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Here's how you know

FEMA

Guidance and Tools

Contracting with Federal Funds for Goods and Services Before, During and After Disasters

State v. Non-State Rules
Process for Non-State Entities
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Additional Resources

Knowing the federal procurement rules when purchasing goods and services under a FEMA grant program, including Public Assistance, will help increase your chance of securing and keeping the funding you need.

Keep in mind that different sets of rules apply depending on your entity type, the cost of your goods or services, contract type, and procurement method.

This page will help you:

- Understand the rules you need to follow
- Become familiar with the general elements of the procurement process
- Discover resources to help you follow the rules and avoid common mistakes

Rules to Follow Based on Your Entity Type

There are different sets of procurement rules that apply depending on whether you are a

state or a non-state entity.

First, determine whether you are a state or non-state entity.

State Entities

Includes any U.S. state or territory as well as any state agency or instrumentality of that state or territory.

Non-State Entities

Includes local governments, tribal governments, institutions of higher education, hospitals, houses of worship and private nonprofit organizations.

Next, become familiar with the rules that apply to your entity type.

State Entity

Make sure to follow federal procurement regulations, and remember:

- Follow state procurement policies and procedures.
- Comply with the Environmental Protection Agency guidelines on the procurement of recovered materials.
- Include all federally required contract provisions. See the contract provision template.

Non-State Entity

Make sure to follow federal procurement regulations, and remember:

- Confirm that your entity has written procurement procedures that ensure all solicitation documents include a clear description of the need for the goods or services being procured.
- When local, state and federal rules differ, follow the rule that allows for compliance with all applicable layers.
- Understand the emergency and exigency exception before sole-sourcing.
- Be aware that provisions for competition, methods of procurement, socioeconomic

contracting, cost and price analyses, bonding requirements, etc. may apply.

When a disaster strikes, communities must often act quickly to protect life, public health or safety, and property. Learn about the exception during emergency and exigency situations.

Considerations for Non-State Entities

If you are a non-state entity such as local governments, tribal governments, institutions of higher education, hospitals, and other private nonprofit organizations", here are some considerations to help you navigate the procurement process.

1. Prepare Before a Disaster

- Research and consider creating pre-qualified lists
- Consider entering into pre-positioned contracts
- Know your own procurement policies and procedures
- Learn your state's and the federal procurement policies and procedures

See More Preparation Tips

2. Figure Out Your Project Needs

- Determine your project's scope
- Conduct market research
- Formulate your independent cost estimate, if applicable

3. Begin Your Project Solicitation

- Select your procurement method

- Select your contract type
- Take the socioeconomic contracting steps
- Include the required contract provisions
- Determine if bonding is required

4. Award the Contract

- Evaluate bids or proposals received
- Check for conflicts of interest and contractor responsibility (you can start at SAM.gov)
- Conduct cost or price analysis, if applicable
- Ensure contractor secures bonds, if required

5. Maintain Oversight

- Ensure contractors comply with contract terms
- Confirm invoices are correct
- Make sure goods and services are received

Document Throughout Your Procurement Process

It is important to document in detail as you:

Select the appropriate procurement method and contract type

Follow the socioeconomic affirmative steps

Conduct an independent cost estimate and cost or price analysis

Select a responsible contractor

Additional Resources

Training Webinars Document and Resource Library

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