



Washington State Department of Enterprise Services

POLICY # DES-130-00	EMERGENCY PROCUREMENTS/PURCHASES (RCW 39.26.130)
Purpose:	<p>This policy provides the following information:</p> <ol style="list-style-type: none"> 1) Emergency procurement criteria and qualifications. 2) Emergency procurement reporting requirements and timelines. 3) Emergency procurement reporting exemptions.
Enabling Legislation: RCW 39.26.130	<p>Beginning January 1, 2013 and unless otherwise exempt, the agency head must submit written notification of an emergency procurement within three business days to the Department of Enterprise Services (DES) director. To qualify as an emergency procurement, the event must represent a set of unforeseen circumstances beyond the control of the agency that either:</p> <ol style="list-style-type: none"> (a) Presents a real, immediate, and extreme threat to the proper performance of essential functions; or (b) May reasonably be expected to result in material loss or damage to property, bodily injury, or loss of life, if immediate action is not taken.
Emergency Procurement Reporting Requirements:	<p>Effective January 1, 2013, all emergency procurements must be reported using the DES Sole Source Contract Database (SSCD) within <u>3 business days</u> of initiating the emergency procurement. The SSCD will prompt the agency to provide the following information:</p> <ol style="list-style-type: none"> 1) An overview of the nature of the emergency including relevant circumstances. 2) A description of the threat to the health or safety of individuals, property, or essential state functions if immediate action is not taken to include an estimate of the potential material loss or damage. 3) An account of how the contractor alleviated or eliminated the emergency to include a description of what the consequences would have been if the emergency action had not been taken and the risks associated with inaction. 4) A summary of the contractor’s qualifications, experience and background to provide the emergency service and the basis on which this contractor was selected over other qualified firms. 5) Specify the costs, fees, or rates for the purchase. 6) An uploaded copy of an Emergency Memo that has been signed by the agency head.

Additional Requirements	<ol style="list-style-type: none"> 1) Agencies are always expected to utilize existing qualified master contracts except when the contract cannot justifiably satisfy agency needs. The agency needs includes the ability to provide a timely response to an emergency. 2) The duration of the emergency contract must not extend beyond the time needed to resolve the immediate threat. 3) Emergency procurements are only to be conducted for legitimate and qualified emergencies. Emergency procurements are not a substitute to avoid competition or mitigate for the time needed to competitively procure the goods or services.
Transparency Requirements:	<p>RCW 39.26.130(2) requires that within 3 business days of commencing work or executing the emergency contract, whichever comes first, a state agency must make the emergency contract available for public inspection. The state agency may either post the emergency contract on the agency website or post summary information that includes directions for obtaining a copy of the emergency contract.</p> <p>DES will be working on developing a state emergency contracts web page where all agencies will be able to post emergency contract information. This will take the place of agencies posting the information on their separate websites.</p>
Compliance:	<p>Emergency procurements are not approved by DES. However, DES will review agency records for compliance with emergency procurements requirements as part of the agency’s risk assessment. Compliance may influence an agency's delegated authority.</p>
Exemptions:	<p>Agencies are not required to report to DES an emergency procurement that qualifies as a “Direct Buy” procurement. See POLICY # DES-125-03.</p>
Definitions:	<p>“<u>Qualified master contracts</u>” means:</p> <ol style="list-style-type: none"> 1) DES Master Contracts. 2) Cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements. DES will maintain a list of cooperative contracts that meet state requirements.
Best Practice:	<p>Agencies are also encouraged to keep a detailed emergency contract file that may include pictures, video, receipts and other related information that may be useful in securing emergency financial aid, filing insurance claims or complying with Federal Emergency Management Agency requirements.</p>