



WEST VIRGINIA PURCHASING DIVISION

Emergency Purchase Request Form for Central Purchases
(Purchases Exceeding Agency's Delegated Spending Threshold)

Statutory Authority: Pursuant to West Virginia Code §5A-3-15 and 148 C.S.R. 1-7.6, the director may authorize, in writing, a state spending unit to purchase in the open market, without filing requisition or estimate, specific commodities for immediate delivery to meet bona fide emergencies arising from unforeseen causes.

Follow-up Award Requirements: Effective July 1, 2024, agencies are delegated the authority, upon written approval, to process all emergency purchases as agency contracts. Agencies must submit all contract documents to Purchasing.Division@wv.gov no later than 30 days of issuance.

Description of the emergency circumstance(s) that led to this emergency purchase request:
(What is the emergency situation? Provide detailed information.)

The WV ERP Board acts as the central information management system for the State. VMware licenses are an essential part of storage and replication for the information management servers. The entity named Broadcom purchased the rights to VMware software and has been extremely difficult to do business with. The renewal process of these licenses began in August 2025. The incumbent vendor for the existing licenses had persistent difficulty in obtaining confirmation of current license counts and a List Price from the provider, Broadcom. Please see attached...

Proposed remedy:

(What is the item or service that needs to be purchased to remedy the emergency situation in the short term?)

VMware production support licensing was obtained using the only path forward provided by the service provider and reseller of these licenses.

A 1-year term with two 1-year optional renewals was executed. We have informed the reseller and service provider that the size of our production environment will be reduced in the coming months and a reduction in licensing will be necessary at that time.

Estimated cost:

(How much will the items or service cost to rectify the situation? Include total cost.)

\$200,589.80

Proposed duration/quantity:

(If a service is needed, how long will you need it until you can properly bid out a long-term solution? If an item is needed, how many does your agency need?)

The service provider would not provide a quote or term for less than 1-year.



Patrick Morrisey
Governor
Chair

Mark Hunt
State Auditor
Executive Secretary

Larry Pack
State Treasurer
Member

State of West Virginia
West Virginia Enterprise Resource Planning Board
State Capitol, Building 1, Suite W-100
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Toll Free: (877) 982-9148
Telephone: (304) 558-2251
Fax: (304) 558-5200
www.wvoasis.gov

November 12, 2025

Ms. Samantha Willis, Director
West Virginia Department of Administration
Purchasing Division

Re: Emergency Purchase – VMware Production Support Coverage

Director Willis,

The WV Enterprise Resource Planning Board is writing to inform the WV Purchasing Division of an emergency purchase of VMware Production Support software during the Veteran's Day Holiday on November 11, 2025. This software is critical to the State's enterprise resource planning production servers. Without this software in place, data replication will be nearly impossible, and the State risks loss of real-time and historical data.

An RFQ for this software was placed out for expedited bid on October 27, 2025. The wvoASIS identifier for this solicitation is CRFQ ERP2600000001. We had several false starts to this effort with the software provider delaying the confirmation of license counts, attempting to delay price quotes for various reasons, with contact made with Larry McDonnell at the WV Purchasing Division claiming to not have appropriate information to provide a quote just days before the Bid Opening Date. CIO approval was also slow to obtain as a result of the delayed information from the provider.

Our current licenses for this software are set to expire on November 15, 2025; however, the software provider, Broadcom, has indicated that they will only honor the quotes they have provided until November 12, 2025.

We must have these software licenses in place for proper functionality of our servers that run the state's information management system. We have received bids from several resellers of this software. We used the contacts provided with these bids to procure the services we needed as timely and cost effectively as possible.

This memo provides an understanding of the dilemma we were faced with, and we will provide a more detailed report of the culmination of events as soon as possible. This effort was vital to be able to maintain the State's information management servers without any gaps in service or additional financial penalties from an unreasonable provider.

The service provider of these licenses typically only provides annual quotes for this service, although many resellers are available that can sell the licenses. Broadcom required the existing quotes for three annual 1-year terms be noted on the PO and the reseller provided a signed General T&C's and WV-96 with additional communication regarding termination based on future reduction of server size.

We estimated the cost of these licenses at \$210,000 per year, and we were able to complete this purchase under extraordinary circumstances for \$200,589.80.

Thank you for your attention to this matter. If you have any questions, please call me at 304-935-0425 or reply by email at Evan.Pauley@wvoasis.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Pauley".

Evan Pauley
Controller