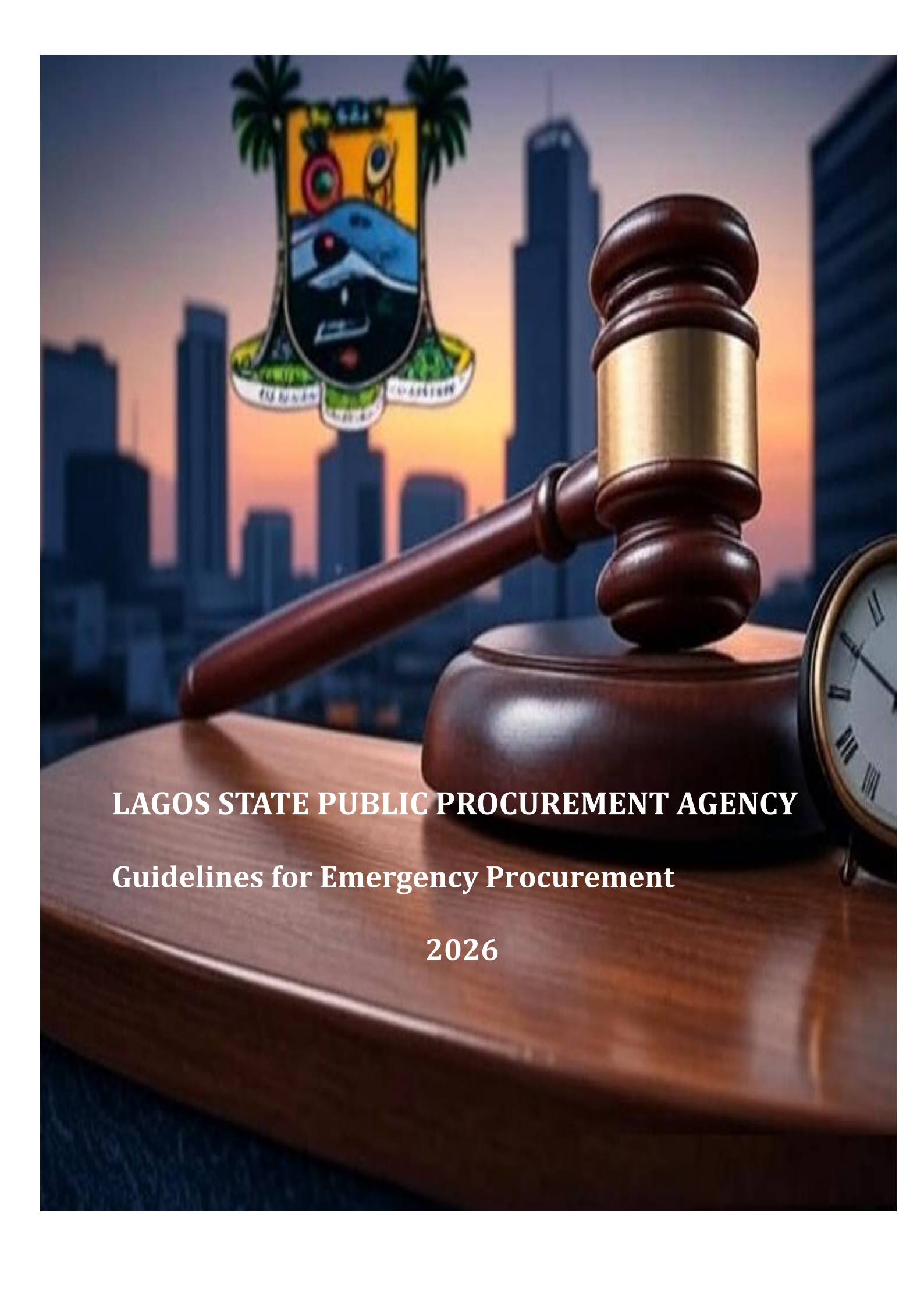




LAGOS STATE PUBLIC PROCUREMENT AGENCY

Guidelines for Emergency Procurement

2026

Lagos State Public Procurement Agency

Guidelines for Emergency Procurement

2026

1. INTRODUCTION

2.1 These guidelines, developed under the authority of the Lagos State Public Procurement Law 2021 (PPA Law), provide a framework for emergency procurement in Lagos State. They are designed to enable Procuring Entities to respond swiftly and effectively to unforeseen events while upholding the principles of economy, efficiency, transparency, accountability, and integrity. Drawing on international best practices and tailored to the unique socio-economic and administrative context of Lagos State, these guidelines ensure that emergency procurement is conducted with efficiency and professionalism in accordance with legal and ethical standards.

The objectives of these guidelines are to:

- a. Define the conditions under which emergency procurement may be initiated.
- b. Outline permissible procurement methods and procedures.
- c. Establish governance, accountability, and risk management mechanisms.
- d. Provide detailed guidance for managing procurement at different stages of an emergency.
- e. Ensure compliance with the PPA Law and alignment with global procurement standards.
- f. Facilitate rapid response through pre-established systems, such as supplier databases and digital platforms, to minimize delays in emergency situations.
- g. Promote resilience and sustainability in procurement decisions to support long-term recovery and disaster preparedness.

2. DEFINITION OF AN EMERGENCY

2.1 An emergency is a sudden, unforeseen event requiring immediate action to prevent or mitigate significant harm to human life, property, infrastructure, or the ability of the State to perform critical functions. Under Section 67(1) of the PPA Law, emergency procurement may be initiated with the approval of the Governor, when the State is seriously threatened by or confronted with any of the following circumstances:

- a. **Natural Disasters:** Including but not limited to Flooding, Coastal Erosion and Ocean Surge, Windstorms and Rainstorms, Landslides/Soil Erosion or other acts of God that cause sudden widespread damage or disruption.
- b. **Public Health Crises:** Pandemics, epidemics, or other health emergencies requiring urgent procurement of medical supplies, equipment, or services.
- c. **Civil Disturbances or Security Threats:** Including insurrections, riots, terrorist attacks, or war.
- d. **Critical Infrastructure or Equipment Failure:** Sudden deterioration or failure of publicly owned assets (e.g., roads, bridges, hospitals, or utilities) that renders them unfit for use, necessitating urgent action to restore functionality or preserve value, provided there has not been dilatory conduct by responsible persons.

2.2 Dilatory conduct by responsible person(s) resulting into any situations falling under 2.1 (a-d) shall be considered a gross misconduct and subject to disciplinary action.

3. PRINCIPLES OF EMERGENCY PROCUREMENT

3.1 Emergency procurement must balance the need for rapid response with adherence to the provisions of the Lagos State Public Procurement Agency Law 2021 and principles therein enshrined:

- a. **Economy:** Achieving value for money by selecting cost-effective solutions without compromising quality or delivery timelines.
- b. **Efficiency:** Ensuring timely delivery of goods, works, or services to address the emergency effectively.
- c. **Transparency:** Maintaining clear, auditable records of all procurement decisions and processes.
- d. **Accountability:** Ensuring all actions are justifiable, documented, and compliant with legal and regulatory frameworks and misconducts are dealt with in accordance with law.

- e. **Integrity:** Mitigating risks of fraud, corruption, inflated prices, or conflicts of interest through robust oversight and due diligence.
- f. **Fairness:** Ensuring equitable treatment of suppliers, even in expedited processes.
- g. **Sustainability:** Incorporating environmental and social considerations to support long-term resilience and minimize ecological impact.
- h. **Proactiveness:** Leveraging pre-established systems to enable rapid and effective responses.

3.2 Procuring Entities must act lawfully, reasonably, and ethically, ensuring that decisions are proportionate to the urgency and severity of the emergency.

4. LEVELS OF EMERGENCY RESPONSE

Emergency procurement is categorized into three levels based on the immediacy of the threat, the potential harm if relief is delayed, and the operational context. Each level requires a tailored approach to balance speed, accountability, and compliance.

4.1 Level 1: Immediate Response (Reactive Procurement)

This level applies to situations requiring instantaneous action to address life-threatening conditions or critical infrastructure failures (e.g., securing medical supplies during a disaster, relocating essential services, or mobilizing equipment to restore utilities).

4.1.1 Key Characteristics:

- a. High urgency with immediate threat to life, property, or critical functions.
- b. Minimal time for planning or competitive processes.
- c. Focus on rapid delivery of essential goods, works, or services.

4.1.2 Step by Step Guidance:

- a. Apply for and or Secure the Governors Approval. The application shall include;
 - A description of the emergency, including its scope, impact, and urgency.
 - The specific goods, works, or services required.
 - The proposed procurement method and justification.

- Estimated costs and funding sources.
 - And if possible anticipated risks and mitigation strategies.
- b. An advance copy of the Memo is sent simultaneously to the Lagos State Public Procurement Agency (PPA) for review. Procurement Plan:
- c. Submission may be by email or other electronic medium.
- d. The PPA where satisfied issue a Letter of Conditional Confirmation, authorizing the procurement to proceed, and the confirmation may be for a reduced quantity or prize.
- e. **Direct Sourcing:** Procure goods or services directly from suppliers without competitive tendering.
- Identify from amongst previous suppliers to the Procuring Entity and registered contractors in the PPA Data Base, suppliers with capacity to deliver the goods, works and services required.
 - Request price quotation for specific goods, works and services using brand names or generic qualities by the fastest written or electronic medium possible (eg email)
 - If possible and necessary negotiate prize
 - Issue emergency but binding award, receive goods, works or services
 - Better document award and compile award file as soon as practicable
- f. **Record-Keeping:** Maintain as much records as is possible during the event (e.g., supplier name, item, quantity, estimated cost). Comprehensive documentation must be completed post-event in accordance with the Lagos State Public Procurement Agency Law 2021 and the Public Records Act.
- g. **Threshold:** Act within threshold where possible. If above existing threshold, exercise sound judgment and document the rationale for decisions.
- h. **Risk Management:** Compare prices with price data bank and or previous cost of supply. Document receipt and inventory of goods, works or services. references).

- i. **Post-Event Documentation:** As soon as practicable, prepare better records of all actions, including justifications, supplier details, and costs, to ensure auditability.
- j. **Electronic Communication:** Use secure, auditable email or the PPA e-Procurement platform for supplier confirmations and approvals.

4.2 Level 2: Disaster Relief (Emergency Procurement)

This level applies when the immediate threat has subsided but urgent action is still required to provide relief or prevent further harm (e.g., after a state of emergency is lifted or when critical infrastructure requires urgent repairs).

4.2.1 Key Characteristics:

- a. Reduced immediacy but ongoing need for rapid response.
- b. Opportunity for limited planning and supplier evaluation.
- c. Focus on delivering relief while introducing basic governance measures.

4.2.2 Guidance:

- a. **Needs Assessment:** Identify, specify, and prioritize procurement requirements to deliver effective relief and consult community of stakeholders, where necessary.
- b. **Operational Context:** Assess the operating environment (e.g., accessibility, safety, logistics) to inform supplier selection.
- c. **Collaboration:** Coordinate with other government agencies, NGOs, or first responders to optimize resources and avoid duplication.
- d. Agency Approval; Seek and secure PPA approval
- e. **Supplier Selection:** Prioritize suppliers capable of immediate delivery. Price is secondary to speed and reliability but should still reflect reasonable market rates.
- f. **Existing Contracts:** Utilize All-of-Government contracts, panel contractors, or framework agreements where available to expedite delivery.
- g. **Quick Quotes:** If no existing contracts are available, obtain email quotes from multiple qualified suppliers from contractors registered on PPA Data Base (where feasible) to ensure value for money. Record all quotes.

- h. **Financial Approval:** Obtain prior financial approval for all procurements. Blanket approvals may be issued for multiple related procurements within approval threshold to streamline operations.
- i. **Supplier Assurance:** Verify suppliers' ability to deliver the required quantity, quality, and specifications to the correct location on time.
- j. **Contractual Clarity:** Inform suppliers that the procurement is for emergency relief and that long-term solutions may involve competitive processes.
- k. **Written Confirmation:** Use PPA standard contracts documents.
- l. **Risk Mitigation:** Conduct due diligence to prevent fraud, corruption, or conflicts of interest. Verify supplier credentials and monitor pricing for anomalies.

4.3 Level 3: Post-Disaster Reconstruction (Accelerated Procurement)

This level applies when the emergency has abated, and efforts shift to reconstruction, remediation, or restoration of services (e.g., rebuilding infrastructure, restoring utilities, or rehabilitating affected areas).

Key Characteristics:

- a. Focus on long-term recovery with reduced urgency.
- b. ~~Reintroduce~~ Introduce competitive processes and routine procurement practices.
- c. Emphasis on governance, accountability, and value for money.

Guidance:

- a. **Return to Routine Procedures:** Resume standard procurement processes under the PPA.
- b. **Accelerated Processes:** For critical infrastructure or services (e.g., water treatment, housing reconstruction), develop tailored accelerated procurement approaches that balance speed with competition and accountability in accordance with law.

- c. **Process Design:** Ensure accelerated processes include clear criteria for supplier selection, transparent evaluation methods, and documented decision-making.
 - d. **Justification:** Document and justify any deviations from routine procurement procedures, including the rationale for accelerated processes.
 - e. **Publication:** Publish contract awards above the relevant value threshold on the designated Lagos State Public Procurement Agency's platform, clearly indicating the context.
 - f. **Stakeholder Engagement:** Consult with affected communities, government agencies, and other stakeholders to align procurement with recovery priorities.
 - g. **Sustainability:** Incorporate considerations for long-term resilience and environmental impact in procurement decisions (e.g., durable infrastructure materials).
 - h. **Monitoring and Evaluation:** Establish KPIs (e.g., project completion time, cost savings) to assess reconstruction outcomes and inform future guidelines.
 - i. **Local Economic Support:** Prioritize local suppliers where feasible to boost economic recovery and community resilience.
-

5. PERMISSIBLE PROCUREMENT METHODS

The following procurement methods may be employed in emergencies, subject to the approval of the PPA:

5.1 Direct Contracting:

- a. **Use Case:** When immediate delivery is critical, and a supplier with a proven track record can meet the requirements.
- b. **Requirements:** Obtain PPA approval for direct contracting. Justify the selection based on the supplier's reliability, capacity, and ability to deliver promptly.
- c. **Risk Management:** Verify supplier credentials and monitor pricing to prevent exploitation.

5.2 Restrictive Tendering:

- a. **Use Case:** When there is no immediate threat to life or property, allowing limited competition amongst suppliers in PPA data base(pre-qualified suppliers).
- b. **Requirements:** Develop a shortlist of capable suppliers from PPA Data base and invite bids or quotes. Ensure transparency in the selection process.
- c. **Application:** Suitable for Level 2 emergency, where time permits limited competition.

5.3 Direct Labour:

5.3.1 Use Case: When the Procuring Entity has the in-house capacity to execute the procurement activity implicated by the emergency, avoiding delays that may arise from contracting an external contractor.

5.3.2 Step by Step Guidance.

- a. For projects within the Governor's delegated authority to the Deputy Governor and or the Hon Commissioner for Economic Planning and Budget. Apply for and obtain Consent to initiate emergency procurement through the Deputy Governor and or Hon Commissioner for Economic Planning and Budget respectively.
- b. For projects above the delegated authority of the Deputy Governor, seek and obtain Governor's consent to initiate emergency procurement directly.
- c. Apply to the Director General of the Agency. In each such case apply to the Director General for PPA for approval. The application shall indicate, available equipment's, skills and prices of materials if any that are required to be purchased to carry out the emergency activity.
- d. Director General exercising the delegated authority of the Board confirms that the Procuring Entity has the required equipment, skills and can purchase off the shelf at verified market prizes other items or materials required to implement the emergency procurement activity.
- e. All approvals should be expedited to avoid delays in response to the emergency.

5.3.3 Condition for Direct Labor in Emergency situations. The initiation of Direct Labor for emergency procurement situations may only be deployed for

works and service situations requiring application of skills by staff of the procuring entity, and only minor items and purchases that personnel of the Procuring Entity require to carry out the works or service, which can be obtained off the shelf at market prizes.

5.4 Framework Agreements:

- a. **Use Case:** Where a Framework agreement exists to procure the items required for an emergency situation, that Framework agreement can be deployed to procure such items. The Procuring Entity can abridge any time requirements for notification and responses as may be required to meet the needs of the emergency.
 - b. **Requirements:** The existing procedure for call off (secondary Procurement) under a Framework agreement shall apply to procurement of goods, works or services under an existing framework Agreement.
-

6. EMERGENCY PROCUREMENT PROCEDURE

This procedure is designed to ensure compliance with the Lagos State Public Procurement Law 2021 (PPA Law) and to maintain accountability throughout the emergency procurement process.

6.1 Determination of Emergency:

- a. The Procuring Entity prepares a Memo, including:
 - A description of the emergency, including its scope, impact, and urgency.
 - The specific goods, works, or services required.
 - The proposed procurement method and justification.
 - Estimated costs and funding sources.
 - Anticipated risks and mitigation strategies.
- b. An advance copy of the Memo is sent to the Lagos State Public Procurement Agency (PPA) for review. Procurement Plan:
- c. Submit an Emergency Procurement Plan to PPA within three (3) days, detailing needs and suppliers.

6.2 Governor's Approval:

- a. The Procuring Entity submits the Memo to the Governor or a holder of delegated Authority based on value threshold for approval.
- b. The approval process should be expedited to suit the emergency and avoid delays in response efforts. This approval affirms that a situation requiring emergency procurement exists.

6.3 PPA Confirmation:

- a. The Procuring Entity submits the Governor's approval to the PPA.
- b. PPA issues a Letter of Conditional Confirmation, authorizing the procurement to proceed.
- c. The Letter may include conditions to ensure compliance with these guidelines.

6.4 Access to Funds:

- a. The Procuring Entity presents the Letter of Conditional Confirmation to the State Treasury Office to secure funding.
- b. Funds must be allocated promptly to support the emergency response.

6.5 Execution of Procurement:

- a. The Procuring Entity executes the procurement in accordance with the approved method and the guidance for the relevant response level (see Section 4).
- b. Regular updates on procurement progress should be provided to the PPA and relevant stakeholders.

6.6 Post-Procurement Reporting:

- a. Within a specified timeframe (to be determined by PPA), the Procuring Entity submits a comprehensive report to the PPA, including:
 - A detailed account of the emergency and procurement activities.
 - Supplier details, including selection criteria and performance outcomes.
 - Financial details, including costs, payments, and variances from estimates.
 - Lessons learned and recommendations for future emergencies.
- b. All documentation must comply with the Public Records Act and be retained for audit purposes.

6.7 Post-Review by PPA:

- a. The PPA conducts a post-review of the procurement process to verify compliance with these guidelines and the PPA Law.
 - b. The review assesses adherence to principles of economy, efficiency, transparency, and accountability.
 - c. Findings and recommendations are shared with the Procuring Entity and other relevant MDAs to improve future practices.
-

7. GOVERNANCE AND ACCOUNTABILITY MECHANISMS

Procuring Entities shall have the following in place to ensure transparency, accountability, and integrity in emergency procurement:

- a. **Documentation:** Maintain comprehensive records of all procurement decisions, including justifications, supplier communications, and financial transactions. Use digital tools (e.g., procurement management software) where possible to streamline record-keeping.
- b. **Risk Management:**
 - Conduct due diligence on suppliers to verify their reliability and capacity.
 - Monitor for signs of fraud, corruption, or inflated pricing, particularly in high-pressure situations.
 - Implement controls to prevent conflicts of interest, such as requiring declarations from procurement staff.
- c. **Audit Readiness:** Ensure all procurement activities are auditable. Records must be complete, accurate, and accessible.
- d. **Publication:** For contracts above the relevant value threshold, publish details on the designated PPA platform, including the emergency context, supplier details, and contract value.
- e. **Oversight Structures:** Establish a temporary governance committee during prolonged emergencies to coordinate and authorize procurement activities. The committee should include senior officials with delegated authority and expertise in procurement, finance, and risk management.

8. KEY CONSIDERATIONS FOR PROCURING ENTITIES

- a. **Emergency Verification:** Confirm that the situation meets the criteria for emergency procurement under Section 67(1). Document the evidence supporting this determination.

- b. **Needs Prioritization:** Conduct a rapid needs assessment to identify critical procurement requirements and prioritize based on urgency and impact.
 - c. **Operational Context:** Evaluate logistical challenges, safety risks, and accessibility constraints when planning emergency procurement activities.
 - d. **Stakeholder Coordination:** Collaborate with other government agencies, NGOs, and first responders to align efforts, share resources, and avoid duplication.
 - e. **Capacity Building:** Train procurement staff on emergency procedures to enhance preparedness and response capabilities.
 - f. **Technology Utilization:** Leverage PPA digital platforms for supplier identification, quote collection, and contract management to improve efficiency.
 - g. **Local Sourcing:** Prioritize local suppliers to support economic recovery and reduce logistics delays.
 - h. **Gender and Social Inclusion:** Where possible, ensure procurement considers vulnerable groups (e.g., women, disabled) in relief distribution.
-

9. LEGAL AND REGULATORY FRAMEWORK

These guidelines are based on the Lagos State Public Procurement Law 2021, which permits emergency procurement under specific conditions, subject to the approval of the Governor. Additional regulations, such as the Lagos State Procurement Regulations issued from time to time by the PPA and extant Head of Service Circulars also apply. Procuring Entities must ensure compliance with all relevant legal and regulatory requirements to maintain public trust and accountability.

10. MONITORING AND CONTINUOUS IMPROVEMENT

The PPA will periodically review these guidelines to incorporate lessons learned from past emergencies and align with evolving best practices. Procuring Entities are encouraged to provide feedback on their experiences to inform future updates. Key performance indicators (KPIs) for emergency procurement include:

- a. **Response Time:** Time from emergency identification to delivery of goods, works or services.
 - b. **Cost Efficiency:** Comparison of procurement costs to market rates.
 - c. **Compliance Rate:** Percentage of procurements adhering to these guidelines and the PPA Law.
 - d. **Stakeholder Satisfaction:** Feedback from suppliers, communities, and other stakeholders on the effectiveness of the response.
 - e. **Fraud & Corruption;** Rate of fraud and corruption identified
-

11. CONTACT INFORMATION

For further information, clarification, or assistance with emergency procurement, contact:

The Director-General

Lagos State Public Procurement Agency

Block 22 & 23

The Lagos State Government Secretariat

Ikeja, Lagos State

08023005985, 08098005986

Email: info@lagosppa.gov.ng

12. APPROVAL

These guidelines are issued by the Lagos State Public Procurement Agency and are effective as of 2026. All Procuring Entities must comply with these guidelines when conducting emergency procurement under the PPA Law 2021.