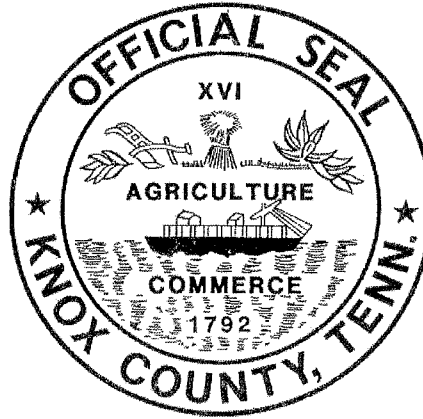


EXHIBIT B



KNOX COUNTY
PROCUREMENT DIVISION
Emergency Procurement Manual

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I. INTRODUCTION

The purpose of this manual is to outline the policies and procedures regarding procurement during an emergency. As defined in the Knox County Procurement Regulations, Section V, Part C, an emergency is a situation which creates a threat to public health, welfare, or safety such as, may arise by reasons of floods, epidemics, riots, equipment failures, or other such reasons that may be proclaimed by the County Mayor. The existence of such condition creates an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- a. The functioning of the Knox County Government
- b. The preservation or protection of property
- c. The health or safety of any person

The Emergency Procurement Coordinator will be responsible for bidding, contracting, and managing the procurement needs of the County in case of an emergency. This is to control the cost to the County in case of an emergency as well as to provide the County with the best possible means to gain reimbursement for resources expended during an emergency.

II. There are two types of emergencies.

- i. The first type is unforeseen circumstances that directly affect operations of the County and its ability to provide the daily services to the citizens of Knox County. These may include, but not be limited to, equipment failures, inability of contracted vendors to provide vital products or services in a timely manner, localized storm damage to buildings, etc.

Items and services procured under this scenario shall follow the procedures outlined in Section V, Part C, of the Knox County Procurement regulations.

- ii. The second type of emergency is one caused by a natural or manmade disaster, including, but not limited to, storms, tornadoes, winter storms, earthquakes, floods, chemical spills, etc. These are widespread disasters and will result in an Emergency Declaration by the County Mayor, Governor of Tennessee, or the President of the United States.

Strict guidelines have been established by the Federal Emergency Management Agency (FEMA) through the National Incident Management System (NIMS). These guidelines set up a command structure and describe the roles and responsibilities of individuals charged with responding to emergencies from the local, state and federal level. By establishing existing contracts through competitive sealed bids or proposals, the County will have in place contracts that adhere to the above-mentioned guidelines.

The Emergency Procurement Coordinator will work with the Knox County Emergency Management Agency, the Knox County Emergency Response Coordinator, and other designated personnel to procure the goods and/or services needed. The Emergency Procurement Coordinator will also work with other local and state government entities, agencies, and organizations, as well as contractors, to establish cooperative purchasing agreements for use outside Knox County.

During an emergency, the Emergency Procurement Coordinator may be present at the Emergency Operations Center (EOC) or in a location designated by the Incident Commander. As set forth in NIMS, the Incident Commander must approve of all orders submitted in response to an emergency. It will be the responsibility of the Emergency Procurement Coordinator to facilitate the procurement of the required goods and/or services, at the direction of the Incident Commander, utilizing the proper procurement procedures.

III. CONTRACTING

Knox County will enter into contracts for various goods and/or services that it deems necessary for use during an emergency. These contracts will be executed through competitive sealed bids or proposals or through the use of cooperative purchasing agreements. As a needed resource is recognized, the Emergency Procurement Coordinator will determine the best contractual method to utilize to properly procure the said resource.

The laws of the State of Tennessee, as set forth in the Tennessee Code Annotated, 5-14, and the Knox County Procurement Code define the dollar thresholds for acquiring goods and/or services. While not all items procured for an emergency will exceed these thresholds, it is in the best interest of the County to have existing contracts in place.

- A. COMPETITIVE SEALED BIDS/PROPOSALS:** The use of competitive sealed bids and/or proposals shall be the method used when possible and practical. The Emergency Procurement Coordinator will issue the bids and/or proposals through the Knox County Procurement Division. Evaluation of the bids and/or proposals will be completed by the Emergency Procurement Coordinator in conjunction with representatives from other government agencies that wish to use the contracts through cooperative purchasing.
- B. CONTRACT MANAGEMENT:** Once the evaluation of the bid or proposal is complete, a contract will be drafted by the Knox County Procurement Division. This contract will contain the County's general Terms and Conditions, as well as the requirements of the successful contractor. The Emergency Procurement Coordinator will be responsible for managing the contracts, including, but not limited to, adherence to the terms and conditions by the contractor(s), amendments to the contracts and maintaining the proper insurance documentation.
- C. EXCEPTIONS:** While the competitive sealed bid/proposal process is the preferred method of procuring goods and/or services, the laws of the State of Tennessee, under Section 5-14-204 of the Tennessee Code Annotated, and the Knox County Procurement Code allow for exceptions to the bid process to be made in times of emergency. When emergency purchases are approved, complete and thorough documentation must be kept in accordance with reimbursement guidelines.

IV. PROCUREMENT PROCEDURES

In order for Knox County to gain reimbursement for resources expended during an emergency, proper procurement procedures must be followed. Goods and/or services must be procured in one of three methods: either by purchase order, procurement card, or emergency purchase order.

- A. ORDERING AUTHORITY:** As set forth in NIMS, only the Incident Commander may request goods and/or services to be used during an emergency. The Incident Commander shall make the request and the Emergency Procurement Coordinator shall procure the items in the best possible manner as he/she deems necessary.
- B. PURCHASE ORDERS:** Once a request is made by the Incident Commander for a resource, the Emergency Procurement Coordinator will issue a purchase order to a contractor through the County's electronic procurement system. The purchase orders will be issued through the appropriate County department (e.g. Knox County Emergency Response Coordinator, Department of Homeland Security, etc.). Invoices will be sent with a check request to the Finance Department for payment.
- C. PROCUREMENT CARDS:** The Emergency Procurement Coordinator may wish to utilize procurement cards for payment to vendors rather than purchase orders. The use of procurement cards is often more efficient and cost effective than purchase orders. Procurement cards provide the same level of tracking as well as providing a cost benefit to the County in terms of a rebate.

The Emergency Procurement Coordinator will work with the Director of Finance, Director of Procurement and Procurement Card Administrator to determine the policies and procedures for access to, and the use of, emergency procurement cards.

- D. EMERGENCY PURCHASE ORDERS:** Authorization for the use of emergency purchase orders is described in Section II - C. Emergency purchase orders may be issued when needed, such as when a resource is identified that is not on contract or in cases where the procurement card network is not operational. Emergency purchase orders may either be electronic through the County's electronic procurement system or be issued on paper. The Emergency Procurement Coordinator will keep on hand paper copies of the emergency purchase orders.

E. DOCUMENTATION: Documentation is essential to gain reimbursement for resources used during an emergency. All resources must be thoroughly tracked from time of order through demobilization. All purchase orders, invoices, receipts, delivery tickets, pickup tickets, etc. must be maintained for each resource ordered.

V. COOPERATIVE PURCHASING

The Emergency Procurement Coordinator may utilize cooperative purchasing agreements to obtain a needed resource. Government entities (e.g., The State of Tennessee and/or associations such as Omnia Partners and Sourcewell) have issued and awarded solicitations to Contractors. These agreements are extended to other governments throughout the United States.

When an order is placed either via purchase order or procurement card, the appropriate contract number or cooperative purchasing association should be listed on the documentation submitted for payment.

VI. MAINTAINING INFORMATION

LIST OF CONTRACTS AND CONTACTS: The Emergency Procurement Coordinator will be responsible for keeping track of all information regarding contracts and the contact information for the Contractors, as well as a list of all contacts for other government entities in region. This information may be stored on his/her computer, disks, flash drives, etc. Both hard copies and electronic copies shall be maintained and readily available if an emergency occurs. All information shall be up to date.

The Procurement Division may coordinate with other governmental agencies to assist with maintaining a database of all pertinent information. This will also ensure that other government agencies will have all the necessary information available in case an emergency affects their area.