

Central Purchasing

January 30, 2024

TO: Jessica Vega Pederson, Multnomah County Chair

FR: Brian R. Smith, Purchasing Manager

RE: Request for Chair's Authorization of Emergency Procedures for Procurement of Goods and Services Related to Addressing Fentanyl Crisis

DECLARATION OF EMERGENCY

The Board of County Commissioners is scheduled to declare an Emergency under Chapter 25 of the County Code by Resolution in the next week. The Resolution calls for emergency action including emergency procurement.

Pursuant to that to Resolution and the Public Contract Review Board (PCRB) rules 49-0150 (*Emergency Contract Procedure*) and 47-0280 (*Emergency Procurements/Contracts*), on behalf of the Directors of Health Department, County Assets, County Human Services, Community Justice, and the Joint Office of Homeless Services request the Chair to approve an emergency necessitating the use of emergency procurement procedures for procurement of goods and services needed to respond to the significant fentanyl crisis in Multnomah County.

Upon the Chair's approval, this emergency exemption shall apply to such purchases of goods and services as the Departments, in coordination with the County's other departments, determines to be reasonably necessary to address this emergency. Examples of eligible goods and services may include, but are not limited to, peer services, outreach, technical assistance, communications/education support, harm reduction, treatment and recovery services, incident management training and technical assistance, recruitment and staffing support, sheltering, day centers, rent assistance, eviction prevention support, legal services, supportive housing, built (property purchases, capital improvements, etc.) and systems infrastructure (service provider capacity building and organizational health, system development, etc.), epidemiology, data and policy analysis, financial, and other support services for the health, shelter, social, and pretrial, probation, and parole systems, and related goods and services.

EXPLANATION OF EMERGENCY

PCRB rule 47-0280(2)(a) requires findings describing the emergency circumstances that require the prompt performance of one or more contracts and stating the anticipated harm from a failure to establish the contract(s) on an expedited basis.

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As defined in PCRB rule 47-0280(1), “Emergency” means “circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of services or threat to public health or safety that requires prompt execution of a Contract to remedy the condition.”

1. Documentation of emergency circumstances.

There are emergency circumstances that pose a significant risk to public health, safety, and the continuity of essential services. The Board Resolution declaring an emergency recites the details of these emergency circumstances.

2. The circumstances giving rise to the need for emergency contracting could not have been reasonably foreseen and require the prompt execution of contracts.

The circumstances giving rise to the need for emergency contracting are of such a nature that they could not have been reasonably foreseen. These unforeseen circumstances require the swift execution of procurement and contracting activities. Failing to perform these activities in an expedited manner could potentially result in ongoing harm. Therefore, we emphasize the need to promptly engage in procurement and contracting processes to mitigate any potential harm and ensure the uninterrupted provision of vital services.

The gravity of the situation demands immediate action to protect the well-being of our community and effectively address the complex issue of substance use in Multnomah County.

3. Emergency Procurement Process.

The emergency procurement provisions of PCRB rule 47-0280 allows for contracting by direct appointment. Processes have been put into place to ensure competition is sought to the extent where reasonable and appropriate under the circumstances.

To date, the County’s procurement and contracting strategy to respond to this emergency has been to follow existing rules and processes prior to requesting permission to use the declared emergency authority. These processes bolster continued public confidence in the County’s support of a sound and responsive public contracting system.

In addition to the standard business process controls, requests for use of this emergency exemption will be made by email from a Department Director to the Chief Operating Officer (“COO”), with the County Purchasing Manager copied. Requests should include at a minimum: (1) a complete description of the good(s) or service(s) to be purchased, (2) supplier information and how they were chosen, (3) the estimated amount of the purchase, and (4) the effective (start/end) dates of the purchase. Final approval of the purchase will be made by the COO on behalf of the Chair.

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The intent is to use this declaration as a last resort procurement authority. As the County works to respond to this emergency, we will look to our existing rules and processes for competitive procurement first. Only if we are unable to fill the need through our regular channels would we need to use this authority. Accordingly, this declaration includes the authorization for direct appointment of all contracts made and entered under this declaration.

4. Emergency Procurement Scope.

In accordance with PCRB rule 47-0280, the scope of the authorization to use emergency procurement procedures under this declaration is limited to goods and services reasonably necessary to address the County's response to the fentanyl crisis.

5. Declaration of Existence of Emergency.

For the reasons above, we hereby declare the emergency and request that, pursuant to the authorization in PCRB rule 47-0280(3), the Chair: (1) declare the existence of the Emergency; (2) authorize the use of emergency procurement procedures, including direct appointment, for the procurement of all goods and services reasonably necessary to perform the Emergency work; and (3) extend the 60-day contract award period in PCRB rule 47-0280(5) to 120 days.



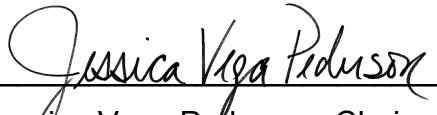
Brian R. Smith, MPA, NIGP-CPP, CPPO, PMP
Purchasing Manager

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DECLARATION OF THE CHAIR

For the reasons stated above:

1. The existence of an Emergency under Public Contract Review Board (PCRB) rule 47-0280 is DECLARED; and
2. The execution of contracts pursuant to the emergency procurement procedures, and, thereby, exempt from the competitive bidding requirements of PCRB rule 49-0200, is AUTHORIZED. Such execution of contracts may be by direct appointment and of any amount required by the Emergency circumstances, but limited to the scope established in the foregoing findings.



Jessica Vega Pederson, Chair