

Making Emergency Purchases of Goods and Services

Applies to: Any state office or activity of the executive branches of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in [RCW 28B.10.016](#) and correctional and other types of institutions ([RCW 39.26.010\(1\)](#)) ([RCW 39.26.100](#)) ([RCW 39.26.102](#)) governed by [RCW 39.26](#).

Authorizing sources:

- State Law [RCW 39.26.130](#)
- State Law [RCW 39.26.125\(1\)](#)

Effective date: April 26, 2021

Last update: January 8, 2015

Sunset review date: {5 years from effective date}

Approved by:  Chris Liu, Director

Reason for Policy

This policy establishes criteria and qualifications, reporting requirements and timelines, and reporting exemptions related to emergency purchases. See [RCW 39.26.130](#). These reporting requirements promote state agency transparency of emergency purchases which are exceptions from competition. See [RCW 39.36.125\(1\)](#).

Policy

- 1. To qualify as an emergency purchase, the emergency event must represent a set of unforeseen circumstances beyond the control of the agency that either:**
 - Present a real, immediate, and extreme threat to the proper performance of essential functions; or
 - 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.
- 2. Emergency purchases are an exception to competition requirements and must be reported within three business days of the purchase to the Department of Enterprise Services (DES) director.**
- 3. Emergency purchases must be submitted to the enterprise-wide sole source contracts system (currently the Sole Source Contracts Database (SSCD)) within three business days following the commencement of work or execution of the contract, whichever occurs first.**

4. **Agencies must make the emergency contract available for public inspection within three business days of commencing work or executing the emergency contract, whichever comes first.**
5. **The duration of the emergency contract must not extend beyond the time needed to resolve the immediate threat.**
6. **Emergency purchases are not a substitute to avoid competition or to bypass the time needed to competitively procure the goods or services.**
7. **Agencies are expected to use existing qualified master contracts except when the contract cannot justifiably satisfy “agency needs.”**
 - “Agency needs” include the ability to provide a timely response to an emergency.
 - “Qualified master contracts” means:
 - DES Master Contracts.
 - DES approved cooperative contracts that conform to all applicable Washington State procurement laws, rules, policies and trade agreements. DES will maintain a list of cooperative contracts that meet state requirements.
8. **Agencies are also expected to make emergency purchase(s) from Washington Small Businesses whenever possible.**
9. **Direct Buy purchases are Exempt from Emergency Purchase Requirements.**
 - See [POL-DES-125-03](#).
10. **Agencies will document and retain emergency purchasing decisions that reflect compliance with [RCW 39.26.130](#) and this Policy.**
11. **An agency’s lack of compliance may affect its delegated authority.**

Procedure

Procedure: [PRO-DES-130-00](#)

History

Adopted

April 26, 2021

Replaces

DES-130-00 Emergency Procurements/Purchases (Rev. 01-08-15)