



Board Report

File #: 2020-0289, **File Type:** Policy

Agenda Number: 42.

**REGULAR BOARD MEETING
APRIL 23, 2020**

SUBJECT: CORONAVIRUS - COVID19

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

APPROVE the Chief Executive Officer to authorize the Chief, Vendor Contract Management Officer approval authority for procurements to support the emergency condition that is being declared due to the coronavirus pandemic, in accordance with Los Angeles County Metropolitan Transportation Authority's Acquisition Policy and Procedure Manual, Acquisition Procedures ACQ2, chapter 11, section 11.8 "Emergency Procurements", Public Utilities Code 130234 and Public Contracting Code 20233, that cannot be met through normal procurement methods through June 1, 2020.

(REQUIRES TWO-THIRDS VOTE)

ISSUE

As the Nation is responding to the public health crisis related to the coronavirus pandemic (COVID19), LA Metro is taking every reasonable step to ensure the health and safety for its staff members as well as the public for which it serves.

The existence of this emergency condition gives rise to an immediate need for supplies and services which must be expedited to ensure that Metro can maintain its operations while protecting health and safety without observance of competitive bidding requirements.

BACKGROUND

A respiratory disease outbreak caused by a new coronavirus that was first detected in China has now been detected in more than 70 locations internationally, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "Coronavirus Disease 2019" (abbreviated "COVID-19").

The potential public health threat posed by COVID-19 is very high and proper PPE reduces the risk of exposure to this virus.

DETERMINATION OF SAFETY IMPACT

Safety is of the utmost importance to Metro, it is imperative that staff has access to proper Personal Protective Equipment (PPE), and that other services and supplies are acquired in an expedited manner to ensure the well-being of the public Metro serves.


ATTACHMENTS

Attachment A - ACQ2 Chapter 11, Emergency Procurements

Attachment B - Public Utilities Code 130234

Attachment C - Public Contract Code 20233

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Phillip A. Washington
Chief Executive Officer

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 B
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 C
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.)