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- I. Purpose. This document covers VITA procurement policies and procedures of IT goods and services in an emergency situation as contemplated by [§2.2-4303\(F\)](#) of the *Code of Virginia*. Executive branch agencies, as defined by [§2.2-2006](#) of the Code of Virginia and used herein as “agency/ies and institutions”, are subject to these policies and procedures, except those agencies and institutions explicitly exempted by the Code of Virginia or the Appropriations Act.
- II. Definition. An *emergency* is a serious or urgent situation requiring immediate action to protect the health or welfare of persons or property. The potential loss of funds at the end of a fiscal year is not considered an emergency.
- III. General Information. In case of an emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, the procurement shall be made with as much competition as is practicable.
- IV. Notice of Award. Agencies as defined by [§2.2-2006](#) of the *Code of Virginia*, must post a written notice explaining that the contract is being awarded on an emergency basis and stating what is being procured, the supplier selected, and the date of the award. This notice shall be posted on [eVA](#) and may also be published in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on [eVA](#) is required by all state public bodies. Local public bodies are encouraged to utilize [eVA](#).
- V. Documentation. Written documentation shall be maintained in the procurement file indicating the basis for the emergency, the steps taken to ensure as much competition as is practicable and the reason for selecting the specific supplier. The documentation must be signed by the agency head, VITA’s SCM director or their designee. The documentation must be forwarded to VITA within 5 business days of contract award.
- VI. Software, Hardware, and Services Prohibitions. Agencies are prohibited even in the event of an emergency from using certain software, hardware, and services as mandated by the U.S. Department of Homeland Security. Agencies will be notified of prohibited software, hardware, and services by the CIO pursuant to Chapter 55.3 of the *Code of Virginia* ([§2.2-5514](#)).

## VII Authority References

[§2.2-2006](#) of the *Code of Virginia*. Provides the definition for executive branch agency.

[§2.2-4303\(F\)](#) of the *Code of Virginia*. Provides requirements for completing emergency procurements.

[§2.2-5514](#) of the *Code of Virginia*. Prohibits the use of software, hardware, and services by public bodies as determined by the U.S. Department of Homeland Security, and communicated by the CIO.