

<b>Applicant Review Checklist for Disaster Recovery Expenditures</b>		
<b>Procurement and Contracts</b>		
		<b>Comments</b>
<b>Cost plus</b>	1. Did you ensure that the contract is not a cost plus percent of costs or a percentage of construction cost contract? These types of contracts are prohibited. <i>44 CFR 13.36(f)(4)</i>	
<b>Contingency</b>	2. Did you ensure that the contract is not contingent on FEMA reimbursement? <i>These types of contracts are prohibited. FEMA 322-p.40.</i>	
<b>Time &amp; Materials</b>	3. If contract is for time and materials, is documentation provided as to why another type of contract could not be used? <i>FEMA PowerPoint on Disaster Assistance Programs - Procurement Integrity</i>	
	3a. Does the time and materials contract contain a ceiling price that the contractor exceeds at his own risk? <i>FEMA 322-p. 40</i>	
<b>Cost Analysis</b>	4. Was a cost or price analysis done for every procurement? [44 CFR 13.36(f)] Independent estimates should be made before receiving bids or proposals.	
<b>Contract Administration System</b>	5. Is a contract administration system in place? 44 CFR 13.36(b)(2)	
	5a. Does the contract administration system ensure that all contracts are performed according to the terms of the contract?	
	5b. Are the contract administration system procedures in writing and in use?	
<b>Written code of standards</b>	6. Do you have a written code of standards to ensure that no conflict of interest is involved? <i>44 CFR Part 13 - The Common Rule</i>	
<b>Purchases less than \$100,000</b>	7. Is the purchase less than or equal to \$100,000? If yes, answer the following questions. If no, skip to question 8. <i>44 CFR 13.36(d)(1), FEMA-322, p. 39</i>	
	7a. Were an adequate number of quotes obtained from qualified sources? Are the number of quotes obtained explained and documented? <i>OIG Documents</i>	
	7b. If quotes could not be obtained from an adequate number of qualified sources, did you document why?	
	7c. Are the quotes documented? <i>They can be obtained via mail, phone, email, fax, etc.</i>	
	7d. Is the reason for the choice of contractors documented?	

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<b>Construction contract greater than \$100,000</b>	8. Is the contract greater than \$100,000 and for construction? If yes answer the following question, if no, skip to question 10. <i>44 CFR 13.36(d)(2)</i>	
	8a. Was the sealed bid method used? Sealed bid is the preferred method for construction contracts. <i>FEMA-322, p. 39</i>	
	8b. If sealed bid was not used for a construction contract, which of the following applies? (one must apply): <i>44 CFR 13.36(d)(2)</i>	
	- Complete, adequate and realistic specification or description was unavailable.	
	- Two more responsible bidders were unwilling and unable to compete for the business.	
	- The procurement lends itself to a fixed price contract and selection can be made based on price.	
<b>Sealed Bid</b>	9c. If the sealed bid method was used, was the following done? <i>44 CFR 13.36(d)(2)</i>	
	- Was the invitation publicly advertised?	
	- Were the work specifications defined?	
	- How many suppliers provided bids?	
	- How much time was allowed between the invitation and the bid opening date? Is it documented?	
	- Was the contract signed with the lowest responsive and responsible bidder?	
	- Are the reasons for rejecting a bid documented and sound?	
<b>Competitive method - contracts greater than \$100,000</b>	10. For contracts greater than \$100,000, if the competitive proposal method (RFP) method was used, the following must be done. If not, skip to question 11. <i>(Normally these contracts will be fixed price or cost reimbursement contracts.) 44 CFR 13.36(d)(3)</i> <b>Note: If the contract was done within 30 days after the disaster, the bid procedures can be expedited - telephone calls, faxes</b>	
	10a. Was the RFP publicized?	
	10b. Were the evaluation factors and their relative importance identified?	
	10c. Was the number of sources that submitted proposals documented?	
	10d. Was the qualification of sources submitting proposals documented?	
	10e. Was the method for evaluating and selecting the winning proposal documented?	
	10f. Were the reasons why the proposal was selected documented?	
	10g. If price was not a factor, was the contract for architectural or engineering professional services?	
	-Was the most qualified architect or engineer selected?	
	-Were the qualifications and reasons for selection documented?	

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<b>Noncompetitive method - contracts greater than \$100,000</b>	11. For contracts greater than \$100,000, if the noncompetitive method was used, were the following done? <i>44 CFR 13.36(d)(4)</i>	
	11a. Did you document that all other methods (small purchase, sealed bids and competitive proposals) were infeasible?	
	11b. Does one of the following apply? One must apply in order for the noncompetitive proposal to be used:	
	- Was the item only available from a single source?	
	- Was the delay associated with the competitive process not permitted by the emergency?	
	- Did FEMA authorized the noncompetitive proposal method?	
	- After soliciting a number of sources, was the competition inadequate? Are the number of sources contacted and the reasons for the decision documented?	
<b>Debarred Contractors</b>	12. Is the contractor in good standing? <i>Excluded Parties List: <a href="http://www.epls.gov/">http://www.epls.gov/</a> and the Louisiana State Licensing Board of Contractors: <a href="http://www.lslbc.louisiana.gov/">http://www.lslbc.louisiana.gov/</a></i>	
<b>DEBRIS REMOVAL CONTRACTS ONLY</b>	<b>If the contract is for debris removal, answer the following additional questions.</b>	
<b>Debris Removal Time and Material Contracts</b>	13. Time-and-Material (Equipment Rental) contracts are acceptable if limited in scope and duration. The contract must be signed immediately following the disaster to clear access routes into the affected areas and after all available government equipment is in use.	
	14. Were bids obtained? <i>See also Policy 9580.4</i>	
	15. Does the contract contain the following provisions:	
	15a. The equipment prices only applies when equipment actually operating.	
	15b. The hourly rate includes the operator, fuel, maintenance and repairs.	
	15c. Government reserves right to terminate at any time.	
	15d. No minimum number of hours is guaranteed.	
	15e. A dollar ceiling or a not-to-exceed number of hours clause.	
	16. The contract term does not exceed 70 hours	
	17. Full-time monitors supervised the contract work.	
<b>Unit Price and Lump Sum Contracts</b>	18. The contract is NOT a cost plus percentage-of-cost contract or a contingency contract.	
	19. Did the contractor provide a notarized listing of the bed size in cubic yards and license plate number of all trucks to be used?	

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	20. If pass method used, passes were clearly defined, i.e. number, time, roads, etc.?	
	21. Are any and all modifications to the contract in writing?	
<b>State Requirements</b>	22. If you have satisfied the Federal FEMA requirements (the preceding Checklist questions), have you satisfied all Louisiana state law requirements (the following Checklist questions)?	
<b>Louisiana Public Bid Law</b>	<b>Extreme Public Emergency</b>	
	23. Extreme public emergency is defined as a "catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property, or continued function of the public entity." <i>LA-R.S. 38:2211(A)(6)(b)</i>	
	24. Was the extreme public emergency declared by the head of the governing authority of the political subdivision? <i>LA-R.S. 38:2212(D)(1)(b)</i>	
	25. Was the declaration published in the official journal within 10 days or as soon as practicable? <i>LA-R.S. 38:2212(D)(1)(b)</i> Attach copies to the PW or the request for reimbursement.	
	<b>Emergency</b>	
	26. Emergency is defined as an "unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury ..., where the mischance ... will not admit of the delay incident to advertising." <i>LA-R.S. 38:2211A(6)(a)</i>	
	27. Was the emergency certified by the public entity? <i>LA-R.S. 38:2212(D)(1)(a)</i>	
	28. Was the notice of such published in the official journal of that entity within 10 days of certification? <i>LA-R.S. 38:2212(D)(1)(a)</i> Attach copies to the PW or request for reimbursement.	
	<b>Legal Requirements for Emergency/Extreme Public Emergency</b>	
	29. Is every contract supported by written justification for this certification?	
	30. If oral/phone offers were obtained, was a written confirmation of the accepted offer obtained?	

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	<p>31. Does every contract file contain</p> <ul style="list-style-type: none"> <li>- a description of the work to be performed,</li> <li>- the name and address of each offeror,</li> <li>- the performance time and terms of each offer and</li> <li>- the reasons for rejection if the lowest quote was not accepted. <i>LA-R.S. 38:2212(D)(2)(b)</i></li> </ul>	
<b>Non-Emergency Public Works Contract</b>	Greater than \$100,000 or greater than \$50,000 if inmate labor used on prison grounds	
	32. Was the advertisement published once a week for three weeks in the local newspaper?	
	33. Was the first ad published at least 25 days before bid opening and not on a weekend or legal holiday?	
	34. Was the contract awarded to the lowest bidder who bid according to contract, plans and specifications as advertised?	
	<b>Professional Services</b>	
	35. Is the applicant a state agency? Is the contract for the services of an architect, engineer or landscape architect and the estimated project budget greater than \$500,000? <i>LA-R.S. 38:2310(7); 38:2316</i>	
	36. If not, the contract does NOT have to be bid.	
	37. Did the appropriate board advertise for the professional service once in the official state journal?	
	38. Did the advertisement contain the following information: <ul style="list-style-type: none"> <li>- the professional service required,</li> <li>- the name, location and agency for which the service is required,</li> <li>- time and instructions for submitting applications,</li> <li>- general description of the project and details upon request,</li> <li>- time frame for completion of work,</li> <li>- the project budget and</li> <li>- the fee, as determined by the Division of Administration. <i>LA-R.S. 38:2312(A)</i></li> </ul>	
	<b>Homeland Security</b>	
	39. Were the materials, supplies, equipment and services related to homeland security? <i>LA-R.S. 38:2212.6</i>	
	40. Were they procured from the federal General Services Administration (GSA) supply schedules? <i>LA-R.S. 38:2212.6</i>	
	41. Did the purchases meet all of the following requirements: <ul style="list-style-type: none"> <li>- a Louisiana distributor was used,</li> <li>- the competitive ordering procedures of federal GSA was used and</li> <li>- prior approval from the director of LOHSEP was obtained.</li> </ul>	

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	<b>Materials and supplies LA-R.S. 38:2212.1</b>	
	42. Was the contract amount (1) not greater than \$20,000 for the purchase of motor vehicles for conversion to law enforcement vehicles or (2) not greater than \$25,000 for road maintenance or improvement equipment?	
	42a. Did the applicant obtain written specifications, quotations and confirmation of accepted offers?	
	43. Was the contract amount (1) \$25,000 or greater for road maintenance or improvement equipment or (2) \$20,000 or greater for all other purchases of materials and supplies?	
	43a. Was the advertisement published twice in the local newspaper?	
	43b. Was the first ad published at least 15 days prior to bid opening and not on a weekend or legal holiday?	
	44. Was the contract amount between \$10,000 and \$19,999?	
	44a. Were three phone or fax quotes obtained?	
	44b. Is the written confirmation of the accepted offer in the contract file?	
	44c. If the lowest quote was not accepted, are the reasons for rejection documented?	
	45. If the contract amount is less than \$10,000, there is no requirement to bid or obtain quotes.	
	<b>Computers and software</b>	
	46. Did the applicant use either the bid process in LA-R.S. 38:2211, et seq. or the request for proposals method in LA-R.S. 38:2234-2237?	
	47. Was the public notice published at least thirty days prior to the RFP opening date? Electronic media may also be used for public notice.	
	48. Was written notice mailed to persons and firms known to be in a position to submit a RFP?	
	49. Did the RFP include the following: - the evaluation factors and their relative importance, - the tasks to be performed, - the functional specifications, - the criteria used to evaluate proposals and - the time frame for completion. LA-R.S. 38:2237(A)(7)	
	50. If the bid method is used, was written notice given to all bidders stating that the RFP procedure is not applicable?	

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