



Public Procurement Regulatory Authority

Guidelines

For

Carrying Out Emergency Procurement

PPRA

October, 2017

**Further information may be
obtained on www.ppra.go.tz**

	PART I: INTRODUCTION
1. Background	These Guidelines serve as a tool to be used by procuring entities while carrying out emergency procurement.
2. Short Title	These Guidelines shall be cited as the Guidelines for Carrying out Emergency Procurement under PPA (CAP 410).
3. Application	These Guidelines shall be applied by all PEs when carrying out emergency procurement.
4. Definitions	<p>In these Guidelines, unless the context requires otherwise;-</p> <p>“Accounting officer” shall have the meaning ascribed to it under the CAP 410.</p> <p>“Authority” means the Public Procurement Regulatory Authority.</p> <p>“Emergency procurement” shall have the meaning ascribed to it under CAP 410.</p> <p>“GAMD” means the Government Assets Management Department of the Ministry of Finance and Planning.</p> <p>“Paymaster General” has the meaning ascribed to it under the Public Finance Act.</p> <p>“PMIS” means Procurement Management Information System developed by the Authority.</p> <p>“TAS” means Technical Audit Section in the Internal Auditor General’s Division.</p> <p>“Tender Board” shall have the meaning ascribed to it under CAP 410.</p> <p>“Website” means PPRA website.</p>
	PART II:
5. Rationale behind emergency procurement	Section 65(2) of the PPA Cap 410 stipulates criteria/circumstances which shall form the basis for carrying out an emergency procurement. These criteria/circumstances are addressing the

	<p>following issues;</p> <ul style="list-style-type: none"> a) Whether there was a compelling urgency that created a threat to life, health, welfare or safety of the public; b) Whether the threat has been caused by a major natural disaster, epidemic, riot, war, fire or such other reasons of similar nature; c) Whether the situation was so critical that without urgent procurement the Government or the organization would have suffered irreparable loss, or its properties or health and safety of the public would have been threatened.
6. Who should determine emergency procurement	Section 65 (1) authorizes the Accounting Officer of a procuring entity to determine emergency procurement provided that public interest demands so.
7. How to carry out emergency procurement	<p>7.1 The Accounting Officer should in the first place evaluate the need for the emergency procurement and decide on the procurement method that guarantees efficiency and economy;</p> <p>7.2 A procuring entity with semi autonomous zonal or regional offices must ensure that the officer in charge of the said office seeks and obtains approval of the accounting officer to carry out emergency procurement;</p> <p>7.3 The procuring entity shall comply with the criteria prescribed under Section 65 (2) of the Act which have been amplified under clause 5 of these Guidelines;</p> <p>7.4 The procuring entity shall identify, specify and prioritize immediate procurement activities to be used at the time of emergency;</p> <p>7.5 Where possible, the procuring entity may identify other government bodies which can provide immediate assistance;</p> <p>7.6 The procuring entity shall specify the timeframe within which the emergency procurement will be undertaken;</p> <p>7.7 The procuring entity shall carry out evaluation of submitted bid(s) so as to obtain value for money; and</p> <p>7.8 The procuring entity shall seek approval of the tender board to</p>

	work on the recommendations of the evaluation committee pursuant to Section 65 (4) of Cap 410.
8. Flexibility for Carrying out emergency procurement	<p>PPA (CAP 410) provides flexibility for carrying emergency procurement by;</p> <ul style="list-style-type: none"> a) Allowing the Accounting officer to decide on the method of procurement, regardless of procurement limits or thresholds; b) Accounting officer can use single source/direct contracting, quotations and any other method deem fit to shorten the procurement process; c) Allowing the procurement process to be done in a shorter period; and d) Waiving the requirement for tender advertisement.
9. Prohibition	<p>(1) Emergency procurement shall not apply:</p> <ul style="list-style-type: none"> a) Where goods or services fall under common procurement arrangement; or b) Where specific event was anticipated or planned.
	<p>(2) A tender board shall not grant retrospective approval for emergency procurement.</p>
10. Who should initiate application for retrospective approval to the Pay Master General	<p>(1) Accounting officer is required to submit an application for retrospective approval to the Paymaster General within seven (7) working days from the date of award of a contract; pursuant to Regulation 63 (3) of the Public Procurement Regulations, 2013.</p> <p>(2) In his application, the accounting officer shall state the reasons which preclude him from applying the normal procurement process.</p> <p>(3) The Accounting Officer shall attach in his application all documents related to the procurement process up to the signing of a procurement contract, as indicated in Appendix I of these Guidelines.</p> <p>(4) However, due to voluminous nature of procurement documents, the Accounting Officer shall upload all voluminous documents on PPRA Website through PMIS.</p> <p>(5) The PMG shall dismiss an application which is submitted out of the prescribed time or which is submitted without complying with the provisions of the procurement law that</p>

	provide for procedures for seeking retrospective approval from the PMG.
11. Submission of report on Emergency Procurement	(1) The Accounting Officer is required within 14 days after completion of a procurement process, prepare and submit a report on emergency procurement to PMG, PPRA, the Controller and Auditor General, pursuant to Regulation 64 (1).
	(2) The Accounting officer shall attach with the report all the documents related to the execution of contract.
	(3) The report shall be in a format prescribed by the Authority and forms Appendix II of these Guidelines.
12. Situations where retrospective approval cannot be granted	(1) Where emergency procurement is not genuine but procedures for carrying out emergency procurement were followed, PMG shall not grant approval;
	(2) Where emergency procurement is genuine but procedures for conducting emergency procurement were violated, the PMG shall not grant approval;
	(3) Where the emergency procurement is genuine, procedures for conducting emergency procurement were followed but procedures for applying for retrospective approval to PMG were violated, PMG shall not grant approval.

APPENDIX I

LISTS OF DOCUMENTARY EVIDENCE TO SUPPORT APPLICATION

Documents to support application for retrospective approval must be those related to the procurement process up to the signing of a procurement contract, which shall include the following:

1. Evidence showing that the Accounting officer made a determination that emergency procurement must be carried out for public interest and determination of the preferred procurement method;
2. Approved bidding document;
3. Bids/proposals submitted by bidders;
4. Signed minutes of bid (s) opening meeting;
5. Bids evaluation report;
6. Signed minutes of tender board meeting that approve the recommendations made in the bid "(s) evaluation report and an award of contract;
7. Notification of award of the contract to the successful bidder (s);
8. Copy of an award letter; and
9. Contract form signed between PE and successful bidder (s).

APPENDIX II

REPORT FORMAT ON EMERGENCY PROCUREMENT

PURSUANT TO REGULATION 64 (2) OF G.N. N o. 446 OF 2013

Name of the Procuring Entity..... Tender No.....

Procuring Entity Code No..... Financial Year.....

Type of Procurement (Goods/Works/Consultancy Services/Non -
Consultancy/ Disposal of Assets)

REQUIRED INFORMATION		
1.	List/brief description of items procured	
2.	Indicate date/month/year in which emergency procurement was conducted	
3.	Indicate amount in TZS or other currency which was involved in the process of procurement.	
4.	Indicate amount in TZS which was paid to the Suppliers/service providers/contractors and the currency.	
5.	Indicate means used for payment (cash/cheque/letter of credit etc)	
6.	State the reasons for doing emergency procurement.	
7.	Indicate the estimated cost which might have been incurred if the procurement could have been processed in a normal procurement process.	
8.	Indicate the excess amount/ difference in amount for not using normal procurement process.	
9.	Indicate/ list of Supplier (s)/service	

	provider (s)/ contractors (s)/ Consultant (s) who were involved in providing the said goods, works, non - consultancy or consultancy services.	
10	Indicate the method (s) of procurement used e.g. single source/ direct contracting, quotations etc.	
11	Indicate list of tender documents uploaded on the website through PMIS.	

Documents Attached: (list any other documents attached)

1. Documents used in the Procurement Process

The information contained in this form and the attached documents is complete, true and accurate and in accordance with the Public Procurement Act (CAP 410) and its Regulations.

Accounting Officer:

Name:.....

Signature:.....

Date:.....