

CHAPTER 14
ALL RISK EMERGENCY PROCUREMENT

The purpose of this chapter is to define procedures for procurement under emergency conditions and authority delegated to the Department/Division for fire suppression and all-risk emergency activity.

Introduction and General Information

During fire suppression and all-risk emergency response activity, conditions and situations require immediate acquisition of equipment rental, services and supplies when time does not allow for normal procurement procedures. The State of Alaska recognizes the need for immediate responses and through the authority listed below allows the Division of Forestry to procure in a manner that meets the needs of the fire suppression and all-risk emergency response missions with procedures established by the Department/Division. This chapter outlines the policies and procedures for procuring under emergency conditions as well as the delegated authority required.

Authority

2 AAC 12.450 (c) Procurement Methods for Emergency Conditions states that "a procurement by the Department of Natural Resources during a fire suppression emergency shall be made in accordance with the procedures established by that department."

2 AAC 12.440 Determination of Emergency Conditions. Further clarifies the requirements for emergency procurements.

AS 36.30.520. (a) Records of Sole Source and Emergency Procurements. Defines the reporting requirements for emergency procurements.

AS 36.30.310 Emergency Procurements. Defines the requirements under which emergency procurements may be applicable.

AS 41.15.010 - 41.15.170. Outlines Department of Natural Resources responsibilities to protect the State, private, and municipal land from fire.

Delegation of Authority

The Department of Administration's delegation of authority to the Department of Natural Resources (DNR) specifically delegates authority to "contract in unlimited amounts, for the use of firefighting equipment and for firefighting services for use in responding to wildfire and other emergencies." Furthermore; the DNR delegates and allows the State Forester of the Division of Forestry (DOF) to delegate that authority to DOF staff.

Only personnel with delegated authority will procure for the DOF. The DOF may recruit EFF for expediting; however, expeditors will always work under staff who have purchasing authority. Delegations for permanent and temporary employees are as follows:

- Permanent Employees will have delegated authority defined on the DNR Delegation of Authority form # 10.00.0031A dated 10/24/00. The form is signed by the Director or designee, and copies are maintained at Area and Regional levels with a master file maintained at Central Office by the Procurement Specialist. These delegations remain in effect until severance from the position or authority is rescinded
- Temporary Employees or EFF will have delegated authority through a temporary delegation letter which will expire at the end of a season or at severance. The temporary delegation will be filed at the Area Office level. At the end of a season, the delegations will be filed with the office issuing the delegation for four years prior to disposal

What Qualifies as Emergency Conditions

Wildfire suppression and other all-risk emergency response actions undertaken by the Division of Forestry (DOF) are in response to conditions threatening life, property, and natural surface resources. Such actions constitute emergency conditions.

AS 36.30.310 states that "Procurements may be made under emergency conditions as defined in regulations adopted by the commissioner when there exists a threat to public health, welfare, or safety, when a situation exists that makes procurement through competitive sealed bidding or competitive sealed proposals impracticable or contrary to the public interest, or to protect public or private property. An emergency procurement need not be made through competitive sealed bidding or competitive sealed proposals but shall be made with competition that is practicable under the circumstance..."

For the purpose of meeting the requirements of the Alaska Statutes, Regulations, and Codes, a written determination of the emergency stating the factual basis for the emergency shall be documented by a Fire Incident Report, Form 10-2161, or Federal Form DI-1202, prepared and maintained by the Area, and will bear the signature of the Incident Commander.

The determination of emergency conditions relating to state assistance on federal fires will be documented by the Alaska Interagency Coordination Center (AICC).

Determinations of need for DOF to provide emergency assistance to other state or municipal agencies will be documented by those agencies. Those determinations may be in the form of a Resource Order (Form 2), emergency declaration, or memo justifying the reason for using emergency procurement procedures.

Emergency conditions exist if:

1. There are conditions of threat
2. There is documentation of the threat
3. There is delegation established such as a Fire Incident Report or WFA

Even though emergency conditions may exist, if situation and time allows, solicitation should be exercised to the extent that is practical for the situation.

Procurement under Emergency Conditions

During fire suppression and emergency preparedness activities, documentation of resource needs is based on the processing of a Resource Order, NFES 1406 (Form 2). The following sources will be considered when filling supply and equipment requirements:

- State warehouse inventories
- Federal caches
- Other agency agreements or contracts
- Procurements

Under most circumstances a Resource Order is generated for any purchase that is charged to an incident, however, there are exceptions such as vehicle fuel, utility charges, copy charges, hotel costs, meals, travel, misc. Area office supplies and initial attack expenses.

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The following methods of procurement may be used during fire suppression or all-risk emergency response missions:

1. General procurement of supplies and services
2. P-Card purchases
3. Contract awards
4. Aircraft Rental Offers
5. Emergency Equipment Rental Agreements
6. Land use agreements
7. Exempt Purchases - commissary, meals, lodging and travel
8. Cooperative Agreements

1. **General Procurement of Supplies and Services**

Purchases of supplies and services under \$50,000.00.

A Resource Order that has been reviewed by the warehouse and determined to be a local purchase falls under general procurement. These procurements can be made with any local, state, or national vendor and can be placed over the phone, in person, or by the internet. Alaskan vendors will be used whenever possible when making purchases for the State of Alaska. In general, equipment or property cannot be purchased using suppression funds. When the cost of leasing or renting exceeds the purchase price of the item, consultation with the agency administrator or Division Procurement Officer is in order. A Resource Order (Form 2) or Field Purchase Order (Form 1) will be used as the purchasing document if one is required by the vendor.

The state does not operate with cash. Therefore, vendors must be willing to invoice/charge the State of Alaska for the items purchased. This is common practice and Forestry has accounts set up with many vendors statewide. An invoice must always be received when buying supplies and services. Invoices will be checked for accuracy and to assure items listed on the invoice have been received. If the amount is greater than \$10,000.00 and less than \$50,000.00 the invoice will then be submitted through the Area to the Regional Admin Officer for review then to the Regional Forester for a second approval signature. The Resource Order must be referenced and accompany the invoice. These purchases can be made with State Credit Cards and off of State Contract Awards. For additional instruction on these methods, see #2 and #3 below.

Purchases of supplies and services over \$50,000.00.

The Division Procurement Specialist should be consulted prior to making general purchases of supplies and services over \$50,000.00.

2. **P-Card Purchases**

Purchases of most supplies and services may be made on State credit cards up to the approved credit limit for each specific card and with the delegated authority of the purchaser. State credit cards have a limit per transaction as well as a monthly limit. These limits will be adhered to and purchases will not be split or fragmented to circumvent these limits. Purchases can be made over the phone or in person, however, the signed receipts/invoices must be forwarded to the reconciler and transactions reconciled in accordance with normal purchasing procedures.

3. **Master Agreements**

Master Agreements (MA) are agreements established by either the Department of Administration (DOA) or Department of Natural Resources (DNR) prior to an emergency that should be used by the Division. Purchases made from these contracts for commodities or services can be made for unlimited dollar amounts over the phone or in person without a state purchasing document unless required by the vendor. A *Resource Order or Field Purchase Order* may be used if the vendor requests a state purchasing document before providing the services or goods. Purchases of supplies or services on contract award will be made from the contract award vendor whenever the vendor can meet the delivery requirements.

A list of Contract Awards may be found at the Department of Administration (DOA) website at: <http://doa.alaska.gov/dgs/cam/>. Please contact the Procurement Specialist if you have questions regarding Contract Awards.

4. **Aircraft Rental Offers (ARO)**

An Aircraft Rental Offer (ARO) is a vendor's response to a Division of Forestry request for offers solicited prior to or during fire season. ARO may result in contracts for aircraft during suppression operations. ARO provide the Division of Forestry with information about what equipment or services may be available, the cost, and from what vendors. Each ARO is individually numbered and is valid for one calendar year; many are renewed from the previous year.

The Statewide Logistics Center (SLC) is responsible for maintaining a record of AROs for aircraft needed during fire suppression operations. These offers will be used during suppression activity to assure reasonable solicitation based on the circumstances. They may not be used for non-emergency aircraft needs, however they may be used in all-risk emergency response operations. AROs may be updated and added during the course of the fire season as need arises.

Because Federal funds are often involved in paying some or all the costs of all-risk incidents, all vendors must certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation. In 2018, this will be added to the Rental Offer Conditions found on the Forestry website at the following link: <http://forestry.alaska.gov/aviation/rental>.

Establishing Aircraft Rental Offers

The SLC with assistance from the Regional Aviation Managers will provide public notice of the request for offers for the services anticipated during fire activity prior to the fire season.

Prior to fire season, public notice of the request for offers shall be made by at least one of the following methods:

- Electronic notices to vendors that have previously participated in the ARO program
- In a newspaper of general circulation
- In a newspaper of local circulation in the area pertinent to the procurement
- In the On-line Public notice system or other appropriate media

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AROs established during fire suppression operations will be reasonably solicited to the extent necessary to fulfill the requirements of the situation taking into consideration availability of aircraft from existing offers. All AROs for the use of aircraft will be established or reviewed by the Regional Aviation Managers to ensure compliance with all administrative and safety requirements and policies and procedures.

Forms and Format

Aircraft Rental Offer (Form 10-3135) and Rental of Aircraft Conditions (Form 10-3134) will be used to establish Aircraft Rental Offers for use during suppression activity.

Each Aircraft Rental Offer must contain the following information:

- Aircraft Rental Offer number 18 (calendar year) -DOF-Number
Example ARO# 18-DOF-003
- Time period for which the offer is valid
- Vendor's name, address, and phone number
- Tax ID code or SSN of the vendor
- AK business license number
- Services or supplies offered
- Unit prices for the services offered
- Signature of the vendor
- Signature of state representative Maintenance and Distribution

The State Logistics Center (SLC) will be responsible for maintaining a statewide database of AROs. AROs obtained immediately prior to purchase shall be forwarded to SLC.

Hiring from Aircraft Rental Offers

A rental agreement from Aircraft Rental Offers will be based on the ability of the vendor to meet the requirements of the Incident Resource Order, location, availability, and cost. Services will be obtained from the vendors listed whenever possible.

For establishing Aircraft Rental Offers, please contact Regional Aviation Officers: Chris Olson – Palmer - 907-761-6229

Northern Region Aviation Officer - Fairbanks - 907-451-2691

5. **Emergency Equipment Rental Agreements**

An Emergency Equipment Rental Agreement (EERA) is a vendor's response to a Division of Forestry request for offers solicited prior to or during a fire season. An EERA may result in contracts for rolling stock or equipment such as vehicles, heavy equipment, boats, generators, etc., required during suppression or incident operations. EERAs provide the Division of Forestry with information about what rolling stock or equipment may be available and from what vendors. They may not be used for non-emergency needs, however, they may be used in other all-risk emergency response missions. EERAs are solicited with established rates unlike an Aircraft Rental Offer which solicits rates from vendors. These rates are based on rate changes on the Consumer Price Index (CPI) for Anchorage. The rates are located in the Emergency Equipment Rental Rate document, found in Appendix A to Chapter 6. These rates are also posted on the Division's equipment hiring website <http://forestry.alaska.gov/equipment.htm>. EERA rates should not deviate from the established rates.

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Online Application System (OLAS)

The equipment available for fire assignment will be entered into the database through the On-Line Application System (OLAS) by the owner of the equipment. The password protected system allows an Emergency Equipment Rental Agreement (EERA) vendor to add, edit, or delete equipment with a few simple keystrokes on their computer. OLAS is used by dispatchers to search for and hire EERA or Cooperator Fire Department (CFD) equipment after speaking with the EERA vendor or CFD Chief to ensure the equipment and personnel can meet the desired delivery timeframes. A dispatcher searches for equipment in OLAS, and may hire the equipment after discussing the Resource Order needs with the vendor, and an electronic EERA is generated with the push of a button.

The link the vendor will use to get to the OLAS is <https://dnr.alaska.gov/olas/>. The dispatchers and other state employees access an OLAS administrative site by using their DNR login username and password.

Establishing EERAs

The vast majority of EERAs will be generated by hiring equipment using OLAS. Some equipment may be hired in the field using an EERA. Field hired equipment is intended to be used for no more than 48 hours. All necessary information and forms are posted on the Divisions equipment hiring website: <http://forestry.alaska.gov/equipment.htm>.

Forms and Format

Emergency Equipment Rental Agreement Form OF-294 and the State of Alaska Conditions of Hire will be used to establish EERAs for equipment or services for use during incident activity. See Chapters 6 & 7.

Awarding Contracts from EERAs

Award of a contract from EERAs will be based on the ability of the equipment or services to meet the requirements of the Fire Resource Order and availability. Services will be obtained from the EERA vendors registered in OLAS whenever possible.

6. **Rental of Land or Facilities**

Circumstances arise where it becomes necessary to initiate a temporary agreement for land or a facility. Land use agreements are used when the Division of Forestry needs to establish incident command posts, staging areas, refurbishing areas, helibases, etc. This is accomplished with an *Agreement for Rental of Temporary Emergency Facilities or Land Use*.

For procedures for Rental of Land or Facilities and examples of forms, please see Chapter 16.

7. **Exempt Purchases - Commissary, Meals, Lodging and Travel Purchases**

The State Administrative Manual states that the following items do not fall under the procurement code, "Payments made to third parties on behalf of a second party when the payments, if made directly to the second party, would not have fallen under the procurement code." Examples are commissary, meals, lodging, and travel.

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Emergency Commissary

DOF provides to incident personnel items necessary to meet the basic needs to keep them productive while on duty. Commissary items are purchased on an emergency basis and costs are recovered through payroll deductions.

For procedures for Commissary procurement and examples of forms please see Chapter 3.

Meals, Lodging and Travel

Meals and lodging, although exempt, should be solicited by Areas or Regional Office. Meals and lodging may also be procured as needed by Areas, Regional Offices, or SLC personnel. When lodging is procured or reservations made, the reservation will be entered in the Lodging Log to allow reconciliation of the invoices for payment. When meal coupons are issued, they will be entered in the Meal Coupon Log for ease of reconciliation as well. Travel will be procured to move resources on an "as needed" basis by Areas, Regional Offices or SLC.

For procedures for meals, lodging and travel procurement and examples of forms, please see Chapter 9.

8. **Cooperative Agreements**

AS 41.15.030. (a) States that "the Commissioner (*of DNR*) may enter into necessary protection contracts." This authority is sub-delegated by DNR policy and procedures to the Director of Forestry.

AS 36.30.700 further states that "a public procurement unit (*State Agency*) may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of supplies, services, professional services, or construction with one or more public procurement units (*State agencies*) or external procurement activities (*federal or municipal agencies*) in accordance with an agreement entered into between the participants."

DOF has entered Cooperative Agreements with the Bureau of Land Management/Alaska Fire Service, the United States Forest Service, and Cooperator Fire Departments for a wide variety of mutual benefit support and services. The State of Alaska has also signed a compact with several western states and the Canadian provinces of British Columbia and Yukon Territory.

Using personnel from other state agencies for regular time not covered by existing agreements requires the establishment of an IPO (Reimbursable Service Agreement). The IPO describes the services required and defines the financial terms for both the requesting and servicing agencies to process agreed upon billables. The IPO may be initiated at the Regional level within delegated IPO authority.

Personnel, supplies, equipment, aircraft, and other services may be exchanged by DOF - Federal and Canadian agencies upon processing of a Resource Order or as specified in the Cooperative Agreement.

The establishment of cooperative agreements will be in accordance with DNR Procurement Policies and Procedures Manual Section 7.2.2. Procurements from Federal agencies are not reportable as emergency procurements, however purchases on behalf of another agency made by DNR may be reported as emergency procurements.

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Commodities to be Purchased by the Division Procurement Specialist

Special Procedures are in place for the procurement of the items listed below. For these purchases contact the Division Procurement Specialist:

- Radio and communication equipment
- Computer hardware and software
- Purchases from GSA or NIFC
- Professional services
- Vehicles
- Class A controlled property - guns, radios, etc.
- Retardant

Forestry Procurement Contacts

Additional procurement assistance is available through the Division's statewide procurement staff.

Procurement Specialist: Rodrigo Pasion

Anchorage Office - 269-8461

Critical Information Checklist for Procuring under Emergency Conditions

Alaskan vendors will be used whenever possible when making purchases for the State of Alaska.

A Resource Order (RO) document is needed to purchase under emergency conditions and differentiates an emergency purchase from normal procurement. When a RO is received, the following steps should be followed for making a purchase:

1. *Determine the specifications before making contacts.*
 - What is needed? (Are specific brands required?)
 - When is it needed? (What are the deadlines?)
 - Where is it needed? (What is the FOB or delivery destination?)
 - Who is paying for it? (Is there a fire number on the RO?)
2. *Get all the information from the vendor.*
 - Are the prices current and do they include shipping to the final destination?
 - Are the items in stock?
 - When will they be able to deliver and can they meet delivery dates?
 - Are substitutes acceptable?
 - How long will they honor the quote?
 - Confirm the quote and provide the vendor with the RO # to act as a tracking number for the purchase
 - Provide a Resource Order or a Field Purchase Order if written documentation is required by the vendor
 - Write pertinent information on the RO regarding the purchase
 - Return a copy of the completed RO to SLC

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3. *If the situation allows for solicitation:*

- Document your solicitation process in writing on a bid abstract form or other document (a sheet of paper is adequate)
- Contact multiple vendors - three is adequate
- Give all vendors the same information or bid specs- What, When, & Where
- Give the vendor a deadline for a response
- Document the vendor's name and phone number and contact
- Document the vendor's quote
- Review the responses to compare cost, shipping, and destination
- Are all vendor's Alaskan vendors or do you need to consider Alaskan?
- Bidder Preference (AK Bidders Preference gives qualified Alaska vendors a 5% advantage. See AS 36.30.170, or contact a Procurement Specialist for more information)
- Award by total lot or by item? (this should be determined prior to solicitation)
- Confirm the quote and all requirements of the purchase (shipping cost, delivery time, etc.) and award to the lowest responsive and responsible bidder
- Do not reveal bid prices to other vendors until after award is made

See sample of a Bid Abstract and Field Purchase Order in supplement.

Invoicing & Bill Payment

The purpose of this section is to identify the minimum invoice documentation requirements and the process of review, coding, and approval required to pay the Division's incident bills.

Receipt of Goods and Services On receipt of an invoice, it is the primary responsibility of the Supply Unit, receiving office, or expediter to determine that the state has received the goods or services listed on the invoice, and that the cost of the goods or service is reasonable and correct.

Invoice Requirements

The vendor must sign invoices that are not on printed bill head. Purchase is made with the invoice reflected as being sold to:

State of Alaska
Department of Natural Resources
Division of Forestry
Area or Office Name
Address

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Information Required on the Invoice

- Date of purchase
- Vendor's name, address, and telephone number
- Vendor's Tax ID or SSN (If not previously submitted to fiscal) Also available is the State of Alaska Substitute W-9
- Vendor invoice number
- Purchaser's name - print or write legibly
- Itemized description of each item purchased (if the vendor writes only item numbers, be sure to write in the item name)
- Quantity of items purchased
- Cost per unit
- Total purchase price

Approval for Payment The supervisor or designee determines the template when coding an invoice using a Task and a 10-digit function code by adding two zeros following the 8th digit and the four-digit object code (such as 4002 for stationery and business supplies). If there is a sub-object code, it must be used in conjunction with the object code. Invoices with charges over \$10,000.00 must be stamped or hand written with **Activity: FIRE** next to the coding stamp.

Suppression invoices will be coded then approved as follows:

| Office | First Signature | Second Signature |
|------------------------|---|--|
| Areas | Admins to their delegation \$2,500 | Not Required |
| Areas | FMOs Regional Admin Officer To the amount of ≤\$10,000 | Not Required |
| Areas | >\$10,000 FMO | >\$10,000 Central Off, Admin Ops Mgr. Regional Forester |
| Palmer Aviation | Aviation Manager | >\$10,000 Central Off, Admin Ops Mgr. Regional Forester |
| Palmer Warehouse | Warehouse Manager | >\$10,000 Central Off, Admin Ops Mgr. Regional Forester Northern |
| State Fire Warehouse | State Support Forester | >\$10,000 Central Off, Admin Ops Mgr. Regional Forester |
| State Logistics Center | State Support Forester | >\$10,000 Central Off, Admin Ops Mgr. Regional Forester |

If a Resource Order initiated the purchase, a copy must be referenced on or attached to the invoice. Invoice copies must be kept on file for three years in the Area or Region responsible for the purchase.

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The following table is a summary of the information/documentation required with various types of purchases for fire suppression:

| Type of Purchase | Amount | Required Documentation on Invoices | DOA Reportable |
|---|----------------------|---|-----------------------|
| Commissary | \$ all | FY, template, function, object, approval Emp. ID, coded by Emp. ID, RO attached | No |
| Meals/Lodging | \$ all | FY, template, function, object, approval Emp. ID, coded by Emp. ID, manifest, RO attached | No |
| Equip/Aircraft Rental MA | \$ all | FY, template, function, object, approval Emp. ID, coded by Emp. ID, MA# | No |
| Supply Purchase MA | \$ all | FY, template, function, object, approval Emp. ID, coded by Emp. ID, MA# | No |
| NICC or GSA | \$ all | FY, template, object, approval Emp. ID, coded by Emp. ID | No |
| Small Procurement With/Without Bids | ≤\$10,000 | FY, template, function, object, approval Emp. ID, coded by Emp. ID | No |
| Small Procurement Without Bids | >\$10,000 | FY, template, function, object, approval Emp. ID, coded by Emp. ID *Activity: FIRE | Yes |
| Small Procurement With Bids | ≤\$50,000 | FY, template, function, object, approval Emp. ID, coded by Emp. ID | No |
| Small Procurement With Bids | >\$50,000 | FY, template, function, object, approval Emp. ID, coded by Emp. ID *Activity: FIRE | Yes |
| Equip/Aircraft Services/Rental Continuing Offers | ≤\$50,000 | FY, template, function, ARO#, object, approval Emp. ID, coded by Emp. ID | No |
| Equip/Aircraft Services/Rental Continuing Offers | >\$50,000 | FY, template, function, ARO#, object, approval Emp. ID, coded by Emp. ID *Activity: FIRE | Yes |
| EERA | ≤ \$10,000 | FY, template, function, object, approval Emp. ID, coded by Emp. ID | No |
| EERA | > \$10,000 | FY, template, function, object, approval Emp. ID, coded by Emp. ID *Activity: FIRE | Yes |

≤ = less than or equal to > = over

ARO = Aircraft Rental Offer

EERA = Emergency Equipment Rental Agreement

MA = (Master Agreement) to DNR Procurement for approval

*Activity: FIRE – Reference required for gathering information for reporting emergency purchases

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Reporting Emergency Procurements

Using IRIS/ALDER, the Alaska State accounting and reporting systems, the Department of Natural Resources will provide a report to the Department of Administration, Chief Procurement Officer, no later than October 1st of each year documenting the emergency procurements for the prior fiscal year.

The Accounting Supervisor in the Division of Support Services will provide an audit trail report to the Department Procurement Officer based upon Activity code: FIRE. The Audit Trail report will provide total cost summary by vendor, vendor account number, and function code number. Audit trails will be requested no later than September 15, for the previous fiscal year.

Additionally, a copy of the daily Financial Transaction Register for FIRE (Activity code) will be forwarded to the Division of Support Services, Procurement Officer who will review the Audit Trails.

A spreadsheet summarizing emergency expenditures will be forwarded from the Department Procurement Officer to the Department of Administration, Chief Procurement Officer. A cover memo will certify all detailed files including Resource Orders, and original Final Incident Reports will be maintained by the Division of Forestry Area Offices for a period of at least five years.