

City of South Bay - Disaster Purchasing System Sole Source Purchase Justification (PUR-4)

When a proclamation of a local disaster is made ¹, the disaster purchasing process is activated for purchases of equipment, supplies and services that are directly related to imminent threats to life safety, public health or improved property. Individual disaster purchases or equipment rentals under \$xx,000 ² do not have to be bid nor do they require the completion of this form. They do need to specify the location and type of work done and have all other necessary documentation required to meet FEMA regulations, including damage documentation before work is begun.

Individual disaster purchases over \$xx,000 and less than \$xxx,000 require the completion of this form to demonstrate the immediate and emergency nature of the purchase or rental of disaster response resources and to demonstrate the reasonableness of the cost of the good or services rendered. Any individual purchases over \$xxx,000 requires the use of this form AND the signature of the EOC Director, City Manager, Mayor or their designee. All "routine" ³ disaster purchases must be made following the city's normal purchasing process and full compliance with 2 CFR Part 200 (§ 200.317 through 200.326)

Item: _____ Amount: \$ _____

Vendor: _____ Estimated Delivery: _____

Rationale: For disaster purchase orders over \$XX,000 check the appropriate box.

- ☐ **A. Emergency Protective Measures:** This classification is for extraordinary measures that may be needed when life, public health or improved property are in imminent danger. For instance, during the winter season, the purchase of sand and sand bags would not constitute an extraordinary measure. Purchases of sand and sandbags should be a normal purchase and anticipated before the winter season arrives. An extraordinary protective measure could be the rental of temporary fencing to cordon off structures in imminent danger of collapse.
- ☐ **B. Scarce Commodity:** To procure a commodity that is in critical short supply, such as fuel, potable water, MRE's porta-potties, etc. and the vendor will be out of inventory if the bid process is followed. (This option is not permitted once inventories begin to normalize.)
- ☐ **C. Emergency Consulting Services:** The procurement is for a technical consulting

¹ A disaster proclamation or declaration by either the city, county, state or Federal government will satisfy this requirement when the city is within the defined disaster area.

² \$xx,000 and \$xxx,000 indicate amounts established by local ordinance and in compliance with 2 CFR, Part 200

³ "Routine" disaster purchases are those made during a disaster when there is not an immediate threat to life safety, public health or improved property.

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Sole Source Purchase Justification (PUR-4)

service of an immediate nature, such as inspection of a heavily damaged structure to determine if a collapse is imminent or inspection of a slope to determine the nature and extent of landslide potential.

- ☐ **D. Emergency Road Clearance:** Services needed to clear roads to provide access for emergency services vehicles. This is not to be used for general debris removal.
- ☐ **E. Other Emergency Requirement:** Purchase necessary for the preservation of life, public health or improved property due to imminent danger. Provide a brief explanation of the immediate problem and include the potential consequences if left unaddressed.
- ☐ **F. Non-Responsive Bids:** Bids were solicited, but no responsive bid has been received from requested bidders. A copy of all bids and a list of other solicited vendors must be attached.
- ☐ **G. Pre-Existing Contract:** The purchase was made under terms of a pre-existing competitively bid disaster services, materials, or supplies contract.
- ☐ **H. Patent or Copyright:** The item is patented or copyrighted and vendor has exclusive sales rights.
- ☐ **Legal Monopoly:** The item is a product or service of a legal monopoly.
- ☐ **Captive Replacement Part:** The item is a captive replacement part. Use of a generic part will void a warranty, or use of a generic part will require extensive modifications to existing equipment which would be cost prohibitive.
- ☐ **Sole Distributor:** The vendor is the only authorized distributor of this item.

Narrative Justification – Explain the following. Be very precise when filling in this section.

- Describe what is being purchased or rented.
- Describe where the equipment, material or services will be used.
- Specify the immediate hazard or threat that poses imminent danger. (The phrase “earthquake damage” is insufficient. Provide detail: “A three story unreinforced masonry building is severely damaged and appears to be in imminent danger of collapse onto the public right of way.”)
- Describe the minimum acceptable actions that can be taken to reduce or eliminate the hazard i.e., “Install temporary chain link fencing around the structure at a distance of 20 feet from building.”
- State that there are no acceptable substitutes. “Closing the street to avoid the hazard is not practical because the street is a disaster route.”
- Describe consequences if left unaddressed. “The building may collapse injuring bystanders.”

Product or service to be purchased: _____

Location of product or service use: _____

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City of South Bay - Disaster Purchasing System
Sole Source Purchase Justification (PUR-4)

Specific hazard or threat: _____

Minimum action to reduce threat: _____

Alternate action possible: _____

Consequences if unaddressed: _____

Cost Reasonableness: The cost of the equipment, supplies or services procured are deemed to be reasonable by virtue of the following circumstances. Check the appropriate box(es) below.

- ☐ A. The prices charged are in line with the prices paid for similar goods or services within the last 12 months by the City of _____.
- ☐ B. Because of the scarcity of the goods or services, the prices are within reason because of demand and the prices do not exceed 15% of the prices paid for similar goods or services within the last 12 months by the City of _____.
- ☐ C. Using readily available catalogs or price lists, a determination is made that the costs are reasonable within the exigent circumstances at hand. (Attach copies)
- ☐ D. The prices paid for the goods or services exceed normative pricing, but the exigent circumstances required their purchase, and only enough of the goods or services were purchased to deal with the specific emergency at hand. All additional purchases of the same goods or services will be made through normal procedures.

Cost Reasonableness Documentation:

Attach any documentation such as copies of catalog pages or other cost data that supports the reasons provided above when a sole source purchase is made under emergency or disaster conditions.

Authorizations:

Requesting Section or Department: _____

Print Requestor's Name: _____

Requestor's Signature: _____

Date: _____ Time: _____

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EOC Finance Section Coordinators Name: _____

EOC Finance Section Coordinators Signature: _____

Date: _____ Time: _____

Signature of EOC Director, City Manager, Mayor or designee for individual purchases over \$xx,000

Print Name: _____

Title: _____

Signature: _____

Date: _____ Time: _____

Buyer Name: _____

Purchase Order #: _____

Date & Time Order Placed: _____

Vendor Company Name: _____

Vendor Contact Name: _____

Vendor Phone #: _____

Vendor Email Address: _____

Note: This form has not been reviewed or approved by FEMA. It's exclusive purpose is to provide in-house documentation when the circumstances of a disaster require an immediate purchase of goods or services that because of exigent conditions cannot follow an agency's regular purchasing procedures and 2 CFR Part 200. This form should be reviewed by the agency's legal counsel before use to determine applicability. This form should be part of a comprehensive disaster purchasing program, including pre-disaster contracts for goods and services whose need can be reasonably foreseen.

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