




ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

November 20, 2018

To: Terrence D. McCracken, Secretary to the Authority
From: Russell J. Stoll, Executive Engineer 
Subject: Procedure for Emergency Declarations

I am seeking the Board's input on the following matter. There have been recent Board actions that have dealt with emergency declarations arising from the need to mobilize contractors, equipment or materials to address an emergency. These emergencies resulted from the failure of an ECWA water facility (i.e. watermain break) and the potential for impact to public health.

Normally, when failure of a facility occurs, ECWA crews respond to the failure and repair or replace the failed facility and return it to service. If ECWA crews are not available due to a heavy work load from a high volume of water main breaks or similar system failures, then a contractor hired to supplement ECWA crews during high volumes of repairs is mobilized for support. A contractor may also be mobilized to provide appropriate equipment or skills to address the situation.

There are instances when both ECWA crews as well as contractor crews are exhausted or unavailable to address the water main break or similar system failure due to a high volume of repairs. When these crews are unavailable then a previously contracted bid contractor is contacted to perform the repair/replacement task. The first choice is other contractors currently under contract that are low bid contractors for small service installations, restorations or spoils removal. These contractors have the appropriate insurances in place and experience to address the emergency needs. However, their contracted scope of work may not address all the specific repair items needed.

We have followed our ECWA Central Purchasing Section IV. Guidelines, under the Emergency paragraph to mobilize an alternative contractor to address the water main break or other failed system. These steps are taken to protect the public's health and safety and to complete the necessary repairs, replacements, etc. to place the water facility back into service to meet Part 5 of the New York State Water Systems regulations.

Central Purchasing Section IV. Guidelines, Emergency and Central Purchasing Declaration of State of Emergency form are attached for reference. It is recommended that this procedure continue when conditions warrant. In addition, the Engineering Department will be rebidding the supplemental emergency repair contract in the summer 2019. Additional consideration will be given to this situation and a procedure to address the emergency situation so that emergency declarations are infrequent.

RJS:jmf

Attachments

cc: Jerome D. Schad, Esq., Commissioner
Mark S. Carney, Commissioner
E. Thomas Jones, Commissioner

IV. GUIDELINES

Agreement

An understanding of the parties by implication including, course of dealing or usage of trade or course of performance (i.e. utilities). While all contracts are agreements, all agreements are not contracts.

Emergency

An emergency condition may be declared when something is acquired under conditions deemed emergency or exigency due to an unavoidable situation where there is a threat of harm to life, health, safety, environment or property.

The prospect of interruption of water service to a community and/or the disruption of the efficient operation of the Authority arising from an unforeseen circumstance may also be declared an exigency condition. Lack of proper planning may not constitute such conditions. Declaration may be authorized by any two (2) of the following individuals: Any Commissioner, the Executive Director, Executive Engineer and/or the Director of Administration. Documentation and justification of such declaration should be provided to the Director of Administration. The Emergency Declaration will be referred to the Board of Commissioners. Form (I:FORMS\ PURCHASING FORMS\ EmergencyDeclaration.doc) should be completed and filed with all related purchases in the Purchasing System.

Leases

Entering into any true lease for goods or services requires competitive proposals attached to the requisition. It is important to distinguish between an installment purchase (which provides for Authority ownership at the lease term end) and a "true lease" which provides for regular payments over a set time for use of property, but upon termination of the lease, the property must revert to the lessor and cannot be retained by the Authority.

Maintenance or Service Contracts

For service contracts, time and materials or full service can be acquired. Such contracts may be offered by the original manufacturer or manufacturer's representative vendor or other source. Judgments of liability and requirements to the Authority of expediency should be factored into the decision to establish such contracts. Information on this justification should be attached to the purchase order.

**Central Purchasing
Declaration of State of Emergency**

Work Order No.: _____

OWIP No.: _____

Project No.: _____

Date of Emergency: _____

Detailed Description of Emergency Condition:

Authorized Signature: Pursuant to the Purchasing Guidelines (Page 17) authorization granted to one or more of the following two (2) individuals: Any Commissioner, the Executive Director, Executive Engineer, and/or the Director of Administration.

To: Purchasing System File