

State Procurement Manual

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

		Number PRO-C-3
		Effective 5-26-09
Section THE PROCUREMENT PROCESS	Agencies Affected ALL	Replaces 6-19-03
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AUTHORITY: [Wis. Stats.](#) 16.75(6)(e)
16.75(7)
166.03(1)(b)1,4,5

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 VI.](#))

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 proclamation by the governor, under s. 166.03(1)(b)1, Wis. Stats.

CONTENT: I. 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.

II. 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.

III. Within 72 hours, 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:

Authorized:



Helen McCain, Director
State Bureau of Procurement

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- A. The specific threat to the public health, safety, or welfare,
 - B. The unforeseen nature of the threat,
 - C. The basis for the need for immediate action, as opposed to filling the requirement through normal procedures, and
 - D. The steps taken to obtain competition on the procurement even with the emergency situation in existence.
- IV. In emergency situations where the estimated cost of an emergency procurement exceeds \$25,000, the agency will submit a justification letter to the Bureau. A waiver of the official sealed bid process will be obtained by the director, State Bureau of Procurement, from the governor, or from the governor's designee, by title, the secretary, Department of Administration.
- V. When the designee exercises authority to waive the official sealed bid process in a declared state of emergency, within 72 hours following the exercise of this authority, the State Bureau of Procurement will provide to the secretary, Department of Administration, written notice of the actions taken including the information in paragraphs III. A.-D. above.

In nondeclared emergencies, the State Bureau of Procurement will follow-up by processing the documentation submitted under III. above.

- VI. Exceptions:
- A. PRO-C-3 does not apply to the purchase of stationery and printing. See [PRO-C-18](#), Bidding of 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.

Authorized:



Helen McCain, Director
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