

FEMA General Request for Offers and Filing Instructions

Issued By:

**Federal Emergency Management Agency
Tender of Service Program**

December 1, 2020



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1 TERMS AND CONDITIONS

1.1 GENERAL

This Federal Emergency Management Agency (FEMA) Request for Offers (RFO) and its Filing Instructions (FI) are the instructions that must be followed to submit rates for the FEMA Tender of Service Program. Please note that, in some instances, this RFO and its FI will deviate from and will supersede regulations published in the FEMA Standard Tender of Service (FEMA STOS), FEMA Uniform Rules Tariff No. 300 (FEMA No. 300), and other relevant documents. Transportation Service Providers (TSPs) are strongly encouraged to read the FEMA STOS document as well as FEMA No. 300, as these documents are both new for the 2021 rate filing season.

Direct any questions about this RFO to:

Federal Emergency Management Agency
Logistics Management Directorate
Transportation Management Branch
Email: FEMA-Transportation-Programs@fema.dhs.gov
Website: www.fema.gov/transportation-programs

This FEMA General RFO is requesting rates for ten equipment types at the General, non-emergency service level. Emergency service rates will be bid as an accessorial (485-EM: Emergency Service) that adds a % increase to the General service base rate. Please see Section 5 of this document for more details.

Traffic to be included under this RFO will be full truckload (TL) and less-than-truckload (LTL) shipments for freight-all-kinds (FAK). Please refer to the FEMA STOS and FEMA No. 300 for additional details.

1.2 TSP ELIGIBILITY TO SUBMIT RATES

Only TSPs who provide trucking services and have met all of FEMA's approval requirements for the 2021 Program Year by February 12th, 2021 will be eligible to submit rate offers in response to this RFO. Any rate offers submitted by TSPs who have not met the requirements to be FEMA-approved TSPs for the 2021 Program Year by February 12th, 2021 will be rejected. Please see the FEMA STOS for details regarding FEMA approval requirements.

1.3 EFFECTIVE PERIOD

Rate offers made in response to this request will be for the period of May 1st, 2021 through April 30th, 2022.

The Government reserves the right to change the effective period of all or part of the rate offers accepted in accordance with this RFO and its FI. The Government reserves the right to delay the effective date of this RFO and its FI for up to ninety (90) days.

1.4 FILING PERIOD

INITIAL FILINGS: The rate filing period will open at 08:00 AM Eastern Standard Time (EST) on Monday, March 1st, 2021. Rate offers made by those Transportation Service Providers (TSPs) approved in the FEMA Tender of Service Program are due before, or no later than 5:30 PM EST on Friday, March 26th, 2021 and will be processed in accordance with Section 4.1 of this document.

RE-FILINGS OF RATE FILING DEFICIENCIES: Rate filings received during the open rate filing period which do not meet the requirements as stated in this RFO will be considered non-responsive and will be rejected. If a firm's rate offer is submitted in accordance with this RFO and its FI by a Rate Filing Service Provider, the Rate Filing Service Provider will be notified of the deficiencies and not the TSP.

If an error is discovered in a submitted bid while the rate filing cycle is open, the TSP may submit a corrected bid before the bid close date (the second submittal will overwrite the incorrect bid). No changes may be made to submitted bids after the bid close date (5:30 PM EST on March 26th, 2021).

1.5 SUBMISSION OF RATES

FEMA-Approved TSPs will make their filing for this rate cycle by electronic submission of tenders via FEMA's Transportation Procurement (TP) system.

1.6 APPLICABILITY OF RATE OFFERS:

Rates/Charges applicable to a specific shipment will be those in effect on the date of pickup.

The TSP's submission of rate offers to FEMA for the traffic identified in this RFO, and FEMA's acceptance of those rates, constitutes the agreement between FEMA and the TSP. The TSP agrees that it can and will service all points within each origin state and destination state for which a rate is offered and accepted. As a TSP submitting a rate offer, you are stating you will honor that rate. Failure to do so could result in Temporary Nonuse, Suspension or Debarment from the FEMA Tender of Service Program.

All Government shipments are subject to the terms/conditions contained in 41 CFR §§102-117 and 102-118. The Bill of Lading (BOL) for any such shipment must contain the statement "This is a U.S. Government shipment."

1.7 LETTER OF INTENT CERTIFICATION

By submitting a rate offer to the FEMA Tender of Service Program in accordance with this RFO and FI, the TSP submitting the rates certifies that:

I have read and will comply with all the provisions contained in this RFO dated December 1, 2020, as well as any amendments, supplements, changes, and/or reissues thereto; the FEMA Standard Tender of Service, the FEMA Uniform Rules Tariff No. 300, the U.S. Government Freight Transportation Handbook, and CzarLite (Effective Date: 9/24/2018), and I further certify that the company for which rate offers have been submitted has the operating authority and insurance required to move FAK for FEMA.

1.8 OPTION TO EXTEND

The Government reserves the right to extend the expiration date of all or part of the rate offers accepted in accordance with this RFO for up to one (1) year beyond its original expiration date.

1.9 TERMINATION

Accepted rate offers may be terminated by the Government immediately upon the debarment or suspension of the Transportation Service Provider in accordance with 41 CFR § 105-68.

Upon termination of the rate offer, the TSP shall be paid any sum due the TSP for services performed under this RFP to the date of such termination; and in the event of partial termination, shall be paid in accordance with the terms of this rate offer for any services furnished under the portion of the rate offer that is not terminated; provided, however, any such payment shall be without prejudice to any claim which the Government may have against the TSP and the Government shall have the right to offset any such claims against such payment.

Termination for convenience of the Government. The Government, by written notice, may terminate all or part of the rate offers accepted in accordance with this RFO, in whole or in part, when it is in the Government's best interest. If a rate offer(s) is terminated, the Government shall be liable only for payment for services rendered before the effective date of the termination.

1.10 VALUATION AND LIABILITY FOR LOSS AND DAMAGE

Notwithstanding any provision of 41 CFR Part 102-117 and Part 102-118, cargo will be valued at replacement load value unless otherwise stated on the document that constitutes the contract of carriage. This is generally the Bill of Lading (BOL). Full value is stated in U.S. dollars and is considered the replacement value of the cargo for reimbursement purposes. In order to ensure that full value protection is provided to Government shipments, the shipping organization must provide proof of the replacement value of the shipment.

All motor carriers must maintain a minimum of \$300,000 in cargo insurance to transport FEMA freight. Cargo insurance must remain active at all times and proof of current, valid cargo

insurance must be provided by supplying a certificate of insurance to FEMA. Failure to provide updated information or retain active cargo insurance will result in immediate TSP disqualification.

If the value of the cargo exceeds \$300,000, TSPs must have current, valid cargo insurance in an amount that covers the full replacement value of the shipment. If a TSP's insurance does not fully cover damages, the TSP will be required to cover the difference between their insurance coverage and the replacement value of the load.

The TSP assumes responsibility for all damage or injury to persons or property occasioned through the use, maintenance, and operation of the TSP's vehicles or other equipment by the TSP or the TSP's sub-contracted employees and agents. The TSP, at the TSP's expense, shall maintain public liability insurance as required by Federal, State, and local regulatory agencies; and maintain specific liability insurance for transporting hazardous cargo, if a TSP is transporting such material.

1.11 MANDATORY REQUIREMENTS

Before applying for approval to participate in the FEMA Tender of Service Program, you must first register in the System for Award Management (SAM) if your company has not already done so. The SAM is the online contractor database for the U.S. Federal Government. The SAM collects, validates, stores and disseminates data in support of Government acquisition and award missions. It is a free service. Registration information and procedures can be found at the SAM website: <https://www.sam.gov/SAM/>.

To register in the SAM, you must first obtain a Data Universal Numbering System (DUNS) number. A DUNS number is also free for Federal contractors, including TSPs participating in the FEMA Tender of Service Program.

In addition, TSPs must maintain valid operating certificates for their scope of operations and must obtain a valid Standard Carrier Alpha Code (SCAC).

All TSPs are required to register with FEMA's Third Party Payment System (TPPS). U.S. Bank is FEMA's current TPPS provider and uses Syncada. To participate in the FEMA Tender of Service Program, TSPs must be enrolled in Syncada and be certified to receive e-payment for transportation services. Even if otherwise qualified, TSPs that are not enrolled in Syncada will not be eligible to transport freight for FEMA. TSPs may contact U.S. Bank via phone at 800-417-1844 or via email at customer.support@usbank.com for information regarding Syncada enrollment.

Please see the FEMA Standard Tender of Service, FEMA Uniform Rules Tariff No. 300, and the U.S. Government Freight Transportation Handbook for more details regarding mandatory requirements. Copies of these documents are available at <https://www.fema.gov/transportation-programs>.

To participate in this procurement, all TSPs must have all FEMA Tender of Service Program registration documents up to date and on file at FEMA Headquarters.

2 EVALUATION AND ACCEPTANCE OF RATE OFFERS

2.1 EVALUATION

All submitted rate offers which have been determined to be responsive in accordance with this Request for Offers (RFO) and its Filing Instructions (FI) will be considered by FEMA. Price will be determined by calculating both the price of the line haul transportation and the price of the accessorial service(s) requested by the customer agency for each cost comparison requested.

A. FEMA may evaluate the carrier and its agent's performance during the tender period using the criteria listed in this section based upon consignors and/or consignees feedback. Failure to meet the outlined criteria may result in non-use.

B. Per 41 CFR § 102-117.280, criteria by which the carriers may include but are not limited to:

- TSP's percentage of on-time deliveries;
- Percentage of shipments that include overcharges or undercharges;
- Percentage of claims received in a given period;
- Percentage of returns received on time;
- Percentage of shipments rejected;
- Percentage of billing improprieties;
- Average response time on tracing shipments;
- TSP's safety record (accidents, losses, damages or misdirected shipments) as a percentage of all shipments;
- TSP's driving record (accidents, traffic tickets and driving complaints) as a percentage of shipments; and
- Percentage of customer satisfaction reports on carrier performance.

C. The metrics FEMA currently uses to evaluate TSP performance include, but are not limited to:

- Transportation Service Provider (TSP) Withdraws From Commitment
- Transportation Service Provider (TSP) Refusal to Accept Transportation Tender
- Transportation Service Provider (TSP) Fails to Meet Required Delivery Date (RDD)
- Transportation Service Provider (TSP) Fails to Provide In-Transit Visibility (ITV)
- Transportation Service Provider (TSP) Fails to Meet Pickup Time
- Transportation Service Provider (TSP) Loses or Damages Shipment

2.2 ACCEPTANCE

Accepted rate offers will be loaded into FEMA's Transportation Management System (TMS), Logistics Supply Chain Management System (LSCMS). Firms with applicable rates for the requested shipment will be listed on the cost comparison from low cost to high cost. Intermediaries, such as brokers, will be listed on the cost comparison in their own right.

FEMA may consider factors other than price when awarding shipments. As a result, the listing of firms on a cost comparison is for informational purposes only and does not guarantee any traffic will be awarded.

3 BASIS FOR DETERMINING APPLICABLE MILEAGE

3.1 MILEAGE SOFTWARE APPLICATIONS

Unless otherwise authorized, all tenders for shipments within the continental United States (CONUS), Alaska, Hawaii and Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and between the United States and its territories and other locations will be predicated on the shortest route distance as determined by ALK Technologies PC*Miler Version 33. PC*Miler is a software package tailored to the trucking industry that generates point-to-point mileage, routes, and driving instructions over the complete highway system in North America, including Puerto Rico and the U.S. Virgin Islands.

If mileage cannot be determined using ALK Technologies PC*Miler Version 33, the TSP may use an applicable mileage guide, book, or other method to determine mileages, subject to verification and acceptance by FEMA.

4 RATE SUBMISSION SPECIAL INSTRUCTIONS

4.1 SUBMISSION INSTRUCTIONS

All electronic rate transmissions submitted in accordance with all sections of this RFO **MUST** be via the below instructions:

- A. All rate offers must be transmitted electronically using FEMA's Transportation Procurement (TP) system. TP, FEMA's online system for managing rate offers, works best with the following browsers: Internet Explorer 11, Firefox, Google Chrome. FEMA will not consider any rate offer that is not transmitted electronically. **No Paper Rate Offers Will Be Accepted.**

B. Motor Freight TSPs wishing to submit rates in response to this RFO are strongly encouraged to participate in one of the online training sessions listed below for instructions regarding how to submit rate offers:

- Tuesday, February 16th, 2021, 1:00 PM EST
- Wednesday, February 17th, 2021, 10:00 AM EST

Additional details regarding these training sessions will be posted to www.fema.gov/transportation-programs as information becomes available. A reference guide with written instructions will be provided to TSPs eligible to submit rate offers in response to this RFO.

C. Completed rate offers **MUST** be submitted between 08:00 AM EST on Monday, March 1st, 2021 and 5:30 PM, EST on Friday, March 26th, 2021. Rate offers received before 08:00 AM EST on March 1st, 2021 or after 5:30 PM EST on Friday, March 26th, 2021 will be rejected – no exceptions. The bid close date will not be extended.

D. TSPs should submit rates only for the lanes they are able to service and the accessorials they are able to provide in an effective manner as per the terms of this RFO, the FEMA Standard Tender of Service, the FEMA Uniform Rules Tariff, and the U.S. Government Freight Handbook. Failure to honor submitted rates could result in temporary non-use or suspension.

E. Rate offers received that are not submitted in accordance with this RFO will be rejected.

5 BID STRUCTURE

Bids will be accepted for all Equipment Types, Accessorials, and Less Than Truckload (LTL) rates between 08:00 AM EST on Monday, March 1st, 2021 and 5:30 PM, EST on Friday, March 26th, 2021.

5.1 EQUIPMENT TYPES

Separate bids will be set up and posted within TP for combinations of Mode, Equipment Type, and Service Level, as shown in the table below:

Equipment Type	Bid Name	Mode	Service Level
POWER ONLY	22-TL-POWR	TL	General
TRAILER	22-TL-TRLR	TL	General
REEFER	22-TL-REFG	TL	General
FLATBED	22-TL-FLAT	TL	General
TTHU-8FT*	22-TL-TTHU8	TL	General
TTHU-12FT*	22-TL-TTHU12	TL	General
TRAVEL TRAILER	22-TL-TRAV	TL	General
GOOSENECK	22-TL-GOOS	TL	General
SINGLEDROP	22-TL-SING	TL	General
TRAILER	22-LTL-TRLR	LTL	General

* *TTHU = Transportable Temporary Housing Unit*

It is important to note that TSPs are not required to submit rates for all Lanes or for all Equipment Types available. TSPs are strongly encouraged to submit rates only for the Lanes and Equipment Types they are able to service in an effective manner as per the terms of the FEMA STOS.

Bids for all equipment types require the TSP to enter a minimum charge for each lane. The minimum charge may be as low as \$0.00.

TSPs must honor the rates they submit. Failure to comply may result in the TSP being placed in temporary nonuse status as indicated in the FEMA STOS.

5.2 ACCESSORIALS

FEMA is seeking bids on the following accessorial services. Bids may be less than, but must not exceed, the maximum charges listed in the table below. If a TSP attempts to submit a charge that exceeds the allowable maximum charge for an accessorial, the rate will be reduced to the maximum allowable charge for that accessorial.

All accessorial bids require the TSP to enter a minimum charge. The minimum charge may be as low as \$0.00, but cannot exceed the allowable maximum charge.

Please note that accessories are bid separately per each equipment type. See the FEMA Uniform Rules Tariff No. 300 posted on www.fema.gov/transportation-programs for more details regarding accessorial charges.

Item #	Accessorial	Maximum Charge
350	Detention – Dropped Trailers: Closed Van, Flatbed, Step Deck	\$110/day
350-RF	Detention – Dropped Trailers: Refrigerated Van	\$400/day
350-RGN	Detention – Dropped Trailers: RGN	\$300/day
425-FF	Hydraulic Lift Gate Service	Flat Fee, Maximum Charge: \$100 per lift gate
480	Expedited Service	\$0.35/mile
485-EM	Emergency Service	Filed as a % added to the General Rate; not to exceed 50%
485-AH	After Hour Service	\$1.00/mile
485-WH	Weekend & Holiday Service	\$1.00/mile
1040	Dual Driver Service	\$0.35/mile

5.3 FLAT FEES AND FUEL ADJUSTMENT

FEMA will compensate TSPs for the following accessorials as a Flat Fee. No bids will be requested or accepted for these accessorial charges:

Item #	Accessorial	Flat Fee
325	Detention – Vehicles With Power Units	\$45/hr. after 2 hours free time has expired
1310	Relocation of Dropped Trailers	\$3.00/mile

In addition, TSP moves will be subject to *ITEM 1300: FUEL RELATED GENERAL RATE ADJUSTMENT* to provide reasonable relief from sudden and unforeseen increases in diesel fuel prices. Please see the FEMA Uniform Rules Tariff No. 300 (available at www.fema.gov/transportation-programs) for details regarding the Fuel Related General Rate Adjustment and the Flat Fee accessorials noted in the table above.

5.4 LESS THAN TRUCKLOAD (LTL) RATES

FEMA is using CzarLite (Effective Date: 9/24/2018) as the baseline tariff for LTL moves. TSPs that wish to provide LTL services to FEMA should submit a discount or premium against this CzarLite baseline as part of their bid package.

LTL shipments should be rated by carriers as freight all kinds (FAK). FEMA will use freight Class 92.5 for all LTL shipments to retrieve the baseline shipment cost from the CzarLite tariff.