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I. Purpose.

This document covers policies and procedures pertaining to emergency procurements of IT goods and services, pursuant to *Code of Virginia §2.2- 4303(F)*. Executive branch agencies, as defined by *Code of Virginia §2.2-2006*, are subject to these policies and procedures, except as explicitly exempted by law.

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 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 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 or in an online-only news publication, in accordance with [Virginia Code § 8.01-324\(I\)](#). Such notice shall be posted on the day the public body awards or announces its decision to award the contract, or as soon thereafter as is practicable, whichever occurs first. State public bodies are required to post on eVA. 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 or their designee. The documentation must be forwarded to VITA within 5 business days of contract award.

VI. Software, Hardware, and Services Prohibitions.

Even in an emergency, agencies may not use software, hardware, and services prohibited by the U.S. Department of Homeland Security. See [Va. Code § 2.2-5514](#)(B). Information security policy [SEC528](#) provides notification of prohibited software, hardware, and services, in accordance with [Virginia Code § 2.2-2009](#)(H).

VII. Authority References.

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

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

Code of Virginia, [§2.2-5514](#). Prohibits use of certain software, hardware, and services by public bodies.

Code of Virginia, [§8.01-324](#). Defines publications eligible for legal notices and publications.

**Annex
Version Control**

This chart contains a history of this policy’s revisions:

Version	Date	Purpose of Revision
01	07/01/2021	Base document
02	07/01/2024	Includes reference to §8.01-324 and administrative updates