CHAPTER 12 – EMERGENCY TYPE OPERATIONS

Parent topic: Appendix - EE DEPARTMENT OF THE ARMY GOVERNMENT PURCHASE CARD OPERATING PROCEDURES

12-1. Emergency-Type Operations

a. DPCAP adopted use of the group term Emergency-Type Operations (ETOs) in contingency contracting and GPC policy. The ETOs currently included in 41 USC 1903 are the following:

1) Contingency Operations as defined in FAR 2.101;

2) Operations to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the United States as addressed in FAR 18.001;

3) Operations in support of a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate the provision of international disaster assistance as addressed in FAR 18.001; and

4) Operations to support response to an emergency or major disaster as defined in Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5121, implemented in FAR Subpart 26.2).

The term ETO also includes humanitarian or peacekeeping operations as defined in FAR 2.101. Currently, when supporting humanitarian or peacekeeping operations, the MPT does not increase, regardless of whether the humanitarian or peacekeeping operation is taking place inside or outside the United States; and the SAT can increase to $500,000 upon determination by the HCA that the respective supplies or services directly support the humanitarian or peacekeeping operation.

b. FAR 18.2 addresses Emergency Acquisition Flexibilities (EAFs). It is critical to verify whether increased EAFs have been authorized for the particular ETO being supported. If so, each HCA has the authority to authorize use of EAFs. The primary EAF related to use of the GPC is the increased threshold defined in paragraph (3) of the "Micro-Purchase Threshold" definition at FAR 2.101. EAFs will be used only for the duration of the ETO by those who have been authorized to support the effort. Upon conclusion of the ETO authority, use of EAFs will cease and purchasing limits will return to previous levels. EAFs must be used solely for transactions that have a clear and direct relationship with the ETO and that appropriate internal controls are established and maintained to support and track use of the increased flexibilities.

12-2. Increased Thresholds and Acquisition Flexibilities for ETOs

a. For the EAFs to apply, ETOs require either (1) formal designation or declaration to have been made or (2) certain requirements to have been met. Policy on the use of EAFs can be found in the DPCAP memorandum, " Emergency Acquisition Flexibilities – Special Emergency Procurement

Authority and Head of the Contracting Activity Delegating Authority ” dated October 2, 2020, and the Defense Contingency Contracting Handbook . For additional information about the types of operations considered ETOs, including the officials authorized to designate or declare them or make the determination, see FAR 2.101, DFARS 213.301, and DFARS 218.2.

b. The thresholds cited below will take effect when authorized by the cognizant HCA. It is important to note that DFARS 218.270 authorizes the HCA to make certain acquisition determinations on behalf of the Agency Head. Table 12-1 shows the increased MPTs in support of ETOs (excluding humanitarian and peacekeeping operations) (see DFARS PGI 213.201). Cardholders located inside the United States are prohibited from using the $35,000 MPT unless specifically authorized by statute.

Table 12-1. GPC MPT Values for ETOs (**e**xcluding Humanitarian and Peacekeeping Operations)

Supplies

Government Purchaser's Physical Location	**Authorized MPT**
Inside United States	$20,000
Outside United States	$35,000

Services

Government Purchaser's Physical Location	**Place of Performance**	**Authorized MPT**
Inside United States	Inside or Outside United States	$20,000
Outside United States	Inside United States	$20,000
Outside United States	Outside United States	$35,000

12-3. Required Internal Controls for ETOs

a. In anticipation of ETOs, the Army will identify, train, and appoint individuals in JAM with the Micro-Purchase ETO CH and/or Check Writer, or Warranted Overseas ETO CH, designation. Monthly and single transaction limits should be raised when ETOs are being supported. There will be no blanket increase of these CH authorities.

b. The HCA determines whether an event/mission is considered an ETO. The requiring activity identifies each transaction that is in support of an ETO in the PR&A. The BO approves the request and confirms whether it is in support of a particular ETO and therefore allowable under the related regulation. The CH will identify the transaction as "In support of an ETO" in the bank's EAS.

c. All open-market transactions (i.e., those not placed under existing contracts) that exceed the increased MPTs must be performed by a Contracting Officer. All ETOs conducted in accordance with DFARS 213.201(g) can be undertaken only by a Contracting Officer.

d. **Follow-up Reviews**. Contracting commands must designate officials (e.g., Level 3 or 4 A/OPC) to conduct follow-up reviews of transactions in support of each ETO. These follow-up reviews should take place as soon as practicable, but no later than 60 days after any given transaction. The officials will evaluate whether the transaction demonstrated the following:

1) Consistent with Army policies and procedures and otherwise reasonable and appropriate,

2) Provided the maximum practicable opportunity for small business participation under the circumstances, and

3) Appropriately documented by the CH.

12-4. Personnel Responsibilities for ETOs

a. **HCA Responsibilities**

1) HCAs have the delegated authority to authorize most EAFs. No notification from DPCAP is necessary for HCAs to implement these flexibilities. See DPCAP memorandum " Emergency Acquisition Flexibilities – Special Emergency Procurement Authority and Head of the Contracting Activity Delegated Authority ," dated October 2, 2020, for guidance on how to determine if it is appropriate to authorize the use of EAFs.

2) To meet the requirements of the FAR 2.101 micro-purchase definition, ensure guidance directs CHs to retain ETO determinations to use elevated acquisition thresholds in their purchase file.

3) Ensure compliance with the required ETO internal controls.

4) Ensure guidance requires supplemental oversight for all accounts with elevated spending limits.

b. **A/OPC Responsibilities**

1) Distribute policy and guidance with respect to use of the GPC for each ETO.

2) Manage delegations of procurement authority for designated ETO card accounts.

3) Raise monthly and single transaction limits only when ETOs are being supported. There will be no blanket increase of these CH authorities.

4) Comply with DoD Purchase Log Information policy to ensure the identification and capture of all ETO GPC purchases (transactions and dollars).

5) Develop and implement a supplemental oversight program for all accounts with elevated spending limits.

6) Perform IOD case reviews for all ETO transactions above $10,000.

c. **RM Responsibilities**

1) Develop unique LOAs (alternate or default) as required, to be used only when GPC purchases are made in support of each ETO.

2) Assist in identifying and tracking all ETO transactions.

3) Notify the A/OPC of fund availability.

4) Update CH limits (e.g., cycle limits) as needed.

d. **Billing Official Responsibilities**

1) Verify proper documentation is recorded and maintained for ETO transactions.

2) Ensure CH compliance with all statutory and regulatory guidance regarding ETOs.

3) Confirm CHs properly identify and record ETO transactions in the bank's EAS.

4) Ensure CHs use the correct LOA, as required, for ETO transactions.

5) Ensure ETO convenience checks do not exceed either the MPT authorized for convenience checks or the CH's authorized single purchase and other account spending limits. Verify the vendor was unable to accept the GPC.

6) Ensure all open-market transactions (i.e., those not placed under existing contracts) that exceed the increased MPTs are performed by a Contracting Officer. All ETO efforts conducted in accordance with FAR 13.201(g) can be undertaken only by a Contracting Officer.

e. **CH and Convenience Check Account Holder Responsibilities**

1) Identify all ETO transactions in the bank's EAS.

2) Ensure the requiring activity's PR&A details how the transaction supports the ETO.

3) Ensure each GPC transaction is charged to the LOA specifically established for that ETO.

4) Ensure convenience checks remain a purchase instrument of last resort.

12-5. ETO-Specific Training

It is strongly recommended that CHs who are not in the contracting career field and will be making ETO purchases over an extended period complete DAU courses CON 8300V , Joint Contingency Contracting Course, and CLC 114 , Contingency Contracting Officer Refresher.

12-6. Deploying Cardholders

a. Commands should identify GPC personnel with pre-positioned GPC accounts in advance of need. These cardholders will have a card with an initial spending limit of $1 until an emergency acquisition flexibility is declared and purchase limits are increased. Upon declaration of an emergency as defined in DFARS 213.201(a), the contracting office will ensure contracting officer warrants and/or

delegations of authority are modified to reflect applicable procurement limits**.** All deployable cardholders will receive contingency GPC training.

b. When functional control of the deployed card account shifts to the gaining contracting command within the AOR, home station-issued GPCs may continue to be used unless prohibited by either the home station or the gaining command.

c. When the cardholder deploys, the limits can be raised by the A/OPC and RM in the bank's EAS. The limits should be raised to a realistic level based on the expected purchase volume for that operation. Upon the cardholder's return to home base, the spending limits should be lowered to the previous level.