

FAP 111-39-00
EMERGENCY PURCHASES

1. An "emergency condition" is defined at KRS 45A.095(3). In an emergency, an agency shall procure goods or services that are within the agency's small purchase authority without prior approval from the Finance and Administration Cabinet.
2. The provisions of KRS 45A.095(4) shall apply if the cost of an emergency purchase exceeds an agency's small purchase authority.
 - a. The initial determination that an emergency condition exists shall be made by the head of the using agency. Upon this determination and if the purchase will exceed the agency's small purchase authority, the using agency shall confer with the Finance and Administration Cabinet prior to making a purchase, if time permits or if possible. If the emergency makes it impractical to consult in advance with the Finance and Administration Cabinet, the head of the using agency may make the required emergency purchase. The final determination for an emergency purchase, which exceeds an agency's small purchase authority, shall be approved by the secretary of the Finance and Administration Cabinet or his designee.
 - b. After an emergency purchase that exceeds an agency's small purchase authority has been made, the emergency purchase shall be fully documented by the agency head in a letter to the secretary of the Finance and Administration Cabinet or in an electronic communication, attached to an ordering or payment document in the state's procurement system, routed to the executive director of the Office of Material and Procurement Services. The communication shall include:
 - (1) an explanation of the emergency condition;
 - (2) name of vendor selected;
 - (3) amount of procurement;
 - (4) other price quotations obtained; and
 - (5) basis for selection of vendor.
 - c. Upon approval of the emergency purchase by the secretary of the Finance and Administration Cabinet or his designee, payment shall be made.

(KRS 45A.095)
(200 KAR 5:309)