



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Emergency Management

TITLE-SERIES: 170-04

RULE TYPE: Procedural Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: SIRN Emergency Purchasing Procedure

CITE STATUTORY AUTHORITY: 5A-3-3a

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 03/01/2021 4:00

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: GE McCabe

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The Rule sets forth the procedure for executing emergency purchases for SIRM

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This is a new rule, required by 5A-12-1

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There is no change

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Stacy L Nowicki-Eldridge -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 170
PROCEDURAL RULE
WEST VIRGINIA DIVISION OF EMERGENCY MANAGEMENT

SERIES 4
SIRN EMERGENCY PURCHASING PROCEDURE

§170-4-1. General.

1.1. Scope: These Purchasing Procedures are an explanation and clarification of operative procedures for the construction and repair contracts for purchase of commodities, services, repairs, or alterations by the Division of Emergency Management ("EMD") relating the Statewide Interoperable Radio Network ("SIRN") pursuant to the EMD's purchasing exemption.

1.2. Authority -- W. Va. Code §5A-3-3a.

1.3. Filing Date --

1.4. Effective Date --

§170-4-2. Procedures.

2.1. The Director of EMD (hereinafter Director), may authorize purchases outside these guidelines when purchases are deemed necessary and in the best interest of the division and the state. If this is done, the Director shall notify the Secretary of Homeland Security, who shall review the request, and either approve, or disapprove, the purchase in writing.

2.2. Purchasers of the division who have the authority or responsibility to purchase commodities and services, shall not make any purchase(s), without contacting the Director, or designee, except for purchases related to the operation of a division vehicle/utility vehicle.

2.2.a. When such a request is made, the Director will determine if the request is appropriate.

2.2.b. If the request is deemed appropriate, the Director will notify the Secretary of the Department of Homeland Security of the request, and the Secretary must approve or deny the purchase. If the purchase is approved, the Director shall instruct the employee how to proceed or will advise the employee that he/she will assume the responsibility of making the procurement.

2.2.c. This procedure will ensure that division policies are followed when division purchasers are procuring goods and services.

2.3. The Director, or his or her designee, will make his or her best attempt to ensure that contracts are in place for the procurement of goods and services necessary to maintain the SIRN system, and procure these goods and services from those contracts, if possible, when necessary.

2.4. If circumstances are such, due to time or circumstance constraints, that utilizing the contracts described in section 2.4. is impossible or impractical, the Director, or his or her designee, shall make attempts to secure bids, or shall document open market pricing for items, and may purchase goods or services which accomplish the lowest price available, with the fastest delivery time. The Director, or his or her designee, may purchase a more expensive good or service, if the delivery time is faster, if time is of the essence.

2.5. The Director shall maintain documentation of the emergency, and justification for the way the purchase was made for a period of three years.