

**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.