



## EXECUTIVE DEPARTMENT

### EXECUTIVE ORDER NO. BJ 2010 – 8

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#### *EMERGENCY PROCEDURES FOR CONDUCTING STATE BUSINESS*

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**WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, and as a result of the Deepwater Horizon oil spill, a state of emergency (Emergency) was declared through Executive Proclamation No. 20 BJ 2010;

**WHEREAS,** the Emergency has been declared a Spill of National Significance (SONS) and will have significant consequences on the financial condition of the State, which is already affected by the current budget crisis and the recently declared mid-year deficit;

**WHEREAS,** the SONS Emergency has the potential to cause unprecedented and extensive damage to the coast of the State of Louisiana, the natural resources of the State, including its land, waters, fish, wildlife, fowl and other biota, and ongoing coastal restoration projects;

**WHEREAS,** in dealing with the SONS Emergency it is necessary to take cognizance of and comply with all applicable federal laws and regulations;

**WHEREAS,** the Louisiana Oil Spill Response and Prevention Act, R.S. 30:2451, *et seq.*, authorizes the State Trustees to respond through the unified incident command system with the assistance of the State On Scene Coordinator, and the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with the SONS Emergency, to ensure that preparations of this State will be adequate to respond to the SONS Emergency, and to preserve and protect the natural resources of the State and the lives and property of the citizens of the State; and

**WHEREAS,** it is necessary to provide flexibility in contracting requirements during the SONS Emergency as state agencies will need to respond rapidly in procuring resources to meet increased public service requirements as well as for rapid action to prevent and mitigate damages to the natural resources of the State.

**NOW THEREFORE I, BOBBY JINDAL,** Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

**SECTION 1:** For procurement and contracting necessitated by the SONS Emergency, strict compliance with R.S. 39:1481, *et seq.*, and R.S. 39:1551, *et seq.*, shall not be required. However, all state agencies shall comply with the following conditions:

A. A cabinet official appointed by the Governor, or a statewide elected official, or the equivalent position in higher education, must determine that the failure to strictly comply with the statutory restriction is necessary due to the SONS Emergency.

B. A centralized point of contact for each agency must monitor all transactions conducted without strict statutory compliance with procurement procedures, maintaining copies of all documentation. Documentation should specify that the purchase relates to the SONS Emergency, and, if so, whether the request has been authorized in accordance with a Non-Federal Agency Pollution Removal Funding Authorization (PRFA). All documentation must be maintained and available for audit and reimbursement purposes.

C. All state departments, agencies, and institutions of higher education anticipating costs associated with the SONS Emergency are to submit a Non-Federal Agency PRFA with an estimate of costs for a minimum of thirty (30) days, as described and required by the authorized reimbursement process, or as that process may from time to time be amended.

D. Upon receipt of an approved funding document, written competitive quotes and/or offers must be obtained whenever possible and agencies must take the necessary steps to assess that fair and equitable pricing is being offered.

E. Performance-based contracting should be used where practical.

F. Statewide contracts should be used where practical.

G. Such emergency contracts should be only for the duration of the SONS Emergency or to allow the agency time to comply with normal competitive bidding requirements if the goods or services will be required for an extended period of time.

H. Copies of contracts which would otherwise require approval by the Office of Contractual Review (OCR) or the Office of State Purchasing (OSP) and the supporting documentation, discussed above and required by the authorized reimbursement process, must be provided to these agencies as soon as possible, but in no event later than thirty (30) days from execution. Additionally, ISIS agencies should enter small purchases into the AGPS/CFMS database as soon as practical. OCS and OSP shall review the contracts and documentation to determine compliance with this Executive Order.

I. Payments to contractors should be made only after verification that all goods and services have met contract requirements.

**SECTION 2:**

The Inspector General is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to ensure that those transactions are directly related to the SONS Emergency and are prudently handled, and, if any inappropriate transactions are noted, those situations shall be reported directly to the Governor.

**SECTION 3:**

All cabinet officials appointed by the Governor, statewide elected officials, and the equivalent positions in higher education are authorized to transfer the directions, job assignments, personnel, and functions of

their departments for the purpose of performing or facilitating services as necessary in connection with the SONS Emergency.

**SECTION 4:** All available resources of state government should be utilized as reasonably necessary to cope with this SONS Emergency.

**SECTION 5:** This Order is effective upon signature and shall be made applicable May 6, 2010, and continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.



**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 6th day of May, 2010.

**/S/Bobby Jindal**  
GOVERNOR OF LOUISIANA

**ATTEST BY  
THE GOVERNOR**

**/S/Jay Dardenne**  
SECRETARY OF STATE