



# FY 2018 EMPG & HSGP General Session

October 2018



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES



# General Session

Focus on topics relevant to both EMPG & HSGP:

- Biannual Strategy Implementation Report (BSIR)
- Financial Management Forms Workbook (FMFW)
- Closeout
- Environmental Planning and Historic Preservation (EHP)
- Small Unmanned Aircraft Systems
- Procurement



# BSIR Overview

- The BSIR is a federal reporting requirement of EMPG and HSGP. It assists Cal OES and FEMA/Grant Programs Directorate (GPD) to:
  - Describe how expenditures support Planning, Organization, Equipment, Training, and Exercise
  - Show progress of implementation for projects
  - Identify alignment of projects to core capabilities
- Cal OES uses the BSIR to measure performance. Performance Measurements are requirements under 2 C.F.R. ,Part 200



# BSIR Overview

- Reporting cycle for the BSIR is every 6 months:  
Summer BSIR: January 1 through June 30  
Winter BSIR: July 1 through December 31
- Assists Cal OES to meet reporting requirements identified by the DHS/FEMA
- Cal OES and FEMA uses the BSIR to determine feasibility and effectiveness of grant projects



# Project Milestones

Based on additional feedback from FEMA, the following criteria are required when developing project milestones:

- Minimum of 3 milestones per project
- Limit of 4 milestones per project
- Provide anticipated dates for each milestone
- Milestones should cover the life of the project

## Exercise

- Develop/Design Exercise by xx/yy
- Conduct Exercise by xx/yy
- Hold Meeting for Hot Wash and After Action Report (AAR) by xx/yy
- Submit AAR/IP by xx/yy

## Equipment

- Identify Equipment Specifications by xx/yy
- Solicit Bids/Draft RFB by xx/yy
- Select Vendor & Execute Contract by xx/yy
- Receive Equipment by xx/yy

## Planning

- Schedule & Conduct Planning Meetings by xx/yy
- Draft plan by xx/yy
- Schedule & Conduct Final Planning Meeting by xx/yy
- Finalize updates to the plan by xx/yy



# Sufficient Milestone

- 1) Create Exercise Plan by October, 2018
- 2) Complete EHP and submit to Cal OES by November, 2018
- 3) Conduct exercise by January, 2019
- 4) Prepare/submit After Action Report by March, 2019





# FY 2018 EMPG FMFW

- Removed the six “Cal OES Goals” requirement from the Project Descriptions Page
- The Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure tab has been removed from the FMFW. It is now incorporated as an attachment to be included with the required application component
- Payment requests can cross State Fiscal Year. All project activities, including expenditures must take place within the performance period of the Grant Subaward



# FY 2018 HSGP FMFW

- Updated FY 2018 Investment Justification (IJ) list
- The Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure tab has been removed from the FMFW. It is now incorporated as an attachment to be included with the required application component
- Payment requests can cross State Fiscal Year. All project activities, including expenditures must take place within the performance period of the Grant Subaward
- UASIs must align projects to the State IJs in the FMFW
  - This differs from the BSIR reporting, which align with UASI's own IJs
- Added “State Goals” column. Projects must align to the goals of the California Homeland Security Strategy



<b>FY18 &amp; PROPOSED FY19 HSGP INVESTMENT JUSTIFICATIONS</b>	<b>CA HOMELAND SECURITY STRATEGY GOALS</b>
<b>1. Strengthen Capabilities of the State Threat Assessment System</b>	1. Enhance Information Collection, Analysis, and Sharing, in Support of Public Safety Operations across California
<b>8. Strengthen Information Sharing and Collaboration</b>	
<b>2. Protect Critical Infrastructure and Key Resources</b>	2. Protect Critical Infrastructure and Key Resources from All Threats and Hazards
	9. Strengthen Food and Agriculture Preparedness
<b>3. Enhance Cybersecurity</b>	3. Strengthen Security and Preparedness across Cyberspace
<b>4. Strengthen <b>Emergency</b> Communications Capabilities Through Planning, Governance, Technology and Equipment</b>	4. Strengthen Communications Capabilities Through Planning, Governance, Technology, and Equipment
<b>5. Enhance Medical and Public Health Preparedness</b>	7. Improve Medical and Health Capabilities
<b>6. Preventing Violent Extremism Through Multi-Jurisdictional/Inter-Jurisdictional Collaboration and Coordination</b>	10. Prevent Violent Extremism through Multi-Jurisdictional / Inter-Jurisdictional Collaboration and Coordination
<b>7. Enhance Community Resilience, Including Partnerships With Volunteers and Community Based Organizations and Programs</b>	5. Enhance Community Preparedness
<b>9. Enhance Multi-Jurisdictional/Inter-Jurisdictional All-Hazards Incident Planning, Response &amp; Recovery Capabilities</b>	6. Enhance Multi-Jurisdictional / Inter-Jurisdictional All-Hazards Incident Catastrophic Planning, Response, and Recovery Capabilities
<b>10. Homeland Security Exercise, Evaluation, and Training Programs</b>	8. Enhance Incident Recovery Capabilities 11. Enhance Homeland Security Exercise, Evaluation, and Training Programs



# Closeout

Subawards will be closed after:

- All funds have been requested, and reimbursed or disencumbered;
- Verifying one subsequent BSIR has been submitted, after the Grant Subaward performance period ends

Records must be retained for a period of three years from the closeout, or until any pending litigation, claim, or audit has been resolved.



# Closeout (cont.)

## EMPG

- Closeout Letters for FY 2016 are scheduled to be issued by the end of the year

## HSGP

- Closeout Letters for FY 2011 through FY 2015 are scheduled to be issued by end of the year



# Environmental Planning & Historic Preservation (EHP)

- All FEMA-funded activities and programs must comply with Federal EHP regulations
- All projects/activities triggering EHP must receive prior DHS/FEMA written approval
- Completed EHP Screening Forms should be submitted to Cal OES as early as possible.



# Environmental Planning & Historic Preservation (EHP)

## What Triggers EHP Review?

- Equipment
  - Any Installation, even indoor
  - Towers/Antennas; Construction/Renovation
- Training/Exercise
  - Recognized facility for same purpose
  - Site/Facility approved previously



# Environmental Planning & Historic Preservation (EHP)

## What Is the EHP Process?

- FEMA Policy 108-023-1 released new rules; Cal OES is still interpreting.
- Screening Forms are submitted to Cal OES
- Cal OES will check & track for prior approvals
- Cal OES submits to FEMA; notifies Subrecipient of FEMA's request for additional info or approval



# Environmental Planning & Historic Preservation (EHP)

- IB 329 includes latest Screening Form
- Screening Memos must include
  - detailed project information, photographs
  - explain the goals and objectives of the proposed project,
  - supporting documentation, maps, previous studies



# Small Unmanned Aircraft Systems (SUAS)

IB 426 – Restoring State, Tribal & Local Access to Life-Saving Equipment & Resources

- Rescinds IB 407 & 407a regarding Controlled Equipment
- Classified as Aircraft
  - Submit Cal OES Aviation Request form



# Small Unmanned Aircraft Systems (SUAS)

- Submit Privacy and Civil Rights policies
- Submit Accountability and Transparency policies
- Wait for DHS approval before procuring
  - Approvals can take more than 90 days



# Procurement

- Focus on Procurement – DHS/FEMA
- Procurement issues are the most common OIG finding
- New procurement references in FY18 NOFO
  - GSA, Local Purchasing & Supply Chain
  - Procurement Integrity
  - Conflicts of Interest



# Procurement Thresholds

Effective for **any purchase** made with an open subgrant award after June 20, 2018

- Micro-purchase threshold was increased from \$3,500 to \$10,000
- Simplified acquisition threshold was increased from \$150,000 to \$250,000



# Procurement Thresholds

All procurement transactions funded by Federal awards must be conducted in a manner providing full and open competition

- Small Purchase Procedures
- Sealed Bids
- Competitive Proposals
- Noncompetitive Proposals



# Procurement Thresholds

Determine the most economical and/or advantageous approach

Must make independent estimates before receiving bids or proposals

Price reasonableness must be established



# Procurement Requirements

## Defining competition:

- Two or more responsible bidders who independently submit priced offers that satisfy the subrecipient contract requirement
- More bidders = better pricing



# Procurement Requirements

Noncompetitive Procurement:

Single Source

- No competition is intended
- Available from only one source
- No market to help set price or estimate cost
- Must obtain cost breakdown & perform cost analysis



# Procurement Requirements

Noncompetitive Procurement:

Inadequate Competition

- Different from single bids
- Solicitation yielded a proposal from only one source
- Limited market to set price or estimate cost
- Must obtain cost breakdown & perform cost analysis



# Procurement Thresholds

Cost or Price Analysis is mandated

2 CFR 200.323:

- Projects  $\geq$  \$250,000 must perform a cost or prices analysis
- Method & degree are situation-specific
  - Unique product or service



# Procurement Requirements

Cost or Price Analysis must be submitted when Cal OES Noncompetitive Procurement Request Form is required.

Include analysis to ensure Federal grants funds are being used correctly and responsibly.



# Procurement Requirements

## Price Analysis:

- Essentially a price comparison
- Evaluation of a proposed price (i.e., lump sum) without looking at the separate cost estimates and proposed profit.



# Procurement Requirements

## Price Analysis:

- Review the benefits of each offering
- Availability of product or service on the open market
- Review alternatives for similar benefits



# Procurement Requirements

When is Price Analysis required:

- During the review of multiple quotes
- Sealed bids – awarded to responsive & responsible bidder with lowest price (2 CFR 200.320 (c))



# Procurement Requirements

Price analysis has four basic components:

- Analysis of any existing price history
- Comparing price to internal projections
- Comparing competitive bids from multiple vendors
- Using existing catalog or government prices



# Procurement Requirements

How to conduct a Price Analysis:

- Compare prices received in response to the solicitation to one another
- Compare prices received with prices under existing contracts
- Compare prices proposed in the past for the same or similar items/services



# Procurement Requirements

Other forms of price analysis information include:

- Analysis of previous prices paid
- Comparison of vendor's price with the in-house estimate
- Comparison of quotations or published price lists from multiple vendors
- Comparisons with GSA prices



# Procurement Requirements

Cost Analysis: Reviewing all elements of the cost to determine reasonableness and best value

- Used to verify the accuracy of the costs and pricing information
- Used to verify the costs comply with cost principles
  - 2 CFR Part 200 Subpart F



# Procurement Requirements

## When is a Cost Analysis required?

- Procurements >\$250,000; non-federal entity is required to evaluate cost proposals (labor, material, overhead, profit) of their proposed price/cost
- Noncompetitive; when single source  $\geq$  \$250,000 subrecipient must obtain:
  - Complete cost breakdown
  - Analysis supporting fair & reasonable proposed price/cost



# Procurement Requirements

When is a Cost Analysis required? (cont.)

- When soliciting sealed bids and:
  - you receive only one, and
  - it differs substantially from your independent estimate of the contract price



# Procurement Requirements

## How to conduct a Cost Analysis?

- Verify the accuracy of the cost and pricing
- Evaluate cost reasonableness using three tests:
  - Allowable – check the cost principles, guidance, etc.
  - Allocable – logically related to or required in the contract performance
  - Reasonable



# Procurement Requirements

## Cost or Price Analysis?

### Cost Analysis

Using RFP process

Complex procurement with multiple factors evaluated

Based on Value – price is considered with other factors



### Price Analysis

Using Sealed Bid process

Obtaining quotes

Responsible bidders conforming to material, terms and conditions

Based on lowest price



# Procurement Requirements

Noncompetitive procurement exceeding the simplified acquisition threshold requires prior written approval from Cal OES

- Requires prior approval from local purchasing agent
  - Part of Cal OES Request for Noncompetitive Procurement Authorization form
- Cal OES may request additional information



# Procurement Requirements

## Common Procurement Problems

- Time constraints – poor planning
- Incomplete request form – missing signatures
- Brand name identified in scope
- Geographical preferences
- Inadequate cost or prices analysis



# Terrorism-Related Training

Terrorism Liaison Officer - Basic training courses must be conducted by Fusion Center staff.

Does not apply to contractors who:

- Work full time on a regular basis, and
- Perform day-to-day work, and
- Part of fusion center workforce

All other training must be completed.



# Terrorism-Related Training

Subrecipients must submit the Cal OES Request for Noncompetitive Procurement Authorization form

Advance approval is required.

If Fusion Center intends to use a contracted, external subject-matter expert to instruct any portion of a terrorism-related training course, the expert instructor must be contracted through full and open competition



# Schedules & Cooperative Purchasing

- Improper Procurements attribute to most OIG audit findings
- FEMA has elaborated on the procurement process and for ordering from the General Services Administration (GSA) schedules in the NOFO



# Schedules & Cooperative Purchasing

- Schedules
  - California Multiple Award Schedules (CMAS)
  - GSA Multiple Award Schedules
    - 70 – IT related
    - 84 – Security, Fire & Law Enforcement
- Cooperative Multi-State Contracting



# Cooperative Procurement

- Joint Solicitation
  - Two or more agencies aggregate their needs into a single solicitation
  - Provides clear understanding of volume and service requirements
  - Yields lower pricing based on volume
- Piggybacking
  - Use of contract by another agency that was not part of the original solicitation



# Cooperative Procurement

- Piggybacking
  - The procurement of the original contract or purchasing schedule **complied with** all of the procurement standards applicable to a non-Federal entities
  - The original procurement solicitation must comply with all procurement rules of both agencies
  - The contract or purchasing schedule **specifically allows for** such use
  - Must follow terms, conditions and pricing offered
  - Procurement records must contain information on original procurement
  - May not offer most aggressive pricing
  - It is the responsibility of the local purchasing agent to ensure compliance
  - Costs may be deemed unallowable if all of the above criteria is not met



# Schedules

When using Schedules you must following ordering procedures in Federal Acquisition Regulation

(FAR) 8.4

- Applicable to orders for supplies or services placed against Federal Supply Schedules contracts
- Orders placed *using procedures of 8.4* are considered to be issued using full and open competition



# Schedules

When using Schedules ...

- You must receive multiple quotes
- You can ask for
  - Spot Discounts
  - Price Reductions



# Schedules

## FAR States Multiple Quotes Required

>Micro-purchase but less than Simplified Acquisition Threshold

8.405-1(c) *“Shall place orders with the schedule contractor that can provide the supply or service that represents the best value”*

- Survey at least three schedule contractors

≥ Simplified Acquisition Threshold

8.405-1(d) *“Each order shall be placed on a competitive basis”*



# Schedules

## Determining Best Value

- Consider Price
- Consider Other Factors
  - Past performance
  - Special features
  - Trade-in
  - Probably life compared to comparable item
  - Warranty
  - Maintenance availability
  - Environmental & energy efficiency
  - Delivery terms



# Schedules

## Minimum Documentation

1. Schedule contracts considered
2. Description of supply or service purchased
3. Amount Paid
4. When  $\geq$  Simplified Acquisition Threshold, evidence of compliance with ordering procedures
5. The basis for the award decision



# Examples of Procurement Documentation

1. Copy of solicitation package (RFP)
2. Copy of public notification(s)
3. Bidder's list
4. Agenda/Minutes Bidders Conference
5. Written responses to clarifying questions
6. Copy of each proposal received
7. Rating & Scoring sheets
8. Rational for selection/rejection of any offeror
9. Determination of demonstrated performance/capability
10. Document of rational for selection if offeror was not highest score/ranking in evaluation process
11. Copy of any submitted protests & resolution of each
12. Price/cost analysis



# Resources

Home » Federal Acquisition Regulation (FAR)

## Federal Acquisition Regulation (FAR)

FAC Number/Effective Date: 2005-100 / 08-22-2018 - Download Entire FAR -

**FAR PARTS**

**Index**

**Table of Contents**

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50
51	52	53		

- 8.4 Federal Supply Schedules
- 8.5 Acquisition of Helium
- 8.6 Acquisition from Federal Prison Industries, Inc.
- 8.7 Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled
- 8.8 Acquisition of Printing and Related Supplies
- 8.9 [Reserved]
- 8.10 [Reserved]
- 8.11 Leasing of Motor Vehicles
- Part 9 - Contractor Qualifications**
- 9.1 Responsible Prospective Contractors

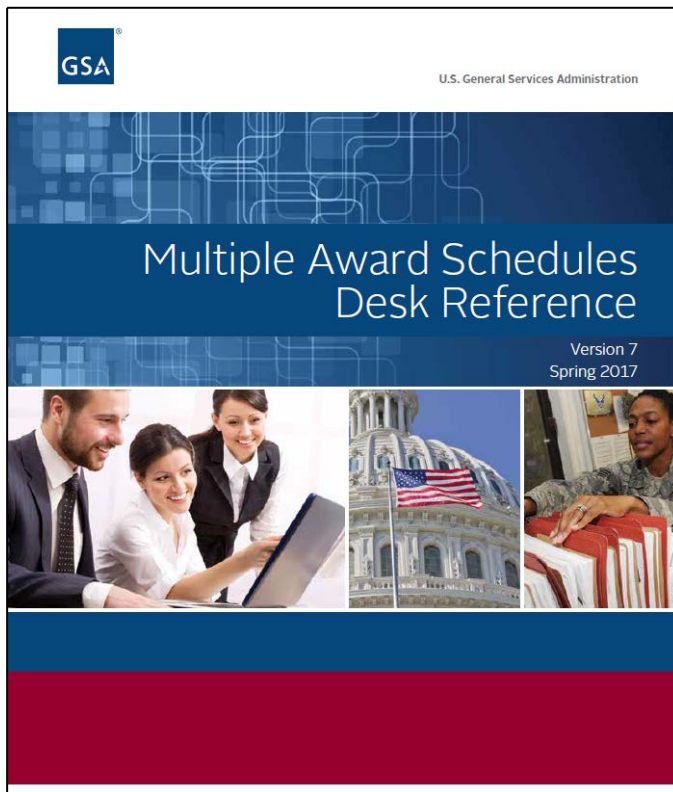
<https://www.acquisition.gov/browse/index/far>

Examples of FAR content:

- Competition Requirements
- Procuring under Schedules
- Market Research
- Contractor Qualifications
- Proposal Analysis Techniques
- Negotiating Contracts
- Types of Contracts



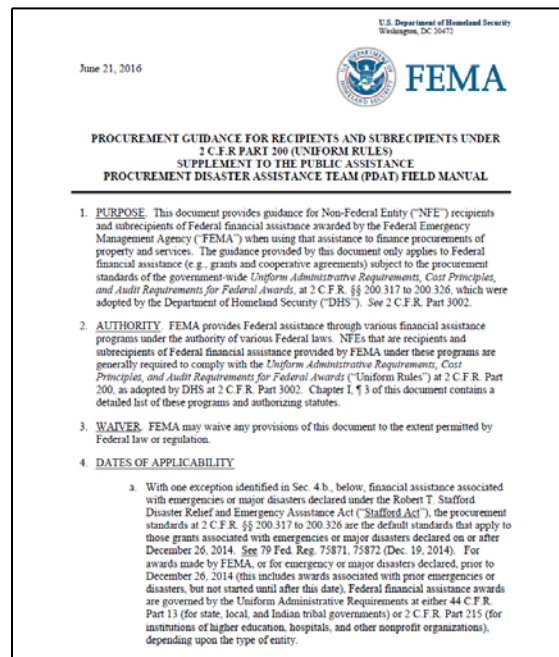
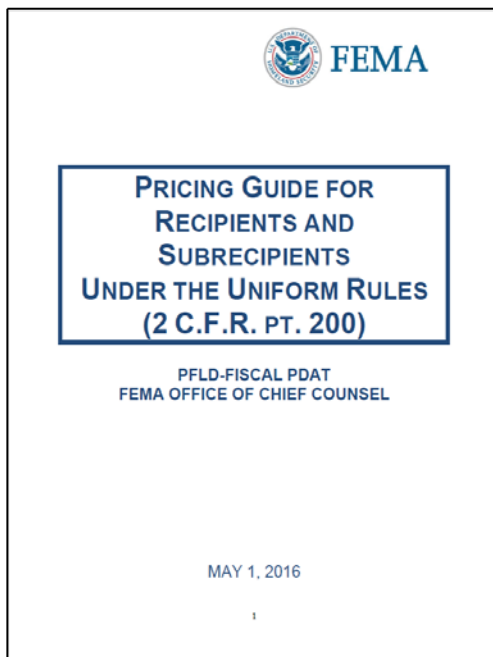
# Resources



[https://www.gsa.gov/cdnstatic/17-00436\\_MASDeskRefGuide\\_final\\_508C.pdf](https://www.gsa.gov/cdnstatic/17-00436_MASDeskRefGuide_final_508C.pdf)



# Resources



- Procurement webinar series
- Top 10 procurement mistakes
- Checklists & Templates
- Link to FAR & Part 200
- + More

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



# Questions

