

TITLE: POLICY AND PROCEDURES FOR EMERGENCY PURCHASES EXCEEDING \$25,000		PROCEDURE NO: 99-001
		SUBMITTED BY: Judy S. Carter Director of Purchasing
		APPROVED BY: Donald H. Warshaw City Manager
EFFECTIVE DATE: October 1998, as amended	SUPERCEDES NO: Previous Policy/ Procedures for Emergency Purchases Exceeding \$25,000	PAGE NO: Page 1 of 3

PURPOSE:	To establish policy and procedures for the acquisition of goods and services on an emergency basis.
SCOPE:	The scope of this policy shall be limited only to the emergency procurement of goods and services exceeding \$25,000 and necessary to meet the emergency. All emergency contracts for public works or improvements in excess of \$25,000 shall apply.
DEFINITION:	An emergency shall only apply to an unexpected and pressing situation which requires swift and immediate procurement action apart from regular procurement procedures and is “essential to public life, health, welfare, safety, or the convenience of the City” as provided in Section 18-90 of the City Code.
PROHIBITIONS:	These procedures shall not be allowed for satisfying preferences or conveniences, or for preventing funds from reverting at the end of a fiscal year or for any reason that seems to circumvent regular procurement methods. Departments must anticipate their needs for goods and services so as to avoid requesting emergency purchases that are as a result of inadequate forecasting or overlooked requirements.
POLICY:	Pursuant to Sec. 18-90 of the City Code, in case of emergency it is not advantageous or practicable for the City to use competitive bidding methods. Therefore, the City Manager may waive competitive bidding requirements and approve the emergency purchase of goods and services, after making a written finding, supported by reasons, that an emergency exists. Purchases awarded on an emergency basis shall be submitted to the City Commission for ratification, by an affirmative two-thirds vote, at their next scheduled meeting. Emergency purchases which do not provide the City with the opportunity to obtain maximum competitive pricing, should be kept to a minimum. Pursuant to Section 18-84 of the City Code, as amended, agreement for purchase entered into in a manner inconsistent with city procurement procedures by any person shall be voidable by the City.
RESPONSIBILITIES:	<ol style="list-style-type: none"> 1. Requesting departments shall limit the quantity to be purchased to that which is necessary to meet the emergency condition. 2. It shall be the responsibility of each department director to make certain that no emergency purchase is requested unless sufficient funds are

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available in the appropriate line item account to cover the costs.

3. Department directors and those authorized to approve requisitions shall make certain that all authorized emergency requisitions are immediately approved by the department before other requisitions are entered into the system.

PROCEDURES:

Whenever an emergency condition exists and there is an immediate need to purchase goods, services, or equipment exceeding \$25,000, the procurement procedure for such commodities shall be as follows:

1. In case of emergency, the requesting department shall **first** identify those supplies or services necessary to meet the emergency. (Prior to seeking quotes, the using department is strongly encouraged to contact the Purchasing Department's Bid/Contract Division, to determine if a governmental contract exists that can meet the emergency need)
2. The using department shall obtain at least three **(3) written quotes/proposals** from prospective vendors. To the extent possible, user departments are encouraged to solicit proposals/quotations from local and minority/women owned businesses. Using departments may contact Purchasing for assistance in identifying prospective vendors to obtain quotes.
3. Upon determining the quote/proposal most favorable to the City and prior to making the emergency purchase, the director of the using department shall submit to the City Manager, in writing with a copy to the Director of Purchasing/Chief Procurement Officer, the following information: **See Exhibit A.**
 - a) A description of the goods/services necessary to meet the emergency.
 - b) A full explanation of the circumstances of the emergency.
 - c) A list of vendors solicited and the quotes/proposals received.
 - d) The reason for selection of a particular firm.
 - e) The total costs required for the emergency procurement.
 - f) The account code(s) from which funds are to be expended.
 - g) The governmental entity and bid contract number, if applicable.
4. Funding approvals from Budget and/or CIP and/or Community Development, are required prior to submission of any emergency request to

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the City Manager.

5. Should the City Manager determine an emergency exists he/she may then waive competitive bidding requirements and approve, by signature, the emergency request. Should the City Manager disapprove the emergency purchase, acquisition of goods or services or equipment shall follow normal procurement procedures.
6. Upon review and approval by the City Manager, the approved memo with all supporting documentation, are submitted to Purchasing, Attn: Procurement Supervisor and the using department enters the requisition.
7. Upon receipt of the requisition and supporting documentation, the Purchasing Department shall promptly issue a Purchase Order for the emergency purchase of goods or services properly approved by the City Manager provided; however, if the emergency procurement of service requires insurance, the Purchasing Department must first obtain the appropriate insurance certificate from the successful vendor before issuance of Purchase Order.
8. Using Departments shall not order goods or services prior to issuance of purchase order.
9. Immediately following the procurement, the using department shall prepare and submit cover memo and the legislation, waiving competitive bidding requirements with the supporting documentation of the procurement action, to the City Commission for ratification, by an affirmative two-thirds vote, at their **next** available city commission meeting. Waiver of the competitive bidding requirements to purchase goods/services on an emergency basis does not require an advertised public hearing. A properly advertised public hearing is required for emergency contracts for public works or improvements in excess of \$25,000. **See Exhibit B.**

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