

Chapter highlights

- **Purpose:** This chapter defines emergency information technology (IT) procurements and outlines emergency procurement policies.
- **Key points:**
 - Any agency can make emergency procurements when an urgent situation arises and the particular IT need cannot be met through normal procurement methods. The agency head must approve the emergency procurement in writing.
 - An emergency is a serious or urgent situation requiring immediate action to protect persons or property. An emergency can be a threat to public health, welfare or safety caused by floods, epidemics, riots, equipment failure, fire loss or such other reason.
 - The agency is required to first search VITA's statewide contracts to determine if existing sources are available to fulfill the emergency procurement, since these contracts have been competed and negotiated.

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17.0 Introduction

This chapter covers policies for the procurement of IT goods and services in an emergency situation. All executive branch agencies and non-exempt institutions of higher education are subject to these policies and procedures when procuring IT goods and services, except those agencies and institutions explicitly exempted by the *Code of Virginia*. An emergency is a serious or urgent situation requiring immediate action to protect persons or property. An emergency can be a threat to public health, welfare or safety caused by floods, epidemics, riots, equipment failure, fire loss or such other reason. The existence of such conditions creates an immediate and serious need for supplies or services that cannot be met through normal procurement methods and schedules. Further, the lack of these supplies or services could seriously threaten government functioning, property preservation and/or the protection, health or safety of any person. Emergency procurements shall be limited to those supplies, services or items necessary to meet the emergency. The potential loss of funds by an agency at the end of a fiscal year is not an emergency.

17.1 Competition requirements in emergency IT procurements

Agencies should solicit as much competition as practical for emergency procurements; however, emergency procurements may be conducted without competition. The agency is required to first search VITA's statewide contracts at: <https://vita.cobblestonesystems.com/public/> to determine if existing sources are available to fulfill the emergency procurement, since these contracts have been competed and negotiated.

17.2 Emergency IT procurement requirements

The *Code of Virginia*, § 2.2-4303(F), details the following requirements for conducting emergency

procurements:

- The procurement file shall include a written determination of the basis for the emergency and the reason for selecting the specific supplier. The written determination must be signed by the agency head or his or her designee.
- The procuring agency may authorize a supplier to commence performance or delivery in the event of an emergency prior to a contract or purchase order being prepared and should prepare a purchase order or contract as soon as practicable.
- The procuring agency shall post a notice stating that the contract is being awarded on an emergency basis, identifying that which is being procured, the supplier selected and the date on which the contract was or will be awarded. The notice shall be posted on [eVA](#). The procuring agency may also elect to post notice in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract. Posting on [eVA](#) is required by all state public bodies. Local public bodies are encouraged to utilize [eVA](#).

17.3 Documentation for the emergency IT procurement file

The procurement file should include the following documentation:

- Copy of the Emergency Procurement Notification Form located in Appendix A of this chapter, with Agency Head or designee signature.
- Supporting documentation for:
 - the basis for the emergency
 - steps taken to ensure as much competition as practicable was taken
 - an explanation of why a particular supplier was selected
- Written quote from the selected supplier.
- Purchase order and/or executed contract.
- Copy of the posted [eVA](#) notice stating that the contract is being awarded on an emergency basis, identifying that which is being procured, the contractor selected and the date of contract award.

The form and copies of all documentation supporting the emergency procurement award for IT goods and services should be forwarded to VITA at scminfo@vita.virginia.gov within five days of the contract award.

Appendix A **Emergency Procurement Notification Form**

This form is available on VITA SCM's website at the following URL:

<https://www.vita.virginia.gov/media/vitavirginiagov/supply-chain/docs/EmergencyProcurementNotificationForm.doc>