



DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES OFFICE OF STATE PROCUREMENT

OSP Procedures Critical Emergency Procurement

The State of Arkansas seeks to promote increased economy in state procurement by fostering fair and open competition. Arkansas favors competitive procurement where practicable; however, situations may exist that will **imminently endanger** human life or health, making the application of all requirements of competitive solicitations contrary to the public interest. In such instances, state agencies may effectuate a Critical Emergency Procurement pursuant to Arkansas Code Annotated § 19-11-233. The State Procurement Director or the head of a procurement agency may make or authorize others to make emergency procurements as defined by Arkansas Code Annotated § 19-11-204(4).

Arkansas Code Annotated § 19-11-233(b)(1)(A) allows agencies to proceed with a Critical Emergency Procurement without obtaining at least three competitive bids; however, competition is always recommended when practicable.

Agencies identifying a need for a Critical Emergency Procurement will:

1. Contact a vendor to request services for the critical emergency.
2. Complete the [Critical Emergency Procurement Justification Form](#) located on the Forms and Reporting page of the OSP website.
3. Save the completed form as *Critical Emergency Procurement Request–Department/Agency Name*.
4. Submit an email with the subject line: *Emergency Procurement Request–Department/Agency Name*, with the completed form as an attachment, to the OSP review mailbox at osp.review@arkansas.gov or to the head of the procurement agency for determination at the earliest practicable date.
5. Upon receiving approval for the Critical Emergency Procurement, AASIS-using agencies will:
 - a. Name the signed approval document *Critical Emergency Procurement Approval* and save to the contract file.
6. Create a purchase requisition for the procurement and process as normal.
7. Attach the signed approval document and a copy of the recorded quotes to the purchasing document, and code the purchasing document *EM* in the *Our Reference* field to route the purchase to the OSP for release.
8. State law requires that qualifying contracts for services include Performance Standards for measuring the overall quality of services provided that a Contractor shall meet in order to avoid assessment of damages.
9. R1:19-11-233 exempts Critical Emergency Procurements from being presented for legislative review; however, Critical Emergency Procurements are reported.