



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** October 1, 2020

Staff Contact: Carol Akers and Darren Schulz, Public Works Director

Agenda Title: For Possible Action: Discussion and possible action regarding the purchase of personal protective equipment (PPE) and sanitation supplies from various vendors through December 31, 2020, for a total not to exceed amount of \$901,659. (Carol Akers, CAkers@carson.org and Dan Stucky, DStucky@carson.org)

Staff Summary: The Board of Supervisors approved \$1 million in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for the purchase of PPE and sanitation supplies for citywide distribution. To keep up with demand, the Department of Public Works is requesting authority to proceed with purchases of PPE and sanitation supplies from various vendors, including Silver State Industries, Apex Safety & Supply Inc., Sunrise Environmental and Inland Supply Company. Under NRS 332.112 and the President's National Emergency Declaration for Coronavirus Disease 2019 (COVID-19), Carson City may procure PPE via noncompetitive methods.

Agenda Action: Formal Action / Motion **Time Requested:** 5 Minutes

Proposed Motion

I move to approve the purchases as presented, and authorize the Public Works Director, or his designee, to request Purchase Orders for the approved purchases.

Board's Strategic Goal

Safety

Previous Action

August 6, 2020 - the Board of Supervisors approved \$1 million in CARES Act Funding to be spent on the purchases of PPE and sanitation supplies for Carson City businesses.

Background/Issues & Analysis

Carson City has received federal CARES Act funding as part of the federal Coronavirus pandemic response. On August 6, 2020, the Board of Supervisors approved \$1 million of these funds to be spent for purchasing PPE and sanitation supplies for Carson City businesses. The Department of Public Works has currently spent a total of \$98,340.30 on initial orders of supplies from multiple supply companies. The initial purchases include face coverings, face shields, disposable gloves, concentrated cleaning solution, gallon hand sanitizer stands and hand sanitizer.

The demand from local businesses is expected to exceed current supplies. To purchase PPE and sanitation supplies in sufficient volumes to keep up with demands, the Department of Public Works must exceed the \$50,000 threshold established in the Carson City Purchasing and Contracts policy for purchases from any one vendor. Accordingly, Board approval is now necessary to continue to make needed purchases.

The Department of Public Works is seeking authorization to make PPE and sanitation supplies purchases from any vendor that sells the needed supplies so that the Department may: (1) perform a price comparison among the vendors and select the vendor that is most advantageous to the City, and (2) act expeditiously if supplies dwindle and become available only from select vendors. The vendors from which the City currently plans to purchase large amounts of PPE and sanitation supplies are Silver State Industries, Apex Safety & Supply Inc., Sunrise Environmental and Inland Supply Company. Staff has performed research to compare pricing and availability, and this research will be kept as part of the record keeping for cost-price analysis. Current purchase orders and quotes are attached to this staff report for items that have been received or are currently being delivered to the Department of Public Works.

Under NRS 332.112, the City's emergency purchasing process is not required to comply with the local government purchasing requirements of NRS Chapter 332. Purchasing may be accomplished through a variety of methods, including joinder or regular contracts, purchase orders, P-Cards, or any other purchasing method.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 332.112 and 332.195

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Project Number G070120017|G-SUPPLIES, CARES Act. Grant Fund 2750600 501225 Operating Supplies.

Is it currently budgeted? Yes

Explanation of Fiscal Impact: Project Number G070120017, fund 2750600 501225 will be reduced by \$901,659; the available budget is \$901,659.

Alternatives

Do not approve the purchases and provide alternative direction to staff.

Attachments:

[POs and Quotes.pdf](#)

[Bulletin05-EmergencyProtectiveMeasuresProcurement 04-03-2020.pdf](#)

[Federal and OMB Memo M-20-18.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)



Carson City
City Hall
201 North Carson Street
Carson City, NV 89701

Purchase Order

Fiscal Year 2021

Page: 1 of: 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **21200186**

Delivery must be made within doors of specified destination.

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PUBLIC WORKS - ENGINEERING
3505 BUTTI WAY
CARSON CITY, NV 89701
Phone: 775-887-2355
Fax: 775-887-2112

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SILVER STATE INDUSTRIES
3955 W RUSSELL RD
LAS VEGAS, NV 89118

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PUBLIC WORKS - ENGINEERING
3505 BUTTI WAY
CARSON CITY, NV 89701
Email: TGORDON@CARSON.ORG;
BELDER@CARSON.ORG
Phone: 775-887-2355
Fax: 775-887-2112

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference	
775-887-2210				21100295			
Date Ordered	Vendor Number	Date Required	Freight Method/Terms		Department/Location		
08/26/2020	1865				PUBLIC WORKS - ENGINEERING		
Item#	Description/PartNo			QTY	UOM	Unit Price	Extended Price
1	COVID-19 SUPPLIES - PPE & SAN The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading COVID-19 SUPPLIES - (PPE) FACE COVERINGS (MASKS) GLOVES & SANITIZER GL Account: 2750600 - 501225 Cross Reference: 275-0600-413.12-98			1.0	EACH	\$49,775.00	\$49,775.00
							\$49,775.00

For Terms and Conditions visit
Carson.org/conditions

By: Carol
Purchasing & Contracts Administrator

Total Ext. Price	\$49,775.00
PO Total	\$49,775.00



Silver State Industries Print Shop

1721 E. Snyder Ave.
Carson City, NV 89702
smcmanus@doc.nv.gov 775-977-5240
ssi.nv.gov

Customer Information

Company Carson City Public Works
Contact Brian Elder, P.E.
Billing Address

Quote No. **20-0826b**

Date 8/26/2020
Valid Through 10/10/2020

Phone 775-283-7586
Email belder@carson.org

QUOTE

Qty	Description	Unit Price	EXT Price
200	Boxes of Double Layer washable masks, (65% Cotton/35% Poly) 50 per pack, colors limited to stock on hand.	\$37.50	\$7,500.00
500	Face Shields	\$2.75	\$1,375.00
450	Boxes of MG-1 Small Nitrile Gloves 100 per box (Medical Grade) 1000 per case. 4mil.	\$15.50	\$6,975.00
450	Boxes of MG-1 Medium Nitrile Gloves 100 per box (Medical Grade) 1000 per case. 4mil.	\$15.50	\$6,975.00
450	Boxes of MG-1 Large Nitrile Gloves 100 per box (Medical Grade) 1000 per case. 4mil.	\$15.50	\$6,975.00
450	Boxes of MG-1 XL Nitrile Gloves 100 per box (Medical Grade) 1000 per case. 4mil.	\$15.50	\$6,975.00
500	Bottles of Hand Sanitizer, 1 Gallon	\$22.00	\$11,000.00
500	Pumps for 1 Gallon Hand Sanitizer Bottles	\$4.00	\$2,000.00
1	Free Shipping to Carson City, NV	\$0.000	\$0.00

Subtotal \$49,775.00
Discount \$0.00

Total **\$49,775.00**

Once work is in progress on your original quoted bid and alterations or changes are requested, additional charges and/or delays may result depending on the modifications requested.

Silver State Industries is not responsible for any damage to customer-provided goods. If products are found unsatisfactory upon receipt Silver State Industries is not obligated to reimburse, replace or redo the order.

I understand by signing this quote that delays may result due to natural disasters, lockdowns and/or uprisings possible within a prison environment.

If you have any questions regarding this quotation, please contact Seana McManus at 775-977-5240 or smcmanus@doc.nv.gov. If this quote meets your approval, please sign and date below and return via email to proceed with your request.

Approved by _____
(Signature)

Date _____



Carson City
 City Hall
 201 North Carson Street
 Carson City, NV 89701

Purchase Order

Fiscal Year 2021

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Phone: 775-887-2355
 Fax: 775-887-2112

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **21200184**

Delivery must be made within doors of specified destination.

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APEX SAFETY & SUPPLY INC
 470 W LARCH ROAD
 SUITE 8
 TRACY, CA 95304

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Email: TGORDON@CARSON.ORG;
BELDER@CARSON.ORG
 Phone: 775-887-2355
 Fax: 775-887-2112

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference			
				21100294					
Date Ordered	Vendor Number	Date Required	Freight Method/Terms			Department/Location			
08/26/2020	3008					PUBLIC WORKS - ENGINEERING			
Item#	Description/PartNo					QTY	UOM	Unit Price	Extended Price
1	COVID-19 SUPPLIES - PPE - FACE The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading COVID-19 SUPPLIES (PPE) FACE COVERINGS - CHILD'S WASHABLE & ADULTS DISPOSABLE GL Account: 2750600 - 501225 Cross Reference: 275-0600-413.12-98					1.0	EACH	\$19,935.61	\$19,935.61

For Terms and Conditions visit
Carson.org/conditions

By: Carol
 Purchasing & Contracts Administrator

Total Ext. Price	\$19,935.61
PO Total	\$19,935.61



Apex Safety & Supply Inc.

470 West Larch Rd. Suite 8
470 W Larch Rd Suite 8
Tracy, CA 95304

Proposal

Proposal Date: 8/21/2020

Proposal #: 003652-A

Project:

Bill To:

Carson City Public Works
3505 Butti Way
Carson City NV 89701

Item	Description	Est...	Rate	Total
YDTMSK02	Childs Washable Mask	2,500	2.44	6,100.00T
ELM100	Ear Loop Mask Not Respirator Pack of 50	1,000	13.83561	13,835.61T
	State, County, City entities exempt from sales tax		0.00%	0.00
Total				\$19,935.61

Phone:	Fax:
209-830-0005	209-830-0099



Carson City
 City Hall
 201 North Carson Street
 Carson City, NV 89701

Purchase Order

Fiscal Year 2021

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Phone: 775-887-2355
 Fax: 775-887-2112

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **21200194**

Delivery must be made within doors of specified destination.

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TRIGON CORPORATION
 SUNRISE ENVIRONMENTAL
 PO BOX 10207
 RENO, NV 89510

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Email: TGORDON@CARSON.ORG;
BELDER@CARSON.ORG
 Phone: 775-887-2355
 Fax: 775-887-2112

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference	
				21100305			
Date Ordered	Vendor Number	Date Required	Freight Method/Terms		Department/Location		
08/28/2020	2888				PUBLIC WORKS - ENGINEERING		
Item#	Description/PartNo			QTY	UOM	Unit Price	Extended Price
1	COVID-19 SUPPLIES- HAND SANITI The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading COVID-19 SUPPLIES- FREE-STANDING HAND SANITIZER STANDS GL Account: 2750600 - 501225 Cross Reference: 275-0600-413.12-98			1.0	EACH	\$6,950.00	\$6,950.00

For Terms and Conditions visit
Carson.org/conditions

By: Carol
 Purchasing & Contracts Administrator

Total Ext. Price	\$6,950.00
PO Total	\$6,950.00

SUNRISE ENVIRONMENTAL850 Industrial Way
Sparks, NV 89431

Quote

Customer No.: 01CA65419

Quote No.: 409

Quote To: **CARSON CITY-PUBLIC WORKS**3505 BUTTI WAY
ATTN: TOM GORDON
CARSON CITY, NV 89701Ship To: **CARSON CITY-PUBLIC WORKS**3505 BUTTI WAY
ATTN: TOM/BRIAN
CARSON CITY, NV 89701

Date		Ship Via		F.O.B.		Terms	
08/27/20		TO BE DETERMINED		Origin		Net 30 Days	
Purchase Order Number			Sales Person			Required	
			CHRIS DUSKIN			08/27/20	
Quantity			Item Number	Description	Unit Price	Amount	
Required	Shipped	B.O.					
50				FREE-STANDING HAND SANIT STAND/GALLONS	139.00	6950.00	
						Quote subtotal	6950.00
						Quote total	6950.00

Thank You



Carson City
 City Hall
 201 North Carson Street
 Carson City, NV 89701

Purchase Order¹¹

Fiscal Year 2021

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Phone: 775-887-2355
 Fax: 775-887-2112

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.	
Purchase Order #	21200232

Delivery must be made within doors of specified destination.

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TRIGON CORPORATION
 SUNRISE ENVIRONMENTAL
 PO BOX 10207
 RENO, NV 89510

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Public Works - Warehouse
 3303 BUTTI WAY
 Building 13
 CARSON CITY, NV 89701
 Email: TGORDON@CARSON.ORG;
BELDER@CARSON.ORG

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference	
				21100357			
Date Ordered	Vendor Number	Date Required	Freight Method/Terms		Department/Location		
09/15/2020	2888				PUBLIC WORKS - ENGINEERING		
Item#	Description/PartNo			QTY	UOM	Unit Price	Extended Price
1	SANITIZER - 64 LEMON- CITYWIDE The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading E-SANITIZER 64 LEMON- CITYWIDE USE GL Account: 2750600 - 501225 Cross Reference: 275-0600-413.12-98			1.0	EACH	\$9,179.69	\$9,179.69

For Terms and Conditions visit
Carson.org/conditions

By: Carol
 Purchasing & Contracts Administrator

Total Ext. Price	\$9,179.69
PO Total	\$9,179.69

SUNRISE ENVIRONMENTAL850 Industrial Way
Sparks, NV 89431

Quote

Customer No.: 01CA65419

Quote No.: 413

Quote To: **CARSON CITY-PUBLIC WORKS**3505 BUTTI WAY
ATTN: TOM GORDON
CARSON CITY, NV 89701Ship To: **CARSON CITY-PUBLIC WORKS**3505 BUTTI WAY
ATTN: TOM GORDON
CARSON CITY, NV 89701

Date	Ship Via	F.O.B.	Terms
09/14/20	TRUCKLINE	Origin	Net 30 Days
Purchase Order Number		Sales Person	
		CHRIS DUSKIN	
Quantity		Item Number	Description
Required	Shipped	B.O.	Unit Price
300.000		2024	E-SAN 64 LEMON
			30.0000
			9000.00

Quote subtotal	9000.00
Freight charges	179.69
Quote total	9179.69

Thank You



Carson City
 City Hall
 201 North Carson Street
 Carson City, NV 89701

Purchase Order¹³

Fiscal Year 2021

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Phone: 775-887-2355
 Fax: 775-887-2112

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **21200195**

Delivery must be made within doors of specified destination.

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INLAND SUPPLY CO., INC.
 2820 MILL STREET
 RENO, NV 895002

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PUBLIC WORKS - ENGINEERING
 3505 BUTTI WAY
 CARSON CITY, NV 89701
 Email: TGORDON@CARSON.ORG;
BELDER@CARSON.ORG
 Phone: 775-887-2355
 Fax: 775-887-2112

Vendor Phone Number		Vendor Fax Number		Requisition Number		Delivery Reference	
				21100313			
Date Ordered	Vendor Number	Date Required	Freight Method/Terms		Department/Location		
08/28/2020	3011				PUBLIC WORKS - ENGINEERING		
Item#	Description/PartNo			QTY	UOM	Unit Price	Extended Price
1	COVID-19 SUPPLIES - PPE - DISP The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading COVID-19 SUPPLIES- (PPE) DISPOSABLE KIDS MASKS GL Account: 2750600 - 501225 Cross Reference: 275-0600-413.12-98			1.0	EACH	\$12,500.00	\$12,500.00

By: Carol
 Purchasing & Contracts Administrator

For Terms and Conditions visit
Carson.org/conditions

Total Ext. Price	\$12,500.00
PO Total	\$12,500.00

INLAND SUPPLY CO.

Industrial Cleaning Products

PRICE QUOTE

2111 LAST CHANCE ROAD
ELKO, NEVADA 89801
PHONE (775) 738-2168
FAX (775) 738-2168

2820 MILL STREET • RD. BOX 10048
RENO, NEVADA 89510
PHONE (775) 323-8606 (800) 292-8528
FAX (775) 323-4425

770 W. 8TH STREET
WINNEMUCCA, NEVADA 89445
PHONE (775) 623-8868
FAX (775) 623-8849

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Quoted
CARSON CITY PUBLIC WORKS
3505 BUTTI WY
ATTN: TOM GORDON
CARSON CITY NV 89701
Tel:775-230-6574 Fax:

Ship To
SAME

Quote #	Quote Date	Exp Date	Customer #	Customer PID #	Ship Via	Writer
Q103291	08/27/2020	02/23/2021	0003217		OWN TRUCK	JSJ
Job ID	Customer Terms			Salesman		
	CREDIT CARD			Jack Johnson		

Product	Description	UM	Quant	Unit Price	Extension
SP*001992	***** * *** ALWAYS SEND PRICED COPY * * TO CUSTOMER ** ***** DISPOSABLE KIDS MASK 50/BOX #MC8008-S	BX	500	25.00	12500.00

X: _____ (Accepted by)	Sub Total	\$12,500.00	T o t a l \$12,500.00
	Freight	\$0.00	
	Misc Charges	\$0.00	
	Tax Amount	\$0.00	

MESSAGE	TERMS

PUBLIC ASSISTANCE COVID-19 EMERGENCY PROTECTIVE MEASURES PROCUREMENT BULLETIN #5 REVISED – 4/3/20

State of Nevada Division of Emergency Management

COVID-19 Emergency Protective Measures

Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

Key Points

The President’s Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19) Public Health Emergency was declared on March 13, 2020.

“For the duration of the Public Health Emergency, which began January 27, 2020 as determined by the U.S. Health and Human Services, local governments, tribal governments, nonprofits, and other non-state entities may proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations for

- 1) Emergency Protective Measures under FEMA’s Public Assistance Program and
- 2) Use of FEMA non-disaster grant funds by non-state recipients to respond to or address COVID-19.”

“The President’s unprecedented Nationwide Emergency Declaration, and the Secretary of Health and Human Services’ (HHS) declaration of a Public Health Emergency for COVID-19 establish that exigent and emergency circumstances currently exist.”

(FEMA Memorandum from Acting Administrator Office of Response and Recovery, David Bibo, March 17, 2020)

Local Procurement (including Tribal governments):

- 1) All contracts must be in writing.
- 2) Your local jurisdiction procurement policy must still be followed, which may include formal notifications, price or rate quotations and competitive formal bid requirements.
- 3) Any emergency procurement must follow the State NRS 332.112 (Emergency Contracts), including:
 - a. These contracts must be reported to the governing body at its next regularly scheduled meeting.
 - b. The governing body (i.e. Board of Commissioners) minutes is required documentation.
- 4) Contracts must include the required Federal contract clauses (2 C.F.R. § 200.326 & Appendix II) (refer to the FEMA – Contract Provisions Template, September 30, 2019 for guidance)
- 5) Follow Federal 2 CFR 200 Requirements for procuring under Exigent or Emergency Circumstances:
 - a. Allows jurisdictions to proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations for
 - i. Emergency protective measures under FEMA’s Public Assistance Program and
 - ii. Use of FEMA non-disaster grant funds by non-state recipients and sub-recipients to respond to or address COVID-19.
 - b. Use of the emergency/exigency exception is only permissible during the actual emergency or exigent circumstances.

- c. To procure contracts/items non-competitively if the amount exceeds or is expected to exceed the simplified purchase threshold (currently \$250,000).
(2 C.F.R. § 200.323(a) and (b))
The jurisdiction must still comply with the other Federal 2CFR 200 requirements, including:
- (1) the contract must include the required contract clauses;
 - (2) the contract must include the Federal bonding requirements, if the contract is for construction or facility improvement;
 - (3) the non-state entity must award to a “responsible contractor;”
 - (4) the non-state entity must complete a cost or price analysis (FEMA requires 3 quotes, keep the documentation to provide when submitting for reimbursement); and
 - (5) the local jurisdictions cannot use a “cost-plus-percentage-of-cost contract” (refer to Section #7 on T&M and cost-plus-percentage-of-cost contract section)
- d. The allowance to sole source contracts in emergency/exigent circumstances:
- i. When it comes to reimbursement, the documentation that we will be asking for will include, but is not limited to:
 - a brief description of the product or service you procured,
 - an explanation of why was necessary to contract non-competitively, and
 - the impact to your community if you had not been able to use the non-competitively procured contract.

Procurement Thresholds Guidance – Nevada Local Government Purchasing NRS 332 vs. Federal 2 CFR 200 Requirements

Procurement Amount Thresholds	NRS 332 Requirements	Federal 2 CFR 200 Requirements
< \$10,000		Micro-Purchase Threshold: May be awarded without soliciting competitive quotations if the local jurisdiction considers the price to be reasonable.
Annual amounts > \$50,000 - \$100,000	2 Price or Rate Quotations and formal advertising is required unless deemed an "Emergency Contract"	
Annual amounts >\$100,000	Competitive Solicitation - Formal Bid and advertising required unless deemed an "Emergency Contract"	
\$10,000 - <\$250,000		Small Purchase Procedures: Price or rate quotations must be obtained from 3 qualified sources (FEMA determined the adequate number is 3)
\$250,000 and greater		See next page...

Procurement Amount Thresholds	NRS 332 Requirements	Federal 2 CFR 200 Requirements	Additional Federal 2 CFR 200 Requirements \$250,000 and greater
\$250,000 and greater		<p><u>ALL Procurements \$250,000 and greater:</u> Applicants must submit additional documentation for procurements in excess of the "Simplified Acquisition Threshold" including a "Cost Price Analysis."</p> <p style="text-align: center;">➔</p> <p>AND</p>	
			<p>1) Procurement by Sealed Bids (Formal Advertising):</p> <ul style="list-style-type: none"> - Bids are publicly solicited, and a firm fixed price contract 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 <p>OR</p>
			<p>2) Competitive Proposal:</p> <ul style="list-style-type: none"> - Conducted with more than one source submitting an offer and generally used when conditions are not appropriate for the use of sealed bids. - Refer to 2 CFR § 200.320 for guidance. - Documentation should include records of the sources who bid, what they bid, and the process to select the awardee <p>OR</p>
			<p>3) Noncompetitive Procurement Exemptions:</p> <p>This type of procurement may only be used when:</p> <p>(a) Full and open competition is infeasible because:</p> <ul style="list-style-type: none"> (i) The item is only available from a single source; (ii) It is a case of public exigency or emergency; (iii) Authorization is provided by the awarding agency; or (iiii) Competition is determined inadequate after solicitation of a number of sources; as well as <p>(b) A Cost Analysis is performed to determine cost reasonableness</p>

**** Effective June 20, 2018: Federal "Micro-Purchase Threshold" increased to \$10,000 & the "Simplified Acquisition Threshold" increased to \$250,000**

Note of Caution:

- 1) Failure to follow Federal contracting and procurement requirements puts local jurisdictions at risk of not receiving reimbursement or not being able to use FEMA grant funds for otherwise eligible costs.
- 2) Use of the public exigency or emergency exception is only permissible during the actual exigent or emergency circumstances.
- 3) Non-state entities should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services in order to transition to the competitively procured contracts as soon as the exigent or emergency circumstances cease to exist.
 - a. An exigency or emergency period will last often for a short time.
 - b. Once the emergency or exigency period ends, the contract must be re-solicited under full and open competition.
- 4) Engineering or Professional Services Contracts –
 - a. the Nevada Revised Statutes and Nevada Administrative Code has outlined exemptions for “Professional Services” (i.e. engineers, attorneys, etc.) in the procurement requirements.
 - b. Federal procurement requirements do not exempt Professional Services (i.e. engineering, accounting contracts) from following 2 CFR 200.
 - c. A contractor who fulfilled the requirement under emergency or exigent circumstances cannot compete for the new contract if that contractor helped the local jurisdiction develop or draft specifications, requirements, statements of work, or solicitation documents in support of the competitive procurement.
- 5) A contractor who fulfilled the requirement under emergency or exigent circumstances cannot compete for the new contract if that contractor helped the local jurisdiction develop or draft specifications, requirements, statements of work, or solicitation documents in support of the competitive procurement. This includes engineering contracts referred to as “professional services” in the Nevada Revised Statutes.
- 6) Piggyback Contracts

Piggyback contracting occurs when one entity with an existing contract assigns some or all its contractual rights to another entity that was not previously party to the contract.

 - Generally, FEMA discourages piggyback contracts because the original contract pertains to the needs of the original entity with a specific scope of work for that entity.
 - Recommend requesting assistance with contract review from the DEM Grants/Recovery Team before utilizing a “piggyback” type of contract,
- 7) Time and Materials (T&M) or Cost-Plus-Percentage-of-Cost (CPPC) Contracts.
 - a. Federal procurement rules do not prohibit the use of T&M contracts and CPPC contracts by states, FEMA discourages states from using these contracts because they generally lack provisions that control costs and maximize efficiency in performing work. FEMA and the Office of the Inspector General closely scrutinize these types of contracts for cost reasonableness.
 - b. Although T&M contracts are discouraged, there may be instances where T&M contracts are appropriate in the short term for activities such as debris removal, emergency power restoration, or other immediate actions required to address emergency health and safety threats under a Public Assistance award.
- 8) Local jurisdictions should contact the DEM Recovery/Grants Team or FEMA Region IX Program Office to request assistance with any procurement activity concerns.

References

Nevada Revised Statute

[NRS 332.112](#) Emergency contracts

1. For the purposes of this section, an “emergency” is one which:
 - (a) Results from the occurrence of a disaster, including, but not limited to, fire, flood, hurricane, riot, power outage or disease; or
 - (b) May lead to impairment of the health, safety or welfare of the public if not immediately attended to.
2. If the authorized representative, chief administrative officer or governing body of the local government determines that an emergency exists affecting the public health, safety or welfare, a contract or contracts necessary to contend with the emergency may be let without complying with the requirements of this chapter. If such emergency action was taken by the authorized representative or chief administrative officer, he or she shall **report it to the governing body at its next regularly scheduled meeting.**

Federal References:

FEMA – COVID-19 Memo: [Procurement Under Grants Conducted Under Emergency or Exigent Circumstances](#)

FEMA – COVID-19 Fact Sheet: [Procurements Under Grants During Periods of Exigent or Emergency Circumstances](#)

FEMA Procurement Resources: <https://www.fema.gov/procurement-disaster-assistance-team>

FEMA – [Contract Provisions Template](#), September 30, 2019

FEMA - [Procurement Guidance for Recipients and Subrecipients under 2 CFR Part 200 \(Uniform Rules\) Supplement to the Public Assistance Procurement Disaster Assistance Team \(PDAT\) Field Manual](#)

State Procurement (excluding Tribal governments)

- 1) Must follow NRS [333.130](#), [333.180](#) and NAC 333.114 State Purchasing policies.
- 2) The Administrator for NV Department of Administration must approve all emergency purchases.
 - a. It must be a threat to "the health, safety or welfare of the persons in this state occurs."
 - b. Obtain written authorization for an emergency purchase by sending an email to Administrator Kevin D. Doty at kddoty@admin.nv.gov.
 - c. If your agency makes a purchase to protect life without receiving prior authorization from the Administrator for the Department of Administration, send an email to Administration Doty at kddoty@admin.nv.gov on the next working day so he can give after-the-fact approval.
- 3) Must follow Federal 2 CFR § 200 requirements for procurement, regardless of emergency or exigency:
 - a. Must include Federally required contract provisions (refer to the FEMA PDAT Contract Provisions Template for guidance);
 - b. Procuring Recovered Materials –
Procure only items designated in guidelines of the Environmental Protection Agency (EPA) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000. (40 CFR § 24).
 - c. Must ensure the agency is following the cost principles in 2 CFR §§ 200.400 – 200.474, ensuring that costs are reasonable (2 CFR § 200.404).

Note of Caution:

4) Piggyback Contracts

Piggyback contracting occurs when one entity with an existing contract assigns some or all its contractual rights to another entity that was not previously party to the contract.

- Generally, FEMA discourages piggyback contracts because the original contract pertains to the needs of the original entity with a specific scope of work for that entity.
- Recommend consulting with DEM Grants/Recovery Team before you procure a “piggyback” type of contract.

5) Time and Materials (T&M) or Cost-Plus-Percentage-of-Cost (CPPC) Contracts.

- a. Federal procurement rules do not prohibit the use of T&M contracts and CPPC contracts by states, FEMA discourages states from using these contracts because they generally lack provisions that control costs and maximize efficiency in performing work. FEMA and the OIG closely scrutinize these types of contracts for cost reasonableness.
- b. Although T&M contracts are discouraged, there may be instances where T&M contracts are appropriate in the short term for activities such as debris removal, emergency power restoration, or other immediate actions required to address emergency health and safety threats under a Public Assistance award.
- c. States entering into T&M contracts are encouraged to include language in the contract that specifies a ceiling price and limits the duration of the contract to a short time period, thus providing the state time to develop a scope of work and transition to the more competitive procurement procedures.

- 6) Professional Services Contracts –
 - a. the Nevada Administrative Code has outlined competitive selection exemptions for “Professional Services” (engineers, architect, accountant, attorneys, expert witness) in the procurement requirements (NAC 333.150)
 - b. Federal procurement requirements do not exempt Professional Services (i.e. engineering contracts) from following 2 CFR 200.
 - c. A contractor who fulfilled the requirement under emergency or exigent circumstances cannot compete for the new contract if that contractor helped the local jurisdiction develop or draft specifications, requirements, statements of work, or solicitation documents in support of the competitive procurement.

References

Nevada Administrative Code Reference

NAC 333.114 Authorization for emergency purchases. (NRS 333.130, 333.180)

1. The Administrator will authorize an emergency purchase if an emergency, as that term is defined in [NRS 414.0345](#), or any other situation that the Administrator identifies as a threat to the health, safety or welfare of the persons in this state occurs and he or she determines that the emergency purchase is in the best interests of the State.
2. The Administrator may authorize an emergency purchase for any amount.
3. If the Administrator authorizes an emergency purchase, he or she will provide the using agency with written authorization for the emergency purchase, including, without limitation, a description of the justification for authorizing the emergency purchase. The Administrator will provide a separate written authorization for each order relating to the emergency purchase.

Federal References:

FEMA – [Procurement Standards for States under FEMA Public Assistance Awards FAQ](#)

FEMA – COVID-19 Memo: [Procurement Under Grants Conducted Under Emergency or Exigent Circumstances](#)

FEMA – COVID-19 Fact Sheet: [Procurements Under Grants During Periods of Exigent or Emergency Circumstances](#)

FEMA Procurement Resources: <https://www.fema.gov/procurement-disaster-assistance-team>

FEMA – [Contract Provisions Template](#), September 30, 2019

FEMA - [Procurement Guidance for Recipients and Subrecipients under 2 CFR Part 200 \(Uniform Rules\) Supplement to the Public Assistance Procurement Disaster Assistance Team \(PDAT\) Field Manual](#)

DIRECT CONTACTS:		
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FOR QUESTIONS, PLEASE CONTACT:


Thank you!




FEMA

March 17, 2020

MEMORANDUM FOR: All States, Territories, Tribal Governments, Local Governments, and All Other Non-Federal Entities Receiving FEMA Financial Assistance

FROM: David Bibo 
Acting Associate Administrator
Office of Response and Recovery

Bridget E. Bean 
Assistant Administrator
Grant Programs Directorate

SUBJECT: Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19

Subsequent to the President's March 13, 2020 Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is issuing the attached Fact Sheet addressing procurements made during periods of exigent or emergency circumstances. FEMA recognizes that noncompetitive procurements may be necessary to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe. The attached Fact Sheet provides answers and guidance surrounding the need for such measures.

Current Federal procurement standards (found at 2 C.F.R. § 200.320(f)(2)) allow non-state entities to noncompetitively procure contracts (i.e., sole-sourcing) under certain emergency or exigent circumstances. FEMA defines an emergency or exigent circumstances as unexpected and unusually dangerous situations requiring immediate action or an urgent need for assistance or relief. Emergencies typically involve a threat to life, public health or safety, improved property, or some other form of dangerous situation. Exigencies, on the other hand, typically involve an urgent need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise. Under both an emergency and exigency, using a competitive procurement process would prevent a non-state entity from taking immediate action required to address the situation. However, use of the emergency/exigency exception is only permissible during the actual emergency or exigent circumstances.

The President's unprecedented Nationwide Emergency Declaration, and the Secretary of Health and Human Services' (HHS) declaration of a Public Health Emergency for COVID-19 establish that exigent and emergency circumstances currently exist.

[For the duration of the Public Health Emergency](#), which began January 27, 2020 as determined by HHS, local governments, tribal governments, nonprofits, and other non-state entities may proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations for 1) Emergency protective measures under FEMA’s Public Assistance Program and 2) Use of FEMA non-disaster grant funds by non-state recipients and sub-recipients to respond to or address COVID-19.

Attachment:

(1) Fact Sheet: *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 20, 2020

M-20-18

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret M. Weichert
Deputy Director for Management 

SUBJECT: Managing Federal Contract Performance Issues Associated with the Novel
Coronavirus (COVID-19)

Federal contractors play a vital role in helping agencies meet the needs of our citizens, including the critical response efforts to COVID-19. The health and safety of all Americans, including our Federal contractors, remains the top priority. This memorandum identifies steps to help ensure this safety while maintaining continued contract performance in support of agency missions, wherever possible and consistent with the precautions issued by the Centers for Disease Control and Prevention (CDC). Achieving these important goals – and maintaining the resilience of our Federal contracting base – requires continued communication by agencies with their contractors, both small and large, and effective leveraging of flexibilities and authorities to help minimize work disruption.

As the impact of COVID-19 continues to evolve, many Federal government contractors that ordinarily work side-by-side with the Federal workforce may currently be unable to access their Federal work sites as a result of building closures, quarantines or implementation of social distancing practices. Agencies are urged to work with their contractors, if they haven't already, to evaluate and maximize telework for contractor employees, wherever possible. Telework is an important tool for enabling continued contract performance in a manner that can meet health and safety guidelines from the CDC and State and local public health authorities.

Equally important, agencies should be flexible in providing extensions to performance dates if telework or other flexible work solutions, such as virtual work environments, are not possible, or if a contractor is unable to perform in a timely manner due to quarantining, social distancing, or other COVID-19 related interruptions. Agencies should take into consideration whether it is beneficial to keep skilled professionals or key personnel in a mobile ready state for activities the agency deems critical to national security or other high priorities. Additionally, agencies should also consider whether contracts that possess capabilities for addressing impending requirements such as security, logistics, or other function, may be retooled for pandemic response consistent with the scope of the contract.

Finally, agencies are encouraged to leverage the special emergency procurement authorities authorized in connection with the President's emergency declaration under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act"). These flexibilities include increases to the micro-purchase threshold, the simplified acquisition threshold, and the threshold for using simplified procedures for certain commercial items, all of which are designed to reduce friction for contractors, especially small businesses, and the government and enable more rapid response to the many pressing demands agencies face. The availability of these flexibilities does not mean they will always be suitable, and agencies should exercise sound fiscal prudence to maximize value for each taxpayer dollar spent. At the same time, the acquisition workforce should feel fully empowered to use the acquisition flexibilities, as needed, consistent with good business judgment in response to this national emergency.

The attached set of "frequently asked questions" is intended to provide additional guidance and further assist the acquisition workforce as it addresses impacts due to COVID-19. Additional acquisition-related questions should be directed to the Office of Federal Procurement Policy at MBX.OMB.OFPPv2@OMB.eop.gov. OMB will continue to provide updates and additional information as needed to support the resiliency of the acquisition community.

Attachment

Managing Contract Performance Issues Due to COVID-19 Frequently Asked Questions

Teleworking

1. **Should agencies be directing their Federal contractors to follow the lead of the Federal Government in their use of telework for their contract employees as described in OMB Memoranda M-20-13 and M-20-15, which discuss the use of telework in connection with COVID-19?**

The Federal Government's telework law and recent announcements cover only Federal managers and employees, not contractors or their employees. Federal contractors are responsible for managing their workforces, including how telework is used by their employees, consistent with their own telework policies and the contract terms they have negotiated with Federal agencies. However, in the spirit of OMB's guidance, which seeks to maximize the use of telework, and FAR § 7.108, which instructs agencies not to discourage contractor use of telework when consistent with contractual requirements, agencies are strongly encouraged to work with their contractors to evaluate and maximize telework for their contractor employees, wherever possible, as a way to enable continued contract performance consistent with the health and safety of their contractor and government personnel. This includes modifying contracts that do not currently allow for telework. If a contract does not lend itself to telework, for example, because it must be performed at a government facility, agencies should consider being flexible on delivery schedule contract completion dates.

Mitigating the impact of COVID-19 on contractors

2. **If contractor personnel must be quarantined due to exposure to the virus, whether or not related to performance of the contract, and this action results in a slip in the contract schedule, may contracts be extended or otherwise altered?**

Yes. Government contracts provide for excusable delays, which may extend to quarantine restrictions due to exposure to COVID-19. For example, see FAR clauses 52.249-14, 52.212-4(f), and 52.211-13. In determining the best course of action, the contracting officer should discuss the situation with the contractor to determine if other options are available (*e.g.*, ability of employee to telework or to find a substitute employee). If other options with the existing contractor aren't feasible, it may be appropriate to re-procure elsewhere if possible. Such actions should be taken for the convenience of the government (*e.g.*, through use of the relevant convenience termination clause or a no-cost settlement) and without negatively impacting the contractor's performance rating. Excusable delays that result in adjustments to the contractor's delivery schedule should not negatively impact a contractor's performance ratings.

Agencies are encouraged to be as flexible as possible in finding solutions.

3. **How should agencies address requests for equitable adjustment associated with costs related to safety measures taken by contractors to protect their employees from COVID-19, including costs associated with performance disruptions caused by the government (e.g., closure of an office building) when performance doesn't allow for telework (e.g., work requires access to secure location, or involves building maintenance)?**

Requests for equitable adjustment should be considered on a case-by-case basis in accordance with existing agency practices, taking into account, among other factors, whether the requested costs would be allowable and reasonable to protect the health and safety of contract employees as part of the performance of the contract. The standard for what is "reasonable," according to FAR § 31.201-3, is what a prudent person would do under the circumstances prevailing at the time the decision was made to incur the cost (e.g., did the contractor take actions consistent with CDC guidance; did the contractor reach out to the contracting officer or the contracting officer representative to discuss appropriate actions).

Agencies may take into consideration whether it is beneficial to keep skilled professionals or key personnel in a mobile ready state for activities the agency deems critical to national security or other high priorities (e.g., national security professionals, skilled scientists). Agencies should also consider whether contracts that possess capabilities for addressing impending requirements such as security, logistics, or other function may be retooled for pandemic response consistent with the scope of the contract. A number of contract clauses may be helpful in managing COVID-19 issues as they arise. The government may make changes to the contract using the appropriate changes clause that applies to the contract (see FAR clauses 52.243-1 through 52.243-3 or clause 52.212-4(c)). If necessary, generally after considering other alternatives, they may suspend or stop performance through clause 52.242-14, Suspension of Work, and clause 52.242-15, Stop Work Order.

4. **If a Federal building, such as a museum, is closed to the general public in order to further the practice of social distancing, should repair work to the building be halted until the building is reopened?**

Whether work is continued or stopped should be addressed on a case-by-case basis, taking into consideration the health and safety of government and contractor employees. These discussions should include consideration of guidance from CDC and local public health officials to determine if there is a risk-based reason to stop work and, if work continues, steps that might need to be taken to address the health and safety of workers.

5. **Should agencies postpone or virtually conduct acquisition-related activities that are typically performed face-to-face, such as industry days, contractor debriefings, or inspections?**

Agencies should evaluate, on a case-by-case basis, whether to proceed with in-person activities, taking into account guidance from the CDC and advice or direction from state and local public health authorities. Consistent with [CDC recommendations](#), agencies should consider steps such as practicing appropriate social distancing and following other guidance if in-person or face-to-face interaction is essential. The CDC has provided [additional interim guidance for businesses](#), and agencies should consider virtual activities, such as online industry conferences, video proposals, and other innovative steps in planning their acquisitions. Sample use cases and examples can be reviewed at <https://www.fai.gov/periodic-table/>, and brief how-to applications of these proven flexible business practices can be accessed at <https://www.fai.gov/media-library/item/procurement-innovation-lab-pil-primer>.

6. **How can agencies enhance communications with their industry partners?**

Clear and timely communication between agencies and their industry partners is critical to supporting the government's response to COVID-19 and to meeting other mission needs during this highly dynamic situation. In addition to promoting this engagement between contracting officers and contractors, agencies can augment their communications efforts by coordinating timely outreach activities with their industry liaisons (for contact information, go to <https://hallways.cap.gsa.gov/app/#/gateway/acquisition-innovation/42767/agency-industry-liaisons-directory>), offices of small and disadvantaged business utilization, acquisition innovation advocates (for contact information, go to <https://hallways.cap.gsa.gov/app/#/gateway/acquisition-innovation/7822/acquisition-innovation-advocates-aia-directory>), and other agency resources.

7. **In light of the pandemic, will any relief be offered regarding re-registration in the System for Award Management?**

Yes. Current registrants in SAM with active registrations expiring before May 17, 2020 will be afforded a one-time extension of 60 days.

Procurement flexibilities

8. **Are the special emergency procurement flexibilities of FAR § 18.202 available for use in addressing requirements connected to COVID-19?**

Yes. The President has [declared a national emergency](#) concerning the novel coronavirus disease under the Stafford Act. As a result of this emergency declaration, the flexibilities identified in FAR § 18.202, "Defense or recovery from certain events," are available for use in supporting response efforts to COVID-19. These flexibilities include increases to

the micro-purchase threshold, the simplified acquisition threshold, and the threshold for using simplified procedures for certain commercial items. Specifically—

- (1) The micro-purchase threshold is raised from \$10,000¹ to \$20,000 for domestic purchases and to \$30,000 for purchases outside the U.S.;
- (2) The simplified acquisition threshold is raised from \$250,000² to \$750,000 for domestic purchases and \$1.5 million for purchases outside the U.S.; and
- (3) Agencies may use simplified acquisition procedures up to \$13 million for purchases of commercial item buys.

In conducting acquisitions to support response efforts, agencies are expected to use sound fiscal prudence to maximize value for each taxpayer dollar spent. The availability of the flexibility does not mean it must be used, but agencies should feel fully empowered to use the acquisition flexibilities, as needed, consistent with good business judgment in response to the national emergency.

9. **How can agencies leverage existing category management solutions and expertise across government?**

A number of category management resources and tools are available to help agencies quickly determine where existing contract solutions for common goods and services may meet the many pressing requirements in connection with the COVID-19 response. They include the following:

- Category Manager Points of Contact:
<https://hallways.cap.gsa.gov/app/#/gateway/category-management/45771/cms-and-pms-contact-list>
- Tools and dashboards:
<https://d2d.gsa.gov/report/government-wide-category-management-category-reports>
- How to use category management tools to find existing solutions (searchable by PSC/NAICS, vendors, solutions, etc.):
<https://hallways.cap.gsa.gov/app/#/gateway/category-management/21999/acquisition-playbooks>

10. **How should agencies address preferences and set-asides for local firms set forth under the Stafford Act?**

When an emergency declaration is made under the Stafford Act, contracting officers are typically expected, to the extent feasible and practicable, to give preference to local firms in the area designated in the declaration. However, in this case, the declaration makes clear that the emergency created by the pandemic exists nationwide. As a result, there is

¹ Sections 805 and 806 of the National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, increased the micro-purchase threshold to \$10,000 (formerly \$3,500) and the simplified acquisition threshold (SAT) to \$250,000 (formerly \$150,000). The FAR Council is in the process of finalizing changes to the FAR to update these thresholds.

² See previous footnote.

no specific locally affected area, and therefore no current action required from the acquisition workforce to create preferences for local firms. This issue will continue to be reviewed in light of ongoing response efforts, and agencies are encouraged to confer with OMB regarding potential circumstances where application of local set asides may make sense, especially for small business contractors.

Tracking activities

11. What steps should the acquisition workforce be taking to facilitate tracking of contract spend related to COVID-19 using emergency procurement authorities?

The General Services Administration (GSA) has added a new National Interest Action (NIA) Code to the NIA field in the Federal Procurement Data System (FPDS) as a means of tracking acquisition costs of the multiple Federal agencies involved in the response to COVID-19, an incident of great national interest.

The NIA Code will be used strictly for reporting purposes related to COVID-19 and involves the exercise of the emergency authorities identified in FAR § 18.2. (See question 12 above.) FPDS system details for this NIA Code are as follows:

- NIA Value Name: COVID-19 2020
 - Web Portal/Graphical User Interface (GUI) service users may select the value “COVID-19 2020” in the NIA drop-down field.
 - Contract Writing Systems (CWS) shall use the code of “P20C” when creating or updating documents associated with the COVID-19 response through Business Services.
- NIA Start Date: 03/13/2020
- NIA End Date: 07/01/2020

Agencies should consult their internal policy offices regarding compliance with this and related FPDS requirements.

12. What, if any, steps should agencies take to facilitate tracking of contract spending related to COVID-19 that are not conducted using emergency procurement authorities?

Contracting officials are encouraged to use “COVID-19” or “Coronavirus” in their solicitation and related documentation to support easy key word searching for sharing buys when possible and recording contracts once awarded.