



EMERGENCY CONSTRUCTION CONTRACTS

Emergencies call for a quick response

Public contracts for construction or construction-related services are typically awarded through a traditional competitive process to the bidder who offers the best value or lowest price. Although this process is complex and often time-consuming, it serves the public interest by helping ensure that taxpayer dollars are spent wisely, fairly and transparently. However, because it does not always make sense to follow traditional procurement procedures, Arizona law authorizes alternative construction contract delivery methods. "Emergency construction contracting" is just one of several alternative ways to do business with the government.

What qualifies as an emergency?

Emergencies typically include unexpected events that damage government-owned facilities, making it unsafe or impractical for the government to spend precious time soliciting and evaluating competitive bids for repairs. Instead, it is often in the public interest to hire someone to repair the damage right away.

Many public bodies in Arizona are authorized to deviate from the normal competitive process for emergencies, including the Arizona Department of Administration (ADOA), the Arizona Department of Transportation (ADOT), and most localities (cities, counties, school districts, etc.).

For example, [ADOT is authorized to use emergency construction contracting](#) when transportation facilities are damaged by extreme weather, natural disasters, explosions or other catastrophes, and the damage threatens public health, welfare or safety. The director of ADOT must first determine that it would be impracticable or contrary to the public interest to follow normal bidding procedures. And if normal procedures cannot be modified to serve the public interest, then the director is authorized to circumvent them. Either way, the emergency contract must be documented and reported to the governor and Transportation Board.

Become a recognized emergency contractor

Interested contractors should get on the government's radar in advance. Schedule meetings with authorized decision-makers, and let them know that your company is capable of responding in emergency situations. Provide literature, contact information and references to help the government pre-screen your company. Do this even if you already contract with the government on a non-emergency basis so the government will understand the full extent of your company's capabilities.

The sooner you make contact, the better. Although the severe winter weather window is closed, the monsoon is just beginning. There is no time like the present to establish your company's emergency response credibility. And if disaster strikes, do not wait for the phone to ring – call the affected public entities or stop by in person. Ask if your services are needed and demonstrate that you are ready and willing to do the job.

PROCUREMENT IN THE NEWS

- [Boeing Awarded \\$104M Apache Helicopter Contract from US Army](#)
- [Arizona Withdraws from PARCC to Avoid Bias in Procuring New Test](#)
- [Arizona Education Board Issues RFP for Test to Replace AIMS](#)
- [Phoenix's Stern Produce Co. Lands \\$17M Order from U.S. Department of Defense](#)

FOR FURTHER INFORMATION, PLEASE CONTACT:

Kevin O'Malley (602) 530-8430

kevin.omalley@gknet.com

Kiersten Murphy (602) 530-8547

kam@gknet.com

Laura Antonuccio (602) 530-8186

laura.antonuccio@gknet.com

Gallagher&Kennedy

2575 East Camelback Road | Phoenix, Arizona 85016-9225

Phone (602) 530-8000 | Fax (602) 530-8500