

CHAPTER 11 CONTRACTING

11-1. Policy.

a. Contracting Requirements. All applicable contracting regulatory requirements will be met during emergency conditions. Policies, procedures, and forms to be used are prescribed in the Federal Acquisition Regulation (FAR), Defense FAR Supplement (DFAR), Army FAR Supplement (AFARS), Army Federal Acquisition Regulation Supplement Manual No. 2 (Contingency Contracting), and the Engineer FAR Supplement (EFARS).

b. Expeditious Accomplishment of Disaster Operation Requirements. Normal administrative requirements are secondary to expeditious accomplishment of disaster operations when saving time is essential for public health, safety, and the preservation of life and property (i.e., almost all uses of funds from Categories 200 through 500, to specifically include Class 310 and Class 320 levee rehabilitation efforts.) The responsible Contracting Officer will ensure that required documentation is completed at the earliest practical time.

c. Sufficiency of Resources and Support. Contracting offices in each district will provide the full spectrum of specialized acquisition support, contracting resources, contracting methods, and contract types necessary for execution of all FCCE-funded contracts, and to facilitate performance of contracts essential to the performance of the USACE emergency management mission.

d. Applicability. Contingency contracting is applicable to all emergency responses (Categories 200-500) and FEMA Direct Federal Assistance.

e. Other Than Full and Open Competition. Contingency contracting justifies other than full and open competition as allowed by FAR 6.302.

11-2. Contingency Contracting. Contingency contracting will be accomplished using all pertinent emergency and exigency conditions allowed under the FAR, DFAR, AFARS, EFARS, and the Army Federal Acquisition Regulation Supplement Manual No. 2 (Contingency Contracting). Contingency contracting considerations will include, on FEMA-funded missions, the FAR requirement (6.302-5 (b)(5) and FAR Subpart 26.2) for providing preference in awarding contracts to local businesses.

11-3. Policy on Contracting Strategy. All available contracting methods, to include the Advanced Contracting Initiative, Indefinite Delivery Order/Indefinite Quantity contracts, Job Order Contracting, and contingency clauses in routine construction contracts, will be considered, along with all aspects of contingency contracting, when determining the most expeditious method for accomplishing emergency work.

FOR THE COMMANDER:

2 Appendices
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