



Emergency Procurement

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- » Know the basic laws for public procurement (Recommended: print the procurement charts from <http://www.mass.gov/ig/publications/guides-advisories-other-publications/procurement-charts-november-7-2016.pdf> and keep them on file. Basic guideline is that anything over \$10,000 will require permission or reporting after the fact.
- » Develop a written town policy for authorizing purchases during an emergency which outlines who has authority to purchase and record-keeping requirements.

The Basics



» MGL Chapter 30B “Items & Services” (services are not construction)

May purchase under emergency rules “when the health or safety of people or their property are endangered” NO OUTSIDE AGENCY WAIVER NEEDED.

» MGL Chapter 30, Section 39M “Public Works”

May purchase under emergency rules for an “extreme emergency caused by an enemy attack, sabotage or other such hostile actions or resulting from an immediate security threat, explosion, fire, flood, earthquake, hurricane, tornado or other such catastrophe” WITH A DCAMM WAIVER

» MGL Chapter 149 “Building Construction”

May purchase under emergency rules when “work is needed to preserve the health or safety of people or property or to alleviate an immediate security threat” WITH A DCAMM WAIVER

» MGL Chapter 7 “Designer Selection”

May expedite designer selection when the “health and safety of people would be in danger, or when a deadline for action set by a court or federal agency cannot be met because of the time required by the designer selection process” WITH A DCAMM WAIVER

The Mass. General Laws



MGL Chapter 30B “Items & Services”

- » \$10,000+ purchase requires written solicitation under normal circumstances, but may be waived if situation is emergency. Under \$10,000, you must use “sound business practices”.
- » If a true emergency, as defined, you may skip or shorten advertising
- » Maintain good written records of anything you did to solicit competition.
- » After the emergency procurement over \$10,000, you must submit a record of the procurement to the Goods and Services Bulletin (617-727-2831 for help)

MGL Chapter 30B >

MGL Chapter 30, Section 39M “Public Works” and Chapter 149 “Building Construction”.

- » In an emergency, you need to work quickly but must get a waiver from DCAMM (Division of Capital Asset Management & Maintenance) as soon as reasonably possible. They will email or fax you a waiver. It may not be a complete waiver of bidding/advertising. This is the link to the waiver form: <https://www.mass.gov/how-to/emergency-waiver-request>
- » Prevailing Wages are still required where applicable. Have a set on hand for emergency, isolated work to give to the company you hire so you can be sure they are paying properly. You can request a sample for typical types of work at <http://prevailingwage.detma.org/ExampleWageRequest.aspx?wr=123>
- » OSHA certification of contractors still required work over \$10,000.
- » May only repair to the way it was, for safety, without the bid process.

MGL Ch 30, §39M, Ch. 149 >

MGL Chapter 7 “Designer Selection”

Normally, if design work costs more than \$10,000 or Construction Cost is more than \$100,000 requires Qualifications Based Designer Selection. If you need a designer in an emergency:

- » Town shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services.
- » Town may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Approving Body shall rank the finalists in order of qualification and select the designer for the emergency work. FRCOG may be able to provide you with that list.

MGL Ch 7



- » Massachusetts “Statewide Contracts”/ CommBUYS. These contracts already procured, ready to use immediately. Tradespersons bids in several types of work are available, but western Mass is not well covered. List of available contracts attached.
- » “FRCOG Collective Bids” - Highway Materials, Services and Rentals, and Contact lists of various types of Vendors and Service Providers
- » Federal GSA (General Services Administration) makes Disaster Recovery purchasing schedules available to towns (www.gsa.gov.elibrary)

Resources



- » ENE40-45: Heating Oil, Gas, Diesel, Propane
- » FAC77: Tree Trimming, Snow Removal, Landscaping
- » FAC80: Water Treatment Chemicals
- » FAC82: Hazardous Materials Collection/Disposal
- » FAC86: Solid Waste and Recycling Services
- » FAC88: Lawn and Grounds Equipment
- » FAC93: Security Services, Fencing, Private Investig Services
- » FAC94: Maintenance, Repair, Hand and Power Tools
- » FAC97: Equipment Rental
- » FAC100: Electrical, lighting, paint, roofing, lumber, building envelope, plumbing electrical, HVAC, refrigeration supplies
- » FAC105: Walk In Building Supplies/Lowe's and Home Depot
- » FIR04: Public Safety Equipment

State Contracts for Emergencies



- » GRO30: Grocery/Food
- » GRO34: Water
- » HLS02, 03: Disaster Debris Monitoring/Management
- » HSP40: Medical Commodities
- » HSP41: Lab Supplies and Equipment
- » ITC66: Copiers/Printers, Scanners
- » ITC46: Network Services
- » ITT57: 2 Way Radios
- » OFF36: Office Supplies
- » PRF57: Temp Help Services
- » VEH95: Road Salt
- » VEH84A: Vehicle Maintenance
- » FAC96: Vehicle Parts, Oils, Lubricants
- » VEH97: Tires, Tubes and Services
- » **EASIEST WAY TO USE: GOOGLE “USER GUIDE FIR04” GETS YOU TO THE LIST OF VENDORS QUICKER THAN USING THE COMMBUYS SYSTEM!**
Get signed up to use Commbuys by contacting their Help Desk at 1-888-627-8283 or 617-720-3197.

State Contracts for Emergencies



- » 30B Questions: IG hot-line 800-322-1323
- » DCAMM Emergency Waivers: 617-727-4050 x411
- » GSA local rep: Peter Sullivan 617-565-7315
- » FRCOG Andrea Woods: 413-774-3167 x104. Check the FRCOG Bid Website for links, prev wage rates sheet for highway, available collective bid contracts: <http://frcog.org/bids> . Get this Powerpoint electronically with links to share with your town departments, email bids@frcog.org to request.

Where to go for help >