



T: 973-402-9410  
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[www.boonton.org](http://www.boonton.org)

100 Washington Street  
Boonton, NJ 07005

## **RESOLUTION 21-46**

### **RESOLUTION CREATING EMERGENCY PROCUREMENT PROCEDURES**

**WHEREAS**, Section NJSA 40A:11-6 of the Local Public Contracts Law permits local contracting units to use emergency purchasing procedures, and pursuant to corresponding Local Public Contracts Law rules adopted by the State's Division of Local Government Services on December 4, 2000, the governing body of each contracting unit shall adopt rules to ensure that there are written procedures for determining and confirming the existence of an emergency; and

**WHEREAS**, according to NJAC 5:34-6.1(b) such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a clear chain of command to ensure that there are always appropriate individuals to make such decisions; and

**WHEREAS**, when an emergency arises requiring certain purchases to be made pursuant to emergency purchasing procedures, the Mayor and Board of Aldermen of the Town of Boonton has determined that the following procedures shall apply.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Boonton, Morris County, State of New Jersey that the following is adopted as the emergency purchasing policy for the Town of Boonton:

#### **A. POLICY GOVERNING EMERGENCY PURCHASING PROCEDURES**

1. Contracts, including purchase orders, shall be entered into, and funds committed or expended for an emergency pursuant to NJSA 40A:11-6 and corresponding Rules, NJAC 5:34-6.1, subject to the following requirements:
  - a. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service(s);
  - b. The emergency must directly affect the public health, safety or welfare, and requires the immediate delivery of goods or the performance of service(s);
  - c. Emergency purchasing shall not be used for administrative convenience or for failure to plan. Sound business practices shall be used when an emergency purchase must be made.
  - d. The emergency purchasing procedures may not be used unless the need for the goods or performance of the service(s) could not have been reasonably foreseen or the needs for such goods or service(s) has arisen notwithstanding a good faith effort on the part of the Town of Boonton to plan for the purchase of any required goods or service(s);
  - e. The contract shall be of such limited duration as to meet only the immediate needs of the emergency declared;
  - f. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract;
  - g. Any emergency condition(s) in which the estimated cost is in excess of fifty thousand dollars (\$50,000.00) shall be approved by the Mayor and Board of Aldermen.



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**B. PROCEDURE FOR THE DECLARATION OF AN EMERGENCY**

1. A department head, or in their absence his/her designee, as soon as reasonably possible, shall notify the Town Administrator of the need for awarding of a contract or purchase order, the nature of the emergency, the time of its occurrence and the need for invoking the emergency provision of the law;
2. If the Town Administrator is satisfied that an emergency exists, he/she shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs;
3. Within 48 hours of an emergency occurrence, the department head, or in their absence his/her designee, shall submit to the Town Administrator a written report (certification of Request for Emergency Purchases) providing the information referenced above;
4. In the Town Administrator's absence, the chain of command for adherence to the requirements of 1, 2 and 3 shall be:
  - a. Chief Financial Officer
  - b. Chief of Police
  - c. Town Clerk
  - d. Town Attorney

I, Cynthia A. Oravits, Clerk of the Town of Boonton, County of Morris, and State of New Jersey, hereby certifies this to be a true copy of a resolution adopted by the Mayor and Board of Aldermen of the Town of Boonton on January 1, 2021.

  
Cynthia A. Oravits, RMC  
Town Clerk