

**Attachment A**  
**ACQ2 Chapter 11, section 11.8**

11.8 Emergency Procurements

- A. In accordance with the Public Utilities Code 130234 and Public Contract Code 20233, the MTA may conduct a procurement on an emergency basis if the procurement is essential to an MTA requirement to deal with an existing emergency condition, as defined in the section below.
- B. Both PUC 130234 and PCC 20233, requires a two-thirds finding by the Board that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property and proceed to expend or enter into a contract without observance of the provisions of the applicable articles regarding contracts, bids, advertisement or notice.
- C. For purposes of an emergency procurement under this Chapter, an "emergency condition", is a situation (such as a flood, epidemic, riot, equipment failure, or any other reason declared by the Chief Executive Officer), which creates an immediate threat to the public health, welfare, or safety. The existence of an emergency condition creates an immediate need for supplies, services, or construction which cannot be met through normal procurement methods, and the lack of which would seriously threaten one (1) or more of the following:
  - 1. The health or safety of any person;
  - 2. The preservation or protection of property; or
  - 3. The continuation of necessary MTA functions.

**Attachment A**  
**Public Utilities Code 130234**

**130234.**

In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or interruption of contracts essential to the provision of daily transit service or catastrophic failure of revenue-producing equipment or facilities, the commission may, by resolution passed by a two-thirds vote of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions in this article regarding contracts, bids, advertisement, or notice.

*(Added by Stats. 1986, Ch. 195, Sec. 137.4.)*

**Attachment A**  
**Public Contract Code 20233**

**20233.**

In case of an emergency, the board may, by resolution passed by a vote of two-thirds of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, property, or the public welfare, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed to respond to the emergency without observance of the provisions requiring contracts, bids, or notice. If notice for bids to let contracts will not be given, the board shall also comply with Chapter 2.5 (commencing with Section 22050).

*(Amended by Stats. 1994, Ch. 803, Sec. 2. Effective January 1, 1995.)*