**State Procurement Manual**

**DOA-3449 N(R06/94) Formerly AD-P-12**

**Number PRO-C-3**

**Effective 2-7-13**

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**AUTHORITY:**

Wis. Stats. 16.75(6)(e)

16.75(7)

323.10

323.12(4)(a)(b)

**SCOPE:**

- to define emergency situation
- to establish authority for the exercise of certain authorizations in emergency situations
- to establish policy on emergency procurement in the state’s procurement process
- to define documentation and justification requirements
- to establish the procedure to be followed when authorities are exercised in emergency situations
- to identify exceptions to the policy stated herein (See Content IV.)

**DEFINITION:**

I. An "emergency situation" is a situation which:

A. Threatens the public health, safety, or welfare; and all of the following conditions exist: was unforeseen; calls for immediate action; and cannot be responded to using established procurement methods; or

B. Exists as the result of a declaration by the governor, under s. 323.10, Wis. Stats.

**CONTENT:**

I. The existence of an emergency situation does not preclude the use of the competitive bidding process in its entirety. Procurement managers and purchasing officers will obtain such competition as is practical under the emergency requirements of the situation. (Consolidated Agency Purchasing Services (CAPS) agencies will work with their Department of Administration CAPS staff.)

II. **Emergency procurement $25,000 or less**

A. State Bureau of Procurement managers and state agency purchasing officers may waive the policies and procedures outlined in the State Procurement Manual, when necessary under emergency conditions, up to the level of the individual’s delegated authority, not to exceed $25,000 per transaction.
B. Within three (3) business days, the procuring agency will place in the transaction file a written justification for exercising the authority to waive any policy or procedure including the following information:

1. The specific threat to the public health, safety, or welfare,
2. The unforeseen nature of the threat,
3. The basis for the need for immediate action, as opposed to filling the requirement through normal procedures, and
4. The steps taken to obtain competition on the procurement even with the emergency situation in existence.

III. Emergency procurement over $25,000

A. In emergency situations where the estimated cost of an emergency procurement exceeds $25,000:

1. The agency will promptly give verbal or written notice of the emergency to the director, State Bureau of Procurement. In his/her absence, the agency may seek approval from the director’s designee.

2. **Within three (3) business days, the agency will submit a justification letter, including the information in paragraphs II. B. 1.-4. above, to the director, State Bureau of Procurement.**

3. The director will provide to the secretary, Department of Administration, written notice of the actions taken including the information in paragraphs II. B. 1.-4. above.

4. **The director will obtain a waiver of a competitive process from the governor, or from the governor’s designee, by title, the secretary, Department of Administration. The Bureau will send a copy of the approval to the agency to maintain in its files.**
IV. Exceptions

A. PRO-C-3 does not apply to the purchase of stationery and printing. See PRO-C-18, Printing Procurements.

B. PRO-C-3 does not apply to emergency services and materials required to mitigate losses covered under the state’s self-funded insurance program. An agency having questions about insurance related emergency procurements should contact its agency risk manager or the state property and liability manager, Bureau of State Risk Management, 608/266-0168.