

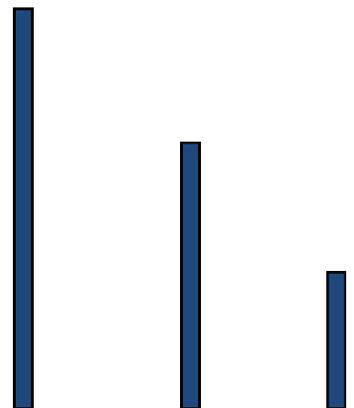


2015

# Emergency Acquisitions Guide



*“By failing to prepare,  
you are preparing to fail.”*  
Benjamin Franklin



# **DGS Emergency Acquisitions Guide**

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## **Introduction**

This guide is intended to assist procurement officials with planning and carrying out procurement activities during major disaster declarations or other emergencies. Each emergency is different. Viable readiness plans and personnel trained in emergency contracting procedures will help to optimize the government's responsiveness during an emergency situation. This document highlights pre-emergency planning, defining an emergency, acquiring goods and services during an emergency and utilizing Leveraged Procurement Agreements. It reflects a number of management and operational best practices that the Department of General Services (DGS) has developed in response to an identified need from stakeholders participating in the Emergency Functions (EF) 7 Emergency Acquisitions working group. <sup>1</sup>During emergency response, State department and agencies retain their respective administrative authority but coordinate within EF 7 to uphold the mission of protecting life and property in California.

## **Purpose**

The purpose of this guide is to provide procurement officials with fundamental information needed to carry out acquisitions in an emergency. This guide is specifically designed to define the critical elements of emergency acquisitions in plain language that any member of the emergency support team can understand and apply. It was developed at the request of procurement officials who need critical information and resources to enhance the acquisition process in a faster and more efficient way. This guide is intended to be read carefully by every member of the acquisition team. Before you deploy, read this guide and thoroughly acquaint yourself with the resources and information available to you.

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<sup>1</sup> California Emergency Services Act (ESA), Governor's letter to Agency Secretaries dated 09/12/00, Executive Order W-9-91 dated 05/29/91, and the State of California State Emergency Plan (SEP).

## Pre-emergency Planning

Planning for emergencies allows for effective contracting support. Timely response may save lives, reduce property loss, enable greater continuity of services, and enhance logistical capability in the wake of disasters.

Emergencies are not predictable. However, agencies can and should have a reasonable idea of how to respond to a given incident or situation. Establishing organizational priorities and planning effectively before an emergency arises will help to avoid delays in meeting requirements, reduce complexities, and eliminate redundancy of effort when a contract action is required.

To ensure timely and effective decision making, functional roles and responsibilities for individuals supporting emergency operations must be clearly defined. Procurement officials should work closely with others (program/project manager, logistics personnel, and legal counsel) to develop a common and coordinated understanding to meet the government's needs during an emergency. Working together, these personnel should review historical data to identify the products and services the agency has required in previous emergencies.

### **Steps to take prior to an emergency**

- Pre-buy supplies, materials, batteries, generators and equipment required to sustain your procurement program.
- Have back-up paper documents for use during and after disasters when computer systems are unavailable (i.e., requisitions, solicitation forms, purchase orders, stock received forms, etc.)
- Maintain hard copy lists of procurement personnel, vendors who typically provide supplies, and materials and equipment commonly requested during emergencies. Include emergency contact information, and distribute to appropriate personnel

## **Emergency specific training**

If disaster strikes, will you have action plans in place that will guide your response to all potential risks and hazards? The Federal Emergency Management Agency (FEMA), Emergency Management Institute (EMI) offers online courses on the National Incident Management System (NIMS) and the Incident Command System (ICS) for all who may deploy during an emergency. FEMA also offers emergency-specific acquisition courses, which may be of particular value to buyers/procurement officials. Some courses are classroom based; others are available as independent study.

The following may be of particular interest for procurement officials and other personnel involved in the acquisition process:

- Cal OES has made available a number of different resources and guidance material for review as you develop your action plan!
- Find helpful tools to develop a flexible, all-encompassing plan to help your community respond, stay safe, and get back on track following a disaster.
- Visit [Cal OES's Emergency Manager Preparedness](#) page for more information.

In advance of actual emergencies, each agency with responsibilities for conducting emergency acquisitions should establish and train a cadre of contracting personnel to function as a rapid deployment force on short notice.

## Statutes and Policies Defining Emergencies

### **Definition of Emergency**

An emergency as defined by Public Contract Code (PCC) section 1102 is “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.”

### ***Statutes:***

#### **Public Contract Code (PCC)**

1102. "Emergency," as used in this code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

#### **PCC**

10340.

(a) Except as provided by subdivision (b), state agencies shall secure at least three competitive bids or proposals for each contract.

(b) Three competitive bids or proposals are not required in any of the following cases:

(1) In cases of emergency where a contract is necessary for the immediate preservation of the public health, welfare, or safety, or protection of state property.

#### **PCC**

12102.

(a) The Department of General Services shall maintain, in the State Administrative Manual, all policies and procedures governing the acquisition and disposal of information technology goods and services, including, but not limited to, the policies and procedures that the Department of Technology is authorized to establish for the acquisition of information technology projects. The Department of Technology shall provide a link to information technology policies and procedures in the State Administrative Manual on the homepage of the Internet Web site.

(b) Except as specified in Section 12102.1, acquisition of information technology goods and services shall be conducted through competitive means, except when the Director of General Services determines that (1) the goods and services proposed for acquisition are the only goods and services which can meet the state's need, or

(2) The goods and services are needed in cases of emergency where immediate acquisition is necessary for the protection of the public health, welfare, or safety. The acquisition mode to be used and the procedure to be followed shall be approved by the Director of General Services. The Department of General Services shall maintain, in the State Administrative Manual, appropriate criteria and procedures to ensure compliance with the intent of this chapter. These criteria and procedures shall include acquisition and contracting guidelines to be followed by state agencies with respect to the acquisition of information technology goods and services. These guidelines may be in the form of standard formats or model formats.

## **PCC**

10122.

Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this part, except that it may be done by day's labor under the direction of the department, by contract upon informal bids, or by a combination thereof:

(a) In case of emergency due to the failure or threat of failure of any bridge or other highway structure.

(b) In case of emergency due to the failure or threat of failure of any dam, reservoir, aqueduct, or other water facility or facility appurtenant thereto.

(c) In case of emergency due to damage to a state-owned building or any other state-owned real property or improvements located thereon, by an act of God, including but not limited to damage by storm, flood, fire or earthquake, for work and remedial measures which are required immediately.

(d) At any time after the approval of plans, specifications and estimates of cost, if the director deems the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the state.

## Emergency Acquisitions

In the event an emergency is declared by Executive Order under the <sup>2</sup>Emergency Services Act (ESA)(Government Code 8550 et seq.), or agency directors determine pursuant to their authority under Sections 10122, 10302, and 10340 of Public Contract Code that an emergency exists requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, the State reserves the right to obtain such goods or services from any source, including but not limited to contracts that meet the needs of such emergencies. Contractor shall not be entitled to any claim or lost profits for goods or services procured from other sources pursuant to this paragraph.

- ❖ **The Emergency Services Act** (Gov. Code § 8550 et seq.). This is a primary authority for State emergency response. Under the ESA (§ 8567), the Governor may proclaim a state of emergency in areas of disaster caused by fire, flood, epidemic, drought, or similar conditions (including air pollution, riot, severe energy shortage, earthquake, prediction of earthquake or volcanic eruption, plant or animal infestation.) (see § 8558).

Once the Governor has proclaimed a state of emergency, the Governor may:

- Make and rescind orders and regulations (§ 8567);
- Expand and appropriations (§ 8566);
- Suspend the provisions of any regulatory statute (§ 8571);
- Commandeer private property (except for television, radio or newspaper facilities) or personnel, subject to payment of reasonable value (§ 8572);
- Enlist State agency resources for emergency purposes (§ 8570 (c)).

§ 8607 defines “standardized emergency management system (SEMS)” and requires all State and local agencies to use SEMS.

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<sup>2</sup> California Emergency Services Act (ESA), Governor’s letter to Agency Secretaries dated 09/12/00, Executive Order W-9-91 dated 05/29/91, and the State of California State Emergency Plan (SEP).

## ***Policies:***

### **State Administrative Manual (SAM)**

**(Revised 3/89)**

#### **3511**

When an emergency involving public health, welfare, or safety requires the immediate purchase of supplies or equipment without the taking of bids, the requisitioning agency will attach to its requisition a statement regarding the emergency. The statement will be signed by an officer of the agency. Acceptable statements will show that the emergency condition is one which would not have been avoided by reasonable care and diligence or that there is an immediate threat of substantial damage or injury to persons committed to the agency's care, to employees of the agency, to members of the general public, or to property for which the agency is responsible.

### **State Contracting Manual (SCM)**

**Volume 2 - Non-IT Goods**

#### **Section 1.A2.6**

Departments may contract for emergencies (as defined by PCC sections 10340 and 12102(a)(2) regardless of dollar limits but must adhere to the purchasing processes applicable to the classification of the emergency (Refer to Chapter 2).

### **State Contracting Manual (SCM)**

**Volume 2 - Non-IT Goods**

#### **2.B5.0 - Definition**

An emergency as defined by PCC section 1102 is "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

#### **2.B5.1 - Types of emergencies**

An emergency is further divided into the following classifications which ultimately effects how the purchase activity will be processed:

- An emergency purchase in response to a natural disaster, i.e. fire, flood, earthquake.
- An emergency purchase not in response to a natural disaster.

**2.B5.2 - Required documentation**

Regardless of the classification of the emergency, departments must document the procurement file and/or provide to the DGS/PD, as applicable, the following information:

- A description of the emergency.
- Explanation of why the situation warranted the emergency purchase.
- Explanation of the consequences of making the purchase through normal procurement processes.
- A description of the goods and price.
- The names and quotations of suppliers contacted.

**2.B5.3 - Responding to a natural disaster**

The following chart provides the process for executing an emergency purchase in response to a natural disaster when a response requires immediate action:

If the purchase activity	Then the buyer will proceed with the purchase
Is within a department's authorized non-competitively (NCB) bid purchasing authority threshold.	Documenting the circumstances of the emergency purchase. Issuing the purchase document, identifying the departments Purchasing Authority (PA) number in the PA number box on the purchase document.
Exceeds a department's authorized NCB contract purchasing authority threshold.	<sup>3</sup> Documenting the circumstance of the emergency purchase. Issuing the purchase document, leaving the PA number box on the purchase document blank.

**2.B5.4 – Emergency purchase not in response to a natural disaster**

The following chart provides the emergency purchase process in response to an emergency situation other than a natural disaster.

If the purchase activity	Then the buyer will proceed with the purchase
Is within a department's authorized non-	Documenting the circumstances of the emergency purchase.

<sup>3</sup> Subject to change once Fi\$Cal project becomes fully functional.

<p>competitively (NCB) bid purchasing authority threshold.</p>	<p>Documenting names and quotations of suppliers contacted. Issuing the purchase document, identifying the departments Purchasing Authority (PA) number in the PA number box on the purchase document.</p>
<p>Exceeds a department's authorized NCB contract purchasing authority threshold.</p>	<p>Contacting the DGS/PD immediately or within the next business day to provide the circumstances of the emergency at the One-Time Acquisition support number: (916) 375-4471 <a href="mailto:PAMS@DGS.CA.GOV">PAMS@DGS.CA.GOV</a> The DGS/PD contact reviews the circumstances and if approved, assigns the transaction an Authorization to Exceed Monetary Limits (Form 42) number. Documenting the circumstance of the emergency purchase. Issuing the purchase document, leaving the PA number box on the purchase document blank.</p>

**2.B5.5 – Examples of non-IT goods emergency and non-emergency purchases**

PCC section 10340(a) (1) allows for emergency purchases of non-IT goods without competitive bidding when the goods and services are necessary for the immediate preservation or protection of the public health, welfare, or safety.

Example of emergency:

A mudslide, caused by a flood, occurs on a highway and the crew must make an immediate purchase for supplies to clean up the mud.

Example of a non-emergency:

A department wants to purchase three (3) used bulldozers for routine forestry maintenance at a cost of \$492,000.00. The purchase saves the department an estimated \$260,000.00 when prices are compared to new bulldozer prices. Although it may be in the State's best interest to purchase the used equipment, it does not meet the definition of an "emergency".

*\*Poor planning is not an emergency.*

## Liability for Action in Emergencies

**Liability of State** - Government Code § 8655 provides immunity from liability for exercising of performing, or failure to exercise or perform, a discretionary duty in carrying out the ESA occurring during a Governor-declared emergency. A public agency that damages private property can assert “police power” defense to inverse condemnation liability.

**Liability of individuals** - If a State employee acted in the scope of his/her employment and in good faith, the State will defend and indemnify the employee against personal liability (Gov. Code § 825). The Government Code also provides specific public employees immunities, such as immunity from liability for discretionary actions (Gov. Code 820.2).

The Emergency Services Act provides immunity from liability for persons impressed into service in the state of emergency (Gov. Code § 8657) and for physicians, surgeons, officers, and employees of other states assisting in an emergency and acting in good faith (Gov. Codes §§ 8659, 8660).

## Acquiring Goods and Services during an Emergency

The following provides information to be used for emergency procurements as a result of responding to disasters according to **The Emergency Services Act** (Gov. Code § 8550 et seq.). If your procurement doesn't meet the description of responding to a disaster and is above the department's Purchasing Authority threshold for Non-Competitively Bids, please refer to [SCM Chapter 5](#). Please also refer to the DGS [One-Time-Acquisition](#) web page.

### **General Information:**

*\*Whenever possible departments should attempt to procure goods and services with CA certified Small Business and Disabled Veterans Business Enterprises\**

**Scope of Emergency Procurement** – Emergency procurement shall be limited to only those supplies, materials, equipment, or major repair items necessary to meet the emergency (i.e., don't purchase a year's supply of goods when the emergency only requires goods for 2 months).

**Written quotations** – Employees should at all times be good stewards of the taxpayers' money and negotiate contracts at the most fair and reasonable cost to the state, seeking competitive proposals wherever practical. Every effort should be made to obtain quotations from two or more vendors. When certain goods are urgently required, and time does not permit the obtaining of written quotations, employees may obtain quotations by telephone or otherwise, but such quotations should be made on purchase requisitions and properly documented.

**Documentation** - Emergency purchases should be well documented and include receipts, invoices, purchase orders, rental agreements, etc., which will serve as a basis for settlement of claims and will support the Department's request for supplemental federal assistance.

A record of emergency procurement shall be maintained that provides:

- Each vendor's name and phone number
- The amount and type of each procurement
- A listing of the supplies, services, or major repairs procured under each transaction

- Location where the goods or service will be used
- The incident identification number of each procurement file
- Photos if applicable to reimbursement from FEMA

### **FEMA Reimbursement Information**

If FEMA will be involved in reimbursement of costs, the following may apply:

- FEMA maintains a list of maximum allowable costs for reimbursement. Information is available at <http://www.fema.gov/government/grant/pa/eqrates.shtm>. FEMA restrictions will apply for reimbursement eligibility.
- FEMA recognizes other cooperative agreements between Federal, State, and Local Governments. Preferences should be given to local contractors where practicable.
- Photos may help support reimbursement applications.
- FEMA normally requires that some type of competition take place, and that prices are fair and reasonable.
- FEMA considers rental versus purchase, of large equipment to satisfy emergency needs.

## **Lessons Learned and Recommendations**

Each emergency presents an opportunity to reflect upon processes and consider improvements that will make procurements more effective in future emergencies. Consider the following lessons learned from prior urgent situations:

- Establish control processes early.
- Designate or identify a small number of people who have signature/approval authority.
- Envision a local and nationally recognized newspaper's front page stories.
- Be innovative, but fair, and achieve competition when you can.
- Don't be a road block; anticipate needs and develop a due diligence approach to meeting the requirements.
- Early consultation with DGS and other control agencies is important.
- Document everything, including decisions, in the procurement file.

### **Acquisition Support**

In advance of any actual emergency, each agency responsible for completing emergency acquisitions should establish a team of procurement and contracting personnel to function as a rapid deployment force on short notice.

### **Small and Local Businesses**

Agencies should provide maximum procurement and contracting opportunities for small businesses. Use of simplified acquisition procedures make it easier for agencies to do business with these sources. Agencies should support local economies adversely affected by emergencies, perform market research on local business capabilities, and give preference to those local firms capable of providing what is required.

### **Deployment Readiness**

Procurement and contracting personnel should have deployment/to-go kits available for use when deployed. These kits may vary, depending upon the disaster environment and resources expected to be available at the disaster site.

Some agencies may have items pre-positioned; uncertainties of the emergency environment make it wise to be prepared.

### Deployment/To-Go Kits for Procurement and Contracting Personnel

The following list, while not exhaustive, provides a general overview of materials that should be included in a Go-Kit.

- Laptop or tablet computer with wireless capability and solar charger
- Smartphone, cellular, or satellite phone with charger
- Government travel card (Amex)
- CAL-Card
- Blank purchasing and contract forms with model emergency contract
- Current State Contract Manual (SCM)
- Basic office supplies necessary for immediate use
- Badges or other government-issues identification
- List of important contact numbers
- Maps of the affected area, adjacent areas, and alternate work sites
- Authorized USB thumb drive or other storage device with electronic copies of:
  - Current SCM
  - This acquisition guide
  - Departmental emergency procedures guide
  - Departmental Illness and Injury Prevention Program (IIPP)
- Web access to:
  - The Agency's contract writing system
  - Current sites and points of contact needed for sourcing, data collection, guidance, and references to agency unique requirements
  - An electronic copy of this guide
  - An electronic copy of the SCM
  - Departmental policies and procedures
- Personal Protective Equipment (PPE) that may be required, depending upon the nature of the emergency

## Leveraged Procurement Agreements or Similar Procurement Vehicles

### Use of State Contracts

The [State Contracts Index List](#) should be utilized to access contracts for items needed that provide the best pricing, and should be utilized before seeking open market bids to determine if they can satisfy delivery requirements.

If none of the existing contracts satisfy the need, obtain open market telephone or fax bids for commercially available items from local suppliers. Maintain full documentation in the procurement file.

**Example:** Obtained telephone or fax bid from Company A and Company B (both bona fide providers of Product X). Awarded to the lowest bidder (or state method for making the selection).

This type of file documentation is important when applying for FEMA reimbursement.

[CMAS](#)

[BidSync](#)

[GSA Advantage](#)

[Small Business/Disabled Veteran Business enterprise](#)

[California 1122 Public Safety Procurement Program \(CPSPP\)](#)

## Commonly Acquired Items during an Emergency

*(Contracts listed are subject to change and expire)*

### Supplies

### Available Contracts

Personal Safety & Protection	Safety Apparel	<a href="#">4-11-03-0470A</a>	<a href="#">4-10-65-0026B</a>
	Self-Contained Breathing Apparatus	<a href="#">1-12-42-04</a>	<a href="#">1-13-23-21A</a>
	Respiratory	<a href="#">4-11-03-0470A</a>	<a href="#">4-10-65-0026B</a>
	Body Armor	<a href="#">1-14-84-07</a>	
	Vision	<a href="#">4-11-03-0470A</a>	<a href="#">4-10-65-0026B</a>
	Hearing	<a href="#">4-11-03-0470A</a>	<a href="#">4-10-65-0026B</a>
	Head Protection	<a href="#">4-11-03-0470A</a>	<a href="#">4-10-65-0026B</a>
Electronic/Power Equipment	Generators	<a href="#">4-09-56-0028A</a>	<a href="#">4-10-61-0010A</a>
	Pumps	<a href="#">4-09-56-0028A</a>	<a href="#">4-12-51-0034A</a>
	Batteries	<a href="#">3-13-70-2473U</a>	<a href="#">4-13-23-0035A</a>
	HVAC	<a href="#">3-12-70-2930A</a>	<a href="#">3-07-63-0031B</a>
	Radios	<a href="#">STPD-MA-1311-01</a>	<a href="#">02702 - Phase I</a>
	Extension Cords	<a href="#">4-10-61-0010A</a>	
Sanitation & Recovery	Disinfectants	<a href="#">4-12-51-0015B</a>	<a href="#">4-13-73-0022A</a>
	Water Treatments	<a href="#">4-12-51-0015B</a>	<a href="#">4-13-73-0022A</a>
	Broom/Mops	<a href="#">4-10-73-0016A</a>	<a href="#">4-07-23-0019A</a>
	Hand Tools	<a href="#">4-13-23-0036A</a>	<a href="#">4-08-51-0022A</a>
	Plastic Sheeting Exterior Materials	<a href="#">56</a>	
Food & Cooking supplies	Meals Ready to Eat (MRE)	<a href="#">5-13-89-15</a>	<a href="#">302 2</a>
	Ice Chests	<a href="#">302 49</a>	
	Beverages/Bottled Water	<a href="#">1-14-89-200</a>	
	Kitchenware	<a href="#">1-14-73-02A</a>	<a href="#">1-14-73-02B</a>
Fire & Rescue	Fire Fighting Equipment	<a href="#">2-13-42-01</a>	<a href="#">4-13-23-0036A</a>
	Fire Fighting Gel	<a href="#">1-10-68-24</a>	
	Rescue Watercraft	<a href="#">260 01</a>	<a href="#">260 13</a>
	Water Tank Trucks and Accessories	<a href="#">968 01</a>	
	Fire and Rescue Trucks	<a href="#">1-13-23-21A</a>	<a href="#">1-13-23-21A</a>
	Rescue Watercraft	<a href="#">260 01</a>	<a href="#">260 13</a>
Medical Supplies	First Aid Kits	<a href="#">4-11-03-0470A</a>	<a href="#">4-10-65-0026B</a>
	Resuscitation Products	<a href="#">A-48</a>	<a href="#">A-49</a>
	Wound Care Products	<a href="#">65 II A</a>	
	Lifts/Stretchers	<a href="#">65 II F</a>	<a href="#">465 10</a>
Personal Care & Hygiene	Soap/Shampoo/Hand Cleaner/Sanitizers	<a href="#">78 85</a>	<a href="#">65 I B</a>
	Skin Care	<a href="#">78 85</a>	<a href="#">65 I B</a>
	Sheets & Pillow Cases	<a href="#">1-10-72-03</a>	<a href="#">1-14-72-03</a>

	Towels	<a href="#">1-13-72-02-A</a>	<a href="#">71 315</a>
	Decontamination Showers	<a href="#">192 33A</a>	<a href="#">426 4F</a>
Vehicles & Heavy Equipment	Backhoes	<a href="#">4-08-23-0022A</a>	<a href="#">4-09-23-0027A</a>
	Loaders	<a href="#">4-13-23-0037A</a>	<a href="#">4-08-23-0023A</a>
	Dozers	<a href="#">4-11-23-0033A</a>	<a href="#">4-08-23-0023A</a>
	Light towers	<a href="#">4-10-61-0010A</a>	<a href="#">383 10</a>
	ATV's/Vehicles	<a href="#">251 1</a>	<a href="#">4-13-23-0034A</a>
	Office Supplies and Printing	<a href="#">1-14-75-60A</a>	<a href="#">75 200</a>
Temporary Housing & Shelter (prefabricated shelters, tents, sleeping bags, cots, bedclothes, tarps)	Prefabricated Shelters	<a href="#">361 10A</a>	<a href="#">361 10D</a>
	Tents	<a href="#">192 33A</a>	<a href="#">56</a>
	Sleeping Bags	<a href="#">192 33A</a>	<a href="#">A-69</a>
	Cots	<a href="#">192 33A</a>	<a href="#">A-69</a>
	Tarps	<a href="#">56</a>	<a href="#">563 4</a>
	Bedding	<a href="#">852 3</a>	<a href="#">1-13-72-02-B</a>
Security & Control (security and crowd control equipment, traffic control)	Security		
	Crowd Control Equipment	<a href="#">4-08-78-0042A</a>	<a href="#">1-11-63-02E</a>
	Traffic Control	<a href="#">4-00-99-0001B</a>	<a href="#">1-10-63-01</a>
Other	Rubber Boots	<a href="#">633 18</a>	<a href="#">633 16</a>
	Buckets	<a href="#">375 200</a>	<a href="#">JANSAN CAT 2</a>
	Sand/Sand Bags	<a href="#">1-10-56-10A</a>	<a href="#">617 1</a>
	Aggregate	<a href="#">1-12-56-20-01-A</a>	<a href="#">1-12-56-20-01-A</a>
	Asphalt	<a href="#">834 100</a>	<a href="#">1-12-56-20-01-A</a>
	Construction Materials	<a href="#">56</a>	
	Lumber	<a href="#">563 29</a>	
	Officer Protective Goods	<a href="#">1-14-84-07</a>	<a href="#">84</a>
	Public Safety Products	<a href="#">899 3</a>	<a href="#">C899 3</a>
	On-water/Boat Equipment & Supplies	<a href="#">260 13</a>	
	Pet Carriers	<a href="#">66 136</a>	
	Diesel Fuel	<a href="#">1-14-91-02-A</a>	<a href="#">1-14-91-02-B</a>
	Gasoline	<a href="#">1-14-91-02-A</a>	<a href="#">1-14-91-02-B</a>
	Propane	<a href="#">1-14-91-02-A</a>	<a href="#">1-14-91-02-B</a>
	Emergency Telephone Switch	<a href="#">1-10-58-25</a>	<a href="#">627 12</a>
	Storage Containers	<a href="#">361 10A</a>	<a href="#">56</a>
	Communication Equipment	<a href="#">Various</a>	
Hazardous Incident Response Equipment (HIRE)	<a href="#">Various</a>		

## Cal Card for Travel Related Expenses during Emergencies

The State's CAL-Card (VISA) procurement card can add value to purchasing goods/supplies during emergency conditions. In most cases, CAL-Cards have been issued to employees for the specific purpose of providing for emergency purchases of commodities and services under \$5,000. Single transaction and monthly limits are set by the issuing department, allowing the flexibility to make purchases when legitimate emergency situations exist. Cardholders are trained to know their card limits and what purchases are authorized for payment using their CAL-Card accounts. However, under extreme situations, when larger limits and controls are needed to meet emergency circumstances, an employee should seek approval from the department's CAL-Card Administrator to remove Merchant Category Codes and raise single transaction and monthly dollar limits to expedite purchases. Once the emergency situation has ended, all card limits should be restored to their original levels.

CAL-Card purchasers must document all purchases made for the emergency using the Who, What, and Where criteria. Since CAL-Card purchasers use the card for State Business, we must know:

- 1) For whom the purchases were made?
- 2) The purpose of the purchase?
- 3) Where the purchased items were used?

A copy of the Monthly CAL-Card Log and Statement of Account should be included, highlighting each emergency purchase and its associated incident number.

## Vehicle Rentals during Emergencies

Departments should utilize [Concur Travel](#), the state's online booking tool, to secure vehicle rentals or may contact the [CalTravelStore](#) directly for assistance. When unable to acquire rental vehicles from Enterprise Car Rental (the designated contractor as of 2014) the Office of Fleet and Asset Management, Statewide Travel Program recommends seeking vehicles from the most convenient vendor that can bill the State directly. As of 2014, these vendors are Avis and Budget. If Enterprise Car Rental as well as Avis and Budget are sold out of cars, employees shall use [Concur Travel or CalTravelStore](#) to seek vehicles from a vendor able to meet their needs at that specific location and seek reimbursement through the travel claim process. Employees shall document their files (including [justification form](#)) and travel claims accordingly and note the reason the designated contractor was unable to meet the demand, thus prompting user to seek an alternative source.

Note: Another alternative during an emergency is to utilize a federal GSA vendor using [GSA Schedule 48](#).

### **GSA Disaster Purchasing FAQ's**

The frequently asked questions are a wonderful resource for learning about Disaster Recovery purchasing through GSA. If a vendor has a Disaster Recovery Icon by its name on Schedule 48, they participate in the program and State Departments are free to purchases through them. The program was recently expanded to allow state and local governments access to buy from ALL Federal Supply Schedules in preparation or response to all disasters, as well as recovery from major disaster declared by the President of the United States, or recovery from terrorism or nuclear, biological, chemical, or radiological attack. [\(Please click here to view GSA FAQ's\)](#)

## CA 1122 Public Safety Procurement Program (CPSPP)

(Excerpted from SCM Vol. II)

### Introduction (added 6/14)

Prior to utilizing this program, State departments must exhaust all procurement methods refer to 6.G3.0.

In order to use the 1122 procurement method, departments must have delegated purchasing authority under the CA 1122 Public Safety Procurement Program category. This will be indicated on the department's Purchasing Authority Approval Letter.

The CA 1122 Public Safety Procurement Program is derived from the National Defense Authorization Act (Section 1122) established in FY 1994, revised in FY 2009 and became law under Title 10 Section 381. This law allows for state and local governments to purchase equipment for counter drug (CD), homeland security (HS) and emergency response (ER) activities from specific federal sources. This program establishes sources for non-IT commodities that have been competitively assessed, negotiated, or bid by the Federal General Services Administration (GSA). The program enables State departments with delegated purchasing authority granted by DGS to purchase from Federal GSA schedules. The California Governor's Office of Emergency Services (CalOES) has been appointed by the Governor as the designated State Point of Contact (SPOC) to certify eligible State agencies. The Department of General Services (DGS) Procurement Division is responsible for developing statewide procurement policies and procedures for this program.

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### Contents (added 6/14)

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### Topic 1 – 1122 Basics – Contracting with GSA Suppliers

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**6.G1.0**  
**Products**  
[\(added](#)  
[6/14\)](#)

The CA 1122 Public Safety Procurement Program offers primarily Federal GSA multiple award schedule pricing with suppliers that provide non-IT goods.

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**6.G1.1**  
**Contract**  
**price is**  
**maximum**  
[\(added](#)  
[6/14\)](#)

Contract prices for products and/or services must be equal to or lower than the prices set in the base GSA contract. Departments are strongly encouraged to negotiate lower prices and seek competition.

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**6.G1.2**  
**1122 GSA**  
**Suppliers**  
[\(added](#)  
[6/14\)](#)

Only the prime GSA 1122 contractor and resellers who are explicitly listed in the GSA contract s can sell the goods listed in their GSA 1122 contract.

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**6.G1.3**  
**How to**  
**apply for**  
**1122**  
**delegated**  
**authority**  
[\(added](#)  
[6/14\)](#)

To become certified for participation in the CA 1122 Public Safety Procurement Program, a department must apply with CalOES <http://www.calema.ca.gov/PublicSafetyandVictimServices/Pages/1122-Program.aspx>. The requesting department submits a letter to CalOES requesting certification in CD, HS, and/or ER. Prepared letters are reviewed and if approved, a confirmation letter is sent to the department authorizing their participation in the selected activity.

The approval letter from CalOES to the state department must accompany the Purchasing Authority Application to be considered for delegated purchasing authority by DGS.

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**6.G1.4**  
**Purchasin**  
**g**  
**authority**  
**dollar**  
**thresholds**  
[\(added](#)  
[6/14\)](#)

No 1122 order (aka STD. 65/Purchase Order/Contract) may be executed by a department that exceeds the department's 1122 purchasing authority dollar threshold or 1122 maximum dollar threshold. Exemption requests shall be considered by the DGS/PD on a case by case basis. Refer to Section A, Topic 1 of this chapter for dollar thresholds.

Dollar thresholds exclude sales and use tax, finance charges, postage, and handling charges. Shipping charges are also excluded from the dollar threshold limits unless the shipping charge is included in the evaluation such as FOB Origin, Freight Collect, or FOB.

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**Topic 2 – Achieving Competition**

**6.G2.0**  
**Making a**  
**valid**  
**attempt in**  
**seeking**  
**offers**  
[\(added](#)  
[6/14\)](#)

Departments must make a valid attempt to secure offers from viable contractors who are able to supply the goods. A lack of sufficient 1122 contractors or the use of restrictive requirements to select a single vendor will not meet the intent for obtaining offers.

**6.G2.1**  
**Minimum**  
**RFO**  
**requireme**  
**nts** [\(added](#)  
[6/14\)](#)

Refer to Section A, Topic 3 of this chapter for RFO requirements.

**6.G2.2**  
**Contacting**  
**suppliers**  
[\(added](#)  
[6/14\)](#)

Departments shall solicit offers from a minimum of 3 suppliers.

Departments must document the procurement file in sufficient detail to support the supplier selection as follows:

<b>If a department contacts 3 sources and receives:</b>	<b>Then the department shall document the procurement file with the reasons why:</b>
1-offer	The other two (2) suppliers did not respond.
2-offers	The third supplier did not respond.

Departments that contact more than 3 suppliers and obtain more than 3 offers shall document their files with all responses, determine best value and then proceed with the purchase document execution.

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**6.G2.3**  
**Documenting the results**  
[\(added 6/14\)](#)

Departments must document all suppliers that were contacted, provide a recap of their offers and record how the selection was made, including criteria for determining “best value”.

The form must be retained in the procurement file.

If the complete GSA 1122 contract is not maintained in the procurement file, buyers shall document, within the procurement file, where the complete contract is located.

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**6.G2.4**  
**Only one source known**  
[\(added 6/14\)](#)

If a department knows of only one source that meets its needs (i.e. multiple offers cannot be obtained) the department shall:

- Conduct a competitive solicitation, if suppliers are known to exist outside of the LPA programs or
- Execute the response as an NCB contract if no other sources are known outside of the LPA program being used. Refer to Chapter 5 for NCB processing requirements or
- Execute the response as a transaction that is exempt from obtaining multiple offers by either statute or policy and document the procurement file in sufficient detail to support the basis of the exemption. (Examples: authorized dealer letter, proof of copyrighted material, officially licensed good or patented product)

Refer to [Chapter 5](#), for information on purchases exempt from obtaining multiple offers either by statute or policy.

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**6.G2.5**  
**Purchases less than \$5,000.00**  
[\(added 6/14\)](#)

1122 orders valued less than \$5,000.00 may be executed without obtaining multiple offers if fair and reasonable pricing has been established and documented. Examples of fair and reasonable pricing methods are described in [SCM, Vol. 2, Chapter 4](#), Section C, Topic 2.

The ordering department must execute the State of California - General Services Procurement Division, Purchasing Authority Purchase Order (STD. 65).

Documentation to support fair and reasonable pricing must be retained in the procurement file.

Click here to access [file documentation for orders less than \\$5,000.00](#)

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**6.G2.6**

**Purchases**

**\$5,000.00 -**

**\$100,000.0**

**0** (added

6/14)

The ordering department must solicit a minimum of 3 written offers as described in 6.G3.0

The department must ensure the State's current Terms and Conditions are agreed upon and accepted by the supplier and their acceptance must be documented in the procurement file.

Document responses; refer to Section A, Topic 4 of this chapter.

The ordering department must execute the State of California - General Services Procurement Division, Purchasing Authority Purchase Order (STD. 65).

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**Topic 3 – Procurement Procedure**

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**6.G3.0**  
**Procurement**  
**procedure**  
**for**  
**transactions greater**  
**than**  
**\$5,000.00**  
[\(added](#)  
[6/14\)](#)

1. Department determines the need.
2. Department must exhaust the following procurement methods in the following order:
  - Surplus Property
  - Prison Industry Authority
  - Mandatory LPAs
  - California Certified Small Business/Disabled Business Enterprise (either using fair and reasonable or the SB/DVBE Option).
3. Department researches available goods on GSA Advantage (<http://www.gsaelibrary.gsa.gov>)
4. Department develops the Request for Offer (RFO) with the state's current terms and conditions attached to be agreed upon by the supplier when they submit their bid/quote/offer. The RFO must request the supplier provide Retail Price along with their offer.
5. Department receives and evaluates the offer, then awards the contract.
6. The department that has been granted the delegated purchasing authority must complete the [STD. 65](#) which includes:
  - Contracting directly with the awarded supplier (GSA contractor)
  - Identify "1122 -GSA" as the Leveraged Procurement Agreement Number
  - Marking the "A-1" and "GSPD" boxes
  - Marking "Leveraged" as the procurement method
  - Ensuring both signature blocks, "Authorizing Signature" and the "Certified Correct" (certifying the availability of funds) are completed.
7. The front of the STD. 65 must include the following language: "This order is placed pursuant to the CA 1122 Public Safety Procurement Program, in support of counter-drug, homeland security, or emergency response activities, under the authority of CalOES, the State Point of Contact (SPOC) for the State of California." Following this statement on the front of the STD. 65, there must be a line for the SPOC's signature, to approve the purchase (refer to 6.G3.1 below for a sample).
8. The Department sends the following to CalOES for approval:
  - Completed and signed STD. 65
  - The cost sheet from the awardee that lists the retail price and the current bid/quote/offer
  - The supplier's profile print out from GSA Advantage 1122
9. Upon receipt, CalOES reviews and approves/signs the STD. 65 on the designated line labeled for the SPOC.

**6.G3.0**  
**Procurement**  
**procedure**  
**for**  
**transactions greater**  
**than**  
**\$5,000.00**  
**(continued**  
**) (added**  
**6/14)**

10. CalOES places the order on behalf of the requesting department by sending the approved STD. 65 to the supplier. CalOES simultaneously notifies the department their request has been approved and submitted.
11. The goods are shipped directly to the requesting department. Once the good(s) are received, the department follows the Acceptance and Testing period outlined in the state's current terms and conditions or as specified in the SOW. Upon acceptance, the department completes a Stock Received Report ([STD.106](#)) or department equivalent. Refer to [Chapter 10, Topic 2](#) for additional information.
12. After good(s) are received the department will issue payment directly to the contractor.

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**6.G3.2**  
**Reporting**  
**requirements**  
**(added**  
**6/14)**

The ordering department must register transactions valued over \$5,000 in the State Contract and Procurement Registration System. Copies of the STD. 65 for orders less than \$5,000 are sent to the DGS Intake and Analysis Unit. Refer to [Chapter 8, Topic 1](#) for more information.

\*DGS has waived their administrative fees for all 1122 transactions.



## Appendix II:

### Resources

California Office of Emergency Services (CalOES)

916-845-8911

<http://www.calema.ca.gov/Pages/default.aspx>

CalOES

Standardized Emergency Management System (SEMS)

<http://www.calema.ca.gov/PlanningandPreparedness/Pages/Standardized-Emergency-Management-System.aspx>

Department of General Services (DGS) Procurement

916-375-2000

<http://www.dgs.ca.gov/pd/Home.aspx>

Cal Travel Store

1-877-454-TRVL (8785)

<http://www.caltravelstore.com/>

Federal Emergency Management Agency (FEMA)

National Incident Management System (NIMS) Coordinator

(510) 627-7275

<http://www.fema.gov/>

General Services Administration (GSA)

1-877-472-3777

[https://www.gsaadvantage.gov/advantage/main/start\\_page.do](https://www.gsaadvantage.gov/advantage/main/start_page.do)

State Contracting Manual (SCM)

<http://www.documents.dgs.ca.gov/pd/poliproc/PDFCompleteSCMv2/PDFCompleteSCMv2.pdf>

California Department of Technology (CalTech)

Statewide Technology Procurement Division (STPD)

<http://www.cio.ca.gov/otp/>

(916) 431-5580

## Appendix III:

### Definitions

Acquisition:	the act of acquiring or gaining possession
Appropriations:	the action of taking something for one's own use, typically without the owner's permission:
Imminent:	ready to take place; especially: hanging threateningly over one's head
Impairment:	to damage or make worse by or as if by diminishing in some material respect
Incident number:	unique identifier assigned to the incident
Indemnify:	to protect (someone) by promising to pay for the cost of possible future damage, loss, or injury
Mitigate:	to make less severe or painful
Regulation:	a rule or order issued by an executive authority or regulatory agency of a government and having the force of law
Rescind:	to take away
Stewards:	someone who protects or is responsible for money, property, etc.

## Appendix IV:

### Acronyms

The following acronyms are commonly used throughout this guidance and related appendices.

ATV	All-Terrain Vehicle
BPA	Blanket Purchase Agreement
CalOES	California Office of Emergency Services
CD	Counter Drug
CMAS	California Multiple Awards Schedule
CPSP	CA Public Safety Procurement Program
DGS	Department of General Services
EF-7	Emergency Function 7
EMI	Emergency Management Institute
ER	Emergency Response
ESI	Emergency Services Act
FAR	Federal Acquisition Regulation
FAQ	Frequently Asked Questions
FEMA	Federal Emergency Management Agency
FOB	Free on Board
GSA	General Services Administration
GSAM	General Services Administration Memo
HIRE	Hazardous Incident Response Equipment
HS	Homeland Security
ICS	Incident Command System
IFF	Industrial Funding Fee
IIPP	Injury and Illness Prevention Program
LPA	Leveraged Procurement Agreement
MRE	Meals Ready to Eat
NCB	Non-Competitive Bid
NIMS	National Incident Management System
NCB	Non-Competitive Bid
OTA	One-Time Acquisition

PCC	Public Contract Code
PFD	Personal Floatation Device
PPE	Personal Protective Equipment
RFO	Request for Offer
SAM	State Administrative Manual
SCM	State Contracting Manual
SEMS	Standardized Emergency Management System
SIN	Special Item Number
SOO	Statement of Objectives
SOW	Statement of Work
SPOC	State Point of Contact
STD	Standard