

U.S. Department of Homeland Security
Federal Emergency Management Agency
Louisiana Transitional Recovery Office
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New Orleans, Louisiana 70114
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FEMA

January 22, 2007

Colonel Thomas Kirkpatrick
State Coordinating Officer
State of Louisiana
415 North 15th Street
Baton Rouge, LA 70802

Re: Extension of Qualification-Based Professional Service
And Construction Contracts
FEMA-1603 / 1607-LA

Dear Colonel Kirkpatrick:

I am aware that subgrantees participating in the FEMA Public Assistance program under the declarations for Hurricanes Katrina and Rita are requesting guidance for extending or modifying professional service and construction contracts for eligible work as a result of these declarations. The applicants wish to extend these contracts to address additional disaster-related work because they are facing challenges in securing new architecture and engineering (A&E) design services, program management, and construction contracts.

Pursuant to 44 CFR Part 13, quality-based contracts, such as those requiring Requests for Qualifications (RFQs) from vendors, that reflect applicable State and local laws and regulations, and conform to applicable Federal law and standards identified in Part 13, may be extended by subgrantees. The procurement requirements for quality-based contracts can be found in 44 CFR §13.36(d)(3)(v). However, lowest cost bidding contracts for construction of the type described in 44 CFR §13(d)(2) are not eligible for extension or modification, and any contracts for additional or future construction work must be competitively bid according to the applicant's contracting procedures and in accordance with all applicable State and Federal requirements.

I recommend that the State of Louisiana, as grantee, provide guidance to subgrantees to assist them in understanding and applying this provision for contract extension.

Please do not hesitate to call if you need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Stark", written over a white background.

James Stark
Director

Louisiana Transitional Recovery Office

cc: John Connolly, Branch Chief – Public Assistance
George Cotton, OCC