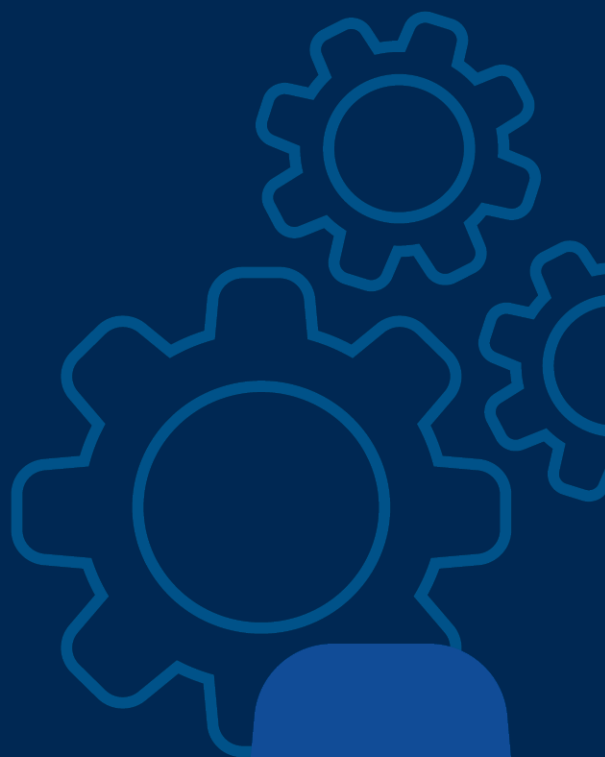


Procuring during an emergency



Queensland
Government

Procuring during an emergency

Version	Date	Comments
v1.0	July 2021	Guide published
v2.0	May 2025	Changes made to reflect current procurement policy Converted to DHPW (Procurement) corporate branding

The State of Queensland (Department of Housing and Public Works) 2025

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Disclaimer

This document is intended as a guide only for the internal use and benefit of government agencies. It may not be relied on by any other party. It should be read in conjunction with the Queensland Procurement Policy, and your agency's procurement policies and procedures, and any other relevant documents. It should also be read in conjunction with whole-of-government and agency disaster/emergency management and/or business continuity plans. The Department of Housing and Public Works disclaims all liability that may arise from the use of this document. This guide should not be used as a substitute for obtaining appropriate probity and legal advice as may be required. In preparing this document, reasonable efforts have been made to use accurate and current information. It should be noted that information may have changed since the publication of this document. Where errors or inaccuracies are brought to the attention of the Department of Housing and Public Works, a reasonable effort will be made to correct them.

Administration

Version 2.0 of the guide replaces all previous versions of the 'Procuring during an emergency', including the 'Procuring during the COVID-19 emergency guide', and takes effect immediately.

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Policy context

Clause 45 of the [Queensland Procurement Policy \(QPP\)](#) requires accountable officers to ensure their agencies follow the *Procuring during an emergency* guide (this guide) during declared emergencies.

The QPP defines a '[declared emergency](#)' as a declaration of an emergency by the Australian or Queensland governments. For other key terms used in this guide, please [refer to Section 5 of the QPP](#).

Purpose

This guide supports Queensland Government staff (buyers) and procurement decision-makers to procure goods and services during declared emergencies in a way that:

- demonstrates responsible economic management of public funds
- aligns with applicable whole-of-government disaster/emergency management frameworks.

Agency responsibilities

Agencies should:

- adopt this guide as-is, or use it to complement its emergency procurement plans and/or procedures
- distribute emergency procurement plans and/or procedures to all staff
- avoid using emergency procurement provisions to circumvent appropriate planning, approvals and competitive procurement processes.

When procuring during an emergency:

- follow your agency's emergency procurement plan and procedures
- achieve value for money wherever possible, in accordance with the [QPP](#)
- secure appropriate authorisation and maintain written records of all decisions
- consult procurement, commercial and/or legal advisors as needed.

Emergency definition

An emergency is a sudden unforeseen event that can result in injury, loss of life or critical damage to property or infrastructure.

Emergency situations can include:

- natural or human-made disasters
- critical infrastructure or equipment failures
- critical health or environmental emergencies
- critical security incidents
- unanticipated disruptive events preventing an agency from performing a statutory or critical function within required timeframes.

Emergency response requires balancing responsiveness against risk. Management of risks may include, but are not limited to, public health, bushfire, flood, chemical, biological or radiological hazards, heatwaves, pandemics, terrorism and public safety, states of emergency, disaster management or animal and plant diseases. These are governed by relevant legislation such as the [Disaster Management Act 2003](#), [Fire and Emergency Services Act 1990](#), [Planning Act 2016](#), [Public](#)

[Health Act 2005](#), [Public Health and Other Legislation \(Public Health Emergency\) Amendment Act 2020](#), [Public Safety Preservation Act 1986](#), [Biosecurity Act 2014](#) and [State Transport Act 1938](#).

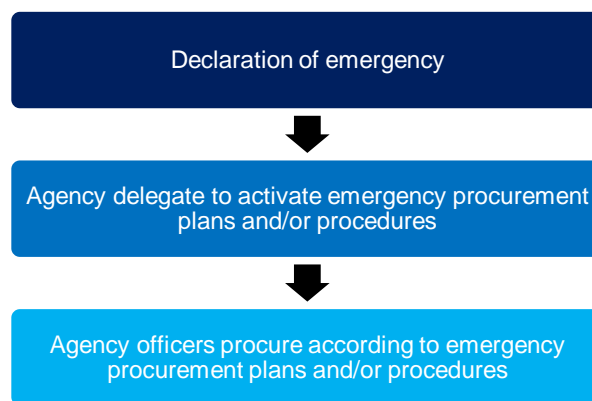
Who can declare an emergency?

Emergencies can be declared by the:

- Queensland Government
- Local Government in Queensland
- Australian Government (e.g., human biosecurity emergencies under the [Biosecurity Act 2015 \(Cth\)](#)).

Once declared, agency delegates can activate their respective emergency procurement plans and/or procedures for the duration of the emergency declaration, typically after consulting with key stakeholders like executive leadership and public safety agencies. For an outline of a typical emergency procurement process, please refer to **Figure 1**.

Figure 1: Emergency procurement process



Key considerations when procuring during an emergency

Procuring during an emergency requires balancing urgency with good governance. While preserving life, safety and wellbeing is paramount decisions should still support government procurement outcomes wherever possible.

Emergency procurement should be guided by the following key considerations:

- Preserve life, safety and wellbeing
- Support critical suppliers and rapid decision-making
- Support diverse suppliers and innovation
- Observe principles of behaving ethically, and embed integrity, probity and accountability
- Continue 'business-as-usual' procurement where possible.

Where necessary, seek advice from the procurement function, category lead agency, commercial and/or legal advisors.

For a quick reference list of key practical actions to take during, and after, an emergency, aligned with these key considerations, please refer to **Appendix 1**.

Preserve life, safety and wellbeing

Accelerated procurement

When traditional procurement processes will delay delivery of critical goods or services needed to protect life, safety and wellbeing, you can use accelerated procurement methods. This includes protecting both human and animal life (such as ensuring humane treatment of livestock).

An accelerated process is supported by the QPP as the policy enables agencies to use the most appropriate procurement strategy and method, including flexible procurement techniques, for delivering the best outcome.

Using common-use supply arrangements (CUSAs)

Wherever possible, search the [Queensland Government Arrangements Directory \(QGAD\)](#) and use existing CUSAs as per [Clause 9 of the QPP](#). Depending on the buyer's guide for the relevant CUSA, you may be able to source directly from suppliers on the CUSA, as they have already been through a tender process.

You can depart from CUSAs if you obtain an exemption approved by your relevant agency delegate. In addition to the situations described in [Clause 9 of the QPP](#), the exemption may be provided in a situation to meet an urgent need for essential goods or services during a declared emergency (e.g. saving or preserving life, securing urgent equipment such as medical equipment, ensuring the continued effective operation of critical infrastructure). Exemptions can be approved verbally first, with written follow-up.

When procuring outside of CUSAs

If you need to procure outside established arrangements:

- verify the need is an emergency and prioritise accordingly
- act quickly while maintaining procedural processes for probity, integrity and transparency (e.g. keeping written records)
- coordinate with other government agencies and non-government organisations to avoid duplication
- contact your District and State Disaster Liaison Officer if existing procurement arrangements are no longer suitable, suppliers are unable to deliver on time, there are logistical barriers and all whole-of-government options have been exhausted.

Queensland Government Procurement, Department of Housing and Public Works, will provide advice to help coordinate emergency supply arrangements.

Always conduct due diligence checks and apply appropriate terms and conditions, whether buying through CUSA or outside them.

Simplified contract terms and conditions

Category lead agencies issue standard terms and conditions, and template contract forms, for procurement.

While these should be used as a starting point for all procurement activities, during an emergency assess the risk and value of the procurement, and consider whether other contract terms and conditions (e.g. 'short form' terms and conditions) can be used to enable faster delivery from suppliers, particularly local small and medium enterprises.

When procuring within the [Information and Communication Technology procurement category](#), the [Guidelines for using supplier terms and conditions – ICT products and services](#) recommends that supplier terms and conditions are only used if the cost is \$100,000 or less and the products/services are low risk.

Support critical suppliers and rapid decision-making

Identifying and managing critical supply

Review existing supply arrangements (e.g. CUSAs, long-term contracts), prioritising critical supply chains and suppliers based on immediate supply chain vulnerabilities caused by the emergency.

These vulnerabilities may come from disruptions to the supplier's supply chain due to a range of factors such as trade restrictions, lack of access, reduction in workforce and re-prioritisation efforts. As a result, there may be impacts on pricing, delivery timeframes and ability to meet contractual or project obligations.

Identify which suppliers are critical by assessing the impact a disruption would have on service delivery. Consider the level of disruption this would cause to the agency, its service recipients and the time needed for service restoration.

Once critical suppliers are identified:

- develop plans to communicate regularly with critical suppliers
 - assess immediate and future risks to the critical suppliers and supply chains and develop measures to address these risks
 - work with procurement, financial and legal advisors to help critical suppliers at-risk.
-

Important

Be alert to unconscionable practices like price gouging (i.e. excessive pricing) or profiteering or anti-competitive behaviour such as price fixing.

Remember that while price fixing is illegal, price gouging or profiteering is not. It is illegal for suppliers to make false or misleading claims about their prices, including the reason for price increases.

If you suspect a supplier is behaving unconscionably, seek an explanation for the price increase. If the response is unsatisfactory, use contractual remedies, and report to appropriate authorities such as the [Queensland Government Procurement Compliance Branch](#), the [Office of Fair Trading](#), and [Australian Competition and Consumer Commission](#).

Maintain regular contact with suppliers to identify supply issues early and potential solutions. This may result in the following contract variations:

- extensions of existing critical contracts – identify critical contracts due to expire and make an assessment about whether they should be extended. Note that contracts due to expire during the emergency period should not be extended for unreasonable timeframes beyond the declared emergency
- replacing milestone payments with percentage payments for work completed
- re-deploying supplier capacity to other areas of need
- ensuring insurance requirements are appropriate relative to risk
- introducing time-limited clauses that relate to how the supplier is meeting emergency health advices, where applicable
- changes to delivery locations and timeframes, noting that this should be monitored on an ongoing basis with the aim to revert to delivery on initial agreed terms as soon as the supplier is able to do so.

Contract variations

All contract variations should be:

- decided on a case-by-case basis, following agency policies
- defensible
- supplemented with legal advice when needed
- approved by the appropriate delegate
- documented to maintain an audit trail.

Devolution

Consistent with [Clause 39 of the QPP](#), it is important to review agency procurement procedures to ensure where possible procurement decision-making for routine procurement is devolved to a level closest to the geographical location where the good and/or service is to be supplied.

This enhances the prospect of local buying close to the source of delivery, reduces red tape and harnesses local decision-making expertise, helping to ensure procurement is coordinated, effective, efficient and achieves value for money.

Support diverse suppliers and innovation

Supporting diverse suppliers

Source required goods and/or services from diverse suppliers where possible:

- Queensland small and medium enterprises
- Aboriginal and/or Torres Strait Islander businesses
- social enterprises
- women-owned and/or women-led businesses
- businesses owned or operated by people with disability
- culturally and linguistically diverse suppliers.

Sourcing goods and/or services from diverse suppliers helps to improve their resilience during an emergency, enabling a more diverse supplier pool to draw upon. It also advances relevant government economic, ethical, social and environmental objectives and targets.

Using local supply where possible

Wherever possible, ensure that the processes used, including specifications or evaluation criteria do not disadvantage regional suppliers or limit immediate emergency relief.

In seeking quotes, go only as far as geographically needed to ensure competitive supply.

Supply market analysis should examine the capability and capacity of local suppliers, including how broadly you may need to go to secure competitive supply.

The [Department of State Development, Infrastructure and Planning](#) can help you connect with capable suppliers and manufacturers, and identify innovative solutions.

Consider innovative proposals

In emergency situations where existing supply chains are disrupted, be mindful that suppliers may be reaching out with new ideas and opportunities.

Take the time to consider whether such unsolicited proposals, or innovative responses to tenders, may be a solution to your needs, or the needs of another agency. This is supported by [Clauses 7 and 27 of the QPP](#) which authorises the use of flexible procurement techniques and enables innovative supply solutions through, for example, the use of [outcome-based specifications](#), trials and/or pilots.

Expedite payment

Review agency procurement and accounts payable procedures to make payment on correctly rendered invoices as quickly as possible.

To keep cashflow moving during an emergency, agency procurement and accounts payable procedures should be reviewed and structured to enable payment of correctly rendered, valid invoices from all suppliers, regardless of business size, as soon as they are received and processed. Options include using corporate cards and digital approvals to keep goods receipting and payments processes moving.

According to the [Queensland Government On-time Payment Policy](#), all eligible contracted payments must be paid within 20 calendar days on correctly rendered undisputed invoice/tax invoices from 1 July 2020.

Observe principles of behaving ethically, and embed integrity, probity and accountability

The need to preserve life, public safety and wellbeing is paramount during an emergency. However, the obligation on accountable officers to take responsibility for their agency's procurement decisions during an emergency, does not change, including ensuring a high standard of ethics, integrity, probity and accountability is upheld in line with [Principle 3 of the QPP](#).

Take the following actions to minimise fraud and corruption risks:

- conduct regular fraud and corruption risk assessments, to identify current and emerging risks (e.g. increasing use of electronic signatures)
- apply appropriate controls and treatments to mitigate risks (e.g. limiting the use of electronic signatures to transactions of low to moderate risk)
- use good procurement practices
- maintain accurate, written records of decision-making.

Refer to the [Probity and integrity in procurement guide](#) for further information.

Continue 'business-as-usual' procurement where possible

During declared emergencies, continue business-as-usual procurement activities where possible, alongside procurement activities addressing the immediate health and safety needs of Queenslanders, to maintain confidence and a strong economy.

Procure in line with your agency's procurement procedures and the QPP, noting existing flexibility when justifiable and needed. Generally, this involves continuing scheduled procurement activities having regard to the need to achieve value for money, and maintain probity, accountability and transparency across all stages of the procurement lifecycle.

The Queensland Government's expectations of suppliers outlined in the [Queensland Government Supplier Code of Conduct](#), [Ethical Supplier Threshold](#) and [Ethical Supplier Mandate](#) continue during an emergency.

Further information

Contact us

Queensland Government Procurement is committed to continuous improvement. If you have any suggestions about how we can improve this guide, or if you have any questions, contact us at betterprocurement@epw.qld.gov.au.

Links

[Disaster Recovery Funding Arrangements \(DRFA\)](#)

You may wish to refer suppliers experiencing hardship during an emergency to the DRFA website. The DRFA is a joint Commonwealth and State funding arrangement set up to assist communities including small businesses, primary producers, and others during a disaster event. For example,

clean-up and recovery grants may be made available to assist businesses including farm businesses to resume trading as soon as possible.

Queensland Reconstruction Authority (QRA)

The QRA manages and coordinates Queensland's program of recovery and reconstruction funding within disaster-impacted communities including funding under the DRFA and the State Disaster Relief Arrangements (SDRA).

Workplace Health and Employee Assistance Program arrangements

The Queensland Government has arrangements in place for Workplace Health Services, which includes employee assistance programs, to support staff well-being. Further information is available on the [QGAD](#).

Appendix 1: During and after emergency actions

The table below outlines key practical actions to take during, and after, an emergency aligned with key considerations for emergency procurement:

During an emergency	After an emergency
Plan	
Identify and take steps to protect your critical supply chains, and suppliers. This could include checking in with suppliers for advice on frontline conditions, critical supply chain situations and to obtain assurances on immediate delivery, to the right location and the right time and price	Identify and prioritise procurements including reviewing agency procurement plans Find out what other government agencies and non-government organisations are doing and collaborate where possible Keep updating the forward procurement pipeline
Source and manage	
Use common-use supply arrangements wherever possible, seeking exemptions when intending to depart (e.g. obtaining critical goods and/or services direct from diverse, local suppliers (where possible)) Suspend competitive processes on a case-by-case basis to meet genuine emergency situations for supply of critical goods and/or services (limited offer method) Consider using another agency's suppliers if this supports immediate delivery Complete due diligence checks Advise suppliers that purchases subject to emergency arrangements may be revoked at any point when the situation is deemed contained, and/or reverted to a normal procurement process for a longer-term solution Use appropriate terms and conditions and contracts - consider use of 'short form' or simplified terms and conditions Expedite receipting processes and make payment on correctly rendered invoices as quickly as possible	Continue with business-as-usual procurement according to agency procurement procedure, pursuing relevant government objectives and targets Use common-use supply arrangements, seeking exemptions where intention to depart Complete due diligence checks Use appropriate terms and conditions and contracts Expedite receipting processes and make payment on correctly rendered invoices as quickly as possible
Governance	
Act within an appropriate probity framework, having regard to the need to act without delay Act within existing delegated authority or establish short-term emergency approval arrangements Maximise use of digital signatures and approvals where delegates cannot sign in person. Where verbal approval is provided, ensure this is from an appropriate delegate and follow-up in writing as soon as possible Keep a written record of the procurement (e.g. file notes, emails), including invoices from	Act within an appropriate probity framework Act within existing delegated authority Consider establishing delegations and/or procedures to facilitate financial approvals and devolved decision-making for future emergency procurement Keep a written record of the procurement (e.g. file notes, emails), including invoices from suppliers and details of goods and/or services purchased

During an emergency	After an emergency
suppliers and details of goods and/or services purchased	