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GSA Office of Governmentwide Policy  
Acquisition Letter MV-2011-07

MEMORANDUM FOR HEADS OF CONTRACTING ACTIVITIES

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SUBJECT: Emergency Warrant Authority

Purpose:

The purpose of this letter is to establish GSA-wide expedited processes to modify or issue new warrants for personnel deployed to support Presidential emergency declarations, major disaster declarations, or other emergency responses. This Letter provides guidance to Heads of Contracting Activities (HCAs) and Regional Emergency Coordinators (RECs) on ensuring effective contracting support during emergency response and recovery. This letter cancels Acquisition Letters and Alerts related to Hurricane Katrina.

Background:

Each emergency is different as is each region's capability to respond. The Federal Emergency Management Agency (FEMA) is the designated lead Federal agency for coordinating contracting support for emergency operations under a Presidential emergency or major disaster declaration. However, not all emergencies may be FEMA-led responses. Thus, there is no "one size fits all" when it comes to emergency contracting. HCAs and RECs are in the best position to ensure adequate contracting support in order to respond effectively to regional emergency needs.

Instructions and Procedures:

The Emergency Acquisition Guide prepared by the Office of Federal Procurement Policy, referenced below, is an invaluable resource to HCAs to prepare for emergencies before an emergency. The guide offers government-wide lessons learned from past disasters and incorporates self-assessment and preparation techniques in order for HCAs to pre-position emergency contracting resources effectively.

The Chief Acquisition Officer (CAO), the Senior Procurement Executive (SPE) and leadership in both Public Buildings Service (PBS) and Federal Acquisition Service national acquisition management offices are committed to providing support to HCAs during emergency responses.

HCAs need to consider the needs of the response first in determining the right fit of acquisition workforce and warranted personnel required. The needs of the emergency encompass all elements of contracting, from cradle to grave. Simply awarding contracts without ensuring adequate contract administration leaves such contracts open to fraud, waste and abuse. Statutory and regulatory requirements are not waived for emergency conditions. Considerations often overlooked include:

- File documentation;
- Availability of key advisors, including managerial, competition advocate, legal, budget support;
- Availability of systems support in awarding or modifying contracts, delivery/task orders (Comprizon, ITSS, for example);
- Contract administration functions, such as contractor oversight and approval of invoices through closeout;
- Reporting, including validation, such as FPDS-NG;
- File transfer procedures, if GSA is not the lead agency.

Therefore, taking the above into consideration, there are a number of options available to HCAs, depending upon the specific needs of the emergency:

- Need to increase existing warrant levels of Regional contracting officers (COs) and/or purchase card threshold only
- Need for additional CO support on-site
- Need for additional CO support remotely (reach back capability)
- Need for contract administration support, including documentation and reporting:
  - a. Administrative contracting officers
  - b. Contracting Officer Technical Representatives (COTRs)

In determining resource needs, HCAs should choose individuals who have demonstrated sound business judgment, consistent with law and within the limits of their authority. Individuals chosen should be familiar with emergency procedures outlined in FAR Part 18 and FAR Subpart 26.2.

Attachment A provides a snapshot of the roles and responsibilities for the CAO/SPE, the requesting HCA and the servicing HCA with regards to warrants and determining acquisition workforce needs.

Attachment B outlines the purchase card increases pursuant to FAR Subpart 18.2 and GSA Order 4200.1A, as authorized by the SPE.

### Proposed Activation Process

This process flow is meant to be a representation of the likely steps involved with the issuance of GSA emergency warrants across organizational or regional lines in the event of declared domestic disasters or national security emergencies. This is not meant to show the entire activation and response process. Actual steps and communications may vary, depending on the size and nature of the declared emergency or disaster.

Step 1: Major domestic disaster or national security emergency operation declared. The CAO or SPE notifies the HCAs.

Step 2: GSA activates its regional or service emergency response coordination process in accordance with the Office of Emergency Response and Recovery (OERR).

Step 3: The HCA determines its needs and assesses if its existing workforce is sufficient to meet the needs, considering award, administration, documentation and reporting requirements:

- a. The HCA looks within its own Service lines before reaching outside the organization, including an examination of existing purchase card authority.
- b. For long, protracted responses, the HCAs should work with the REC in developing rotational staffing and other advisory support such as legal and budget, to support the needs of the response. In this step, HCAs may also determine if supplemental contracting personnel are necessary to complete the assignment.
- c. The HCA will ensure there is documented oversight and internal control processes over the pre-award through post-award contractual activities of supplemental emergency contracting personnel.

Step 4: If supplemental emergency contracting personnel are required, then pursuant to existing policy:

- a. GSA's CAO or HCA may grant higher temporary contracting authority to already warranted COs to support declared domestic or national security emergencies.
- b. GSA's CAO or HCA may direct a CO to enter into contracts on behalf of a GSA organization different from the organization specified in their Certificate of Appointment in response to a declared domestic or national security emergency. Thus, warranted Cos may assist PBS responses without need of a new warrant.
- c. HCAs and RECs work to find supplemental staff, targeting personnel within its own organization first before requesting external resources.
- d. Service/ Regional HCAs may seek CAO/SPE approval to appoint Contracting Officers with authority limited to entering into contracts required to respond to declared domestic or national security emergencies:
  - (i) If temporary emergency warrant authority is granted in support of declared domestic or national security, the HCA must provide the CAO or SPE with reasonable assurance that the associate is eligible to be warranted, and has the requisite experience.
  - (ii) Temporary warrants or increases in limits to authority are rescinded after the emergency/disaster is over
- e. If internal GSA resources have been exhausted, CAO or SPE assists HCAs by reaching out to government wide contingency contracting corps to provide relief.

Effective Date: Upon signature.

Termination Date: Upon incorporation into the GSAM

Cancellation: The following documents are hereby cancelled in their entirety:

- a. SPE Memorandum signed May, 28, 2003, Emergency Procurement Authority
- b. Acquisition Alert 2005-05, Emergency Procurement Authority
- c. Acquisition Letter V-05-17, including Supplements 1 through 3, Class Deviation Applicable to Acquisitions for Hurricane Katrina Response and Relief

- d. Acquisition Letter V-05-19, Class Deviation Applicable to Leasehold Interests in Real Property in Support of Hurricane Katrina
- e. Acquisition Letter V-05-21, GSA Stewardship Action Plan for Significant Acquisitions Related to Hurricane Katrina
- f. Acquisition Letter 06-01, Transfer of Contracts to FEMA

Applicability: This Acquisition letter applies to the acquisition workforce, particularly the HCAs and those involved in emergency acquisitions.

*References:*

- a. GSAM 501.603-3 (e), per Acquisition Letter V-06-06, Transitional Guidance, GSA Contracting Officer Warrant Program (COWP)
- b. Office of Federal Procurement Policy, Emergency Acquisitions, dated January, 2011 ( [http://www.whitehouse.gov/omb/procurementindex\\_guides/](http://www.whitehouse.gov/omb/procurementindex_guides/) )
- c. GSA Acquisition Letters, Alerts and Memoranda listed for cancellation above. These historical documents provide an understanding of what was done after September 11, 2001 in support for Hurricanes Katrina and Rita in 2005.
- d. Acquisition Alert 2011-05, prepared for Hurricane Irene

**Attachments**

- A. Roles and Responsibilities Matrix
- B. Increase in Purchase Card Program procedures pursuant to contingency or Presidential or major disaster declarations

## ATTACHMENT A: Requesting HCA, Servicing HCA and CAO/SPE Roles and Responsibilities

CAO/SPE	Requesting HCA (location of the emergency)	Servicing HCA
Supports the Requesting and Servicing HCAs in emergency response	Has primary responsibility for all contracts issued and all acquisition workforce supporting the emergency	Provides additional resources for a given time to the requesting HCA and ensures volunteers understand they will report to and be managed by the Requesting HCA
Notifies HCAs of Presidential or major disaster declaration	Utilizes existing protocols in place as first response to emergency, working with fellow HCA and REC as needed.	Ensure acquisition workforce volunteers have necessary certification, warrant, expertise to support Requesting HCA needs, including providing the Requesting HCA copies of warrants
Notifies HCAs of increases in thresholds	Determines need to increase warrant threshold for purchase cards as first step and makes request to regional credit card coordinator (Attachment B)	Ensure the volunteers are committed to the response during the time required
Notifies HCAs that warrants of servicing volunteers are applicable to support the emergency response, regardless of organization or region	Determines need to grant higher temporary contracting authority to support declared domestic or national security emergencies. Requesting HCAs may grant the temporary increase to address the emergency	Ensure volunteers follow the internal approval processes of the Requesting HCA
Supports HCAs by providing a resource within OGP to answer warrant or certification questions as they arise	Determines need for and duration of additional resources (award, administration, documentation and reporting), filling need from within own organization first	Ensures volunteers understand need for, and capable of, accurate contract documentation and reporting
May temporarily increase the warrant thresholds of existing warrants within an organization to immediately address the emergency	Determines need for and duration of additional resources outside of its organization in coordination with other HCAs (such as regions where there are more than one HCA) and REC(s).	Ensure volunteers understand the need for transitioning to their replacements and availability to answer questions when needed, post-deployment
Assist HCAs in activating cadre of emergency contracting officers	Identify time commitment of resources needed from servicing HCA (2 weeks, 30 days, for example), working with REC(s) to develop reasonable rotation plan	Ensure volunteers understand that all contract documents are complete and transferred to the requesting HCA upon completion of duty

	<b>Requesting HCA</b>	<b>Servicing HCA</b>
	Determine if there is a need for resources to perform contract administration functions (FAR 42.302(a) and(b))	Ensure volunteers effect a complete file transfer
	Retains ultimate responsibility for the contracting actions of the response	Provides management support to volunteers by working with Requesting HCA managers in resolving any conflicts
	Provides management support to volunteers by working with Servicing HCA managers in resolving any conflicts	Ensure availability of volunteers post emergency to answer any audit issues that may arise regarding the actions they took
	Ensures acquisition workforce understands the differences in authority for "acquisition flexibilities for emergencies" (FAR Subpart 18.1) and "emergency acquisition flexibilities" (FAR Subpart 18.2)	Ensures acquisition workforce understands the differences in authority for "acquisition flexibilities for emergencies" (FAR Subpart 18.1) and "emergency acquisition flexibilities" (FAR Subpart 18.2)

## Attachment B

### **PURCHASE CARD PROCEDURES FOR OFFICES TO FOLLOW IF THE SENIOR PROCUREMENT EXECUTIVE INCREASES THE MICROPURCHASE AND SIMPLIFIED ACQUISITION THRESHOLDS**

The following procedures are based on FAR Subpart 18.2, *Emergency Acquisition Flexibilities* and GSA Order CFO 4200.1A, *Guidance on Use of Credit Card for Purchases*.

#### **A. To raise the single transaction limit to \$15,000, the threshold established in FAR 13.201 for purchase cardholders who are not warranted**

1. GSA Offices must submit their request in writing to the servicing regional credit card coordinators listed at: <http://insite.cfo.gsa.gov/backpages.php?c=90>. The request should come from the cardholder's supervisor and may take the form of a memorandum or an email (if the monthly limit is not raised). The written request must contain the following elements:

- Supervisor's name and title
- A statement that the request is to facilitate the recovery from (cite emergency or disaster, such as Hurricane Katrina).

Name(s) and office symbol of affected cardholder(s); lists of more than one name will be accepted.

A statement that the supervisor has discussed with the cardholders) that the higher single transaction limit of \$15,000 only applies to purchases directly related to actions to facilitate the recovery from (cite the emergency or disaster, such as Hurricane Katrina) and that all other purchases are subject to the regular single transaction limits of \$2,500 or less per transaction.

- For cardholders whose existing monthly limit has been determined to be insufficient to accommodate the new higher single transaction limit, a GSA Form 3661, Purchase Card Application and Maintenance, signed by the funds manager must accompany the written request. This is to ensure funds are available and that there is proper coordination with budget staff. Offices need only fill-in the cardholder's name, correspondence symbol, new higher monthly limit, and include the funds manager name and signature. A single GSA Form 3661 may be submitted for a list of names if all monthly limits are to be set at the same level and they all have the same funds manager.

2. The regional credit card coordinator will process the new higher limits with the credit card company as soon as possible and retain a copy of the request and all associated forms and correspondence in their regional coordinator files.



Attachment B (continued)

B. To raise the single transaction limit for warranted contracting officers above the Simplified Acquisition Threshold of \$150,000.

1. GSA Offices must submit their request in writing to the servicing regional credit card coordinators listed at: <http://insite.cfo.gsa.gov/backpages.php?c=90>. The request should come from the cardholder's supervisor and may take the form of a memorandum or an email (if the monthly limit is not raised). The written request must contain the following elements:

- Supervisor's name and title
- A statement that the request is to facilitate the recovery from (cite emergency or disaster, such as Hurricane Katrina).
- Name(s) and office symbol of affected cardholder(s); lists of more than one name will be accepted.
- Warrant amount; and new single transaction amount being requested
- For cardholders whose existing monthly limit has been determined to be insufficient to accommodate the new higher single transaction limit, a GSA Form 3661, Purchase Card Application and Maintenance, signed by the funds manager must accompany the written request. This is to ensure funds are available and that there is proper coordination with budget staff. Offices need only fill-in the cardholder's name, correspondence symbol, new higher monthly limit, and include the funds manager name and signature. A single GSA Form 3661 may be submitted for a list of names if all monthly limits are to be set at the same level and they all have the same funds manager.

2. The regional credit card coordinator will process the new higher limits with the credit card company as soon as possible and retain a copy of the request and all associated forms and correspondence in their regional coordinator files.