Disaster Procurement Policy & Procedures
Disaster Procurement Bay Area Group

DPBAG was formed in March 2016
Tina Yoke, CPM – Chief Operating Officer of I.T. & Admin. Services  
*Santa Clara Valley Water District*

Debbie Wellnitz, MBA – Manager of Admin. Services  
*City of Concord Police Department*

Gary Jayne, CBO, CPSM – Deputy Director Purchasing & Support Services  
*San Joaquin County*

Jason Reed – Purchasing & Contracts Manager  
*Santa Clara Valley Water District*
DPBAG ENGAGEMENTS

- 1st Meeting – 3/16/16: 50 attendees from 20 agencies, DPBAG Dropbox established
- 2nd Meeting – 10/13/16: 28 attendees from 18 agencies for a working session
- 3rd Meeting – 12/13/16 (Training by Mike Martinet): 70 attendees from 30+ agencies
- CAPPO Conference – Napa January 2017, Palm Springs 2018
- NIGP Forum – Nashville 2018, Austin 2019, Virtual 2020
- California Association of County Treasurers and Tax Collectors – March 2018
- Various Chapter meetings

We are proud to say that our group has spoken to and provided resources for 500+ people from over 200 agencies in the last 4 years!
DPBAG GOALS

• Establish policies related to disaster procurement with both FEMA guidelines & your own agency’s procurement policies in mind – whichever is most restrictive will rule.

• Establish a centralized forum for public agencies to share knowledge and valuable resources for the benefit of all in standardizing disaster procurement policies and procedures.

• Develop checklists & guidelines for your specific agency.

• Create forms for tracking transactions in every emergency related activity.

• See Sample Table of Contents (under ‘Sample Documents’ folder) and other pertinent documents in the Dropbox.
User name: debbie.wellnitz@cityofconcord.org
Password: dpbayareagroup
City of Concord (COC) Disaster Procurement Policy & Procedures (20 pages) See Handout
(PP176 Adopted 11/28/17)

1. PURPOSE
   This Policy modifies the City’s normal purchasing practices (pursuant to Municipal Code Title 3 Revenue

2. DEFINITIONS

3. DELEGATIONS OF PURCHASING AUTHORITY IN EXIGENT CIRCUMSTANCES

4. PROCUREMENT PROCEDURES IN EXIGENT CIRCUMSTANCES

5. NOTIFICATION AND RATIFICATION

6. REQUIREMENTS—CONTRACT CLAUSES
   In the event of a Proclaimed Emergency or Disaster, the following purchasing authority is granted and
   required clauses apply. The following clauses shall supersede any existing similar clauses stated within the
   bid documents, contract, and/or Terms and Conditions. These are requirements under the Uniform Rules and
   set forth in 2 CFR Part 200 Appendix II. The regulations in Title 2 of the Code of Federal Regulations, Part 200, as it may be amended from time to time, are incorporated herein by reference:

   6.1 Remandia:
   6.2 Termination for Cause and Convenience.

6.5 The regulations at 41 C.F.R. Part 60-1.4(b) requires the insertion of the following contract clause:
6.6 Davis-Bacon Act and Copeland Anti-Kickback Act.
6.17 Program Fraud and False or Fraudulent Statements or Related Acts.
6.18 For all contracts with Federal funding, we need to add language to comply with 2 CFR, Part 200
   including sections: 200.314 Contracting with small and minority businesses, women’s business enterprises,
   and labor surplus area firms.

2 CFR PART 200, APPENDIX II
(Total 3 pages)
Note: Section 1. Purpose: “This policy modifies the City’s normal purchasing practices (pursuant to Municipal Code-Chapter 3.10 Purchasing) to assure that…”

-> COC Purchasing Municipal Code references Purchasing Administrative Directive (AD) which provides the details on amount thresholds since process to amend an AD is less time-consuming & cumbersome. Ex: Recent changes in Public Projects Amount Thresholds (Eff. 1/1/19: $60K No bid, $200K Formal)

Development of policy were derived by the following sources:

<table>
<thead>
<tr>
<th>COC* Disaster Policy Sections</th>
<th>Dropbox Folder Locations</th>
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<tbody>
<tr>
<td>Sections 1 – 5 (Pages 1 - 4)</td>
<td>Mike Martinet Folder (Sample Policy)</td>
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<thead>
<tr>
<th>Section 6 (Pages 4 – 16)</th>
<th>FEMA Folder-RequiredContractClauses-2CFR 200.326 and 2CFR Part 200 Appendix II (14 pgs)</th>
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<tbody>
<tr>
<td>Appendix (Pages 17 – 20)</td>
<td>FEMA Folder-2CFR Part 200, Appendix II</td>
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Some Lessons Learned:
Since the adoption of policy (11/28/17), we may need to amend certain sections...

<table>
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<tr>
<th>Sample Sections for Discussion</th>
<th>Revisions to Consider / Amendment to Policy</th>
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<tbody>
<tr>
<td>Section 3.5 Amount Thresholds &amp; Section 6.1 Remedies (Page 2 &amp; 4)</td>
<td>“The Simplified Acquisition Threshold amount is the amount up to $150,000…” Revised to $250,000 (FEMA Eff. 6/20/18)</td>
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<tr>
<td>Section 4.1 Exempt Purchase (Page 2)</td>
<td>“Purchases up to $150,000 shall not be required to be formally bid…”</td>
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<tr>
<td>Section 6.6.2 under Davis Bacon Act and Copeland Anti-Kickback Act (Page 7)</td>
<td>“All prime construction contracts in excess of $2,000 awarded by non-Federal entities shall…”</td>
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Above are examples of sections with FEMA/Federal specified amounts that may be revised to reflect any changes to the applicable laws to avoid necessary revisions to the policy. For example, revised clause may read “Simplified Acquisition Threshold amount should be pursuant to FEMA thresholds and any future revisions as updated/adopted.” (Should seek legal advice for your agency)
In addition to adoption of a disaster procurement policy & procedures:

- Develop checklists & guidelines for your specific agency.

- Implement language to incorporate your disaster policy in bid documents.

- Create forms for tracking transactions in every emergency related activity.

  - See sample forms such as the ‘Justification Form’ (under the ‘Sample Documents’ folder and other pertinent documents in the Dropbox.)
Real Stories

- Agencies who have gone through a disaster
- Lessons learned
Montecito Mudslides – January 2018

• December fires
• January mudslides
• 21 fatalities

“FEMA approves federal disaster relief money for Montecito mudslides”
In 2018, there were 97 fires throughout the west coast
Someone asked me why it’s so hard to breathe in California 🌷 This image below will explain why. We continue to watch fires popping up... see more
Camp Fire 2018 – Paradise, CA

“Camp Fire” was named after Camp Creek Road which was the fire’s place of origin.
This fire occurred 150-200 miles away from the Bay Area in Paradise, CA where their city was down 90% of its population in the following aftermath.

The Camp Fire was the deadliest and most destructive wildfire in California history, and the most expensive natural disaster in the world in 2018.
By January 2019, the total damage was estimated at $16.5 billion.
Our COVID-19 Experiences

• EOC Operations
• Challenges
• Communication
• Community
Thank you for attending!