COVID-19 Major Emergency Procurement Policy

This is a policy of the State Procurement Board made under section 12 of the State Procurement Act 2004.

Background

In September 2016, the State Procurement Board issued a policy entitled the “Emergency Situation Procurement Policy”. That policy only addresses procurement by public authorities who have emergency responsibility and who are responding to an emergency under the State Emergency Management Plan in the event that an emergency declaration is made under the Emergency Management Act 2004 or other State or Commonwealth emergency service related legislation.

On 22 March 2020, the State Coordinator for the State of South Australia declared under section 23(1) of the Emergency Management Act 2004 that a major emergency is occurring in respect of the outbreak of the human disease named COVID-19 within South Australia. Subsequently, a series of unprecedented directions have been given under the Emergency Management Act 2004 to enforce social distancing measures agreed at a policy level by the national Cabinet established in response to the worldwide COVID-19 health emergency.

The State Procurement Board acknowledges the special challenges facing public authorities in these circumstances and the need for public authorities to respond rapidly to the changing circumstances.

The Purpose

The purpose of this policy is to:

1. Suspend the operation of the Emergency Situation Procurement Policy as it applies to the COVID-19 major emergency (it will continue to apply to any other declared emergency).

2. Apply a targeted COVID-19 Major Emergency Procurement Policy and ensure that appropriate record keeping and reporting is undertaken in relation to the procurement of goods and services during the COVID-19 major emergency.

Scope of Policy

The COVID-19 Major Emergency Procurement Policy will apply to all public authorities.

This policy only applies to procurement operations which could not reasonably be undertaken in accordance with the standard State Procurement Board requirements relating to procurement. A person approving a procurement under this policy must be satisfied that the public authority could not, as a result of the COVID-19 major emergency, otherwise comply with the State Procurement Board’s standard requirements relating to procurement within a reasonable timeframe.

This policy cannot be applied for the purposes of avoiding due planning, approvals and competitive procurement processes.
Policy Statement

Procurements undertaken under this policy should be undertaken in the most expedient manner possible. This policy enables the State Procurement Board’s standard requirements relating to procurement processes, including acquisition planning, to be waived for as long as this policy remains in force, subject to the following conditions:

1. Financial authorisations must still be obtained in accordance with Treasurer’s Instructions.

2. To the maximum extent possible, regard should be had to the State Procurement Board’s standard requirements relating to procurement processes.

3. The purchase of goods and services should aim to achieve value for money objectives, minimise the risk of fraud and corruption and, where possible, be purchased at the local level for expediency.

4. Public authorities must maintain and keep up to date a register detailing justification of all procurement operations undertaken under this policy.

5. Where the number of suppliers usually required by the State Procurement Board’s standard requirements relating to procurement is to be limited in the case of a particular procurement operation, the register entry for that procurement operation must record:
   a. The name of the responsible officer of the public authority approving the single or limited supplier approach; and
   b. The justification for limiting the number of suppliers.

The principal officer (as defined in the State Procurement Act 2004) must ensure, as far as reasonably possible in the circumstances, that:

1. Appropriate management processes are in place to ensure adequate documentation and records are maintained for procurement operations undertaken under this policy.

2. Staff are adequately informed of the public authority’s strategy and capability related to emergency procurement operations undertaken under this policy.

3. Responsible officers are identified and applicable reporting and communication lines are established.

4. Ethical procurement and probity requirements are maintained.

5. Linkages with organisational risk management, business continuity and health and safety strategies are maintained.
Timing

This policy will operate for a period of three months from the date it is made or for such further time as extended by the Board or a delegate of the Board.

For so long as this policy is in operation, the Emergency Situation Procurement Policy is suspended as it applies to the COVID-19 major emergency. Upon the expiration of this policy, the Emergency Situation Procurement Policy will apply.

Additional Obligations

Nothing in this policy derogates from the obligations of public sector employees under the Public Sector Code of Ethics, including in respect of conflicts of interest.

Public authorities must publicly disclose contracts where required under PC027 Disclosure of Government Contracts.