

**KWARA STATE PUBLIC PROCUREMENT KWARA STATE PUBLIC
PROCUREMENT AGENCY**

**PROCUREMENT GUIDELINES FOR COVID-19 PANDEMIC AND OTHER
EMERGENCY SITUATIONS**

Government has the responsibility to ensure the Covid-19 pandemic and other emergency situations do not have serious adverse impact on its activities and services. Therefore, in a bid to ensure the ease of doing business during this period and other emergency situations, Kwara State Public Procurement Agency has come up with the following Guidelines to ease procurement activities in the state in the following areas:

1. Fresh registrations and renewal for Works, Supply and Consulting Services:

The Contractors, Suppliers and Consultants would no longer have to appear physically for registration and renewal, which is the usual practice. Rather, these would hence forth be done online through the Kwara State website.

2. Advertisement for Works, Supplies and Consulting Services

The Public Procurement Agency has adopted online advertisement to ensure that information on Works, Supplies and Consulting Services is accessible to our Contractors, Suppliers and Consultants at the appropriate time, with ease and at minimal cost through the PPA Twitter Account and Website.

3. Collection and submission of Bidding Documents/Proposals/Quotations

Unlike in the past when bidding documents have to be collected from procurement entities, portal has now been created for downloading and submission of bidding documents and payment of appropriate charges.

4. Evaluation of Bids/Proposals/Quotations

To ensure that all prospective bidders are properly captured and given the opportunity to witness the evaluation process, the online evaluation of bid will, hence forth be via zoom meeting, to ensure transparency in the Bid Evaluation Process.

5. Signing of Contract Agreements

Since electronic signatures are admissible and enforceable in Nigeria under The Evidence Act 2011, the PPA has adopted the click of 'I accept' button, to ease authentication of the contracts.

6. Bid Securing Declaration/Financial Security.

For procurement processes under the Covid-19 pandemic and other emergency situations, the bid securing declaration, which is a non-monetary form of bid security but a notarized sworn statement, is acceptable to the PPA. So also is the scanned copy of financial security.

7. Restricted/Sole Source Tendering

The Kwara State PPA shall hence forth adopt the provision of the PPL, regarding restricted/sole source tendering for certain works, supplies and services under emergency situation, particularly, when the procedure has to be used, as an exception rather than norm.

8. Application of Force Majeure

For cases of Force Majeure, the PPA shall be open-minded, selfless and take proactive steps in finding ways to mitigate the impact of the Covid-19 pandemic and other emergency situations, especially, regarding works and supplies. This can be achieved, by carrying out the following:

- i. Have a careful review of the contract, by parties and their legal practitioners;
- ii. Develop a business continuity plan and
- iii. Take steps to mitigate the consequences of force majeure.

MEASURES TO INCREASE SMEs PARTICIPATION IN CONTRACT AWARDED BY THE KWARA STATE GOVERNMENT

SMEs represent an increasingly important sector of any economy and can be key drivers of its economic growth and employment. As a result of this, it is necessary to encourage and facilitate their participation in public procurement procedures, subject to the provisions of the State Public Procurement law (PPL). This is because the sector faces a lot of challenges, in participating and winning contracts awarded by the Kwara State Government. In response to this, the following measures have been put in place, to ensure their increased participation in the Public Procurement Process in the State.

S/N	ITEM	MEASURES TO INCREASE PARTICIPATION OF SMEs
1.	Advance payment	<ul style="list-style-type: none"> ● As a measure to ease the cash flow and prompt completion of works and supplies undertaken by SMEs, advance payment has henceforth been increased to between 40% and 50%.
2.	Bid Security	<ul style="list-style-type: none"> ● The amount of bid security adds to the cost of submitting a bid, and it can deter SMEs and other bidders with limited resources. Therefore, for SMEs, the bid securing declaration is acceptable and it could even be waived for very small projects.
3.	Contract Experience	<ul style="list-style-type: none"> ● Strict adherence to a particular number of previously executed projects within a specified number of years for relatively small projects has been relaxed, to accommodate new entrants especially the SMEs who are yet to gather enough experience in the procurement process.
4.	Large Projects	<ul style="list-style-type: none"> ● Large centralized procurement contracts will henceforth be unbundled into more localized contracts to enhance the ability of SMEs to compete. Also, projects containing several units, will be broken down into lots in quantitative and qualitative terms, to accommodate as many SMEs contractors and suppliers as possible.
5.	Training and Workshop	<ul style="list-style-type: none"> ● PPA has adopted it as a matter of policy to provide technical assistance and training services for SMEs in the area of managerial training, financial management, procurement process, e-procurement and access to contract opportunities.

6.	Bidding Opportunities	<ul style="list-style-type: none"> ● PPA will set up specific legal provisions/or policies to promote the access of SMEs to government contracts. ● PPA will ensure easy access to all relevant information or business opportunities for SMEs. Information or bidding opportunities shall be published in the state's website, social media and agency's notice board. ● Using other available avenues to ensure that bidding opportunities are disseminated to the Nigerian Association of Small and Medium Enterprises or similar bodies.
7.	High Cost of Bid Preparation	<ul style="list-style-type: none"> ● Downloading of bid document shall henceforth be free or with minimum charges from the state website. ● PPA allows electronic submission of password protected, read-only bids and quotations.
8.	High Cost and Difficulty in Obtaining Financial Instruments	<p>The following are acceptable:</p> <ul style="list-style-type: none"> ● Annual turnover requirements shall be used to assess a company's financial capacity and eligibility criterion for public contract. PPA will also limit turnover requirement for SMEs. ● Letter of financial capability from reputable banks shall be honored as an instrument of financial ability for the SMEs. ● Advance payment declaration is also acceptable in place of advance payment guaranty for SMEs projects.
9.	Contract/Supply exclusively for SMEs	<ul style="list-style-type: none"> ● PPA is considering a policy to protect the SMEs, such that a certain percentage of designated public procurement contracts or total spending is reserved for this category of bidders.
10.	Subcontract Works	<ul style="list-style-type: none"> ● Subcontracting requirements shall be used to encourage use of SMEs by large businesses that win government contracts; for example, by requiring that certain percentage of the value of the intermediate inputs come from the SMEs.
11.	Joint Ventures	<ul style="list-style-type: none"> ● As much as possible, SMEs are being encouraged, through education and enlightenment, to pool their resources together, to register joint venture business, to increase their participation in the public procurement process.
12.	Prompt payment for contracts and supplies	<ul style="list-style-type: none"> ● Payment timing can prove critical to SMEs as issues with timely payments or long delays in payments from time of service provision can send companies into bankruptcy, and even keep many SMEs from engaging with

		governments. From now onward, preference shall be given to SMEs in terms of prompt payment for works, supplies and consulting services to overcome liquidity problems.
13.	Contract complaint resolution procedures	<ul style="list-style-type: none">● Contract dispute resolution procedures are an obstacle for SMEs, should any issues arise in the tendering process or execution of the contract/payments, as they often have limited legal resources to successfully navigate the resolution procedures. PPA has therefore put in place a simplified contract complaint resolution procedure to assist the SMEs.



QS. Raheem Abdalbaki PFD, FCE, FCAI, FSCIA, MNIQS, RQS
General Manager