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Administration and Finance

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Division of Capital Asset Management and Maintenance (DCAMM) Emergency Waiver Requests by Public Awarding Authorities

IN QUALIFYING EMERGENCY SITUATIONS CERTAIN PUBLIC CONSTRUCTION PROCUREMENT LAWS MAY BE WAIVED UNDER G.L. c. 149, §44(A)(4) OR THE ADVERTISING REQUIREMENTS MAY BE WAIVED UNDER G.L. c. 149, §44(J)(6). UNDER THESE LAWS PUBLIC AWARDED AUTHORITIES SEEKING AN EMERGENCY WAIVER MUST RECEIVE WRITTEN APPROVAL FROM THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE (DCAMM).

PLEASE NOTE: Snow removal work alone does not require an emergency waiver. Just as shoveling snow off sidewalks, mowing lawns, removal of downed trees after storms and cleaning buildings is not considered "maintenance" for purposes of G.L.c. 149 §44A et. seq., removing snow from a roof is not considered the type of "maintenance" work subject to G.L.c. 149.

PUBLIC AWARDED AUTHORITIES REQUESTING AN EMERGENCY WAIVER SHOULD:

Send an e-mail with Emergency Waiver letter request attached to: emergencywaivers.dcam@state.ma.us

Address letter to:

Carole Cornelison, Commissioner
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor
Boston, MA 02108
Attn: Office of the General Counsel

If you have no access to a computer or e-mail, you may fax the letter to: Fax No. (617) 727-5363

The letter should be on official agency or municipality letterhead and explain each of the following in detail:

- Whether the awarding authority is seeking a waiver of the bidding requirements of G.L. c. 149, §44A(4), and/or the advertising requirements of G.L. c. 149, §44J(6);
- The nature of the extreme emergency and how it creates an immediate threat to the health or safety of people or property;
- How and when the awarding authority became aware of the emergency situation;
- The proposed scope of work necessary to preserve the health or safety of persons or property for which the awarding authority is seeking an emergency waiver – include a statement that the scope of work described is the minimum work necessary to alleviate the emergency.
- Why the time requirements involved in the standard bidding process will not suffice;
- To the extent a bid solicitation process is possible, explain that process to be used (maximizing competition - minimum 3 competitive prices); if a bid solicitation process is not possible or cannot meet the minimum standard, then explain why.
- The approximate dollar value of the emergency scope of work; and
- A statement that the awarding authority acknowledges that the prevailing wage law (all projects), bonding requirements (all projects) and the DCAMM contractor certification requirements (projects over c. 149 building project threshold) apply to emergency projects.

Please attach relevant information such as letters, reports, orders, etc. from expert consultants and local or state officials, if any and other supportive documentation.

You will be notified before the end of the next business day whether the request is approved, denied or requires additional information. Please note that when Emergency Waivers are granted, awarding authorities must nevertheless comply with prevailing wage, bonding and DCAMM contractor certification requirements.

DCAMM News & Updates

Secretary Lepore Names New Commissioner for State Bldgs

Commonwealth Facility Fund for Energy Efficiency-CoFFEE

DCAMM Energy Team Receives Leading by Example Award

The IFM Open Door Newsletter

Facilities Management and Maintenance Standards (FMMS)

New Job Order Contracting (JOC) Pilot Program

Accelerated Energy Program News & Updates

See All

Related Links

Div. of Capital Asset Management & Maintenance (DCAMM)

Designer Selection Board

If you have any questions, please contact:

George M. Matthews, Deputy General Counsel, (617) 727-4050 Ext. 31385

Susan M. Goldfischer, Deputy General Counsel, (617) 727-4050 Ext. 31389

John J. Keleher, Deputy General Counsel, (617) 727-4050 Ext. 31395

Rita C. Mercado, Deputy General Counsel, (617) 727-4050 Ext. 31303

Beth Eromin, Deputy General Counsel, (617) 727-4050 Ext. 31219

Taran T. Grigsby, General Counsel (617) 727-4050 Ext. 31263

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