

GOMBE STATE PUBLIC PROCUREMENT BUREAU
GUIDELINES ON THE CONDUCT OF PUBLIC PROCUREMENT ACTIVITIES
BY MINISTRIES, DEPARTMENTS AND AGENCIES
AS A RESULT OF THE COVID-19 PANDEMIC LOCKDOWN AND OTHER
EMERGENCIES

1. Introduction

- 1.1 Since the outbreak of the New Corona Virus (COVID-19) pandemic, global socio-economic activities have practically ground to a halt and this has affected the revenues from oil resources, taxes and other streams. Unfortunately, Gombe State of Nigeria was not spared, and this has adversely affected the State's capacity to implement the 2020 Appropriation Law.
- 1.2 Due to the imminent threat to lives posed by the COVID-19 pandemic and other Health emergencies, Gombe State Government, Public Spirited Individuals and some Corporate Organizations have made reasonable financial contributions to support the fight against this Health emergency.
- 1.3 In view of these facts, there is need for all procuring entities that will participate in procurements that respond to the COVID-19 pandemic to ensure transparency, accountability, value for money with integrity in their procurement proceedings. This is because the procurements to be executed in response to the COVID-19 pandemic will generally fall under Emergency Procurement Method instead of the default Open Competitive Bidding Method.
- 1.4 The (*Gombe State Public Procurement Bureau*) pursuant to the provisions of (*Section 10(d) of the Public Procurement Law (cited from the state Law)*) and mindful of its oversight responsibilities as the Regulator of Public Procurement in the State, hereby provides Guidelines to facilitate the necessary changes to the conduct of public procurement activities required as a result of the COVID-19 pandemic/ Lockdown which constitutes Emergency Procurement. This Guideline is also applicable to future emergency situations.
- 1.5 These guidelines are specifically on procurement-related activities and do not offer any general or health-specific guidance to Gombe State Ministry of Health or any other Health related agency or Taskforce.

2. Preparation of Emergency Procurement Plans

- 2.1 All Procuring Entities are to prepare Procurement Plans for all projects that specifically respond to the COVID-19 pandemic and other Health related emergencies. These Plans should be uploaded into the Gombe State Public Procurement Bureau website www.dueprocess.gm.gov.ng .The State Public Procurement Bureau shall not process for

payment of any project, which is not included in the Procurement Plan by the procuring entities notwithstanding the source of funding of the project.

- 2.2 In preparing the COVID-19 Procurement Plan, Procuring Entities should ensure that no reduction of values or splitting of procurements is carried out such as to evade the use of the appropriate procurement method or thresholds.
- 2.3 For Public Procurement activities as a result of the COVID-19 Pandemic, the requirement of publishing the Procurement opportunity on Gombe State Public Procurement website www.dueprocess.gm.gov.ng alone is enough under the current circumstances.

3. Procurement Implementation

- 3.1 Section 48 (1) (c) and Section 48 (3) (a) (*of the Gombe State Public Procurement Law* and (CHAPTER THREE, Section 3 (d) (i) of REVISED OPERATIONAL GUIDELINES FOR PUBLIC PROCUREMENT clearly highlights the procedure to adopt when handling procurements under emergency situations like the COVID-19 pandemic. It is the responsibility of Ministries, Departments and Agencies (MDAs) or Taskforce (as the case may be) involved in responding to the COVID-19 pandemic to identify such procurements.
- 3.2 In line with the provisions of Section (*Section 48 (1) (c) and Section 48 (3) (a) of the Gombe State Public Procurement Law*), a Due Process “No Objection” is not required prior to embarking on an emergency procurement. Rather, whenever an emergency is identified, the procuring entity is expected to proceed immediately to engage in direct contracting to expeditiously address the situation, but this must be done along the principles of accountability, due consideration being given to the gravity of each emergency. Contracts awarded under these circumstances shall be reported to Gombe State Public Procurement Bureau promptly but not later than four weeks after award of such contract.
- 3.3 Notwithstanding the above, Procuring Entities have the responsibility to ensure that the Contractor to be engaged to carry out any emergency work, possesses the requisite technical and financial capacities to undertake the project. In addition, Procuring Entities should ensure that the procurement is handled with expedition but along the principles of accountability, transparency and value for money.
- 3.4 Having highlighted the position of the (Gombe State Public Procurement Bureau) as it concerns Emergency Procurements that respond to the COVID-19 pandemic, the Guidelines to be followed are as follows:

(a) Procurement Planning

- i. Procuring Entities shall identify the Goods, Works and Services to be procured
- ii. Procuring Entities shall prepare Procurement Plans based on the identified needs and forward these plans to the *Gombe State Public Procurement Bureau* for publishing. This will not however be applicable to procurement of essential goods and services that require immediate delivery for emergency operations. In this

circumstance, the records of the procurements shall be provided not later than four weeks after award of such contracts.

(b) Request for Bids/Quotations

- i. For limited bidding and direct contracting, Procuring Entities shall identify firms that possess the requisite technical and financial capacities to carry out the procurement
- ii. Bids/quotation can be sent by email; email address for submission must be a working and secure email address. The email address must be an email address with a domain name of the Procuring Entity or ministry on an email server which the logs can be audited, if this is not available, a dedicated email address with the Procurement Department/Unit name should be used. The email address for submission should be stated in the Request for Bids/Quotations.
- iii. Bidders can also download the bidding documents/Request for Quotation from State's Ministry of Health and/or Gombe State Public Procurement Bureau's website www.dueprocess.gm.gov.ng . The website is free for access.
- iv. Procuring Entities should consider the extension of bid submission deadline if bid/quotation submission is impacted by the emergency situation.

(c) Submission of Bids/Quotations

- i. Bidders can submit bids as attachments to email.
- ii. The bids/quotation must be read-only and password protected.
- iii. Procuring Entities must acknowledge receipt of submitted bids via email.

(d) Bids/Quotations Opening

- i. In the bidding document, Bidders will be requested to send password to their bids within one hour after the submission deadline.
- ii. Procuring Entities shall acknowledge receipt via email of the password for the bids/quotations from the bidders
- iii. Bids/quotations shall be opened electronically only after the submission deadline.
- iv. Bid/quotation opening records must be sent to all bidders via email who submitted bids/quotations immediately after bid opening.
- v. Video recording of the bid/quotation opening is encouraged.
- vi. Bid Registers, Bid Return Sheets and other relevant documents required by the (*Gombe State's Public Procurement Law*) should be kept by the Procuring Entity as part of the Bid Opening records

(e) Contract Award

- i. Procuring Entities shall proceed to award the contract at prevailing market prices, specifying quantity/quality (in terms of specification requirements) and time within which the execution of the Goods, Works and Services must be completed.

- ii. Details of the award of all COVID-19 Contracts should be forwarded to the *Gombe State Public Procurement Bureau* not later than 10 working days after award has been made. This information should be transmitted to the Gombe State Public Procurement Bureau's official email address *enquiries@dueprocess.gm.gov.ng* and should be signed by the Accounting Officer. The hard copy shall be forwarded to the Gombe State Public Procurement Bureau after the exercise. The details should include the name of contractor, description of the project, contract sum and duration of the contract.
- iii. All COVID-19/Emergency Contracts should be handled with expedition but along the principles of accountability, due consideration being given to the gravity of each emergency

(f) Publication

- i. For all Emergency Procurement Contracts, the Gombe State Public Procurement Bureau shall on quarterly basis, publish on its website the details of Contracts awarded which shall include the name of contractor, description of the contract, contract sum and duration of the contract.

(g) Contract Signing

- i. Depending on the restrictions on movement the contract can be executed at a meeting of both representatives, in this case social distancing will be observed.
- ii. Alternatively, one copy of the pdf contract with the latest Adobe Acrobat Reader (<https://get.adobe.com/reader/otherversions/>) with an option to "Signature and Initial", could be signed and initialed by both parties and send by email. The final signed contract must be printed, scanned and shared with the bidder by email; or
- iii. The duplicate copies of the contract are signed simultaneously by both parties and pdf copies exchanged by email. The process is as follows:
 1. On finalizing the contract, each party prints a copy and signs according to their procedural requirements.
 2. Each party scans the signed contract and emails as a pdf to the other party.
 3. On receipt of the email, each party downloads the contract, prints a hard copy and signs.
 4. Each party then scans the contract (now signed by both parties), and sends, as a pdf, to the other party.
- iv. An exchange of emails with properly executed pdf contracts is evidence of contract execution.

(h) Contract Implementation

- i. Activities within the contract that are not affected by restriction of movement or physical gathering of people should continue.
- ii. If otherwise, a force majeure should be declared in accordance with the provisions of the contract.

- iii. For consultancy services for the supervision of civil works or similar contracts, the employer should declare a force majeure.
- iv. To avoid double handling and to reduce the logistic value chain, it may be necessary in some instances for Store Officers and Stock Verifiers to be deployed to locations where specialized items shall be used or installed instead of the normal practice where such items have to be first physically received in the Store and recorded in the Store Ledger before they are formally issued out for use by the relevant Department.

4. Conclusion

4.1 Ministries, Departments and Agencies (MDAs) should note that the (*Gombe State Public Procurement Bureau*) is working in collaboration with the Ministry of Finance, Budget and Planning, the Office of the (*State*) Accountant General, and (*State*) Auditor General to ensure that these Guidelines are properly implemented. Consequently, any procurement that does not substantially comply with these guidelines issued by the (*State's Public Procurement Bureau*) shall not be able to access funds from the State Government.

4.2 Procuring Entities can contact the (*state's Public Procurement Bureau*) for further clarifications or via email at: enquiries@dueprocess.gm.gov.ng

Director General
GOMBE STATE SUPPLY MONITORING
AND PROCUREMENT AGENCY
[Signature]
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DIRECTOR GENERAL