

Department of General Services

Emergency Procurement ("EP") Approval Request

Bureau of Procurement

If either of the following two conditions exist, an EP is not required and should not be requested:

1. Material / Service available from DGS statewide contract.
2. Estimated Cost of the Material / Service is within the Small, No-bid Procurement threshold identified in the Procurement Handbook, Part I, Chapter 7.

Agency requests approved to proceed with an emergency procurement under Section 516 of the Commonwealth Procurement Code (62 Pa. C.S. §516).

Requesting Agency Information

Agency/Bureau:	Department of Health				
Contact Person:	Lori Diehl				
Contact Address:	625 Forster St Harrisburg PA 17120				
Contact Tel#:	717-547-3294				
Contact Email:	ldiehl@pa.gov				
Description Of Material (or) Service (or) IT	Service	Curative will be providing COVID-19 testing services in long-term care facilities			
SAP Material Groups:	41122000				
Estimated \$ Amount:	28,500,000				
Length of EP:	6 months 12/30/2020 to 06/30/2021				
Delivery Location:	City	Harrisburg	State	Pennsylvania	ZipCode 17120

Basis for the Emergency Purchase



Threat to public health, welfare, or safety

Identify the Threat:	Novel Coronavirus (COVID-19)
Provide a brief explanation of the need for the material and/or service:	At present, spread of COVID-19 is overwhelming hospital and other health care systems as cases and associated deaths continue to rise. Increased COVID-19 testing, especially for individuals in long-term care facilities, is an essential part of the Department's response to COVID-19. Testing is prioritized for these vulnerable populations.
State the consequence if the procurement is not done on emergency basis:	Adequate testing capacity for long-term care facilities is essential to slow the spread of COVID-19. If we do not carry out adequate surveillance and outbreak testing to these populations, we may see a greater spread of the virus and more positive cases and associated deaths. This is critical to implement immediately to ensure uninterrupted continuation of testing capacity at long-term care facilities.

Indicate whether approval
was obtained from DGS.

If "Yes", provide the following:

☐ Yes

a. Name of person granting approval:

☒ No

b. Date of approval:

☐ ***Circumstances outside the control of the agency create an urgency of need, which does not permit the delay in using more competitive methods***

NOTE: Verbal approval will not be provided for this basis. Agency cannot proceed with emergency procurement until this form is completed and approved by DGS.

Identify the Circumstances:

**Why are those
circumstances outside of
the control of Agency?**

**Provide a brief explanation
for the urgent need:**

Information Required

For ALL EP's provide the following information:

**Brief description of selection
process:**

Curative Inc., was selected based on their experience with providing these services in other states and federal agencies as well as their ability to provide immediate services. The ability to provide services immediately is important as a current testing program for long-term care facilities will be discontinued on 12/30/2020, and adequate testing capacity for these populations must be uninterrupted. Curative has test supply and lab capacity necessary to efficiently and cost-effectively carry out the level of testing needed for long-term care facilities.

**Full supplier
information
(if known at time of
submission of form)**

Name:

Curative Labs, Inc.

Address:

430 South Cataract Ave, San Dimas CA 91773

Telephone #:

SAP Vendor#:

0000545196

Total Amount

For EP's that are NOT a threat to public health, welfare, or safety, provide the following information

**Include a list of the solicited
suppliers, their contact information,
and their quotations:**

**Funds have already been
encumbered for this request
(Yes/No):**

☐ Yes

☒ No

If applicable, what has been done previously to procure this material/service? (Also provide the previous SAP/SRM PO number and/or Contract Number)

NOTE: If any Agency only intends to solicit a quote from one supplier, the following section, "Supplemental Single Source Information" must be completed

Supplemental Single Source Information Required

This section of the EP APPROVAL REQUEST Form is only required to be completed if the following is applicable:

- 1. Category of Emergency is due to "Circumstances outside the control of the agency create an urgency of need, which does not permit the delay in using more competitive methods."***
- 2. It is not practical for the agency to obtain two or more quotes.***

Is only a single supplier capable of providing the material or services? If Yes, please explain. If not applicable, leave blank and respond in the next block.

No. This is the first vendor with a high level of experience providing these services that could begin providing testing for long-term care facilities in the quick timeframe required. Curative also provides a testing solution that is more cost-effective than current options in the testing market because their tests eliminate the need for additional clinical staff to conduct swabbing, and they have the ability to deliver test results via telemedicine. Currently, the Commonwealth would need to use additional funds to pay other vendors for these functions. They have provided services to several other states as well as federal government agencies, and they have the supply and processing capacity necessary to quickly carry out the level of testing needed for long-term care facilities and also provide efficient turnaround times for test results. The type of testing solutions they provide has been shown to be effective and to contribute to decreased COVID-19 positivity rates in other states.

Explain why it is not practical to obtain two or more quotes for this emergency procurement.

It is not practical to obtain two or more quotes because no other vendors have yet been identified that could provide the services needed in the timeframe required that have the level of experience, capacity and cost-effectiveness shown by Curative. Services need to begin immediately due to loss of current testing capacity that will occur on 12/30/2020.

If timing is a factor, what is the time factor and why? If yes, please explain.

Yes. A current program providing long-term care facility testing will be discontinued on 12/30/2020. Additionally, the COVID-19 pandemic persists in the Commonwealth and in the United States as we continue to see high numbers of new positive cases. If we do not continue to maintain and increase testing capacity for priority populations, we will continue to see a greater spread of the virus. There have already been a significant amount of deaths among long-term care facility residents, and testing services are needed to slow/stop the rise of positive cases and deaths.

Are there compatibility requirements or compliance requirements? If yes, please explain.

Yes. It is a requirement of their contract that Curative must report specific testing data required by law to federal and state health authorities.

NOTE: If the purpose of the emergency procurement is to prevent a lapse in contracted services, one of the following must be checked. Include status of the new contract/purchase and note any special conditions of the emergency procurement.

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To extend a current contract with the current contractor to prevent a lapse in contracted services.

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To bridge a gap between an expiring contract and a new contract by allowing the new contractor to begin work before the new contract is fully

☐

To authorize a supplier, who has been properly selected through one of the methods of award, to begin work before the new contract is fully executed because the agency needs the services immediately and cannot wait until full execution of the

☒

If none of the above is applicable, explain how the emergency supplier was selected.

This agreement is needed to quickly implement testing services in long-term care facilities to maintain adequate levels of COVID-19 surveillance and outbreak testing for these populations.

Agency Approvals

IMPORTANT*:The printed names on this form shall constitute the signatures of these individuals. Agencies must insure that these individuals review the completed form and give their consent to apply their printed name on this form. No handwritten signatures shall be required in order for the form to be considered "signed" by those individuals whose names appear in the signature section

Requesting Authority (Agency Head or Designee reviewing and approving this request)

Requesting Authority signature connotes concurrence with the Agency EP request to procure the material and/or service

Title:

Agency Head Designee

Signature:

Lori Diehl

Date:

12-29-20