

March 27, 2020

TO: Purchasing Offices  
Departments, Institutions, Agencies  
Commonwealth of Virginia

FROM: J. Peter Stamps   
Director, DGS/Division of Purchases and Supply

SUBJECT: FEMA Reimbursement guidance regarding COVID-19 Emergency

The following is guidance from VDEM concerning procurement rules to seek FEMA reimbursement (where applicable) regarding the Novel Coronavirus (COVID-19) emergency.

### **Background**

- On March 12, 2020 Governor Northam declared a state of emergency (EO51) due to the Novel Coronavirus (COVID-19). A copy of the executive order can be found at [EO 51 \(2020\)](#).
- On March 13, 2020 all agency procurement officers received communication from DGS regarding the use of Chapter 9 of the Commonwealth's Agency Procurement and Surplus Property Manual (APSPM), which describes emergency procurement procedures for state agencies to follow when purchasing necessary items during this emergency.
- On the same day, the President declared a Nationwide Emergency Declaration. As a result, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is making funds available to reimburse non-federal agencies for eligible costs incurred during periods of exigent or emergency circumstances.

To ensure that agencies are in compliance with federal regulations (2CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) VDEM and DGS is sharing information with you to include with your purchasing processes.

- In addition to the Virginia Public Procurement Act (Va. Code §§ 2.2-4300 *et seq.*) and the Commonwealth's procurement policies and procedures, all FEMA grant programs are subject to the Federal procurement standards found at 2 C.F.R. §§ 200.317 – 200.326. In order to adhere to these requirements, VDEM is asking agencies to do the following:

1.) ***For emergency procurements already processed under EO 51*** - go back and complete the procurement file by adding these documents

- Procurements under \$100,000 - provide Federal Provisions as outlined in the attached Required Provisions-Quick Reference Guide and Required/Suggested Contract Language document to vendor-retain sent email as verification
- Procurement over \$100,000 – vendors will need to sign provision No. 3 -retain signed copy for file

2.) ***Moving Forward*** - Emergency Procurements under EO 51:

- DGS eVA Team adding required Emergency language to eVA to be reflected on all purchase orders - covers requirements
- Procurement over \$100,000 - vendors will need to sign provision No. 3 – retain signed copy for file

3.) ***Best Practices for Emergency Procurement File:***

- Justification for Emergency Procurement
- Emergency Purchase Authorization
- Copy of Executive Order (EO 51)
- eVA Purchase Order (General T&C's, Special T&C's, Federal Provisions)
- etc. - see checklist

4.) Attached is the following:

- Required Provisions-Quick Reference Guide and Required/Suggested Contract Language document