



TACOMA HOUSING AUTHORITY

RESOLUTION 2022-12-14 (4)

Date: December 14, 2022
To: THA Board of Commissioners
From: April Black
Executive Director
Re: Procurement Policy Update – Declaration of Emergency Authorization

This resolution would update the procurement policy to designate the Deputy Executive Director, Asset Manager, Risk Manager and Facilities Manager, in addition to the Executive Director, to declare an emergency that gives the Housing Authority flexibility in procurement.

Background

Per THA Procurement Policy section 7.11 *Exceptions to Competitive Procurement*, THA need not use the competitive procurement procedures set forth in this policy when otherwise authorized by law, including but not limited to emergencies and sole source procurement when properly documented.

7.11.1 Emergency Procurements.

(c)Written Findings

If an emergency exists, the Executive Director, the Director of Administrative Services, or other person designated by THA to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of THA to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by THA and duly entered of record no later than two weeks following the award of the contract in accordance with Section 8.0.

Recommendation

It is recommended that the procurement policy section 7.11.1 (c) *Written Findings be edited to state:*

If an emergency exists, the Executive Director, ~~the Deputy Executive Director, the Director of~~

~~Administrative Services, the Asset Manager, the Risk Manager and/or the Facilities Manager to act in the event of an emergency~~ may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of THA to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by THA and duly entered of record no later than two weeks following the award of the contract in accordance with Section 8.0.



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(Procurement Policy Update – Declaration of Emergency Authorization)

A **RESOLUTION** of the Board of Commissioners of the Housing Authority of the City of Tacoma

WHEREAS, RCW 39.04.280(1)(e) provides that the governing body of a municipality may waive the competitive bidding requirement for a public works project in the event of an emergency; and

WHEREAS, RCW 39.04.280(3) defines "emergency" as unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; and

WHEREAS, now, therefore, be it that the Board of Commissioners of the Tacoma Housing Authority hereby declares that when an emergency situation exists with the damage to THA property infrastructure or other interruptions to agency essential functions, the Board of Commissioners authorizes the Executive Director, Deputy Executive Director, Asset Manager, Risk Manager, and/or Facilities Manager to waive the competitive bidding process, make a Declaration of Emergency and award all necessary contracts on behalf of the Tacoma Housing Authority to undertake repairs and/or construction.

Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington as follows:

When an emergency situation exists, the Board of Commissioners authorizes the Executive Director, Deputy Executive Director, Asset Manager, Risk Manager, and/or Facilities Manager to waive the competitive bidding process and make a Declaration of Emergency.

Approved: December 14, 2022



Shennetta Smith, Chair