



**MINISTRY OF FINANCE AND THE PUBLIC SERVICE**

## **OFFICE OF PUBLIC PROCUREMENT POLICY**

### **Guidance Note on the Acquisition of Goods, Services and Works in the situation of Emergency or Extreme Urgency**

## Table of Contents

|   |           |
|---|-----------|
| <b>Introduction.....</b>  | <b>2</b>  |
| <b>Interpretation .....</b>   | <b>2</b>  |
| <b>Scope.....</b>   | <b>2</b>  |
| <b>Legal and Policy Context.....</b>  | <b>2</b>  |
| The Law: .....  | 2         |
| <b>Core Principles .....</b>  | <b>4</b>  |
| <b>Risk Management and Oversight of Emergency Procurement Procedures.....</b> | <b>4</b>  |
| <b>Requirements for Employing Emergency Procurement Procedures.....</b>       | <b>5</b>  |
| Contract Approval .....   | 6         |
| Procurement Methods .....   | 6         |
| Use of Standard Solicitation Documents .....                                  | 7         |
| Eligibility of Suppliers .....  | 7         |
| <b>Publication of Emergency Contracts .....</b>                               | <b>8</b>  |
| <b>Reporting of Emergency Contracts.....</b>                                  | <b>9</b>  |
| <b>Fiscal Responsibility Considerations.....</b>                              | <b>9</b>  |
| <b>Transition to Normal Procurement Procedures .....</b>                      | <b>9</b>  |
| <b>Accelerated Procurement (Normal Procurement Procedures) .....</b>          | <b>9</b>  |
| <b>Compliance .....</b>   | <b>10</b> |
| <b>Debriefing Exercise .....</b>  | <b>10</b> |
| <b>Further Information and Guidance .....</b>                                 | <b>10</b> |

## Introduction

This Guidance Note is issued by the Chief Public Procurement Policy Officer and the Office of Public Procurement Policy pursuant to Section 4(3) and 7(1)(c) of the Public Procurement Act<sup>1</sup> herein referred to as “the Act” and provides direction to all Government of Jamaica procuring entities on **the methodologies, terms and conditions that govern the conduct of procurement during situations of emergency or extreme urgency**. It balances the imperative of swift action with the requirements of fiscal discipline, accountability, transparency and value for money (VfM).

It is intended to specifically support procuring entities’ understanding of the flexibilities afforded to them in relation to the execution of procurements in situations of emergency or extreme urgency as defined by the Act, and the obligations imposed by the said Act. This guidance note is also aimed at ensuring that procuring entities remain within the bounds of the law, good governance and prudent public financial management.

## Interpretation

In this Guidance Note, all words are given the meaning imputed by section 2 of the Act.

## Scope

This guidance note is applicable to **all** Government of Jamaica **procuring entities**. More specifically, **procuring entities** are defined under the Act, as:

- a) a Ministry, Department, Executive Agency or other agency of Government;
  - b) a Public Body;
  - c) a Local Authority; and
  - d) any other body that is the recipient of public funds and duly authorized to apply those funds to public procurement
- and includes an entity acting on behalf of any of the entities in connection with any procurement proceedings.

These procedures should be read in conjunction with the tools (instruments and documents) and any other administrative guidance issued, from time to time, by the Office of Public Procurement Policy (OPPP), MOFPS.

## Legal and Policy Context

The legal provisions for emergency procurement are found in Paragraphs 1(u), 2 and 3 of the First Schedule to the Act. **These supersede the provisions outlined under Section 1.1.5 – Contracting Under Emergency Circumstances, Volume 2 of Government of Jamaica Handbook of Public Sector Procurement Procedures**. These provisions exempt acquisitions made in situations of emergency or extreme urgency from the standard procurement methods and processes in Parts III and V of the Act, while preserving oversight, reporting, and publication requirements.

Emergency procurements must however comply with directions of the Financial Secretary, that relate to financial limits or ceilings; guidelines issued by the Chief Public Procurement Policy Officer (CPPPO); and the enduring objectives of transparency, integrity, accountability, fairness, and value for money.

## The Law:

- a. Section 4 of the Act states that —

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<sup>1</sup> This Guidance Note is made under the Act as amended by Act No. 12 of 2018 and Act No. 7 of 2025.

(1) The methods of procurement and procurement process set out in Parts III and V, respectively, of this Act do not apply to any public procurement specified in the First Schedule.

(2) The Minister may by order, subject to affirmative resolution, amend the First Schedule.

(3) Notwithstanding subsection (1), a procuring entity may, subject to any financial limits set out in directions by the Financial Secretary and subject to such procurement methodology, terms and conditions, if any, as the Chief Public Procurement Policy Officer may, in guidelines issued for the purposes of this section specify, negotiate and execute the procurement of the goods, works and services mentioned in subsection (1).

b. Paragraph 1 (u) of the First Schedule of the Act provides that: “The procurement methods and processes set out in Parts III and V do not apply to the following goods, works and services –

(u) goods, works and services required during a situation of emergency or extreme urgency, notice in relation to the acquisition of which is published in accordance with paragraph 3.”

c. Paragraph 2(2) of the First Schedule states that —

(2) For the purposes of paragraph 1(u), situations of emergency or extreme urgency are those that—

(a) **arise as a result of** —

- (i) events not attributable to or foreseeable by the procuring entity;
- (ii) a disaster within the meaning of any enactment concerned with disaster risk management;
- (iii) a period of public disaster or a period of public emergency proclaimed or declared under any enactment; or
- (iv) a disaster or an emergency declared by the Minister with responsibility for a procuring entity by notice published in the Gazette, after consultation with the head of that procuring entity; **and**

(b) **necessitate the award of a procurement contract** to effect repairs or remedial action to safeguard the public interest, or to protect infrastructure, property or public monies from loss. **(Emphasis supplied.)**

d. Paragraph 3 of the First Schedule states that —

3(1) Where situations of emergency or extreme urgency necessitate the award of a procurement contract (referred to as an emergency contract), the procuring entity shall give notice to the public of all emergency contracts awarded by that procuring entity.

(2) A notice referred to in sub-paragraph (1), shall—

- (a) be published, within one month after the emergency contract was awarded, in the manner specified in guidelines issued by the Office;
- (b) in respect of each emergency contract awarded—
  - (i) identify the specific emergency contract awarded;
  - (ii) name the contractor to whom and the date on which the emergency contract was awarded;
  - (iii) state the value of the emergency contract; and
  - (iv) specify the circumstances of emergency or extreme urgency that necessitated award of the procurement contract as an emergency contract.

- e. Section 7 of the Act provides that the Office of Public Procurement Policy is mandated to develop public procurement policy, and to provide policy implementation guidance, training and advice to persons participating in public procurement. Amongst its functions, Section 7(1)(c) outlines that the OP PP shall, “from time to time issue administrative guidance, in any form, including directives, guidelines, instructions, technical notes or manuals, with respect to the conduct of public procurement and the implementation of the Act and Regulations.”
- f. Section 19 of the Act outlines as follows:
19. Except where otherwise specifically provided in this Act, **procuring entities shall procure goods, works and services in accordance with-**
- (a) this Act and the regulations;
  - (b) **any administrative guidance issued by the Office under section 7(1)(c);**  
and
  - (c) the code of conduct, if any, issued under section 8. **(Emphasis supplied.)**

## Core Principles

Emergency procurement, while exempt from the usual competitive methods and processes set out in Parts III and V of the Act, **is not exempt from the principles of lawfulness, transparency, accountability, fiscal responsibility, integrity and value for money** as defined below:

1. **Lawfulness** means that all actions must have a legal basis within the Act and related Regulations.
2. **Transparency** means information relating to the rules, procedures and award of emergency contracts is clear, easily understandable by stakeholders, consistently published and available for audit.
3. **Accountability** means that procuring entities are answerable for their decisions, actions, and stewardship of public funds, and must be able to justify and document those decisions in line with the Public Procurement Act, Regulations, and administrative guidance issued by the Office of Public Procurement Policy.
4. **Integrity** means that Conflicts of interest, collusion, and abuse of authority must be actively avoided.
5. **Value for money** is a broad concept encompassing the effective, efficient use of resources in public procurement tendering and contract implementation. It is a comprehensive approach to procurement that should reflect the best balance of cost, quality, timeliness, long-term benefits and fitness for purpose in the circumstances, either at the lowest cost or for a given cost. <sup>2</sup>In an emergency procurement, timeliness and efficiency are emphasized and value for money means securing the necessary goods, works and/or services at prices that are *reasonable*, given the urgency and the constrained circumstances.

## Risk Management and Oversight of Emergency Procurement Procedures

Situations of emergency or extreme urgency as defined by Paragraph 2(2) of the First Schedule of the Act require swift and decisive action by public authorities and the need for a flexible yet accountable approach to procuring goods, works, and services. As outlined in Section 20 of the

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<sup>2</sup> Value for Money Standard: Achieving Value for Money. Prepared by the Public Procurement Commission (PPC) & Ministry of Finance and the Public Service (MOFPS): The Office of Public Procurement Policy (OPPP). December 31, 2024  
<https://procureja.gov.im/publication/>

Act, “the head of every procuring entity shall have overall responsibility for the conduct of all processes connected with procurement”. Consequently, in a situation of emergency or extreme urgency, the head of a procuring entity should organize the procurement processes of the entity so as to enable a swift and decisive response, in keeping with the law and guidelines issued by the Office of Public Procurement Policy.

Heads of procuring entities are therefore responsible for:

- (a) Developing and documenting a comprehensive emergency management procurement strategy that addresses key operational considerations for procurement during situations of emergency or extreme urgency. This includes:
  - a. Identification of responsible officers and clear reporting and communication channels.
  - b. Integration with organizational risk management, business continuity, and health and safety strategies.
  - c. Establishment of pre-arranged procurement arrangements in anticipation of emergency needs.
  - d. Determination of appropriate delegations for responsible officers, including pre-determined processes for purchase orders and invoice payments.
- (b) Enhancing staff awareness and capability related to emergency procurement procedures.
- (c) Implementing robust management processes and internal control mechanisms to ensure proper documentation of emergency-related procurements and to guard against the risks of inflated pricing, fraud and corruption.
- (d) Ensuring that the award of contracts during a situation of emergency or extreme urgency does not pose a conflict-of-interest situation. However, where same cannot be avoided, ensuring that a written declaration of interest is made and it forms part of the procurement file.
- (e) Ensuring that the required reporting of the emergency contracts and expenditures are made.

## Requirements for Employing Emergency Procurement Procedures

The use of the Emergency Procurement Procedures must be approved by the head of a procuring entity. Before invoking the emergency or extreme urgency provisions of the Act, the Head of a Procuring Entity must ensure all the following conditions are met and documented:

| Conditions  | Criteria   | Record Requirement  |
|---|--|---|
| <b>1. Genuine Situation of Emergency or Extreme Urgency</b> | <p>The situation of emergency or extreme urgency arise as a result of —</p> <ol style="list-style-type: none"> <li>i. events not attributable to or foreseeable by the procuring entity;</li> <li>ii. a disaster within the meaning of any enactment concerned with disaster risk management;</li> <li>iii. a period of public disaster or a period of public</li> </ol> | <p>Brief statement of facts, record of circumstances showing the event was not reasonably predictable or preventable, copy of relevant declaration, order, gazette, official notice, or incident report. For example, a copy of the Disaster Risk Management (Declaration of Disaster Area (Hurricane Melissa) Order, 2025.</p> |

|   |  |   |
|---|--|---|
|   | <p>emergency proclaimed or declared under any enactment; or</p> <p>iv. a disaster or an emergency declared by the Minister with responsibility for a procuring entity by notice published in the Gazette, after consultation with the head of that procuring entity.</p>   |   |
| <b>2. Necessity of the Procurement Activity</b> | The procurement activity identified for implementation must be necessary to effect repairs or remedial action to safeguard the public interest, or to protect infrastructure, property or public monies from loss. For example, immediate threats to life, public health, safety, security, critical infrastructure or property. | Brief statement of facts or incident report. For example, a brief memo or file note outlining the justification for undertaking the procurement activity. |

**Contract Approval** – Subject to the fiscal responsibility considerations outlined below, procurements in situations of emergency or extreme urgency may be approved by the head of a procuring entity, regardless of the value and the method of procurement utilised.

**Procurement Methods that may be utilised** – Procuring entities may, in keeping with the standards of sound public procurement and in the pursuit of value for money and connected objectives set out in Section 5 of the Act, deploy such methods of procurement as it is able to utilise when responding to situations of emergency or extreme urgency. This may include the use of the following procurement methods:

- (a) Force account - project implementation method whereby a procuring entity undertakes rehabilitative or developmental works by using its internal resources rather than contracting a private entity. In such instances, the procuring entity may be required to procure raw material or engage temporary labour to carry out the works. In addition, where the procuring entity cannot provide the required equipment resources, the entity is allowed to hire from a private source, using the National Works Agency's (NWA) schedule of equipment rates;
- (b) Single-source procurement;
- (c) Request for quotations, whether in writing (including email) or verbally, provided that verbal quotations are thereafter properly recorded in the procurement file;
- (d) Request for proposals without negotiation;
- (e) Request for proposals with consecutive negotiations;
- (f) Restricted bidding;
- (g) Open bidding with such reduced timeline as the procuring entity deems appropriate, taking into consideration the capacity of firms (local and/or international) to prepare responsive bids in a short period; and
- (h) Framework agreements.

**Use of Standard Solicitation Documents** – Procuring entities are permitted to forgo routine procurement procedures and may adopt a more flexible procurement process as is reasonable and justifiable given all of the facts and circumstances they have at hand.

For contracts of a value below the competition threshold for restricted competition, in a situation of emergency or extreme urgency, procuring entities are permitted to use purchase orders and other simple forms of agreements, provided that they contain or incorporate appropriate terms and conditions that are necessary to protect the interest of the procuring entity and the Government of Jamaica. The essential terms of a contract are as follows:

- (a) Parties to the Contract;
- (b) Procurement requirement: description of works, goods, services, Terms of Reference, minimum specifications, quality standards, warranties, risk and insurance, safety;
- (c) Project location, site & access;
- (d) Obligations of the Parties to the Contract: Procuring Entity, Contractor, Supplier, Consultant;
- (e) Implementation, delivery, its terms and schedules, Bills of Quantity, Reports, Documentation;
- (f) Price: Total, Ceiling, Fixed, Adjustable;
- (g) Fraud and corruption clauses;
- (h) Dispute resolution and termination (for cause and for convenience);
- (i) Payment Terms, obligations & timing, remuneration, reimbursable, mode of billing; and
- (j) Title and ownership of work product.

The simple forms of agreement may be generated by in-house legal officers.

Contracts of a value above the competition threshold for restricted competition must use the standard contract documents issued by the Office of Public Procurement Policy.

**Eligibility of Suppliers** – For contracts of a value above the single-source competition threshold, where possible and practical, procuring entities should only engage suppliers who are registered suppliers or approved unregistered suppliers, who have been tax compliant at some point during the twelve (12) months immediately preceding the award of contract. However, in keeping with the need for flexibility in situations of emergency and extreme urgency, a procuring entity may procure goods, works or services from a supplier who is not a registered supplier or an approved unregistered supplier.

Where a procuring entity intends to engage a supplier who is not a registered supplier or an approved unregistered supplier, the procuring entity should take such due diligence steps as is necessary and prudent in the circumstances –

- (a) To properly identify the intended supplier (at minimum, national identification card and Taxpayer Registration Number);
- (b) To confirm that the intended supplier has been tax compliant at some point within the twelve (12) months immediately preceding the award of contract (tax compliance certificate from the Tax Administration Jamaica); and
- (c) To ensure that the intended supplier has the ability to carry out his/her/its obligations under the proposed procurement contract (this includes verbal or written references to confirm capacity to supply the goods, works or services).

**Documentation** – Procuring entities are required to adequately document and maintain a record of its emergency procurement proceedings and to adhere to the Government of



Jamaica's records management policies. Consequently, each emergency procurement must be supported by records that include details of the emergency, the procurement undertaken, supplier, price, authorisation, documented declarations of interest, performance evaluations or any other information generated in the course of procurement proceedings.

### **Publication of Emergency Contracts**

In accordance with Paragraph 3 of the First Schedule of the Act, procuring entities **must give notice to the public** of all awarded emergency contracts, **within one month** after the award date, in the following manner:

1. Through publication on the Government of Jamaica Electronic Procurement (GOJEP) system via the "Manual Data Entry" link, located under the "CFT Creation" heading. All procuring entities are required to utilise the upgraded functionalities in GOJEP in all circumstances, whether or not these emergency contracts were awarded with or without the use of GOJEP. This information is to be entered manually, in accordance with the steps outlined in the updated GOJEP Manual Data Entry Guide, which is accessible via the OPPP website ([www.procureja.gov.jm](http://www.procureja.gov.jm)) and GOJEP ([www.gojep.gov.jm](http://www.gojep.gov.jm)).

Procuring entities are reminded of the imperatives set out in the Ministry of Finance and the Public Service's Circular No. 18 – Exclusive Use of Government of Jamaica Electronic Procurement Portal (GOJEP) dated June 23, 2023. It is expected that the protocols surrounding the use of GOJEP are fully adhered to.

2. **In addition to the mandatory publication via GOJEP** as outlined above, procuring entities **may** also publish the information outlined below, via the individual website of the procuring entity **or** its parent Ministry, on a dedicated page entitled "Emergency Contracts".
3. The information to be published on GOJEP and where the entity's individual website is also used, **must** include the following:
  - a. Name of the specific emergency contract awarded;
  - b. Name of the contractor(s) to whom the emergency contract(s) was/were awarded, inclusive of a justification for the selection of the said contractor(s);
  - c. The date on which the emergency contract was awarded;
  - d. The duration of the procurement contract and status of same (whether completed or ongoing);
  - e. The value of the emergency contract;
  - f. The specific circumstances of emergency or extreme urgency that necessitated award of the procurement contract as an emergency contract, which shall include the following:
    - i. who and/or what is/was at risk, how and when the situation was discovered and the timeline to safely avert the emergency; and
    - ii. details of what needs/needed to be procured to effect repairs or remedial action to safeguard the public interest, or to protect infrastructure, property or public monies from loss; and
  - g. any other pertinent information to support the justification for the use of the emergency procurement procedures.
4. Where there is a variation of an emergency contract, the procuring entity must publish another notice with the updated information.

## Reporting of Emergency Contracts

The external reporting requirements for emergency contracts are as follows:

- i. All emergency contracts entered into by the Government of Jamaica, with a nominal value exceeding J\$500,000.00, must be reported to the Integrity Commission on the Quarterly Contract Award (QCA) report;
- ii. A monthly report of all contracts, including emergency contracts, regardless of value, must be reported to the Ministry of Finance and the Public Service, using the standard Procurement Reporting System (PRS) Form. The established reporting requirements for the PRS Form are set out in Guidance Note (GNI/2022) entitled “Submission of Procurement Reporting System (PRS) Reports” which can be found on the OPPP website <https://procureja.gov.jm/publication/>; and
- iii. All contracts awarded in situations of emergency or extreme urgency must be reported in the Data Visualization & Business Intelligence Platform maintained by the Public Procurement Commission, as required by the Contractor and Consultant Performance Evaluation Policy.

## Fiscal Responsibility Considerations

The procurement of goods, works and services required during a situation of emergency or extreme urgency are **subject to the** financial limits set out in directions by the Financial Secretary, which includes those outlined in Jamaica’s Fiscal Responsibility Framework and financial instructions. As a result, procuring entities must:

- (a) ensure that emergency expenditure is within the approved budget ceiling or authorised by the Financial Secretary;
- (b) avoid creating fiscal risk through commitments that exceed available financing; and
- (c) record the source of funds and any approved or allowable budget reallocation.

## Transition to Normal Procurement Procedures

At some point, the necessity to react immediately will change to an ability to respond urgently. This will usually be when the immediate situation of emergency or extreme urgency subsides, or when the declaration of a disaster or emergency has been lifted or there is no immediate risk to the public interest, critical infrastructure, property or the loss of public monies. When this happens, procuring entities must resume normal procurement procedures.

## Accelerated Procurement (Normal Procurement Procedures)

Once the situation of emergency or extreme urgency ends, where there is an urgent need in the public interest for the procurement of goods, works or services and it is impractical to use open competition, because of the time involved in using any such method, Section 24(1)(d) of the Act allows a procuring entity to use restricted competition.

Additionally, where open national competition or open international competition is required, Regulation 39(3A) of the Public Procurement Regulations, allows a procuring entity to apply in writing to the Public Procurement Commission for permission to use a shorter timeframe to publish a notification inviting bids.

Where a procuring entity has a need to procure off-the-shelf, readily available products, but the specific quantity and delivery date of any particular product is not known, procuring entities should consider entering into a framework agreement. Where the total aggregate value of the estimated call-off contracts is above the Tier 1 approval limit, external approval is only required once, for the total estimated amount of the anticipated call-off contracts. Thereafter, the call-off contracts can be awarded quickly, without requiring external approval.

## **Compliance**

Failure to comply with the legal requirements for procurements in situations of emergency or extreme urgency may constitute a breach of Sections 19, 56(1)(e) and/or 58 of the Act. A breach of the Sections 19, 56(1)(e) and/or 58 of the Act may result in liability for damages, a fine and/or imprisonment as outlined in Sections 54, 56(2) and 58(2) of the Act.

## **Debriefing Exercise**

Within thirty (30) days after the emergency has subsided or ended, to assess the effectiveness of the procurement strategies employed and to identify areas for improvement, procuring entities must conduct a debriefing exercise and document the findings.

## **Further Information and Guidance**

For further information, procuring entities are encouraged to contact the Office of Public Procurement Policy by sending an e-mail to: [opppcustomercare@mof.gov.jm](mailto:opppcustomercare@mof.gov.jm) or by calling 876-932-5704.



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