DSHS
WASHINGTON STATE Department of Social and Health Services

Central Contracts and Legal Services (CCLS)

Emergency Contract Justification

To:	
Contract Number	Today's Date
Select Contract Service Description / Sub-Object Code **Choose one.**	

Contractor's Information	
Contractor's Legal Name	Tax Identification (TIN) or Uniform Business Identification (UBI) Number
Address	

Emergency Contract's Purpose

Emergency Contract's Funding		
Federal Funding **$**	State Funding **$**	Contract Total **$**

Contract Dates

This request for emergency contract filing must not be more than three (3) business days from the date work started or the date of contract execution, whichever came first.

Start Date	End Date

Emergency Contract Definition and Guidelines

What is considered an emergency?

As per RCW 39.26.130, an "emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

a. Present a real, immediate, and extreme threat to the proper performance of essential functions; or
b. 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.

Guidelines:

Procurements under $40,000 ($50,000 for small businesses as defined by RCW 39.26.010(22) or certified veteran-owned businesses) or available through a State Master Contract (non-2nd Tiers) or procurements between $50,001 - $100,00 from small business or veteran-owned business when conducted in compliance with DES Policy 125-03, are exempt from competition and any related filing processes, as per DES Policy DES-140-00.

For emergency procurements (see definition above) totaling over the Direct Buy Limit (per DES Policy Number POL-DES-125-03) and where a State Master Contract for such services is not available, within two (2) business days of commencement of work or executing the emergency contract (whichever comes first), contracting staff must submit the following to CCLS for emergency processing:

- Completed emergency filing justification form (this form)
- Drafted Emergency Contract Notice (for transparency posting on DSHS' website, WEBS posting is not required)
- Drafted and approved memo* from your Administration's Assistant Secretary to the DSHS Secretary
- Drafted memo* from the DSHS Secretary to the DES Director

*Note: Both memos mentioned above must have your Assistant Secretary's approval and describe the goods/services procured, the details of the emergency, the circumstances leading to the emergency and why the circumstances require the emergency contract.

Per DES Policy Number DES-130-00, the duration of an emergency contract must not extend beyond the time needed to resolve the immediate threat.

Emergency Justification

To expedite CCLS and DES review of this emergency contract, please provide **clear and compelling** answers to the following justification questions.

1. Explain the nature of the emergency and all relevant circumstances associated with the emergency?

2. Describe the threat to the health or safety of individuals, property, or essential state functions if immediate action was not taken. Provide an estimate of the potential material loss or damage.

3. Explain how the goods and/or services of the contractor alleviated or eliminated the emergency. Describe what the consequences would have been if the emergency action had not been taken and the risks associated with inaction.

4. Describe the contractor's qualification, experience, and background in providing the emergency goods and/or services, and the basis on which this contractor was selected over other qualified firms.

5. Explain how the agency concluded that cost, fees, or rates are fair and reasonable, since competition was not used as the means for procurement.

- ☐ Confirm program and contractor agree that the contract document is in final form.
- ☐ Drafted emergency notice is attached separately to this request (in Word format to post on DSHS' website for public inspection; posting for emergencies to WEBS is not required).
- ☐ Drafted memo* from your administration's assistant secretary to the DSHS Secretary is attached separately to this request.
- ☐ Drafted memo* from the DSHS Secretary to the DES Director is attached separately to this request.
  - * Both above mentioned memos must have your assistant secretary's approval and describe the service procured, the details of the emergency, the circumstances leading to the emergency and why the circumstances require the emergency contract.
- ☐ If filing is considered late, obtain your division director and fiscal approvals.

If the emergency contract filing is "late" (where the commencement of work or execution of the contract, whichever came first, is more than three (3) business days from date sent to CCLS for approval, posting, and submission to DES, you must also complete and attach the Late Filing Justification form to this request.