



Motiryo Keambiroiro
Director

Chrystal Thomas
Deputy Director

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Assistant Director

Shawn Davis
Assistant Director

To: Claudia Hager, County Manager

From: Motiryo Keambiroiro, Director General Service
Shawn Davis, General Services Asst. Director of Environmental Maintenance

Date: April 24, 2025

Subject: Emergency Memorandum for Fire Pump, Control Panel and Backflows replacement at the Durham County Detention Center.

This memorandum serves as formal notice of an emergency procurement for the replacement of critical life safety equipment at the Durham County Detention Center. The fire pump, associated control panel, and backflow preventers require immediate replacement to ensure the continued safe operation of the Durham County Detention facility's life safety systems. These systems control water that is part of the fire sprinkler system and water control plumbing systems in the detention center. These systems have also required that the detention staff have continued to conduct a fire watch for the facility.

Despite being advertised for bids and subsequently rebid, the project has received no responses from contractors. Due to the urgent nature of this replacement and the lack of response through the standard procurement process, emergency measures must now be pursued to expedite the replacement and prevent any risk to life.

Please consider this memo as justification for emergency procurement in accordance with applicable policies and regulations.

09 NCAC 06B .1302 EMERGENCY SITUATIONS OR PRESSING NEED

- (a) An agency may make purchases of goods or services in the open market in cases of emergency or pressing need.
- (b) When emergency or pressing need action is necessary, and the estimated expenditure is over the purchasing agency's delegation, prior verbal approval shall be obtained from the State CIO unless the purchase must be made outside of business hours, during holidays or when state offices are otherwise closed. Subsequently, if the expenditure is over the purchasing agency's delegation, an explanation of the emergency or pressing need purchase shall be reported in writing to the State CIO.

History Note: Authority G.S. 143-52.1; 143B-1322(c); 143B-1350; Temporary Adoption Eff. January 1, 2000; Eff. August 1, 2000; Recodified from 09 NCAC 06B .1102 Eff. March 19,

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2008; Amended Eff. September 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015; Amended Eff March 1, 2016.

Please see the email below from purchasing suggesting that we request an emergency memo to move forward with these projects.

From: Herndon, Godfrey <gherndon@ddconc.gov>
Sent: Wednesday, April 23, 2025 3:58 PM
To: Heldreth, Jr., Howard E. <hheldreth@ddconc.gov>
Cc: Fowler, Rishanda <rfowler@ddconc.gov>; Farrington, Delta <dfarrington@ddconc.gov>; Hawley, Jonathan K. <jkhawley@ddconc.gov>
Subject: RE: DCDC Fire Pump Replacement

Howard: Good Afternoon! Per our conversation earlier today, I spoke to Jonathan Hawley, Durham County Procurement Manager regarding the situation at the Durham County Detention Center's fire pump, backflow preventers, and fire control panel. It is our understanding that the replacement and/or repairs to these devices are critical to the life, safety, and facility operations of the Detention Center. At this point three procurements for the needed services have been undertaken (RFP 25-020 – Remove & Install Backflow Preventers at the Durham County Detention Center; RFP 25-020R1 – Re-bid; RFP 25-040 – Removal & Installation of Fire Pump & Control System at Durham County Detention Center). Proposals were not received for any of these efforts.

North Carolina State Statue (09 NCAC 06.B.1302) allows for an exemption from State procurement regulations in the case of an emergency or pressing need situation. See attached. Given the life/safety nature of the necessary services, and the time sensitivity involved, it is Procurement's opinion that rather than seek competition via the procurement process, an emergency exemption is appropriate and that the projects might be combined into one.

Your department head should prepare a statement detailing the health/safety issues involved in these projects. The statement should be addressed to the Durham County Manager and seek permission to request an exemption from the procurement rules from the Durham County Board of Commissioners for these projects.

If granted you will be free to seek quotes for the necessary work from two or three contractors who, in your professional judgement will offer Durham County the level of services required for the work at the Detention Center that you can evaluate. The contractor that presents the best combination of proficiency and value can be recommended to the County Commissioners for an award of contract.

If you have any questions or concerns, please contact me.

Godfrey Herndon | Procurement Specialist



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cc: S:Operation/County Buildings / Detention Center/Justifications

Claudia Lopez
4/24/25