**Administrative Preparedness Legal Guidebook**

**Background and Introduction**

Administrative preparedness, an often-overlooked component of public health preparedness, is the process of ensuring that fiscal, legal, and administrative authorities and practices governing funding, procurement, contracting, and hiring can be modified, accelerated, and streamlined during an emergency to support public health preparedness response and recovery efforts. Though many laws, policies, and procedures impacting administrative preparedness are available in most jurisdictions, only about half of local health department emergency preparedness coordinators are aware of their existence.[[1]](#footnote-1) Additionally, nearly half do not have, or are unsure whether they have, a formal written administrative preparedness plan.[[2]](#footnote-2) A lack of knowledge regarding these available options can cause undue delays in the acquisition of goods and services, hiring or assignment of personnel, disposition of emergency funds, and determination of laws needed to implement health and protective measures, potentially resulting in major consequences for communities facing public health emergencies.

The National Association of County and City Health Officials (NACCHO) developed this legal guidebook to assist public health professionals improve their department’s administrative preparedness capabilities and ensure that its administrative operations support response activities by encouraging collaborative preparatory work among preparedness, legal, human resources, procurement, and other staff.

**How to Use this Guidebook**

While the *Administrative Preparedness Legal Guidebook* is geared towards local health departments, many of its guiding principles can be scaled to assist decision-makers at the state level. This guidebook contains four sets of standalone tools (e.g., decision-aids and visual pathways) that help users incorporate their jurisdiction’s individual laws, policies, and procedures into a formal written administrative preparedness plan:

* Emergency Declaration Toolset: Supports health department decision-making processes for considering, implementing, or reviewing the use of state/local emergency declarations
* Emergency Procurement Toolset: Assists efforts to quickly procure resources during public health emergency response and recovery
* Expedited Staffing Toolset: Provides guidance for determining if/when an agency should expedite hiring, volunteer organization, or reassign personnel
* Mutual Aid Agreement and Memorandum of Understanding Toolset: Outlines steps for requesting aid from collaborating jurisdictions or entities participating in mutual aid agreements or memoranda of understanding

Each toolset may be utilized independently and follows no specific order. Please refer to the instructions below to maximize their value:

* Decision-aids
	+ Begin using each decision-aid with “Question #1”
	+ Please read the question and corresponding answers in their entirety before answering each question
	+ Answer each question using “yes” or “no” responses and closely follow the instructions. Some answers will instruct users to proceed to the following question while others will refer to a different document or suggest alternative courses of action
	+ Consult with legal counsel and other relevant staff (e.g., procurement, human resources, health department administration, etc.) to identify and insert appropriate state and local laws, policies, or procedures into the underlined locations in the decision-aid tools
	+ Use decision-aid in conjunction with its corresponding visual pathway from the same toolset to gain high-level perspective on progression through the described process
* Visual Pathways
	+ Start by reading and answering the first question featured in pathway
	+ Follow the path matching your response to the most recently answered question and continue to follow the pathway until you have answered all the questions
	+ Use visual pathway in conjunction with its corresponding decision-aid from the same toolset to gain additional insight regarding suggested courses of action, state/local law, policies, and procedures

Additional NACCHO resources and other sources are included in this guidebook to help you develop administrative preparedness capabilities.

Always consult with legal counsel for jurisdiction-specific legal advice regarding preparedness or other areas of public health.

Thank you for using the NACCHO Administrative Preparedness Legal Guidebook **[[3]](#footnote-3)**

**Emergency Procurement Toolset**

The timely procurement of goods and services is often vital for an effective response to a public health emergency.[[4]](#footnote-4) Various processes may be adopted or activated to impact the speed in which these resources may be procured by public health departments, including laws allowing for the use of the open market, cooperative purchasing agreements, procurement cards (P-cards), and more.[[5]](#footnote-5) The intent of this Emergency Procurement Decision-aid is to assist efforts to procure resources more quickly during emergency situations.

Prior to an event, work with colleagues to identify and contact all key individuals who might be involved with normal and emergency procurement. These individuals may be staffed within your health department, another governmental agency, or elsewhere. By contacting these individuals, you are raising awareness of their existing and potential roles during emergency situations. These connections could also assist with the creation of effective concept of operations plans (CONOPS), identify valuable resources that have been critical during previous emergency responses, consider the means for storing critical resources, and contemplate the use of pre-competing contracts for critical resources.

One should also locate existing written policies/procedures to gain an understanding of their utility to fully prepare for a potential event. Pay close attention to the common tools such as mutual aid agreements, memoranda of understanding, term contracts, cooperative purchasing agreements, emergency clauses in preexisting contracts, and procurement cards (P-Cards). Please refer to *Administrative Preparedness: Emergency Procurement Strategies for Health Departments* for more details (May be found within Administrative Preparedness Resources section of Legal Guidebook). Furthermore, consider your current options for accessing open markets for the procurement of supplies, materials, equipment, etc. These options could be codified in the law and may only be accessible through the declaration of an emergency.

In addition to those who work directly on procurement, be sure to also identify and work with health department staff, legal counsel, and other individuals who may be able to assist with the completion of the following decision-aid tool and provide assistance during the procurement process.

**Emergency Procurement Decision-aid Tool**

**Question #1:** Does your department need or expect to need additional resources to respond to an emergency?

* + If yes, see Question #2.
	+ If no, continue non-emergency operations.

**Question #2**: Consider *Insert relevant State/Local citation(s) regarding State/Local expedited procurement policies and procedures.* Could available non-emergency procurement tools and procedures meet the resource needs of your health department?

* + If yes, utilize available non-emergency procurement tools and procedures. Consider the use of:
	+ Mutual aid agreements (MAAs)
	+ Existing term contracts
	+ Cooperative purchasing options
	+ Procurement cards (P-Cards)
	+ Execution of emergency clauses in existing contracts, etc.
	+ If no, proceed to Question #3.

**Question #3:** Consider *Insert relevant State/Local citation(s) regarding State/Local expedited procurement policies and procedures*. Could a state or (if available) local emergency declaration provide appropriate expedited procurement options?

* + If yes, utilize the *Emergency Declaration Toolset* and proceed to Question #4.
	+ If no, work with health department staff, procurement officers, legal counsel, and other external partners to identify potential solutions to your resource needs.

**Question #4:** Upon reviewing available emergency procurement options resulting from the declaration of an emergency *Insert relevant State/Local citation(s) regarding State/Local expedited procurement policies and procedures*, which option would best remedy your present situation? Consider the following options (list is not exhaustive and may not contain options relevant for your health department’s jurisdiction):

* + Waiver of competitive bidding process
	+ Purchase pre-approval
	+ Emergency alteration of procurement policies/procedures

**Emergency Procurement Visual Pathway**

Does your department need or expect to need additional resources to respond to an emergency?

Continue non-emergency operations

No

sa

No

No

Yes

Consider available options after utilizing *Emergency Declaration Toolset*

Yes

Could a state or, if available, local emergency declaration provide appropriate expedited procurement options?

Utilize available non-emergency procurement tools and procedures consider the use of:

* Mutual Aid Agreements
* Existing term contracts;
* Cooperative purchasing options
* Procurement cards (P-Cards)
* Execution of emergency clauses in existing contracts
* Etc.

Would available non-emergency procurement tools and procedures meet the resource needs of your health department?

Yes

Work with health department staff, procurement officers, legal counsel, and other external partners to identify potential solutions to your resource needs

**Disclaimer**
Do not solely rely on this document during an emergency. Please work with your counsel when completing and using this tool.

1. NACCHO 2015 Preparedness Profile Assessment [↑](#footnote-ref-1)
2. NACCHO 2016 Preparedness Profile Assessment [↑](#footnote-ref-2)
3. This guidebook was made possible through the support of the Centers for Disease Control and Prevention (CDC), cooperative agreement #5U38OT000172-05-00. NACCHO is grateful for this support. The views expressed within do not necessarily represent the official views of the CDC. [↑](#footnote-ref-3)
4. Office of Public Health Preparedness and Response. Centers for Disease Control and Prevention. Atlanta, GA. [↑](#footnote-ref-4)
5. Hurst D, Sharpe S, Yeager VA. Administrative Preparedness Strategies: Expediting Procurement and Contracting Cycle Times During an Emergency. *Public Health Reports*. 2017; Vol 132(3) 294-297. [↑](#footnote-ref-5)