

Superintendent Procedure 6221SP Emergency Contracts

Approved by: s/S. Enfield Date: 2/28/12

Dr. Susan Enfield, Interim Superintendent



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) may reasonably be expected to 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. Procurement staff 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 Contracting Services as requested.

Purchasing/Contracting Services shall, with the Customer's assistance, prepare the Emergency Determination and the written contract. Procurement staff 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 Procurement staff in writing to the Assistant Superintendent for Business & Finance or the Superintendent for approval. The Determination 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 Procurement files.

Because an emergency situation may require immediate action without incorporating all of the usual and customer contract provisions, Procurement staff 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.

IV. CONTRACTING AUTHORITY

Amount Approval:

Up to \$100,000 – Assistant Superintendent for Business & Finance

Between \$100,000 to \$250,000 – Superintendent

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.

Approved: February 2012

Revised:

Cross Reference: Policy No. 6220; RCW 39.04.280 Competitive Bidding Requirements; RCW 28A.335.190 Advertising for bids – Competitive bid procedures – Purchases from inmate work programs – Telephone or written quotation solicitation, limitations – Emergencies