

EMERGENCY PURCHASE 63G-6a-803

GAE 21-1545 Johnstone Supply

An emergency purchase was approved under the Emergency Purchase Process Policy and in accordance with the Emergency Procurement 63G-6a-803 per the Utah Procurement Code for the attached Purchase Order GAE21-1545 to Johnstone Supply.

The specific emergency that necessitated the emergency procurement is as follows:

The air conditioning unit failed in the Timpanogos Vocational Trailers where programming classes for offenders are held. The purchase and installation of an air conditioning system was approved for purchase using Non-Lapsing funds. The order for 2 Each Multi Zone Air Conditioning Systems were purchased using a State Cooperative Contract. When these units arrived to our facility it was determined that they were not Multi Zone unit as needed, they were only single zone units. We explained to the vendor that the units were incorrectly listed on their ordering site and tried to find a solution. The original order for these units was placed 4/26/2021 and delivered on 5/10/2021. They suggested 4 single zone units to complete the project. We received half of the single zone units to and the remaining 2 were placed on backorder and we were not able to confirm the ETA.

On 6/14/2021 due to recent higher than usual temperatures Programming staff needed the problem taken care of right away to avoid having to cancel programming classes in which we are legally responsible to provide to our offenders.

In order to avoid a lapse in programming classes in which we are required to provide, to avoid not being able to provide these classes which are in the best interest of our offenders, as well as to protect the legal interest of our department a request for an emergency procurement was made.

The process for selection for this procurement item is as follows:

In order to ensure as much competition as reasonably practical we contacted the following vendors:

Fastenal (State Contract MA043) Quote #111129 – Two units in stock, remaining 2 backordered with an ETA of approximately one week longer for delivery.

Johnston Supply Quote #Q127603 – 4 units in stock ready to be picked up same day. They were also the low bid vendor meeting our need and therefore awarded the order.

This request was approved by our Executive Director Brian Nielson on 6/14/2021. Items were purchased and picked up from Johnstone Supply that afternoon and installed the next day. Programming classes continued as scheduled.

The original items ordered were returned to the vendor and the items they had on backorder were cancelled.

**UTAH DEPARTMENT OF CORRECTIONS
PRISON OPERATIONS
Purchase Order Requisition Form**

Date: 6/14/2021	Purchase Order Number: GA21-1545
Required Delivery Date:	
ATTN:	The above PO# must appear on all invoices and receiving documents.
Contract #: Account #:	Division: Division Programming
Vendor #:	Complex: Draper Site
Vendor Name: JOHNSONE SUPPLY	Unit: Timp VT's
Address:	Ship to 14425 South Bitterbrush Lane
City, State:	Address: Draper, UT 84020
Zip Code:	Bill to Utah Department of Corrections
Vendor Phone #:	Address: 14717 South Minuteman Drive
Vendor Fax #:	Draper, UT 84020
Tax Exempt #11736850-010-STC	Contact Person: TIM DUKE - MAINTENANCE
Purchasing Inquires: (801) 576-7441	Phone #: 801-576-7676
Payment Inquires: () -	Authorized Signature <i>Josh Hubbard</i>

Quantity Ordered	Description	Unit Price	Subtotal Amount
4	DAIKIN MINI SPLIT OUTDOOR UNIT #B60-446	\$ 789.60	\$ 3,158.40
4	DAIKIN SINGLE ZONE INDOOR WALL MOUNT UNIT #B60-442	\$ 316.32	\$ 1,265.28
4	LINE SETS #B79-219	\$ 177.05	\$ 708.20
			\$ -
			\$ -
	WILL CALL		\$ -
			\$ -
			\$ -
	<i>Emergency purchase</i>		\$ -
			\$ -
			\$ -
			\$ -
			\$ -
	Grand Total		\$ 5,131.88

Fund	Agency	Org.	Approp. Unit	Activity	Expend Object	Revenue Source	Project or Job	Reporting Category	Amount
1000	410	6513	MKA	NONL	6171				

"State of Utah Purchase Order Terms and Conditions are hereby attached to this Purchase Order by reference.
A copy of the terms and conditions may be obtained at <http://www.purchasing.utah.gov>
(Under DAS Services click: Purchasing Forms, then Purchase Order Contract Terms and Conditions)."



REMIT TO:
 JOHNSTONE SUPPLY
 PO BOX 65499
 SALT LAKE CITY, UT 84165
 801-486-4401
 801-486-1802 FAX

PRICE QUOTE

Branch Locations: www.johnstonesupply.com
SLC 2940 S 300 W · Salt Lake City, UT 84115 · 801-486-4401
 Orem 615 S 1325 W · Orem, UT 84058 · 801-221-5858
 Ogden 2979 Commerce Way · Ogden, UT 84401 · 801-393-3911
 Idaho Falls 115 E. Anderson St · Idaho Falls, UT 83402 · 208-523-7755

Page 1
 Printed 06/14/21 NRL

Quoted
 UT DEPT OF CORRECTIONS
 14717 MINUTEMAN DRIVE
 DRAPER UT 84020-9549
 Buyer: DAVID ANDERSEN
 Tel:801-576-7676 Fax:801-545-5564

Ship To
 UT DEPT OF CORRECTIONS
 14717 MINUTEMAN DRIVE
 DRAPER UT 84020-9549

Quote # Q127603	Quote Date 06/14/2021	Exp Date 07/14/2021	Customer # 0008713	Customer P/O # mini split	Ship Via DELIVERY	Writer NRL
Job ID			Customer Terms NET 10TH PROX		Salesman Kennith Best	

Product	Description	UM	Quant	Unit Price	Extension
B60-446	RXB18AXVJU MINI-SPLIT HEAT PUMP SINGLE-ZONE OUTDOOR DAIKIN 18K BTUH 17SEER 10.5EER 9HSPF 208/230V R410A	EA	4	789.60	3158.40
B60-442	FTXB18AXVJU MINI-SPLIT HEAT PUMP SINGLE-ZONE INDOOR WALL MOUNTED DAIKIN 18K BTUH 17SEER 208/230V R410A	EA	4	316.32	1265.28
B79-219	DL04080815HJS LINE SET MINI-SPLIT PE WHITE 1/4IN 1/2IN 1/2IN 15FT STRAIGHT END WITH FLARE NUTS	EA	4	177.05	708.20

X: _____ (Accepted by)	Sub Total	\$5,131.88	T o t a l
	Freight	\$0.00	
	Misc Charges	\$0.00	
	Tax Amount	\$0.00	
			\$5,131.88

MESSAGE	TERMS
AS OF 4/1/21 AFTERHOURS FEES \$100	**NO RETURNS ACCEPTED AFTER 90 DAYS** NO RETURNS ON SPECIAL ORDERS OR INSTALLED PARTS. ALL MERCHANDISE IS SUBJECT TO A RESTOCKING FEE RETURNS MUST BE NEW AND IN ORIGINAL PACKAGING.

Price Quotation
CONFIDENTIAL

STATE OF UTAH PRISON
14425 s Bitterbrush Lane
DRAPER, UT 84020-9597
ATTN: Lynnise Posso

Phone:
Fax:
Contract No: MA043-8497

Account #: MVUT0169
Quote #: 111129
Job #:

Due Date: 06/15/2021
Expiration Date: 07/14/2021
PO #: RFQ

<u>Line No.</u>	<u>Part #</u>	<u>Customer Part #</u>	<u>Description</u>	<u>Quantity</u>	<u>Price/EA</u>	<u>Extended Price</u>
1	10367-04381		GREE - LIVV18HP230V1 GREE - LIVV18HP230V1AHW - GREE LIVO GEN3 - 18,000 BTU Ductless Mini Split Indoor Unit 16 SEER 230V-WiFi included Customer Comment: 2 in stock, other 2 can have by early next week	4	\$591.8500	\$2,367.40
2	10367-04382		GREE - LIVV18HP230V1AO - 18K 230V ODU Customer Comment: 2 in stock, other 2 can have by early next week	4	\$1,039.7300	\$4,158.92
3	10367-04383		Streamline - 4082025 Streamline - 40820250B6C - 1/4" OD x 1/2" OD - 1/2" x 25', Mini Split Line Set, Plain End Customer Comment: 2 in stock, other 2 can have by early next week	4	\$189.2100	\$756.84
4	10367-04384		Honeywell/GENESIS - Honeywell/GENESIS - 10700108 - BTMINI1250600 14/4 STR THHN 600V Tray Cable Customer Comment: Wire to connect units if needed	1	\$376.0900	\$376.09
					USD Total:	\$7,659.25

Thank you,

FASTENAL
9706 S. Sandy Parkway
SANDY, UT 84070
Phone: (801)566-8994
Fax: (801)566-8996
E-mail: UTMID@stores.fastenal.com



*Shipping & Handling charges are subject to change.



Utah Division of Purchasing and General Services

POLICIES AND PROCEDURES

Subject: Emergency Purchase Process for Executive Branch State Agencies

Policy Number: PURCH-01

Reference: UCA 63G-6a-803 UAC R33-8-401, Delegation to Executive Directors updated January 31, 2018

Issue/Revision Date: 21 April 2021

Purpose:

The purpose of this policy is to establish the process for emergency purchases for all Executive Branch Agencies that fall under the jurisdiction of the Utah Division of Purchasing

Definitions:

"Executive Branch Procurement Unit" means a department, division, office, bureau, agency, or other organization within the state executive branch.

Policy:

The Executive Branch Procurement Unit shall conduct an emergency procurement as outlined in UCA 63G-6a-803, UAC R33-8-401, and as described in the limited purchasing delegation to Executive Branch Procurement Units from Christopher W. Hughes, Director of Purchasing on January 31, 2018. Within 12 days of the emergency procurement, the Executive Director or the Executive Director's designee of the Executive Branch Procurement Unit shall prepare and submit documentation

- a) describing the specific emergency that necessitated the emergency procurement;
- b) documenting the selection of the procurement item;
- c) declaring the name of the highest-ranking government official that approved the emergency procurement; and
- d) providing each written contract related to the emergency procurement.

The documents shall be sent to purchasingsolicitations@utah.gov. Within two days of receiving the emergency procurement documentation, the Utah Division of Purchasing shall post the documentation to the Division's website.

Effective 5/5/2021

63G-6a-803 Emergency procurement.

- (1) As used in this section, "natural disaster" means an event where:
 - (a) one or more of the following has caused widespread damage:
 - (i) an explosion;
 - (ii) fire;
 - (iii) a flood;
 - (iv) a storm;
 - (v) a tornado;
 - (vi) winds;
 - (vii) an earthquake;
 - (viii) lightning; or
 - (ix) other adverse weather event; and
 - (b) the president of the United States has declared an emergency or major disaster in the state, or the governor has declared a state of emergency under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.
- (2) Notwithstanding any other provision of this chapter and subject to Subsection (4), a procurement official may authorize a procurement unit to engage in an emergency procurement without using a standard procurement process if the procurement is necessary to:
 - (a) avoid a lapse in a critical government service;
 - (b) mitigate a circumstance that is likely to have a negative impact on public health, safety, welfare, or property, including a natural disaster; or
 - (c) protect the legal interests of a public entity.
- (3) A procurement unit conducting an emergency procurement under Subsection (2) shall:
 - (a) ensure that the procurement is made with as much competition as reasonably practicable while:
 - (i) avoiding a lapse in a critical government service;
 - (ii) avoiding harm, or a risk of harm, to the public health, safety, welfare, or property; or
 - (iii) protecting the legal interests of a public entity; and
 - (b) make the following publicly available on the procurement unit's website within 14 days of the emergency procurement:
 - (i) a written document describing the specific emergency that necessitated the emergency procurement;
 - (ii) the name of the highest ranking government official that approved the emergency procurement; and
 - (iii) each written contract related to the emergency procurement.
- (4)
 - (a) Except as provided in Subsections (4)(b), (5), and (6), the term of a contract entered into for an emergency procurement under this section may be no longer than 30 days.
 - (b) The term of a contract entered into for an emergency procurement under this section related to a natural disaster may be no longer than 60 days.
- (5)
 - (a) Subject to Subsection (5)(b), the requirements described in Subsection (4) do not apply to an emergency procurement for legal services.
 - (b) A person hired through an emergency procurement to provide legal services may not, under the contract entered into through the emergency procurement, hire or otherwise provide remuneration to a consultant for services related to any topic that is not directly related to the legal services for which the person was hired.

- (6) The requirements described in Subsection (4) do not apply to an emergency procurement by the Department of Human Services related to the:
- (a) placement of a client with a residential service provider; or
 - (b) provision of medical services for a client.

Amended by Chapter 30, 2021 General Session



Lynn timer Posso <lposso@utah.gov>

Emergency Purchase Approval - Programming Timp VT's

Brian Nielson <briannielsen@utah.gov>
To: Lynn timer Posso <lposso@utah.gov>

Thu, Jun 17, 2021 at 1:19 PM

Thank you Lynn timer. Please submit the documentation you prepared.

On Thu, Jun 17, 2021 at 11:42 AM Lynn timer Posso <lposso@utah.gov> wrote:
Director Nielson,

Attached is the documentation I have put together for us to submit to the Division of Purchasing regarding the Emergency Purchase for the Programming Timp VT's Air Conditioning System for your review. We are required to submit this documentation to them within 12 days of the award. If everything I have listed in the documentation looks correct to you I can submit it to them now.

If you see anything that needs to be added or changed please let me know.

Thanks again for your help with this.

On Mon, Jun 14, 2021 at 1:52 PM Lynn timer Posso <lposso@utah.gov> wrote:

Thank you so much. I will get the order placed for them right away. I will also submit all required documentation to State Purchasing.

On Mon, Jun 14, 2021 at 1:45 PM Brian Nielson <briannielsen@utah.gov> wrote:

Hi Lynn timer

I approve the use of non lapsing funds to purchase the air conditioning unit.

Brian

On Mon, Jun 14, 2021 at 12:37 PM Lynn timer Posso <lposso@utah.gov> wrote:
Director Nielson,

We have been working with Maintenance on the purchase of the AC units for the Timp VT Air Conditioning Project. The units were ordered on May 10th but when they arrived it was determined they were incorrectly listed on the vendor ordering site and would not work. We have been working with the State Contract Vendor but they have not been able to get the correct units delivered out to us at this time. They have found replacement units but have not been able to confirm when they will ship out.

We have found some units that are currently in-stock that can be picked up this afternoon and installed right away.

We would like to request permission to make a Emergency Purchase for these units. The Timp VT units have been without air conditioning for several weeks. The higher temperatures are now jeopardizing our ability to hold programming classes. I believe this would fall under 63G-6a-803 subsection 2 of the Procurement Code attached.

We have used as much competition as reasonably practical and it has been determined that this purchase from Johnstone Supply is in our best interest as they can provide them right away.

The total amount of this purchase is \$5131.88

Do we have your approval to proceed with this purchase?

If you need any additional information please let me know.

Thank you

--