**Emergency Procurement Procedure**

The Procurement Act, 2016 defines “emergency” as situations where -

* a state of emergency is proclaimed under the Emergency Powers Law (2006 Revision);
* an exceptional circumstance occurs with an immediate risk to the safety or health of an employee or a member of the public; or
* there is an immediate risk of serious damage to public or private property.

Where any of those situations occur, the requirements of the Procurement Act, 2016 and Procurement Regulations, 2018 do not apply as per the Procurement Act, section 3(1)(b). However, section 3(2) states:

*“Entities carrying on procurement to which this Law does not apply,* ***shall ensure there is value for money*** *in accordance with the principles set out in section 4 and Schedule 1.”*

In order to ensure that the emergency provisions are used in accordance with the principles of procurement, especially consistency, transparency and value for money, this procedure has been produced.

**Step 1 (In support of Legality):** Review the definition of “Emergency” seen in paragraph 1 and select the one that applies to the situation.

**Step 2 (In support of Value for Money & Consistency):** Document the rationale for use of the emergency provisions using the justification form in Appendix A.

* As a part of this step, vendors should be engaged to provide quotations or proposals to support the request.

**Step 3 (In support of Accountability):** Submit the justification form to the Chief Officer/Chief Executive Officer (or equivalent) for review and decision.

* At the completion of this step, the respective CIG entity may contract for the required goods or services.

**Step 4 (In support of Transparency):** If approved, publish a notice of contract award on the CPO approved E-procurement website within thirty (30) days of the contract award.

**Important Considerations**

1. Competitive Supply is a principle of procurement. At minimum, an attempt to carry out a competitive process should be evidenced where possible.
2. The contract lengths and/or volumes of goods and services requested for emergency procurements should be limited to the absolute minimum to either avert the emergency or to conduct a proper procurement.

**Appendix A: Justification Form for Use of Emergency Procurement Provisions**

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| --- | --- |
| **Emergency Situation (Highlight applicable)** | * a state of emergency is proclaimed under the Emergency Powers Law * an exceptional circumstance occurs with an immediate risk to the safety or health of an employee or a member of the public * there is an immediate risk of serious damage to public or private property. |
| **Description of Situation** | (please state who and/or what is at risk, how and when the situation was discovered, the timeline to safely avert the emergency and any other pertinent information to support your justification) |
| **Procurement Route (Highlight applicable)** | * Successfully Competitive – multiple vendors were contacted and more than one responded. * Unsuccessfully Competitive – multiple vendors were contacted but only one responded. * Direct Award – only one vendor was contacted because one of the provisions in regulation 5 apply or an existing contract for similar goods or services is being utilised. |
| **Scope of Goods/Services Required** | (please detail what needs to be procured to remedy the emergency situation and how the scope meets the requirement of “minimum requirement”) |
| **Estimated Procurement Value (KYD)** | (please state the cost of the scope of goods/services above and support it with information from the procurement route above) |
| **Timeline for Non-Emergency Procurement (Highlight applicable)** | If competitive:   * Values <KYD$100,000: 5-15 business days * Values KYD$100,000 - $249,999.99: 35-45 business days * Values >KYD$250,000: 50-75 business days   If direct award:   * Values <KYD$100,000: 5-10 business days * Values KYD$100,000 - $249,999.99: 20-30 business days * Values >KYD$250,000: 35-60 business days |
| **Is the non-emergency timeline suitable? If not, why?** |  |
| **Prepared By:** |  |
| **Chief Officer / Chief Executive Officer Review & Comments:** |  |
| **Decision of CO/CEO** | **Approve / Disapprove** |
| **Signature of CO/CEO** |  |