

LAGOS STATE GOVERNMENT
LAGOS STATE PUBLIC PROCUREMENT AGENCY
GUIDELINES FOR EMERGENCY PROCUREMENT

Section 60 Lagos State Public Procurement Agency Law (PPA Law), Ch.56 Vol. 6, Laws of Lagos State 2015, (the Law) and the Procurement Regulations made pursuant to section 15(5) of the PPA Law, in particular section 59 of the Regulations, contains the rules governing emergency procurement in Lagos State.

Based on the PPA Law and Regulations, the Guidelines for emergency procurement in Lagos State is:

1. SITUATIONS WHERE EMERGENCY PROCUREMENT MAY BE INITIATED:

Emergency procurement can be initiated when the State is seriously threatened by or confronted with any of the following circumstances:

- A. Natural disaster
- B. Drought
- C. Pandemics
- D. Civil disturbances, insurrections or war
- E. An occurrence leading to the destruction of lives and property
- F. An act of God
- G. The unexpected deterioration of the quality of infrastructure, goods, equipment, building or publicly owned capital goods that renders it unfit for use and urgent action is required to restore it for use or to retain its value.
- H. When the Governor determines that an emergency procurement is necessary in the interest of the State

2. PROCUREMENT METHODS APPLICABLE UNDER EMERGENCY PROCUREMENT:

Any of the following procurement methods may be employed in the event of an Emergency:

- A. **Restrictive Tendering:** This method may be utilised where there is no immediate threat to life and property.
- B. **Direct Contracting:** This method may be utilised when the Governor determines that an emergency procurement is necessary in the interest of the State and the desired contractor has an excellent track record in the procurement of the desired works, goods and services.
- C. **Direct Labour:** This method may be utilised in a situation where engaging a contractor may cause delay and the Procuring Entity has the minimum capacity required to procure the desired item utilising its in-house manpower or equipment.

- D. **Framework Arrangement:** This method may be utilised in the procurement of items that are routinely used by first responders to emergency situations.

3. PROCUREMENT PROCEDURE:

An emergency situation may be determined by the Governor or upon the request of a Procuring Entity with the approval of the Governor. When an emergency situation is determined, the following procedure is applicable:

- A. The Procuring Entity prepares a Memo for the Governor's approval, stating the emergency situation, the item to be procured, and the procurement method to be employed. An advance copy of the Memo is forwarded to PPA.
- B. The Procuring Entity obtains Governor's approval for the emergency procurement.
- C. The Procuring Entity forwards the Governor's approval to PPA and obtains a Letter of Conditional Confirmation.
- D. The Procuring Entity proceeds to the State Treasury Office to access the funds.
- E. Following the procurement of the item/works, the Procuring Entity shall forward a detailed Report of the procurement to PPA.
- F. PPA shall subject the procurement process to post-review.

The procedure outlined in A-F above may not be applicable for Framework Arrangement method as this method will follow the regular procurement process.

Following the occurrence of any of the above listed situations, Procuring Entities may for causes directly related to the alleviation or remediation of the aforementioned situations carry out procurement of goods, works and related services in accordance with the emergency procurement procedure. In such circumstance, every Procuring Entity shall apply principles of sound procurement, economy, efficiency, transparency and accountability.

LAGOS STATE PUBLIC PROCUREMENT AGENCY