



City of Fitchburg, Massachusetts Purchasing Department

POLICY FOR EMERGENCY PROCUREMENTS

OBJECTIVE

The goal of this policy is to provide a reference tool for emergency procurements.

SUPPLIES AND SERVICES

The Chief Procurement Officer may approve an emergency procurement when the situation would “endanger the health or safety of the people or property.” In an emergency situation, a procurement must comply with the law to the greatest extent possible while attending to the emergency.

Any department head having an emergency procurement must document the situation and submit in writing to the CPO within one business day of the event. The document must contain:

- The basis for the emergency procurement
- The name(s) of the vendor/contractors used
- The dollar amount committed to the emergency
- List of supplies and/or services procured

BUILDING CONSTRUCTION

Prior approval of DCAMM is required on any emergency purchase under the provisions of c. 149. The provision states that an emergency is to “preserve the health or safety of persons or property, or to alleviate an imminent security threat.”

Any department head having an emergency procurement must document the situation and submit in writing to the CPO immediately in order for a DCAMM waiver to be submitted in a timely manner.

DCAMM approval may waive public notice or bidding requirements for the work necessary. If the nature of the emergency precludes prior approval, the city may contract for only the work that is absolutely necessary, and seek subsequent approval from DCAMM. Although formal bidding may be waived, the city should solicit more than one source if at all possible in the time constraint.

Emergency procurements are also subject to the Prevailing Wage Law; therefore the CPO will apply for prevailing wages as soon as notification of the emergency work is received.

Note: If DCAMM denies the city’s request, work must stop immediately.

You may not artificially create an emergency simply by putting off normal maintenance and repair work. If you knew or should have known that a repair was warranted and you had time to correct it using normal bidding procedures, DCAMM will not allow you to justify the use of emergency procedures.

PUBLIC WORKS CONSTRUCTION

Under the provisions of c. 30, 39M an emergency is defined as “extreme emergency caused by enemy attack, sabotage or other such hostile actions or resulting from an imminent security threat explosion, fire, flood, earthquake, hurricane, tornado or other such catastrophe.”

Any department head having an emergency procurement must document the situation and submit in writing to the CPO within one business day of the event in order to create a permanent record of the actions taken.

Note: Only work absolutely necessary to temporarily repair and restore service, or to preserve the health and safety of persons or property is allowed to be performed without a procurement; however, no permanent reconstruction, alteration, remodeling or repair of any public work is allowed. And similar to building construction emergencies under MCL c. 149, you cannot artificially create an emergency by putting off normal maintenance and repair work.