

# FLORIDA WORKS

## Policies and Procedures

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<b>SOP Number:</b>	<b>Subject: Exigency Policy</b>
<b>Date of Issuance: November, 2006</b>	<b>Revision Date:</b>
<b>AE Executive Director</b> <i>Angela Pate</i>	<b>Board Signature:</b> <i>Ken McGurn</i>

### Purpose

This policy shall be utilized when procurement or award of contract is infeasible under sealed bids or competitive proposals due to an exigency.

### Definition of Exigency

Exigency means a demonstrably bona fide, imminent crisis which threatens the viability of the delivery of workforce services as a whole, or one or more of its programs, departments, or other distinct units, and which cannot be alleviated by means other than a reduction or change in the service provider(s). A state of exigency shall exist only upon Board declaration.

### Board Declaration of Exigency

1. The Executive Committee will meet at which exigency shall be discussed.
2. The Chairman of the Board shall discuss the possible imminence of Board declaration of exigency with the Executive Committee.
3. The Executive Committee either concurs with the Chairman of the Board's decision on exigency, or justifies its opposing views. If the latter is the case, the Chairman will present the position of the opposing views to the full Board, in which the full Board will vote to declare the exigency.

Should the Board declare exigency, the noncompetitive procurement procedure shall be in accordance to the FloridaWorks' Administrative Plan and related federal and/or state regulation.

### Noncompetitive Procurement

As outlined in FloridaWorks' Administrative Plan, the noncompetitive procurement policy shall adhere to regulations identified in 20 CFR 667.200; 29 CFR 97.36 (D)(4); and OMB Circular A-110, Subpart C.43):

Procurement by *noncompetitive proposals* is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(a) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(i) The item is available only from a single source;

(ii) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.

(iii) The awarding agency authorizes noncompetitive proposals; or

(iv) After solicitation of a number of sources, competition is determined inadequate.