

**MEMORANDUM**

TO: Wyoming School Food Authorities (SFAs)  
FROM: Susan Benning, Nutrition Programs Accountant  
DATE: March 24, 2020  
SUBJECT: Emergency Procurement

Federal Procurement regulations 2 CFR 200.320(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through a solicitation from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
4. After solicitation of a number of sources, competition is determined inadequate.

Therefore it is considered an “Emergency Purchases” if it is necessary to make emergency purchases to continue service, obtain goods, and the public emergency will not permit a delay resulting from a competitive solicitation.

The emergency procurement should be documented and, at a minimum, should include: items purchased; dollar amount; vendor; and reason for emergency.

USDA Processed Foods from the Food Distribution Program:

For SFAs that have pounds of USDA Foods at a processor, you can use these pounds to buy different products than originally procured. Recognizing that the food you initially intended to purchase may not be appropriate or useful, for your current food service operation, these pounds can be used to purchase different food items that can be useful during this time. You do not need approval from WDE. However, you will need to discuss with your distributors the availability of the products you now want to buy.

Additionally, it is recommended that the SFA then establish emergency purchasing policies, and procedures.

Items that could be included in the emergency procurement policy could:

- Define when emergency procurement is necessary
- Include pre-approved contracts for emergency services, goods, and materials

- Specify situations when non-competitive procurement is acceptable
- Identify who has authority to approve certain amounts or types of emergency procurement arrangements.

I hope this memo has helped answer some questions in regards to the current COVID-19 situation for food service. However, if you have any further questions or concerns, please don't hesitate to contact me at (307)777-6280 or [susan.benning@wyo.gov](mailto:susan.benning@wyo.gov).