State of Louisiana

Executive Department
EXECUTIVE ORDER NUMBER JBE 2016-55

EMERGENCY PROCEDURES FOR CONDUCTING STATE BUSINESS

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a state of emergency in Proclamation No. 111 JBE 2016;

WHEREAS, due to near unprecedented rainfall, portions of southeastern Louisiana are currently experiencing a flood of historical proportions, with thousands of homes flooded and thousands of peoples being rescued from flooded homes that can only be reached by boat or high water trucks;

WHEREAS, the flooding poses a threat to citizens and communities across southeastern Louisiana and has created conditions which place lives and property in a state in jeopardy; and

WHEREAS, Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: For procurement and contracting, strict compliance with La. R.S. 39:1551 *et seq.* and La. R.S. 39:1751-1755, shall not be required. However, all state agencies

should comply with the following conditions:

A. An appointed official within the agency, or the equivalent for elected officials in higher education, must determine that the failure to strictly comply with the statutory restriction is necessary due to the emergency;

B. A centralized point of contact for each agency must monitor all transactions conducted without strict statutory compliance, maintaining copies of all documentation. Documentation should specify whether the purchase falls into the "emergency" or "permanent" category and whether the purchase relates to the flood event referenced in 111 JBE 2016 and all documentation must be maintained and available for audit and FEMA reimbursement purposes;

C. Written competitive quotes and/or offers must be obtained whenever possible and agencies must take the necessary steps to assess that fair and equitable pricing is being offered;

D. Performance-based contracting should be used where practical;

E. Statewide contracts should be used where practical;

F. To the maximum extent possible, such emergency contracts should be only for the duration of the emergency or to allow the agency time to comply with normal competitive bidding requirements if the goods or services will be required for an extended period of time;

G. Copies of contracts which would otherwise require approval by the Office of State Procurement and the supporting documentation discussed above must be provided to these agencies within 30 days or sooner, if practical. Additionally, Lagov agencies should enter small purchases into the Lagov system as soon as practical. The Office of State Procurement shall review the contracts and documentation to determine compliance with this Executive Order; and

H. Payments to contractors should be made only after verification that all goods and services meet contract requirements.

SECTION 2: The inspector general is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and, if any inappropriate transactions are noted, those situations shall be reported directly to the Governor.

SECTION 3: All cabinet members, statewide elected officials and department heads are authorized to transfer the directions, job assignments, personnel, and functions of their departments for the purpose of performing or facilitating emergency services as necessary.

SECTION 4: All available resources of state government should be utilized as reasonably necessary to cope with this emergency.

SECTION 5: This Order is effective upon signature and shall be retroactive to August 12, 2016, until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 16th day of August, 2016.

GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

SECRETARY OF STATE