



UNIVERSITY OF MASSACHUSETTS DARTMOUTH PURCHASING MANUAL

Section 6.5 - Emergency Procurement for Construction and Public Works Projects

1. Projects subject to the requirements of M.G.L. c. 149 or M.G.L. c. 30, § 39M are also subject to the requirements for procuring emergency labor and construction contracts under each law.
2. The requirements for procuring emergency contracts under each law are detailed on p.77 of the Commonwealth of Massachusetts Office of the Inspector General's publication titled "Designing and Constructing Public Facilities" published in August of 2014, an excerpt from which appears below. The entire manual can be accessed online at <http://www.mass.gov/ig/public-design-and-construction/>
3. In all cases the University shall follow the applicable requirements under State Law when procuring emergency contracts.
4. Several excerpts relevant to this section from the Commonwealth of Massachusetts Office of the Inspector General's publication titled "Designing and Constructing Public Facilities" published in August of 2014 appear below.

Emergencies

"For M.G.L. c. 149 projects, you may dispense with the normal bidding procedures for work needed to preserve the health or safety of people or property, or to alleviate an imminent security threat. The prior approval of DCAMM is required unless the urgency of the situation makes it impossible to contact DCAMM in advance. In such a case, you may start the emergency work, but you must contact DCAMM as soon as possible to request approval. If DCAMM subsequently disapproves the emergency request, work must be stopped immediately, although the contractor is still entitled to payment for the fair value of the labor and materials provided prior to the stop work order. M.G.L. c. 149, § 44A(4). If DCAMM determines that an emergency waiver is warranted, DCAMM may waive the public notice and public bidding requirements for the work. The waiver must be obtained in writing. M.G.L. c. 149, § 44J(6)."

"Although formal bidding may not be required in an emergency, you should solicit as many informal quotations or bids as is possible under the circumstances. Note also that other M.G.L. c. 149 requirements, including prevailing wage requirements, will still apply to the contract."

"You may not artificially create an emergency simply by putting off normal maintenance and repair work. If you knew or should have known that a roof needed repair, and you had time to fix it using the normal bidding procedures, you may have difficulty justifying the use of emergency procedures when it starts leaking."