

Emergency Procurements

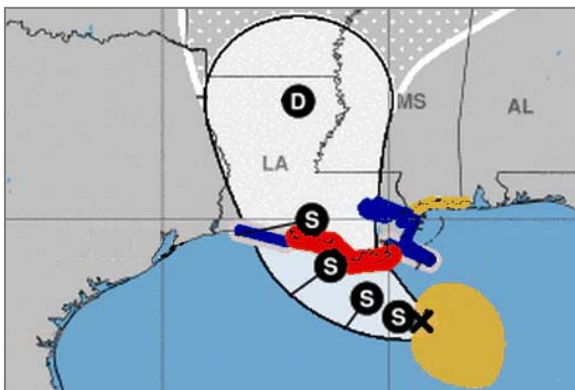
Emergency Purchase: The procurement is needed due to a condition that creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and whose unavailability would threaten the functioning of Louisiana government, the preservation or protection of property, or the health or safety of any person.

Types of Emergencies

Usual Emergencies – those emergency situations brought about during the normal course of business (e.g., HVAC repair). These purchases must comply with the laws and regulations stated in the guidelines provided herein.



Catastrophic Emergencies – those emergency situations brought about outside the normal course of business such as weather related catastrophic events where the Governor declares a State of Emergency, or is likely to declare a State of Emergency in the immediate future. (e.g., hurricanes)



Requirements for 'Usual' Emergencies

REQUIREMENT
Agency provides a letter or email to OSP, in which the head of the purchasing agency or designee includes a justification / explanation that an emergency exists. The justification / explanation may address why or how the following apply:
<ul style="list-style-type: none"> <input type="checkbox"/> (PURCHASING) Emergency conforms to definitions in RS 39:1598 and LAC 34.V.Chapter 11, and/or LAC 34.V Subchapter B <input type="checkbox"/> The situation creates an immediate need for the supplies, services, major repair, or professional service requirements <input type="checkbox"/> The dollar value of the purchase exceeds the non-competitive threshold and requires prior approval if at all practicable. <input type="checkbox"/> The purchase is within delegated authority, or prior approval obtained from OSP, or applicable explanation for not obtaining prior approval. <input type="checkbox"/> The situation has been designated as an emergency by the agency head, Chief Procurement Officer or their designee, whichever is appropriate. <input type="checkbox"/> Whether compliance with normal procurement methods might threaten the functioning of government, preservation of property, or health or safety of any person. <input type="checkbox"/> Describe the method used to obtain quotation(s). <ul style="list-style-type: none"> <input type="checkbox"/> Efforts made to obtain quotations from three or more vendors for supplies, services or major repairs (Purchasing); or, <input type="checkbox"/> Efforts are made to obtain competitive proposals by whatever means available to ensure the most advantageous contract at fair and reasonable cost (Professional Contracts). <input type="checkbox"/> The emergency procurement clearly defines the requirements (including delivery) and is limited to only those goods and services necessary to address the emergency, not long-term or routine needs. <input type="checkbox"/> Provide agency contact person and phone number. <input type="checkbox"/> Provide requisition and/or purchase order number.
Vendor provides a written, fair and reasonable, firm bid/price quotation/proposal with terms that are acceptable to the State.
OSP makes a written determination that the situation is an emergency, the procurement was necessary, and that reasonable efforts were made to comply with law and regulations, taking into consideration the following:
<ul style="list-style-type: none"> <input type="checkbox"/> Agency documentation/justification complies with the requirements of LAC 34.V.Subchapter B <input type="checkbox"/> Agency documentation/justification complies with R.S. 39:1598 and LAC 34.V.1101-1111

Requirements for 'Catastrophic' Emergencies

'Catastrophic' emergencies may be handled differently than 'Usual' emergencies only when the Governor declares a State of Emergency and issues an executive order or proclamation outlining procedures to be followed.

REQUIREMENT	RESPONSIBLE PARTY
Declare a State of Emergency and issue an executive order or proclamation outlining procedures to be followed	The Governor
Be prudent spenders of public funding	Civil Servants involved in the emergency purchase.
Document all purchases, including purchase orders, quotes, invoices, receipts, contracts, agreements, etc.	Agency and/or OSP, as applicable.

NOTE: The Emergency Declaration issued by the Governor serves as justification immediately prior to, during, and immediately after any catastrophic event AND prior to the issuance of the Governor's executive order or proclamation regarding procurements.

Procurement Support Team (PST) Approval Requirements

When is PST Review required?

PST review and approval for Information Technology (IT) emergency contracts for IT hardware, hardware maintenance, software, and software maintenance and consulting services in the amount of \$225,000 or greater will still require the review and approval of the PST.

All other consulting services anticipated to cost \$225,000 or more will also require PST review and approval when determined necessary by the director of OSP.

When does PST Meet?

If there is no time for a formal meeting, members shall communicate by phone, email, or other means available and make recommendations and comments.

Recommendations and comments shall be confirmed in writing as early as possible.

Emergency Contingency Contracts

The Office of State Procurement (OSP) has established over 100 Emergency Contingency contracts. These contracts are for goods and services that are likely to be needed in the event of a hurricane or other type of catastrophic event. These contracts are competitively bid and many have multiple awards to facilitate statewide coverage.

Emergency contingency contracts currently include but are not limited to medical supplies, generators, pumps, HVAC, heavy equipment, fuel, disaster remediation/cleanup, pandemic support, MREs, mass feeding, bagged ice, bottled water, bulk potable water, infant formula, linen, emergency transportation, medical transportation, ambulances, trucks, trailers, storage, toilets, handwashing stations, sand, barrier dams, armed guards, medical staffing, and pet transport.

Emergency Contingency contracts are to be used only when the Governor declares a state of emergency. For commodities that have multiple contracts, agencies should utilize the lowest-priced contract, unless circumstances such as availability, delivery time, etc. are critical priorities. Agencies must maintain a well-documented file for emergency purchases, especially if seeking FEMA reimbursement. Agencies should also review available Emergency Contingency contracts as part of their emergency preparedness plan.

How to Find Emergency Contingency Contracts

These contracts can be found on OSP's website in OSP's electronic catalog, eCat:
procurement.la.gov > Agency Center > LA eCat

The best way to search for emergency contingency contracts in eCat is to type "Emergency" in the Contract Description field (shown as Contract Desc.).

OSP also maintains resource lists for commonly required emergency items. Please contact OSP for assistance if you are unable to locate or utilize an emergency contingency contract or other resource.

OSP Help Desk

Purchasing:
DOA-OSPhelpdesk@la.gov

Professional Services:
DOA-PChelpdesk@la.gov

Contractor/Vendor:
Vendr_inq@la.gov

PHONE: 225-342-8010

OSP Staff Contact Information & Agency Assignments

procurement.la.gov > Contact Information



This pamphlet is intended to provide very basic information about subject matter requirements to assist you in preparing and processing procurement documents. Since the work of procurement is ever changing, if you haven't used these guidelines in a while, we recommend you contact OSP to ensure this is the latest version of recommended guidelines. Also, be advised that the information contained in this document is not all-inclusive.

Nothing contained herein shall be construed to amend or override any statute, rule, regulation, policy or procedure of the State of Louisiana, or the provision of any document used in any competitive procurement. It is offered only as a guide in making Procurement decisions. In addition, your agency, and GOHSEP may have more specific internal policies that should complement these guidelines and may be more stringent or require approval(s) in addition to those identified within these guidelines.

8/1/2020

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La. Division of Administration
Office of State Procurement

