

DECLARATION OF EMERGENCY

The Economic Development Authority of the City of Roanoke, Virginia (the "EDA"), is in the process of evaluating the audit work that has been submitted by the Roanoke certified professional accounting firm of Foti, Flynn & Lowen. The work in question comprises the 2017 and the 2018 audits of the EDA's financial statements. This work is significantly late and has put the EDA out of compliance with the requirements of the Virginia Industrial Development Authorities Act, Chapter 49 of Title 15.2 of the Code of Virginia, 1950 as amended. (the "Act").

In reviewing the drafts of the 2017 and 2018 audits (the "Draft Audits"), the EDA has determined that they may contain errors and that there is a need for review by another certified professional accounting firm, and in the event errors or substandard professional work is discovered, Foti Flynn would be required to correct the Draft Audits before acceptance. Given the substantial lateness of the audit, and the potential for further delays that may be incurred in the review and the possible correction of the Draft Audits, I hereby declare that there exists an emergency and that the EDA may, pursuant to Section 2.2-4303.F. of the Code of Virginia, 1950, as amended, award this contract without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances.

Given the sensitive nature of the review of a respected professional's work product by another respected professional, it is not practicable to consult other professionals because of the risk of damage to the first professional's reputation.

This writing constitutes a written determination of the basis for the emergency and for the selection of Brown Edwards, CPA's to review the Draft Audits commencing on the date of this Declaration. This Declaration of Emergency shall be included in the contract file. The EDA shall post this Declaration on its website declaring that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.

The undersigned Braxton G. Naff, Executive Director of the Economic Development Authority of the City of Roanoke, Virginia, after due investigation, hereby DETERMINES in writing that an emergency exists and that the contract may be negotiated and awarded by the EDA to Brown, Edwards without competitive sealed bidding or competitive negotiation.

The foregoing constitutes the basis for this determination.

This Determination is effective this 10 day of February, 2020.



Braxton G. Naff, Chair,
Economic Development Authority
of the City of Roanoke, Virginia