



ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

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MINISTRY OF FINANCE AND PLANNING
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KINGSTON
JAMAICA

Ref. No.: 107/166

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Circular No. 3

Division: Public Expenditure Policy Coordination

*Permanent Secretaries, Heads of Departments,
and Chief Executive Officers*

Re: Procedures For Emergency Contracting

In accordance with **Cabinet Decision No. 22/05 dated 11th July, 2005** regarding the captioned matter, Permanent Secretaries, Heads of Departments and Chief Executive Officers are hereby advised that the attached procedures for dealing with emergency works are now in effect.

The following definition should be noted:

A contract for Emergency Works is one awarded by a Ministry, Department or Agency of government for the repairs or remedial action necessary to preserve public safety or property or avoid great social harm or significant public inconvenience. The need for such Works must be sudden, unexpected and a pressing necessity or exigency.

For the purpose of this definition, Emergency Works include construction works and the supply of goods and services.

Permanent Secretaries/Heads of Departments are required to ensure that all officers concerned are notified of this directive.

Colin Bullock
Financial Secretary

Attachment

PROCEDURES FOR AWARDING EMERGENCY CONTRACTS

The procurement must fall under the stated definition of a contract for Emergency Works. The procuring entity **must** obtain confirmation from:

1. The Accounting Officer that an emergency situation exists.
2. The National Contracts Commission (NCC) through its Chairman to use the following emergency procedures. The procuring entity must also indicate in its request that funds are available to complete the Works.

Contract Value Less Than \$4M

1. The procuring entity **must**, with the concurrence of the Accounting Officer, use the provisions for sole sourcing set out in **Section 2.1.3.4 of the Government of Jamaica Handbook Of Public Sector Procurement Procedures**.
2. If a contractor is already working in the area, the procuring entity may vary the existing contract to accommodate the new Emergency Works, **provided that this does not conflict with the provision of the Government's Contract Variations Policy**.
3. The Accounting Officer shall advise the portfolio Minister(s) within **seven (7) days**.

Contract Value Above \$4M and Less Than \$15M

1. The procuring entity **must**, with the concurrence of the Accounting Officer, invite limited tenders from **not less than three** appropriately NCC registered contractors, determine the winning tender, and submit its recommendation to the NCC for endorsement.
2. Where the NCC endorsement is obtained, the procuring entity should award the contract, subject to the approval of the portfolio Minister(s), and advise the Infrastructure Committee.

Contract Value Above \$15M

1. The procuring entity **must**, with the concurrence of the Accounting Officer, invite limited tenders from **not less than five** contractors from the NCC list of registered contractors, determine the winning tender and submit its recommendation to the NCC for endorsement.
2. Where the NCC endorsement is obtained, the procuring entity will award the contract, subject to the approval of the portfolio Minister(s) and inform the Infrastructure Committee and Cabinet.

Additional Requirements

In **all** cases of emergency contracting which require the NCC's endorsement, procuring entities may submit their recommendation directly to the NCC instead of routing it through the Sector Committee. The NCC will accelerate the endorsement process from a maximum of ten (10) days to **four (4) days**.

In cases where the emergency require urgent action and the estimated value of the contract is above **\$4M** but less than **\$15M**, the Accounting Officer may authorise the procuring entity to proceed with the Works, subject to the approval of the portfolio Minister(s) and providing the Accounting Officer is satisfied that the emergency situation exists and warrants urgent action. The National Contracts Commission shall, within **seven (7) days**, be informed of the decision and the reasons for it.