

## EMERGENCY PROCUREMENTS/PURCHASES POLICY

- Policy Number:** FIN-109
- Effective Date:** Approved by the **Eastern Washington State Historical Society (EWSHS)** Board of Trustees on September 2, 2020.
- Application:** Applies to all employees, board members, volunteers, and contractors of the EWSHS.
- History:** This is a new Board Policy
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### Article I PURPOSE

- 1.1: This policy sets forth the procedures relevant to emergency procurement, including:
- (a) Criteria and qualifications;
  - (b) Reporting requirements and timelines; and
  - (c) Reporting exemptions.

### Article II POLICY STATEMENT

- 2.1: Unless otherwise exempt, the Executive Director of the EWSHS must submit written notification of an emergency procurement within three (3) business days to the Director of the Department of Enterprise Services (DES).
- 2.2: To qualify as an emergency procurement, the event must represent a set of unforeseen circumstances beyond the control of the EWSHS that either:
- 2.2.1: Presents a real, immediate, and extreme threat to the proper performance of essential functions;  
or
  - 2.2.2: 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.

### Article III CONTRACT REQUIREMENTS

- 3.1: The EWSHS is expected to utilize existing qualified master contracts except when the contract cannot justifiably satisfy EWSHS needs. The needs of EWSHS include the ability to provide a timely response to an emergency.
- 3.2: The duration of the emergency contract must not extend beyond the time needed to resolve the immediate threat.
- 3.3: 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.

#### **Article IV REPORTING REQUIREMENTS**

4.1: In the event that the EWSHS needs to conduct an emergency procurement, The EWSHS will provide the following information to DES:

- 4.1.1: A description of the nature of the emergency including relevant circumstances.
- 4.1.2: 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.
- 4.1.3: 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.
- 4.1.4: 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.
- 4.1.5: Specify the costs, fees, or rates for the purchase. An uploaded copy of an Emergency Memo that has been signed by the EWSHS Executive Director.

4.2: Pursuant to DES policy, the EWSHS is not required to report emergency procurements that also qualify as direct buy procurements.

#### **Article V TRANSPARENCY REQUIREMENTS**

5.1: RCW [39.26.130\(2\)](#) requires that within 3 business days of commencing work or executing the emergency contract, whichever comes first, the EWSHS must make the emergency contract available for public inspection. The EWSHS may either post the emergency contract on the EWSHS website or post summary information that includes directions for obtaining a copy of the emergency contract.

5.2: In the event that DES deploys a state emergency contracts web page, the EWSHS will post emergency contracts on that web page.

#### **Article VI DEFINITIONS**

6.1: "Qualified master contracts" is defined as: Cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements. These include all DES Master Contracts.

6.2: DES maintains a list of cooperative contracts that meet state requirements.

#### **Article VII BEST PRACTICES**

7.1: EWSHS will 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 requirement.

**References that apply to this policy:**

RCW 39.26.130 (Emergency Purchases)	DES Policy 125-03 (Direct Buy Purchases)
DES Policy 130-00 (Emergency Procurement/Purchases)	