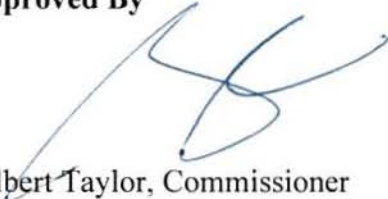




Department of Homeless Services

PROCEDURE NUMBER 15-091

Subject	Applicable To	Effective Date
Emergency Procurement Contracting Process for Additional Capacity	All DHS Directly Operated or Funded Facilities/Programs Serving Homeless Individuals and Families, and DHS Staff	July 31, 2014

Administered By	Approved By
Fiscal and Procurement Operations Capacity Planning and Development Single Adult Services, Family Services, Legal, Adult Family, Communications & External Affairs	 Gilbert Taylor, Commissioner

PURPOSE

Under the New York City Procurement Policy Board Rules (“PPB Rules”), an emergency condition occurs when there is an unforeseen danger to life, safety, property, or a necessary service, and the existence of such a condition creates an immediate and serious need for the service that cannot be met through normal procurement methods. (PPB Rules, Section 3-06). When there is an emergency situation, the emergency procurement procedure may be used to purchase those items deemed *necessary* to avoid or mitigate serious danger to life, property and/or to prevent the interruption of *necessary* services. An emergency procurement may not be made without the express consent of both the New York City Office of the Comptroller (“Comptroller”) and the Corporation Counsel of the City of New York (“Law Department”).

In accordance with Section 3-06 of the PPB Rules, this procedure outlines the steps required for procuring *emergency contracts for additional shelter capacity*.

APPLICABILITY

This procedure is applicable to all staff involved in the emergency procurement contracting process.

PROCESS

I. EMERGENCY DETERMINATION

Capacity Planning and Development (CPD) determines that an emergency condition exists and the solution cannot be met through the normal procurement process. CPD notifies First Deputy Commissioner, Legal and the Agency Chief Contracting Officer (ACCO) of the emergency condition and of the need to procure an emergency contract.

Legal, and/or the ACCO contacts the Comptroller and Law Department informing them of the emergency condition and that DHS will follow-up with specific information. Legal/ACCO also informs the Mayor's Office of Contract Services (MOCS).

Once specific details of the emergency condition are known, CPD provides the following to Legal/ACCO:

- Brief description of the event, the circumstances, and when it was first identified;
- Proposal on how to address the emergency condition;
- The procurement plan;
- Possible provider(s);
- Cost estimate;
- Service timeframe; and
- Capacity projections.

II. APPROVAL PROCESS

Timeframe: 7 days

Legal/ACCO will contact the Comptroller and Law Department for their approvals to proceed with an emergency procurement. Approval is initially given verbally so that DHS may begin the solicitation process.

Legal will submit a written Request for Declaration of an Emergency to both the Comptroller and Law Departments, providing the following information:

- Date emergency was first identified and scope of emergency condition;
- Services procured or to be procured;
- Name of all provider(s) solicited;
- The basis of provider selection;
- Proposed contract price;
- Levels of service;
- Past performance history of selected provider(s); and
- A listing of prior/related emergency contract(s).

Upon review, the Comptroller and the Law Department return signed approvals to Legal and copies the ACCO's office. MOCS is informed of the approvals.

III. EMERGENCY PROCUREMENT BEGINS/SITE OPENS

Timeframe: 14 days to 21 days

The following activities may occur in conjunction with one another, and not necessarily in the order listed below:

- CPD assesses the viability of any potential building(s).
- CPD with Adult/Family/ACCO's assistance proceed with selection of Provider.
- Potential Provider(s) submit scope of work and proposed budget.
- Provider is selected by CPD and the ACCO's office begins the responsibility determination process. As soon as a Provider is identified, the ACCO's office shall check the Vendex system for caution information before any work is authorized.
- CPD inspects the shelter site and checks for any building violations, certificate of occupancy issues, foreclosure, comprehensive litigation, and/or the occupancy of permanent tenants.
- CPD prepares package to Commissioner/First Deputy to obtain approval to proceed with the Provider.
- Provider notifies affected elected officials and community board of expected shelter occupancy.
- CPD negotiates with the Provider and obtains funding approval from OMB/Budget unit.
- CPD requests Environmental Assessment Statement for selected shelter site.
- CPD requests facility map and facility listing from City Planning for selected shelter site.
- Legal initiates Fair Share analysis to submit prior to submission of emergency contract to Comptroller for registration.
- The Communications & External Affairs unit, as a courtesy, notifies the community and elected officials where shelter is located of shelter occupancy.
- DHS notifies Provider to proceed with services/open site.

IV. CONTRACT AWARD/REGISTRATION OF CONTRACT

Timeframe: 21 days to 30 days

Once a Provider and a shelter site are selected, the following steps shall be taken to register the emergency contract:

- CPD provides approved budget (Form 5) to ACCO to initiate procurement in APT.

- CPD provides Legal the scope of work/dollar awarded/contract term to draft contract agreement.
- ACCO begins pre-solicitation contract award phase in APT.
- First Deputy and Legal review and approve the contract agreement.
- Law Department signs “Approval of Emergency Procurement” form in APT.
- Law Department signs “Corporation Counsel Contract Approval” form in APT.
- ACCO signs “Responsibility Determination” form in APT.
- ACCO prepares Advice of Award document in FMS.
- CPD transmits the contract agreements to the Provider. Provider returns signed contracts to CPD
- ACCO’s office reviews contract package and submit contract agreements to Commissioner for signature.
- Registration Package is submitted to the Comptroller’s office. [ACCO] Comptroller has up to 30 days, from submission from DHS, to register the contract.

The registration package that must be submitted to the Comptroller includes:

- Agency declaration of emergency;
- Written Law Department and Comptroller’s office approval letters;
- Contract agreement approved by Law Department;
- Responsibility determination (based on known facts); and
- Advice of award.

V. NOTICE OF AWARD

Notice of Award is published in the City Record 15 calendar days after contract registration.

VI. CITY COUNCIL AND MOCS NOTIFICATION

Written Comptroller and Law emergency declaration approval letters are emailed to the City Council (Melissa Mark-Viverito, City Council Speaker/mviverito@citycouncil.nyc.gov) by the ACCO’s office within 15 days following contract award.

In addition, ACCO’s office submits an email to MOCS (Caitlin Caporale Benson, ccaporale@cityhall.nyc.gov) with the subject line: Local Law 135 Compliance attaching the above mentioned approval letters.