



TITLE: Emergency Procurement Policy

POLICY NUMBER: 4-10

EFFECTIVE DATE: 12/05/2023

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ENABLING ACTIONS:

REVISED DATES:

APPROVED:

I. PURPOSE

To establish a Policy for purchasing goods and services in and following an emergency. Public Contract Code section 1102 defines “emergency” as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Town Council Policy 4-06: Purchasing Policy uses this definition and provides that the Director of Emergency Services/Town Manager or his/her designee determines when a situation meets this definition.

II. SCOPE AND AUTHORITY

The Scope of this Policy shall apply to all Town of Los Gatos elected and appointed officials, employees, volunteers, and vendors seeking to do business with the Town, or other individuals performing work and/or engaged in procurement activities on the Town’s behalf in an emergency. The applicable legal authority exists in:

- 44 Code of Federal Regulations (C.F.R.) § 13.36(b)-(i);
- 2 Code of Federal Regulations Part 200;
- California Public Contract Code;
- Town of Los Gatos Town Code; and
- Town Council Policy 4-06: Purchasing Policy.

III. GENERAL POLICY

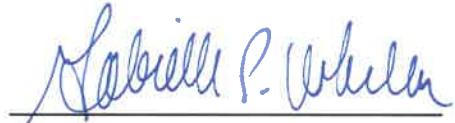
It is the Town of Los Gatos Council Policy to assure that the Town adheres to all applicable local, State, and Federal emergency procurement laws during an emergency to ensure compliance and eligibility for applicable State and Federal funding.

During an emergency, the Town of Los Gatos will follow its procurement policies identified in Town Council Policy 4-06: Purchasing Policy, State requirements in the Public Contract Code,

and the Federal requirements for procurement such as those set forth in 44 C.F.R. § 13.36(b)-(i) and 2 C.F.R. Part 200 when applicable.

In an emergency, essential goods and services may need to be obtained outside the processes and authorities established in the Town's Purchasing Policy and any such procurements shall adhere to Federal procurement requirements for an exigency/emergency exemption as set forth in 44 C.F.R. § 13.36(b)-(i). The exigency/emergency exemption to Federal Emergency Management Agency's competitive bidding requirements provides public agencies with the flexibility to procure goods and services in times of crisis. If utilizing the exigency/emergency exception, the justification should explain the nature of the public exigency or emergency, including specific conditions and circumstances that clearly illustrate why procurement other than through noncompetitive proposals would cause unacceptable delay in addressing a serious threat to the public, property, or environment.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney