

Procurement Disaster Assistance Team SUMMARY

FEMA Office of the Chief Counsel has established a Procurement Disaster Assistance Team (PDAT), which is comprised of a cadre of deployable field attorneys dedicated to assisting disaster assistance applicants in adhering to the Federal procurement standards (i.e., 2 C.F.R. §§ 200.317 through 326, and FEMA policies and guidance) associated with disaster assistance grants. The PDAT is currently comprised of six (6) attorneys tasked with deploying to active disasters and the development of training and guidance materials.

- **Background.** FEMA estimates that approximately 90% of all Public Assistance (PA) grant funds are expended through recipient and subrecipient procurements. DHS OIG audits have found that FEMA disaster recipients and subrecipients have difficulty complying with applicable Federal procurement standards. The PDAT is intended to address this area of concern by working with applicants and FEMA PA staff in advance of procurement actions to minimize, reduce, or eliminate common non-compliance issues that routinely result in recommendations and actions to de-obligate disaster assistance funds that would otherwise be eligible for full reimbursement. In other words, PDAT training is intended to assist prospective applicants in meeting their obligations under the Federal procurement standards associated with their disaster financial assistance awards, so as to avoid the potential de-obligation of funds, both before and after those funds have been expended by an applicant.

- **PDAT Goals** are:
 - To substantially reduce applicant violations of the federal procurement standards by providing training, reference materials, and real time guidance to grantees on federal procurement standards in order to reduce the likelihood that disaster financial assistance awards are de-obligated with applicants required to return such funds even if they have already been expended.
 - To provide on-line resources, which are [available here](#).
 - To facilitate efficient and effective applicant procurement actions that meet applicant needs and adhere to federal requirements.

- **PDAT Training Sessions.** To date, PDAT has provided 106 procurement training sessions to approximately 3,747 FEMA, State, DHS OIG, Private Non-Profit entities, and local emergency management personnel in 33 states and territories.

- **PDAT Deployments to Active Disasters.** PDAT deploys directly to the field, IAW its established Standard Operating Procedures (SOP), serving applicants at a time when procurement assistance is needed most.
 - PDAT provides real time training and guidance to applicants and provides procurement advice and training to FEMA Public Assistance staff to help identify and

- remedy potential procurement issues before an applicant solicits and awards contracts in violation of the Federal procurement standards.
- However, PDAT also recognizes that emergency managers and disaster survivors have limited time and resources to devote to procurement-related training immediately after a disaster has occurred and during the response phase. Accordingly, IAW PDAT's internal SOP, PDAT members will generally not immediately deploy to a disaster to provide support. Instead, PDAT will deploy members to a disaster only upon transition to the recovery phase, or where emergency managers and disaster survivors have sufficient time to plan for and receive procurement-related training. In establishing this standard, PDAT intends to allow emergency managers and FEMA personnel on the ground sufficient time to meet their disaster response responsibilities, while allowing for the provision of procurement-related training prior to the solicitation and award of longer term recovery projects, which usually are subjected to more restrictive procurement requirements (as opposed to procurements pursuant to exigent or emergency circumstances, for example).
 - PDAT focuses on guidance to applicants to facilitate understanding of the Federal procurement standards. PDAT may review applicant procurement policies and procedures, but does not generally review individual contract actions. Furthermore, PDAT **cannot** provide legal sufficiency reviews of specific applicant procurement actions. All such issues will be referred to the applicant's servicing legal counsel.
- **PDAT in Steady State.** When not deployed, PDAT will:
 - PDAT training will ideally be proactive and focus upon the provision of procurement-related training **BEFORE** a disaster occurs in order to provide emergency managers at all levels, prospective applicants, and FEMA personnel with the information and tools necessary to place themselves in the best possible position to identify potential procurement issues at the earliest possible point in time. Additionally, PDAT training is intended to place all parties involved in the procurement process on the same page as far as the applicable rules and regulations are concerned, in order to avoid any possible confusion concerning the applicability of the Federal procurement standards to a particular applicant.
 - While PDAT's preference is to provide proactive procurement training prior to a disaster; followed by training at the transition from response to recovery phase of an active disaster; for a variety of reasons, it may not be possible to provide training at these two points in time. In these situations, PDAT will provide procurement-related training to applicants, prospective applicants, and FEMA's personnel on the ground, upon request.
 - Furthermore, PDAT will provide training and tools throughout the year to applicant's, prospective applicants, and FEMA staff to increase awareness, knowledge, and

shared understanding of the Federal procurement standards, regardless of disaster status, upon request and subject to sufficient funding.