



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Administrative Services Division of Purchasing & General Services

TANI PACK DOWNING
Executive Director

Christopher W. Hughes
Division Director

RE: EMERGENCY PROCUREMENT PROTOCOLS

COVID-19 PANDEMIC: The United States is responding to a pandemic respiratory disease known as “coronavirus disease 2019” (abbreviated “COVID-19”) that is spreading from person-to-person. This situation poses a serious public health risk. On March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. In the interest of aiding the people and local governments in Utah, Governor Herbert issued a State of Emergency on March 6, 2020 regarding the COVID-19 pandemic. Following the Governor’s State of Emergency declaration, the Division of Purchasing pursuant to Utah Administrative Code R33-8-501, issued an Emergency Purchasing Declaration allowing State agencies to make emergency purchases to stop the spread of COVID-19 and mitigate the overall effects of the pandemic.

Utah Administrative Code R33-8-501 states that

Upon a declaration of an "Official State of Emergency" by the authorized state official, the chief procurement officer shall implement the division's Continuity of Operations Plan, or COOP. When activated, the division shall follow the procedures outlined in the plan and take appropriate actions as directed by the procurement unit responsible for authorizing emergency acquisitions of procurement items.

The Division of Purchasing’s COOP plan¹ provides:

The Division Director or Designee can authorize essential purchases to preserve the safety of staff and to protect the threatened assets of the Division. However, judgment must be exercised to ensure that the long-term effects will not outweigh the short-term benefits.

When emergency conditions justify, the normal bid process is not required and the most important criteria is “performance.” However, to ensure that the costs are not excessive, the Continuity of Operations Team Leader or Designee must exercise caution and afterwards justify the award.

In accordance with the Utah Procurement Code and COOP plan, the Division of Purchasing issued several solicitations for PPE and other emergency response contracts. The Division of Purchasing also created a Google form on the coronavirus.utah.gov/help to allow for vendors to submit information regarding sourcing Personal Protective Equipment (PPE), and accepted vendors submitting information

¹ The COOP plan does not reference pandemic or a fracture of the PPE supply chain as a referenced emergency.

using a “cold-call” method. Since March 21, 2020, over 1,000 vendors responded to the posted solicitations, cold-called the State to provide/source PPE for the State of Utah, or have completed the Google form on the coronavirus.utah.gov/help website.

PPE needs were established by local hospitals, the Department of Health, local health departments, FEMA, USDA, cities, counties, and members of the State Emergency Operation Committee (EOC). Vendors that submitted timely responses were reviewed and vetted by the Department of Health, the Division of Purchasing, the Department of Administrative Services, the Economic Development Corporation of Utah (EDC Utah), and members of the EOC. Additionally, the Division of Purchasing worked with national cooperative organizations, local companies, existing statewide contract holders, and other states in order to mitigate this crisis. Reviews of vendors included pricing, history of sourcing from China, location, and interviews to help determine potential performance. Vendors that received purchase orders from the State committed to certain protocols including daily phone calls and emails to provide updates.

As the State of Utah returns to a more “normal” procurement process for PPE, the Division of Purchasing, along with the entities above, will issue formal solicitations in order to fulfill the PPE needs for the long-term. Purchases made during the emergency procurement protocols will begin to phase out as solicitations are published and awarded for Utah’s long-term needs.