

SOLE SOURCE AND EMERGENCY CONTRACT
LDH PROCESS

Sole Source or Emergency Contract applicable for:

- 1) Professional Type Contracts
 - a. When the total amount of contract is \$74,999 or greater (for 12 month period) for Consulting services and \$249,999 or greater for Social Services which requires procurement by competitive bidding but it has been determined that the services meet the criteria for Sole Source or Emergency contracts.
- 2) Complex Services
- 3) Purchasing Agreements Goods and Services Contracts
 - a. When the dollar amount exceeds Delegated Purchasing Authority (DPA) and requires competitive bidding but it has been determined that the services meet the criteria for Sole Source or Emergency contracts.

The program office must adhere to the following process for;
Professional Services (Contracts for Professional, Personal, Consulting and Social Services, PPCS)

- 1) The following must be submitted by email to OMFContractReview@LA.GOV
 - a. Shopping Cart Number of Emergency or Sole Source Request
 - Shopping cart number should be on every document submitted for pre-approval, per LDH Legal.
 - b. Justification letter must show evidence that the services provided meet the criteria for the type of contract requested and must be submitted as a word document as follows:
 - i. Letter must be on **OMF Letterhead**
 - ii. Close letter with:
[Insert Undersecretary Name]
Undersecretary
 - iii. Must be addressed to:
Ms. Pamela Bartfay Rice, Esq.
Assistant Director, Professional
Contracts DOA-Office of State
Procurement
P. O. Box 94095
Baton Rouge, Louisiana 70804-9095
 - iv. **Body of Letter must include:**
 1. **Why it warrants an emergency contract**
 2. **Critical services being provided**
 3. **Consequences of failure to provide services**
 - c. CF-1 (unsigned draft)
 - i. Include all attachments, but not exhibits.
 - ii. Must be unsigned for the pre-approval process
 - d. Statement of Work – must be a word document with no tracked changes or comments
 - e. BA-22 – must be signed
 - f. Contracting History, including:
 - i. Prior Contract PO Number
 - ii. Must indicate whether prior contract was a result of an emergency or sole source request.
 - iii. Current RFP Number, if applicable. NOTE: this does NOT go on the

CF-1!

- iv. Date of the most recent RFP, if applicable, for the services requested.
- v. Status of the Current RFP, if applicable, for the services requested, including the date it was sent or will be sent to OSP for review.
Tentative schedule of events for RFP, if available.

g. **Sole Source Requests ONLY** – Vendor Sole Source Letter – This is a letter from the vendor on **vendor/company letterhead** justifying the assertion that they are a sole source provider. They must provide information regarding the proprietary nature of their service, software, or other unique capabilities. *It is only required for Sole Source Requests.

h. **Draft Routing slip** – signatures to be obtained by OMF Contract section

- 2) Request for LDH Legal review will be processed by OMF Contract Review only.
- 3) Once approved by LDH Legal, **OMF Contract Review team will route the packet in DocuSign for routing slip signatures and Undersecretary’s approval and signature on justification letter.**
- 4) All Emergency or Sole Source requests must be reviewed and approved by the current LDH Undersecretary
- 5) Upon approval from the Undersecretary, **the program office may proceed with request to OSP by submitting documents listed under 1. a – h in LaGov SRM as a Shopping Cart.** Make sure to select appropriate Sole Source or Emergency type in shopping cart to build the workflow to OSP.

***When creating this Shopping Cart, you MUST go to the Agency Tab of Line Item 0001 and select either Emergency Pre-Approval or Sole Source Pre-Approval. This is REQUIRED for your shopping cart to be correctly routed and receive all the required internal and OSP approvals to proceed.**

The screenshot shows a web interface for document management. At the top, it says 'Display Document: 1000289271'. Below that are buttons for 'Print Preview', 'Close', 'Refresh', and 'Export'. A header bar contains metadata: 'Number 1000289271', 'Name P00339223 01/18/2023 15:43', 'Status Saved', 'Created On 01/18/2023 15:43:21', and 'Created By MOLLY COZAD'. The main content area is titled 'Details for item 0001 / 000000001 / FY23 Influenza WWS'. There are several tabs: 'Item Data', 'Account Assignment', 'Notes and Attachments', 'Delivery Address/Performance Location', 'Approval Process Overview', 'Related Documents', 'Control Agency', and 'Agency' (which is active). The 'Agency' tab shows a form with various fields and checkboxes. Under 'Commodity & Service Procurement', there are fields for 'LA Gov Process Type' (set to 'Sole Source'), 'Renewal/Repurchase', 'Doc #', 'Proprietary Purchase', 'Exempt per Small Purchase Executive Order', 'Exemption # per Executive Order', 'Labor & Materials Project/Construction', 'Cost Estimate' (0.00), 'Printing', 'State Printing unable to process', 'Statorily Mandated; State RS #', and 'Authorized Dealer Repair or Parts'. Under 'Professional Services Purchase', there are fields for 'LaGov Service Type' (set to 'SOC'), 'Contractor is a Profit or Non-Profit Corporation', 'Contractor is a Profit Corporation Whose Stock is NOT Publicly Traded', 'Contractor is Out-of-State Corporation', 'Legal Approval', 'Date', 'Emergency Pre-Approval', 'Sole Source Pre-Approval', and 'RFP Approval'. The 'Emergency Pre-Approval' and 'Sole Source Pre-Approval' checkboxes are highlighted with a red box.

- 6) Upon receipt of Pre-Approval from OSP, the program office must then submit ALL required contract documents, including written pre-approval from OSP, to the OMF Contract Review team for review and LDH Legal review. Must have LaGov PO number, and it must added to all documents.
- 7) The program office may proceed with obtaining signatures on the contract and final approvals in LaGov only upon receiving notification of approval to proceed from OMF Contract Review team.

**The program office must adhere to the following process for;
Professional Services (Contracts for Professional, Personal, Consulting and Social Services, PPCS) Emergency Contract AMENDMENTS**

- 1) The following must be submitted by email to OMFContractReview@LA.GOV
 - a. Justification Letter:
 - i. Letter must be on **OMF Letterhead**
 - ii. Close letter with:
[Insert Undersecretary Name]
Undersecretary
 - iii. Must be addressed to:
Ms. Pamela Bartfay Rice, Esq.
Assistant Director, Professional Contracts DOA-Office of State Procurement
P. O. Box 94095
Baton Rouge, Louisiana 70804-9095
 - iv. **Body of Letter must include:**
 1. **Why it warrants an amendment to the emergency contract**
 2. **Critical services being provided**
 3. **Consequences of failure to continue providing services**
 - b. DRAFT Amendment (CF-6), UNSIGNED for Pre-Approval
 - c. Revised Attachments, as applicable
 - d. Revised BA-22, Signed and if required
 - e. Status of the current RFP
- 2) Request for LDH Legal review will be processed by OMF Contract Review only.
- 3) Once approved by LDH Legal, **OMF Contract Review team will route the packet in DocuSign for routing slip signatures and Undersecretary's approval and signature on justification letter.**
- 4) All Emergency Contract Amendments must be reviewed and approved by the current LDH Undersecretary
- 5) Upon approval from the Undersecretary, **the program office may proceed with pre-approval request to OSP by using the Notes and Attachments Utility in LaGov to upload documents listed under 1. a – e to the existing PO. A note must also be entered into Approval Notes to accompany the review request.**

The note must include:

 - “Request for OSP Review of Amendment # [insert].”
 - Detailed status of current RFP

****DO NOT ORDER THE PO AT THIS TIME****
- 6) Program must send an email to request the review of the emergency contract.
 - a. Email request must be addressed to ALL OF THE FOLLOWING:
 - i. Pam Rice
 - ii. Allison Underwood
 - iii. Andrew Guzzardo
 - iv. OMFContractReview@la.gov
 - b. Email request must include:
 - i. Subject Line: PO Number, Emergency Amendment Pre-Approval Request
 - ii. Body: Confirm to OSP, et al. that the required Amendment Documents (1. a – d) have been uploaded for review in LaGov
- 7) Respond to any requests for information or documentation from OSP.
OMFContractReview@la.gov must be copied on ALL correspondence.

- 8) Once OSP issues emergency pre-approval, program will notify OMF Contract Review of the approval and submit complete packet for final OMF and Legal review and approval to proceed.
- 9) Once OMF issues the final review approval, program obtains signatures on the Amendment CF-6 (vendor always signs first)
- 10) Once CF-6 is fully executed, the PO must be edited to reflect details affected by the amendment. This includes but is not limited to: dates, contract total, funding sources, etc.
- 11) The fully executed CF-6 must be versioned in to replace the unsigned copy that was used for pre-approval.
- 12) Once all PO changes are updated and the signed CF-6 is uploaded, the PO can be ordered for OSP final approval.
- 13) Program will respond to any updates or questions from OSP, if applicable.
- 14) OSP will issue final approval of the amended PO in LaGov.

**The program office must adhere to the following process
for; Complex Services**

- 1) The following must be submitted by email to the OMFContractReview@la.gov
 - a. Justification letter must show evidence that the services provided meet the criteria for the type of contract requested and must be submitted as a word document as follows:
 - i. Letter must be in OMF letterhead
 - ii. Close letter with:
[Insert Undersecretary Name]
Undersecretary
 - iii. Must be Addressed to:
Tom Ketterer, Director
Office of State Procurement
1201 North Third St.
Claiborne Bldg., Suite 2-160
Baton Rouge, LA 70802
 - b. **Body of Letter must include:**
 - i. **Why it warrants an emergency contract**
 - ii. **Critical services being provided**
 - iii. **Consequences of failure to provide services**
 - iv. **If requesting extension, letter must indicate the requested amount of time, reason for extension, and current progress on RFP.**
- 2) Draft Routing slip – OMF will obtain signatures
- 3) **Sole Source Requests ONLY** – Vendor Sole Source Letter – This is a letter from the vendor on letterhead justifying the assertion that they are a sole source provider. They must provide information regarding the proprietary nature of their service, software, or other unique capabilities. *It is only required for Sole Source Requests.
- 4) Request for LDH Legal review will be processed by OMF Contract Review team.
- 5) All sole source or emergency purchases must be reviewed and approved by the current LDH Undersecretary.
- 6) Upon approval from the Undersecretary, the program office may proceed with request to OSP by submitting documents. Method of submittal will vary, depending on whether request is initiated from a PO or 44 Contract, in addition to whether it is a new request or an extension request. Contact OMF with additional questions.

- 7) OSP will review all documents, draft the Contract or Amendment, and obtain contractual signatures. OSP will then issue a fully executed copy to all parties once completed.

The program office must adhere to the following process for; Purchasing Agreement for Goods and Services Contracts

- 1) The following must be submitted by email to OMFContractReview@la.gov
 - a. Justification letter must show evidence that the services provided meet the criteria for the type of contract requested and must be submitted as a word document as follows:
 - i. Letter must be in OMF letterhead
 - ii. Close letter with:
[Insert Undersecretary Name]
Undersecretary
 - iii. Must be Addressed to:
Tom Ketterer, Director
Office of State Procurement
1201 North Third St.
Claiborne Bldg., Suite 2-160
Baton Rouge, LA 70802
 - b. Sole Source Letter from vendor stating the unique or compatibility characteristics of the product, that they are the only known source for the particular product and that they do not sell through distributors
 - c. Purchasing Agreement – Firm, fixed price quote is acceptable as well.
- 2) Draft Routing slip – OMF obtains signatures
- 3) Request for LDH Legal review will be processed by OMF Contract Review
- 4) Confirmation that pricing offered does not exceed vendor's published price list
 - a. Published pricing options:
 - (1) vendor's published price list *OR*
 - (2) vendor can include language on the quote/invoice. If vendor does not have a published price list, then a notarized letter from the vendor is required stating this information.
- 5) LDH is part of the "IT Consolidation" so, if OTS is not procuring on behalf of LDH, then a Delegation of Authority letter from OTS is needed.
 - a. This only applies to any IT product & service purchases.
- 6) If the vendor will be onsite, then a Certificate of Liability Insurance (COI) is needed, that meets all necessary requirements.
- 7) All sole source or emergency purchases must be reviewed and approved by the LDH Undersecretary.
- 8) Upon approval from the Undersecretary, the program office may proceed with request to OSP by submitting documents listed under 2. a-c. in LaGov or as requested by OSP.

Rev. January 2025

For more information about Sole Source or Emergency Contracts, see Revised Statutes and procurement code.

R.S. 39:1597 Sole source procurements <http://www.legis.la.gov/Legis/Law.aspx?d=96079>

R.S. 39:1598 Emergency procurements <http://www.legis.la.gov/Legis/Law.aspx?d=96080>

Procurement Code <https://www.doa.la.gov/Pages/osr/lac/books.aspx>

Title 34, Government Contracts, Procurement and Property Control Division of Administration,
Office of State Procurement <https://www.doa.la.gov/Pages/osp/Index.aspx>