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**EMERGENCY RULES AND REGULATIONS No. 2020-01**  
**MEMORANDUM**

**Date:** March 17, 2020

**To:** Darin Atteberry, City Manager  
Carrie Daggett, City Attorney

**From:** Travis Storin, Acting Chief Financial Officer  
Gerry Paul, Purchasing Director

**Topic:** Authorization for Emergency Purchases

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City Code Section 8-161(b)(1) permits the City Manager to authorize the City's Purchasing Agent to make certain purchases in an emergency without complying to the City's competitive bidding processes in City Code Chapter 8, stating :

"In the case of an apparent emergency requiring the immediate purchase of materials, professional services, services or construction, the City Manager shall have the power to authorize the Purchasing Agent to secure necessary items in the open market regardless of the amount of the expenditure."

However, in making such emergency purchases, the purchase price cannot exceed commercially reasonable prices and purchases over \$200,000 must be reported by the City Manager to the City Council in an open Council meeting.

"Emergency" is defined in City Charter Article XIII as "an existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace, or safety."

On March 10, 2020, the Governor of Colorado declared a State of Emergency within the State due to the Novel Coronavirus 2019 pandemic (Pandemic). On March 13, 2020, President Trump declared a National Emergency due to the Pandemic. These declarations remain in effect as of the date of this memorandum.

As authorized in City Code Section 2-671(a)(1), on March 13, 2020, the City Manager signed a Proclamation of Local Emergency proclaiming the Pandemic a local emergency within the City (City Proclamation). Then, on March 17, 2020, the City Council adopted Resolution 2020-030 extending the City Proclamation, as provided in Code Section 2-671(a)(1), until such time as the City Manager determines in writing that the conditions justifying this local emergency due to the Pandemic no longer exist. The City Proclamation remains in effect as of the date of this memorandum.

During a proclaimed local emergency, City Code Section 2-671(a)(6)b. also authorizes the City Manager, acting as the Director of the City's Office of Emergency Management, to "obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life, health, safety and property and to bind the City for the fair value thereof in accordance with [Code] Chapter 8."

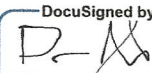
As contemplated in City Code Sections 8-161(b)(1) and 2-671(a)(6)b., the Purchasing Agent anticipates there will be a need for the City to make immediate emergency purchases without complying with the competitive bidding processes in Code Chapter 8 in order to protect life, health, safety and property within the City due to the Pandemic.

We therefore recommend that the City Manager authorize and direct the City's Purchasing Agent to make emergency purchases under these two Code sections for the City's purchase of supplies, materials, professional services, services, construction services and other property as needed by the City to effectively address the Pandemic and its effects endangering public property, health, peace and safety.

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Under the powers granted to me in City Code Sections 8-161(b)(1) and 2-671(a)(6)b., I hereby authorize and direct the Purchasing Agent to procure through emergency purchases, conducted in accordance with these sections, such supplies, materials, professional services, services, construction services and other property as are needed by the City to address the effects of the Pandemic in order to protect life, health, safety and property.

DocuSigned by:



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Darin A. Atteberry, City Manager

3/17/2020

Date