

Procurement During State of Emergency

Pursuant to NCGS 143-57 along with 01 NCAC 05B .1602:

An agency may make purchases of commodities, printing or services in the open market in cases of emergency or pressing need.

Emergency and Pressing Need Defined

Emergency - Under the authority of General Statute §143-57, immediate emergency purchases or rental of goods or services in circumstances that endanger lives, property, or the continuation of a vital program are allowed as determined by the Purchasing Agency Director.

Pressing Need - Immediate purchases or rental of Goods or Services are also allowed when there is a Pressing Need as defined in 01 NCAC 05A.0112. Pressing needs arise from circumstances outside the State's control, including delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, as determined by the Purchasing Agency Director.

Procedure - Emergency or Pressing Need Procurement:

1. Use Statewide Term Contracts when possible

When purchasing goods and services during a State of Emergency, State Agencies should utilize current Statewide Term Contracts (STC). If the STC is unable to provide for immediate needs, move to Step 2. (Note, entities should submit a STC Exception with note of procurement being completed outside STC vendor with information for inability to perform, when time permits.)

2. Negotiate in the open market when STCs are not an option

When the STCs are unable to provide a needed good or service, Entities can negotiate with potential vendors in the open market in an effort to acquire the best possible price and delivery time. Utilizing State Solicitation Documents to memorialize the negotiation is best practice, as the State Templates incorporates the State's Terms & Conditions (which include Federal Requirements) which should ensure compliance with 2 CFR 200 Requirements. If the use of a State Template is not feasible, please attempt to incorporate the State's Terms and Conditions into the agreement.

3. Expenditures over the Agency's Benchmark

When emergency or pressing need action is necessary, and the expenditure is over the agency's benchmark or delegation, prior verbal approval should be obtained from the State Purchasing Officer if time permits.

In either case, an explanation of the emergency or pressing need necessitating the procurement must be submitted in as a Matter of Record, through Ariba, to P&C. [Matter of Record Form Job Aid](#)

4. P-Card purchase limit increase requests

The Single Transaction Limit for P-Cards has been set by the State at \$25,000. Agency policy may restrict this limit for normal use. Should an agency wish to increase their limits, they may do so up to the \$25,000 limit without seeking P&C approvals, and document their files.

If an agency determines that the Single Transaction Limit needs to be greater than State approved \$25,000, the agency card program administrators may request a higher limit in emergency situations. Such increases shall be in effect no longer than the duration of the emergency. Requests for increased limits shall be made through P&C if time permits and shall be reported to P&C in any case. [Procurement Card Single Transaction Increase Request](#)

STC's Identified for Emergency Situations - Statewide Term Contracts - DOA Website

STC	Description
STC 2511B	MRO
STC 2711B	Fleet Vehicles
STC 405D	Emergency Source Propane
STC 405E	Emergency Source Fuels
STC 475B	Durable Medical Equipment
STC 983A	Equipment Rental
STC 150A	Walk In Building Supplies, Carpentry Supplies, Home Improvement Supplies
STC 060A	Automotive, Industrial Parts and Supplies
STC 060C	Storefront Auto Parts
STC 2210B	Grounds Maintenance Equipment (Tractors, Mowers, UTVs, etc.)
STC 2210A	Construction Equipment
STC 4217A	Automated External Defibrillators and Accessories
STC 975B	Vehicle Rental
STC 946A	Procurement Card Services
STC 050A	Preschool/Elementary Art Supplies & Accessories