



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

8/27/2021 9:30 AM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Emergency Management TITLE-SERIES: 170-04
RULE TYPE: Procedural Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: SIRN Emergency Purchase Procedure
CITE STATUTORY AUTHORITY: 5A-3-3a

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

September 26, 2021

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 – August 27, 2021

1.4. Effective Date – September 26, 2021

§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.