

FAP 111-39-00
EMERGENCY PURCHASES

1. An “emergency condition” means a situation which creates a threat or impending threat to public health, welfare, or safety such as may arise by reason of fires, floods, tornadoes, other natural or man-caused disasters, epidemics, riots, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies, equipment failures, state or federal legislative mandates or similar events. KRS 45A.095(3).
2. If an agency purchases goods, services or construction services under an emergency condition, but the purchase is within the agency’s small purchase authority, the agency shall process the purchase under the small purchase authority and not as an emergency purchase.
3. If an agency purchases goods, services or construction services under an emergency condition and the purchase exceeds the agency’s small purchase authority, the provisions of KRS 45A.095(4) shall apply.
 - a. The initial determination that an emergency condition exists shall be made by the head of the using agency.
 - b. Upon this determination and if the purchase will exceed the agency’s small purchase authority, the using agency shall coordinate with the FAC prior to making an emergency purchase, if time permits or if feasible.
 - c. If the emergency makes it impractical to consult in advance with the FAC, the head of the using agency may make the required emergency purchase.
 - d. The final determination for an emergency purchase, which exceeds an agency’s small purchase authority, shall be approved by the secretary of the FAC or designee.
4. 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 FAC or in an electronic communication attached to an ordering or payment document in the state’s eProcurement system. The communication shall include:
 - a. An explanation of the emergency condition;
 - b. The name of vendor selected;
 - c. The amount of the procurement;
 - d. The other price quotations obtained; and
 - e. The basis for selection of vendor.
5. The documentation of the emergency purchase shall be routed to:
 - a. The director of OPS, if the purchase is for goods and services not related to construction projects; or
 - b. The director of DECA, if the purchase is for goods and services is related to construction projects.
6. Upon approval of the emergency purchase by the secretary of the FAC or designee, payment shall be made.
7. If the emergency purchase requires payment by a procurement card, the agency should contact his/her Procurement Card Program Administrator and OPS.

Relates to: KRS 45A.095; 200 KAR 5:309