



State Procurement Manual

Department of Administration, State Bureau of Procurement

Number
PRO-503

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SCOPE: The purpose of this policy is to define conditions of and official procedure for authorizing a procurement pursuant to an emergency.

POLICY: Emergency procurement procedures can be authorized under an emergency, defined as a situation which:

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

The existence of an emergency situation does not preclude the use of the competitive bidding process in its entirety. Agencies will obtain such competition as is practical under the circumstances. See PRO-301, Competitive Procurement Policy.

This policy does not apply to the purchase of printing or stationary. See PRO-505, Printing Procurement Policy and Procedure.

This policy does not apply to emergency services and materials required to mitigate losses covered under the state’s self-funded insurance program. Questions about this program will be directed to the applicable agency risk manager or the Bureau of State Risk Management.

- PROCEDURE:**
- I. Purchase(s) at or below Emergency Procurement Threshold
 - A. Special designated agents may waive bidding requirements when necessary under emergency conditions, up to the level of the individual’s delegated authority. See PRO-101, Procurement Definitions and Thresholds and PRO-102,



Legal Authority
 Wis. Stats. 16.75(6)(e), (7); 323.10; 323.12(4)(a)(b)
 Agencies Affected: All, unless otherwise noted

Authorized:
 Sara Redford, Director
 State Bureau of Procurement



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Delegation. Consolidated Agency Purchasing Services (CAPS) agencies will work with their designated CAPS staff.

- B. Within three (3) business days, the procuring agency will finalize and retain a written justification for exercising emergency procurement procedure to include the following:
 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.

II. Purchase(s) over Emergency Procurement Threshold

- A. The agency will promptly give verbal or written notice of the emergency to the director, State Bureau of Procurement or designee, in his/her absence.
- B. Within three (3) business days, the agency will submit a justification letter, including the information in section I. B. 1-4 above, to the director, State Bureau of Procurement.
- C. The director will provide to the secretary, Department of Administration, written notice of the actions taken including the information in section I. B. 1-4 above.
- D. The director will obtain a waiver of a competitive process from the governor, or from the governor’s designee, by title, the



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secretary, Department of Administration. The Bureau will send a copy of the approval to the agency to maintain in its files.

III. Timing of Emergency Procurement Requests

- A. By their nature, emergency situations often must be addressed immediately, and may not accommodate a pre-approval process for waiving competitive bidding. Agencies will follow the approval processes outlined herein as soon as they have the information sufficient to make the request.
- B. If the request is submitted after the purchase has been made, the agency will submit the information required for an emergency purchase as well as information that would otherwise be submitted for an unauthorized purchase; See PRO-106, Prior Approval of Purchases/Unauthorized Purchases. Upon approval, the agency will retain the after-the-fact approval in the procurement file.
- C. If the request is submitted after the purchase has been made, but the request is not approved, the purchase may be considered unauthorized.



Legal Authority

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