

**CHARLOTTE, NORTH CAROLINA CITY COUNCIL**

**RESOLUTION SETTING OUT FACTS CONSTITUING AN EMERGENCY TO  
INVOKE EMERGENCY EXCEPTION FOR EMERGENCY PURCHASES DURING  
THE CURRENT COVID-19 EMERGENCY & DISASTER DECLARATION**

WHEREAS, North Carolina General Statutes § 143-129 allows for exceptions to the general statutory requirement for competitive solicitations in “cases of special emergency involving the health and safety of the people or their property;” and

WHEREAS, Section 1.12.2 (Emergency Purchases) of the Citywide Procurement Policy, MFS 24, allows exceptions to the general requirement for competitive solicitations when a special emergency is in effect and the City Council adopts a resolution setting out the facts constituting the emergency; and

WHEREAS, on March 10, 2020, Governor Roy Cooper issued Executive Order No. 116 which declared a State of Emergency in North Carolina in an effort to address the coronavirus pandemic (COVID-19); and

WHEREAS, on March 13, 2020, President Donald J. Trump declared the COVID-19 pandemic a national emergency;

WHEREAS, on March 14, 2020, the City of Charlotte and Mecklenburg County issued a Joint Proclamation of a State of Emergency in response to the COVID-19 pandemic in order to protect the health, safety and well-being of all people; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved the Major Disaster Declaration for North Carolina in response to the COVID-19 pandemic in order to protect the health, safety and well-being of all people, and

WHEREAS, on March 26, 2020, Mecklenburg County and City of Charlotte jointly issued a revised order to the first Joint Proclamation of State of Emergency to include a stay-home directive; and

WHEREAS, on March 30, 2020, Governor Roy Cooper issued another Executive Order for a statewide stay-home to stop the spread of the COVID-19 pandemic; and

WHEREAS, FEMA-4487-DR, North Carolina Disaster Declaration as of March 25, 2020, defines the Incident Period as January 20, 2020 and continuing and

WHEREAS, FEMA's Office of Response and Recovery has determined that with the President's Nationwide Emergency Declaration, and the Secretary of Health and Human Services' declaration of a Public Health Emergency for COVID-19, exigent and emergency circumstances currently exist; and

WHEREAS, local, state and federal action in response to the COVID-19 pandemic emergency continues to be present, immediate and existing and requires using the exception to North Carolina's public bidding laws to expeditiously procure goods, construction, and repair services to mitigate impacts on the health and safety of residents, and assist employees of the City of Charlotte to deliver necessary government services and secure necessary resources to address threats to public health.

**NOW THEREFORE BE IT RESOLVED** that the Charlotte City Council hereby:

1. Authorizes the City Manager and his designees to procure goods and services under the emergency exception to the public bidding laws, G.S. 143-129(e)(2), and Section 1.12.2 of the Citywide Procurement Policy without following the formal solicitation requirements to address and mitigate the City's procurement needs in response to the COVID-19 pandemic for the duration of the special emergency affecting public health and safety as determined by the U.S. Department of Health and Human Services, the North Carolina Governor's declaration of statewide State of Emergency and the local declarations of state of emergency for so long as the emergency continues to be present, immediate and existing; and
2. Makes this determination retroactive to the beginning of the federal declarations of the incident period beginning January 20, 2020 through the present; and
3. Direct that this resolution be reflected in the minutes of the Charlotte City Council meeting.