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|  | STATE OFFICE for SERVICES to CHILDREN and FAMILIES ADMINISTRATIVE SUPPORT MANUAL III ISSUED BY: Management Operations EFFECTIVE DATE: January 2, 1996 | NUMBER: III-D.3.3 |
| | | SECTION: D. Contract Management |
| | | SUBSECTION: 3. Contract Development |
| SUBJECT: 3. Emergency Contracts | | |

Interpretation: Assistant Administrator,
Management Operations

Approval: Majorie Lowe
Assistant Administrator,
Management Operations

REFERENCE: CF 44, Emergency Contracts
ORS 291.021

POLICY

CONDITIONS FOR EMERGENCY CONTRACTING

413-330-500 (1) An emergency contract may be used to obtain services only under the most urgent conditions when the regional manager or designee has approved the action, after finding that all of the following conditions exist:

(a) All other approved contracting methods would result in unacceptable delay which would seriously endanger a child's health, safety or welfare;

(b) Appropriate care and/or treatment is not obtainable from any suitable public institution, or from any suitable private contractor under an existing contract;

(c) Funds are available and authorized for the type of services and client(s) to be served by the contract, and the cost is reasonable;

(d) Appropriate licensing/certification requirements have been satisfied.

(2) Emergency contracts shall not be used in place of contracts such as regular foster/shelter care, which SOSCF field offices are authorized to approve.

(3) Contractual services will not be obtained and the state will not be obligated for payment for the services until the contract has been approved, reduced to writing, and signed by persons authorized to bind the contractor and SOSCF. Persons authorizing services prior to the contract being signed or obtaining unauthorized services, may be held personally liable for the cost of the services.

(4) An emergency contract may only be executed for a period up to 60 days, and shall not exceed \$15,000.

Statutory Authority: HB2004

Stats. Implementation: ORS 291.021

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REQUIRED INFORMATION

413-330-510 To assist the regional manager or designee to reach an appropriate decision, the following information will be provided by the requesting office staff. This information must then be forwarded to the DHR Contracts Section to become a part of the contract file.

- (1) Nature of emergency and need for services;
- (2) Alternate resources explored and results;
- (3) Expected consequences if emergency action is not taken;
- (4) Probable terms of placement -- temporary or for an extended period of time;
- (5) Basis for selection of contractor; and
- (6) Basis for agreed price for the services, including an itemized list of costs when appropriate.

Statutory Authority: HB2004

Stats. Implementation: ORS 291.021

EXECUTING THE CONTRACT

413-330-520 Emergency contracts will be prepared, following receipt by the branch of a log number from the DHR Contracts Section, using CF 44. The log number will be phoned to the branch after authorization is received from the regional office and the budget office.

- (1) No alteration of the printed form is authorized.
- (2) If any information entered on the contract form (description of services, contract term, dollar amount, etc.) is changed by either the contractor or manager after the other has signed the contract, both parties must agree to and initial the change before the contract is binding and before any services begin.

Statutory Authority: HB2004

Stats. Implementation: ORS 291.021

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CONTRACT APPROVAL

413-330-530 (1) The Department of Administrative Services has delegated to SOSCF the authority to approve emergency contracts.

(2) Authority to sign emergency contracts on behalf of SOSCF is delegated to region and branch managers for emergency contracts processed by field office staff.

(3) When the contract is prepared in the central office, authority to sign emergency contracts on behalf of SOSCF is limited to persons to whom contract signing authority has been delegated in writing.

(4) Following signature of three copies of the contract by the contractor and appropriate SOSCF manager or assistant administrator, one copy will be provided to the contractor and the other two will be forwarded to the DHR Contracts Section. The DHR Contracts Section will make the final distribution.

Statutory Authority: HB2004

Stats. Implementation: ORS 291.021

SUPERSEDING CONTRACT

413-330-540 When continuing, uninterrupted services are required, the emergency contract term will be for the full 60 days, and a superseding, definitive contract will be completed and approved as required before the ending date of the emergency contract. All actions must be completed in time to allow for adequate review and approval prior to the beginning date of the superseding contract. **In no case will a second emergency contract be used to continue the services.**

Statutory Authority: HB2004

Stats. Implementation: ORS 291.021