



Legislation Text

File #: 15-1318, **Version:** 1

Recommendation to request City Attorney to draft an ordinance amending the Long Beach Municipal Code to add emergency procurement regulations, allowing for effective purchase, rental, or lease of goods or services required to address immediate threats to health, safety or improved property, and to restore normalcy to the community as quickly as possible during a proclaimed emergency or disaster. (Citywide)

Under the City's standard procurement procedures as established in the City Charter, Long Beach Municipal Code (LBMC) and written policy, procurement is subject to numerous requirements related to noticing, formal and informal bids, and awards, among others. Applicable requirements dictate the length of time necessary to complete a procurement for goods or services. During normal operations, procurement needs are typically non-urgent and known in advance, and the standard procurement process is appropriate to meet such needs.

In the event of an emergency or disaster, the unpredictability and urgency of procurement needs will greatly increase over normal operations. In emergency conditions, the City will likely face immediate threats to health, safety or improved property. Additionally, after immediate threats are mitigated, serious conditions may still exist and may require swift resolution in order to restore normalcy to the community. Responding in a timely manner to these needs will be critical to saving lives, addressing public health and safety concerns, and preventing further property damage. The City needs effective alternate procurement procedures to respond to these needs in an expedient manner.

The Federal Emergency Management Administration (FEMA) requires that any procurement made by the City during an emergency or disaster be conducted in accordance with the most stringent requirements of those found in federal, state, and local procurement procedures. In many cases, this would require the City to strictly adhere to its own procurement procedures, which do not appear to be well suited for dealing with emergency situations. It is important that procedures specific to emergencies be added, particularly in light of anticipated winter storms resulting from strong El Niño conditions, which are predicted to begin as early as January.

Staff recommends that the City Attorney be requested to prepare an Ordinance that amends the LBMC to add emergency procurement regulations in order to better ensure effective purchase, rental or lease of goods or services during an emergency or disaster. The Department of Financial Management is reviewing external regulations and best practices, and will work with the City Attorney to establish, in accordance with that guidance, emergency procurement regulations that encompass topics such as: definitions for emergency

procurement status; effective period for emergency purchasing regulations; delegations and limits of emergency purchasing authority; qualification for non-competitive procurements due to exigent circumstances; expedited procedures for competitive procurements (e.g., posting locations and duration, bonding and insurance requirements, etc.); and post award requirements.

This matter was reviewed by Deputy City Attorney Amy R. Webber and by Assistant Finance Director Lea Eriksen on December 9, 2015.

City Council action is requested on December 22, 2015, in order to allow for implementation of the amended purchasing procedures in time for anticipated winter storms resulting from strong El Niño conditions.

There is no fiscal impact or job impact associated with this recommended action.

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER