

From: **Whittaker, Frank M** <frank.m.whittaker@wv.gov>
Date: Thu, Feb 5, 2026 at 8:58 AM
Subject: Re: Emergency Drone Purchase
To: James, Kristy E <kristy.e.james@wv.gov>
Cc: John W Estep <John.W.Estep@wv.gov>, Joseph E Hager III <joseph.e.hageriii@wv.gov>, Amber J Heath <amber.j.heath@wv.gov>, Angie L Chaney <Angie.L.Chaney@wv.gov>, Robert W Stewart <robert.w.stewart@wv.gov>, Alisha S Pettit <alisha.s.pettit@wv.gov>, Greg Clay <gregory.c.clay@wv.gov>

Kristy,

Your request for the emergency purchase of six drones is approved.

Please follow the emergency procedures outlined in the Purchasing Division Procedures Handbook. Please return the completed contract and all supporting documentation to this office within 30 days of this approval for public posting.

Thank you,

Frank M Whittaker

On Wed, Feb 4, 2026 at 5:01 PM James, Kristy E <kristy.e.james@wv.gov> wrote:
Please see the attached request for the immediate replacement of 6 of our drones which are no longer compliant with FHWA regulations and the American Security Drone Act. FHWA informed WVDOT at the end of December that our survey drone fleet must be grounded. It took a little time to secure sufficient funding. The estimated emergency replacement cost is \$309,774.50 for six drones. Without these drones, WVDOT is in jeopardy of losing Federal funding and we will also not be able to conduct our annual aggregate stockpile inventory in April. The Annual physical inventory is required as part of our Financial Auditing requirements.

Please let me know if you have any questions concerning this emergency request.

Thank you

Kristy James
WV DOT
Procurement Officer
304/414-7104

Procurement Requests should be directed to: DOTProcurement@wv.gov Inventory related questions should be directed to DOTInventory@wv.gov

APPROVED

BY: FW DATE: 2/5/26



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.)

Emergency replacement of unmanned aircraft systems currently being used to conduct construction, engineering and inventory site surveys. The existing fleet of equipment has been taken out of commission due to non-compliance with the American Security Drone Act of 2023. The mandate to ground our fleet was received 12/22/2025. This mandate strictly prohibits the use of federal funds and FHWA reimbursement when using non-compliant equipment. WVDOT recently secured funding to replace the drones.

Proposed remedy:

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

WVDOT is requesting permission to proceed with an emergency procurement to purchase 6 drones to continue working. WVDOT will obtain competitive bids for the equipment. Due to the federal mandate, the availability of compatible drones is very limited due to current demand. Immediate replacement is needed to maintain existing federal funding and to ensure construction project schedules are maintained. Delays in projects will result increased costs for WVDOT and will result in a loss of federal funding. Drones are also needed to conduct physical inventory.

Estimated cost:

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

\$309,774.50

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?)

Remaining drone fleet will be replaced via competitive bids.



Bennett, Jesse L <jesse.l.bennett@wv.gov>

New Federal Restrictions on Foreign Drones (Effective Dec 22, 2025)

Johnson, Derrick (FHWA) <derrick.johnson@dot.gov>

Wed, Dec 10, 2025 at 4:02 PM

To: Jesse L Bennett <jesse.l.bennett@wv.gov>

Cc: Ed H Compton <ed.h.compton@wv.gov>, Douglas W Kirk <douglas.w.kirk@wv.gov>, "Rogers, John (FHWA)" <john.rogers@dot.gov>, "Chen, Hao (FHWA)" <hao.chen@dot.gov>, "Greathouse, Kara (FHWA)" <kara.greathouse@dot.gov>, "Smith, Yvonne (FHWA)" <Yvonne.Smith@dot.gov>

Dear Mr. Bennett,

We are writing to notify you of immediate changes to federal regulations that impact the use of Unmanned Aircraft Systems (UAS) supported by FHWA funding.

Effective December 22, 2025, the *American Security Drone Act of 2023* (ASDA) and OMB Memorandum M-26-02 ([link](#)) strictly prohibit the use of federal funds for UAS manufactured by covered foreign entities.

What You Need to Know:

- **The Ban:** You may no longer use FHWA funds (including grants, loans, or cooperative agreements) to procure, operate, or maintain "covered UAS."
- **What is "Covered":** This includes any aircraft, flight controller, camera, or ground control station supplied by a manufacturer that is based in, or subject to the control of, a foreign adversary country, specifically the People's Republic of China.
- **Effective Date:** This prohibition applies to all costs incurred after **December 22, 2025**.

Required Actions:

1. **Stop Procurements:** Ensure no pending orders for this equipment will be paid for with federal funds.
2. **Cease Operations:** If your existing fleet includes these covered UAS, you must cease their operation, maintenance, or data processing on any FHWA funded project or grant.
3. **Segregate Assets:** We recommend physically quarantining these devices to prevent accidental use on federally funded projects.

Please ensure this notification is shared with your procurement and flight operations teams immediately to avoid unallowable costs.

If you have specific questions about eligibility or inventory, please contact Derrick Johnson at Derrick.Johnson@dot.gov.

Sincerely,

Derrick Johnson



U.S. Department
of Transportation
**Federal Highway
Administration**

Derrick Johnson

| Safety and Operations Engineer

| Emergency Coordinator/COOP Manager

| Area Engineer D1, D2, D3, & D6

DOT | FHWA | West Virginia Division

300 Virginia St East, Ste 7400

Charleston, WV 25301

Phone: 304-347-5473

Cell: 202-923-0548

Email: Derrick.Johnson@dot.gov