



UNIVERSITY OF MASSACHUSETTS DARTMOUTH PROCUREMENT MANUAL

Section 1.12 - Emergency Procurement - Financial Commitment

1. Emergency situations which require any work related to the maintenance or repair of a building or the maintenance and repair of non-building infrastructure such as water mains, sewer systems or road repairs are subject to the labor and construction laws and public works laws **M.G.L. c. 149 and M.G.L. c. 30, §39M** respectively. The requirements for handling emergencies of these types are covered in *Section 6.5 - Emergency Procurement for Construction and Public Works Projects*.
2. **Non Labor and Construction and Non Publics Works Emergencies:** Emergency situations, as defined below, requiring the procurement of goods or services which are not covered by the labor and construction or public works laws may be handled per the process outlined below.
 - a. **Definition of an Emergency:** A situation in which the procurement of goods and or services is required to “preserve the health or safety of people or property, or to alleviate an imminent security threat.”
 - b. **Process to Procure Goods or Services:** In a situation where an emergency, as defined above, occurs and a department must secure goods or services to immediately address the emergency. The department may contact a vendor to obtain the necessary goods or services to alleviate the immediate emergency. Only the goods or services necessary to alleviate the immediate emergency may be procured under this process. Services to fully repair and or restore goods or services above and beyond the repairs necessary to “preserve the health or safety of people or property, or to alleviate an imminent security threat.” are not authorized to be completed under this process without the prior approval of Procurement. The department must notify Procurement the next business day in writing providing a summary of the situation, how it constituted an emergency and detailing the goods and or services that were obtained to alleviate the emergency. Procurement will review the notification and determine the appropriate next steps.
 - c. **Payment for Services:** Vendors who provide goods or services under this emergency process are entitled to payment for the goods and or services provided. The initiating department will enter a requisition within 2 business days of the emergency event, for the goods and or services provided and Procurement will issue a confirming purchase order. The initiating department will be responsible for the cost of the emergency services provided unless otherwise agreed.
 - d. **Creating an Artificial Emergency:** Departments may not create an artificial emergency by postponing normal repair or maintenance. If a department knew or should have known that goods or services would be required to alleviate a potential emergency than the department may have trouble justifying why service were obtained under this emergency process.