

**South Carolina Department of Transportation**  
**Engineering Directive Memorandum**

Number: 35

Primary Department: Deputy Secretary for Engineering

Referrals: South Carolina Code of Laws 57-5-1620

Subject: Emergency Procurement of Construction and Consultant Services

In cases of emergencies, as may be determined by the Secretary of Transportation (Secretary), contractors, consultants, and others may be employed to perform construction or repair work; furnish materials and supplies for such construction and repair work; provide consultant design services; provide consultant construction, engineering, and inspection work; or provide other services without the formalities of advertising. All emergency procurements shall be reported in detail and made public at the next succeeding commission meeting in accordance with Section 57-5-1620 of the South Carolina Code of Laws, as amended.

The department or district requesting the emergency procurement shall submit a letter in writing to the Secretary through appropriate channels, to include signature lines for recommendation by the Deputy Secretary for Engineering and approval by the Secretary. (See Attachment A.) If federal funding is anticipated, early coordination with the FHWA division administrator or his/her designee is required. In cases of extreme emergency this process may be done verbally when there is not sufficient time for written communication, but must be followed up immediately in writing.

**Construction/Repair Services**

A qualified contractor or contractors capable of performing the work shall be contacted after approval for the emergency procurement of construction services has been given by the Secretary. Emergency construction or repair contracts are usually based on the contractor's documented actual costs, including overhead and a reasonable profit. When more than one qualified contractor is available, written bids should be solicited whenever possible.

Funding for most emergency projects related to the state highway system will come from the maintenance budget. However, federal emergency relief (ER) funds may be available for the restoration and repairs of federal aid highways as a result of natural disasters or catastrophic failures. To qualify for ER funds, the damage must be significant and beyond the scope of what would be considered heavy maintenance. The estimated cost to return the highway or structure to service must be at least \$700,000. Either a presidential declaration or a governor's proclamation must also be issued, indicating both the location and the severity of the event. Eligible emergency repairs conducted during the first 180 days after the event to restore traffic to the facility are reimbursable at 100 percent. Subsequent permanent repairs are reimbursable at

80 percent. Requests for the use of ER funds for federal aid-eligible repairs must be made in writing to the FHWA division administrator as soon as the declaration is made by the Secretary. (See Attachment B.)

All requests for emergency contracts, or repair work or material associated with the contract and/or emergency procurement of consultant services must be in writing and will be coordinated through the appropriate office as determined by the Deputy Secretary for Engineering in the approval letter. Emergency procurement requests should be made only when there is an immediate and serious need to return the bridge, roadway, etc. to service that cannot be met using normal procurement procedures.

Emergency procurement of consultant services shall be limited to those necessary to address the emergency. In order to ensure consultant services are procured in time to adequately handle the emergency, the consulting firm will be selected from the list of approved on-call general engineering services firms. Requests must include the basis for the emergency procurement and the selection of the particular consultant. The approval of the Secretary or his/her designee, and the FHWA if federal funds are involved, is required.

Approved By: John V. Walsh  
John V. Walsh, Deputy Secretary for Engineering

Effective Date: June 12, 2013

## **Attachment A**

### **MEMORANDUM**

**TO:** Secretary of Transportation

**FROM:** (Responsible Office)

**DATE:** November 15, 2006

**RE:** Request for Emergency Contracting Services for Repairs to the SC-9 Bridge over Broad River – Chester County

During a recent inspection of the SC-9 bridge over the Broad River, it was noted that several of the structural steel floor beams of the bridge were severely deteriorated, with significant metal loss. This condition is of such severity to warrant immediate repair and/or load restricting of the structure. The bridge is currently open to all traffic. If the deteriorated floor beams are not repaired/replaced soon, the bridge will require load restriction to car traffic only. The ADT is 4,200 vehicles per day with 8% trucks and the detour length is in excess of 30 miles. The replacement of these beams is beyond the capability of the Department's maintenance forces due to lack of sufficient equipment. The load restriction will affect the motoring public with an inconvenient hardship.

It is recommended that (list responsible office here, i.e., District Four Office) be authorized to proceed with emergency procurement(s) for contract services.

It is recommended that a local qualified bridge contractor capable of performing this type of work be contacted to begin these repairs as soon as possible. This type of project approach will allow for the most expeditious repair, with the least disruptions to the vehicular traffic and inconvenience to the public. It should be noted that the bridge may require short-term load restricting should the contractor not be able to begin work immediately due to unavailability of material.

Please indicate below as to your concurrence to these recommendations.

### **Emergency Procurement**

Recommended for Approval:

Approved By:

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Deputy Secretary for Engineering

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Secretary of Transportation

## **Attachment B**

Division Administrator  
Federal Highway Administration  
1835 Assembly Street, Suite 1270  
Columbia, South Carolina 29201

RE: Request for Emergency Relief Funding due to Tropical Storm Gaston

Dear Division Administrator:

This past fall, South Carolina as well as our neighboring states, experienced several hurricanes and tropical storms in rapid succession. Our initial damage assessments indicated the vast majority of the damage to our facilities was due to heavy rainfalls associated with each of these storms. Most of the significant damage was confined to minor facilities that are not eligible for federal-aid funds. As we have proceeded further in pursuing repairs, our cost estimates to permanently repair one of the sites damaged as a result of the heavy rainfalls associated with Tropical Storm Gaston on August 29 has escalated beyond what was originally anticipated. SCDOT and FHWA division office personnel conducted a field review of US 521 in Williamsburg County and we are currently developing plans for the permanent repair of this facility.

Under the provisions of Title 23 USC, Section 125, SCDOT hereby requests emergency relief funds as follows:

Emergency repairs- \$60,000 @ 100% - \$60,000

Permanent repairs - \$865,800 @ 80% - \$692,640

Total requested - \$752,640

Please advise as to whether funds are available. Any additional information and documentation you may require will gladly be furnished upon request.

Yours truly,

Secretary of Transportation

XXX:xxx

cc: Deputy Secretary for Engineering  
Chief Engineer for Operations  
District Engineering Administrator

File: XX/XXX