Does my municipality need to have documentation in the cases of a public emergency or exigency?

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Yes. If the non-state entity is not going to use a competitive process to purchase goods and services, the non-state entity needs to document the reason and for emergency and exigency circumstances, the date those circumstances started and ended.

Steps to Take During Emergency or Exigent Circumstances:

- **Write a justification to describe the emergency or exigent circumstances**: Explain why sole-sourcing is necessary based on the specific conditions and circumstances that demonstrate why immediate or urgent action is needed. Include the specific steps taken to determine why full and open competition could not have been used. A separate justification is required for every sole-sourced contract.
- **Provide a brief description of the goods or services**: Justify the need for the specific good or service being contracted to address the emergency or exigency circumstance.
- **Estimate the expected dollar amount of the goods or services**: A cost or price analysis is required for all procurement transactions above $250,000.
- **Describe any known conflicts of interests** and efforts made to identify possible conflicts of interests. If no efforts were made, explain why.
- **Define and justify the period of emergency or exigency for the specific situation**: The period of emergency or exigent circumstances may vary per incident.
- **Transition to a competitively bid contract as soon as the emergency or exigent period ends**: Failure to plan for transition to a competitively bid contract cannot be the basis for continued use of the emergency or exigency exception.

(Source: FEMA: An Exception to the Rules During Emergency or Exigent Circumstances

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