



Virginia Department of
Emergency Management

Statewide Debris Contract Update

Purpose of this Presentation

- To inform you of what this contract provides
- To provide information on use of this contract and eligibility for federal reimbursement



Statewide Debris Contract

- DGS/DPS RFP 1825 - Emergency Debris Removal and Monitoring Services
- Initial 2 Year Term: September 29, 2022 - September 28, 2024 with 3 One-Year Renewal Options
- Authorized Users: COV state agencies, institutions of higher education & other public bodies
- DPS Contract Officer: Sylvester Williams



Vendors on Contract

- CTR005870 - Tetra Tech

CTR005871 - WSP USA Solutions, Inc.

CTR005872- Bergeron Emergency Services, Inc.

CTR005873 - DebrisTech

CTR005874 - DRC Emergency Services, LLC

CTR005875 - Ashbritt, Inc.

CTR005876 - Crowdergulf, LLC

CTR005877 - Thompson Consulting Services, LLC

CTR005878 - Rostan Solutions, LLC

CTR005879 - Southern Disaster Recovery, LLC



Federal Procurement Requirements for State Entities and Non-State Entities are Different



Procurement Disaster Assistance Team (PDAT) Field Manual

Procurement Information for FEMA Award Recipients
and Subrecipients

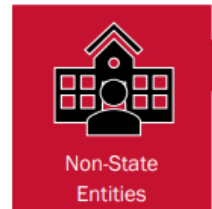
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- Any state of the United States,
- The District of Columbia,
- The Commonwealth of Puerto Rico,
- U.S. Virgin Islands,
- Guam,
- American Samoa,
- The Commonwealth of the Northern Mariana Islands, and
- Any agency or instrumentality thereof exclusive of local governments.

Non-state entities include:



- Local²⁷ and Tribal²⁸ governments,
- Institutions of Higher Education (IHEs)²⁹ that do not meet the definition of state,
- Hospitals³⁰ that do not meet the definition of state instrumentality, and
- Other PNPs³¹.

Why is this important?

- State and local government federal procurement requirements are different
- This put constraints the ability of states to do procurements that all additional users can use **AND** get reimbursed by the federal government.



State Entity Federal Requirements



1. [2 CFR 200.317](#) – Procurement by States
2. [2 CFR 200.321](#) - **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms**
3. [2 CFR 200.322](#) – **Domestic Preferences**
4. [2 CFR 200.323](#) – **Procurement of Recovered Materials**
5. [2 CFR 200.327](#) - **Contract Provisions**

Same for non-state entities (4 of 5)



Federal Requirement	Requirement Name	Is Requirement or State or Non-State entity?	Compliance review of DGS/DPS RFP 1825
2 CFR 200.317	Procurement by States	State	No Concerns
2 CFR 200.318	General Procurement Standards	Non-State	Unverified
2 CFR 200.319	Competition	Non-State	No Concerns
2 CFR 200.320	Methods of Procurement to be Followed	Non-State	No Concerns
2 CFR 200.321	Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms	Both	No Concerns
2 CFR 200.322	Domestic Preferences	Both	No Concerns
2 CFR 200.323	Procurement of Recovered Materials	Both	No Concerns
2 CFR 200.324	Contract Cost and Price	Non-State	No Concerns
2 CFR 200.325	Federal awarding agency or pass-through entity review	Non-State	No Concerns
2 CFR 200.326	Bonding Requirements	Non-State	No Concerns
2 CFR 200.327	Contract Provisions	Both	No Concerns



Non-State Entity Federal Requirements



1. [2 CFR 200.318](#) – General Procurement Standards
2. [2 CFR 200.319](#) – Competition
3. [2 CFR 200.320](#) – Methods of Procurement to be Followed
4. [2 CFR 200.321](#) – **Contracting with small and minority business enterprises, and labor surplus area firms**
5. [2 CFR 200.322](#) – **Domestic Preference**
6. [2 CFR 200.323](#) – **Procurement of Recovered Materials**
7. [2 CFR 200.324](#) – Contract Cost and Price
8. [2 CFR 200.325](#) – Federal awarding agency or pass-through entity review
9. [2 CFR 200.326](#) – Bonding Requirements
10. [2 CFR 200.327](#) – **Contract Provisions**

Same for state entities (4 of 10)



A Common theme



- When procuring property and services under a Federal award, a State **must follow the same policies and procedures it uses for procurements from its non-Federal funds.**



- Non-state entities **must use their own documented procurement procedures** which reflect applicable state, local, and Tribal laws and regulations, provided the procurement conforms to applicable Federal law and the standards set forth in 2 C.F.R. Part 200.



In Virginia, state agencies follow

AGENCY PROCUREMENT AND SURPLUS PROPERTY MANUAL



COMMONWEALTH OF VIRGINIA

Department of General Services
Division of Purchases and Supply
1111 East Broad Street
Richmond, Virginia 23219



<https://dgs.virginia.gov/globalassets/business-units/dps/documents/apspm/apspm-2022.pdf>

State Agencies (Including College and Universities)

- Can execute a purchase order against this contract for debris removal and monitoring

Must be for facilities and/or land that the state agency is **legally responsible for removing debris from**

Seek counsel from the Attorney General's Office if you are unsure

Examples –

- **VDOT – State Roads**
- **DCR – State Parks**



Local Governments and other Non-State Entities

- Can execute a purchase order against this contract for debris removal and monitoring, however...
- The funding source that you are using matters

Understanding Financial Risk of Using this Contract				
Locality is using Local Funds	Locality is using State Funds	Locality is using a special funds (non-federal)	Locality is using a Federal Funds	Locality is seeking federal reimbursement
Low Risk	Low Risk	Low Risk	High Risk	High Risk



Not allowable



Local Government Options

- Local or regional pre-disaster debris removal and monitoring contracts compliant with the 2 CFR 200 sections for non-state entities



What If I don't have a pre-disaster contract?

- It is never too early to start working on one...
- The DGS contract is there as a basis for FEMA requirements for debris removal
- Ask a neighboring jurisdiction if they have one you can use as a template



What if I have debris removal needs before I get a pre-disaster contract?

- Unless it is a public **emergency** or **exigency**, your post-disaster debris needs will still need to be competitively procured for FEMA reimbursement

Exigency:

There is a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the recipient or subrecipient, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.

Emergency:

There is a threat to life, public health or safety, improved property, or some other form of dangerous situation that requires immediate action to alleviate the threat. Emergency conditions are generally more short-lived than exigency circumstances.

The non-state entity may use its own judgment in determining whether this condition has been met but must document its rationale in the procurement record.

Please read page 52-53 very carefully and seek legal counsel



https://www.fema.gov/sites/default/files/documents/fema_PDAT-field-manual_102021.pdf

Permitting

- However you end up procuring debris removal and monitoring services, you must coordinate permitting with DEQ
- <https://www.deq.virginia.gov/land-waste/solid-hazardous-waste/solid-waste/severe-weather-debris-management>



THANK YOU!

