

Emergency Purchases

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UNDER REVIEW

BUSINESS RULE

EMERGENCY PURCHASES

Institution employees may make emergency purchases of goods/services only when necessary to protect personal safety or property, and only if the purchase can't be completed using normal purchasing procedures. The employees must perform such purchases according to the requirements of APSPM Chapter 9. Non-Technology purchases will be reviewed after-the-fact by the VCCS Chief Procurement Officer to determine whether the emergency method was justified.

INSTITUTION RESPONSIBILITY

For any emergency purchase, the **Institution** will:

- Seek competition to the extent practicable under the circumstances, select a vendor, and negotiate a fair and reasonable price with the selected vendor
- Document the procurement actions:
 - Actions performed to select a vendor
 - Negotiation efforts with the selected vendor
 - Terms of the final agreement reached with the selected vendor
- Instruct the selected vendor to proceed with supplying goods/services, to include only that which is necessary to cover the requirements of the emergency
- Complete an Emergency Procurement Justification and Approval Form and present it to the Institution president or designee for review. The Institution is responsible for justifying the emergency procurement by explaining:
 - The nature of the emergency
 - The reason for selecting the vendor who provided goods/services
 - The reasonableness of the price

SSC RESPONSIBILITY

For any emergency purchase, SSC will:

- Handle the submitted purchase requisition in accord with rules and procedures pertaining to confirming orders
- Ensure that all approved emergency documentation is included in the procurement file
- Post any required notice of emergency award on eVA VBO

For any non-Technology emergency purchase, SSC will:

- Send the partially-approved form to the VCCS CPO (or designee) for review

- (President or designee) Review the Emergency Procurement Justification and determine whether it meets the criteria for an emergency
- As soon as practicable, submit a confirming purchase requisition that identifies the goods and/or services purchased and the terms of the agreement made with the vendor

AUTHORITIES

- Virginia Code §2.2-4303(F)
- APSPM Chapter 9
- VCCS Technology Procurement Guideline §6.5

PURPOSE

An emergency is an occurrence of a serious and urgent nature that demands immediate action. End-users may make purchases without adhering to standard procurement procedures when faced with an emergency where the purchase is necessary to protect personal safety or property.

Because emergency purchases circumvent the requirements and safeguards of standard procurement practices, the declaration of an emergency must be used with restraint, and must be reviewed after the fact to ensure that emergency declarations are not abused.

The following procedure ensures that emergency procurements are subjected to appropriate scrutiny after they have been performed.

REQUIREMENTS

An emergency purchase must be made with such competition as is practicable under the circumstances. The purchasing agency must negotiate a fair and reasonable price and document its actions. [APSPM §9.1; Technology Procurement Guideline §6.5.1]

A confirming contract or purchase order must be issued as soon as practicable after directing the vendor to proceed. [APSPM §9.2]

A written determination concerning the nature of the emergency and reason for selection of the vendor must be prepared and submitted for review and possible approval. Written determinations for non-IT procurements are reviewed by the Institution president or designee and by the VCCS Chief Procurement Officer or designee. [APSPM §9.3a]

Written determinations for IT Procurements are reviewed by the Chancellor or designee, the Institution president or designee, or the chief procurement official of the Institution or System Office. [Technology Procurement Guideline §6.5.2]

A notice of emergency award must be posted to eVA VBO. [APSPM §9.3b; Technology Procurement Guideline §6.5.3]

When an emergency purchase is not justifiable as an emergency, that decision must be clearly communicated to the person with responsibility for the procurement.

PROCEDURE

STEP	ACTION
1	<ul style="list-style-type: none">• A purchasing need that potentially qualifies as an emergency procurement is identified by a VCCS SSC Customer, including:<ul style="list-style-type: none">○ VCCS End-user<ul style="list-style-type: none">▪ The VCCS End-user reviews the facts and circumstances that make the procurement necessary and determines that an emergency exists<ul style="list-style-type: none">• <i>Go to step 5</i>○ SSC Buyer<ul style="list-style-type: none">▪ The SSC Buyer receives a confirming requisition with an Emergency Procurement Justification and Approval Form signed by the Agency Head / designee<ul style="list-style-type: none">• <i>Go to step 8</i>▪ The SSC Buyer receives a non-confirming requisition that is categorized as "E01 - Emergency" or contains the word "emergency" in either the title or the comments<ul style="list-style-type: none">• <i>Go to step 2</i>▪ The SSC Buyer receives a confirming requisition that is categorized as "E01 - Emergency" but has no Emergency Procurement Justification and Approval Form attached

- *Go to step 4*
- The **SSC Buyer** receives a rejected requisition from the **SSC Compliance Officer** for further proceedings
 - *Go to step 14*
- **SSC Compliance Officer**
 - The **SSC Compliance Officer** receives a confirming requisition that is categorized as "**E01 - Emergency**" but has no **Emergency Procurement Justification and Approval Form** attached
 - *Go to step 13*

-
- After the procurement has been identified as an emergency, participants begin at later steps of the process:
 - **VCCS End-user**
 - The **VCCS End-user** receives a denied requisition with a request to recategorize the requisition with a non-emergency PO category
 - *Go to step 20*
 - **SSC Buyer**
 - The **SSC Buyer** receives a change order
 - *Go to step 18*
 - **Institution Head/Designee** *go to step 6*
 - **SSC Contracts Inbox Manager** *go to step 10*
 - **VCCS Chief Procurement Officer (CPO) (or designee)** *go to step 11*
 - **SSC Compliance Officer** *go to step 23*
 - **SSC Compliance Manager** *go to step 17*

2

- The **SSC Buyer** will:
 - Determine if the procurement is justified as an emergency
 - Review the proposed procurement and its accompanying justification
 - Based on the information provided, determine whether the purchase is necessary to protect personal safety or property:
 - If **YES**, the **SSC Buyer** will:
 - Deny the requisition
 - Instruct **End-user** to purchase the necessary goods and/or services and resubmit the requisition when the purchase is complete
 - If no **Emergency Procurement Justification and Approval Form** was attached, instruct the **End-user** to complete the form and attach it to the resubmitted requisition

If:	Then:
Requisition returns with signed form	<i>Go to step 8</i>
Requisition never returns or is returned using another procurement method	<i>Go to step 27</i>

- If **NO**, the **SSC Buyer** will:
 - Reject emergency justification
 - Add commentary explaining that the purchase is not justified as an emergency
 - Expedite requisition
 - *Go to step 3*

(**Note:** Although the procurement will not be processed as an emergency, the **SSC** will interpret the "emergency" as a request to expedite. If the requisition is not already designated as one that should be expedited, add the associated indicator to the requisition.)

3

- The **SSC Buyer** will:
 - Process the requisition according to the applicable non-emergency procedure
 - *Go to step 27*

4

- The **SSC Buyer** will:
 - Review the requisition and all supporting documentation
(Note: When no **Emergency Procurement Justification and Approval Form has been provided, the procurement can possibly proceed as a non-emergency procurement)**
 - Determine whether the procurement's execution was **fully justified in all respects** under the regulations applicable to another procurement method
 - If **YES**, the **SSC Buyer** will:
 - Deny the requisition
 - Inform the **End-user** that the emergency categorization is unnecessary
 - Advise the **End-user** to recategorize the requisition with a non-emergency PO category
 - If the **End-user** insists on classifying the purchase as an emergency, instruct them to complete an **Emergency Procurement Justification and Approval Form**, and to resubmit the requisition with the completed form attached
 - *Go to step 27*
 - If **NO**, the **SSC Buyer** will:
 - Deny the requisition
 - Instruct the **End-user** to complete an **Emergency Procurement Justification and Approval Form**, and to resubmit the requisition with the completed form attached
 - *Go to step 8*

- 5 • The **End-user** will:
- Identify the goods/services necessary to resolve the emergency situation
(**Note:** 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. [APSPM §9.])
 - Seek competition to the maximum extent practicable under the circumstances
 - If time allows, obtain other information pertinent to the procurement (e.g. vendor's qualifications, vendor's insurance coverage, warranty coverage). [APSPM §9.1]
 - Select a **Vendor** to provide the goods/services
 - Negotiate a fair and reasonable price, and record the results of the negotiation
 - Instruct the **Vendor** to proceed with supplying the goods/services
 - Complete an Emergency Procurement Justification and Approval Form. [APSPM §9.3a]
 - Send the completed form to the **Institution Head/Designee** for review and potential approval

- If the Institution president has designated a representative to review emergency procurements, send the completed form to that person instead
(**Note:** In an emergency, payment by P-card is acceptable if such payment is otherwise appropriate)
- After the Institution Head / Designee has performed the necessary review:

If:	Then:
Emergency justification is approved and the form signed by the agency head/designee	<i>Go to step 7</i>
Emergency justification is not approved	<i>Go to step 21</i>

- 6 • The **Institution Head/Designee** will:
- Review the **Emergency Procurement Justification and Approval Form**, the associated confirming requisition, and any supporting documentation
 - Determine whether the emergency described therein presents a threat to personal safety or property
 - If **YES**, the **Institution Head/Designee** will:
 - Sign the **Emergency Procurement Justification and Approval Form** and send it to the **End-user** [APSPM §9.3a]
 - *Go to step 27*
 - If **NO**, the **Institution Head/Designee** will:
 - *Go to step 12*

- 7 • The **End-user** will:
 - Create a confirming requisition in **eVA** that reflects the details of the agreement with the selected **Vendor**
 - Ensure that the "Confirming order" checkbox is selected.
 - Attach the approved **Emergency Procurement Justification and Approval Form** to the requisition
 - Submit the requisition
 - *Go to step 27*

- 8 • The **SSC Buyer** will:
 - Review the **Emergency Procurement Justification and Approval Form** and the associated confirming requisition and supporting documentation
 - Determine whether the procurement is for IT

(**Note:** Emergency IT procurements do not need to be routed to the **VCCS CPO** (or designee) for review and approval if they've been approved by the **Institution Head/Designee**)

 - If **YES**, the **SSC Buyer** will:
 - *Go to step 16*
 - If **NO**, the **SSC Buyer** will:
 - *Go to step 9*

- 9 • The **SSC Buyer** will:
 - Determine whether the emergency described therein presents a threat to personal safety or property
 - If **YES**, the **SSC Buyer** will:
 - Initiate **Salesforce** case requesting review of **Emergency Procurement Justification and Approval Form**

If:	Then:
Approved	<i>Go to step 16</i>
Rejected	<i>Go to step 19</i>
 - If **NO**, the **SSC Buyer** will:
 - *Go to step 19*

- 10 • The **SSC Contracts Inbox Manager** will:
- Review the **Emergency Procurement Justification and Approval Form** and, if necessary, the associated confirming requisition and supporting documentation
 - Determine whether the emergency described therein presents a threat to personal safety or property
 - If **YES**, the **SSC Contracts Inbox Manager** will:
 - Send the completed **Emergency Procurement Justification and Approval Form** to the **VCCS Chief Procurement Officer (CPO)** (or designee) for review

If:	Then:
Approved	<i>Go to step 15</i>
Rejected	<i>Go to step 26</i>

- If **NO**, the **SSC Contracts Inbox Manager** will *go to step 26*

- 11 • The **VCCS CPO** (or designee) will:
- Review the **Emergency Procurement Justification and Approval Form** and, if necessary, the associated confirming requisition and supporting documentation
 - Determine whether the emergency described therein presents a threat to personal safety or property
 - If **YES**, the **VCCS CPO** (or designee) will:
 - Sign the **Emergency Justification and Approval Request Form**
 - Send the signed form to the **SSC** [APSPM §9.3a]
 - *Go to step 27*
 - If **NO**, the **VCCS CPO** (or designee) will:
 - Reject the emergency justification
 - Explain to the **SSC** that the procurement is not justified as an emergency
 - Add commentary to **Salesforce** case explaining that the procurement is not justified as an emergency
 - Assign **Salesforce** case to the **SSC Buyer** who submitted it
 - *Go to step 27*

- 12 • The **Institution Head/Designee** will:
- Determine how to best to resolve the executed purchase that is not justified as an emergency
 - Instruct the **End-user** on how to proceed
 - *Go to step 27*

13

- The **SSC Compliance Officer** will:
 - Review the requisition and all supporting documentation
(Note: When no **Emergency Procurement Justification and Approval Form has been provided, the procurement can possibly proceed as a non-emergency procurement)**
 - Determine whether the procurement's execution was **fully justified** under the regulations applicable to another procurement method
 - If **YES**, the **SSC Compliance Officer** will:
 - Reject the requisition
 - Return the requisition to the **SSC Buyer** for further proceedings
 - *Go to step 27*
 - If **NO**, the **SSC Compliance Officer** will:
 - Deny the requisition
 - Instruct the **End-user** to complete an **Emergency Procurement Justification and Approval Form**, and to resubmit the requisition with the completed form attached
 - *Go to step 27*

14

- The **SSC Buyer** will:
 - Deny the requisition
 - Inform the **End-user** that the emergency categorization is unnecessary
 - Advise the **End-user** to recategorize the requisition with a non-emergency PO category
 - If the **End-user** insists on classifying the purchase as an emergency, instruct them to complete an **Emergency Procurement Justification and Approval Form**, and to resubmit the requisition with the completed form attached
 - *Go to step 27*

15

- The **SSC Contracts Inbox Manager** will:
 - Notify the **SSC Buyer** who submitted the form for review that the form has been fully approved
 - *Go to step 27*

16

- The **SSC Buyer** will:
 - Attach the fully approved **Emergency Procurement Justification and Approval Form** to the emergency requisition
 - Review and process the requisition according to the procedure for a confirming order
 - *Go to step 27*

17

- The **SSC Compliance Manager** will:
 - Review the procurement and determine whether a fully approved **Emergency Procurement Justification and Approval Form** is present in the Procurement file
 - If **YES**, the **SSC Compliance Manager** will:
 - *Go to step 24*
 - If **NO**, the **SSC Compliance Manager** will:
 - Perform a change order to modify the purchase category from **E01 – Emergency** to its correct value
 - Notify the **SSC Compliance Officer** that no **VBO** posting is required for the purchase
 - *Go to step 27*

18

- The **SSC Buyer** will:
 - Process the change order
 - *Go to step 27*

19

- The **SSC Buyer** will:
 - Inspect the “Confirming order” checkbox and determine whether it’s selected
 - If **YES**, the **SSC Buyer** will:
 - Add commentary to the requisition explaining that the procurement is not justified as an emergency
 - Process the requisition according to the procedure for a noncompliant confirming order
 - *Go to step 27*
 - If **NO**, the **SSC Buyer** will:
 - Add commentary to the requisition explaining that the procurement is not justified as an emergency
 - Process the requisition according to the applicable non-emergency procedure.
 - *Go to step 27*

20

- The **End-user** will:
 - Recategorize the requisition with a non-emergency PO category
 - Alternatively, complete an Emergency Procurement Justification and Approval Form and resubmit the requisition with the completed form attached
 - *Go to step 27*

21

- The **End-user** will:
 - Process procurement in accord with instructions
 - *Go to step 27*

22

- The automated **E01/S01 Report** generates and sends to **SSC Compliance** a report of all purchase orders issued in category **E01 – Emergency**

23

- The **SSC Compliance Officer** will:
 - Create a **Notice of Emergency Award** for the procurement
 - Print the Notice and hand deliver to the **SSC Compliance Manager** (or designee)
 - *Go to step 25*

24

- The **SSC Compliance Manager** will:
 - Review and sign the **Notice of Emergency Award**
 - Return signed Notice to the **SSC Compliance Officer**
 - *Go to step 27*

25

- The **SSC Compliance Officer** will:
 - Scan the signed **Notice of Emergency Award**
 - Create and post a new **VBO** entry for an Emergency award, attaching the signed **Notice of Emergency Award**
 - *Go to step 27*

26

- The **SSC Contracts Inbox Manager** will:
 - Reject the emergency justification
 - Add commentary to the Salesforce case explaining that the procurement is not justified as an emergency
 - Assign Salesforce case to the SSC Buyer who submitted it
 - *Go to step 27*

27

- The process is complete.

END

ADDITIONAL INFORMATION

Definitions

- SSC customers are defined as:
 - Any internal or external stakeholder
 - VCCS staff and employees (college, System Office, and SSC)
 - Vendors
- VCCS - Virginia's Community Colleges System
- SSC - Shared Services Center
- Salesforce - The Customer Engagement Team ticketing (case) system
- VBO - Virginia Business Opportunities

Participant Focus

- **End-user**
 - Focus on steps 5, 7, 20, 21
- **Institution Head/Designee**
 - Focus on steps 6, 12
- **SSC Buyer**
 - Focus on steps 2, 3, 4, 8, 9, 14, 16, 18, 19
- **SSC Contracts Inbox Manager**
 - Focus on steps 10, 15, 26
- **VCCS CPO (or designee)**
 - Focus on step 11
- **SSC Compliance Officer**
 - Focus on steps 13, 23, 25
- **SSC Compliance Manager**
 - Focus on steps 17, 24

Links

- [Emergency Procurement Justification and Approval Form](#)

VERSION CONTROL

Version	Author/Editor	Change	Approvals	Date
1.0	Kara Stewart	Published		December 20, 2019
1.1	Aaron Stevenson	Designees can take some actions	Ken Kapko	December 9, 2020
2.00	Michele Johnson	Prep for Publication: Changes – Designees can take some actions, Customer Engagement language update, page breaks	Ken Kapko	December 9, 2020