



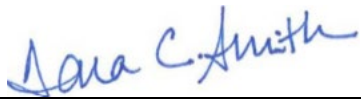
Enterprise Services Policy No. PRO-DES-130-00

# Making Emergency Purchases of Goods and Services

**Applies to:** Agencies when making an emergency purchase of goods and/or services in accordance with DES Policy #[POL-DES-130-00](#).

**Effective date:** June 6, 2024

**Sunset review date:** June 6, 2029

**Approved by:**  Tara C. Smith, Director

**Related Policy No:** [POL-DES-130-00](#)

## Summary of Tasks

Action By	Action
<b>Agency Staff</b>	<p><b>1. Emergency Purchase Determination</b></p> <ul style="list-style-type: none"> <li>a. Confirms that the proposed purchase is for an emergency, (see <a href="#">DES-POL-130-00</a>).</li> <li>b. Reviews DES Statewide Contracts, Office of Minority and Women’s Business Enterprises (OMWBE) Directory of Certified Firms, the Department of Veterans Affairs (DVA) certified veteran firms list, and WEBS for sources available to fulfill the emergency purchase.</li> </ul>
<b>Agency Head</b>	<p><b>2. Presentation of Emergency Purchase to DES</b></p> <ul style="list-style-type: none"> <li>a. Submits signed Emergency Memo within ten (10) business days of the purchase to the Department of Enterprise Services (DES) director. The memo should include: <ul style="list-style-type: none"> <li>i. A description of the purchase.</li> <li>ii. A description of the emergency and the circumstances leading up to the emergency.</li> <li>iii. An explanation of why the circumstances required an emergency purchase.</li> </ul> </li> </ul>

Agency Staff	<p><b>3. Presentation of the Emergency Purchase Filing to DES</b></p> <ul style="list-style-type: none"> <li>a. Prepares the emergency contract and all related supporting documentation necessary to initiate the DES process.</li> <li>b. Reports the following information in the enterprise-wide sole source contracts system (currently the Sole Source Contracts Database (SSCD)) within ten (10) business days of initiating the emergency procurement: <ul style="list-style-type: none"> <li>i. An overview of the nature of the emergency including relevant circumstances.</li> <li>ii. A description of the threat to the health or safety of individuals, property, or essential state functions if immediate action is not taken to include an estimate of the potential material loss or damage.</li> <li>iii. An account of how the contractor alleviated or eliminated the emergency to include a description of what the consequences would have been if the emergency action had not been taken and the risks associated with inaction.</li> <li>iv. A summary of the contractor’s qualifications, experience and background to provide the emergency service and the basis on which this contractor was selected over other qualified firms.</li> <li>v. The costs, fees, or rates for the purchase.</li> <li>vi. Attaches a copy of the Emergency Memo that has been signed by the agency head (Director, Secretary, Commissioner, etc.); and</li> <li>vii. Attaches a copy of the emergency contract, purchase order, or other receipt that confirms the transaction.</li> </ul> </li> <li>c. Makes the emergency contract available for public inspection within ten (10) business days by either: <ul style="list-style-type: none"> <li>i. Posting the emergency contract on the agency website; or</li> <li>ii. Posting summary information that includes directions for obtaining a copy of the emergency contract on the agency website.</li> </ul> </li> </ul>
DES Policy Team	<p><b>4. Review of Emergency Filing by DES</b></p> <ul style="list-style-type: none"> <li>a. Checks for compliance with emergency purchase requirements.</li> <li>b. Submits an acknowledgment of the filing generally within 10 working days after the contract is provided to DES.</li> </ul>
Agency Staff	<p><b>5. Maintain Emergency Contract File</b></p> <ul style="list-style-type: none"> <li>a. Keeps a detailed emergency contract file. <ul style="list-style-type: none"> <li>i. The file may include pictures, video, receipts and other related information that may be useful in securing emergency financial aid, filing insurance claims or complying with Federal Emergency Management Agency requirements</li> </ul> </li> </ul>

**Exceptions to this policy due to exigent circumstances**

Action By	Action
<b>Agency Head</b>	<p><b>1. Notifies the DES Director of the specific exigent circumstance(s)</b></p> <ul style="list-style-type: none"> <li>a. Provides notification in writing if unable to meet any provisions of the</li> </ul>

	emergency purchase due to an exigent circumstance(s). i. The notification may be done by email. b. Provides the specific nature and proof of the exigent circumstance(s) in the notification.
<b>Agency Director</b>	<b>2.</b> Reviews and renders a decision of the exception request.

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## History

### Originally adopted

- January 8, 2015

### Revision date

- June 6, 2024 – Revision to align with HB 1471
- April 26, 2021 - Refresh