



EMERGENCY
CONTRACTS
PROCEDURE

H45.01
March, 2000
Page 1 of 3

BOARD-ADOPTED
PROCEDURE

I. APPLICATION

This procedure applies to purchases of materials, equipment or supplies, or contracts for public works where an emergency (as defined below) exists.

II. DEFINITION

A. Emergency. An emergency exists when unforeseen circumstances beyond the District's control:

(a) present a real, immediate threat to the proper performance of essential functions; or

(b) will likely result in (i) material loss or damage to property, (ii) bodily injury or (iii) loss of life, if immediate action is not taken.

To determine whether an emergency requiring immediate action is necessary, the time required to contract using sealed bids shall be taken into account.

III. PROCEDURE

A. Responsibility. The Purchasing Department ("Purchasing") shall be responsible for contracting covered by this procedure. The department seeking to obtain the services (the "Customer") shall provide necessary support and information to Purchasing as requested. The Purchasing Department shall, with the Customer's assistance, prepare the Emergency Determination and the written contract. Purchasing shall maintain a file on all such contracts, which shall include the Determination and the written contract, and shall make the file available for public inspection as a public record not more than two weeks after the contract is let.

B. Emergency Determination. Prior to contracting without sealed bids, a proposed Emergency Determination ("Determination") shall be submitted by the Customer and the Purchasing Manager in writing to the Chief Operating Officer or the Superintendent for approval. The Determination



EMERGENCY
CONTRACTS
PROCEDURE

H45.01
March, 2000
Page 2 of 3

shall contain such detail as is appropriate under the circumstances, but shall provide at a minimum the name of the contractor, the thing to be purchased or the public work to be performed, the maximum amount of the contract, the basis for payment and the basis for the determination that the emergency exists.

- C. Written Contract. A written contract shall be executed for all emergency contracts over \$5000 prior to commencing work. Where a purchase is made or work contracted without a prior written contract, a written contract shall be prepared and executed as early as possible. The contract shall contain such detail as is appropriate under the circumstances. At a minimum the contract shall state the parties, the item to be purchased, the maximum amount, the basis for payment and require that the contractor comply with all statutory requirements, such as prevailing wages. A copy of the contract shall be kept in Purchasing files.

Because an emergency situation may require immediate action without incorporating all of the usual and customer contract provisions, Purchasing and the Customer should consider use of a short term contract with limited authority whenever possible. During this interim period, alternatives should be considered, such as competition (by sealed bids or otherwise) for the remaining purchases or work, or a more detailed contract which incorporates the usual and customary terms.

- D. Competitive Process. Even where an emergency is determined to exist, the District shall obtain competition whenever practicable, as the best means to assure quality services and minimum cost.
- E. Budget. Accounting will be informed promptly at any emergency declarations and provided the necessary direction to record contracted obligations.

III. CONTRACTING AUTHORITY

Amount	Approval
Under \$50 K	Purchasing Manager
\$50-250K	Chief Operating Officer or Superintendent

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>EMERGENCY CONTRACTS PROCEDURE</p>	<p>H45.01 March, 2000 Page 3 of 3</p>
---	--	---

Over \$250 K

Superintendent (provided however, that the Board shall be notified in writing promptly after execution of such a contract, and ratification shall be requested at the next regular school board meeting)

This procedure is to supplement the powers of the District and not to limit the current powers of the District with regard to other exceptions from competitive bidding requirements.