



Emergency Contracting: Themes from Agencies' Disaster and Pandemic Response Efforts

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GAO Emergency Contracting Themes

- Federal contracts and agreements have played a critical role providing life-saving and life-sustaining goods and services in response to recent natural disasters and other emergency response efforts, like COVID-19.
- Leveraging recent GAO reviews, we examined:
 - contract and agreement mechanisms agencies used to facilitate emergency response efforts;
 - challenges agencies faced planning and executing contracts in an emergency environment; and
 - how tracking contract obligations and contracting lessons learned can inform future response efforts.

Contract and Agreement Mechanisms

- Agencies can use a variety of contract and agreement mechanisms to assist them in responding quickly during an emergency.
 - Advance contracts
 - Other transaction agreements
 - Undefined contract actions
 - Government purchase cards



Challenges Planning and Executing Contracts in an Emergency Environment

Acquisition planning

- In December 2018, we found shortfalls in FEMA's acquisition planning on advance contracts we reviewed resulted in a number of bridge contracts, which can put the government at risk of paying more than it should for products and services.
- **Recommendation:** FEMA should update guidance to better identify acquisition planning timeframes and considerations.

Determining contractor responsibility

- In July 2021, we found government-wide and agency-specific guidance provide limited information for assessing prospective vendors during an emergency.
- **Recommendations:** 5 recommendations to 3 agencies related to improving guidance and better communicating available resources.

Challenges Planning and Executing Contracts in an Emergency Environment

Acquisition workforce

- Across multiple reviews, we found several agencies faced contracting workforce-related challenges when responding to hurricanes and wildfires, but had not assessed or planned for their disaster-specific workforce needs.
- **Recommendations:** 4 recommendations to 4 agencies related to assessing or better accounting for disaster response contracting workforce needs.

Purchase card fraud risk

- In November 2020, we found some agencies reviewed had not assessed how their purchase card fraud risk might differ in a disaster response environment, when officials may have a higher risk tolerance due to the urgent need for supplies and services.
- **Recommendations:** 5 recommendations to 5 agencies related to completing or updating fraud risk profiles for purchase card programs to align with leading practices.

Tracking Contract and Agreement Obligations

Contract Obligations:

- The National Interest Action (NIA) code can be used to track federal procurement data during disasters or emergencies.
- Across multiple reviews, we found the criteria for whether to extend or close a NIA code did not always meet the needs of high visibility events, or of users, such as other agencies and Congress.
- **Recommendations:** 3 recommendations to 3 agencies about revising the NIA code memorandum of agreement to clarify criteria.

Other Transaction Agreement Obligations:

- Through multiple reviews we also found that agencies experienced challenges tracking other transaction agreements in response to COVID-19 in the federal procurement data system.
- **Recommendations:** 3 recommendations to 3 agencies about more clearly reporting the use of other transactions agreements.

Collecting Contracting Lessons Learned

- Across multiple reviews, we found agencies identified challenges when contracting for emergencies, but did not always identify or share lessons learned. For example:
 - During the response to COVID-19, contracting officials identified challenges such as:
 - Working with vendors new to federal contracting or supplying products they had not previously provided
 - Contracting for supplies and services the agency does not typically buy
 - However, contracting was not always included as part of lessons learned.
- **Recommendations:** 8 recommendations to multiple agencies to ensure contracting lessons learned are communicated and shared within agencies and government-wide.

Relevant GAO Reports

- COVID-19 Contracting: Opportunities to Improve Practices to Assess Prospective Vendors and Capture Lessons Learned, July 29, 2021, [GAO-21-528](#).
- COVID-19 Contracting: Actions Needed to Enhance Transparency and Oversight of Selected Awards, July 26, 2021, [GAO-21-501](#).
- Southwest Border: Schedule Considerations Drove Army Corps of Engineers' Approaches to Awarding Construction Contracts through 2020, June 17, 2021, [GAO-21-372](#).
- COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention, January 28, 2021, [GAO-21-265](#).
- Disaster Response: Agencies Should Assess Contracting Workforce Needs and Purchase Card Fraud Risk, November 24, 2020, [GAO-21-42](#).
- COVID-19: Federal Efforts Could be Strengthened by Timely and Concerted Actions, September 21, 2020, [GAO-20-701](#).
- 2017 Disaster Contracting: Actions Needed to Improve Use of Post-Disaster Contracts to Support Response and Recovery, April 24, 2019, [GAO-19-281](#).
- 2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts, December 6, 2018, [GAO-19-93](#).
- Sole Source Contracting: Defining and Tracking Bridge Contracts Would Help Agencies Manage Their Use, October 14, 2015, [GAO-16-15](#).