

City of Somerville

Emergency Procurement Process for Supplies and Services

Adapted from Office of the Inspector General of the Commonwealth of Massachusetts

The City of Somerville follows the requirements of the Commonwealth regarding emergency procurement procedures outlined below. A department head may request an emergency waiver of the bidding requirements or the advertising requirements in M.G.L. Chapter 30B. Such request must be submitted to the Chief Procurement Officer for review and approval. Only requests that meet the criteria outlined by the Office of the Inspector General will be considered. The waiver is not a waiver from competition, rather any waiver granted is a waiver from complying with all requirements of Chapter 30B.

Emergency Procurements

If the time required to comply fully with Chapter 30B would endanger the health or safety of people or their property due to an unforeseen emergency, you may procure the needed item or service without complying with all of Chapter 30B's requirements. Even under emergency circumstances, however, you must comply with Chapter 30B to the extent possible. For example, if you do not have time to advertise for two weeks, you can shorten the advertising period; or, if you have no time to advertise, you can solicit quotes. You may procure only those supplies or services necessary to meet the emergency. (M.G.L. c. 30B, § 8)

You must maintain a record of each emergency procurement, documenting the basis for determining that an emergency exists, the name of the vendor, the amount and type of contract, and a list of the supplies or services purchased under each contract. We recommend that you also include in your record all procedures followed to elicit competition. Your record of an emergency procurement must be submitted as soon as possible to the *Goods and Services Bulletin* for publication.

A local jurisdiction may not artificially create an emergency by postponing normal purchases.⁸⁶ If you had reason to know in advance that you needed the supplies or services and you failed to act until the need became critical, you will have difficulty justifying an emergency procurement. Invoking the emergency procedures in the absence of a genuine emergency could invalidate your contract.

Source: *The Chapter 30 B Manual: Procuring Supplies, Services and Real Property*, Commonwealth of Massachusetts, Office of the Inspector General, 2016, pp. 70-71.

Department heads seeking an emergency waiver as described above shall submit the following to the Chief Procurement Officer in writing. The request should be on official letterhead of the department seeking the waiver and provide sufficient detail.

1. State whether the request is to waive the bidding requirements and/or the advertising requirements of M.G.L. chapter 30B.
2. Describe the nature of the unforeseen emergency and how it creates an immediate threat to the health or safety of people or property.
3. State how and when (provide dates) the department personnel responsible for delivering affected services or supplies became aware of the emergent or exigent situation.
4. Describe the proposed scope of work and/or description of supplies and materials necessary to preserve the health or safety of persons or property for which the department is seeking an emergency waiver.
5. Explain why the time requirements (e.g. two weeks to advertise a bid over the current threshold) involved in the standard bidding process under M.G.L. chapter 30B will not suffice.
6. To the extent a competitive sourcing process is possible, explain the process to be used to maximize competition (e.g. seeking a minimum of 3 competitive prices); if a bid solicitation process is not possible or cannot meet the minimum standard, then explain why.
7. Provide the estimated dollar value of the emergency scope of work. Note that waivers will only cover the scope of work necessary to alleviate the emergent and/or exigent situation.

If available, attach relevant information to substantiate the case for an emergency waiver request. Such documentation may include but is not limited to reports, emergency declarations of government officials currently in effect, letters, reports, orders, etc.