

Emergency Procurement Guidelines

Per APSPM chapter 9

What is an emergency?

An **emergency** is an occurrence of a serious and urgent nature that demands immediate action. Emergency procedures may be used to purchase only that which is necessary to cover the requirements of the emergency. Subsequent requirements shall be obtained using normal purchasing procedures. The potential loss of funds at the end of a fiscal year is not considered an emergency.

Take immediate action if required to protect personal safety or property and noncompetitively negotiate. Other emergencies, seek competition to the extent practicable. Requires written determination signed by the agency/institution head or designee. Public posting on eVA VBO is required.

Types of Emergency Procurements. The nature of the emergency will determine what pre-award action may be taken:

- a. For an emergency purchase required to protect personal safety or property, efforts should be directed to finding a source and directing the contractor to proceed; however, such procurement shall be made with such competition as is practicable under the circumstances (Code of Virginia, § 2.2-4303F). This does not relieve the agency from negotiating a fair and reasonable price and subsequently documenting the procurement action.
- b. For other types of emergencies, competition should also be sought to the maximum extent practicable. Vendor's qualifications may be checked and verification of insurance coverage, if applicable, information on warranty offered, and any other data pertinent to the procurement. An agency may procure materials, equipment or supplies above its delegated authority with the advance written approval of DGS/DPS without requisitioning through DGS/DPS. The Procurement Exemption Request form in Annex 13-D should be used for this purpose.

What is required to process an emergency procurement?

Award of Emergency Procurements. The agency must prepare a confirming contract or agency purchase order, as soon as practicable, after directing the contractor to proceed. Care should be taken to include in detail any agreements, including price, that were made orally with the contractor.

Documentation

- a. **Written Determination.** Prepare a written determination for signature by the agency head or designated representative indicating the nature of the emergency, the reason for selection of the particular contractor and include such determination with the file.

b. Posting Requirements. Issue, post and/or publish required written notice. All emergency notices shall be posted on the DGS/DPS eVA VBO and at a minimum state that the procurement has been declared an emergency and must also state that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. Notice may also be published in the newspaper (Code of Virginia, 2.2-4303).

See 3.18 for further guidance and www.eva.virginia.gov for instructions for uploading procurement notices. See Annex 9-B for the proper form for internal posting, if desired.