



April 2023

DISASTER CONTRACTING

Action Needed to Improve Agencies' Use of Contracts for Wildfire Response and Recovery

GAO Highlights

Highlights of [GAO-23-105292](#), a report to congressional addressees

Why GAO Did This Study

The federal government obligates hundreds of millions of dollars annually to respond to wildfires. Use of contracts can play a key role in the immediate aftermath of a disaster and in community recovery.

The Additional Supplemental Appropriations for Disaster Relief Act, 2019, included provisions for GAO to review issues related to major disasters, including wildfires. For wildfire-related contracts at selected agencies, this report examines (1) contract obligations from fiscal years 2018 through 2021 (the most recent available); (2) contracting approaches; and (3) the extent to which selected agencies collected, shared, and applied contracting lessons learned.

GAO analyzed contracting data from FEMA, BLM, and the Forest Service—agencies with key wildfire response and recovery responsibilities. From thousands of contract actions, GAO selected a non-generalizable sample of 14 contracts and 18 associated orders for review from these agencies based on factors such as total obligations. GAO also reviewed agency documentation and interviewed agency officials.

What GAO Recommends

GAO is making six recommendations, including that BLM and Forest Service take steps to improve ordering official policies and their implementation; and that Forest Service develop mechanisms to archive and track lessons learned. All agencies concurred with our recommendations.

View [GAO-23-105292](#). For more information, contact Marie A. Mak at (202) 512-4841 or MakM@gao.gov.

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What GAO Found

While federal agencies may provide direct support for disaster response and recovery, including for wildfires, they may also enter into contracts to obtain life-saving goods and services from the private sector. GAO's analysis of agencies' contracting data found that the Federal Emergency Management Agency (FEMA), the Forest Service, and the Bureau of Land Management (BLM) collectively obligated at least a total of \$2 billion for wildfire response and recovery from fiscal years 2018 through 2021.

Aircraft Dropping Fire Retardant on a Wildfire



Source: RCK/stock.adobe.com. | GAO-23-105292

To mobilize goods and services quickly, the three selected agencies GAO studied used multiple approaches. For example, they used indefinite delivery contracts and assigned ordering officials, who can be authorized to place certain orders on behalf of the government. However, GAO found, for the orders reviewed, that BLM and Forest Service's use of ordering officials did not always align with their respective agency policies. For example, four of six BLM orders GAO reviewed exceeded the \$25,000 ordering limit specified in policy. The cumulative values of these orders ranged from \$900,000 to \$2.1 million. BLM has since taken steps that will address the issues GAO identified for these orders, but has not yet updated all of its related policies.

Each of the selected agencies had processes in place for collecting lessons learned. For example, all three agencies have panels or forums that allow for discussion of contracting issues and conduct wildfire reviews resulting in reports that may cover contracting challenges. However, GAO found that the Forest Service has not yet established mechanisms to archive and track implementation of all lessons learned identified during these reviews. Without doing so, the Forest Service may miss opportunities to leverage and apply knowledge gained from lessons learned to future response efforts.

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Abbreviations

| | |
|--------------|---|
| BLM | Bureau of Land Management |
| BPA | Blanket Purchase Agreement |
| DHS | Department of Homeland Security |
| DOD | Department of Defense |
| DOI | Department of the Interior |
| FAR | Federal Acquisition Regulation |
| FEMA | Federal Emergency Management Agency |
| FPDS | Federal Procurement Data System |
| HCA | Head of Contracting Activity |
| IDIQ | Indefinite-Delivery Indefinite-Quantity |
| IFR | Individual Fire Review |
| PKEMRA | Post-Katrina Emergency Management Reform Act of 2006 |
| Stafford Act | Robert T. Stafford Disaster Relief and Emergency Assistance Act |
| SWFR | Significant Wildland Fire Review |
| USDA | U.S. Department of Agriculture |

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April 13, 2023

Congressional Addressees

The federal government obligates hundreds of millions of dollars annually to respond to wildfires and assist recovering communities. According to the National Interagency Fire Center, from 2018 through 2021, nearly 226,500 wildfires burned more than 30.7 million acres in the United States. Additionally, from January through October 2022, there were nearly 60,000 wildfires affecting 7.2 million acres of land. According to recent assessments of wildfire management strategies and climate factors, the length of fire seasons and frequency of large fires in the United States are increasing.¹ In addition, human development in and around wildland areas continues to grow, placing more people and infrastructure at risk of being affected by wildfires. While federal agencies may provide direct support to disaster response and recovery, including for wildfires, these agencies also frequently leverage the private sector through contracts to obtain life-saving goods and services. Use of contracts can play a key role in the immediate aftermath of a disaster and in long-term community recovery.

The Additional Supplemental Appropriations for Disaster Relief Act, 2019 included provisions for GAO to review issues related to presidentially declared major disasters that occurred in 2018, including wildfires.² Specific to contracting for wildfire response and recovery, this report examines (1) total obligations and other characteristics of contracts from fiscal years 2018 through 2021; (2) selected agencies' contracting approaches to address wildfire needs; and (3) the extent to which selected agencies collected, shared, and applied contracting lessons learned. In addition to these objectives, we received a request to examine the Forest Service's acquisition strategy and use of certain food service contracts for wildfire response and recovery. Selected food service

¹U.S. Global Change Research Program, *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment*, vol. 2 (Washington, D.C.: 2018); Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability, Summary for Policymakers* (Cambridge, UK and New York, N.Y.: 2022). See also GAO, *Wildland Fire: Barriers to Recruitment and Retention of Federal Wildland Firefighters*, [GAO-23-105517](#) (Washington, D.C.: Nov. 17, 2022).

²Pub. L. No. 116-20, 133 Stat. 871, 892-893 (providing funding for GAO audits of certain disasters).

contracts were included in our contract selection, consistent with our methodology.³ Appendix I includes additional details on these contracts.

For this engagement, we selected three agencies with responsibilities related to wildfire response and recovery and with consideration of those with larger contract obligations from 2018 through 2021 (the most recent data available at the time we conducted our analysis). The three agencies we selected were the U.S. Department of Agriculture's (USDA) Forest Service, Department of the Interior's (DOI) Bureau of Land Management (BLM), and the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA). To determine the total obligations and other characteristics of contracts supporting wildfire response and recovery efforts from 2018 through 2021, we collected and analyzed data provided by agencies and, where possible, merged it with data from the Federal Procurement Data System (FPDS). To assess the reliability of the data, we reviewed agency documentation, interviewed agency officials, conducted electronic data testing to look for obvious errors or outliers, and compared documentation from contracts and orders we selected for review to FPDS data. Based on the steps we took, we determined that the agency-provided and FPDS data were sufficiently reliable for the purposes of our report. To better understand the processes for establishing a government-wide code that can be used to track contract actions for natural disasters, including wildfires, we reviewed relevant documentation and interviewed agency officials responsible for establishing these codes at DHS, the Department of Defense (DOD), and the General Services Administration.

To assess selected agencies' contracting approaches for addressing wildfire needs, from thousands of contract actions, we selected a non-generalizable sample of 14 contracts and 18 task and delivery orders from FEMA, the Forest Service, and BLM.⁴ We selected the 32 contracts and orders based on a variety of factors, including obtaining contracts

³For the purposes of this report, we refer to these as mobile food service contracts.

⁴Delivery order contract means a contract for supplies that does not procure or specify a firm quantity of supplies (other than a minimum or maximum quantity), and that provides for the issuance of orders for the delivery of supplies during the period of the contract. Task order contract means a contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity), and that provides for the issuance of orders for the performance of tasks during the period of the contract. FAR 16.501-1. We included in this sample one FEMA-awarded purchase order and a Forest Service-established basic ordering agreement to provide variation within our group of selected contracts that were predominantly indefinite-delivery vehicles.

and orders with large obligations, and obtaining contracts and orders awarded over a range of years and supporting a variety of incidents.⁵ For each contract and order, we reviewed available contract file documentation, interviewed contracting officers, and compared the information collected to agency policy and internal control standards.⁶

To determine the extent to which selected agencies collected, shared, and applied contracting lessons learned related to wildfire response and recovery, we reviewed agency-specific and interagency guidance and interviewed agency officials involved in lessons learned processes, operations, and contracting. We assessed the extent to which agency practices aligned with leading practices for lessons learned. Appendix II provides more information about our scope and methodology.

We conducted this performance audit from June 2021 to April 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Roles and Responsibilities for Wildfire Response and Recovery Efforts

Multiple federal agencies share responsibility for leading response and recovery efforts for wildfire disasters, to include the award and management of contracts awarded before and during wildfire seasons. FEMA, within DHS, coordinates federal disaster response and recovery for major declared disasters, including wildfires. FEMA coordinates disaster response activities using the National Response Framework—guidance on how government and private sector entities should respond to disasters and emergencies—developed in response to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). The Administrator of FEMA serves as the principal adviser to the President, the Secretary of Homeland Security, and the National Security Council regarding emergency management. The National Response Framework currently identifies 15 emergency support functions that serve

⁵Using these factors, among our selection of contracts and orders were several Forest Service contracts and orders for food service contracts.

⁶GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

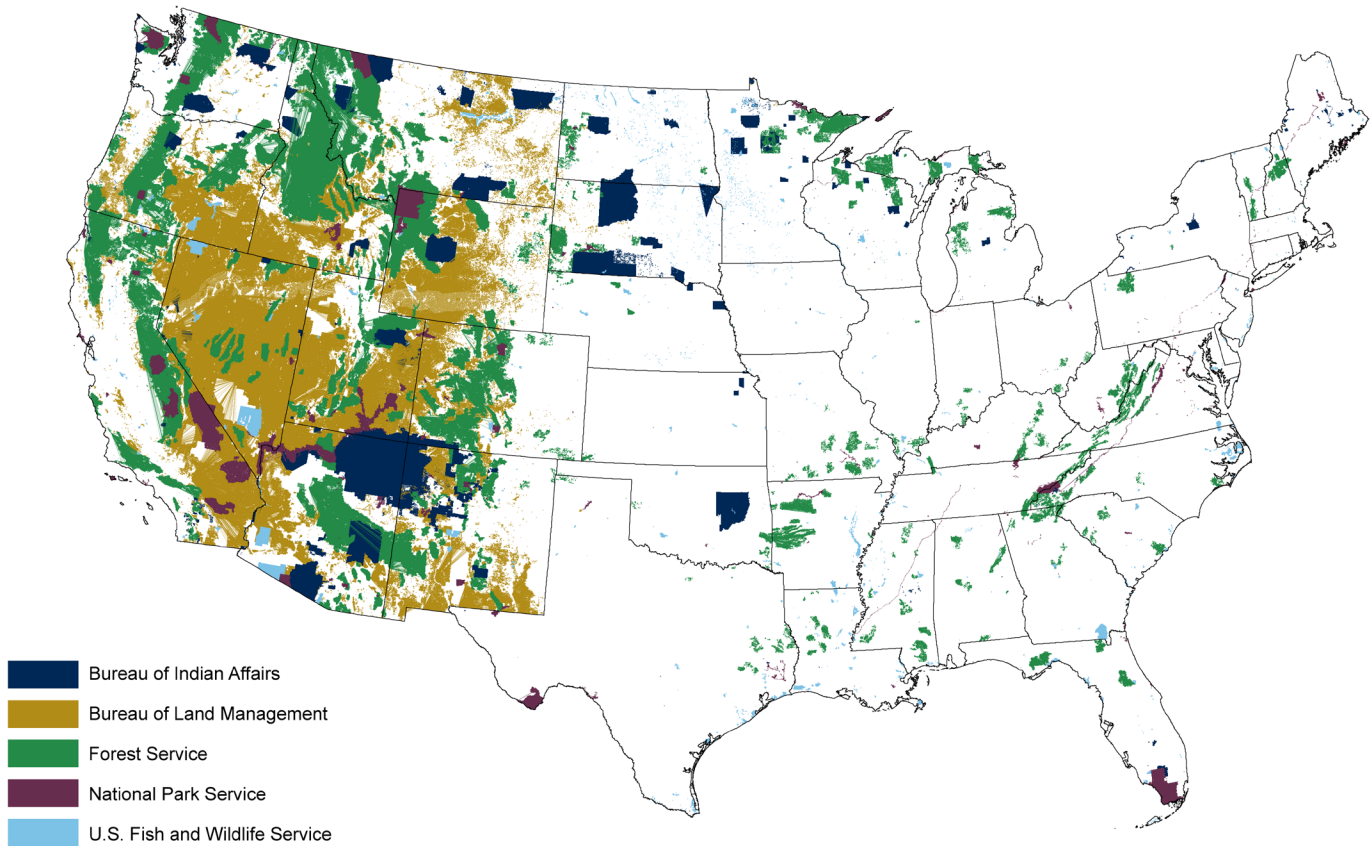
as the federal government's primary coordinating structure for building, sustaining, and delivering disaster response efforts across more than 30 federal agencies.

The Forest Service acts as the primary coordinator for firefighting activities associated with the declared disaster. The National Response Framework states that, when FEMA activates an emergency support function in response to an incident, the lead agency for the emergency support function is responsible for, among other things, executing contracts and procuring goods and services as needed. Five federal agencies within two departments—the Forest Service within the Department of Agriculture, and the Bureau of Indian Affairs, BLM, Fish and Wildlife Service, and National Park Service within the Department of the Interior—are responsible for managing wildland fires on federal lands.⁷

These five agencies manage and administer about 700 million surface acres of land in the United States, including national forests and grasslands, national wildlife refuges, national parks, and Indian reservations. The Forest Service and BLM manage the majority of these lands (see fig. 1).

⁷State forestry agencies and other entities—including tribal, county, city, and rural fire departments—have primary responsibility for managing wildland fires on nonfederal lands and share responsibility for protecting homes and other private structures.

Figure 1: Lands Managed by Certain Federal Agencies in the Contiguous United States



Source: Public Lands of the United States—U.S. Geological Survey. | GAO-23-105292

Wildland fire management consists of multiple components, including preparedness and suppression:

- **Preparedness.** To prepare for a wildland fire season, the five land management agencies acquire firefighting assets—including firefighters, fire engines, aircraft, and other equipment—and station them either at individual federal land management units or at centralized dispatch locations in advance of expected wildland fire activity. The primary purpose of acquiring these assets is to respond to fires before they become large—a response referred to as initial attack.
- **Suppression.** When a fire starts, interagency policy calls for the agencies to weigh land management objectives and the structures and resources at risk when determining whether or how to suppress a

fire. When a fire is reported, the agencies are to follow a principle of closest available resource. This means that, regardless of jurisdiction, the closest available firefighting equipment and personnel respond. In instances when fires escape initial attack and grow large, the agencies respond using an interagency system that mobilizes additional firefighting assets from federal, state, and local agencies. They also mobilize private contractors, regardless of which agency or agencies have jurisdiction over the burning lands.

The management of wildland fire response is an interagency effort, and interagency organizations develop firefighting standards, including those pertaining to incident business management and acquisition, as well as coordinate federal firefighting efforts. Dating back to 1965, the National Interagency Fire Center in Boise, Idaho, houses the fire management programs for the five agencies above as well as other partner agencies including the National Association of State Foresters, the U.S. Fire Administration, and the National Weather Service. The National Interagency Fire Center also houses several offices that coordinate and guide national fire planning and operations efforts. For example:

- **National Interagency Coordination Center.** The National Interagency Coordination Center serves as the focal point for coordinating the mobilization of national wildfire resources across the 10 geographic areas that comprise the United States. The National Interagency Coordination Center also provides contracting support to ensure services, such as mobile food units, are available to wildfire operations.
- **National Multi-Agency Coordination Group.** Comprised of National Interagency Fire Center partner agencies, this group prioritizes and allocates resources when there are shortages of critical fire response resources, such as airtankers or firefighters.
- **National Wildfire Coordinating Group.** To coordinate the firefighting programs of the participating agencies, the National Wildfire Coordinating Group was established in 1976. This interagency group develops and maintains standards, guidelines, and training and qualification requirements for wildland fire operations. Membership of this group includes representatives from the agencies included in the National Interagency Coordination Center and National Multi-Agency Coordination Group and others, such as the International Association of Fire Chiefs.

As demonstrated in the table below, interagency collaboration has resulted in policies and guidance meant to provide uniformity to certain standards across wildfire agencies, including guidance on acquisition and

mobilization of resources for those responding to wildfire incidents. See table 1 for examples of interagency guidance related to wildfire response contracting.

Table 1: Examples of Interagency Guidance Related to Wildfire Response Contracting

| Policy | Responsible agency(ies) | Description |
|---|--|---|
| Interagency Standards for Fire and Fire Aviation Operations | Department of the Interior and Department of Agriculture | Provides fire and fire aviation program management direction for Bureau of Land Management, Forest Service, U.S. Fish and Wildlife Service, National Park Service, and Bureau of Indian Affairs managers. Provides overview of wildfire management responsibilities for these agencies to include those related to contracting, assessing operations, and lessons learned analysis. |
| National Interagency Mobilization Guide | National Interagency Coordination Center | Establishes the standards for mobilization and demobilization of resources in response to wildland fire and all-hazard events. It is the foundational document instituting overarching processes for total mobility of resources including those procured through contract. |
| National Wildfire Coordinating Group Standards for Interagency Incident Business Management | National Wildfire Coordinating Group | Assists participating agencies to constructively work together to provide effective execution of each agency's incident business management program. Among other things, the document establishes procedures for acquisition of necessary equipment and supplies from appropriate sources in accordance with applicable procurement regulations. |
| National Interagency Buying Team Guide | National Wildfire Coordinating Group | Contains standard operating procedures and forms recommended for use by buying teams. |

Source: GAO analysis of agency documentation. | GAO-23-105292

Selected Contracting Concepts Related to Wildfire Response Efforts

Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) after shortcomings were identified in preparation for and response to Hurricane Katrina—one of the largest and most destructive natural disasters in U.S. history, which hit the Gulf Coast in 2005.⁸ PKEMRA included provisions related to contracting, including a requirement for FEMA to identify and establish advance contracts to ensure that goods and services are in place to help FEMA rapidly mobilize resources in immediate response to disasters.⁹ Examples of

⁸PKEMRA was enacted as Title VI of the Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, § 611, codified, as amended, at 42 U.S.C. § 5150. The provisions of PKEMRA became effective upon enactment, October 4, 2006, with the exception of certain organizational changes related to FEMA, most of which took effect on March 31, 2007.

⁹Advance contracts are for life-sustaining goods and services that are set up prior to disasters to be used in the immediate aftermath of disasters. FEMA defines advance contracts to include indefinite-delivery contracts, and blanket purchase agreements, including those under the General Services Administration schedules, as well as interagency agreements and interagency reimbursable work agreements.

goods and services provided by advance contracts include construction supplies and tarps, as well as housing and lodging assistance.

The Federal Acquisition Regulation (FAR) allows federal executive agencies to use emergency acquisition flexibilities under certain circumstances. Under the FAR, agencies are generally required to use full and open competition when soliciting offers, with some exceptions. For example, an agency may award a contract without full and open competition when the need for goods and services is of such an unusual and compelling urgency that the federal government faces the risk of serious financial or other type of loss (“urgency exception”). In another example, agencies do not need to use full and open competition when the supplies or services required by the agency are available from only one responsible source and no other type of supplies or services will satisfy agency requirements (“only one responsible source”).

The federal government may consider a wide selection of contract vehicles when purchasing products and services. In addition to definitive contracts, the government may use indefinite-delivery contracts, which offer flexibility in the timing and quantity of goods and services delivered to the government when exact times and quantities are not known at the time of award.¹⁰ There are different types of indefinite-delivery contracts, including indefinite-quantity contracts and requirements contracts. These contracts allow the government to maintain minimum stock quantities, provide goods and services directly to the user, and make orders as needs arise. An indefinite-delivery indefinite-quantity (IDIQ) contract provides flexibility in cases where the government cannot determine the exact quantities and required timing of a product or service at the time of award. Under an IDIQ contract, the government must order, and the contractor must provide, a minimum agreed-upon quantity of products or services, also known as a minimum guarantee. In addition, the contractor must provide any other quantities ordered by the government up to a stated maximum. Under a requirements contract, a contractor must fulfill all actual purchase requirements of a designated government activity, within stated maximum limits, for products or services over a specified period but without always establishing a minimum quantity under each individual order. Under both types of contracts, goods are supplied through delivery orders and services are provided through task orders.

¹⁰Definitive contract means any contract that must be reported to FPDS other than an indefinite-delivery vehicle. FAR 4.601.

The FAR allows IDIQ contracts to be awarded as single-award indefinite-delivery contracts or multiple-award contracts and establishes a preference for the latter. Single-award IDIQ contracts refer to situations when only one contract is awarded under a solicitation. These contracts may have been competed or may have been awarded on a noncompetitive basis. Multiple-award IDIQ contracts refer to situations when contracts are awarded to two or more contractors under a single solicitation. These contracts allow agencies to establish a group of prequalified contractors to compete for future orders under streamlined ordering procedures once agencies determine their specific needs. In general, contractors holding a multiple-award IDIQ contract must be provided fair opportunity to compete for the work under each order.

Agencies may also place orders under blanket purchase and basic ordering agreements to fulfill their needs. Blanket purchase agreements (BPA) are simplified methods of filling anticipated repetitive needs for supplies and services through the establishment of “charge accounts” with a qualified source of supply to facilitate future purchases.¹¹ Basic ordering agreements are written agreements between an agency and a contractor on terms and clauses that will apply to future orders, a description of the goods and services to be supplied, and methods for pricing and issuing orders. Neither of these vehicles are contracts but may expedite future purchases by describing requirements or, for BPAs, establishing prices.

The FAR states that contracting officers are generally responsible for the award of contracts, including the award of orders under indefinite-delivery contracts.¹² Some agencies allow non-warranted ordering officials to place task or delivery orders on certain contracts and may develop policies to govern this practice.¹³ For example, USDA Contracting Desk Book policy allows ordering officials to place orders above the micro-purchase threshold against indefinite-delivery contracts and blanket purchase agreements that have established fixed terms and prices if the contract permits and orders are placed within monetary limits set in the contract. The Department of the Interior has established policies stating that the contracting officer is authorized to delegate certain

¹¹FAR 13.303-1 (see Subpart 16.7 for additional coverage of agreements).

¹²FAR 16.505.

¹³Titles for non-warranted individuals authorized to place orders on contracts vary among agencies. For the purposes of this report, we will refer to these officials as “ordering officials.”

responsibilities and authorities to ordering officials, including those that support wildfires and other emergencies.

Leading Practices for Lessons Learned

Our prior work shows that the use of lessons learned—an approach of an organizational culture committed to continuous improvement—can increase communication and coordination. Collecting and sharing lessons learned—both positive and negative—allows agencies to communicate knowledge more effectively and to ensure that beneficial information is factored into planning, processes, and activities. This approach also provides a powerful method of sharing ideas for improving current and future operations. Leading practices of a lessons learned process we and others identified include: collecting, analyzing, validating, saving or archiving, and disseminating and sharing information and knowledge gained on positive and negative experiences.¹⁴

These leading practices generally build upon each other. For example, an organization with robust data collection methods is better able to gather enough information to effectively identify critical issues, analyze root causes, and develop recommendations. Further, an agency with a consistent, coordinated archiving mechanism, such as an electronic database, is better able to demonstrate the leading practice for sharing lessons learned through access to such an archive.

¹⁴GAO, *COVID-19 Contracting: Opportunities to Improve Practices to Assess Prospective Vendors and Captures Lessons Learned*, [GAO-21-528](#) (Washington, D.C.: July 29, 2021); *Army Modernization: Army Should Improve Use of Alternative Agreements and Approaches by Enhancing Oversight and Communication of Lessons Learned*, [GAO-21-8](#) (Washington, D.C.: Oct. 1, 2020); *DOD Utilities Privatization: Improved Data Collection and Lessons Learned Archive Could Help Reduce Time to Award Contracts*, [GAO-20-104](#) (Washington, D.C.: Apr. 2, 2020); *Project Management: DOE and NNSA Should Improve Their Lessons-Learned Process for Capital Asset Projects*, [GAO-19-25](#) (Washington, D.C.: Dec. 21, 2018); and *Federal Real Property Security: Interagency Security Committee Should Implement a Lessons-Learned Process*, [GAO-12-901](#) (Washington, D.C.: Sept. 10, 2012). [GAO-19-25](#) identified some lessons learned practices from the Department of the Army, Combined Arms Center, Center for Army Lessons Learned, as well as other organizations. The Army's handbook on establishing a lessons learned program is intended to assist any government or civilian organization that wants to develop a lessons learned capability. Department of Defense, Center for Army Lessons Learned, *Establishing a Lessons Learned Program: Observations, Insights, and Lessons* (Fort Leavenworth, KS: June 2011).

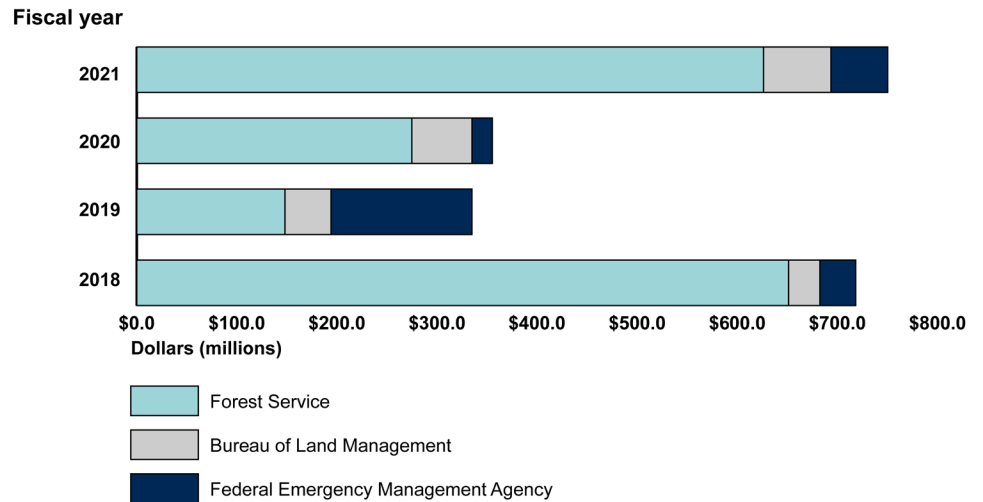
Agencies Obligated More Than Half a Billion Dollars Annually from 2018 through 2021 on Contracts for Wildfires, but Government-wide Tracking of Contract Actions Is Limited

Agencies Obligated Hundreds of Millions of Dollars Annually on Wildfire Contracts

Our analysis of agency provided data found that BLM, the Forest Service, and FEMA collectively obligated hundreds of millions of dollars annually on contracts for wildfire response and recovery efforts from fiscal years 2018 through 2021.¹⁵ We found that these agencies collectively reported at least a total of \$2 billion in wildfire contract obligations during this time period, with the Forest Service accounting for more than 75 percent of the total wildfire contract obligations. See figure 2 for details on obligations by agency during this timeframe.

¹⁵Data on obligations for wildfire response and recovery are from those contracts identified by the agencies in our review. In some instances, we identified discrepancies between the contract data from the Forest Service's internal system, Forest Service reporting, and data in FPDS. Details on how we conducted our analysis—such as the steps we took to remove records for our analysis that could not be clearly linked to a specific wildfire incident or that were duplicative—and potential reasons for discrepancies, are discussed in appendix II. Officials told us that the Forest Service started transitioning to a procurement system used by USDA at the beginning of fiscal year 2022—a change that it anticipates will provide greater uniformity in how contract obligations are captured internally and which it anticipates may improve the Forest Service's ability to track contract obligations for particular fire events.

Figure 2: Known Contract Obligations for Wildfire Response and Recovery at Selected Agencies, Fiscal Years 2018 – 2021



Source: GAO analysis of Federal Procurement Data System and agency provided data. | GAO-23-105292

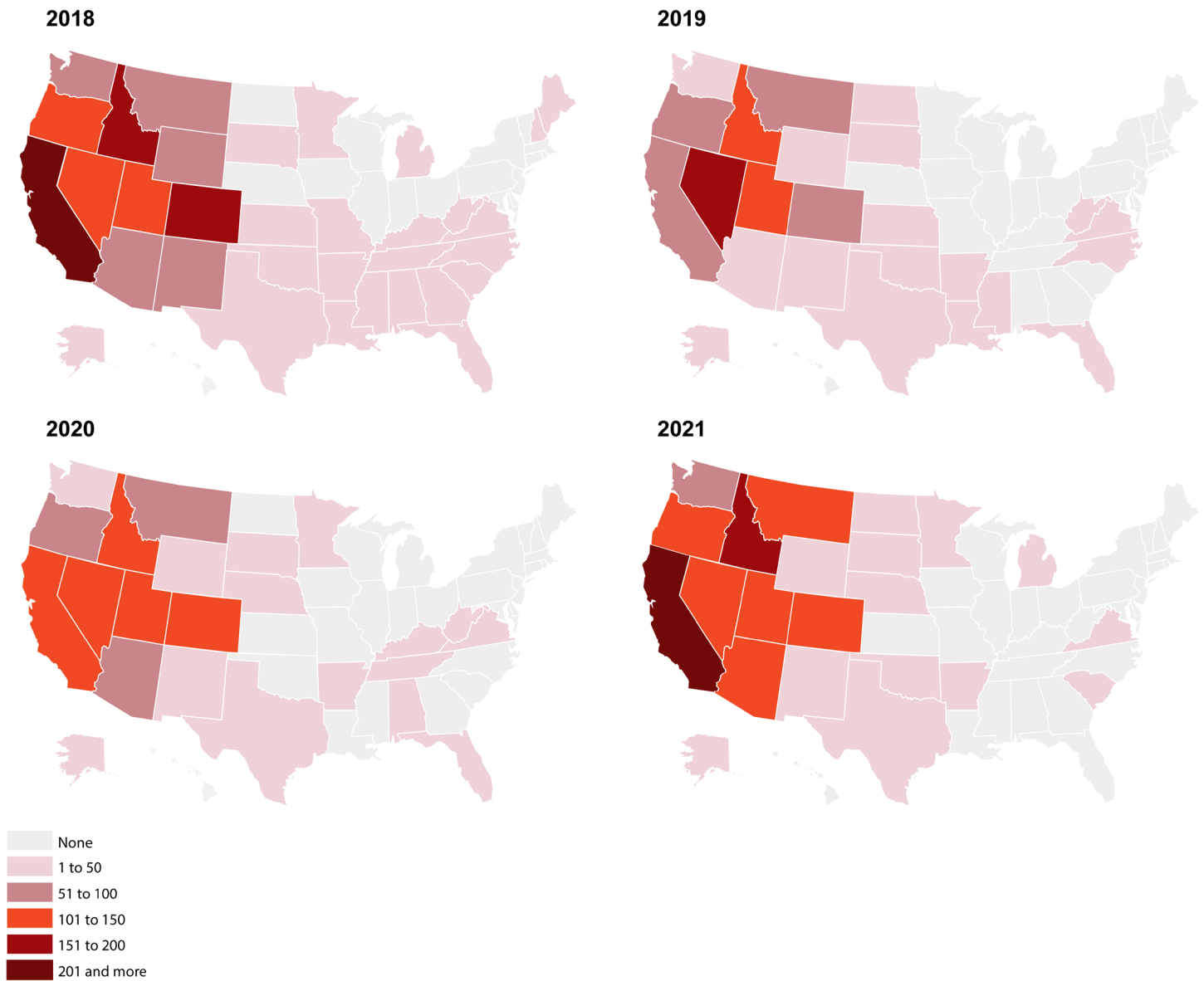
Note: Known contract obligations for wildfire response and recovery are from those contracts identified by the agencies in our review.

From fiscal years 2018 through 2021, these agencies issued contracts that supported response and recovery for hundreds of wildfire incidents each year, with most wildfires occurring in western states. The Forest Service made use of contracts in response to approximately 3,000 wildfire incidents, and BLM used contracts when responding to approximately 2,100 wildfire incidents from fiscal years 2018 through 2021, based on data from the joint DOI-USDA FireCode System.¹⁶ See figure 3 for details about the number of incidents by state in which BLM and the Forest Service used federal contracts to support response and recovery efforts from fiscal years 2018 through 2021.¹⁷

¹⁶The Forest Service and DOI track wildfire incidents in the joint DOI-USDA FireCode System, which allows users to generate a standard fire incident code that may be used to track incident costs. While the Forest Service and DOI use this system, other agencies across the government, such as FEMA and the Department of Defense, do not use the system. FEMA uses a separate designator in its own management systems to track major wildfire disasters, which can include one or more wildfire incidents.

¹⁷FEMA data are not included in the graphic because the data are not comparable to the data contained in the FireCode System.

Figure 3: Number of Wildfire Incidents by State Where Forest Service and Bureau of Land Management Contracts Were Used

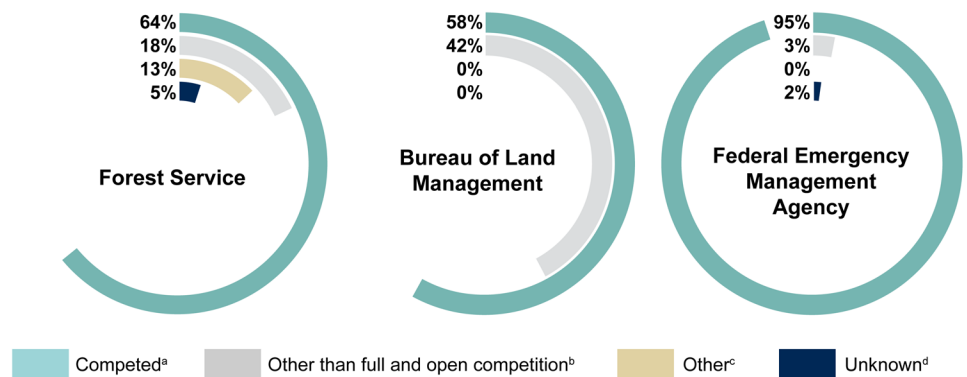


Source: GAO analysis of FireCode Data. | GAO-23-105292

Characteristics of Contracts Used by Selected Agencies for Wildfire Response and Recovery Varied

We found that over half the wildfire related obligations identified by the Forest Service and BLM were on competitively awarded contracts, while nearly all of the FEMA obligations were on competitively awarded contracts. Specifically, the competition rate—the percentage of total obligations reported under competitive contracts—was about 64 percent of obligations at Forest Service, about 58 percent of obligations at BLM, and about 95 percent of obligations at FEMA (see fig. 4).

Figure 4: Proportion of Contract Obligations on Competed and Not Competed Contracts at Selected Agencies, Fiscal Years 2018 – 2021



Source: GAO analysis of Federal Procurement Data System and agency provided data. | GAO-23-105292

^a“Competed” refers to those obligations on contracts reported to the Federal Procurement Data System as: “competed under simplified acquisition procedures,” “full and open competition,” or “full and open competition after exclusion of sources.”

^b“Other than full and open competition” refers to those obligations on contracts reported in the Federal Procurement Data System as: “not competed,” “not competed under simplified acquisition procedures,” or “not available for competition.”

^c“Other” refers to obligations on contracts where we could not definitively determine the extent of competition.

^d“Unknown” refers to those obligations we were unable to match from agency provided data to an Federal Procurement Data System record.

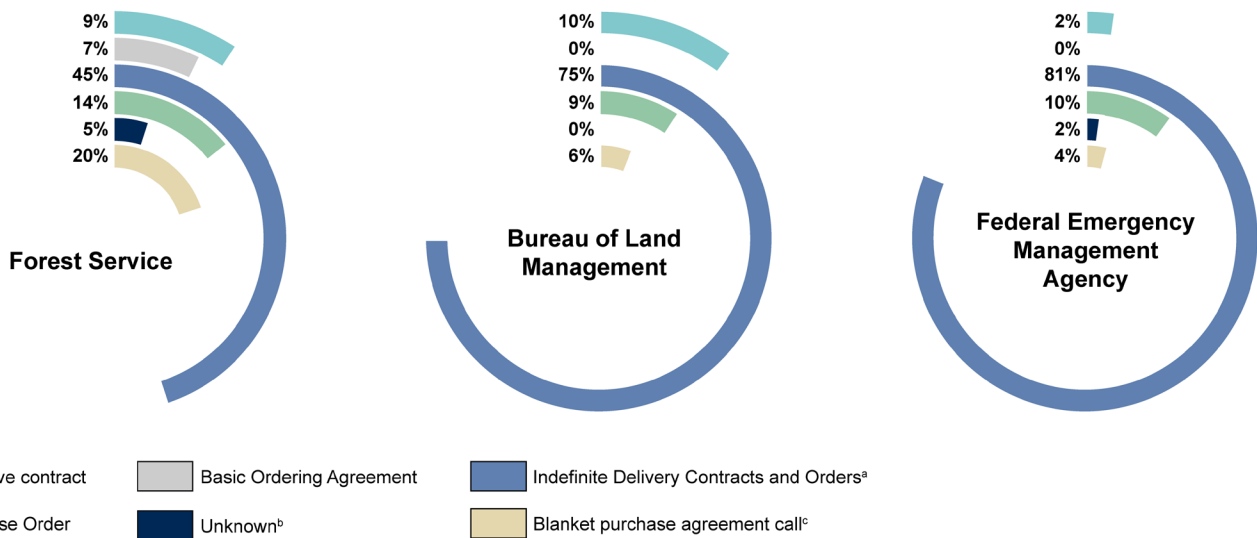
Based on our analysis of FPDS and agency provided data, most of Forest Service’s obligations for wildfires that were on noncompeted contracts cited urgency as the exception to full and open competition. Nearly all of BLM’s obligations for wildfires that were on noncompeted contracts cited “only one responsible source available” as the exception to full and open competition. For example, this exception was used for the agency’s procurement of fire retardant capabilities, where the acquisition strategy noted that there was only one approved manufacturer at the time of award.

The selected agencies primarily used firm-fixed-price contracts to meet wildfire-related needs.¹⁸ Firm-fixed-price contracts accounted for 89 percent of contract obligations for wildfires at the Forest Service, 94 percent of obligations on contracts for wildfires at BLM, and 73 percent of obligations on contracts for wildfires at FEMA.

The types of contract vehicles used varied by agency. BLM and FEMA relied primarily on indefinite-delivery contracts, which constituted 75 percent and 81 percent of their total wildfire contract obligations, respectively. The Forest Service used indefinite-delivery contracts for 45 percent of its contract obligations. It was more likely than the other agencies to obligate funds through purchase orders or on contracts pursuant to basic ordering agreements and blanket purchase agreements, with these other vehicles collectively accounting for 41 percent of Forest Service's wildfire contract obligations. See figure 5 for details on the contract types that agencies reported using for wildfire response and recovery from fiscal years 2018 through 2021.

¹⁸A firm-fixed-price contract provides for a price that is not subject to any adjustment on the basis of the contractor's cost experience in performing the contract. This contract type places upon the contractor maximum risk and full responsibility for all costs and resulting profit or loss. It provides maximum incentive for the contractor to control costs and perform effectively and imposes a minimum administrative burden upon the contracting parties. FAR 16.202-1.

Figure 5: Contract Obligations by Contract Vehicle at Selected Agencies, Fiscal Years 2018–2021



Source: GAO analysis of Federal Procurement Data System and agency provided data. | GAO-23-105292

^a“Indefinite-Delivery Contracts and Orders” includes contract obligations reported as “Delivery Order” or “Indefinite Delivery Contract.”

^b“Unknown” refers to those contract obligations we were unable to match from agency provided data to a Federal Procurement Data System record.

^c“Blanket Purchase Agreement Call” includes contract obligations reported as a “Blanket Purchase Agreement” or “Blanket Purchase Agreement Call.”

The three agencies issued various contracts in advance of the wildfire season to support timely response and recovery efforts. The Post-Katrina Emergency Management Reform Act of 2006 requires FEMA to identify and establish advance contracts, which are typically needed to quickly provide life-sustaining goods and services in the immediate aftermath of disasters. We found that approximately 75 percent of FEMA’s total obligations on wildfire contracts were made against these contracts.¹⁹ In comparison, the Forest Service and BLM established national and local blanket purchase agreements for use throughout the wildfire season. For example, the Forest Service administers preseason incident blanket purchase agreements, which are established on a national or geographical basis to provide equipment that is commonly used to support wildfire incidents. National incident blanket purchase agreements are typically established every 5 years to service the entire nation, while

¹⁹Pub. L. No. 109-295, § 691(a) (codified at 6 U.S.C. §791).

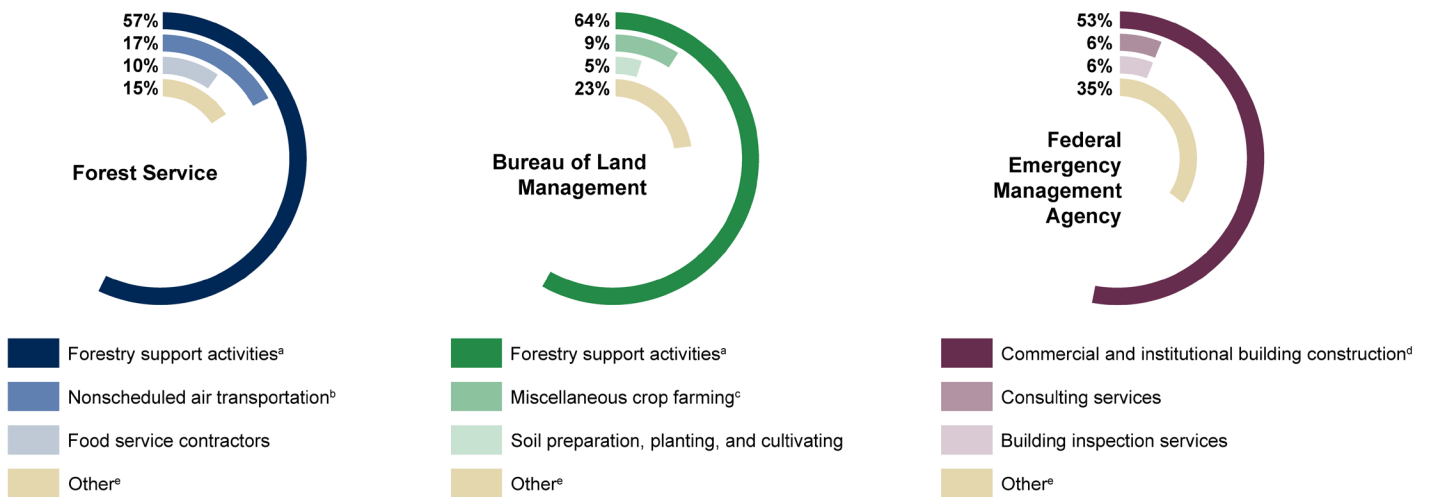
zone-based agreements are typically established every 3 or 5 years to cover all dispatch locations within certain sections of the country.

Some Forest Service contracts, including those for fire retardant, catering, and aviation services, are multiple year contracts awarded in advance of the wildfire season and may be used by other agencies responding to wildfire incidents. For example, of BLM's reported \$189 million in wildfire-related contract obligations from fiscal years 2018 through 2021, \$97 million, or approximately 51 percent, were for goods and services under Forest Service contracts.

More than half of Forest Service and BLM wildfire-related contract obligations were on contracts for forestry support activities such as forest firefighting and treating burned forests from the air on an emergency basis. FEMA contract obligations went primarily to vendors that focus on construction-related activities.²⁰ Specifically, support activities for forestry accounted for 57 percent of wildfire contract obligations at the Forest Service and 64 percent of wildfire contract obligations at BLM, totaling more than \$1 billion across the two agencies from 2018 through 2021. In comparison, FEMA's obligations on contracts for commercial and institutional building construction services, such as manufacturing prefabricated buildings, accounted for 53 percent of the agency's \$253.3 million in total obligations for wildfire response and recovery. See figure 6 for a breakdown of goods and services procured by agency.

²⁰These statements are based on our analysis of the North American Industry Classification System codes associated with particular contract obligations. These codes are the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

Figure 6: Business Categories for Known Wildfire Response and Recovery Obligations by Agency, Fiscal Years 2018 – 2021



Source: GAO analysis of Federal Procurement Data System and agency provided data. | GAO-23-105292

Note: The types of industries reported in the figure are derived from reported North American Industry Classification System codes. These codes are the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

^a“Forestry support activities” includes activities such as forest firefighting and treating burned forests from the air for reforestation or on an emergency basis, and consulting on wood attributes and reforestation.

^b“Nonscheduled air transportation” refers to providing air transportation of cargo without transporting passengers with no regular routes and regular schedules.

^c“Miscellaneous crop farming” refers to engaging in one of the following activities: (1) growing; (2) growing a combination of crops; or (3) gathering tea or maple sap. These crops do not include oilseeds or grains; vegetables or melons; fruits or tree nuts; greenhouse, nursery, or floriculture products; tobacco; cotton; sugarcane; hay; sugar beets; or peanuts.

^d“Commercial and institutional building construction” refers to activities that include the on-site assembly of modular or prefabricated commercial and institutional buildings.

^e“Other” refers to the remaining obligations for all other goods and services.

The agencies in our review varied in their use of small businesses to meet their wildfire procurement needs. At the Forest Service, obligations on contracts to small business vendors accounted for 80 percent of total wildfire contract obligations from fiscal year 2018 through 2021. At BLM and at FEMA, obligations on contracts to small business vendors accounted for 32 percent and 53 percent of total wildfire contract obligations, respectively, within the same time frame.

Government-wide Tracking of Contracting for Wildfires Is Limited

As previously mentioned, two agencies use the FireCode system to track cost information related to wildfire response efforts, but government-wide tracking of contracting for wildfire-related efforts is limited. The General Services Administration maintains a National Interest Action code data field in FPDS capable of identifying data from across the government on contract actions associated with major disasters, including major wildfire disasters.²¹ The Office of Federal Procurement Policy Emergency Acquisitions Guide states that National Interest Action codes may be created to collect data consistently on contract actions related to emergency responses or other nationally significant events. A memorandum of agreement (the agreement) on management of these codes further describes that they enable agencies to more easily identify and report on procurements that directly support response efforts associated with selected major disasters with major multi-agency procurement impacts.²²

The agreement outlines criteria—some clearly defined and some not—that DHS and DOD should consider in making determinations to establish a National Interest Action code. For example, the agreement details clearly defined criteria that DHS may only request a code be established when two or more agencies exercise, or intend to exercise, emergency acquisition flexibilities.²³ Among other things, these emergency flexibilities increase acquisition thresholds, such as the micro-purchase threshold, for contract actions awarded in support of an emergency or major disaster.²⁴

²¹The General Services Administration is the agency responsible for operating and maintaining FPDS.

²²The agreement between DOD, DHS, and the General Services Administration documents the responsibilities for updating the “National Interest Action” field in FPDS. Under the agreement, DHS acts as a requester for new and extended National Interest Action codes for itself and on behalf of other civilian agencies, and DOD acts as a requester for new and extended National Interest Action codes on behalf of the military departments and defense agencies. The General Services Administration acts as the servicing agency, acting on National Interest Action requests from DOD or DHS to modify FPDS.

²³41 U.S.C. § 1903, special emergency procurement authority.

²⁴Federal regulations establish that the micro-purchase threshold means \$10,000 for supplies and services that do not fall under exceptions identified by FAR 2.101. One exception is for acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support response to an emergency or major disaster. In those situations, the micro-purchase threshold is \$20,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States or \$35,000 for contracts awarded and performed outside of the United States. FAR 2.101.

Additionally, the agreement states that only “highest visibility” incidents with the following characteristics should be considered for a code:

1. Commitment of significant national financial resources,
2. Nationwide (not just regional) mobilization,
3. Significant multi-agency federal procurement impact (which is different than weather or other disaster impact),
4. Great national interest, and
5. Widespread political interest.

No National Interest Action code has been established for a wildfire since 2008. However, during the course of our review we identified one instance—the 2021 California wildfires—where the clearly defined criteria for establishing a National Interest Action code was met. Specifically, in response to the 2021 California wildfires, USDA officials from the Office of Contracting and Procurement told us the agency requested a National Interest Action code and both USDA and DHS exercised emergency acquisition flexibilities. Furthermore, the President declared the 2021 California wildfires as a major disaster, based on the criteria that: (1) the situation was of such severity and magnitude that effective response was beyond the capabilities of the state and affected local governments; and (2) federal assistance was necessary to supplement the efforts and available resources of the state and local governments.²⁵

Based on our inquiries to better understand the rationale for not establishing a National Interest Action code for the 2021 California wildfires, we found that (1) criterion DHS and others used were not explicitly included in the agreement, and that (2) other criteria were subjective and not clearly defined.

- **Criterion not listed in the agreement.** Officials from DHS’s Office of the Chief Procurement Officer and USDA’s Office of Contracting and Procurement noted that DHS denied their request for a National Interest Action code, in part, because USDA was the only agency to request a code for the 2021 California wildfires. Furthermore, DHS officials responsible for determining whether to establish National Interest Action codes stated that, for the 2021 California wildfires and other disasters, they only consider establishing a National Interest Action code once two or more agencies exercising emergency

²⁵The President declared the 2021 California wildfires a major disaster on August 24, 2021.

acquisition flexibilities request it. However, the agreement does not state that two agencies need to request a code. Instead, the agreement states that DHS can request a code when two agencies exercise, or intend to exercise, emergency acquisition flexibilities.

- **Some criteria are not well defined.** We found that the agreement’s criteria for determining if an incident has the “highest visibility” characteristics are subjective and not clearly defined in the agreement. In some cases this led to differing conclusions among agencies as to whether a National Interest Action code was needed. For example, USDA officials from the Office of Contracting and Procurement told us that DHS officials disagreed with their assessment that the 2021 California wildfires met the criteria for nationwide mobilization.²⁶ According to USDA officials, DHS viewed the 2021 wildfires as being limited to California, while USDA communicated that the 2021 wildfires were occurring in multiple states, including California, Arizona, and Nevada. Further, according to DHS officials responsible for authorizing National Interest Action codes, the criteria for “widespread political interest” should be removed because many routine emergencies have the potential to generate political interest. Additionally, a DOD official from the Defense Pricing and Contracting Office told us that one of the most difficult aspects of establishing a code is determining if an event will meet the five required criteria of a high visibility event.

Officials from DHS’s Office of the Chief Procurement Officer and DOD’s Defense Pricing and Contracting Office stated that the number of National Interest Action codes should be limited and offered that a funding code to track appropriations classified as disaster or emergency funding may serve as a better method for tracking major disaster response efforts.²⁷

²⁶DHS acts as a requester for new and extended NIA codes for itself and on behalf of other civilian agencies, coordinating its requests with DOD. The memorandum of agreement states that the General Services Administration acts as the servicing agency, acting on National Interest Action requests from DOD or DHS to modify FPDS.

²⁷In 2018, the Office of Management and Budget established the “Disaster Emergency Fund Code” to track appropriations classified as disaster or emergency. Office of Management and Budget, *Memorandum Guidance on Disaster and Emergency Funding Tracking*, M-18-08, (February 2, 2018). The memorandum used to establish this code notes that when the Congress appropriates funding for disaster relief and other emergencies, the executive branch must also be able to account for when and how this funding is spent. The memorandum continues that the codes will provide readily available up-to-date information on the status of disaster and emergency funding—the amount appropriated, unobligated, obligated but not disbursed, and disbursed—increasing transparency on government spending without requiring time-consuming, ad hoc data calls to agencies.

However, the agreement notes that National Interest Action codes provide different contract reporting information not available by tracking appropriated funding. For example, the agreement states that FPDS contract action reports can report actions that contain multiple sources of funding—not just specifically appropriated emergency, disaster, or contingency funds. National Interest Action codes remain the primary source of information to report government-wide contract actions associated with major disasters and emergency responses regardless of funding source. Additionally, contracting officials from two agencies acknowledge that this type of data can help them to understand government-wide procurement actions supporting response efforts for major wildfires. Officials also said this data can be useful when considering contracts to award in advance of the wildfire season.

DHS and DOD officials provide semi-annual briefings regarding the National Interest Action code agreement to the Civilian Agency Acquisition Council and the Integrated Award Environment Change Control Board.²⁸ Training materials we reviewed included the criteria in the memorandum of agreement. However, the materials did not state that requests from two agencies are required for the establishment of a National Interest Action code or further clarify some of the less well-defined criteria from the agreement.

DHS officials told us that they do not have a way to know whether or not another agency has exercised or intends to exercise emergency acquisition flexibilities unless the agency tells them it has done so. While that lack of knowledge may be a challenge, the practice of requiring two agencies to request a National Interest Action code is not consistent with the criteria for requesting a new National Interest Action code in the memorandum of agreement or in the associated training slides. Additionally, *Standards for Internal Control in the Federal Government* state that management should externally communicate quality information to achieve the entity's objectives. This would include clearly specifying the criteria for establishing a National Interest Action code. Without taking steps to ensure consistency between criteria included in the agreement and criteria applied in practice, as well as to clarify ill-defined criteria,

²⁸The Civilian Agency Acquisition Council is composed of senior procurement professionals from across multiple agencies and solicits the views of agencies, associations, and other interested parties on proposed changes to the FAR. The Integrated Award Environment Change Control Board is the decision-making body for proposed changes to systems managed by Integrated Award Environment, such as FPDS.

there may be confusion and missed opportunities for establishing these codes. As a result, insight into contracting for wildfires, as well as other major disasters, will continue to be limited.

Selected Agencies’ Wildfire Contracting Approaches Prioritized Expediency, but Some Did Not Always Adhere to Ordering Policies

In our analysis of 14 wildfire contract vehicles from across FEMA, BLM, and the Forest Service, we found contracting officers structured most of them as indefinite-delivery contracts, in part, to mobilize needed goods and services quickly. Additionally, the agencies used ordering approaches—geographically based ordering or use of ordering officials (rather than contracting officers) to place orders—to expedite the delivery of needed goods and services.²⁹ However, BLM’s and the Forest Service’s use and oversight of ordering officials did not always align with their respective agency policies. We also found that the Forest Service inaccurately reported certain wildfire-related contracting information in FPDS for seven of the nine Forest Service contracts we reviewed. The Forest Service has since transitioned to a new internal procurement system, which officials anticipate will improve FPDS reporting going forward.

Selected Agencies Often Used Indefinite-Delivery Contracts and Certain Ordering Approaches to Obtain Goods and Services Quickly

FEMA, BLM, and the Forest Service awarded 11 of the 14 contract vehicles we reviewed as indefinite-delivery contracts. In many instances, particularly at BLM and the Forest Service, agencies used at least one ordering approach—prioritizing geographical considerations for ordering or using ordering officials (rather than contracting officers) to place orders—to expedite the delivery of needed goods and services. Figure 7 reflects contracting officials’ use of indefinite-delivery contracts and ordering approaches identified on the 14 contract vehicles we reviewed.³⁰

²⁹As noted above, an ordering official is a non-warranted agency official other than the contracting officer who initiates certain work or the delivery of goods on behalf of an agency.

³⁰Our review also includes 18 orders these agencies’ placed against the 11 indefinite-delivery contracts we reviewed.

Figure 7: Use of Indefinite-Delivery Contracts and Ordering Approaches Intended to Expedite Delivery of Goods and Services on 14 Contract Vehicles Reviewed

| Agency | Estimated total dollar value- in millions | Contract vehicle award year | Goods or services | Indefinite-delivery contract | Geographically-based ordering procedures ^a | Ordering officials ^b |
|---|---|-----------------------------|---|------------------------------|---|---------------------------------|
| Federal Emergency Management Agency (FEMA) | \$52.4 | 2015 | Technical assistance-hazard mitigation | ● | ⊙ | ⊙ |
| | \$730 | 2018 | Transportation and installation of manufactured housing units | ● | ⊙ | ⊙ |
| | \$610 | 2017 | Technical assistance-public assistance | ● | ● | ⊙ |
| | \$3.3 | 2020 | Temporary housing trailers ^c | ⊙ | ⊙ | ⊙ |
| Bureau of Land Management (BLM) | \$47 | 2020 | Firefighting crews ^d | ● | ⊙ | ⊙ |
| Forest Service | \$24.5 | 2017 | Fire retardant | ● | ⊙ | ● |
| | \$220 | 2018 | Fire retardant | ● | ⊙ | ● |
| | \$20 | 2016 | Firefighting crews | ● | ● | ● |
| | \$50 | 2020 | Mobile food services | ● | ● | ● |
| | \$50 | 2020 | Mobile food services | ● | ● | ● |
| | \$10 | 2014 | Mobile food services | ● | ● | ● |
| | \$10 | 2015 | Mobile food services | ● | ● | ● |
| | \$23.4 | 2017 | Waterscooper aircraft ^e | ⊙ | ⊙ | ● |
| | \$119 | 2015 | Airtanker aircraft | ⊙ | ⊙ | ⊙ |

● Used by agency ⊙ Not used by agency

Source: GAO analysis of agency contract documentation. | GAO-23-105292

^aGeographically-based considerations for ordering is a contracting approach used with either single- or multiple-award indefinite-delivery contracts where the contractor generally receives orders when it is located closest to the fire incident.

^bAn ordering official is a non-warranted agency official other than the contracting officer who places certain orders on behalf of the agency. For the Forest Service fire retardant contracts, while not titled ordering officials, airtanker base managers, rather than contracting officers, were authorized to order fire retardant loads from the vendor under the terms of the contract.

^cThis contract was a firm, fixed price purchase order for 89 travel trailers.

^dIn addition to the one BLM contract, we also included in our review six orders awarded by the bureau. Specifically, our analysis included two BLM orders for firefighter crews, as well as four orders (two each) BLM ordering officials placed against the two indefinite-delivery Forest Service retardant contracts also cited in the figure.

^eThis contract vehicle was a basic ordering agreement.

Contracting officers awarded the majority of the contract vehicles we reviewed as indefinite-delivery contracts—either IDIQ or requirements type. The prepositioned nature of these contracts allows agencies to place orders for goods or services when they are needed as opposed to the government soliciting and awarding a separate contract each time a need arises.³¹ Additionally, for 10 of the 11 indefinite-delivery contracts we reviewed, the contracting officer negotiated key aspects of anticipated future task orders, such as pricing or timing of delivery, before awarding them. Doing so can lead to faster award of orders and mobilization of needed goods and services than issuing separate solicitations for each order. For example, we reviewed a FEMA contract that provided assistance to state, tribal, and local governments following wildfire disasters for which the contracting officer negotiated—with the contractor prior to award—fixed labor rates that the agency used to place orders against the contract on an indefinite-delivery, indefinite-quantity basis. Thus, once the contracting officer awarded the contract with an estimated \$610 million ceiling for a 5-year period on behalf of FEMA, the government could quickly place orders to provide for services, such as debris removal and restoration of publicly owned buildings following disaster events, at established hourly rates.

Contracting officers also used various procedures under an indefinite-delivery contract structure to further hasten orders for goods and services. For example, we reviewed one FEMA and five Forest Service indefinite-delivery contracts—providing technical assistance, firefighter crew, and mobile food services—for which contracting officers included geographically-based ordering procedures. For FEMA, each indefinite-delivery contract covers an assigned geographical zone for which the awarded contractor is responsible. At the Forest Service, the contractors were awarded contracts to be prepositioned at certain locations and respond to fire incidents when they are the closest available resource. Rather than compete each requirement among all contract recipients under the solicitation, FEMA and the Forest Service placed orders by determining the contractor located closest to the fire incident for four of the indefinite-delivery contracts included in our review, when available. For the remaining two contracts we reviewed for mobile food services, the Forest Service will use the contractor whose dispatch location is closest

³¹FEMA contracting officers awarded three of the contracts we reviewed prior to the wildfire incidents they supported. FEMA refers to these contracts as advance contracts. Required by PKEMRA, FEMA typically establishes advance contracts to provide life-sustaining goods and services quickly in the immediate aftermath of disasters.

to a fire incident, if the contractor can meet the incident's needs and required timeframes.³²

According to officials, using a geographically-based approach allows the Forest Service and FEMA to deploy goods and services more quickly after a wildfire. The Forest Service officials told us that it ensures contractors are located in areas closest to where the agency is likely to need their services, which allows firefighting and mobile food contractors to mobilize within a few hours of notification of a wildfire event. See appendix I for further details about the mobile catering contracts. FEMA contracting officers stated that their use of a geographically based approach was to simplify—and therefore, expedite—the ordering process for two contracts related to our review. However, FEMA program officials reported mixed results on how this approach impacted the timeliness of ordering. For instance, when we spoke to the program officials responsible for one of these contracts, they explained that a high number of orders in certain areas inundated contractors in those areas, delaying contractors' ability to respond in a timely manner. However, program officials for the other contract related to our review did not report similar timeliness challenges. They instead reported that the use of a geographical zone-based approach reduced average order award time by approximately 80 days.³³

We also found that ordering officials at BLM and the Forest Service placed orders against eight Forest Service contract vehicles that we reviewed so that the government could more quickly deliver services after wildfire incidents.³⁴ Ordering officials are able to place certain orders, so long as they follow agency guidance on ordering. DOI and USDA policies allow contracting officers to appoint an ordering official to place certain

³²The ordering procedures also took into account whether contractors who were geographically located closest to a fire incident were available to perform the work and provided alternative ordering procedures if they were not available.

³³This contract met the same requirement as a contract we selected for review and was awarded to replace the selected contract before it expired.

³⁴In total, we reviewed four BLM orders and six Forest Service orders associated with these eight Forest Service contracts.

orders for supplies and services under an indefinite-delivery contract that has fixed-prices and terms.³⁵

We found that the need to place orders quickly was one factor contributing to the use of ordering officials at BLM and the Forest Service. For example, for the Forest Service fire retardant contracts we reviewed, BLM and Forest Service officials stated ordering officials located at the airtanker bases determined the amount of retardant needed and authorized its immediate loading onto aircraft when fire incidents required support. Other factors contributing to the use of ordering officials included the greater frequency of wildfire incidents and a shortage of contracting officers.

BLM Did Not Always Follow DOI's Ordering Official Policy

For the four BLM orders we reviewed where ordering officials were used, we found contracting officers did not follow some key elements of the DOI ordering official policy.³⁶ BLM officials told us they follow DOI policy, which contains instruction for deploying ordering officials to place orders against DOI contracts, including those for wildfires. Issued in May 2018, DOI's policy allows ordering officials for the fire and other emergencies program to place orders for fixed-price goods or services against indefinite-delivery contracts and pursuant to BPAs under urgent and compelling circumstances through an oral request. The policy states that ordering officials must be identified in the indefinite-delivery contract or BPA by either name, position, or organizational component and outlines specific limitations for the ordering official position. Specifically, ordering officials must set a not-to-exceed value of \$25,000 on the oral orders they place and notify a contracting officer within a reasonable time frame after order issuance. Additionally, ordering officials are not to place orders against any contracting vehicles not awarded by DOI. Figure 8 summarizes the extent to which the BLM officials met key elements of the department's ordering officials policy for the four BLM orders we reviewed where ordering officials were used.

³⁵U.S. Department of the Interior, *Federal Acquisition Certification and Appointment Programs Policy*, 0051-02 and U.S. Department of Agriculture Contracting Desk Book, Version 3.3 §401.672.

³⁶The four BLM orders were awarded under two Forest Service contracts for fire retardant. We reviewed a total of six BLM orders, but the other two orders reviewed did not involve the use of ordering officials.

Figure 8: Extent to Which Selected Bureau of Land Management (BLM) Orders Met Key Elements of DOI’s Ordering Official Policy

| Good ordered | Year order was awarded | Approximate cumulative order dollar value (in millions) | Ordering official identified by name, position, or organizational component within the contract vehicle | Ordering official only placed orders for \$25,000 or less | Ordering official only placed orders against a Department of the Interior contracting vehicle |
|----------------|------------------------|---|---|---|---|
| Fire Retardant | 2018 | 2.1 | ● | ⊘ | ⊘ |
| Fire Retardant | 2018 | 2.0 | ● | ⊘ | ⊘ |
| Fire Retardant | 2019 | 0.9 | ● | ⊘ | ⊘ |
| Fire Retardant | 2021 | 1.7 | ● | ⊘ | ⊘ |

- BLM met this policy requirement for this order
- ⊘ BLM did not meet this policy requirement for this order

Source: GAO analysis of Department of the Interior (DOI) policy as well as BLM documentation and written responses. | GAO-23-105292

Note: The approximate cumulative order dollar value aggregates the value of multiple verbal orders, some of which were over \$25,000.

We found the indefinite-delivery contracts underlying the four BLM orders each identified the ordering official by name, position, or organizational component, meeting one of the key elements of DOI’s ordering official policy. However, some of the BLM orders associated with the fire retardant contracts exceeded the \$25,000 limit set in the DOI’s ordering official policy. The cumulative value of these orders ranged from approximately \$900,000 and \$2.1 million.³⁷ Additionally, the orders were placed against a Forest Service contract, which is not in line with DOI’s policy that ordering officials only place orders against a DOI contracting vehicle.

In May 2022, BLM issued a memorandum acknowledging an issue with its processes for ordering fire retardant. In the memorandum, BLM also provided updated guidance for ordering fire retardant. In particular, BLM officials explained, updated guidance established new funding procedures in which a contracting officer will issue a purchase order prior to the start of wildfire season to cover the estimated cost of fire retardant for the season. By doing so, BLM will no longer need to use ordering officials for

³⁷For the four BLM orders we reviewed under the two fire retardant contracts, the orders generally covered multiple requests over a period of time, totaling the amount of the task order. We found that some of these individual requests had a value in excess of the \$25,000 maximum. For example, we reviewed a fire retardant order that included 58 individual requests, 11 of which exceeded \$25,000.

purchasing the fire retardant. Instead, BLM officials told us that officials at each tanker base will now only manage the supply of fire retardant available at their base, keeping the contracting officer informed of the receipt of additional retardant deliveries.

BLM's Head of Contracting Activity (HCA) stated she plans to update the bureau's acquisition manual to reflect the new guidance regarding the use of ordering officials, but has yet to do so. As of January 2023, BLM's acquisition manual reflected different ordering official requirements than those contained within the May 2022 memorandum on fire retardant tracking and payment and within DOI's 2018 policy that includes guidance on ordering officials. BLM officials told us that they had not yet updated the acquisition manual. This is because, in part, they are awaiting changes that they anticipate may come from a revamping of a contracting certification program, and which, according to officials, could potentially require additional changes to ordering official requirements and additional updates to the acquisition manual. As a result, they anticipate updating the acquisition manual by the end of June 2024. By that date, the acquisition manual will have been out of sync from the May 2022 and May 2018 policy updates regarding use of ordering officials for over 2 and 6 years, respectively. *Standards for Internal Control in the Federal Government* states that agencies should clearly communicate quality information throughout the organization and design control activities to ensure individuals act within the scope of their authority when executing certain transactions.³⁸ This would include ordering officials placing orders against indefinite-delivery contracts. Without taking steps to ensure key agency guidance reflects the most recent policies, BLM contracting staff and ordering officials are at risk of following outdated policies.

Forest Service Has Not Fully Implemented Revisions to USDA's Ordering Official Policy

USDA developed a policy to address previously identified challenges with its ordering official processes for wildfire-related contracts, but the Forest Service has not yet fully implemented the policy. In response to audit findings regarding officials placing orders without proper authority from the USDA Office of the Inspector General, USDA updated its contracting deskbook in March 2019.³⁹ The updates include:

³⁸[GAO-14-704G](#)

³⁹United States Department of Agriculture Office of Inspector General, *Audit of Forest Service's Next Generation and Legacy Airtanker Contract Awards*, Audit Report 08099-0001-12, (Washington, D.C.: July 7, 2017).

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- authorizing the HCA or written designee to approve requests to use ordering officials on a case-by-case basis;
 - authorizing the HCA to require ordering officials to complete specialized training;
 - requiring the HCA to provide technical supervision; and
 - requiring the HCA to annually review ordering official activities.

For the applicable contracts that we reviewed and that the Forest Service awarded after March 2019 (when the guidance was updated), we found the Forest Service had implemented some elements of the updated policy, but not others. Specifically:

- **HCA approved requests for use of ordering officials.** We found that the HCA approved use of ordering officials on the relevant contracts we reviewed. Specifically, for the two contracts we reviewed that were awarded after March 2019 (both for mobile food services), the agency developed an HCA-approved business case allowing for the use of ordering officials, which outlined the responsibilities of those individuals during the execution of the contract. Further, for the use of follow-on contracts, the Forest Service developed similar HCA-approved business cases for the goods and services purchased under three of the contracting vehicles we reviewed that the Forest Service awarded prior to the policy change.⁴⁰
- **Ordering officials' completion of specialized training.** According to officials, the Forest Service offered a 4-hour ordering official training for the first time in 2020, which included discussion of contracting officer and ordering official authorities and responsibilities, incident environment operations, standards of conduct, and processes for issuing and documenting orders. Forest Service officials told us that in April 2022, the agency offered a 2-hour refresher course. Forest Service officials anticipate having all necessary ordering officials trained by June 2023. To facilitate and track ordering officials' fulfillment of training requirements, officials said, the Forest Service adapted the course content for online training.
- **Technical supervision by HCA.** Forest Service officials stated that the HCA has provided some oversight on orders made by ordering

⁴⁰We also reviewed a 2017 basic ordering agreement for waterscooper aircraft services that made use of ordering officials. For the follow-on, however, there is no ordering official business case because under the terms of the new basic ordering agreement, the contracting officer—and not an ordering official—is responsible for placing all orders pursuant to the agreement.

officials. Forest Service officials noted that, as of September 2022, the only technical supervision the HCA performed was to review and approve the ordering official business cases for the agency's fire retardant, mobile food services, and firefighting crew contracts.

- **HCA annual review of ordering official activities.** Forest Service officials were not aware of any HCA-led annual reviews of ordering official activities through September 2022. However, they acknowledged that the policy states that a physical inspection of purchase documents and records to ensure compliance with policies and demonstration of sound judgement should occur.

Standards for Internal Control in the Federal Government states that agencies should perform monitoring activities and highlights the importance of agencies conducting both ongoing, routine monitoring and separate periodic evaluations to assess the quality of performance over time and promptly correct areas of deficiency. In November 2022, Forest Service officials told us they had recently engaged in discussions with the HCA and deputy HCA regarding the limited technical supervision and lack of annual reviews conducted by the HCA in relation to ordering official activities. In those discussions, the deputy HCA determined that technical supervision did not need to occur at the HCA level. Instead, the deputy HCA recommended that a mission area senior contracting officer conduct the technical supervision and report their findings to the HCA on an annual basis. According to officials, since USDA policy does not currently delegate the technical supervision responsibilities to the level of a mission area senior contracting officer, the agency started the process of updating policy to allow for this delegation. While this is an important step, it has not yet resulted in a change that ensures the Forest Service performs the technical supervision and annual reviews. In the absence of routinely performing technical supervision and completing annual reviews of ordering official activities, there is increased risk of decision makers being unaware when agency ordering officials are taking actions outside their delegated authority.

Forest Service Anticipates New Internal System Will Improve Data Consistency with Federal Procurement Data System

We found data inconsistencies between contract files and federal procurement data system information for contracts we selected for review. However, Forest Service officials anticipate the agency's fiscal year 2022 transition to a USDA procurement system will improve its reporting on wildfire-related contracting. Specifically, for seven of the nine Forest Service contracts we reviewed, all of which were awarded prior to 2022, we found discrepancies when we compared the documented modification information officials included in the contract files with what they reported in FPDS. Contracting officers can make contract

modifications for a number of reasons—to obligate additional funding, to exercise an option year, or to fix clerical errors discovered within the contract.⁴¹ Table 2 illustrates three examples we found in our review.

Table 2: Examples of Discrepancies between Forest Service Contract Documentation and Information in the Federal Procurement Data System (FPDS)

| Contract award year | Good or service procured | Number of documented modifications | Number of modifications reported in FPDS | Example of discrepancy between documented modification in contract file and FPDS modification descriptions | |
|---------------------|--|------------------------------------|--|--|--|
| | | | | Contract file documentation reflects | FPDS records show |
| 2015 | Airtankers for aerial delivery of retardant in support of fire suppression | 52 | 43 | The Forest Service issued modification #13 in March 2017 to, among other things, provide funding in the amount of \$19.1 million. | The Forest Service issued modification #13 in September 2017 to obligate just \$4.5 million. |
| 2017 | Fire retardant | 35 | 19 | The Forest Service issued modification #10 in May 2017 to obligate funds not to exceed \$336,000. | The Forest Service issued modification #10 to obligate over \$4 million in February 2018. |
| 2018 | Fire retardant | 75 | 21 | The Forest Service issued administrative modification #8 in February 2019 to remediate an incorrect decimal point placement within the contract. | The Forest Service issued modification #8 in July 2019 to obligate over \$1.7 million to the contract. |

Source: GAO analysis of agency contract documentation and FPDS data. | GAO-23-105292

A 2017 USDA Inspector General review of airtanker contracts awarded from fiscal years 2013 to 2015 had similar findings. Specifically, the USDA Inspector General found that the Forest Service did not properly input data into FPDS, reporting approximately \$147 million less in FPDS than the amount reflected within the contract file documentation for 10 contracts and seven basic ordering agreements—valued at a total \$426.5 million. The report recommended that the Forest Service revise its reporting procedures to ensure information entered in FPDS was correct. The Forest Service generally concurred with this finding in its May 2017 response. The Forest Service told the inspector general that the agency would review its contract action and FPDS recording procedures and revise them so that FPDS accurately reflected the agency’s contract obligations. Despite the Forest Service’s general agreement with the inspector general’s findings and its pledge to rectify them, our review

⁴¹FAR 43.103.

found similar discrepancies between the contract file and FPDS information for modifications made as late as 2019.

Forest Service officials recognized the inconsistencies we found between the contract file documentation they provided and the information they reported in FPDS. The officials attributed the inconsistencies to a legacy accounting system and the manual entry of information in FPDS that occurred as a result. Forest Service officials also told us that, due to what they identified as a disconnected contract reporting process with respect to contract modifications and FPDS, fixing these inconsistencies for past contracts would take such an immense amount of time that they did not view it as feasible.

Going forward, Forest Service officials told us that using the existing USDA's procurement system, the Integrated Acquisition System, beginning in fiscal year 2022, is a step they believe will fix the specific type of issue we found through our contract file review. According to officials, USDA will now assess Forest Service contracting data, along with those from across USDA, through its existing data reliability procedures. USDA policy requires agencies to develop and implement a plan to verify the quality of the data reported to FPDS. The Forest Service monitors data discrepancies between financial systems, mitigates errors that are found, and reports on errors found and progress toward improving data systems to USDA quarterly.

Selected Agencies Capture Contracting Lessons Learned, but Shortfalls Exist in Processes at One Agency

Among the agencies with wildfire response and recovery responsibilities included in our review, we found that all had processes in place that could collect lessons learned associated with contracting for those operations. For example, FEMA gathers and assesses observations from major disasters and includes those findings in after-action reports. Similarly, BLM's Fire Business Management Group conducts monthly meetings to discuss business related topics, which may include contracting, and forwards issues and recommendations to senior agency officials when lessons learned require a change to operational or acquisition guidance. Also, BLM recently developed a way to track action items for lessons learned. The Forest Service is required by law to complete annual reviews, which may include procurement-related issues and has a board that collects and tracks changes to acquisition policies and tools. However, the Forest Service does not yet have a process for tracking the implementation of lessons learned identified during post-season reviews. In addition to agency-specific activities, interagency groups coordinate lessons learned gathered by its members through annual pre- and post-season discussions of business practices.

FEMA Has Lessons Learned Processes and Has Taken Some Steps to Collect Contracting-Specific Information

FEMA has multiple processes in place that may capture lessons learned related to contracting for wildfire response and recovery. FEMA's Continuous Improvement Program is responsible for collecting observations and conducting after-action reviews after disasters, which may include information on contracting. The program is intended to consolidate feedback and information from regional, headquarters, and field operations staff and provide observations and recommendations to FEMA leadership and program offices that may be used to improve the efficiency and effectiveness of the agency's disaster operations. Among the methods used by the program that have discussed acquisition issues in the past are:

- **After-action reports.** After-action reports are completed by regional personnel following one or more disasters. Regional officials collect observations, identify potential lessons learned for their regions, develop recommendations as needed, formalize these findings in an after-action report, and track corrective actions and improvement plans applicable to their region of responsibility. We reviewed 7 after-action reports conducted for 13 FEMA-declared wildfire disasters and emergencies from 2018 through 2021 and found that three identified issues related to contracting for recovery services or products. For example, one after-action report noted a need to improve the requirements definition process for specific contracts to make response more efficient.
- **National Collection Analysis Priorities.** Focused data gathering across all regions and types of disasters has also provided insight into procurement and contracting issues at FEMA. The Continuous Improvement Program develops National Collection Analysis Priorities based on input from regional FEMA staff that are then assessed for relevancy to agency priorities and applicability to multiple types of disasters. Once approved by management, these topics become focus areas for further data collection and analysis at the regional and departmental levels, the findings of which are communicated in quarterly briefings. The effectiveness of post-disaster contracting processes to meet programmatic needs and support disaster recovery was among the seven National Collection Analysis Priorities reviewed during the pilot phase of this process during the 2019 and 2020 calendar years. This process focused on two frequently-used procurement programs that may be employed when responding to disasters—public assistance services and wireless services—which incorporated feedback from scores of survey respondents. The survey analysis found that most staff were satisfied with resources provided under the public assistance contract. The Continuous Improvement

Program also reported as a key takeaway that an accurate assessment of contractor knowledge and expertise related to the execution of services under the contract would require further study based on the terms included in the contract. The survey analysis also pointed to issues with the wireless services provided to FEMA as well as survey respondents' knowledge of how to respond to wireless challenges.

Further, a May 2021 directive from FEMA's Office of the Chief Component Procurement Officer established a specific process to continuously assess whether existing advance contracts are adequate. The directive required the office to establish a process and forum aimed at improving the agency's advance contracts, conduct life-cycle tracking, and review and assess the viability of existing advance contracts for use during emergencies. The desired outcome of the new initiative is to establish a continuous process to identify requirements for national or regional advance contracts meant to facilitate agency response to disasters.

As part of this process, FEMA has established a forum to discuss existing contracts and emerging requirements for new ones. According to FEMA officials, this forum has held meetings twice since October 2021 and has focused on establishing the forum's roles and responsibilities and, later, on upcoming contract awards. According to officials, the topics of these meetings will vary by agency need, but will likely cover specific requirements or implementation of updated policies. Under this process, program offices and FEMA's Office of the Chief Component Procurement Officer have established responsibilities to review contracts cyclically to facilitate needed modifications. According to officials, this additional process has not yet resulted in policy changes for advance contracts.

FEMA is also collecting information annually from contracting officials involved in emergency response efforts for incorporation into the broader analyses completed by the Continuous Improvement Program, in part in response to a recommendation we made in 2021. In July 2021, we found that FEMA contracting officials involved in obligating funds for COVID-19 response had not been formally contacted on lessons learned developed during the pandemic response.⁴² We recommended that FEMA establish a formal process to collect contracting lessons learned from COVID-19 and future emergency response efforts, and ensure those lessons learned are shared with the Continuous Improvement Program for

⁴²[GAO-21-528](#).

inclusion in FEMA's formal lessons learned process to inform contracting efforts for ongoing and future emergencies.

FEMA agreed with and implemented this recommendation. In February 2022, FEMA conducted a survey and collected lessons learned and suggestions for improving future emergency responses efforts from contracting officials. In November 2022, FEMA issued a memorandum to its contracting personnel formalizing its plan to conduct the survey annually. The memorandum stated that the survey information will be collected, analyzed, and saved to identify trends and themes for potential improvements, among other uses. FEMA procurement officials told us they will also coordinate with the Continuous Improvement Program to ensure that any applicable issues or concerns identified in the annual survey are incorporated and considered as part of relevant after-action review efforts.

Finally, FEMA has taken steps to formalize its ability to track identification and resolution of lessons learned across the agency in response to previous GAO findings. In May 2020, we found that FEMA had identified areas for improvement through analysis of disaster response, but we recommended that FEMA take further steps to more consistently track best practices, lessons learned, and corrective actions that have been elevated to headquarters for resolution. In response, FEMA established a system in June 2022 that will be used to record observations, areas of improvement, best practices, and to track actions taken to resolve identified issues and to evaluate improvement.⁴³ Officials stated that this will be used to record observations from after-action reviews conducted for major disasters. We assessed that these actions should help ensure that the agency consistently tracks best practices and lessons learned elevated to FEMA headquarters for review.

BLM Recently Developed a Way to Track Action Items Identified through Lessons Learned Processes

BLM has multiple avenues that may be used to identify lessons learned related to contracting for wildfire-related disasters and recently developed a mechanism to more fully track their implementation. The *Interagency Standards for Fire and Fire Aviation Operations* provides examples of several reviews common to agencies with wildfire-response responsibilities as well as those specific to DOI or BLM. According to DOI officials, the lesson learned reviews included in this guidance are typically focused on safety rather than contracting issues. However, other reviews

⁴³GAO, *National Preparedness: Additional Actions Needed to Address Gaps in the Nation's Emergency Management Capabilities*, [GAO-20-297](#) (Washington D.C.: May 4, 2020).

listed in *Interagency Standards for Fire and Fire Aviation Operations* could lead to identification of contracting issues or best practices at DOI. For example, after-action reviews are described as “a learning tool intended for evaluation of an incident in order to improve performance by sustaining strengths and correcting weaknesses.” According to DOI, these reviews are usually informal and limited to a discussion of a particular event with affected individuals. DOI officials did not identify any office that would archive or analyze the findings from these discussions for lesson learned for broader application across the agency or department nor is it clear how action items are developed and tracked.

Interagency Standards for Fire and Fire Aviation Operations also note DOI-specific reviews that we found may identify best practices and lessons learned related to contracting. In response to a GAO recommendation, DOI established a directive that defined when fires should be reviewed.⁴⁴ Significant Wildland Fire Reviews (SWFR) are conducted by DOI agencies when a single fire or complex incident meets or exceeds federal combined expenditures of at least \$15 million in suppression costs and more than 50 percent of the burned acres are managed by one or more DOI bureaus. Similarly, DOI may conduct Individual Fire Reviews (IFR) at the discretion of senior wildfire operations leadership for fires that do not meet the criteria for a SWFR.⁴⁵ Guidance states that these reviews evaluate decisions and strategies, correct deficiencies, identify new or improved procedures, techniques, or tactics, determine cost-effectiveness, and compile and develop information to improve local, state/regional, or national fire management programs.

Of the six SWFR and IFR reports completed since 2018, two discussed matters related to contracting, including at least one instance where contracting lessons learned were collected, analyzed, and shared. Though BLM officials stated that findings, recommendations, and best practices associated with these reviews are generally implemented at the local level, items could be raised to agency and interagency management. For example, one IFR from August 2020 identified a best management practice concerning virtually engaging with national-level procurement support when incident-specific staff were unavailable. In this

⁴⁴GAO, *Wildland Fire Management: Agencies Have Made Several Key Changes but Could Benefit from More Information about Effectiveness*, [GAO-15-772](#) (Washington, D.C.: Sept. 16, 2015).

⁴⁵At the Bureau of Land Management, any fire that burns more than 50,000 acres of sagebrush rangelands will be evaluated by the Fire and Aviation Directorate to determine if an Individual Fire Review is warranted.

particular instance, nationwide wildfire activity was significant enough that procurement support resources were not available for the particular incident requiring support. However, through a “virtual ad-hoc buying team,” BLM was able to receive purchasing and logistical support for the incident. According to BLM officials, an April 2021 memorandum summarizing the best practice was distributed to senior BLM management and other agencies via an interagency wildfire management board. BLM contracting and procurement officials worked through internal community of practices organizations to ensure that virtual buying teams are a normal part of operating procedures and that their use is encouraged given the increasing number of fires.

The bureau has a body to promote and coordinate efficient business activities, which analyzes the findings of SWFR and IFR reports and holds monthly and annual meetings with national and state-based business specialists. Following previous efforts to oversee wildfire business practices, BLM established the Fire Business Management Group in 2016 as a means to, among other things, develop and recommend uniform implementation of fire business standards, recommend solutions to address fire business issues, and suggest changes to BLM’s *Standards for Fire Business Management*. According to the Fire Business Management Group charter and BLM officials, the group reports its findings verbally to the Fire Leadership Team within BLM annually, but the Fire Business Management Group may submit written reports when action is needed.

A senior Fire Business Management Group official we spoke with noted that contracting issues are rarely discussed by the group and that monthly discussions items vary based on the concerns brought by the members. However, we found evidence of discussions of procurement issues, such as use of blanket purchase agreements and purchase cards, in the meetings from the Fire Business Management Group pre- and post-wildfire season meetings. Further, Fire Business Management Group officials noted that the group raised important procurement issues to their leadership in February 2021 via a white paper. This document outlined several procurement challenges faced during wildfire operations to include limited availability of contracting officers and other procurement support resources during response to fire incidents. They proposed six actions to the leadership to help improve procurement circumstances, including support for virtual buying teams and designating contracting officials and other purchasers for each state to aid in response. According to officials, when the Fire Leadership Team decides action is necessary to address raised issues, action items are documented and tracked

through a list that is reviewed monthly by the team’s co-chairs who contact tasked individuals for updates periodically.

During our review, BLM acknowledged that the tracking of recommendations and lessons learned for the SWFRs and the IFRs was a weakness as there was no centralized process in place to formally manage associated corrective action plans, but BLM has since taken steps to address this. BLM officials stated that there was a lack of uniformity in how BLM offices track and document corrective actions taken because a comprehensive policy for the bureau does not exist. Further, BLM officials noted that inconsistency presents challenges when cross-referencing recommendations and sharing best practices. In January 2023, BLM issued an instruction memorandum that establishes a policy and process for sharing and tracking findings, recommendations, and corrective action plans related to SWFRs, IFRs, and other reviews on a shared website.

Forest Service Does Not Always Track Action Items When Addressing Contracting Lessons Learned

The Forest Service conducted reviews and established a board to discuss acquisition issues that may result in lessons learned, but it has not implemented a means to track action items found through large fire reviews. Forest Service guidance, as referenced in the *Interagency Standards for Fire and Fire Aviation Operations*, states that formal evaluation of fire operations shall occur at the regional and national level. Guidance also states that informal evaluations of a subset of fire incidents representing a cross section of associated cost, size, and oversight complexity may be conducted. According to operations and procurement officials, data on contracting may be collected formally and informally through pre- and post-season reviews that may result in lessons learned and best practices.

- Forest Service acquisition officials noted that they use after-action reports at multiple levels to identify challenges and opportunities for improvement across the agency. For example, the agency conducts pre- and post-season reports with buying teams annually to obtain feedback on contract terms and conditions for incident-specific purchases and discusses similar matters with officials from other Forest Service offices. These reviews also inform interagency policy and findings are communicated to the National Wildfire Coordinating Group.
- The Forest Service also established its Incident Acquisition Management Board to coordinate the management and tracking of business requirements, system changes, and policy recommendations related to incident acquisition products and

practices. It primarily focuses on time-of-need contracting achieved through incident blanket purchase agreements, interagency and cooperative agreements, and efforts to help ensure continuity across the agency in incident procurement issues. The board is comprised of headquarters and field staff representatives and chaired by individuals from the Equipment and Services Branch for each of these focus areas.

Among the actions taken by the board is to evaluate “change requests” from the Forest Service and interagency personnel with a vested interest in these matters. During monthly meetings, change requests are discussed and voted upon, action items are identified, and progress is tracked through updates on implementation. For example, at an April 2022 Incident Acquisition Management Board meeting, three change requests were discussed; two requests were for establishing templates to facilitate procurement of ambulance and emergency medical services during fire incidents and another sought to improve and standardize the way vendors record their availability for contracted work in procurements systems. The board also holds biannual meetings with other staff involved with contracting and blanket purchase agreement administration to discuss incident procurement matters and to communicate process changes.

Additionally, in 2018, Congress required that the agency submit an annual report that includes a review of a sample of large fires, referred to as continuous improvement assessments within the Forest Service, when a new budget authority for wildfire suppression is used.⁴⁶ The Fire and Aviation Management office is responsible for completing these assessments. According to officials, one report, based on the 2021 wildfire response, has been developed by the agency thus far and was submitted to Congress in spring of 2022.

The 2021 large fire report submitted to certain congressional committees identified, among other things, contracting challenges that affected wildfire response in 2021. The report found that, as overall incident costs increased during the 2021 fire season, contracting costs represented an increasing share. This was attributed, at least in part, to resource

⁴⁶Consolidated Appropriations Act, 2018, 132 Stat. 1061, Pub. L. No. 115-41, §104. The act requires the Secretary of the Interior or the Secretary of Agriculture, in consultation with the Director of the Office of Management and Budget, to prepare an annual report to certain congressional committees that, among other things, documents obligations and outlays of the additional new budget authority for wildfire suppression operations and analyze a statistically significant sample of large fires.

constraints placed on the wildfire response system by high levels of wildfire activity. Resources that would normally be shared across regions over the course of a season were needed simultaneously, which resulted in many more contract resources being used. The agency found that teams managing wildfire incident response struggled with contracting processes and order fulfillment when forced to procure from outside of pre-negotiated agreements, which led to mission delays.

The 2021 large fire report also included action items to respond to the identified contracting challenges. For example, the agency noted that increasing the type, kind, and number of resources available under pre-negotiated blanket purchase agreements could potentially alleviate the identified contracting and ordering challenges. More broadly, the agency found that it may need more agency resources and more timely and efficient prioritization and allocation of resources across incidents. Among the action items included in the report was to better leverage strategic sourcing and other tools to better manage contract spending.⁴⁷

However, the Forest Service has not yet developed a mechanism for implementing, tracking, and archiving these action items. Officials told us that they had not done so because the first report was only provided to congressional committees recently, but work is underway to do so. Leading practices for lessons learned state that an effective process should include a means to implement and observe changes as a result of analysis and recommendations. Leading practices for lessons learned also state that having a means to archive lessons learned for research and other purposes is also important for future assessments of mission outcomes.⁴⁸ Without a mechanism in place to archive lessons learned for future research and to track implementation, the Forest Service may be less likely to leverage knowledge in the future or take all actions

⁴⁷Strategic sourcing is a process that moves an organization away from numerous individual procurements to a broader aggregate approach, which better leverages buying power and may result in cost savings.

⁴⁸[GAO-21-528](#), [GAO-21-8](#), [GAO-20-104](#), [GAO-19-25](#), and [GAO-12-901](#). [GAO-19-25](#) identified some lessons learned practices from the Department of the Army, Combined Arms Center, Center for Army Lessons Learned, as well as other organizations. The Army's handbook on establishing a lessons learned program is intended to assist any government or civilian organization that wants to develop a lessons learned capability. Department of Defense, Center for Army Lessons Learned, *Establishing a Lessons Learned Program: Observations, Insights, and Lessons* (Fort Leavenworth, KS: June 2011).

necessary to fully implement recommendations stemming from lessons learned analysis that may improve contracting processes or outcomes.

Interagency Forums Exist for Some Agencies to Share Wildfire Contracting Lessons Learned

BLM and the Forest Service, among other agencies, share contracting lessons learned through the National Wildfire Coordinating Group, which is hosted by the National Interagency Fire Center. The group has 17 committees covering topics such as data management, fuels management, and planning. Contracting for wildfire response and recovery, among other topics, is discussed by the Incident Business Committee. Acquisition and contracting is only one of the several business areas on which this committee focuses. Its primary objective is to establish and disseminate interagency guidance for business matters that arise during wildfire response to include human resource management, acquisition of equipment and supplies, financial coordination, and resources sharing among federal, state, and local agencies.

As part of these responsibilities, the Incident Business Committee is charged with updating interagency buying team guides and incident business standards that govern how contracting, among other disciplines, is performed in response to wildfire events. The Interagency Business Committee leverages findings raised by regional business committees staffed by finance, business, and contracting personnel associated with the National Interagency Fire Center's 10 geographic area coordination centers. This committee is currently chaired by an official from BLM with membership from across all DOI wildfire agencies, the Forest Service, and representatives from the National Association of State Foresters.

The Forest Service also leads regular procurement-focused assessments of current interagency buying policies governed by the Incident Business Committee to identify lessons learned, best practices, or other needed changes based on the experience of buying team leads from across wildfire agencies. According to Forest Service officials, the buying team leads from around the country are in regular communication with the Forest Service office, which leads these efforts throughout the wildfire season informally and through after-action reports. Additionally, the Forest Service leads pre- and post-season discussion with buying team leads that may identify challenges or best practices, define action items, and implement solutions for business challenges, which may include contracting matters. If changes to policy are deemed necessary during these assessments, Forest Service personnel present needed changes to the Incident Business Committee during a meeting. Recent actions determined via these procurement-focused discussions include updating

the interagency buying guidance to incorporate electronic file requirements and developing an additional tool to assist buying team members with execution of emergency rental agreements.

The Forest Service official who facilitates discussion with buying team leaders is responsible for tracking and managing action items that come from buying team lead meetings and, generally, action items are to be implemented ahead of the following fire season. The Incident Business Committee will also assist the coordinator with prioritizing and establishing timelines if needed, and actions are tracked through the minutes kept for its meetings. For long duration projects that come as result of buying team analysis, the coordinator manages tasks and reports to the committee.

Conclusions

Contracts are important tools for agencies as they can help agencies expeditiously obtain needed goods and services to respond to and recover from wildfires. National Interest Action codes can be used to identify contracts and associated obligations related to natural disasters, including wildfires—information that can provide important insights to agencies, Congress, and others for future planning and oversight. However, DHS used an additional criterion not included in the National Interest Action code memorandum of agreement when deciding whether to establish a code, and some criteria included in the agreement used by DHS and DOD are ill-defined. A lack of adherence to clearly defined criteria may create confusion and missed opportunities for establishing these codes. This may, in turn, limit insights for Congress and the public into how agencies are using contracts for major wildfires and other significant disasters.

Furthermore, identifying contracting approaches that can expedite delivery of goods and services for emergencies, such as wildfires, is vital. Use of ordering officials is one mechanism agencies can employ in these circumstances. However, agencies need to ensure their policies and guidance are updated to ensure their consistency. As long as BLM's acquisition manual does not reflect its 2018 and 2022 policy changes on the use of ordering officials, BLM contracting staff and ordering officials are at risk of following outdated policies, especially when the need for action is quick. Additionally, the Forest Service has taken necessary actions to improve its own ordering official policy. However, in the absence of routinely performing technical supervision and completing annual reviews of its ordering official activities—key elements of the policy—there is increased risk that the Forest Service is not aware of

instances in which ordering officials take actions outside of their delegated authority.

Finally, capturing and sharing lessons learned is an important part of improving future response efforts. Although our review found that agencies with wildfire responsibilities regularly coordinate information and evaluate operations, the Forest Service did not always employ a mechanism to formally document or implement, archive, and track progress on lessons learned. Without doing so, the Forest Service may miss opportunities to apply these lessons to future response efforts.

Recommendations for Executive Action

We are making a total of six recommendations, including two to DHS, one to DOD, one to DOI, and two to USDA. Specifically:

The Secretary of Homeland Security should takes steps to resolve the discrepancy between its practice of requiring two agencies that have exercised, or intend to exercise, their emergency acquisition flexibilities to request a National Interest Action code and its criterion as written in the associated memorandum of agreement, which does not specify that two agencies need to request a code. (Recommendation 1)

The Secretary of Homeland Security, in coordination with the Secretary of Defense, should revise the National Interest Action code memorandum of agreement to clarify the process and criteria for requesting a National Interest Action code. (Recommendation 2)

The Secretary of Defense, in coordination with the Secretary of Homeland Security, should revise the National Interest Action code memorandum of agreement to clarify the process and criteria for requesting a National Interest Action code. (Recommendation 3)

The Secretary of the Interior should ensure the Director of the Bureau of Land Management revises the bureau's acquisition manual in a timely manner to reflect 2018 and 2022 changes to its policies regarding use of ordering officials. (Recommendation 4)

The Secretary of Agriculture should ensure that the Forest Service conducts technical supervision and annual reviews of orders placed by ordering officials as outlined in policy. (Recommendation 5)

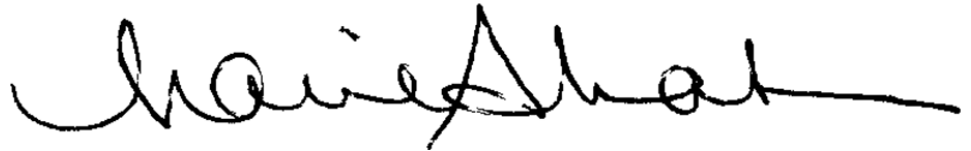
The Secretary of Agriculture should ensure the Forest Service develops a mechanism to implement, track, and archive the lessons learned developed through its large fire reviews. (Recommendation 6)

Agency Comments

We provided a draft of this report to DHS, DOI, USDA, DOD, and the General Services Administration for review and comment. DHS, DOI, USDA, and DOD provided written comments, which are reproduced in appendices III, IV, V, and VI. Collectively, the agencies concurred with our six recommendations, and generally identified steps they plan to take to address the recommendations. In an email, the General Services Administration responded that it would not be providing comments or a formal response. DHS and USDA provided technical comments, which we incorporated as appropriate.

We are sending copies of this report to the appropriate congressional committees and the Secretaries of Homeland Security, Interior, Agriculture, Defense, and the Administrator of the General Services Administration. In addition, the report will be made available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (202) 512-4841. Contact points for our offices of Congressional Relations and Public Affairs may be found on the last page of this report. Staff members making key contributions to this report are listed in appendix VII.



Marie A. Mak
Director, Contracting and National Security Acquisitions

List of Addressees

The Honorable Martin Heinrich
Chair
The Honorable John Hoeven
Ranking Member
Subcommittee on Agriculture, Rural Development, Food and Drug
Administration, and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Chris Murphy
Chair
The Honorable Katie Britt
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate

The Honorable Jeff Merkley
Chair
The Honorable Lisa Murkowski
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States Senate

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
House of Representatives

The Honorable Andy Harris
Chair
The Honorable Sanford Bishop, Jr.
Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
Committee on Appropriations
House of Representatives

The Honorable David Joyce
Chair
The Honorable Henry Cuellar
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
House of Representatives

The Honorable Mike Simpson
Chair
The Honorable Chellie Pingree
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
House of Representatives

The Honorable Andy Biggs
House of Representatives

The Honorable Paul A. Gosar, D.D.S.
House of Representatives

The Honorable Dan Newhouse
House of Representatives

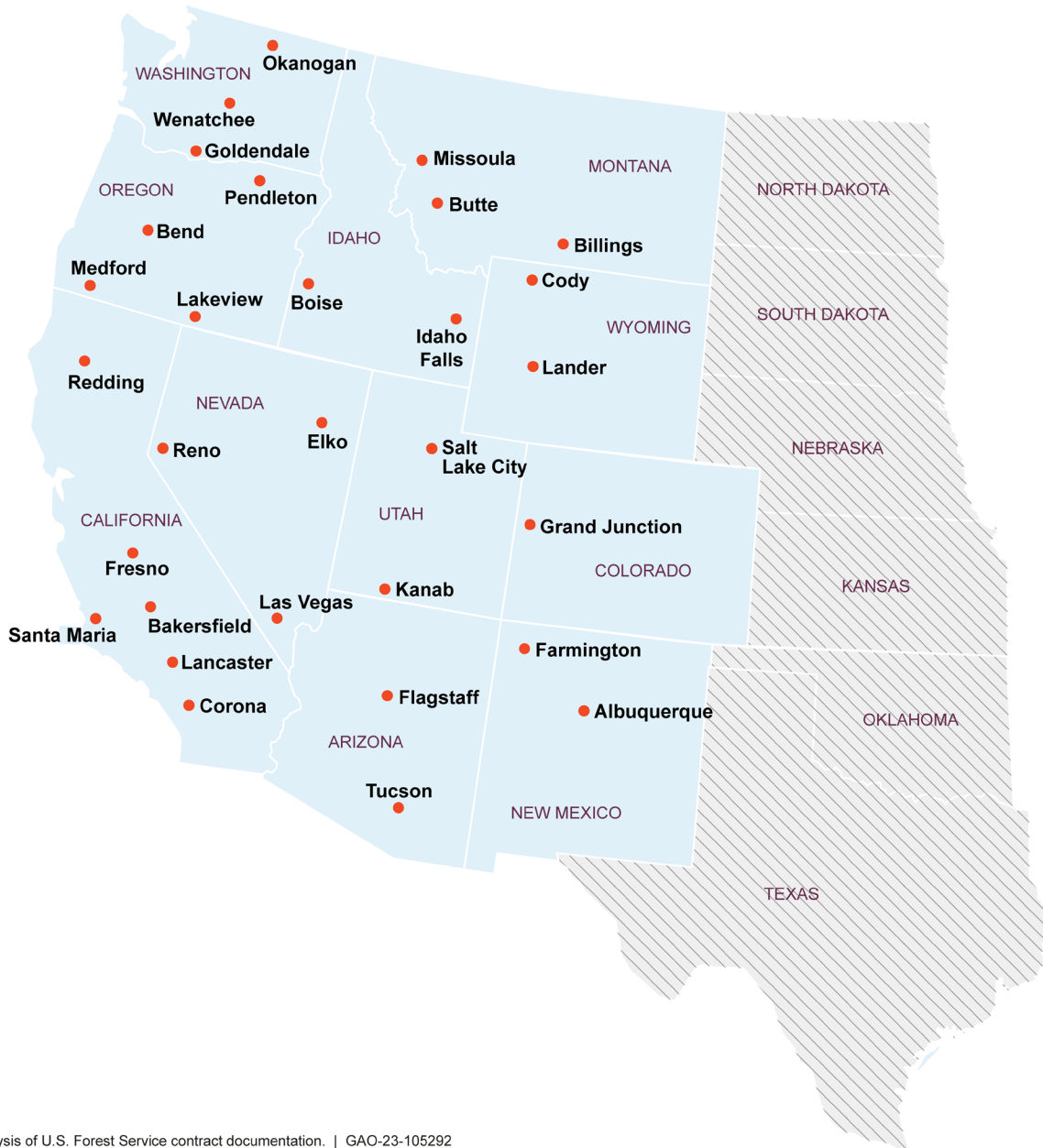
Appendix I: Forest Service Contracts for Mobile Food Services

In 2020, the Forest Service awarded indefinite-delivery indefinite-quantity (IDIQ) small business set-aside contracts to 17 contractors across 30 dispatch points to provide mobile food meal services.¹ The National Mobile Food Services contracts are used any time certain criteria are met when mobile food services are needed for federal wildland fire incidents in the western United States.² The contracts include equipment, labor, supplies, and transportation necessary to provide meals at field locations during wildland fire incidents. The IDIQ contracts included fixed-price line items for meal services. The contracts included a base period of performance plus four additional one-year option periods. The Forest Service previously awarded 18 contracts to provide similar services from 2015 through 2019. Figure 9 provides a map of the current designated dispatch points, which are the locations where contractor assets must be physically located and dispatched from during contractually defined periods of the year.

¹Designated dispatch points are the addresses where a contractor's mobile food service unit must be physically located, and dispatched from, during the mandatory availability period, or the contractually required availability period of the year, such as April through August.

²Federal wildland fire agencies are obligated to order services from the contracts any time (1) the number of people to be fed is at or above 150 persons per meal, and (2) the headcount is estimated to remain at those numbers, or greater, for at least 72 hours from when the headcount first reaches 150 persons per meal, provided the contractors can reasonably meet the incident's time frames.

Figure 9: Map of Dispatch Points under the Forest Service’s 2020 National Mobile Food Services Contracts



Source: GAO analysis of U.S. Forest Service contract documentation. | GAO-23-105292

The Forest Service employed a generally similar approach for ordering mobile food services under the current (2020) and prior (2015) iterations of the contracts. Under both sets of contracts, ordering officials from the National Interagency Coordination Center determine what mobile food

service contractors are available and place an order to one of those units.³ Additionally, under both sets of contracts, the government established mandatory availability periods, which are periods of time in which the mobile food units and contractor's personnel must be physically located at their dispatch point and available for dispatch should a requirement arise. The government guarantees a minimum payment to each mobile food unit that remains available during the contractually mandated period, even if the unit is not dispatched in response to a single incident. Further, when ordering under both the current and prior iterations of the contracts, ordering officials determine a unit's distance from an incident using a mobile food unit's designated dispatch point to determine which contractors are closest to respond during contractually defined periods of the year.

While there were many similarities between the previous and current contracts, the Forest Service also introduced a change to its evaluation for issuing orders under the 2020 IDIQ contract. Under the 2015 IDIQ contracts that expired in 2019, the agency ordered services based solely on a contractor's proximity to an incident, without evaluating other factors. In comparison, under the 2020 contracts, the Forest Service changed its evaluation for issuing orders to introduce a lowest evaluated price formula, based on the closest three sources to the incident. Specifically, for orders under the 2020 contracts, the Forest Service considers lowest evaluated price, in addition to distance from an incident, as factors for awarding orders. As a result, under this new approach, a mobile food unit further from an incident may be awarded an order—depending on the combined price and distance—due to its lower evaluated price when compared with other units that are physically closer to an incident.⁴

The Forest Service tracked the results of the new ordering approach and determined that the approach resulted in cost savings to the government. Specifically, the Forest Service analysis shows the approach saved the government approximately \$970,000 in 2020 and approximately \$800,000

³The National Interagency Coordination Center is the focal point for coordinating the mobilization of resources for wildland fire and other incidents throughout the United States.

⁴All contractors are maintained in a computerized dispatch system and orders are placed based on a priority grouping system using a pre-established formula. For example, if three vendors are (1) available, (2) within their contract's mandatory availability period, and (3) physically located at their designated dispatch point, then the government will run a pre-established formula to determine which of those three vendors closest to the incident offers the lowest price.

in 2021. The Forest Service arrived at this conclusion by tracking each order awarded to the unit with the lowest evaluated price, based on price and distance to the incident, rather than to the closest unit to the incident. To determine estimated savings, the government subtracted the difference between the best value lowest priced unit and the price proposed by vendor with the closest unit to the incident using a standardized incident duration of 10 days. According to Forest Service data, the government issued 110 orders for incidents under the contracts in 2020 and 115 in 2021. In total, data from the Federal Procurement Data System (FPDS) shows that the government obligated approximately \$101 million for these services under the current (2020) contracts in 2020 and \$112 million in 2021.

The Forest Service identified two cases where ordering errors were made under the current iteration of the National Mobile Food Services contracts and both situations were resolved through requests for equitable adjustment. A Forest Service contracting official attributed the first to human error when an ordering official failed to notify a contractor of a requirement where, based on proximity to the fire, it should have been considered for award. An official determined after inquiry by the vendor that the contractor would have been the lowest priced option among those considered and likely would have been selected to respond to the incident. The Forest Service resolved this error through an equitable adjustment for the contractor's lost profit. A Forest Service contracting official attributed the second situation to an incorrect location for a mobile food unit's designated dispatch point. In this situation, one of the mobile food units selected for an order was determined to be six miles outside of the required 75-mile radius of a designated dispatch point after the award was made. The Forest Service settled, through another equitable adjustment, with the contract holder who was next in line for award.

Active Wildfire Season Contributed to Need for Contractors to Travel Further

Even with the contracts in place, the Forest Service does not always have mobile food service units available to support fires as they occur. In 2021, wildfire conditions required nearly all the mobile food service contractors to be deployed simultaneously to different incidents, which a contracting officer told us contributed to contractors travelling far distances in response to incidents. For example, Forest Service data shows that nearly every mobile food service unit under contract was either assigned to an incident or unavailable for the entire months of August 2021 and

September 2021.⁵ In response to two August 2021 wildfire incidents, Forest Service data show that the selected mobile food units had to travel over 900 miles. However, the units selected to respond to those incidents were the closest units to the incidents and were not selected as a result of a lower price compared to other units. Figure 10 shows the availability of National Mobile Food Service mobile food units in August 2021 and September 2021.

Figure 10: Number of Forest Service National Food Service Mobile Food Unit Contractors Available in August 2021 and September 2021



Source: GAO analysis of Forest Service data. | GAO-23-105292

In April 2022, the Forest Service released a solicitation for a new blanket purchase agreement to supplement the current mobile food service contractors through “call when needed” contractors to mitigate the lack of mobile food unit availability. According to the solicitation, the Forest

⁵Unit unavailability during August 2021 and September 2021 was primarily caused by units responding to incidents. For example, on August 22, 2021, 26 of the 27 units within their availability period were committed to an incident. Forest Service contracting officials told us that common reasons for unavailability during a mobile food unit’s mandatory availability period may involve equipment repairs or a lack of personnel. The contractor is required to notify the National Interagency Coordination Center and the contracting officer of any unavailable status.

Service will only contract with these units after all nationally contracted mobile food units have been ordered or determined unavailable. According to a Forest Service contracting official, the government awarded 15 blanket purchase agreements in response to the solicitation. This approach provides for additional resources but does not guarantee placement of any orders pursuant to the blanket purchase agreement. Unlike the Forest Service's National Mobile Food Services contracts, the blanket purchase agreements are not set-aside for small businesses.

Appendix II: Objectives, Scope, and Methodology

The Additional Supplemental Appropriations for Disaster Relief Act, 2019 included provisions for us to review issues related to presidentially declared major disasters that occurred in 2018, including wildfires.¹ Specific to contracting for wildfire response and recovery, this report examines (1) total obligations and other characteristics of contracts from fiscal years 2018 through 2021; (2) selected agencies' contracting approaches to address wildfire needs; and (3) the extent to which selected agencies collected, shared, and applied contracting lessons learned.

In addition to these objectives, we received a request to examine the Forest Service's acquisition strategy and use of certain food service contracts for wildfire response and recovery. We found that inclusion of selected food service contracts among others for closer examination was consistent with our methodology. Our engagement focuses on contracting activities at three agencies with wildfire response and recovery responsibilities—U.S. Department of Agriculture's (USDA) Forest Service, Department of the Interior's (DOI) Bureau of Land Management (BLM), and the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

To identify contract obligations amounts and characteristics of contracts used by these three agencies to support response and recovery efforts during the 2018-2021 wildfire seasons, we reviewed agency contract data that agency officials determined were related to wildfire incidents during those years. Our analysis was limited to contracts identified by the agencies because there is no data field in the Federal Procurement Data System (FPDS) that can be used to associate contract actions with all wildfires for which the three agencies responded during our target period. Data provided by the Forest Service came in multiple formats. We worked with agency officials to determine what fields among the worksheets provided were analogous to those in data sets provided by the Department of the Interior and FEMA, such as contract and fire incident identifiers as well as obligation amount, to allow for analysis across agencies. Once we compiled data from each of the agencies, we used common contract identifiers to link these records to FPDS data on contract type, competition, awards to small business, types of services and products procured, and other contract characteristics for further analysis of agencies' contracting practices. Some Forest Service records could not be traced to specific FPDS records; these cases resulted in

¹Pub. L. No. 116-20, 133 Stat. 871, 892-893.

uncertainty regarding contract types and competition information. These contract obligations were included in our analyses labeled as “Unknown”.

Late in the review, the Forest Service provided additional summary contract obligation figures for wildfire suppression activities for fiscal years 2019-2021 that indicated a greater amount of contract obligations for its suppression mission during the 2018-2021 period than those reflected in our analysis. Specifically, the agency reported that it obligated between \$702 million and \$1.2 billion on contracts annually. Due to limitations in the way the Forest Service captured contract obligations during these years, the Forest Service was not able to determine the extent to which the additional obligations they reported may be associated with particular fire incidents. Forest Service officials stated that wildfire suppression contracting figures included in other reports they issued may have included contract obligations for goods and services used to support general preparation for the wildfire mission and that some duplication of contract obligations could have occurred in 2020 as contracting processes began to change at the Forest Service. Our analysis of Forest Service-provided contracting data, however, included steps to remove records from its analysis that could not be clearly linked to a specific wildfire incident or that were duplicated among the several data sets provided by the agency.

To determine the number of wildfire incidents for the 2018-2021 wildfire seasons, we used data provided by the Department of the Interior that comprised the total list of fire codes tracked by the Department of the Interior-United States Department of Agriculture FireCode System for fiscal years 2018 through 2021. The Department of the Interior and the Forest Service use the system to track and compile cost information for fires and embed codes into the accounting and business data they provided to establish our universe of contracts. We compared the master lists of incident codes and incident locations provided by DOI with the contracting data provided by the Forest Service and DOI to determine the number and location of incidents that required use of contracts.

To assess the reliability of the data, we reviewed agency documentation, interviewed agency officials, conducted electronic data testing to look for obvious errors or outliers, and compared documentation from contracts and orders we selected for review to FPDS data. Because we could not link every contract from agency-provided data to that found in FPDS, we used contract obligation figures provided from agency data sets to ensure our report did not understate contract obligations. Based on the steps we

took, we determined that the contract data from the three agencies and FPDS were sufficiently reliable for the purposes of our report.

To report on the number of National Interest Action codes established in FPDS to track government-wide contract actions awarded in response to major wildfire disasters and the process in place to establish these codes, we analyzed data from FPDS to identify prior wildfire events where the government established a code from 2005 through August 2022. We also reviewed the 2021 memorandum of agreement established by the Department of Defense (DOD), Department of Homeland Security (DHS), and the General Services Administration to identify the criteria for establishing a National Interest Action code. We interviewed officials from DHS, DOD, and the General Services Administration responsible for approving and issuing National Interest Action codes, and contacted agencies that had requested a National Interest Action code for the 2021 California wildfires. We also collected and reviewed training materials used by DHS to communicate the process for establishing, extending, and closing National Interest Action codes to the federal contracting community. Based on information gathered through interviews, guidance, and training materials, we assessed the extent to which communication of National Interest Action code issuance processes align with internal control standards for federal agencies.

To determine how selected agencies approach contracting for wildfire response and recovery we judgmentally selected a non-generalizable group of 14 contracts and 18 associated task or delivery orders from thousands of contract actions included in the data provided by the three agencies we reviewed. We initially identified the contracts from each agency with the most obligations reported in agency-provided data. We selected between three and nine contracts with large obligations and, as applicable, associated delivery and task orders from each for examination. To the extent data allowed, we selected orders and contracts to cover all fiscal years included in our scope, a variety of services and goods, and multiple wildfire incidents. We selected one FEMA-awarded purchase order and a Forest Service-established basic ordering agreement to provide variation within our group of selected contracts that were predominantly indefinite-delivery vehicles. Our case study group also included DOI orders placed against two Forest Service-awarded indefinite-quantity contracts for fire retardant. We selected six orders awarded against these contracts for our review—four awarded by DOI and two awarded by the Forest Service. Finally, among the nine Forest Service contracts selected for review, we included four national

contracts for mobile food services. See table 3 for information on the contracts and orders selected for review by agency.

Table 3: Number of Wildfire-related Contracts Vehicles Reviewed by Selected Agencies

| Department/ agency | Total number of contract vehicles reviewed | Total number of orders awarded under indefinite-delivery contracts reviewed | Total contract actions reviewed |
|---|--|---|---------------------------------|
| Department of Agriculture - Forest Service | 9 | 6 | 15 |
| Department of the Interior Bureau of Land Management | 1 | 6 ^a | 7 |
| Department of Homeland Security - Federal Emergency Management Agency | 4 | 6 | 10 |
| Totals | 14 | 18 | 32 |

Source: GAO analysis of agency contract documentation. | GAO-23-105292

Note: Indefinite-delivery contracts are awarded to one or more contractors to acquire products or services when the government does not know at the time of award the exact times or exact quantities of future deliveries. The government then places orders through the indefinite-delivery contract when it knows the timing and quantity of its needs.

^aThe Department of the Interior awarded four orders we reviewed under Forest Service contracts.

For each contract included in our sample, we reviewed available contract file documentation, focusing on acquisition plans and strategies that explained contracting officers' use of certain types of contracting vehicles and acquisition strategies to expedite the delivery of goods and services. We used this information to identify key themes across the three agencies. Additionally, we interviewed contracting and program officials regarding their rationale for using particular acquisition approaches for contract award and the successes and challenges they encountered implementing them. To assess the extent to which agency guidance clearly communicates requirements and restrictions on use of ordering officials in manner consistent with internal control standards for federal agencies and to determine the extent to which contracting officers met those requirements, we compared the content of contract file documentation to the requirements found in federal and agency contracting policy and regulations.

When our analysis found discrepancies between actions taken and policy, we interviewed contracting officers or solicited written responses to inquiries on the circumstance around these actions. Informed by the previous findings by the USDA Inspector General, we compared contract documentation provided by the Forest Service to data in FPDS to

determine the extent to which written records matched the government's system of record for contracting for agencies with wildfire response missions. We interviewed and made written inquiries with agency contracting officials when our analysis found discrepancies to determine the underlying causes. For mobile food service contracts, we also reviewed documentation summarizing how potential vendors' costs and locations are assessed by contracting officials when incidents arise. We also interviewed officials to understand why the Forest Service changed its approach to contracting for mobile food service in 2020 and what, if any, cost implications those changes may have had.

To determine the extent to which selected agencies collected, shared, and applied contracting lessons learned, we examined leading practices identified by GAO and others for collecting and disseminating lessons learned.² We reviewed interagency wildfire management guidance that describes the types of reviews that are required and optional by fire response agencies, such as the Bureau of Land Management and the Forest Service, that may garner contracting or related operational lessons learned. We analyzed supporting documentation for these reviews or interviewed cognizant agency officials to understand the frequency, scope, and contributors to these reviews. We collected reports or other deliverables from these processes and assessed the extent to which they raised contracting- or procurement-related issues, challenges or best practices. We interviewed cognizant officials from the Bureau of Land Management and the Forest Service to understand the scope of reviews and how lessons learned are shared internally and through the interagency apparatuses established for wildfire agencies. At FEMA, we reviewed lessons learned policies and reports issued by the agency's Continuous Improvement Program to understand the extent to which wildfire or disaster-related contracting issues and best practices were identified. We interviewed officials from the program to understand the extent to which contracting lessons learned have been identified in recent years and what, if any, policy changes have taken place as a result. We assessed the extent to which the agencies' practices aligned with leading

²GAO-21-528, GAO-21-8, GAO-20-104, GAO-19-25, and GAO-12-901. GAO-19-25 identified some lessons learned practices from the Department of the Army, Combined Arms Center, Center for Army Lessons Learned, as well as other organizations. Department of Defense, Center for Army Lessons Learned, *Establishing a Lessons Learned Program: Observations, Insights, and Lessons* (Fort Leavenworth, KS: June 2011).

practices for lessons learned, including practices related to collecting, analyzing, implementing, and archiving lessons learned.

We conducted this performance audit from June 2021 to April 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix III: Agency Comment Letter from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



February 27, 2023

Marie A. Mak
Director, Contracting and National Security Acquisitions
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-23-105292, "DISASTER CONTRACTING: Action Needed to Improve Agencies' Use of Contracts for Wildfire Response and Recovery"

Dear Ms. Mak:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO's positive recognition of DHS's efforts to maximize the use of preferred procurement practices during disaster contract response and recovery. For example, GAO highlighted the Federal Emergency Management Agency's (FEMA's) primary use of firm-fixed priced contracts to meet wildfire-related needs; and FEMA's use of established advanced contracts to award approximately 75% of its wildfire contract obligations.

The draft report contained six recommendations, including two for DHS, with which the Department concurs. Enclosed find our detailed response to both recommendations. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H CRUMPACKER
Digitally signed by JIM H CRUMPACKER
Date: 2023.02.27 15:35:40 -05'00'

JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendations
Contained in GAO-23-105292**

GAO recommended that the Secretary of Homeland Security:

Recommendation 1: Takes steps to resolve the discrepancy between its practice of requiring two agencies that have exercised, or intend to exercise, their emergency acquisition flexibilities to request a National Interest Action [NIA] code and its criterion as written in the associated memorandum of agreement [MOA], which does not specify that two agencies need to request a code.

Response: Concur. The requirement for two agencies to request an NIA code was communicated to all agencies in the semi-annual training sessions at both the Civilian Agency Acquisition Council and the Integrated Acquisition Environment's Change Control Board to reach the largest possible audience. Although the MOA is solely between the Department of Defense (DoD), General Services Administration (GSA), and DHS, it will be updated and signed by representatives from the DHS Office of the Chief Procurement Officer (OCPO), DoD and GSA to include the requirement that two agencies must request an NIA code. Estimated Completion Date (ECD): October 31, 2023.

Recommendation 2: In coordination with the Secretary of Defense, should revise the National Interest Action code memorandum of agreement to clarify the process and criteria for requesting a National Interest Action code.

Response: Concur. DHS, DoD, and GSA review the MOA annually to determine whether revisions are necessary. The MOA will be revised and signed by representatives from OCPO, DoD and GSA to include the requirement that two agency requests for an NIA code must be received. If the parties to the MOA determine additional revisions are necessary to clarify the process and criteria for requesting an NIA code, those revisions will be incorporated, as appropriate. ECD: October 31, 2023.

Appendix IV: Agency Comment Letter from the Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

Ms. Marie A. Mak
Director, Contracting and National Security Acquisitions
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Mak:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, *Disaster Contracting: Action Needed to Improve Agencies' Use of Contracts for Wildfire Response and Recovery* (GAO-23-105292). We appreciate GAO's review and feedback of the BLM's challenges with improving official policies regarding the use of ordering officials to mobilize goods and services quickly for wildfire response and recovery operations.

The Department concurs with the recommendation directed to the BLM. Below is a summary of actions taken or planned to implement the recommendation.

Recommendation 4: The Secretary of the Interior should ensure the Director of the Bureau of Land Management revises its acquisition manual in a timely manner to reflect 2018 and 2022 changes to its policies regarding use of ordering officials.

Response: Concur. The BLM is currently in the process of updating the BLM Manual, MS-1510 *Acquisition*. BLM has recognized that an update to the Manual which achieves best practices will require a comprehensive approach that considers and may require changes to related or controlling policies and guidance including DOI Acquisition, Assistance, and Asset Policy (DOI-AAAP-0051), as well as coordination with Forest Service and other agencies that may have authority to order from BLM IDIQ contracts. As such, BLM will work expeditiously to properly coordinate and execute an appropriate update to the BLM Manual and will endeavor to do so before the proposed Target Date.

Responsible Officials: Assistant Director, Business Management and Administration

Target Date: June 30, 2024

If you have any questions, please contact Amy Hay, Chief, Division of Business, Engineering, and Evaluations, at 303-236-6629; or Mark Herrin, Audit Liaison Officer, at 303-236-2216.

Sincerely,

LAURA
DANIEL-DAVIS
Digitally signed by LAURA
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Date: 2023.03.03
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Laura Daniel-Davis
Principal Deputy Assistant Secretary
Land and Minerals Management

Appendix V: Agency Comment Letter from the U.S. Department of Agriculture



United States
Department of
Agriculture

Forest
Service

Washington Office

1400 Independence Avenue, SW
Washington, D.C. 20250

File Code: 1420
Date: 2/23/23

Ms. Marie A. Mak
Director, Contracting and National Security Acquisitions
U.S. Government Accountability Office
441 G. Street, NW
Washington, DC 20548

Dear Ms. Mak:

The U.S. Department of Agriculture (USDA) Forest Service appreciates the opportunity to respond to the U.S. Government Accountability Office's (GAO) draft report titled, "Wildfire Contracting (GAO-23-105292)."

The Agency generally agrees with the GAO draft report and recommendations and will create a corrective action plan to address the GAO findings. The contracting policy has been updated to require technical supervision and annual reviews. Likewise, the first *Large Fire Review Report* was issued to Congress in fiscal year 2022 and we support GAO's recommendation to develop a mechanism to implement, track, and archive the lessons learned.

Thank you again for the opportunity to review the draft report. If you have any questions, please contact Robert Velasco, Chief Financial Officer, at robert.velasco@usda.gov.

Sincerely,

RANDY MOORE
Chief Forester



Caring for the Land and Serving People

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Appendix VI: Agency Comment Letter from the Department of Defense



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

Ms. Marie Mak
Director, Contracting and National Security Acquisitions
U.S. Government Accountability Office
441 G Street, NW
Washington DC 20548

Dear Ms. Mak,

This is the Department of Defense response to the Government Accountability Office (GAO) Draft Report, GAO-23-105292, "DISASTER CONTRACTING: Action Needed to Improve Agencies' Use of Contracts for Wildfire Response and Recovery" dated January 31, 2023 (GAO Code 105292). The Department's response to Recommendation 3 is enclosed.

Sincerely,

TENAGLIA Digitally signed by
TENAGLIA,JOHN.
.JOHN.M.1 M.1154945926
154945926 Date: 2023.03.09
09:26:10 -05'00'

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting

Enclosure:
As stated

Enclosure

**GAO DRAFT REPORT JANUARY 31, 2023
GAO-23-105292 (GAO CODE 105292)**

**“DISASTER CONTRACTING: ACTION NEEDED TO IMPROVE AGENCIES’ USE OF
CONTRACTS FOR WILDFIRE RESPONSE AND RECOVERY”**

**DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATION**

RECOMMENDATION 3: The GAO recommends the Secretary of Defense, in coordination with the Secretary of Homeland Security, should revise the National Interest Action code memorandum of agreement (MOA) to clarify the process and criteria for requesting a National Interest Action code.

DoD RESPONSE: Concur. The Department of Defense, in collaboration with the Department of Homeland Security and the U. S. General Services Administration, reviews the MOA annually to determine if revisions are necessary. In this year’s review, the MOA will be updated to clarify the process and criteria for requesting a National Interest Action code.

Appendix VII: GAO Contact and Staff Acknowledgments

Contact

Marie A. Mak, 202-512-4841 or makm@gao.gov.

Staff Acknowledgments

In addition to the contact named above, Janet McKelvey (Assistant Director); Tom Twambly (Analyst in Charge), Cassandra Ardern, Jeffrey Carr, Erin Carr, Lorraine Ettaro, Lori Fields, Michael Gaffney, Stephanie Gustafson, Gabe Nelson, Sylvia Schatz, Rachel Steiner-Dillon, Erin Stockdale, and Alyssa Weir made key contributions to this report.

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