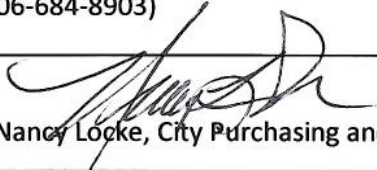
	<b>City of Seattle</b> Department of Finance and Administrative Services City Purchasing and Contracting Services Division	<b>Document:</b> <i>Emergency Contracting Policy</i>
	<b>Contact:</b> (206-684-8903)	<b>Last Update:</b> September 2010
<b>Signature:</b> 	Nancy Locke, City Purchasing and Contracting Services Director	

## 1.0 Definitions

1.1	Emergency	Unforeseen circumstances or damage beyond the control of the City that either presents a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken. Unforeseen circumstances could be a result of a natural disaster, such as landslide or snow storm, it may also include unanticipated failure such as a pipe break. An emergency may be declared citywide by the Mayor or Governor or identified by an Authorized Director and approved by the Director of Finance and Administrative Services.
1.2	Authorized Director	The director, or designee, of Seattle Department of Transportation, Seattle Public Utilities, Seattle City Light, Seattle Center, Seattle Parks and Recreation or Finance and Administrative Services.
1.3	Emergency Work	Work performed to address unforeseen damage to a city facility, utility or infrastructure. Emergency work is restoration-in-kind, replacement or replacement to current standards but not a betterment.
1.4	Restoration In Kind	Repair and/or restoration of facilities/utilities/infrastructure to pre-damage conditions. Restoration-in-kind is the expected predominant type of work to be accomplished under emergency contracting.
1.5	Replacement Facilities/Utilities/Infrastructure	Where a facility/utility/infrastructure has been damaged to the extent that restoration to its pre-damaged condition is not technically or economically feasible, a replacement is appropriate. Replacement facilities/utilities/infrastructure should be constructed to current design standards.
1.6	Betterments	Any additional feature, upgrading or change in capacity, or character of the facility/utility/infrastructure from its pre-damage condition. Betterments are not covered under emergency work. Upgrading that results from repair or replacement of damaged facilities, utilities or infrastructure <b>to current standards</b> is not considered a betterment and may be covered under emergency work.
1.7	Red Package	Emergency Contract package provided by PCSD. Package contains the emergency contract, applicable wage rates, insurance provisions, responsibility checklist and advertisement. Declaring department will add scope of work, contractor quote, evidence of three solicitations (when applicable), any applicable drawings and payment and performance bond.

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**1.8** Emergency Operations Center      In the event of a citywide natural disaster the Mayor, or Governor, may declare a “state of emergency” and activate the City’s emergency operations center. In that case, all public works may be performed in accordance with this policy.

## 2.0 Purpose

It is the City of Seattle’s intent to immediately repair or restore essential City facilities, utilities or infrastructure, if damage or failure occurs. This policy establishes guidelines and procedures that will direct how the City and administrating departments will respond.

## 3.0 Authority

State law, RCW 39.04.020 and 39.04.280.2(b), allows the City’s Contracting Authority, the Director of Finance and Administrative Services (FAS), in the event of an emergency, to exempt a public works project from the competitive bidding process, as well as waive contracting requirements as they deem appropriate. An emergency, however, does not waive the contractor responsibility criteria as defined by RCW 39.04.350, or insurance requirements. Also, SMC 3.04.010(P) delegates authority the Director of Finance and Administrative Services to declare an emergency and waive competitive bidding, and award public works contracts necessary to address an emergency.

## 4.0 Areas Affected

Those affected include city departments that administer public works contracts (“administering departments”) and associated department staff (specifications writers, engineers, project and construction managers, operations and maintenance and construction management).

## 5.0 Policy

- 5.1** It is the City of Seattle’s policy to immediately respond to any damage to, or failure of, facilities, utilities or infrastructure that provides, or supports, vital public service.
- 5.2** It is the City of Seattle’s policy that emergency work will be limited to the restoration of the damaged, facilities, utilities or infrastructure to its previous condition, through repair or replacement. Any betterment will be planned, designed and administered through a standard competitive process.
- 5.3** It is the City of Seattle’s policy to hire responsible contractors that have experience in the repair needed and will can address a restoration quickly for a fair price.



5.4 It is the City of Seattle’s policy not to waive applicable contracting requirements or policies during emergencies, including but not limited to prevailing wages and reporting.

5.5 It is the City of Seattle’s policy not to use emergency contracting to address inadequate planning for facility, utility or infrastructure maintenance. Each administering department must plan and monitor their systems to avoid, as best they can, failure due to regular use.

5.6 It is the City of Seattle’s policy to extend emergency contracting opportunities to WMBE prime contractors if their experience and capabilities fit the need.

## 6.0 Responsibilities

### 6.1 Administering Departments

Administering departments are responsible for the operations of public facilities, utilities or infrastructure and will be responsible for responding to and stabilizing damage or failure, including but not limited to debris removal, turning off water, covering holes, etc., assessing damage, preparing scopes of work with estimated quantities, selecting a responsible and qualified contractor and administering the repair or restoration of the facility, utility or infrastructure under current contracting policies and procedures.

### 6.2 Purchasing and Contracting Services

PCSD is responsible for approving the emergency declaration, waiving competitive bidding requirements, awarding and executing emergency contracts, monitoring prevailing wages, reviewing all change orders, approving progress payments and withholding retainage. (See current version of the City’s Standard Specifications)

## 7.0 Procedures

### 7.1 Declaring an Emergency and Project Definition

Under the definitions outlined above the authorized director will fill out a **Detailed Damage Assessment Form (DDAF)**, identify qualified contractors and submit to PCSD to review and approval. PCSD will need to concur with the emergency declaration and sign the DDAF, issue a public works number, provide the emergency contract documents (“red package”) and execute the contract.

When defining an emergency repair/replacement project the administering department needs to include what items were damaged and what will be repaired in-kind or replaced. A department must include basic dimensions and list incidental work. This work shall not include work needing design by a consulting architect or engineer. Extensive work requiring consultation by an outside architect or engineer for a repair or restoration is not considered a restoration-in-kind or replacement. Changes to systems to meet code should meet the City’s current construction standards and plans or applicable codes or other required design standards.



## 7.2 Contracting

Unless otherwise determined and waived by PCSD, all standard specifications and current contracting policies will apply to all emergency contracts.

### A. Selecting a contractor

1. Emergency work is to be performed by responsible, experienced and available contractors.
2. If possible, three contractors will be contacted to provide proposals for addressing emergency work. Each contractor contacted will be screened for their availability, experience and price.
3. WMBE Contractors should be considered and solicited when their experience and expertise meet the need.

### B. Contracting Procedures

1. Once the **Detailed Damage Assessment Form (DDAF)** is entirely complete, the PM will fill out a Risk Management (RM) Checklist to obtain Insurance Requirements and obtain the signature of the Department Director or designee.
2. Then the PM will Contact PCSD for a Review Appointment.
3. For the Review Appointment bring the DDAF and RM Checklist
4. PCSDs Review will include the following:
  - a. Review DDAF and confirm the situation meets the definition of Emergency and obtain the PCSD Director's signature
  - b. Assign PW#
  - c. Review Insurance Requirements and attach the project specific insurance requirements to the "Red Package"
  - d. Review the contract submittal requirements with contents and distribute the "Red Package" to the PM (PCSD may assist with gathering required contract attachments, such as prevailing wage rates, if requested and has availability.)
5. After you have obtained the "Red Package," consistent with the requirements outlined in the DDAF, if applicable, the Project Manager shall contact capable contractor(s) to determine availability and expertise and request quotes. *(If multiple contractors are contacted the PM is to collect all quotes received and attach to the "Red Package.")*
6. The Administering Department may determine the most appropriate contractor and best quote.
7. The PM will then will research the Bidder Responsibility criteria in Attachment B for the preferred contractor and insert the printouts to the "Red Package." (PCSD may be available to assist with gathering additional documentation, please inquire for availability.)
8. The preferred contractor and the PM will complete the Emergency Contract by filling out the Quote Form with either agreed unit prices or a lump sum, and complete the Declaration and



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Agreement and the Social Equity Form. The Contractor will then provide the required insurance documents as stated and a Payment and Performance Bond for the agreed amount.

- 9. The PM completes to the “Red Package” by gathering the completed contract, the completed Quote, Declaration, Agreement and Social Equity Form, the insurance documents, Payment and Performance Bond, and the responsible bidder documentation and route entire “Red Package” to PCSD for signature. \*PCSD may assist in gathering all the documents if requested and had the availability.
- 10. PCSD will review the documentation for completeness, route the payment and performance bond to Law for approval and then execute the Emergency Contract.

**Document Revisions:**

Version #	Revised Date	Description	Approved Date