To: Steve Ballew

From: [Insert Agency Head or Appropriate designee]

Date:

Subject: Emergency [short title of emergency to be completed by Department]

Details of the emergency situation. [Department shall explain the emergency; what happened; when; where; is health or safety or preservation of property impacted; etc.]

Because the delay incident to compliance with the competitive bidding laws would

[Department shall explain the negative consequences of using statutory bidding requirements]

therefore, with this memorandum, I am declaring this to be an emergency situation as defined by Section 31-7-1(f) of the Mississippi Code. Based on the emergency purchase procedure set forth in Section 31-7-13(j) of the Code, please make the necessary purchases to return the buildings to a condition of usefulness. The applicable sections of the code are shown below.

§31-7-1 (f) "Emergency" means any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection or caused by any inherent defect due to defective construction, or when the immediate preservation of order or of public health is necessary by reason of unforeseen emergency, or when the immediate restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities or agency, its employees or its citizens.

§31-7-13 (j) If the governing board or the executive head, or his/her designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then~~the provisions herein for competitive bidding shall not apply and the head of such agency shall be authorized to make the purchase or repair.  Total purchases so made shall only be for the purpose of meeting needs created by the emergency situation.  In the event such executive head is responsible to an agency board, at the meeting next following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be presented to the board and placed on the minutes of the board of such agency.~~the head of such agency, or his designees, shall~~, at the earliest possible date following such emergency purchase,~~ file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable.  Upon receipt of the statement and applicable board certification, the State Fiscal Officer, or his designees, may, in writing, authorize the purchase or repair without having to comply with competitive bidding requirements.

     If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.

     Total purchases made under this paragraph (j) shall only be for the purpose of meeting needs created by the emergency situation.  Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof, and the nature of the emergency shall be filed with the Department of Finance and Administration.

Emergency Declaration approved:

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Agency Head or Appropriate Designee Date

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Steve Ballew, Director of Procurement and Contract Services Date