

Emergency Purchasing Guidance for Departments

On March 4, 2020, the Governor issued a Proclamation of a State of Emergency related to the COVID-19 Coronavirus. As a result of the emergency proclamation, Government Code and Public Contract Code requirements for competitive bidding, advertising and Procurement Division (PD) purchasing authority dollar thresholds have been suspended related to the procurement of goods and services needed to assist in preparing for, containing, responding to, mitigating the effects of and recovering from the spread of COVID-19. The following guidance is provided to assist departments with emergency purchasing activities.

- Departments are encouraged to use leveraged procurement agreements (LPAs) issued by the Department of General Services (DGS) to acquire goods and services – including CMAS, Statewide, MSA and Cooperative agreements. Competition requirements set forth in specific LPA User Instructions, such as acquiring multiple quotes, do not apply to purchases made in support of the emergency proclamation. Contact the LPA DGS contract administrator for any questions. The LPA Contract Index Listing is located on the DGS website at: <https://www.dgs.ca.gov/-/media/Divisions/PD/Acquisitions/Statewide-Contracts/ContractIndexListing>
- Departments are encouraged to use Small Business and Disabled Veteran Business Enterprises (SB/DVBE) to acquire goods and services. Procurement staff should remind program buyers and contract managers to ensure SB/DVBE invoices and payments are approved promptly. Contact your departmental SB/DVBE Advocate or DGS, Office of Small Business and DVBE Services at OSDSHelp@dgs.ca.gov for assistance on identifying available firms. The SB/DVBE database is located at: <https://www.caleprocure.ca.gov/pages/sbdvbe-index.aspx>.
- The CAL-Card may be used as a payment mechanism to acquire goods and services. Departmental CAL-Card program limits tied to purchasing authority approved by DGS are waived for emergency purchases related to the emergency proclamation. Individual buyer CAL-Card limits are set by departments and changes to those limits must be approved by departments. Refer questions related to a department CAL-Card program, to the CAL-Card Program Administrator. Refer questions related to the DGS statewide CAL-Card contract to: CALCardProgram@dgs.ca.gov.
- For emergency non-IT service contracts, an award may be made with the approval of the agency head or their designee without DGS/Office of Legal Services (OLS) approval. Thereafter, the contract should be sent to DGS/OLS for approval. For emergency non-IT service CMAS orders in excess of \$50,000, the purchase document should be sent to DGS/PD for approval after award.
- Departments must document procurement files to show sufficient justification for an emergency purchase. Documentation of the procurement file should include the following information:
 - A description of the emergency
 - Explanation of why the situation warranted the emergency purchase and the consequences of making the purchase through normal procurement processes
 - A description of the goods and price
 - The names and quotes of suppliers contacted

For questions related to this guidance, contact the department's assigned Purchasing Authority Specialist or PAMS@dgs.ca.gov

Update #1 dated March 30, 2020

The Use of Electronic Signatures (e-signatures):

Current state policy under State Administrative Manual ([SAM 1240](#)) allows for state agencies to utilize electronic signatures (e-signatures) for all types of transactions. SAM 1240 was created as a result of Management Memo 17-03 which was released in October 2017. In order to utilize e-signatures, state agencies must adhere to SAM 1240 policy requirements and can only accept the types of e-signatures discussed. State agencies shall also follow the Recommendations for Implementation section and establish policies and procedures for e-signatures.

The direction below shall be followed regarding e-signatures:

- Purchasing: If the department is transacting in Fi\$Cal, the department shall continue to transact and approve via Fi\$Cal since Fi\$Cal represents an electronic approval.
- Purchasing: If the department is not transacting in Fi\$Cal, purchase documents can be electronically signed as long as the requirements and rules discussed in SAM 1240 are followed. However, where the ability to transact already exists (e.g. NCB Portal), departments are required to utilize the existing platform to conduct business.
- IT Contracting: IT contracts for all departments (whether transacting in Fi\$Cal or not) can be electronically signed by both parties as long as the requirements discussed in SAM 1240 are followed.
- Non-IT Services Contracts: The requirements for Non-IT Service contracts are similar to those for IT and are discussed in SAM 1240 along with State Contracting Manual, Volume 1, Section 4.08. We recommend reaching out to your Non-IT services OLS attorney for more information or direction on e-signatures.

DGS has created an [eSignature Toolkit](#) webpage that includes information that can be utilized by state agencies to implement the use of e-signatures. In addition, Broadcast Bulletin P-13-18 announced e-signature capabilities for the STD 213.

In short, individual state agencies are responsible for determining if e-signatures will be allowed and for creating the necessary policy and procedures surrounding the use of e-signatures.

For questions, please contact the department's assigned Purchasing Authority Specialist or PAMS@dgs.ca.gov.