule** and identify times for regular follow-up meetings with FEMA.

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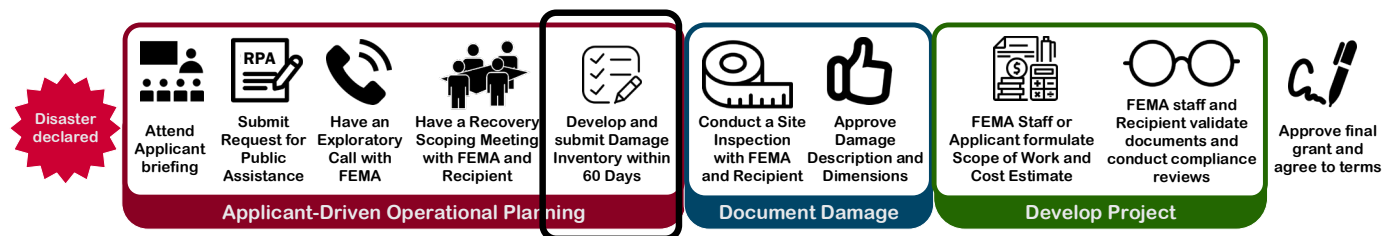
# Developing a Damage Inventory

This Quick Guide explains how **Applicants identify and report disaster-related damage** and why a **Damage Inventory** is important to the success of FEMA Public Assistance grant development.

## What is a Damage Inventory?

A **Damage Inventory** is a detailed list of debris removal, emergency work activities, and damaged facilities for which an Applicant is seeking Public Assistance reimbursement. Federal regulations require that all debris removal, emergency work activity, and disaster-related damage must be identified and reported within 60 days of the Recovery Scoping Meeting to be reimbursed.

### The Public Assistance Program Delivery Process



## Why is a Damage Inventory important?

A **Damage Inventory is the basis for Public Assistance grants**. A FEMA Program Delivery Manager uses the Damage Inventory to logically group damage line items into Public Assistance projects, schedule site inspections for incomplete work, and determine what supporting documents an Applicant will need to provide. FEMA cannot continue the grant development process until items have been entered in the Damage Inventory.

An Applicant has up to 60 days after the Recovery Scoping Meeting to identify and report disaster-related damage and emergency work activities. A Program Delivery Manager will work with an Applicant throughout the 60-day period to draft, develop, and finalize their Damage Inventory.

### Applicant

State, local, tribal, or territorial government or eligible private non-profit entity submitting a request for assistance under the Recipient's Federal award.

### Project

A logical grouping of disaster damage, the scope of work an Applicant will complete to address the damage, and the estimated funding.

## How does an Applicant create a Damage Inventory?

Applicants begin recording damage in the Damage Inventory template, an Excel spreadsheet that can be downloaded from Grants Portal or provided by the Program Delivery Manager. Applicants are encouraged to start documenting items in the spreadsheet as soon as possible, even if damage is still being identified. Applicants bring a draft Damage Inventory to the Recovery Scoping Meeting to discuss and develop it with their Program Delivery Manager. Once finalized, within 60 days of the Recovery Scoping Meeting, the Damage Inventory must be uploaded to Grants Portal.

**Grants Portal will prompt an Applicant to sign the Damage Inventory at day 61 after the Recovery Scoping Meeting. Any changes after 60 days need to be approved by FEMA field leadership.**

## What information should be included in a Damage Inventory?

Each line item in a Damage Inventory should contain the following information:

### **Name of the Damage:**

A clear and distinctive title, indicating the type of facility and uniquely identifying it (*example: “Mills Road” rather than “Damaged Road” and “Smith Creek Culvert” rather than “Culvert”*).

### **Location:**

Address, City, State, ZIP code and latitude/longitude coordinates for the facility.

### **Description of Damage in Line Item:**

A summary of the damage and/or work performed, including:

- Type of facility
- Damaged component(s) of the facility and what caused the damage
- Extent of damage to the facility (*example: if affected by flooding, include the length of time the facility was underwater*)
- Work completed (*example: temporary repairs, items removed from facility*).

*Example: 10,000 square foot, 2 story brick building. HVAC in basement was impacted by floodwaters. Up to 4 feet of floodwater throughout the facility. Building remained flooded for 2 days. Flooring, carpet, and drywall were removed to prevent molding.*

### **Primary Cause of Damage:**

Type of event that caused the damage (e.g. hurricane, flood, severe storm, tornado).

### **Approximate Cost:**

Estimate of how much the anticipated work or repairs will cost. Unless work is complete, this may be a rough estimate.

### **Category of Work:**

The category of work that has been or will be completed. FEMA regulations define seven categories of eligible work:

- Category A – Debris removal
- Category B – Emergency protective measures
- Category C – Roads and bridges
- Category D – Water control facilities
- Category E – Buildings and equipment
- Category F – Utilities
- Category G – Parks, recreational, other facilities.

### **Type of Labor:**

How will repairs be completed: by a contractor, by an Applicant’s own employees (also called Force Account labor), through a Mutual Aid Agreement, or using Donated Resources?

### **Additional information includes:**

- Whether an Applicant has received Public Assistance funding to restore the facility in the past
- Estimated percentage of work that has been completed already
- Level of priority the Applicant assigns to restoring the facility.

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# Public Assistance Delivery Model Overview for Applicants

This Quick Guide explains **updates to the process FEMA uses to deliver the Public Assistance Program**. The Public Assistance Program provides federal grant assistance so that communities can quickly respond to and recover from major disasters or emergencies declared by the President.

## What is the Public Assistance delivery model?

The **Public Assistance program delivery model** is FEMA's process to plan, develop, and award Public Assistance grants. From 2014 to 2017, FEMA redesigned the program delivery model to address concerns about timeliness, transparency, and process complexity. The delivery model seeks to improve customer service, reduce costs, and reduce funding errors. The five goals are to: increase simplicity, increase accuracy, increase efficiency, improve timeliness and improve accessibility of the program.

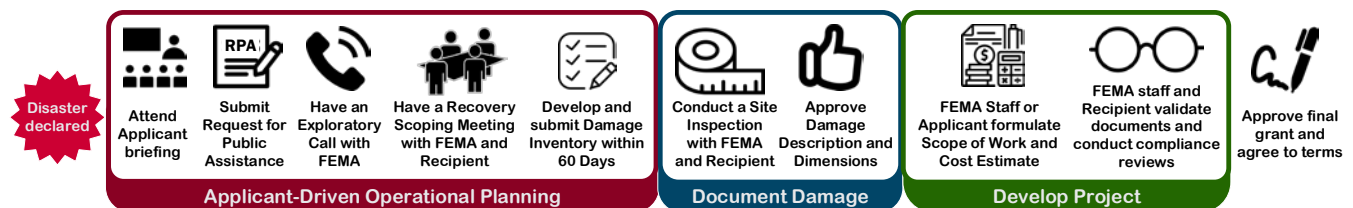
### Recipient

State, tribe or territory that receives and administers the Public Assistance Federal award.

### Applicant

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## The Public Assistance Program Delivery Process



## What changed about the delivery model?

In general, changes to the delivery model involve four themes:

- **Consolidation:** Co-locating technical resources and staff with specific expertise in locations that serve all Public Assistance operations across the country.
- **Specialization:** Simplifying roles of FEMA Public Assistance staff so the right people, with the right skills, are assigned to the right task, at the right time. Tailoring training and development to the specific roles that staff perform.
- **Standardization:** Improving reliability through technology by normalizing systems and work flows, and creating templates, checklists, and job aids for use throughout the process.
- **Segmentation:** Simplifying the steps of grant development and ensuring level of effort is based on risk, infrastructure complexity, and type of work.

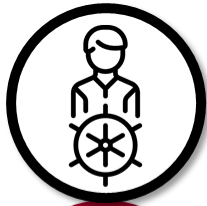
Applicants have a central point of contact—a **Program Delivery Manager**—to help navigate the process. Applicants and FEMA staff use an online system called **Grants Portal** to improve transparency of grant development. In addition, FEMA is dedicated to **continuous improvement** of the Public Assistance Program delivery process and is actively monitoring progress, receiving feedback, and improving processes and tools.



### What did not change?

- **Laws, regulations, policy:** FEMA uses the same requirements to determine eligibility.
- **Applicant role:** Applicants remain responsible for documenting eligibility, performing emergency work, and driving recovery to meet the community's needs.
- **Recipient role:** Recipients still manage recovery and distribute award funding to Applicants.

### What is an Applicant's role in the award process?



#### **Drive Community Recovery**

**Set priorities and move the recovery process forward.** Applicants identify ways to best meet the community's needs and ensure progress is made towards recovery.



#### **Request Public Assistance**

**Submit a Request for Public Assistance to begin the grant application process.** This form, submitted through the Recipient, is the official mechanism by which a potential Applicant requests and receives approval for Public Assistance funding.



#### **Identify and Report Damage**

**Identify and report damage; discuss priorities with the FEMA Program Delivery Manager.** Applicants ensure all damage is accurately recorded in a Damage Inventory. They should identify immediate needs and impacts to critical facilities.



#### **Conduct Site Inspections**

**Participate in a site inspection to record details of the damage.** If work is not complete, a FEMA Site Inspector will visit a damage site to collect information on the nature and dimensions of damage. Applicants must verify the damage description because it is the basis of a project's scope of work and cost estimate.



#### **Submit Documents**

**Upload documents and information to Grants Portal.** FEMA and the Applicant use documentation to support project eligibility, write a scope of work, and develop a cost estimate. Applicants must keep track of all work activities and costs and upload documentation into Grants Portal.



#### **Review and Concur**

**Review the project and agree to the terms and conditions of funding.** Once project scopes and costs are developed, Applicants review and agree to funding terms and requirements and sign the project. Audits and appeals processes exist to review environmental and historic preservation, contract, and insurance matters.

#### **Project**

A logical grouping of disaster damage, the scope of work an Applicant will complete to address the damage, and the estimated funding.

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