

Policy No. FIN-108

Emergency Procurements/Purchases Policy

Applies to: All Eastern Washington State Historical Society (EWSHS) employees, board members, volunteers, and contractors.

References that apply to this policy: Listed below are some, but not all, applicable governing requirements. Note: Laws and rules may change over time and such changes may take precedence over this policy.

- RCW 39.26.125 – Competitive Solicitation – Exceptions
- RCW 39.26.130 – Emergency Purchases
- Department of Enterprise Services (DES) Policy 125-03 – Direct Buy Purchases
- DES Policy 130-00 – Emergency Procurement/Purchases

Effective date: November 6, 2024

History: This updates FIN-108, dated September 20, 2020.

Approved by: EWSHS Board of Trustees

Purpose

This policy sets forth the procedures relevant to emergency procurement, including:

- Criteria and qualifications;
 - Reporting requirements and timelines; and
 - Reporting exemptions.
-

Definitions

“Qualified statewide contracts” is defined as: Cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements. These include all DES Statewide Contracts. DES maintains a list of cooperative contracts that meet state requirements.

Policy Statement

- A. To qualify as an emergency procurement, the event must represent a set of unforeseen circumstances beyond the control of the EWSHS that either:

1. Presents a real, immediate, and extreme threat to the proper performance of essential functions; or
 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.
- B. Unless otherwise exempt, the Executive Director of EWSHS must submit written notification of an emergency procurement within ten (10) business days to the Director of the Department of Enterprise Services (DES).

Contract Requirements

- A. EWSHS is expected to use existing qualified statewide 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.
- B. The duration of the emergency contract must not extend beyond the time needed to resolve the immediate threat.
- C. 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.

Reporting Requirements

- A. In the event that EWSHS needs to conduct an emergency procurement, EWSHS will provide the following information to DES within ten (10) business days, memorialized by memorandum signed by the EWSHS Executive Director:
1. A description 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, including an estimate of the potential material loss or damage.
 3. An account of how the contractor alleviated or eliminated the emergency, including 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.
- B. Pursuant to DES policy, EWSHS is not required to report emergency procurements that also qualify as direct buy procurements.

Transparency Requirements

- A. Within ten (10) business days of commencing work or executing the emergency contract, whichever comes first, EWSHS shall make the emergency contract available for public inspection as required by RCW 39.26.130(2). 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.
- B. EWSHS will submit emergency contracts to the DES enterprise-wide sole source contracts system within ten (10) business days following the commencement of work or execution of the contract, whichever occurs first.

Best Practices

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.
