POLICY #10-001 **Emergency Procurement Policy**

EFFECTIVE DATE: **March 29, 2012**

REVISED DATE: **August 15, 2023**

I. Purpose:

The purpose of this policy is to define the procurement process required for the purchase of required goods, services, construction and insurance during an emergency event.

II. Policy Statement:

Procurement Services shall maintain management and oversight of all procurement transactions that are deemed necessary during any emergency event. The limited delegated authority to Budget Unit Director's ("BUD's") as specified herein, is provided to ensure that University business units have a mechanism to ensure that all necessary procurement transactions required during an emergency event may be made with minimal disruption to the on-going operations and support of the impacted business units.

III. Definitions:

- **Budget Unit Director –** An individual within a University agency, college, department, office or school that has expressed signature authority for expenditure of funds for their associated budget units that has been approved by the Budget Office and Data Control.
- **DSBSD** – The acronym "DSBSD" shall mean the Commonwealth of Virginia's *Department of Small Business and Supplier Diversity.*
- **Emergency Event -** An emergency event shall be defined as an occurrence of a serious and urgent nature that demands immediate action in which (i) an immediate threat to the public health, safety or welfare is involved, or (ii) immediate action is required to protect or preserve public properties to prevent substantial economic loss or prevent interruption of services.

IV. Procedures:

a. Emergency During Normal Working Hours:

In cases of an emergency event that occurs during normal working hours which requires immediate purchase of goods, services, construction or insurance, the Department of Procurement Services shall have the authority to secure by contract or open market, any goods, services, construction or insurance necessary to meet the emergency requirement(s). The respective BUD shall provide a full written report of the circumstances for each emergency purchase, and same must be signed by the appropriate Dean, Director or Department Head, and submitted and filed with the Executive Director, Strategic Sourcing and Payment Solutions.

b. Emergency Outside Normal Working Hours:

In cases of an emergency event that occurs outside normal working hours or when the University is closed for any reason, BUD's shall be authorized to secure by contract or open market, any goods, services, construction or insurance necessary to meet the emergency requirement(s), regardless of the amount of the expenditure. The respective BUD shall provide a full written report of the circumstances for each emergency purchase, and same must be signed by the appropriate Dean, Director or Department Head, and submitted and filed with the Executive Director, Strategic Sourcing and Payment Solutions. Confirming purchase orders will be issued after the fact, as applicable and/or necessary.

c. Documentation Requirements:

In all cases of emergency events, the documentation required to be submitted and filed with the Director of Procurement Services shall at a minimum include:

i. a written report detailing the aspects of the emergency event;
ii. name and contact information of selected contractor or vendor;
iii. a written explanation justifying why the particular contractor or vendor was selected;
iv. total cost of the required goods, services, construction or insurance;
v. payment terms;
vi. accurate F.O.B. point and method of delivery/shipment; and
vii. delivery date and delivery acceptance/receipt.

d. Compliance with Policies, Procedures and Programs:

i. Regardless of the emergency event and as applicable, the BUD's should find an appropriate source and then direct the contractor or vendor to proceed upon mutual agreement and consent of all defined scope, deliverables and pricing.
ii. This **does not** relieve the BUD's from:
    1) seeking competition to the extent practicable;
    2) negotiating a fair and reasonable price;
    3) documenting the procurement action; ***and***
    4) **Complying with University's SWaM requirements and/or providing the necessary documentation to support us of a non-DSBSD certified contractor or vendor.**
iii. The BUD's may also check contractor/vendor qualifications, verification of insurance coverage (if applicable), information on warranty offered, and any other data pertinent to the procurement.

V. Information Technology Based Systems and Connectivity:

In the event that information technology based systems and/or connectivity are not available, the Director of Procurement Services may authorize the use of (i) paper purchase orders and associated support documentation, and (ii) the procurement Services "Gold" purchasing card via the Commonwealth's contract with Bank of America.