

ATTACHMENT C

Procedures and Definitions regarding Executive Order D-55-02

- 1) Required approvals for non-competitively bid contracts \$100,000 or less and those CMAS, MSA and CAL-Store contracts and non-competitively bids greater than \$100,000 shall be limited to the following persons:
 - a) Agency Secretaries or their immediate next ranking official, or
 - b) For departments or other entities not reporting to an Agency Secretary, approval authority is limited to the highest two ranking executive officials.

- 2) Required approvals for CMAS and Master Agreement contracts exceeding \$100,000 shall be limited to the following persons:
 - a) Department Director or their immediate next ranking official, or
 - b) For departments or other entities not reporting to a Department Director, approval authority is limited to the highest two ranking executive officials; **AND**
 - c) Agency Secretaries or their immediate next ranking official, or**
 - d) For departments or other entities not reporting to an Agency Secretary, approval authority is limited to the highest two ranking executive officials.**

- 3) Paragraph #6 of the Executive Order applies additional qualifying criteria in addition to those that are statutorily required. Approval of contracts exceeding \$100,000, as covered by the Executive Order, must contain documentation of facts that support the existence of any of the applicable criteria.

- 4) Definitions of Paragraph #6 criteria:
 - a) Essential services:
Includes services determined to be critically necessary for the operation of the department or the delivery of services required to be provided by the department.

b) Required for Health and Safety:

Goods or services determined as necessary to preserve, protect or promote public health, including persons under the care or custody of the state; or necessary to preserve, protect or promote public safety.

c) Emergency (Public Contract Code 1102):

A sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, property or essential public service.

(Note: In the event of an emergency, statute permits the immediate acquisition of necessary goods and services as needed, with necessary approvals and documentation to follow.)

d) Avoidance of financial loss to the state:

Goods and services necessary, as determined, to prevent the waste of state funds or resources, including but not limited to:

1. Failure to obtain will result in the loss of federal or other funding.
2. Failure to obtain will result in damage to or deterioration of state resources.
3. Failure to obtain will result in the interruption of essential state operations or programs.
4. Failure to obtain could expose the state to liability based on the risk of damage to the property of others.
5. Failure to obtain could expose the state to risk based on the harm to the public.
6. Failure to obtain could result in the imposition of additional payments, penalties or fines.

5) Definition of terms used in Attachments A and B.

MSA: Master service agreement

MPA: Master purchase agreement

MRA: Master rental agreement

SPS: State Price Schedule

WSCA: Western States Contracting Alliance

Cal-Store: Cal-Sore Master Purchase Agreement