

All Risk Emergency Procurement

Purpose

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 fire fighting equipment and for fire fighting 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.

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Only personnel with delegated authority will procure for the DOF. The DOF may recruit EFF for expediting; however, expeditors will always work under staff that 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.

Samples of delegation forms are provided at the end of this chapter.

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, emergency declaration, or memo justifying the reason for using emergency procurement procedures.

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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 WFSA

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, Form NFES 1406. 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.

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. One Card purchases
3. Contract awards
4. Continuing 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 can not 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 or Field Purchase Order will be used as the purchasing document if one is required by the vendor.

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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. It will then be submitted through the Area to the Regional Fire Management Officer for payment. The Resource Order will be referenced on 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. One 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. Contract Awards

Contract Awards (CA) are contracts 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://intra1.admin.state.ak.us/public/cam/cam.php3>

Please contact the Procurement Specialist if you have questions regarding Contract Awards.

4. Continuing Offers for Aircraft

A Continuing Offer (CO) is a vendor's response to a Division of Forestry request for offers solicited prior to or during fire season. Continuing offers may result in contracts for aircraft during suppression operations. Continuing Offers provide the Division of Forestry with information about what equipment or services may be available, the cost,

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and from what vendors. Each continuing offer is individually numbered and is valid for only one fire season.

The Statewide Logistics Center (SLC) is responsible for maintaining a record of continuing offers 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. COs may be updated and added during the course of the fire season as need arises.

Establishing Continuing Offers for Aircraft

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 CO 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

COs 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 COs 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 Continuing Offers for use during suppression activity.

Each Continuing Offer must contain the following information:

- Continuing Offer number 07 (calendar year) -DOF-Number
Example CO# 07-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

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Maintenance and Distribution

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

Awarding Contracts from Continuing Offers

Award of a contract from Continuing Offers will be based on the ability of the vendor to meet the requirements of the Incident Resource Order, availability, and cost. Services will be obtained from the vendors listed whenever possible.

For establishing Continuing Offers please contact Regional Aviation Officers:

Dennis Ricker – Palmer - 907-761-6229

Marsha Henderson – Fairbanks - 907-451-2676

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 a Continuing Offer which solicits rates from vendors. These rates are established using current market rates that are located in the Geographic Area Supplement (GAS). EERA rates should not deviate from the established rates. Each EERA is individually numbered and is valid for two fire seasons.

Establishing EERAs

The Transportation Manager will provide public notice of the request for offers for equipment anticipated during fire activity prior to the fire season. Agreements will be sent out to contractors with EERAs from prior years with updated rates and dates and other required information. Public notice of the request for EERAs prior to fire season shall be made by at least one of the following methods:

- In a newspaper of general circulation
- In a newspaper of local circulation
- In other appropriate media

Forms and Format

Emergency Equipment Rental Agreement form OF-294, General Clauses and State of Alaska General Clauses, will be used to establish EERAs for equipment or services for use during incident activity.

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Each EERA must contain the following information:

- EERA number: 07 (Calendar year)- Number - *Example 07-003*
- Time period for which the offer is valid
- Vendor's name, address, and phone number
- Tax ID code or SSN of the vendor
- Equipment or supplies offered
- Established rate for the services offered
- Signature of the vendor
- Signature of the state representative

Maintenance and Distribution

The Transportation Manager will establish and maintain a database of EERAs for fire suppression operations. EERAs may be updated and added during the course of the fire season as needs arise. As the database is updated the Transportation Manager will forward the most current edition to SLC and each Area. Each Area will receive a spreadsheet for their specific area as well as a statewide spreadsheet listing all vendors.

Short-term or field-hired EERAs shall be forwarded to the Transportation Manager. Any "field-hired" EERA can be added to the EERA data base and given a regular EERA number provided it meets all guidelines and is in compliance with the established rates for the equipment type.

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. EERA rates will not deviate from the established rates. Services will be obtained from the EERA vendors listed whenever possible.

For establishing EERAs please see Chapter Six or Contact Alma Hibshman – 907-761-6231.

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 Six

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

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payments, if made directly to the second party, would not have fallen under the procurement code." Examples are commissary, meals, lodging, and travel.

Commissary

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

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

Meals, Lodging and Travel

Meals and lodging, although exempt, should be solicited by Areas or Regional Offices using the Continuing Offer method. 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 Nine.

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 into Cooperative Agreements with the Bureau of Land Management/Alaska Fire Service, the United States Forest Service, and Structure 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 a Reimbursable Service Agreement (RSA). The RSA describes the services required and defines the financial terms for both the requesting and servicing agencies to process agreed upon billables. The RSA may be initiated at the Regional level within delegated RSA authority.

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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.

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: Wally Brockert-Hoff

Anchorage Office - 269-8461, Palmer Office - 761-6217, Cell -240-1580

Supply Tech: Bob Seaton: Palmer Office 761-6204, Cell- 748-2948

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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) documents a need 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.
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 vendors 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.

A Sample of a Bid Abstract and Field Purchase Order is at the end of this chapter.

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Invoicing and 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 expeditor 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

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)
- 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 eight-digit collocation code, the eight-digit ledger code (i.e. 73 followed by the six-digit fire number), and the five-digit account code (such as 74229 for stationery and business supplies). Suppression invoices will be stamped with the approval stamp, coded, signed by the Area Forester, or designee and transmitted to the Region Fire Management Officer for approval. 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.

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

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Type of Purchase	Amount	Required Documentation on Invoices	DOA Reportable
Commissary	\$ all	cc, fire #, rd, approval RO#	No
Meals/Lodging	\$ all	cc, fire #, rd, personnel names, approval RO#	No
Equip/Aircraft Rental CA	\$ all	cc, fire #, rd, CA#, approval RO#	No
Supply Purchase CA	\$ all	cc, fire #, rd, CA#, approval RO#	No
NICC or GSA	\$ all	cc, fire #, rd, approval	No
Small Procurement With/Without Bids	<\$5000	cc, fire #, rd, approval, RO#	No
Small Procurement Without Bids	>\$5000	cc, fire #, approval, RO# **EMG-10999	Yes
Small Procurement With Bids	<\$50,000	cc, fire #, rd, approval RO#	No
Small Procurement With Bids	>\$50,000	cc, fire #, approval, RO# **EMG-10999	Yes
Equip/Aircraft Services/Rental CO	<\$50,000	cc, fire #, rd, approval, CO #, RO#	No
Equip/Aircraft Services/Rental CO	>\$50,000	cc, approval, CO#, fire#, RO# **EMG 10999	Yes
EERA	< \$5,000.	cc, fire #, rd, approval, RO#	No
EERA	> \$5,000.	cc, fire #, rd, approval, RO# **EMG-10999	Yes

< = under > = over CO = Continuing Offer EERA = Emergency Equipment Rental Agreement
** EMG-10999 References are required for gathering information for reporting emergency purchases.

Reporting Emergency Procurements

Through the use of AKSAS, the Alaska State Accounting System, 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 reference type EMG-10999. The Audit Trail report will provide total cost summary by vendor, account number, and ledger 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 EMG-10999 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.

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Field Purchase Order		State of Alaska			Field Purchase Order Number 10310130-73		
		Department of Natural Resources					
		Division Of Forestry					
SHIP TO:				DATE DELIVERY REQUIRED		DATE OF ORDER	
				FAX NUMBER		F.O.B. POINT	
VENDOR CONTACT NAME		TELEPHONE NUMBER					
VENDOR NAME & ADDRESS				SHIPPING INSTRUCTIONS			
NOTE: This order constitutes a binding commitment between the state and the contractor listed herein. Unauthorized modification without the expressed prior approval of the purchasing authority will result in a financial obligation on the contractor and/or unauthorized state personnel making the change.							
ITEM NO.	QUANTITY	UNIT	DESCRIPTION			UNIT PRICE	EXT PRICE
Emergency Purchase In Support of an Incident							
			Mailing Address			Page 1 of	
FIN	AMOUNT	SY	CC	LC	ACCOUNT	STOCK REQUEST	
Purchasing Authority Name			Title		Purchasing Authority Signature		Telephone Number
1. FPO number and receiving agency name must appear on all invoices and documents relating to this order. 2. Do not overship or substitute. 3. Receipted freight bills must accompany all claims for freight charges. 4. The state is registered for tax-free transactions under Chapter 32, IRS code. Registration #92-601185. Items are for the exclusive use of the state and not for resale.							

