EMERGENCY PURCHASES


Scope

This procedure applies to contracts required for emergency repairs to District facilities or to purchase materials, supplies or services in a District-declared emergency per Policy 7.03, Emergency Preparedness/Business Continuity.

Form

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Definition

Emergency

As defined in Policy 7.03, an emergency includes actual or threatened existence of conditions of disaster or extreme peril to critical District operations, its infrastructure, and/or the health and safety of staff or the public. These conditions may be caused by an earthquake, power outage, dam failure, freeze, water supply contamination, national security incident, storm event, and other conditions that may be beyond the capability of District forces and may require support from other government agencies, non-profit organizations, or the private sector.

Emergency Purchases

Emergency Operations Director

Prior to Declaration of Emergency

- Assesses the severity of the damage and identifies critical needs, including the consequences of delaying repairs. If repairs cannot be delayed, the Emergency Operations Director (EOD) in conjunction with affected departments shall request the General Manager (GM) to declare a District emergency as provided in Policy 7.03, or in accordance with Section 12753 of the Municipal Utility District (MUD) Act.

- May suspend District procedural requirements for competition for materials and supplies up to $80,000 and services up to $30,000 when repairs or other actions cannot be delayed prior to the declaration of a District emergency.

- Provides notification to the GM within 24 hours of each instance when District procedural requirements have been waived.

After Declaration of Emergency

- Ensures that the date and time of the event declaration is officially recorded and reported to the Emergency Operations Team Section Chiefs.

- Requests the GM to authorize necessary emergency contracts subject to the conditions described in Policy 7.03.

- If authorized as a GM designee, may enter into emergency contracts not to exceed $350,000 per contract without bids or notice.
Emergency Purchases

- Notifies Purchasing of emergency material, supply and/or services requirements.

- May delegate to EOT Section Chiefs authority to suspend District procedural requirements for competition for materials and supplies up to $80,000 and services up to $30,000.

- Maintains records of all purchasing activity and expenses made pursuant to the emergency declaration.

- Creates a summary report of all transactions and costs pursuant to the requirements of Policy 7.03 for presentation to the Board of Directors at the next regular or special meeting of the Board of Directors.

- Provides periodic reports to the Board at subsequent meetings.

- Generates a BD-1 requesting the Board to end the declared emergency and all emergency contracts to date.

When the amount of an individual emergency contract exceeds $350,000, the contract shall be submitted for approval by the Board of Directors pursuant to the MUD Act. Section 12753 authorizes the Board of Directors to declare a District emergency on a five-sevenths vote and thereupon to approve the expenditure of sums needed in the emergency without observance of provisions requiring contracts, bids, or notice.

Office of the General Manager

- If, after conferring with the EOD, the GM determines that emergency conditions exist that necessitate immediate action to minimize damage and inconvenience resulting from the conditions, the GM, in consultation with the President of the Board of Directors may declare a District emergency as described in Policy 7.03.

- Seeks Board ratification of the declaration of emergency as soon as possible after the declaration, but in no event later than 14 days following the emergency declaration.

- Once a District emergency has been declared, authorizes emergency contracts subject to the conditions described in Policy 7.03 and as described in the Emergency Operations Plan, including entering into emergency contracts not to exceed $350,000 per contract without bids or notice.

- Communicates regularly with the Board regarding the declaration of emergency and status of emergency related purchases.

- Confirms authorization for emergency related purchases using the most convenient means of communication during the emergency, and follows up with written communication (via memorandum or e-mail) as soon as possible to the EOD.

- Consults with the Office of the General Counsel (OGC) as necessary.

Purchasing

- Expedites processing of all emergency purchases.

- Maintains records of all emergency purchases and costs.
Accounting

- Provides and disseminates job numbers for tracking all costs.

References

MUD Act (California Public Utilities Code) Section 12753
Policy 7.03 – Emergency Preparedness/Business Continuity
Procedure 430 – Purchase Card
Procedure 432 – Purchasing Authority and Responsibility – Materials, Supplies, Professional and General Services
Procedure 451 – General and Professional Services Purchases
Procedure 452 – Supplier Selection for Materials and Supplies Purchases
District Emergency Operations Plan

Authority

Resolution 33764-10, April 27, 2010
Resolution 35098-18, June 26, 2018