

Emergency Declaration or Major Disaster Declaration - Hurricane Sandy – October 2012

What flexibilities are available to the Department of Energy Contracting Officer.

- a. Use of Unusual and Compelling Urgency
 - i. Approval of the justification of other than full and open competition (JOFOC) for this type of exception can be completed within 30 days after award to include posting the document for public inspection.
 - ii. Thresholds for JOFOC approval are below \$12.5 million by the Contracting Activity Competition Advocate and below \$650,000 by the Contracting Officer.
 - iii. Exception FAR 6.302-2 limits the period of performance of contracts award to 12 months.
- b. Relief from contractor registration in System for Award Management (SAM) (FAR 4.1102(a)(3)).
- c. Relief for use of electronic funds transfer for contract payments under certain conditions (FAR 32.1103(e)).
- d. Contingency Operation - Office of Procurement Policy stated that Defense Procurement and Acquisition Policy has taken action to meet the legal definition of "contingency operation" for use in response efforts to Hurricane Sandy only.
 - i. Agency Head (Secretary of Energy) (*action being worked by HQ*) can determine to increase thresholds for efforts in response to Hurricane Sandy for the counties in the declared disaster areas only:
 1. Micro-purchase from \$3,000 to \$15,000, excluding construction; and
 2. Simplified acquisition from \$150,000 to \$300,000.
- e. Local area preference shall be given to local trade firms, organizations, or individuals within the effected areas, to the extent feasible and practicable. This preference may take the form of local area set-asides or an evaluation preference. (FAR 18.203(a), FAR 6.208 and FAR subpart 26.2)
- f. For additional information, see the attached reprint of available acquisition flexibilities from Acquisition Guide Chapter 18.

AVAILABLE ACQUISITION FLEXIBILITIES & EMERGENCY ACQUISITION FLEXIBILITIES TABLE

	Micro Purchase	SAP	Commercial Test Program	FSS Schedule, GWACs, Task or Delivery Orders	Letter Contracts	Contracts	Modifications
CCR Registration- Contractor Registration in CCR	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required
Disaster Response Registry – Contractor Registration in CCR	Required for certain services	Required for certain services	Required for certain services	Required for certain services	Required for certain services	Required for certain services	N/A
Contract Type	FFP	FFP, T&M & LH	FFP & FFP/EA, under specified conditions - T&M and LH	FFP, TM & LH	All types	All Types	All types
Price Ceiling or Cost Estimate Established	N/A	T&M & LH	Under specified conditions T&M and LH	T&M and LH	T&M, LH, FFP & Cost	T&M, LH, & Cost	T&M, LH & Cost
Ability One & FPI	Not Mandatory	Not Mandatory	Not Mandatory	N/A	Not Mandatory	Not Mandatory	N/A
Certified Funds	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Synopsis	N/A	As Required – but not required for CICA exception 6.302-2	As Required - but not required for CICA exception 6.302-2	N/A	As Required – but not required for CICA exception 6.302-2	As Required - but not required for CICA exception 6.302-2	As Required - but not required for CICA exception 6.302-2

Solicit Orally (quotation or RFPs)	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Soliciting from single source	Yes, if price is determined to be reasonable	Yes, with CO determination to document circumstances and if brand name need to post justification	Yes, need justification and approval for sole source, including brand name	Yes, need limited sources justification and approval	Yes, with JOFOC	Yes, with JOFOC	Yes, with JOFOC
FAR 6.302-2 Unusual and Compelling Approval	N/A	See above for single source	Exempt from FAR Part 6 – see above for single source	See above for single source	Yes	Yes	Yes to Increase Scope
FAR 6.302-5 Authorized by Statute [8(a), HUBZone, or SDVOSB]	N/A	See above for single source	Exempt from FAR Part 6 – see above for single source	See above for single source	Yes	Yes	N/A
EFT exempts contract payments for certain acquisitions	N/A	Not Required	Not Required	Not Required	Not Required	Not Required	Not Required
Buying Threshold for contingency contracting, or defense or recovery from certain attacks	\$15K ¹	\$300K ¹	\$12M ²	Review Schedule	All amounts – when immediate performance is required	All amounts	All amounts
Emergency declaration or major disaster	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	Preference to local organizations,	N/A

¹ Dollar threshold is subject to change; see FAR 2.101 definitions for current threshold.

² Dollar threshold is subject to change; see FAR 13.5 for current threshold.

declaration under Stafford Disaster Relief and Emergency Assistance Act	firms and individuals	firms and individuals	firms and individuals	firms and individuals	firms and individuals	firms and individuals	
Local Area Set-Aside under Stafford Disaster Relief and Emergency Assistance Act	N/A	May set-aside as well as small business set-aside	May set-aside as well as small business set-aside	N/A	N/A	May set-aside as well as small business set-aside	N/A