

# PROCUREMENT GUIDELINES

GOVERNMENT OF FIJI



FIJI PROCUREMENT OFFICE  
MINISTRY OF FINANCE, STRATEGIC PLANNING,  
NATIONAL DEVELOPMENT & STATISTICS

Terms in *italics* throughout this document are defined in the glossary.

We acknowledge the assistance of the Asian Development Bank and Sarah Cotgreave of Globaltraid Limited in the preparation of the Procurement Guidelines and the Pacific Region Infrastructure Facility for providing some of the content.

Designed by Fiji Procurement Office

Published December 2024 [first edition] In force from March 1 2025

Fiji Procurement Office  
Ministry of Finance, Strategic Planning, National Development and Statistics  
Ro Lalabalavu House'  
Victoria Parade Suva  
Fiji

[www.fpo.gov.fj](http://www.fpo.gov.fj)

[www.finance.gov.fj](http://www.finance.gov.fj)



# ACRONYMS

eTendering	Electronic Tendering
FOB	Free on Board
CIF	Cost, Insurance and Freight
FPO	Fiji Procurement Office
GTB	Government Tender Board
Incoterms	International Commercial Terms
KPIs	Key Performance Indicators
NDMO	National Disaster Management Office
SDGs	Sustainable Development Goals
SOEs	State Owned Enterprises
SMEs	Small and Medium Enterprises
TCO	Total Cost of Ownership
UN	United Nations
VAT	Value Added Tax
VfM	Value for Money
WTO	World Trade Organisation

DRAFT

# Table of Contents

ACRONYMS .....	3	PART 5 - PROCUREMENT OVER THE THRESHOLD FOR TENDER ...	27
MINISTERIAL FOREWORD .....	6	5.1 PROCUREMENT METHODS .....	27
INTRODUCTION .....	7	5.2 Expression of Interest .....	27
Why do we need Guidelines? .....	8	5.3 Invitation to qualify notice .....	27
What are the important changes? .....	8	5.4 Supplier Panel .....	29
Guidelines .....	9	5.5 Panel Call off contracts and mini competitions .....	29
PART 1 – PUBLIC PROCUREMENT STRATEGY .....	10	5.6 Standing Offer .....	29
1.0 The Principles of Procurement .....	10	5.7 Joint Agency Contracts .....	30
1.1 Purpose .....	10	5.8 e-Auctions .....	30
1.2 Key Principles of Procurement .....	10	5.9 Content and Advertising of Tender Notices .....	31
1.3 Value for Money Explained .....	10	5.10 Quotation and Tender Response Times .....	32
1.4 Ethical Procurement .....	11	5.11 Delivery Dates .....	32
1.5 Open and Inclusive Procurement .....	12	5.12 Pre-conditions .....	32
1.6 Efficiency and Effectiveness .....	12	5.13 Preparing Bidding Documents .....	33
1.7 Sustainable Procurement and Outcomes .....	12	5.14 Responding to Queries .....	34
1.8 Complying with the Regulations .....	13	5.15 Changes to Tender Processes and Bidding Documents .....	34
1.9 Reviews of Compliance .....	13	5.16 Bid Submission and Receipt .....	35
1.10 Thresholds .....	13	5.17 Treatment of Responses .....	35
PART 2 – PROCUREMENT EXPENDITURE TYPES .....	17	5.18 Handling Late or Non-Compliant Bids .....	35
2.0 Procurement Activities .....	17	PART 6 - EVALUATION OF TENDER OFFERS .....	36
2.1 Application of Regulations .....	17	6.1 Evaluation Committees .....	36
2.2 Procurement that does not need open tender or a waiver 17		6.2 Abnormally Low Bids .....	37
2.3 Special requirements for higher value infrastructure procurement .....	17	PART 7 - CONTRACT AWARD ABOVE THE THRESHOLD FOR TENDER .....	43
2.4 Non-Procurement Activities .....	18	7.1 Making a Recommendation for Award .....	43
2.5 Using the services of another government Agency .....	18	7.2 Review of Recommendations .....	43
2.6 Splitting of contract .....	18	7.3 Standstill Period .....	43
PART 3 – ANNUAL PROCUREMENT PLANS AND INDENTS .....	21	7.4 Notification of Contract Award .....	44
3.1 Procurement Planning Framework .....	21	7.5 Debriefing unsuccessful suppliers .....	44
3.2 Annual Procurement Plans .....	21	7.6 Performance Guarantees and Securities .....	44
3.3 Indents .....	22	7.7 Contract Award Notice .....	47
3.4 Procurement Projects Governance Structure .....	22	PART 8 – CONTRACT MANAGEMENT .....	48
3.5 Statement of Needs .....	22	8.1 Contract Management in <i>Procuring Agencies</i> .....	48
3.6 Market Analysis .....	22	8.2 Contract Variations and Extensions .....	48
3.7 Stakeholder Consultation .....	22	8.3 Requests for Payment .....	48
3.8 Risk Management .....	23	PART 9 – ASSET MANAGEMENT AND DISPOSALS .....	50
3.9 Review previous procurement .....	23	9.1 Asset and Inventory Management and Asset Verification .....	50
3.10 Determine procurement method .....	23	9.2 Asset Disposals .....	50
3.11 Procurement Planning requirements .....	23	9.3 Principles of Disposal .....	51
PART 4 - PROCUREMENT BELOW THE THRESHOLD FOR TENDER .....	26	9.4 Establishing a Board of Survey .....	51
4.1 Call offs from a standing offer contract or supplier panel .....	26	9.5 Board of Survey for Foreign Missions .....	51
4.2 Seeking quotations .....	26	9.6 Functions of a Board of Survey .....	51
4.3 Contract Award below the Threshold for Board Approval .....	26	9.7 Evaluate the Best Disposal Option .....	52
4.4 Quotation processes in Finance Manual .....	26	9.8 Asset Disposal and Register Updates .....	52
		9.9 Revenue from Disposal .....	52
		PART 10 - WAIVERS OF TENDER .....	54
		10.1 Circumstances for Waivers .....	54

10.2	Process for requesting waivers .....	54
10.3	Key Considerations for waivers .....	54
10.4	Miscellaneous Circumstances.....	54
<b>PART 11 - EMERGENCY PROCUREMENT .....</b>		<b>56</b>
11.1	Emergency procurement .....	56
11.2	Immediate Relief Assistance.....	56
11.3	Post Relief Assistance .....	56
11.4	Pre-Emergency Planning.....	57
<b>PART 12 - OTHER GUIDELINES .....</b>		<b>58</b>
12.1	Third Party Agents .....	58
12.2	Specifications .....	58
12.3	Definition of Business Days .....	58
<b>PART 13 – COMPLAINTS .....</b>		<b>60</b>
13.1	Dealing with Supplier Complaints.....	60
13.2	General complaints .....	60
<b>PART 14 – EXCLUSION AND DEBARMENT .....</b>		<b>61</b>
14.1	Excluding a Supplier from bidding .....	61
14.2	Debarment.....	61
14.3	Debarment Decision making process .....	62
14.4	Mitigating Factors .....	62
14.5	Records, Reporting and Audits.....	62
14.6	Debarment Appeal Mechanism .....	62
14.7	Debarment Appeal Procedure .....	62
<b>PART 15 – CUSTOMS CLEARANCE AND LOGISTICS .....</b>		<b>64</b>
15.1	Overseas Purchases .....	64
15.2	Indent Preparation .....	64
15.3	Overseas purchases (with advance payment) .....	64
15.4	Clearance on Indented Items.....	64
15.5	Clearance of Non-Indented Items.....	64
15.6	Clearance of dangerous goods.....	64
15.7	Clearance of Relief Supplies.....	65
15.8	Export of Goods .....	65
15.9	Clearance of Non-Indented Shipments Including Hand-Carried Goods at Airport Customs Baggage Hall .....	65
15.10	Unclaimed Cargo .....	65
15.11	Request to Deliver Cargo .....	65
<b>GLOSSARY.....</b>		<b>67</b>
<i>Annex 1 – Thresholds .....</i>		<i>78</i>
<i>Annex 2 – Procuring Agencies .....</i>		<i>79</i>
<i>Annex 3 - Emergency Procurement Request Form .....</i>		<i>80</i>
<i>Annex 4 - Code of Conduct for Officials Undertaking Procurement .....</i>		<i>81</i>
<i>Annex 5 – Summary of available waivers from open tender or competition .....</i>		<i>83</i>



# MINISTERIAL FOREWORD

Government is unwavering in its commitment to transforming public procurement. This is not just about process; it's about ensuring that our people and our economy are better served.

The new Procurement Regulations 2024 and accompanying Guidelines mark a significant step forward. These reforms are designed to enhance transparency, accountability, and value for money in government spending.

We are prioritizing sustainable procurement. This means driving economic growth, protecting our environment, and supporting our communities. By increasing opportunities for local businesses, particularly SMEs, women-owned enterprises, and disadvantaged groups, we aim to create a more inclusive and equitable economy.

The Regulations strengthen the role of the Fiji Procurement Office (FPO) and introduce new requirements for agencies to develop Strategic Procurement Plans. These measures will improve efficiency, reduce risks, and ensure that public funds are used wisely.

I encourage all government agencies to embrace these reforms and work collaboratively to achieve our shared goals of a more sustainable, efficient, and transparent procurement system.



**Mr. Biman Prasad**  
Deputy Prime Minister and Minister for  
Finance, Strategic Planning, National  
Development and Statistics

.....  
*Dated: 1 March 2025*



# INTRODUCTION

**Public services and government projects are often delivered in partnership with the private sector. Suppliers may be our ambassadors to citizens, communities and businesses. We can improve the effectiveness and efficiency of Public Service delivery through better procurement planning, supplier and contract management, and collaboration across government..**

Procurement ranges from simple activities to buy low value goods or services to complex and higher risk tender processes and contracts, including for construction works. It is “the overall process of acquiring goods, civil works and services or award of conditional grant funding which includes all the functions from the identification of needs, selection and solicitation of sources, preparation and award of a procurement contract by purchase, hire, lease or any other contractual means and all phases of contract administration and management through to the end of the services contracts or the disposal of the asset.”

FIGURE 1: PROCUREMENT PROCESS



These activities are known as the procurement lifecycle (see diagram). You should design your processes to comply with the good practices contained in these *Guidelines*. Your processes should be open, competitive and inclusive, and proportionate to the value, risk and complexity of the requirements.

Guideline 2.1 provides more detail on what types of expenditure and contracting is considered to be procurement and what is not. Guideline 2.2 identifies specific types of procurement that may not require a tender before contracting with the supplier. Spend such as salaries and low value expenses that do need to comply with the *Regulations* is identified in Guideline 2.4.

## Why do we need Guidelines?

Regulation 28 of the *Procurement Regulations 2024* requires the government to publish *Procurement Guidelines*. **They incorporate the government's procurement strategy and provide guidance on how to comply with the Regulations. They apply to everyone involved in public procurement processes regardless of employment status, including members of the Board.**

The *Guidelines* support public agencies to deliver *Value for Money* when using government resources. *Value for Money* is defined as “the effective, efficient, economical, equitable and ethical utilisation of financial and non-financial resources

“*The Guidelines support public agencies to deliver Value for Money*”

to achieve the best possible sustainable development outcomes over the life of an activity related to the expenditure”.

Before initiating any procurement, thoroughly familiarize yourself with the government's procurement strategy (Part 1) and relevant agency policies. Assess the procurement's potential value and determine the appropriate procurement method and electronic system, considering factors such as estimated value, competition, and risk.

### Ethical procurement

Given our responsibility for public funds, all government entities, including their personnel, contractors, and consultants, must adhere strictly to procurement regulations, guidelines, and laws. All procurement activities must be transparent, accountable, and subject to audit. The enclosed *Guidelines* establish standardized processes to ensure public confidence in government spending and include a new Code of Conduct, detailed in Annex 4, which must be strictly observed.

### Good commercial practice

Early market engagement and continued dialogue with suppliers are essential to achieving good commercial relationships and results. The *Procurement Guidelines* and other good practice guidance available on [www.fpo.gov.fj](http://www.fpo.gov.fj) promote responsible spending when purchasing goods, services, or works.

### What are the important changes?

This section outlines significant changes to public procurement processes in the *Procurement Regulations 2024* and *Procurement Guidelines* that you and your agency must comply with.

**1. New Threshold values:** Regulation 30 introduces new approvals. These values may be updated by the Permanent Secretary of Finance in future editions of the *Guidelines*. Whilst the value at which an open tender is required has not changed, the *threshold for Board Approval* has been raised with different threshold values for goods and services or works. These new thresholds streamline processes and enhance procurement efficiency and accountability. Procurement plans outlining the strategy, including all proposed evaluation and selection criteria, are required for all tenders at or over *the threshold for tender*, including for those processes for which a *waiver* is proposed. These must be approved before a *tender notice* is advertised. See the thresholds in in Annex 1.

**2. Principles of Procurement:** Regulation 4 applies to all public procurement activities. They require all public agencies to maximise *Value for Money* and consider sustainable procurement aspects.

**3. Sustainable Outcomes:** should be considered for all procurement plans and evaluation criteria above the *threshold for Board Approval*. These should align with government procurement strategy in Part 1 of these *Guidelines* and other agency and government policy, such as the National Development Plan.

**4. Sustainable Procurement considered during evaluation:** Unless otherwise approved in the procurement plan, the request to tender or other procurement documents at or above the *threshold for Board Approval* should indicate that offers will be evaluated using the following criteria:

- Technical/Quality Criteria
- Sustainable Outcomes
- Cost (Total Cost of Ownership)

The relative importance of each criterion (weight) will vary based on the specific procurement.

**5. A new Code of Conduct for Officials undertaking Procurement:** This requires ethical behaviour, integrity, and transparency in public procurement, to foster public trust and confidence. Ensure everyone involved in procurement understands the Code and declares potential *conflicts of interest* in writing.

**6. Governance:** the Government Tender Board will have specialist subcommittees which can consider certain categories of procurement, including activities with higher security classifications.

**7. New responsibilities for Fiji Procurement Office:** FPO's role has been transformed to including



monitoring, reporting, and advising on agency procurement activities and how well they comply with the *Regulations* and *Guidelines*. FPO will approve *Strategic Procurement Plans* and facilitate joint agency procurement, including for *Supplier Panels*.

8. **Processes for Low-Value Procurement:** during consultations for the *Regulations*, procurement leaders told us that they wanted processes and approval limits to be better defined under *the threshold for tender*. The *Regulations* define call-off processes from existing *Standing Offers* using a purchase order and new methods such as mini-competitions from a *Supplier Panel*, which can be used for the relevant goods, works and services.
9. **Bidder Complaints:** complaints about a procurement process may be made within the *standstill period* if a potential supplier that has submitted a tender or other offer assesses that a *procuring agency* has not complied with the *Regulations* or the *Guidelines* in its award of a contract. The complaint must be resolved before award of contract, which may require extension of the *standstill period*, unless there are exceptional circumstances defined in *Regulations 47 and 48*
10. **Dealing with Abnormally Low Bids:** The *Regulations* introduce processes for handling abnormally low bids, ensuring that such bids are reviewed to maintain fair competition.
11. **Debarment and Suspension:** for fraudulent or low performing suppliers will maintain standards and accountability in public procurement.
12. **Training and Development:** the *Regulations* require ongoing development of procurement specialists and other officials involved in procurement processes. FPO will initially provide training and communications for agencies on the changes in the *Regulations*.
13. **“Non-procurement” expenditure:** Guideline 2.1 clarifies what is not subject to the *Regulations*.
14. **Standstill Period:** At least 7 clear business days standstill period is required before awarding government contracts following the Board’s approval of the selection of a bidder at or above the *threshold for Board Approval*. Following the announcement of the contract award, bidders are given a specific timeframe to request a debriefing. The agency will then have the opportunity to address any questions or concerns raised by the bidders. Contract awards cannot be finalised until the *standstill period* ends. The diagram in Part 7 outlines how this will work.

**15. Strategic Procurement Plans:** for higher value contracts are approved by FPO. This may identify opportunities for *Joint Agency Contracts*. *Procuring Agencies* must consider FPO’s advice

### Target Audience

This guideline is designed for:

- Procurement Officers: Individuals responsible for procurement within government agencies.
- Agency Heads: Leaders of ministries, departments, and SOEs.
- Suppliers and General Public: A broader audience interested in government procurement.

### Applicability

Government Ministries and Departments must adhere to the *Procurement Regulations* and these guidelines.

State-Owned Enterprises (SOEs) and other publicly funded agencies must comply with the *Procurement Principles* outlined in *Regulation 4*.

In addition, state owned enterprises (SOEs) and other agencies that are fully funded by public monies must follow the *Regulations* and *Guidelines* to the extent reasonably practicable.

### Guidelines

**The *Guidelines* are the requirements in Parts 1 to 15 of this document and Annexes 1 to 5.** Words and phrases that have a special meaning are marked in italics (e.g. *Procuring agency* and *works*). Special meanings are explained in *Glossary*. Individual *Guidelines* should be read in conjunction with the *Regulations* and the *Principles of Procurement*.

The *Guidelines* may include informational boxes denoted by a lightbulb icon. These boxes provide additional context, definitions, links to relevant resources, helpful tips, tools, and templates. Examples are indicated by a tool icon.

This guidance does **NOT** form part of a *Guideline*. These boxes can be used, along with the *Introduction*, to give greater context.

When ‘includes’ or ‘including’ is used before a list in a *Guideline*, or examples are provided, it means that the relevant *Guideline* may cover things that are not specifically identified.

References to Acts or *Regulations* include any amendments made to them and any Acts or *Regulations* that may succeed them.



# PART 1 – PUBLIC PROCUREMENT STRATEGY

Part 1 outline the government's procurement principles and the priority sustainable outcomes for higher-value contracts. It emphasizes the importance of improving economic, environmental, social, and governance outcomes to make a vital contribution to communities, citizens, and businesses. Agencies are required to consider how public procurement can be made more accessible, fair, and equitable for Small and Medium or Women-owned enterprises, local communities, and disadvantaged groups with good employment practices. Additionally, measures to promote competition, protect the environment, and contribute to a better society are also highlighted.

## 1.0 The Principles of Procurement

### 1.1 Purpose

The Principles of Procurement in Regulation 4 must be used to guide ALL government agencies using public money to conduct open, inclusive, and sustainable procurement, regardless of whether a waiver has been applied. They ensure public resources are used wisely to achieve the best possible outcomes.

### 1.2 Key Principles of Procurement

All procurement of goods, services, or works must adhere to the principles which are intended to drive:

1. **Value for Money:** Maximising the benefit derived from government spending by considering cost, quality, risk, and sustainability.
2. **Fair Competition:** Promoting an open and level playing field for all suppliers and contractors.
3. **Integrity and Transparency:** Building public trust through honest, accountable, processes.
4. **Risk Management:** Identifying and addressing potential risks during the procurement cycle.
5. **Sustainability:** Considering the economic, environmental, social, and governance impacts of procurement decisions.

### 1.3 Value for Money Explained

Achieving the best possible value for public funds is essential. It's essential to look beyond the price.

*Value for Money* requires the effective, efficient, economic, equitable and ethical utilisation of financial and other resources to achieve the best possible sustainable development outcomes over the life of an activity related to the expenditure. This means selecting the most advantageous option after carefully

considering all relevant costs, benefits, and the required *sustainable outcomes*.

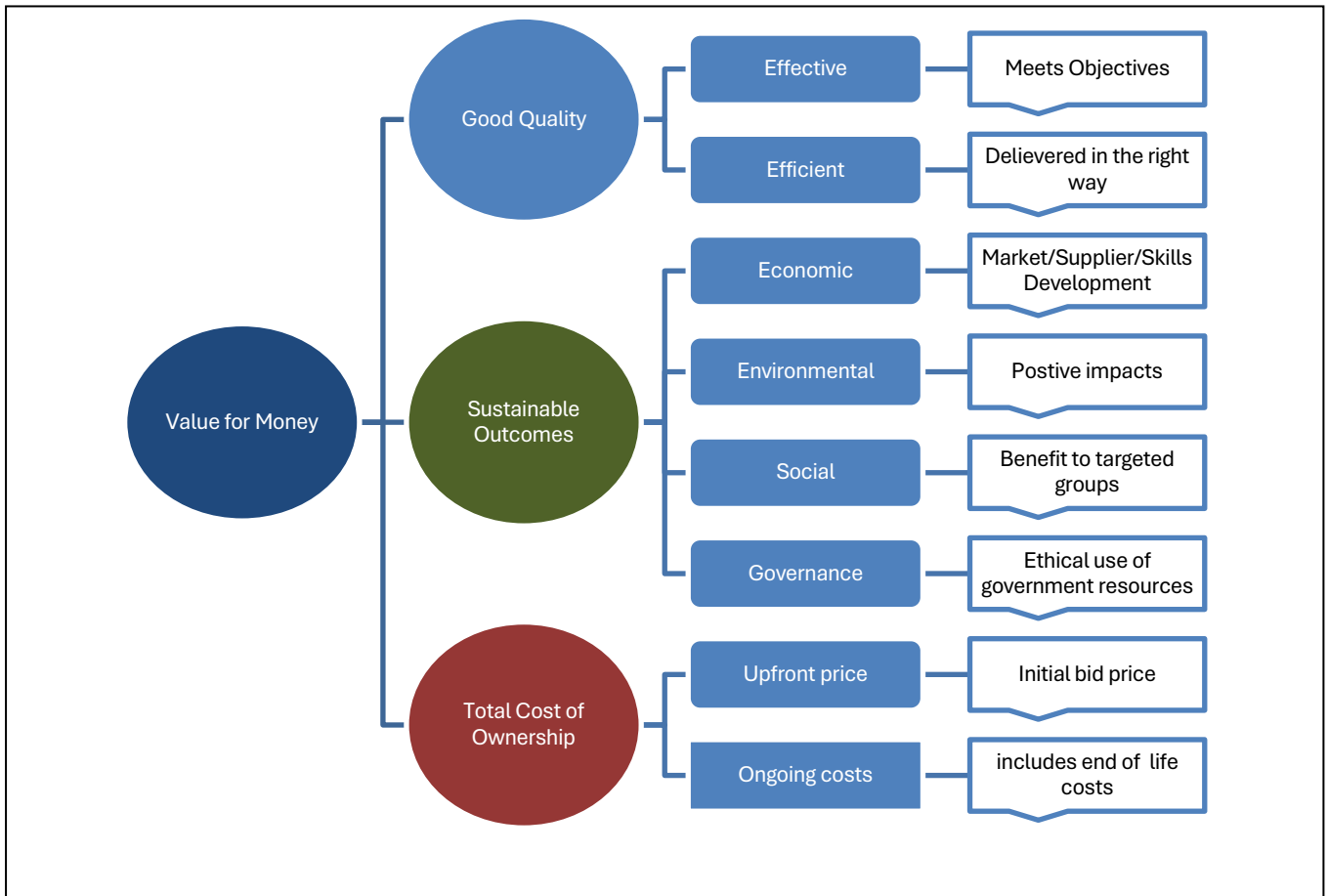
Key factors influencing value for money include:

- **Fit for purpose:** Whether the product or service meets the needs.
- **Supplier performance:** The track record of potential suppliers
- **Risk:** Assessing the relative risk of each proposal.
- **Adaptability:** The ability for suppliers to adjust to changing circumstances.
- **Total cost of ownership:** Analysing financial implications throughout the product or service lifecycle through to disposal or reuse.
- **Contract flexibility:** considering the implications of extending or modifying the contract.
- **Alignment with goals:** supporting the government and agency's objectives and priorities.

To maximize value for money, the government promotes:

- **Fair competition:** a level playing field for all suppliers through non-discriminatory practices.
- **Sustainability:** Employing resources wisely and ethically, without compromising the ability of future generations to meet their own needs. For infrastructure this includes resilience to the expected effects of climate change.
- **Transparency and accountability:** Making informed decisions in an open and responsible manner and documenting them for review.

FIGURE 2: VALUE FOR MONEY



**1.4 Ethical Procurement**

**Regulation 3, 4, 21, 44.1, 59, 60, Code of Conduct for Public Officials undertaking Procurement**

**1.4.1 Each Procuring agency must ensure that:**

- a. all individuals involved in procurement have been trained in and act responsibly, lawfully, impartially and ethically, in accordance with the Principles of Procurement Code of Conduct for Officials Undertaking Public Procurement
- b. all individuals involved in procurement can justify their procurement decisions in compliance with the Regulations and Guidelines.
- c. procurement processes are documented, fair, transparent, inclusive and reasonable.
- d. it uses sound judgement to help all individuals involved in procurement to

identify, declare, notify and manage conflicts of interest. All declarations of conflicts of interest must be assessed by an appropriate manager and the assessment decisions and any necessary mitigations must be documented in writing.

- e. it provides and maintains a system for reporting hospitality, or gifts accepted from suppliers.
- f. It establishes and promotes a safe, confidential mechanism for reporting breaches of the Code of Conduct for public officials undertaking procurement or unethical practices.
- g. Suppliers formally excluded from procurement proceedings under Regulation 63 or 64 will not be awarded a procurement contract during the exclusion or debarment period.



**Supplier Code of Conduct**

The Fiji Procurement Office has implemented a Supplier Code of Conduct that outlines expected ethical behaviour for suppliers, including transparency about ownership and responsible conduct during project execution and public interactions. Suppliers should be informed of this code before bidding. The Supplier code of conduct is available on [www.fpo.gov.fj](http://www.fpo.gov.fj)

1.4.2 A *procuring agency* must safeguard suppliers' commercially sensitive information and treat it confidentially. Disclosure of confidential or commercially sensitive information is prohibited, except under the following circumstances:

- a. When explicitly authorized by the supplier
- b. When mandated by law (e.g., under the Information Act 2018), convention, or Parliamentary or Cabinet practice, or
- c. When it involves a limited disclosure expressly outlined in a contract award notice and consented to by participating suppliers

## 1.5 Open and Inclusive Procurement

**Regulation 4, 34, 39, 40, 52, 59, 60**

1.5.1 Fiji's public procurement process is open and fair to all suppliers. *Procuring Agencies* must ensure that all eligible suppliers have equal opportunities to compete for government contracts.

1.5.2 Procurement processes must be designed to provide equal opportunities for local businesses, Micro, Small and Medium Enterprises, Women-owned businesses, community involvement and other disadvantaged groups.

1.5.3 Agencies must have regard to guidance published by FPO on how to effectively involve Fijian businesses in contract opportunities including local or regional businesses, as well as other types of Fiji organisations such as social enterprises, charities, SOEs or community organisations.

1.5.4 Specific types of goods, works and services contracts may be reserved for small and medium enterprises, disadvantaged groups, or community-led procurement below the threshold for Government Tender Board Approval. (Annex 1)

1.5.5 Unless for reasons of sanctions approved by the UN Security Council under Chapter VII of the UN Charter, or national security, suppliers must not be discriminated against because of:

- a. the country the goods, services or works come from
- b. the degree of foreign ownership or foreign business affiliations.

1.5.6 State owned enterprises (SOEs) may only bid as potential suppliers in a competition

provided that the procurement process promotes competitive neutrality, that they are legally and financially autonomous, operate under commercial law and are not dependent agencies of the *procuring agency*.

## 1.6 Efficiency and Effectiveness

1.6.1 Efficiency in procurement focuses on optimizing resource utilization to achieve maximum value. This involves executing procurement processes effectively to meet operational goals within given constraints and government guidelines.

1.6.2 Procurement effectiveness measures how well outcomes align with objectives. It assesses the quality, quantity, and price of procured goods and services, and their contribution to desired results.

1.6.3 Comprehensive monitoring and assessment throughout the procurement process further bolster effectiveness.

## 1.7 Sustainable Procurement and Outcomes

1.7.1 Procurement decisions at or above the *threshold for Board Approval* must consider the inclusion of criteria that achieve *sustainable outcomes*.

1.7.2 The total cost of ownership, including maintenance and disposal, is crucial for sustainable procurement. By looking beyond, the initial purchase price and evaluating a product or service's entire lifespan, we can make informed decisions that save money and protect the environment.

1.7.3 Procurement decisions at or above the *threshold for Board Approval* must consider the inclusion of criteria that achieve *sustainable outcomes*.

1.7.4 The total cost of ownership, including maintenance and disposal, is crucial for sustainable procurement. By looking beyond, the initial purchase price and evaluating a product or service's entire lifespan, we can make informed decisions that save money and protect the environment.

1.7.5 *Procuring agencies* should promote sustainable outcomes for the environment by:

- Supporting the procurement of low-energy consuming, low-emissions and low-waste goods, services and works.
- Encouraging innovation to significantly reduce emissions and waste impacts from goods and services.

1.7.6 Where contracts have been designated by Cabinet and/or a Minister to achieve a specific *sustainable*

*outcome*, agencies must include the relevant requirements in the tender documents and, including an appropriate weighting for the outcome during the evaluation of supplier offers.

1.7.7 Each *procuring agency* must ensure that *sustainable outcomes* are incorporated in a way that does not discriminate against any supplier.

1.7.8 Agencies must conduct reasonable due diligence and manage the contract, to ensure the expected *sustainable outcomes* are delivered.

**1.8 Complying with the Regulations**

***Regulations 3, 8, 9, 53, 54, 55, Information Technology and Computing Services Act No 17 of 2013***

1.8.1 The procurement of Information Technology and Communications is governed by the Information Technology and Computing Services Act No 17 of 2013, including:

- a. Sections 7 (1)(e) and (f); and
- b. Part 4 – Procurement.

1.8.2 Information Technology and Communications procurement should follow the *Guidelines* to the extent reasonably practicable, replacing the requirement for *Board* approval with approval by the ITC Steering Committee.

**1.9 Reviews of Compliance**

FPO may review any *procuring agency's* compliance with the *Regulations* and *Guidelines* and make recommendations to the senior leaders of the agency.

**1.10 Thresholds**

The Permanent Secretary for Finance reserves the right to modify the procurement approval thresholds, which are listed in Annex 1.







**Encouraging  
Fijian Businesses  
to participate**





Government agencies should create opportunities for Fijian businesses, especially small and medium-sized enterprises (SMEs), to participate in government contracts. While there can be no preferential treatment for Fijian businesses for contracts above the tender threshold, agencies must ensure fair opportunities for local businesses to compete.

This can be done by:

- Identifying potential Fijian suppliers through market research and creating databases of qualified businesses.
- Designing contracts that are suitable for Fijian businesses by avoiding overly complex requirements or contract sizes that are too large.
- Aligning contract requirements with local skills to encourage Fijian participation.
- Dividing large contracts into smaller lots to allow more businesses to compete, as long as it doesn't compromise value for money.
- Facilitating partnerships between large and small businesses by providing networking opportunities.

Agencies must always prioritize value for money and fair competition while supporting local businesses.

 <p><b>What are sustainable outcomes?</b></p>	<p><i>Sustainable outcomes</i> are benefits that are generated by the way a good, service or works is produced or delivered. These outcomes can be economic, social, environmental, ethical, or governance benefits that deliver long term <i>Value for Money</i>.</p> <p>They require you to consider not only the whole-of-life cost of the procurement or assets, but also the costs and benefits to society, the community, the environment and the economy to achieve <i>sustainable development</i>.</p> <p>Environmental considerations may involve incorporating eco-friendly practices and products to minimize the environmental impact of goods, works or services to environmental preservation, biodiversity and sustainability.</p> <p>Social responsibility ensures that procurement activities support workers' health and safety, fair labour practices and community benefits by selecting suppliers who adhere to ethical standards, promote diversity and inclusion, and contribute positively to the communities in which they operate.</p> <p>Economic sustainability is achieved by promoting long-term economic growth through the support of local businesses in different provinces in Fiji and small and medium-sized enterprises (SMEs).</p>
 <p><b>Examples of sustainable outcomes</b></p>	<p>Examples of <i>sustainable outcomes</i> might be:</p> <ul style="list-style-type: none"> <li>• Increasing the size and capability of the domestic workforce. E.g. encouraging construction contractors to increase local worker's skills through an apprenticeship or accredited training scheme which provides qualifications or experience that can be used again.</li> <li>• Improving conditions for workers: E.g. Incentivising firms with good health and safety processes while ensuring they are not undercut by firms who have reduced costs through poor labour practices, such as not paying wages or employee-related taxes and fees in accordance with legislation.</li> </ul>
 <p><b>Ensuring outcomes are reasonable and are delivered</b></p>	<p>Procurement processes can demonstrate a commitment to environmental and social responsibility by adhering to sustainability standards and certifications. This enhances the process's credibility and contributes to broader sustainability goals.</p> <p>When sustainable outcomes are expected from suppliers, contracts should include provisions for evidence and reporting. These requirements can be incorporated into the contract specifications or deliverables.</p> <p>To ensure fair competition and gather valuable insights, agencies should consult with potential suppliers early in the process, such as during a pre-bid conference. This allows for open discussions on sustainability criteria, measurement methods, and evidence requirements.</p> <p>To incentivize sustainable performance, consider linking a portion of contract payments to the successful delivery of agreed-upon sustainable outcomes</p>
 <p><b>Health and Safety &amp; Good Employment outcomes</b></p>	<p><i>Procuring Agencies and Fiji businesses</i> have responsibilities under the Health and Safety at Work Act 1996. To ensure strong health and safety practices, agencies should partner with suppliers demonstrating a strong commitment to safety. Contracts should explicitly require suppliers to meet health and safety regulations. It's essential to understand how suppliers manage health and safety throughout their supply chain, including subcontractors. For works contracts, specific questions about health and safety should be included in the evaluation process to assess supplier capabilities effectively.</p> <p>To incentivise suppliers with good labour practices, <i>procuring agencies</i> should ensure that all workers employed in government contracts are treated fairly and are not exploited. This includes compliance with all relevant Fiji labour and tax laws.</p>

 <p><b>Key Principles of Sustainable Procurement</b></p>	<ul style="list-style-type: none"> <li>• <b>Life Cycle Thinking:</b> Evaluate the environmental and social impacts of products and services throughout their entire life cycle—from production to disposal.</li> <li>• <b>Stakeholder Engagement:</b> Involve stakeholders, including suppliers, community representatives, and civil society, in the procurement process to enhance transparency and accountability.</li> <li>• <b>Continuous Improvement:</b> Regularly assess and refine procurement practices to incorporate new sustainability standards and innovations.</li> </ul>
 <p><b>Objectives of Sustainable Procurement</b></p>	<ul style="list-style-type: none"> <li>• <b>Environmental Protection:</b> Minimize the ecological footprint of government purchases by prioritizing products and services that are environmentally friendly.</li> <li>• <b>Social Equity:</b> Promote fair labour practices, support local communities, and ensure that procurement processes are inclusive and equitable.</li> <li>• <b>Economic Efficiency:</b> Achieve value for money while considering the long-term benefits of sustainable products and services.</li> </ul>
 <p><b>Steps for Implementing Sustainable Procurement</b></p>	<p><b>Step 1: Policy Alignment and Commitment</b></p> <p><b>Set Clear Sustainability Goals:</b> Define specific, measurable objectives that align with Fiji’s national development strategies and the Sustainable Development Goals (SDGs).</p> <p><b>Step 2: Market Research and Product Selection</b></p> <p><b>Conduct Market Assessments:</b> Analyse the market to identify sustainable products and services available for procurement.</p> <p><b>Prioritize Key Product Categories:</b> Focus on high-impact categories such as construction materials, office supplies, and food services for sustainable procurement initiatives.</p> <p><b>Step 3: Specification Development</b></p> <p><b>Integrate Sustainability Criteria:</b> Develop procurement specifications that include environmental and social criteria (e.g., energy efficiency, fair trade).</p> <p><b>Ensure Clarity and Measurability:</b> Specifications should be clear, specific, and measurable to facilitate evaluation.</p> <p><b>Step 4: Supplier Engagement and Evaluation</b></p> <p><b>Communicate Sustainability Expectations:</b> Clearly convey sustainability requirements to potential suppliers during the procurement process.</p> <p><b>Assess Supplier Sustainability Practices:</b> Evaluate suppliers based on their sustainability performance, certifications, and commitment to sustainable practices.</p> <p><b>Step 5: Contract Management and Monitoring</b></p> <p><b>Include Sustainability Clauses in Contracts:</b> Incorporate specific sustainability requirements and performance indicators in procurement contracts.</p> <p><b>Monitor Supplier Compliance:</b> Regularly assess supplier performance against sustainability criteria and provide feedback for improvement.</p>
 <p><b>Monitoring &amp; Evaluating Sustainable Procurement</b></p>	<ul style="list-style-type: none"> <li>• <b>Define Key Performance Indicators (KPIs):</b> Establish KPIs to measure the effectiveness of sustainable procurement initiatives.</li> <li>• <b>Conduct Regular Reviews:</b> Periodically review sustainable procurement practices to identify areas for improvement and ensure alignment with national goals and SDGs</li> </ul>



### Duties of agency leaders

Leaders or heads of government agencies, including permanent secretaries, duties for procurement are set out in Regulation 8. They must put in place appropriate policies, delegations, and procedures to:

- prepare an Annual Procurement Plan for goods, services and works in accordance with the agency's budget;
- ensure there are sufficient funds to pay for contracts prior to issuing a tender notice;
- ensure all procurement activities conform to the *Principles of Procurement*;
- execute and manage all procurement contracts signed by their ministry or department;
- ensure all procurement is in writing or published in an electronic system, and all procurement and contract records are readily available for 7 years, including—
- requests for waivers;
- tender notices for public advertisement of bidding opportunities;
- bidding documents;
- bid opening records;
- bid evaluation reports;
- final signed contract documents and all related amendments; and
- procurement related complaints, legal claims, and dispute resolution.
- provide records to the Auditor-General or the *Head of Procurement* of FPO;
- use trained and knowledgeable personnel;
- ensure all individuals involved in public procurement proceedings, contract management and supplier management and regardless of employment status, —
- discharge their duties impartially;
- act in the public interest, in accordance with the *Regulations*;
- avoid real or perceived conflicts of interest;
- do not commit corrupt or fraudulent practice, including requesting or accepting bribes or other inducements; and
- keep confidential all information from procurement proceedings and bids, including bidders' proprietary information, unless disclosure is required by law.

Leaders or their delegates may seek advice from FPO.



### Other Procurement Exclusions and Inclusions

1. The hiring of public officials is not considered procurement. This excludes the engagement of contractors and consultants who are not government employees.
2. Appointments to government boards and advisory bodies made by ministers or cabinet are not procurement activities. However, if a minister directs an agency to appoint a specific consultant, this is considered procurement and must follow the guidelines.
3. Commercial banking services and insurance services are classified as procurement
4. Unconditional grants are funds provided for which no services, goods or works are expected to be delivered, and the recipient is free to use the funds as they like. If the conditions of a grant funding or sponsorship agreement could require it to be refunded, this is likely to be a conditional grant which is covered by the Regulations.
5. Purchasing airfare, hotel accommodations, event services, and car rentals are procurement activities and must follow the guidelines.
6. Purchases of items for resale, including national flags, are exempt from procurement processes





# PART 2 – PROCUREMENT EXPENDITURE TYPES

Part 2 outlines the types of expenditure that are considered to be procurement and what is not. It also identifies specific types of procurement that may not require a tender before contracting with the supplier. Additionally, it outlines the type of spend that do not need to comply with the *Regulations*.

## 2.0 Procurement Activities

REGULATION 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 52

### 2.1 Application of Regulations

The Regulations apply to external expenditure when buying goods, works and services, including any related variations or changes to orders or contracts, when:

- a. purchasing outright
- b. purchasing through hire-purchase
- c. approving stock increases that require additional supplier payments
- d. there is an option to buy at a later date
- e. using any of the methods of procurement approved in the Regulations
- f. contracts are accessed through a third-party commercial supplier or broker.

### 2.2 Procurement that does not need open tender or a waiver

Regulation 52.7 allows *procuring Agencies* to conduct the following procurement activities at or above the threshold for tender without an open, competitive tender provided they comply with the *Principles of Procurement* and achieve the best *value for money* for the expenditure:

- a. *Public Private Partnership* arrangements
- b. buying from or reimbursing other government agencies that have procured the goods, works or services in compliance with the *Regulations*
- c. when ministries and departments, Fiji Police Force, National Fire Authority, or Republic of Fiji Military Forces acquire goods, services or works from each other
- d. for goods, services or works purchased overseas for use overseas, including those Fiji government offices overseas, where approved by the Minister of Finance

- e. for any non-contractual arrangement, including Memorandum of Understanding between government departments, or any form of assistance, including diplomatic assistance to another government, where approved by the Minister of Finance
- f. when providing international development assistance or aid via conditional grants, budget support or any form of contribution or diplomatic assistance, where approved by the Minister of Finance
- g. for any procurement funded by an international grant, loan, or other assistance or that must comply with an international organisation's procedure where that procedure is inconsistent with the *Regulations*
- h. for agreements between countries for the joint implementation of a project
- i. for central banking control functions on behalf of government such as those carried out by the Reserve Bank, and debt management functions such as those carried out by Treasury as approved by the Minister
- j. renting or leasing

### 2.3 Special requirements for higher value infrastructure procurement

*Procuring Agencies* procuring infrastructure above the *threshold for strategic procurement plans* must additionally:

- a. consult with the Ministry responsible for infrastructure early in the development of the project's business case and involve them in the assessment of the project's business case and advice to Ministers
- b. invite the Fiji Procurement Office to participate in relevant project steering and working groups,

- c. use any standard form documentation developed or shared by the Fiji Procurement Office
- d. as the basis of any contract, consult with FPO on any proposed material modifications to the standard documents.

## 2.4 Non-Procurement Activities

The following expenditure is **NOT** a procurement activity that needs to comply with *Regulations*:

- a. Obtaining goods, works and services from another *procuring agency*
- b. Payment for public utilities for which there is no effective competition such as water, landline telecommunications and electricity
- c. Paying salaries to individuals employed as public officials, including staff on fixed term contracts
- d. Financial investments such as loans and guarantees made by Government or the Reserve Bank as approved by the Minister of Finance.
- e. Gifts, donations and any form of unconditional grants given
- f. Statutory appointments
- g. Ministerial appointments
- h. Litigation against the government
- i. Public prosecutions
- j. Low value incidental expenses reimbursed to officials via staff expense processes.
- k. Goods, services or works that are purchased for commercial resale.

## 2.5 Using the services of another government Agency

2.5.1 When a government agency acquires goods, services, or works from another ministry, this is considered an internal transfer rather than a procurement. However, the acquiring agency must still adhere to the established procurement regulations and guidelines.

### 2.5.2 VALUING WORKS

Estimates of the *total estimated value* of works must be based on the total cost of ownership over the whole of the expected useful life of the assets.

## 2.6 Splitting of contract

### *Regulation 31, 34 Schedule 1*

2.6.1 Contract or cost splitting is a deliberate practice of dividing a single procurement into smaller parts to circumvent mandated approval thresholds outlined in the Procurement Guidelines.

2.6.2 A *procuring agency* must not intentionally avoid applying the thresholds when planning for, estimating, or undertaking a procurement process, including by:






- Splitting of contracts, including design, structuring, or dividing of requirements into separate transactions
- Using a non-standard or alternative valuation method to lower the estimated value





2.6.3 For unforeseen circumstances that may arise during agency operations that are not explicitly covered by this policy, agencies are to consult closely with the FPO.

2.6.4 If procurements are unexpectedly divided into separate transactions and exceed the approval thresholds, agencies must keep detailed records. In these cases, a formal waiver of tender or retrospective approval may be required, necessitating the Minister of Finance's authorization.

2.6.5 A split could be classed under one of the following considerations:

- (i) A procurement of the same product, services or works on the basis of different contracts with the same supplier (successive contracts);
- (ii) A procurement of the same product, services or works from different suppliers (successive contracts);
- (iii) A procurement of different products on the basis of several smaller contracts, whilst these products could normally have been provided by the same supplier on the basis of a single contract.
- (iv) Where there is a reasonable knowledge that the same product or services will be additionally required within the same budgetary term, there are funds available for that purchase, and the sole purpose is to knowingly avoid using a request to tender.
- (v) Dividing contract implementation into artificial phases or sub-contracts for the purpose of evading or circumventing the requirements of the Regulations.

 <p><b>Bundling</b></p>	<p>Bundling is a procurement strategy that involves combining multiple requirements into a single contract. This approach can lead to increased efficiency and value by leveraging economies of scale and streamlining processes. However, successful bundling requires careful consideration of factors such as cost, contract duration, supplier capabilities, risk management, and administrative elements.</p> <p>By bundling, agencies can potentially achieve the following benefits:</p> <ul style="list-style-type: none"> <li>• Reduced administrative costs: Combining multiple contracts into one can simplify administrative tasks and reduce overhead.</li> <li>• Improved efficiency: Bundling can streamline project delivery by coordinating activities and resources more effectively.</li> <li>• Enhanced value: By leveraging economies of scale and negotiating better terms, agencies can often obtain higher-quality goods or services at a lower cost.</li> </ul> <p>However, it's important to note that bundling may not always be appropriate. Careful analysis is necessary to ensure that the benefits outweigh the potential risks, such as increased complexity and reduced flexibility</p>
 <p><b>Projects with Multiple Items</b></p>	<p><b>Scenario:</b> An agency is undertaking a project that requires the procurement of various items, including office furniture, office equipment, and stationery. The total cost of all items combined exceeds the tender threshold.</p> <p><b>Answer:</b> The agency should carefully analyse the items to determine if any can be bundled into a single tender. For instance, if the office furniture and Office equipment are interrelated (e.g., compatible office equipment and furniture), they can be combined for a single tender. However, if the stationery items are unrelated to the furniture and Office equipment, they can be procured separately, provided the individual cost is below the tender threshold.</p> <p><b>Splitting Criteria:</b> A purchase of different products on the basis of several smaller contracts, whilst these products could normally have been provided by the same supplier on the basis of a single contract.</p>
 <p><b>Interval Purchasing</b></p>	<p><b>Scenario:</b> An agency requires 60 workstations where each cost is below the tender threshold, but the total cost exceed the tender threshold. The agency needs these workstations throughout the year but doesn't require all of them at once.</p> <p><b>Answer:</b> As the total cost exceeds the tender threshold, the agency must conduct a tender process. However, the tender can include provisions for delivery in instalments or "as needed" to accommodate the agency's requirements. Where there is a reasonable knowledge that the same product or services will be additionally required within the same budgetary term, there are funds available for that purchase, and the sole purpose is to knowingly avoid requesting for tender.</p> <p><b>Splitting Criteria:</b> Where there is a reasonable knowledge that the same product or services will be additionally required within the same budgetary term, there are funds available for that purchase, and the sole purpose is to knowingly avoid requesting for tender.</p>
 <p><b>Multiple invoices for comparable product /works from various suppliers</b></p>	<p><b>Scenario:</b> An agency purchases office chairs from the same supplier on three separate occasions. The total cost of these purchases over a specific period exceeds the tender threshold</p> <p><b>Answer:</b> In this case, the multiple purchases of the same product from the same supplier, when aggregated, surpass the specified threshold. This constitutes contract splitting and is not permissible. The agency should have combined these purchases into a single procurement process.</p> <p><b>Splitting Criteria:</b> Dividing contract implementation into artificial phases or sub-contracts for the purpose of evading or circumventing the requirements of the regulations.</p>
 <p><b>Good Practice Estimation</b></p>	<p>To obtain cost estimates, consider reviewing your agency's previous procurement records, external benchmarks, Requests for Information, or consulting with other agencies that have recently purchased similar goods or services. For construction projects, seek assistance from the relevant infrastructure ministry. Additionally, consider hiring a designer or quantity surveyor to provide a cost estimate. Exercise caution when making calculations. If the estimated value is close to a tender threshold (e.g., \$2,000 below), always round up to the threshold to ensure the most inclusive and competitive procurement process.</p>

 <p><b>What costs should be included for works</b></p>	<p>Include all:</p> <ul style="list-style-type: none"> <li>• related services (e.g. design, architecture, engineering, quantity surveying, maintenance, support, spares and management consultancy services);</li> <li>• types of goods (e.g. construction materials, health and safety equipment)</li> <li>• phases of the construction through to completion of the contract;</li> <li>• contingency/price costs/provisional cost sums allowed for in the supplier's contract;</li> <li>• subcontracted goods, services and works;</li> <li>• forms of remuneration including any premiums, fees, commissions, interest and other revenue streams that may be provided for in the contract;</li> </ul>
 <p><b>Example of Lots in works</b></p>	<p>The government has announced plans to construct new housing developments on various islands and is inviting contractors to submit bids for these projects. The tender notice divides the construction work into separate packages, or lots, for each island. This allows contractors to bid on one or more lots, providing flexibility in their participation.</p>
 <p><b>Example Construction Projects – Contracted</b></p>	<p><b>Scenario:</b> A government agency requires renovations for five staff quarters. The total estimated cost for renovating all five quarters exceeds the tender threshold. To circumvent the tender process, the agency has divided the project into five separate contracts, one for each staff quarter. All five contracts were awarded to the same contractor. The value of each individual contract is below the tender threshold, and the contracts were approved by the Agency Permanent Secretary.</p> <p><b>Answer:</b> This is a clear example of contract splitting. Despite the work being identical in nature and awarded to a single contractor, the project has been artificially divided into smaller contracts to avoid the mandatory tender process.</p> <p><b>Splitting Criteria:</b> <i>A procurement of the same product, services or works on the basis of different contracts with the same supplier (successive contracts);</i></p>
 <p><b>Construction Projects – Purchase of Materials</b></p>	<p><b>Scenario:</b> An agency requires building materials for a project.</p> <p><b>Answer:</b> The agency must plan and procure necessary materials. If suitable materials are available through existing standing offer contracts, the standing offer contracts should be utilized first. If the value of remaining required materials, not on standing offer exceeds the tender threshold, a competitive tender process must be initiated.</p> <p><b>Splitting Criteria:</b></p> <ul style="list-style-type: none"> <li>• A procurement of the same product, services or works on the basis of different contracts with the same supplier (successive contracts).</li> <li>• A purchase of the same product, services or works from different suppliers (successive or simultaneous contracts);</li> </ul> <p>Where there is a reasonable knowledge that the same product or services will be additionally required within the same budgetary term, there are funds available for that purchase, and the sole purpose is to knowingly avoid requesting for tender.</p>



# PART 3 – ANNUAL PROCUREMENT PLANS AND INDENTS

Part 3 aims to support agencies and the government in achieving better outcomes through the promotion of good practices for procurement planning, approaching suppliers earlier, better contracting, and monitoring.

## 3.1 Procurement Planning Framework

3.1.1 Effective procurement begins with proper planning. This encompasses both agency-wide strategic planning and detailed project-specific preparations. Essential planning activities include stakeholder engagement, market analysis, risk assessment, and selecting the most suitable procurement method.

3.1.2 The Fijian Government's procurement planning framework comprises three key components:

- Annual Procurement Plan (APP): An overarching strategy outlining procurement priorities for the entire year.
- Needs Analysis: A comprehensive justification for each procurement project, outlining its objectives and requirements.
- Market Approach Planning: A detailed plan for engaging with the market to identify suitable suppliers and gather information.

## 3.2 Annual Procurement Plans

### Regulation 29, 31

3.2.1 An *Annual Procurement Plan* is a list of planned contracts opportunities within the Agency's annual budget over the next 12 months. A *procuring agency* may include information budgeted over a longer period.

3.2.2 An *Annual Procurement Plan* must be submitted by a *procuring agency* within 14 days following the announcement of the government's budget.

3.2.3 The *Annual Procurement Plan* should:

- be approved by the agency head in line with its budget;

FIGURE 3: PLANNING PROCESS



- provide suppliers, FPO and Board with information about the agency, its environment and outlook for the period;
- includes information about all intended goods, services and works procurement in expected date order with related total estimated value (excluding any contingency sums), including the replacement of contracts that are expiring;
- enables FPO and/or other agencies to recognize requirements that could be combined for Joint Agency procurement; and
- be submitted in the form requested by FPO.

3.2.4 The *Annual Procurement Plan* submitted for publication by FPO must contain all known or anticipated contract opportunities, including for conditional grants, at or above the threshold for written quotations.

3.2.5 An *Annual Procurement Plan* may contain other contracts or grant funding



**Considerations for Stakeholder Engagement**

- What is the purpose of the procurement?
- Who will be impacted by the procurement?
- Who are the key stakeholders and what are their expectations?
- Who are major external users or recipients of the goods/services and what are their highest needs?
- What similarities and differences become apparent between the needs of the two groups?

opportunities that are not covered by the Regulations or Guidelines.

3.2.6 Each *procuring agency* must review and update its published Annual Procurement Plan at least once every six months.

**3.3 Indents**

Regulation 24

3.3.1 *Procuring Agencies* should use the Indent Form to request the procurement of goods or services, attaching a description of the goods or services needed, the quantity and any relevant specifications, estimated cost, budget allocation, delivery date and location must be specified to facilitate timely procurement.

3.3.2 Indent Forms should be reviewed by the relevant department head for endorsement. The final approval is granted by the authorized signatory.

**3.4 Procurement Projects Governance Structure**

3.4.1 The procurement project management structure has three levels, the executive (represented by the permanent secretaries or their delegate) and the procurement project team. The third level which sits outside the project is the Fiji Procurement Office. They, as per their legislative role, will provide oversight and policy and procedure advice.

Oversight		Fiji Procurement Office	
Executive	Procurement Project Team	<b>Directing</b> Permanent Secretaries or delegate	
		<b>Managing</b> Project Lead/Evaluation Chairperson	
		<b>Delivering</b> Project Team/Evaluation Committee	

3.4.2 During the initial stages of the procurement, agencies should establish a procurement project team. For procurement above the threshold for written quotations, the team may include:

- business user/recipient of services
- subject matter technical expert
- Fiji Procurement office officer
- Commercial/finance expert

3.4.3 It is advantageous to retain the original project team members, or at least the core team from planning to up to procurement evaluation.

**3.5 Statement of Needs**

3.5.1 Understanding the business need is one of the key drivers of the entire procurement process.

3.5.2 Statement of needs is recommended to be prepared by the Agency. It will inform the:

- a. type and extent of market research and analysis
- b. sustainability opportunities, issues, risks – linking social, economic and environmental goals together
- c. identification of a range of solutions
- d. solutions options appraisal
- e. development of specification of requirements detailing the nature and scope of the goods/services that will be required to satisfy the needs
- f. development of evaluation criteria and weightings.

**3.6 Market Analysis**

Agencies should conduct thorough market analysis to inform procurement decisions. This involves gaining a comprehensive understanding of the market (current state and potential future developments). By analysing market trends and supplier capabilities, agencies can make informed choices that best meet their needs.

**3.7 Stakeholder Consultation**

3.7.1 Agencies should consult with key stakeholders and develop a high-level statement of needs. The

quality of research and analysis conducted at this stage directly influences the effectiveness of the subsequent solutions and outcomes. Stakeholder feedback and information is valuable in improving outcomes and may help identify and control external risks.

3.7.2 Agencies must identify key stakeholders, both internal and external, and consult to determine their needs.

### 3.8 Risk Management

3.8.1 All procurement projects inherently involve risk. As part of the planning process, *procuring Agencies* must identify and assess specific project risks in accordance with the agency's established risk management framework.

3.8.2 *Procuring Agencies* must ensure that each procurement over the tender threshold maintain a project risk register. This register should comprehensively assess risks across all stages of the procurement lifecycle, including:

- **Identified Risks:** A detailed description of each potential issue.
- **Mitigation Strategies:** Strategies to lessen the likelihood or impact of each risk.
- **Action Plans:** Specific actions to implement the chosen mitigation strategies.
- **Risk Owners:** Assigned individuals or teams responsible for managing each risk.
- **Resolution Dates:** Target dates for resolving or mitigating each risk.

3.8.3 The project risk register is a dynamic document and should be adjusted and amended throughout the procurement lifecycle. A template risk register is provided in [www.fpo.gov.fj](http://www.fpo.gov.fj)

### 3.9 Review previous procurement

*Procuring Agencies* should review previous procurement. Lessons learnt from previous projects can be applied and continuous improvements made. If it is a new initiative for your agency, it is advisable to consult Fiji Procurement Office or other agencies that may have current or recent experience of delivery. If a formal review of the previous procurement has been undertaken obtain a copy of the report.

### 3.10 Determine procurement method

3.10.1 *Procuring Agencies* will need to identify the procurement method most appropriate to facilitate the delivery of best value for money based on an assessment of complexity, scope, opportunities and risks associated with the procurement objectives, as well as the

level of competition in the supply market. The Procurement Regulations 2024 allows 11 procurement methods in Regulation 34

3.10.2 *Procuring Agencies* must ensure that regardless of the procurement method chosen, the decision must be defensible. A range of factors can influence the type of procurement method used, including:

- cost and price requirements or restrictions
- complexity and size of the required supplies
- timeframes/implementation
- availability
- skill requirements
- market trends
- risk factors

### 3.11 Procurement Planning requirements

3.11.1 Agencies should:

- a. Ensure the need is not covered by an existing *Standing Offer contract* or *Supplier Panel*, in which case these contracts should be used.
- b. Engage with other agencies to seek opportunities to aggregate demand and collaborate in *Joint Procurement* activity where relevant.
- c. Use open, competitive and inclusive tendering must unless the nature of the tender or its complexity justifies that the *procuring agency* use any of the other
- d. procurement methods outlined in regulation 34.
- e. Ensure the use of the following procurement methods in Regulation 34 is discussed with, and approved in advance by, the Head of Procurement:
  - electronic reverse auction;
  - Dynamic Purchasing System;
  - Negotiated Procedure;
  - Competitive Dialogue;
  - community and end-user participation

All *procurement plans* should be approved by the appropriate authority before a tender notice is issued.

#### 3.11.2 Strategic Procurement Plans




At or above the *threshold for strategic procurement planning*, a *procuring agency* must submit a strategic procurement plan to

FPO for review in advance of issuing a tender notice which has not previously been agreed by the Board for procurement processes.




3.11.3 The procurement plan for a procurement transaction above the threshold for tender is tailored based on its size, risk and complexity. It includes market research and analysis, risk analysis and incorporate stakeholder requirements.

## Requests for Information

3.11.3A Request for Information (RFI) may be used to engage the market and undertake market research during the procurement planning stage. A RFI process is not a *tender*. *Procuring Agencies* must NOT use a Request for Information to select or shortlist suppliers.

 <p><b>Understanding and Defining Needs</b></p>	<p>A clear understanding of government needs is crucial for effective procurement. By accurately defining what is required, procurement can help solve problems and contribute to strategic goals.</p> <p><b>Key Steps:</b></p> <ol style="list-style-type: none"> <li>1. <b>Identify the Business Need:</b> Clearly articulate the organization's requirement, aligning it with strategic objectives.</li> <li>2. <b>Develop Detailed Specifications:</b> Create precise descriptions of the goods or services needed. This ensures accurate evaluation of supplier offerings and effective contract management.</li> <li>3. <b>Link Needs to Outcomes:</b> Ensure that the procurement process focuses on delivering value and meeting government's objectives. Poorly defined needs lead to ineffective evaluation criteria, unsuitable suppliers, and ultimately, failed procurements.</li> </ol>
 <p><b>Market Analysis</b></p>	<p>Information about the market can be gathered from various sources such as:</p> <ul style="list-style-type: none"> <li>• Internal knowledge and experience</li> <li>• Online research</li> <li>• Existing businesses and industries</li> <li>• Other buyers</li> <li>• Market research consultants</li> <li>• Industry and professional bodies</li> <li>• Government market analysis resources</li> </ul> <p><b>Market Analysis Tools Example:</b> Supplier Surveys, FPO Data analysis, Porter's Five Forces Model of Competition, Kraljic Matrix and PESTEL analysis</p>
 <p><b>Preparing Specifications</b></p>	<p>A Specification (or scope of requirement) is the statement of a need or requirement to be procured which clearly and accurately describes the essential requirements for supplies. Once a contract has been awarded, this becomes a key document in the contract management stage of the procurement lifecycle. The following questions may help in developing the specification of requirements:</p> <ul style="list-style-type: none"> <li>• Why are we doing this?</li> <li>• What results do we need to achieve?</li> <li>• How will the goods/services be delivered?</li> <li>• How well – what quality and standards apply?</li> <li>• How much – what quantity or volume is required?</li> <li>• Where will the goods/services be delivered?</li> <li>• When will the goods/services be delivered – term of contract?</li> <li>• Who will be involved in the delivery: supplier / contract manager etc.?</li> </ul>



 <p><b>Types of Risk in Procurement</b></p>	<ul style="list-style-type: none"> <li>• <b>Financial Risks:</b> Budget overruns, funding shortfalls.</li> <li>• <b>Operational Risks:</b> Delays in delivery, supplier performance issues.</li> <li>• <b>Compliance Risks:</b> Non-compliance with laws and regulations.</li> <li>• <b>Reputational Risks:</b> Negative public perception, loss of stakeholder trust.</li> <li>• <b>Environmental and Social Risks:</b> Impact on communities, sustainability concerns</li> <li>• <b>Ethical risks:</b> Conflicts of Interest, Fraud, Corruption, Unfair treatment</li> </ul>
 <p><b>Risk Assessment</b></p>	<ul style="list-style-type: none"> <li>• <b>Evaluate Likelihood and Severity:</b> Assess the likelihood of each identified risk occurring and the potential severity of its impact. Use a scale (e.g., 1 to 4) to categorize risks: <ul style="list-style-type: none"> <li>▪ Likelihood: 1 (Very Unlikely) to 4 (Very Likely)</li> <li>▪ Severity: 1 (Insignificant) to 4 (Catastrophic)</li> </ul> </li> <li>• <b>Prioritize Risks:</b> Use a risk matrix to prioritize risks based on their likelihood and severity, focusing on high-priority risks that require immediate attention</li> </ul>
 <p><b>Risk Mitigation</b></p>	<p>For each high-priority risk, develop strategies to mitigate its impact. Strategies may include:</p> <ul style="list-style-type: none"> <li>▪ <b>Avoidance:</b> Altering plans to eliminate the risk.</li> <li>▪ <b>Reduction:</b> Implementing measures to reduce the likelihood or impact of the risk.</li> <li>▪ <b>Transfer:</b> Sharing the risk with third parties (e.g., insurance, outsourcing).</li> <li>▪ <b>Acceptance:</b> Acknowledging the risk and preparing to manage its consequences if it occurs.</li> </ul>

DRAFT



# PART 4 - PROCUREMENT BELOW THE THRESHOLD FOR TENDER

Part 4 provides an overview of procurement methods used for lower value procurement which is within the control of a *procuring agency*. (Regulation 32, 38)

## 4.1 Call offs from a standing offer contract or supplier panel

- 4.1.1. *Procuring Agencies* must use existing standing offer contracts or supplier panels to procure goods, services, or works through call-off orders or mini-competitions (as per contract terms), unless otherwise authorized by the Head of Procurement.
- 4.1.2. For items with fixed rates under a standing offer contract or supplier panel, orders can be placed at the agreed cost.
- 4.1.3. For items without fixed rates, at least one quotation (unless otherwise stated in the Finance Circular from FPO) should be obtained from a contracted supplier on the panel or under the contract and its value for money assessed.

## 4.2 Seeking quotations

- 4.2.1 For purchases below the written quote threshold and where no *standing offer contract* or *supplier panel* exists, verbal quotes may be accepted from suitable suppliers, but must be recorded and signed.
- 4.2.2 For purchases above the written quote threshold and no *standing offer contract* or *supplier panel* exists, a minimum of 3 competitive quotes (where possible) shall be obtained from suitable suppliers or contractors for the procurement of goods, services or works
- 4.2.3 A permanent secretary or delegate may waive the requirement for competitive provided this is justified in writing and approved in advance.
- 4.2.4 *Procuring Agencies* must allow at least 3 clear business days for a supplier to provide a quotation under the *threshold for tender*, unless

for emergency or immediate relief assistance covered under Regulations 35 or 36.

## 4.2.5 When inviting companies to submit written quotes, ensure that:

- a. All companies receive the request at or about the same time.
- b. All companies receive identical information about the requirements.
- c. The selected companies represent a fair cross-section of available service providers.
- d. A clear deadline and submission location for quotes are specified.

## 4.2.6 Quotations must be evaluated by designated officer(s) as per the Finance Manual of the Agency and make a recommendation to the approving authority.

## 4.2.7 Permanent secretaries may delegate their approval authority to designated people

## 4.3 Contract Award below the Threshold for Board Approval

A *procuring agency* must, unless there is a legitimate reason to cancel the procurement, award the contract to the supplier/s that has:

- a. demonstrated that it fully understands and has the capability to deliver the requirements and meet the contract conditions; and
- b. offered the best *Value for Money* over the whole life of the goods, services or works.

## 4.4 Quotation processes in Finance Manual

*Procuring Agencies* should include as part of the finance manual additional requirements for seeking quotations in their agencies



### Call Offs and Standing Offer

A call-off is essentially a formal request or order placed by a government agency against a pre-established standing offer contract such as the one established by the Fiji Procurement Office. A standing offer is a pre-approved agreement between a government and a supplier. It outlines the terms, conditions, and prices for specific goods or services. It's not a contract in itself but rather a framework for potential future contracts (call offs)



# PART 5 - PROCUREMENT OVER THE THRESHOLD FOR TENDER

Part 5 examines procurement processes and requirements for higher value and strategic procurement which has enhanced strategic planning, controls, monitoring and transparency. (Regulation 29, 30, 31, 32, 33, 34, 38, 40, 41, 42, 52)

## 5.1 PROCUREMENT METHODS

**Regulation 33, 34, 35, 36, 37, 38, 39, 40, 41, 42**

- 5.1.1 The Procurement Regulations offer various methods to ensure efficient and transparent procurement. The choice of method depends on the estimated value, complexity, and risk associated with the goods, works, or services required
- 5.1.2 Open and competitive processes are generally preferred for procurements exceeding the tender threshold, unless a different method is justified and approved. This often requires a waiver in accordance with the regulations and detailed in accordance with Part 10.
- 5.1.3 A *procuring agency* may engage in any of the following procurement methods in Regulations 33, 34, 35, 36, 37 or 38 provided that the agency meets or addresses the requirements for the use of that method in the appropriate Regulation.
- ### 5.2 Expression of Interest
- 5.2.1 An Expression of Interest (EOI) is a preliminary screening process used to identify potential suppliers capable of meeting complex procurement needs. EOIs can be employed for any procurement method. By prequalifying suppliers through EOIs, procuring agencies can streamline the tender evaluation process and reduce the number of unqualified bidders.
- 5.2.2 It is essential to understand that an EOI is not a tender. It should not be used to solicit quotations or offers. Instead, its purpose is to gauge market interest and supplier capabilities.
- 5.2.3 An EOI evaluation committee is appointed to assess the initial submissions from compliant bidders. The evaluation committee should include a representative from the Fiji Procurement Office as well as members from within the ministry of department or outside who have relevant expertise on the procurement need.

- 5.2.4 The committee approves the shortlist of bidders for the selective tender process.

## 5.3 Invitation to qualify notice

- 5.3.1 A *Pre-qualified Suppliers List* is a list of suppliers pre-approved by agencies as capable of delivering specific types of goods, services or works.
- 5.3.2 A *Pre-qualified Suppliers List* is appropriate if a *procuring agency* wants to:
- verify capability of suppliers to deliver specific goods, services or works
  - Streamline the supplier response process by requiring qualifying information only once
  - regularly purchase similar goods, works or services under *the threshold for tender*

### Establishing a Pre-qualified Suppliers List

- 5.3.3 To establish a *Pre-qualified Suppliers List*, a *procuring agency* must:
- publish an *Invitation to Qualify* (a type of *tender notice*) on the *Fiji E-tendering website* and make it continuously available to promote ongoing competition
  - allow suppliers to respond to the invitation at any time or by specific deadlines for responses
- 5.3.4 The *procuring agency* must include the following information in the invitation:
- the agency's name and address and contact details for the person managing the process
  - a clear description of the specific goods, services or works that potential suppliers must be capable of delivering

 <p><b>Selective tendering</b></p>	<p>Selective Tendering involves inviting a limited number of pre-qualified suppliers to submit bids, which is particularly useful when specialized expertise or capabilities are required. An Expression of Interest (EOI) process can be employed to gauge supplier interest and assess market offerings for specific goods or services, distinguishing itself from requests for quotations or tenders. Selective tendering offers several advantages, including reducing the risk of non-performance by engaging reliable suppliers and potentially expediting the procurement process. However, it also presents challenges, such as potentially limiting competition and necessitating a rigorous pre-qualification process to ensure fairness and transparency.</p>
 <p><b>Single Source</b></p>	<p>Single Source Selection allows <i>procuring Agencies</i> to approach and negotiate with only one firm. Allowed when an appropriate <i>waiver</i> request has been fully justified and approved in advance. It is used where only one supplier is capable of providing the required goods or services, often due to unique expertise or proprietary technology. This method is typically reserved for situations where no other suppliers can meet the specific needs of the procurement. The justification must include detailed reasons why no other suppliers are capable of meeting the requirements. It should encompass market research, and any attempts made to identify alternative suppliers. It is essential to provide a comprehensive explanation to support the decision, ensuring that the rationale is clear and defensible.</p> <p>Key Considerations for Single Source Selection:</p> <ul style="list-style-type: none"> <li>• Detailed records: Keep thorough records of the decision-making process, including market research and supplier communications.</li> <li>• Risk management: Identify potential risks of relying on a single supplier and develop plans to address them.</li> </ul>
 <p><b>Strategic Procurement Plans</b></p>	<p>A <i>strategic procurement plan</i> is for a procurement with a total estimated value at or above the threshold for strategic procurement plans over the life of the contract.</p> <p>FPO reviews provide support and commercial expertise where needed and identify areas where procurement capability development can be focused. The review is a supportive peer assessment to help <i>procuring Agencies</i>:</p> <ul style="list-style-type: none"> <li>• improve procurement planning and the quality of decision making</li> <li>• focus on achieving the best <i>Value for Money</i>, including any <i>sustainable outcomes</i> you could achieve over the whole-of-life of the contract</li> <li>• Identify opportunities to collaborate with other <i>procuring Agencies</i> in joint procurement to achieve cost savings and other benefits.</li> </ul> <p>More information about procurement planning and related guides, tools and procurement plan templates are available at: <a href="http://www.fpo.gov.fj">www.fpo.gov.fj</a>.</p>

- a list of any conditions that each supplier must meet to participate and how the agency will check each supplier meets the conditions
- how long the list will be active for and how it will be refreshed or terminated

5.3.5 The *procuring agency* should assess applicants within a reasonable timeframe and add qualifying suppliers to the list as soon as possible.

5.3.6 The *procuring agency* must notify unsuccessful applicants promptly and, if requested, provide the reason/s they were not selected.

### **Operating a Pre-qualified Supplier List**

5.3.7 To operate a *pre-qualified Supplier List* a *procuring agency* must:

- keep an updated list and make this publicly available at all times (e.g. on a government website)
- require pre-qualified suppliers to register on the *E-tendering website* under the correct tender code/s to receive notifications
- notify pre-qualified suppliers if the list is terminated or they are removed from the list. If a *procuring agency* removes a supplier from a list, it must explain why.

## **Managing contract opportunities at or above the threshold for tender**

5.3.8 If a contract opportunity arises for the specific goods, services or works that a *Pre-qualified Suppliers List* was established for, and the total estimated value is at or above the *threshold for tender* a *procuring agency* must:

- openly advertise a *tender notice* on *Fiji E-tendering website*.
- allow any unqualified supplier to submit a qualification application either before or concurrently with their response to the tender notice.

5.3.9 If a supplier applies to *Qualify* before or with its response, the agency must:

- promptly assess the application
- allow a supplier who is successful in becoming *pre-qualified* to take part in the contract opportunity if there is enough time to complete the qualification process
- promptly notify the supplier of the decision.

### **5.4 Supplier Panel**

5.4.1 A *procuring agency* must openly advertise the opportunity to be selected for the Supplier Panel. The period of time the Panel contracts will be established for which shall not be more than:

- Three (3) years in the case of a closed panel; or
- Five (5) years in the case of an open panel.

5.4.2 A *Supplier Panel (Panel)* is a list of suppliers who have been approved by a *procuring agency* as capable of delivery and who have signed a contract under agreed terms and conditions of supply.

5.4.3 Once a *Panel* has been established through an open competitive process complying with the *Regulations*, a *procuring agency* does not need to openly advertise individual contract opportunities on *Fiji E-tendering website*, although it may choose to use the e-Quote method to purchase from the Panel. This is considered a mini competition.

5.4.4 The contract award notice must include the following information:

- a. the terms and conditions of supply that will apply
- b. the method/s the agency will use to award contracts to suppliers on the

*Panel* (including any *mini competition* process)

- c. how the agency will contract or order from a supplier who agrees to deliver specific goods or services or works
- d. whether or not the *Panel* is 'open' or 'closed'
- e. any circumstances that may lead to a supplier being removed from the *Panel*.

5.4.5 The contract award notice (Notice) can be:

- a. a one-off Notice to establish the Panel
- b. a standing tender notice for an open panel which is made available continuously on *Fiji E-tendering website* that allows interested suppliers to respond at any time up to its closing date.

5.4.6 For open panels, *procuring agencies* may publish tender notices periodically to refresh or expand the panel.

5.4.7 It is expected that a *procuring agency* will appoint more than two suppliers to a Panel.

### **5.5 Panel Call off contracts and mini competitions**



5.5.1 The *contract award notice* used to establish the *Panel* must outline the method/s that the agency will use to select suppliers for a *call off contract* when a contract opportunity arises (including any *mini competition* process). The method/s should be appropriate for the nature of the goods, services or works and the anticipated volume of work.

5.5.2 When purchasing from the *Panel*, the agency must use the specified method to select a supplier.

### **5.6 Standing Offer**

5.6.1. A *Standing Offer* is a collaborative contract established by the FPO. They are pre-approved supply agreements with selected suppliers for commonly used goods or services. All *Procuring Agencies* must purchase from *standing offers*.

5.6.2 Before approaching the market, a *procuring agency* should check if there is an existing *Standing Offer* that meets its needs.

 <p><b>Establishing a Supplier Panel</b></p>	<p>A Supplier panel may be established by:</p> <ul style="list-style-type: none"> <li>- a single agency for its exclusive use</li> <li>- a lead agency on behalf of a group of <i>procuring Agencies</i> with common needs (e.g. for a Joint Agency or All-of-Government Contract).</li> </ul> <p>Although suppliers from a Panel are not guaranteed any work, they will have some expectation of getting work. The size of the Panel should be proportionate to the anticipated demand. Ideally, all suppliers should get some work while the Panel is in existence.</p> <p>A Panel is appropriate when a procuring agency wants to:</p> <ul style="list-style-type: none"> <li>• verify which suppliers can deliver specific goods, services or works</li> <li>• agree in advance with each supplier the terms and conditions of supply of the goods, services or works, including the pricing (e.g. agreed hourly fee) or the pricing mechanism that will apply.</li> </ul> <p>Before establishing a Panel, a <i>procuring agency</i> must:</p> <ul style="list-style-type: none"> <li>• have a good understanding of the anticipated demand for the goods, services or works and number or range of Panel suppliers that are required</li> <li>• anticipate an on-going need for the goods, services or works</li> <li>• have resources and plans in place for the Panel to be appropriately managed once established.</li> </ul>
 <p><b>Open and closed panels</b></p>	<p>A Panel is ‘open’ if other suppliers can apply to be on the Panel during the period it is established for. This maintains competition for new entrants during the term of the supplier panel. Panels may be open either continuously or on a regular basis, e, g, annually or every two years.</p> <p>A Panel is ‘closed’ if other suppliers can’t apply to be on the Panel during the period the Panel is established for.</p>

## 5.7 Joint Agency Contracts

5.7.1A *Joint Agency Contract* is a type of collaborative contract. *Joint Agency Contracts* typically involve a group of *procuring Agencies* aggregating their respective needs and collectively going to market for goods, services or works. There are two types of *Joint Agency Contract*:

- a. An *Open Joint Agency Contract* includes a common use provision allowing other, unspecified *procuring Agencies* to contract with the supplier on the same terms at a later stage.
- b. A *Closed Joint Agency Contract* is limited to a group of named agencies.

5.7.2 *Procuring Agencies* wishing to establish a *Joint Agency Contract* must first obtain approval from the *Head of Procurement* who may appoint a *Lead organisation* to undertake the procurement and/or contract management.

5.7.3 Before approaching the market, a *procuring agency* should check if there is an existing open *Joint Agency Contract* that meets its needs. These will be listed in the *Joint Agency Contracts Register* available at [www.fpo.gov.fj](http://www.fpo.gov.fj).

## 5.8 e-Auctions

5.8.1. A *procuring agency* may run a reverse *e-auction* after its initial evaluation of proposals. An *e-auction* is a scheduled online event where suppliers bid against each other on price, quality or other quantifiable criteria.

5.8.2 A *procuring agency* must notify suppliers in advance if it intends to run an e-auction. This advance notice must be in the contract award notice and must include:

- a summary of the Guidelines that will apply to the e-auction
- the specific criteria that will be used before and during the e-auction.

5.8.3 The automated evaluation method used in an *e-auction* must be based on the criteria set out in the *contract award notice*.

5.8.4 Before beginning an e-auction, a *procuring agency* must provide each participating supplier with:

- a summary of the results of its initial tender evaluation

- the automated evaluation method that will be used to re-rank suppliers based on their e-bids
- the formula that the automated evaluation method is based on
- any other relevant information about how the *e-auction* is run.

5.8.5 A *procuring agency* must offer to train each participating supplier to use the hosted *e-auction* website or the *e-auction* software before the *e-auction* begins.

## 5.9 Content and Advertising of Tender Notices

Regulation 4, 8, 33, 39, 40, 41, 42, 46, 49, 50, 63, Schedule 1

5.9.1 Each *tender notice* must contain all the information that suppliers need to prepare and submit meaningful responses.

5.9.2 Each *tender notice* must clearly identify which procurement process is being used (e.g. *Request for Quote* or *Registration of Interest* followed by a *Request to tender*).

5.9.3 Each *tender notice* must contain the following information:

- a description of the goods, services or works and any technical specifications, plans, drawings or instructions, or a description of the outcomes, including any *sustainable outcomes* the supplier is expected to deliver, or the agency is seeking to achieve.
- the quantity (if known) or estimated quantity of the goods, services or works
- the estimated timeframe for delivering the goods, services or works, or the estimated length of the contract and any options relating to the length of the contract (e.g. 3 + 2 + 1 years)
- the agency's name and address

- the name and contact details for the tender
- the deadline for submitting responses
- any other terms or conditions relating to the procurement or the procurement process, including whether alternative offers will be considered
- all the information, such as links, that suppliers will need to participate electronically
- if the procurement may involve a negotiation via *e-auction*, the associated rules and information and training suppliers need to participate in the *e-auction*.

5.9.4 Associated documents that are part of the *tender notice* or can be accessed via the *tender notice* must contain:

- any contract terms, service levels,
- response times or other performance measures suppliers will need to meet
- any conditions for participating in the procurement process including any pre-conditions or certificates or standards the supplier must meet
- any limitations on the number of suppliers that may be shortlisted
- all evaluation criteria the agency will use to assess responses, including their weighting
- any requirements for the format of the bid
- any requirements to evidence the proposed delivery of *sustainable outcomes*
- any division into *lots*;
- any requirements for information related to beneficial ownership;
- in procurement involving *classified information*, measures and requirements needed to ensure the protection of



### What is an eAuction and when would you use it?

An e-auction is an online reverse auction. It gives suppliers the opportunity to bid against each other to improve their offers. An e-auction can be run on specialist in-house software or as a hosted service.

Some buyers require bidders to use the price and other terms tendered by the supplier as the initial bid in the e-auction.

When considering an e-auction, remember to obtain *Value for Money*, including any *sustainable outcomes* you could leverage. The auction takes place in real time. The benefits of an e-auction include:

- the negotiation process is paperless and streamlined
- the negotiation takes less time
- the process of awarding the contract is more transparent
- discouraging collusion and bid rigging.

Forward auctions may be used to sell disposals or for sales of valuable government assets such as mobile telephone operator licences.

classified information at the requisite level if the *procuring agency* considers it necessary;

- k. the means to be used to satisfy all requirements for information to be in writing or for a signature (including electronic signature); and
- l. the time, date, location or means to be used to hold any meeting of potential suppliers or contractors before the closing date.

5.9.5 The *procuring agency* shall put in place appropriate measures to secure the accuracy, integrity and confidentiality of information concerned.

5.9.6 Any changes to the information in a tender notice, or answers to queries received, shall be notified to all registered bidders at the same time via the Fiji eTendering website or the ITC eTendering website as appropriate.

### 5.10 Quotation and Tender Response Times

5.10.1 The time a *procuring agency* sets for a supplier to respond to a procurement at or above the *threshold for tender* must not be less than ten (10) clear business days. Sufficient time applies to each step of the process. A multi-step process could be a Registration of Expressions of Interest followed by a Request to tender (RTT) or Request for Proposal (RFP).

5.10.2 A *procuring agency* must allow *sufficient time* for suppliers to respond to a *tender notice*. It must act in good faith and use sound judgement when calculating *sufficient time*.

5.10.3 The key factors to consider when calculating *sufficient time* include:

- the nature and complexity of the procurement
- required information from suppliers
- the nature of the goods, services or works
- how simple or difficult it is to describe the deliverables
- the level of risk

- the extent of any anticipated subcontracting or the likelihood of any joint bids
- how critical the procurement is to the agency's success
- the time it takes for domestic and foreign suppliers to submit tenders, particularly if you have asked suppliers to deliver hard copies
- the impact of public holidays on suppliers.

### 5.11 Delivery Dates

When identifying or estimating the delivery date for the goods, services or works, a *procuring agency* should account for any of the following factors that apply:

- a. the complexity of the procurement
- b. how much subcontracting there might be
- c. a realistic time to produce, stock and transport goods from the point of supply to the delivery address
- d. a realistic time to deliver services and works given their nature and scope.

### 5.12 Pre-conditions

#### Regulation 45

5.12.1 A *procuring agency* may include essential conditions for participation in a procurement process in its *tender notice* (Guideline 37). These are *pre-conditions* and may be used for prequalification or eligibility.

5.12.2 Pre-conditions allow procuring Agencies to eliminate suppliers who do not have the minimum capacity or capability to deliver the contract. Pre-conditions should be set at the minimum acceptable level and are usually answered by 'yes' or 'no', or 'meets' or 'does not meet'.

5.12.3 Suppliers who meet all the pre-conditions are then eligible to be assessed against scored evaluation criteria.

5.12.4 When including pass/fail pre-conditions, consider whether these will eliminate smaller



#### Advertisement Days

The previous maximum advertising period of 30 days has been amended. The regulations now require a minimum advertising period of 10 days. The number of advertising days for a tender will be determined based on the procurement's risk, complexity, and market readiness



businesses that might otherwise be capable of meeting the quality, delivery, cost and logistics requirements.

5.12.5 Suppliers must meet all of the pre-conditions to be considered for the contract opportunity.

5.12.6 A *procuring agency* must limit pre-conditions to the following critical areas:

- a. legal capacity
- b. financial capacity
- c. commercial or operational capacity or capability to deliver
- d. appropriate technical skills or expertise or relevant experience.

5.12.7 A *procuring agency* must not make it a pre-condition that a supplier has been previously awarded a contract by a named buyer or a Fiji government agency.

5.12.8 To assess whether a supplier meets the pre-conditions, a *procuring agency* must:

- a. evaluate responses against the *pre-conditions* that it published in its *tender notice*, and
- b. consider the supplier's *business activities* in Fiji and overseas.

### 5.13 Preparing Bidding Documents

5.13.1 The tendering process begins with the preparation of Request to Tender documentation, which must be based on the template provided by FPO, comprehensive and clear.

5.13.2 The Bidding documents must follow the strategy agreed in the Procurement Plan.

5.13.3 *Procuring Agencies* should ensure the document receive a peer review.

5.13.4 *Procuring Agencies* should not issue the documentation with a *tender notice* until all the documents and attachments are available.

#### Criteria for Bid Evaluation and Selection

5.13.5 The *procuring agency* must define clear and objective criteria for evaluating bids, including technical specifications, quality standards, *sustainable outcomes* and performance requirements. The process involves administrative, technical, and financial assessments to ensure compliance and value for money. The method of selection should be outlined in the bidding documents.

5.13.6 At or above the threshold for tender and below the threshold for board approval, the default evaluation weightings are:

Value for Money Evaluation	Percentage weighting
Technical criteria	80%
Total Evaluated Cost	20%
<b>Total</b>	<b>100%</b>

5.13.7 For procurements requiring Board approval, sustainable procurement must be considered during evaluation. The request to tender or other procurement documents should indicate that offers will be evaluated using the following weightings:

Value for Money Evaluation	Percentage weighting
Technical criteria	60%
Sustainable outcomes	20%
Total Evaluated Cost	20%
<b>Total</b>	<b>100%</b>

5.13.8 These evaluation criteria must be communicated in the tender documents prior to the receipt of bids and communicated to all potential bidders to ensure transparency and fairness.

5.13.9 Procurement documentation, such as tender response forms, must include questions or data requests that require potential suppliers to provide accurate evidence or verifiable data to assess the evaluation criteria. Publicly available information should also be considered.

5.13.10 The *procuring agency* must develop a scoring system, including any relevant weighting, to assess and rate each bid against the established criteria, ensuring consistency and fairness in the evaluation process.

5.13.11 Once the bidding or tendering process has closed, the *procuring agency* must not change the evaluation or scoring system used to evaluate the bids.



**Contracting options for high value construction or infrastructure**

**Contracting Options:**

**1. Design, Bid, Build (Traditional Method):**

- o The agency contracts separately with the designer and a works contractor.
- o The design phase is completed before the bidding process for construction begins.
- o A variant of this is Early Contractor Involvement, where the contractor is engaged during the Design phase and comments on the “buildability” of the design to increase VfM.

**5.5.2. Design and Build (D&B):**

- o A single entity is responsible for both design and construction of the project. This can lead to faster completion and a more unified workflow.

**5.5.3. Build Operate Transfer (BOT):**

- o A contractual agreement between a public Agency and a private sector entity. The private sector partner finances and builds the asset and operates it for a set period of time, after which the asset is transferred back to the public sector.

**5.5.4. EPC (Engineering, Procurement, and Construction):**

- o Similar to design and build. The EPC contractor handles the detailed engineering design, procures all the equipment and materials, and then constructs to deliver a functioning facility or asset

**5.5.5. Alliancing**

- o Alliancing aims to align the goals of clients and contractors, creating incentives for information sharing and joint decision-making in construction projects using a co-operative form of contract.

**5.14 Responding to Queries**

5.14.1 Suppliers may ask questions about any *tender notice* through the tender forum available in the eTender portal.

5.14.2 A *procuring agency* must promptly reply to all questions and reasonable requests for information from suppliers using the eTender tender forum. If a *procuring agency* is unable to reply to a question promptly, it should consider extending the deadline for responses.

5.14.3 When a *procuring agency* responds to a supplier’s question, it must not give information that might give that supplier an unfair advantage over the other suppliers. If a *procuring agency* wishes to disclose advantageous information, it must make it available to all suppliers at the same time.

5.14.4 When a *procuring agency* responds to a supplier’s question, it must not discuss or disclose another supplier’s confidential or commercially sensitive information.

5.14.5 A *procuring agency* may make additional information available to all participating suppliers after a *tender notice* is published on the *Fiji E-tendering website* and before the deadline for responses closes.

5.14.6 A *procuring agency* may publish additional information on *Fiji E-tendering website* or,

following a shortlisting, send copies to all participating suppliers.

5.14.7 A *procuring agency* must make additional information available to all participating suppliers at the same time.

**5.15 Changes to Tender Processes and Bidding Documents**

5.15.1 A *procuring agency* may make changes to its procurement process or its requirements in the bidding documents after a *tender notice* has been published and before the deadline for responses closes.

5.15.2 A *procuring agency* must notify all suppliers who have registered their interest in bidding of any changes to the procurement process or requirements. A *procuring agency* must publish all changes on *Fiji E-tendering website* or, following a shortlisting process, send them to all participating suppliers.

5.15.3 A *procuring agency* must treat all participating suppliers fairly and make all changes available to all participating suppliers at the same time.

5.15.4 A *procuring agency* must give participating suppliers enough time to respond to the changes. This may mean extending the deadline for responses or allowing suppliers who have already submitted their responses a fair opportunity to change their responses.

5.15.5 A *procuring agency* must not cancel a procurement to avoid applying the *Guidelines*.

## 5.16 Bid Submission and Receipt

*Procuring Agencies* must establish a secure and transparent process for receiving bids, whether electronically or physically. Wherever reasonably practicable, these must be received through the Fiji eTendering website. All bids or bid related documents received physically, outside of the *Fiji eTendering website*, must be systematically recorded to ensure transparency and accountability.

## 5.17 Treatment of Responses

### Regulation 42, 43, 44, 45

5.17.1 A *procuring agency* must have in place procedures that guarantee that all suppliers' responses are treated fairly. This includes receiving, opening, and evaluating responses.

5.17.2 To be considered for an award of contract, a supplier must:

- a. submit a response in writing (this can be through electronic means such as an e-procurement system, or an email below the Threshold for open competition
- b. comply with all *pre-conditions* if any, or other conditions for participating in the contract opportunity.

5.17.3 Late responses shall not be accepted unless the late response is solely the agency's fault. A *procuring agency* must not penalise a supplier who submits a late response, if the delay is solely the agency's fault.

5.17.4 If, after opening the responses but before completing the evaluation, a *procuring agency* offers a supplier the opportunity to correct unintentional errors, it must offer the same opportunity to all participating suppliers.

5.17.5 Any submission received through technology systems must not be opened before the deadline for the submission of bids, except where the submission is received during a single source selection process.

5.17.6 Any bidder or their representative must be invited to the opening of responses at or above the threshold for tender received by email or on paper.

5.17.7 The Board Secretary must ensure that the details of all bids received by the final date and time are recorded in a tender register.

5.17.8 A bidder must not be permitted to alter his or her bid after the deadline except where formally invited to negotiate by the *procuring agency* under Guideline?

5.17.9 No decision regarding the disqualification or rejection of a bid must be taken or announced at the bid opening session.

5.17.10 The Board Secretary must ensure that the details of all bids received by the final date and time are recorded in a Tender Register.

## 5.18 Handling Late or Non-Compliant Bids

Late submissions, received beyond the deadline for response, will not be accepted as valid bids. They must be recorded, acknowledged, and kept unopened.



# PART 6 - EVALUATION OF TENDER OFFERS

Part 6 focuses on the Evaluation of Offers and the role of Evaluation Committees (Regulation 45)

## 6.1 Evaluation Committees

6.1.1. The *procuring agency* must appoint a qualified evaluation team with relevant expertise to assess the technical, financial and commercial aspects of supplier’s offers or bids. The composition should be as follows:

At or over the threshold for tenders (PS Approval)	At or over the threshold for Board Approval
At least three voting evaluators, of which one shall be the chair of the evaluation committee	At least four voting evaluators, of which one may be chair of the evaluation committee
From two or more <i>procuring Agencies</i> . It is required that FPO representative be invited to participate.	From three different <i>procuring Agencies</i> , of which one must be from FPO

6.1.2. The evaluation team should include individuals with the necessary technical knowledge and experience to accurately evaluate the bids.

6.1.3 Each individual should provide a written declaration of non-conflict of interest, indicating whether they have a potential conflict of interest, as soon as the identities of the bidders are known. A non-conflict of interest declaration template is available on [www.fpo.gov.fj](http://www.fpo.gov.fj). The declaration must be signed before any committee members begin their initial evaluation of the tenders

6.1.4 The *procuring agency* must ensure the evaluation team reaches a consensus on the scores and recommendations, discussing, documenting and resolving any differences in opinion.

6.1.5 The *procuring agency* must maintain detailed records of the evaluation process, including scores, comments, and justifications for decisions for each bidder. This information may be used to guide supplier debriefs.

6.1.6 The evaluation team may seek clarifications from bidders if necessary to ensure a thorough understanding of their proposals, ensuring no bidder is disadvantaged due to misunderstandings.

6.1.7 The bid opening and evaluation process must be conducted in a transparent manner, maintaining the confidentiality of all bid submissions until the evaluation process is complete.

6.1.8 The evaluation team must prepare a detailed bid evaluation report summarizing the findings and recommendations for the next phase. This report should include a comprehensive overview of the evaluation process, the rationale for the recommendations, and the results of the administrative, technical, and commercial evaluations

### Administrative Evaluation

6.1.9 The administrative evaluation verifies compliance with essential requirements such as company background, valid registration certificates, financial statements, and compliance letters. The evaluation team must perform a check to establish that any bidder, or any beneficial owner declared in the bidding documents is eligible to bid, including checking that it does not appear on any list of debarred or sanctioned entities on the date of bid submission.

### Technical and Sustainability Evaluation

6.1.10 This evaluation requires the evaluation team to scrutinize the technical aspects of the bids, focusing on the bidder's ability to meet project specifications, quality standards, and technical capabilities and provide *sustainable outcomes*. Better compliance or performance/outcomes should score higher. The evaluation team should verify that a bidder’s offer is responsive by assessing the data or evidence presented that all technical requirements and specifications can be met by the bidders through a thorough review of the technical proposals. An assessment should be made of the evidence, methodology and risk of the sustainable outcomes being achieved in line with any bidder commitments.

6.1.12 The evaluation team may also assess any alternative proposal that meets the specification, *sustainable outcomes* and other

requirements, provided this was allowed for in the bidding documents.

### **Commercial Evaluation**

6.1.13. The evaluation team must:

- perform a financial evaluation to analyse the financial aspects of the bids, ensuring that the proposed prices and total cost of ownership are competitive, reasonable, and provides overall *value for money*.
- compare the total costs of ownership against the budget and other financial considerations such as established financial benchmarks, if available, to ensure cost-effectiveness.

6.1.14 The evaluation team must also assess the other commercial aspects, risks or benefits in a bidder's response, including any deviation from the terms and conditions proposed by the bidder and any discounts, identifying all risks and benefits of each bid.

### **Supplier appraisal and Due Diligence**

6.1.15 The evaluation team should:

- perform a detailed supplier appraisal and due diligence on first ranked bidder to determine whether there any issues or risks which may affect the recommendation for contract award.
- undertake supplier appraisal and due diligence on the second ranked bidder if any unacceptable risks or issues are found with the first ranked bidder

### **Overall Assessment and Recommendations**

6.1.16 The evaluation team should:

- summarise the findings from the administrative, technical, and commercial evaluations to present a holistic view of each bid's strengths and weaknesses in the bid evaluation report.
- Prepare a bid evaluation report containing contract award recommendations and consolidating the findings from the technical and financial evaluations and any due diligence.

6.1.17 The bid evaluation report must conclude with clear and justified recommendations for awarding the contract, including any conditions or considerations that should be considered, including any elements which require further clarification or negotiation.

6.1.18 The contract or funding agreement can only be signed by all parties after the award decision is finalized and approved, and the standstill period is exhausted, including the resolution of any associated supplier complaints.

6.1.19 Copies of all tender and contract documents must be submitted to the Fiji Procurement Office for regulatory oversight.

## **6.2 Abnormally Low Bids**

6.2.1. If a supplier offers a price that is substantially lower than other responses (an abnormally low bid), the *procuring agency* shall take the following actions:

- a. request in writing from the supplier or contractor details of the bid that gives rise to concerns as to the ability of the supplier or contractor to perform the procurement contract;
- b. verify that the supplier is capable of satisfying all of the conditions for participation, if any;
- c. check whether they are fully delivering all of the contract requirements and any other stated objectives and meeting all of the contract conditions for the price quoted;
- d. review any information provided by the supplier or contractor following this request; and
- e. record all concerns and its reasons for holding them, and all communications with the supplier or contractor, in the bid evaluation report or other record of the procurement proceedings.

6.2.2 For procurement scenarios with fewer than five bids, abnormally low bids can be identified when the bid price is 20% or more below the estimated cost or average bid price.

6.2.3 For procurement scenarios with five or more bids, abnormally low bids can be identified when the bid price is more than one standard deviation below the average bid price.



### Total cost of ownership

Value for Money (VfM) does not always mean choosing the option with the lowest price. It may be the option with the lowest total cost of ownership (or lifecycle cost) over an allotted time, usually the assets expected usable (or useful) life. Total cost of ownership (TCO) over life or lifecycle costing calculates costs associated with procuring, operating, maintaining, and disposing of an asset or system at the end of its life. Calculating life cycle costs may be part of the evaluation of infrastructure bid/proposal costs.

It is important to consider a whole-of-life approach to infrastructure procurement planning and investment for VfM reasons. Different ways of documenting the Government’s requirements in bidding documents, structuring, and requesting the costing information to be supplied in suppliers’ offers and presenting the contract terms can have a huge impact on TCO and the amount of information available for analysis and comparison when evaluating the costs. It allows the relative benefits of different Bids/Proposals to be measured by considering all costs including:

- Purchase price or upfront costs of acquisition, including costs of financing, hiring, or leasing;
- Installation, testing and commissioning costs;
- Cost of operation and maintenance including costs of materials, consumables, energy, servicing, spare parts, etc. over the useful life;
- Sustainability savings e.g., lower fuel consumption; and/or
- Decommissioning, destruction, and disposal costs.

When comparing costs, it is important to calculate them in the same way (for example inclusive of all relevant costs such as taxes, duties, and freight) and convert them into the same currency at a rate agreed with finance colleagues.

Calculating TCO (simple method with no discounting or revenue)

$$TCO = \text{Acquisition Costs} + \text{Operating Costs} + \text{Maintenance Costs} + \text{Disposal Costs} - \text{Residual Value}$$

The types of costs under these categories are listed in Figure 4. Some costs can only be obtained from the potential supplier, so Tender document should request suppliers to provide them and the assumptions on which they have been based.

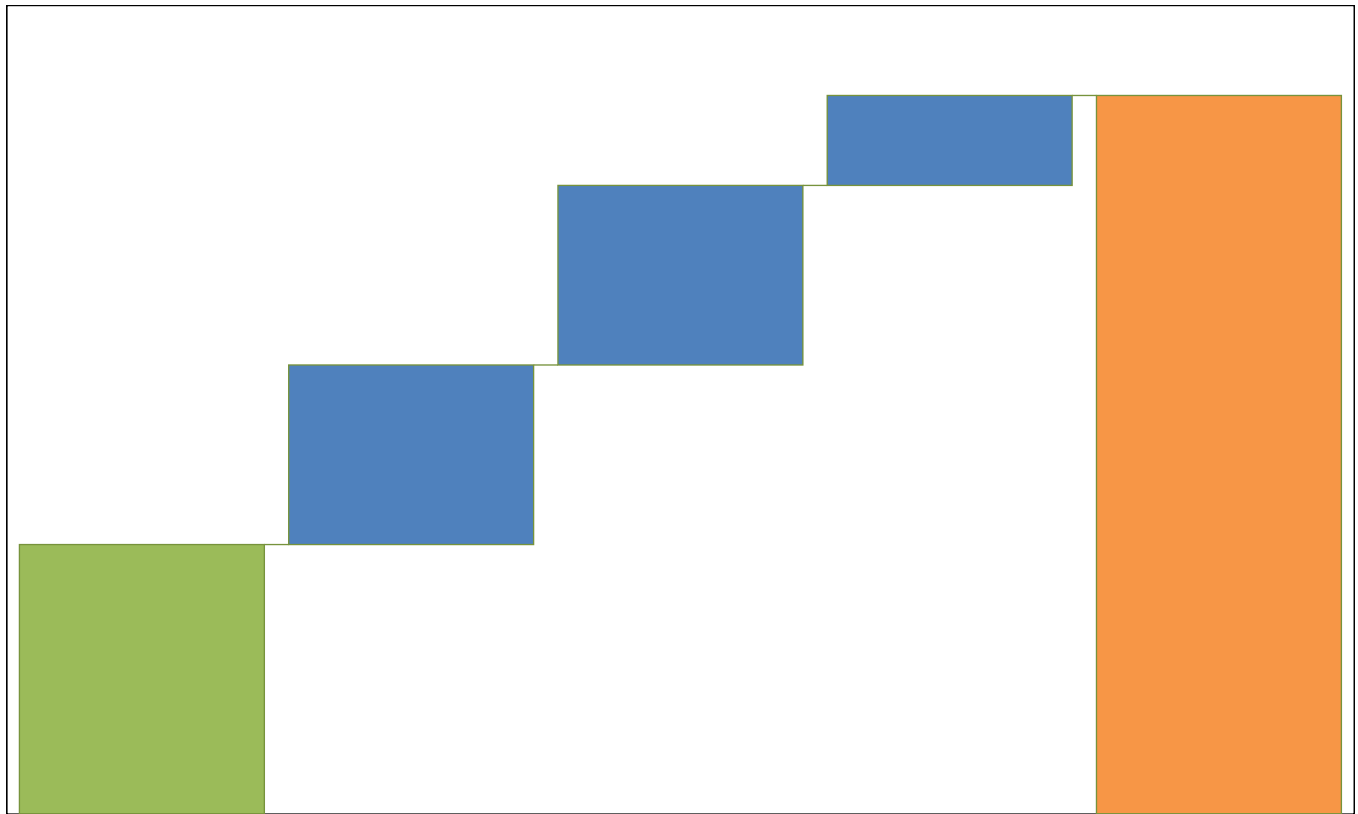


### Supplier Appraisal and due diligence

Supplier appraisal is a critical component of the procurement process, ensuring that selected suppliers are capable, reliable, and aligned with procurement requirements. The appraisal process involves a thorough evaluation of several key factors:

- **Financial Stability:** This includes an assessment of the supplier's turnover, profitability, capital assets, credit references, and debt ratios. These financial metrics provide insight into the supplier's economic health and their ability to sustain operations and fulfil contractual obligations.
- **Capacity:** Evaluating the supplier's productive capacity, current commitments, and capacity planning systems is essential. This ensures that the supplier has the necessary resources and infrastructure to meet the procurement demands without compromising on quality or timelines.
- **Human Resources:** The appraisal process examines the number of employees, their qualifications and experience, training schemes, and staff turnover. A well-qualified and stable workforce is indicative of the supplier's ability to deliver high-quality goods or services consistently.
- **Past Performance:** Reviewing the supplier's previous contracts, delivery timelines, and quality of work provides a historical perspective on their reliability and performance standards. This helps in predicting future performance and identifying any potential issues.
- **Compliance:** Ensuring that the supplier adheres to all legal and regulatory requirements is crucial. This includes verifying valid registration certificates, compliance letters, and other necessary documentation to confirm that the supplier operates within the legal framework.
- **Risk Assessment:** Identifying potential risks associated with the supplier and their mitigation strategies is a vital part of the appraisal process. This proactive approach helps in managing and minimizing risks that could impact the procurement process.
- **References and Reputation:** Checking references and assessing the supplier's reputation in the market provides additional assurance of their reliability and quality. Positive feedback from previous clients and a good market reputation are strong indicators of a trustworthy supplier.
- **Sustainability Practices:** Evaluating the supplier's commitment to sustainable and ethical practices is increasingly important. This includes assessing their environmental policies, social responsibility initiatives, and adherence to ethical standards, ensuring that the procurement process supports broader sustainability goals.

FIGURE 4: TOTAL COST OF OWNERSHIP



**ACQUISITION COSTS**

- Procurement process costs
- Price
- Capital cost
- Logistics
- Permits and licenses
- Fees, including legal fees
- Surveys
- Land
- Communication
- Storage and warehousing
- Quality assurance and control
- Handling and insurance
- Commissioning • Training Manuals and literature
- Consumables
- Spares
- Safety compliance

**OPERATING COSTS**

- Fuel
- Energy
- Operators
- Security
- Health and safety
- Training
- Order processing
- Performance Monitoring
- Contract management
- Cleaning
- Insurance
- Rates
- Taxes

**MAINTENANCE COSTS**

- Consumables
- Maintenance
- Recalibration
- Overhaul and repair
- Logistics
- Storage and warehousing
- Systems monitoring
- Quality audit
- Warranty conditions
- Training
- Upgrades
- Modification

**DISPOSAL COSTS**

- Residual or salvage value
- Disposal method
- Transport
- Decommissioning
- Management & Administration
- Statutory compliance
- Demolition or destruction costs
- Environmental compliance

**TOTAL COST**  
 PURCHASE PRICE  
 +  
 OPERATING COST  
 +  
 MAINTENANCE COST  
 +  
 DISPOSAL COST



**Due diligence checklist**

The Due Diligence Checklist is a critical component of the procurement process, ensuring to mitigate risk that the highest ranked supplier is thoroughly vetted before any contracts are awarded. This checklist helps to ensure the selected suppliers are capable, reliable, and compliant with all necessary regulations and standards. This includes the following:

- a. Verify the legal status and registration of the supplier: Confirm that the supplier is legally registered and authorized to operate within the relevant jurisdiction. This includes checking business registration certificates and any other relevant legal documentation.
- b. Assess the financial stability and creditworthiness of the supplier: Review the supplier's financial statements, credit reports, and other financial documents to ensure they are financially stable and capable of fulfilling the contract requirements. This may include evaluating turnover, profitability, capital assets, and debt ratios.
- c. Review the supplier's past performance and references: Investigate the supplier's track record by reviewing past performance on similar projects and obtaining references from previous clients. This helps to gauge the supplier's reliability and quality of service.
- d. Evaluate the supplier's capacity and capability to deliver the required goods or services: Assess the supplier's production capacity, current commitments, and capacity planning systems to ensure they can meet the demands of the contract. This includes evaluating their human resources, equipment, and facilities.
- e. Check for any conflicts of interest or affiliations that may affect impartiality: Identify any potential conflicts of interest or affiliations that could compromise the impartiality of the procurement process. This includes relationships with other suppliers, government officials, or any other parties that may influence the supplier's performance.
- f. Confirm compliance with relevant laws, regulations, and industry standards: Ensure that the supplier adheres to all applicable laws, regulations, and industry standards. This includes compliance with labour laws, environmental regulations, and any other relevant legal requirements.
- g. Ensure the supplier has adequate insurance coverage: Verify that the supplier has sufficient insurance coverage to protect against potential risks and liabilities. This may include general liability insurance, professional indemnity insurance, and any other relevant policies.
- h. Conduct site visits or inspections if necessary: If required, perform site visits or inspections to verify the supplier's facilities, equipment, and operations. This helps to ensure that the supplier is capable of meeting the contract requirements and maintaining quality standards.

Keep detailed records of all due diligence activities, including findings, assessments, and any supporting documentation. These records should be maintained for audit purposes and to ensure transparency and accountability in the procurement process.



**Terms and conditions**

If the preferred supplier has not accepted any terms offered by the agency, assess the risk and acceptability of these changes. Advice should be sought from the Solicitor General's office on any changes to standard terms and conditions.



**An example of bid evaluation**

An example of a simple scoring method to evaluate responsive bids from companies bidding, suitable for a lower risk procurement is illustrated below. In this example, price is weighted at 30% and technical elements at 70%:

- Score - 1 to 10 (1 = poor and 10 = excellent)
- Total score = evaluated score x weight (highest possible Total score for each company is 10)
- Price score. Here, the lowest evaluated price or TCO scores the highest points. This may be calculated on a relative basis, i.e.  $\frac{\text{Lowest evaluated cost of all companies} \times 10}{\text{Evaluated cost for company}}$
- Select the company with the highest points in the Totals row to be awarded the contract.



Criteria	Tender Evaluation		Weight	Score			Total score		
				Tenders from:					
				Coy 1	Coy 2	Coy 3	Coy 1	Coy 2	Coy 3
1	Technical/Quality		40%	9	7	5	3.6	2.8	2
2	Price		30%	6	9	7	1.8	2.7	2.1
3	Qualification of suppliers		10%	8	7	7	0.8	0.7	0.7
4	Relevant experience		10%	8	6	5	0.8	0.6	0.5
5	Support service/warranty		10%	7	8	5	0.7	0.8	0.5
<b>Totals</b>			<b>100%</b>				<b>7.7</b>	<b>7.6</b>	<b>5.8</b>



**Evaluating alternative tenders**

If the procurement documents allow potential suppliers to submit an alternative offer, provided the alternative conforms to the conditions of the document, it can be accepted. It should be evaluated using the same criteria as all other offers so that the relative benefits and costs of the alternative can be assessed.

If necessary, engage in negotiations with the preferred bidder to achieve better pricing or terms, while maintaining fairness and transparency. Negotiations should be conducted ethically and in accordance with *Regulations*.



**Evaluation Report**

Prepare a comprehensive BID evaluation report summarizing the assessment of all bids. This report should detail the evaluation criteria, the scoring of each bid, and the rationale for the selection of the preferred bidder. It serves as the official record of the evaluation process and supports the decision-making process.

During the evaluation process, the chair should seek to record information provided by the evaluation committee on the strengths and weaknesses of each bid. This information is essential for providing an effective debrief.



**Abnormally low bids**

Abnormally low bids can be identified by comparing with technical estimates, recently awarded similar contracts and/or average bided price. A low bid may reflect a more efficient supplier or one that is willing to make an investment in the relationship by taking a lower margin on the contract. Such competitive responses should be encouraged, but an abnormally low bid could impact negatively on service delivery. An abnormally low bid could also indicate other suppliers involved in the tender have been colluding, or that the low-bidding supplier is trying to take advantage of its market power.

A low bid may also indicate that the bidder has not priced in any *sustainable outcomes*.



**Identifying Abnormally low bids when there are five or more bids**

Bid 1	72,000
Bid 2	92,000
Bid 3	82,000
Bid 4	101,000
Bid 5	53,000
Average	80,000
Standard deviation	16,625
<b>ABL Threshold</b>	<b>63,675</b>

In this example, the average of the Bid prices is \$80,000. The standard deviation of the Bid prices is \$16,625. Therefore, the Abnormally Low Bid (ALB) price threshold is any price below \$63,675 (\$80,000 - \$16,625). In this scenario, the bid price of \$53,000 is a potential ALB.



**Conflict of Interest**

A conflict of interest arises when an individual or organization has a personal or professional interest that could potentially influence their judgment or actions in a way that compromises their ability to act objectively. This conflict can lead to bias, favouritism, or unethical behaviour. In the context of public procurement, a conflict of interest can have serious implications. For instance, if a government official has a financial stake in a company that is bidding on a public contract, their impartiality is compromised. This can lead to unfair advantages for that company, resulting in higher costs for taxpayers and potentially lower-quality goods or services.

**Relationships that raise concerns about Conflict of Interest:**

**Personal Relationships**

**Immediate Family:** Parents, Spouses, Siblings (and their partners), In-Laws, Siblings in Law, Children (and their partners) and Partners

**Extended Family:** Aunts, Uncles, Cousins, Nephews and Nieces

**Close Associates:** Friends or associates, romantic partners or other individuals with whom there is a personal and social relationship

**Financial Relationships**

**Financial interests:** Owning shares, stocks, or other financial interests in a company or organization.

**Investments:** Having financial investments in companies or industries that could be affected by decisions.

**Consulting roles:** Serving as a consultant or advisor to an entity that could benefit from decisions.

**Professional Relationships:**

**Employment relationships:** Having a current or former employment relationship with a company or organization that could be affected by decisions.

**Board memberships:** Serving on the board of directors of a company or organization that could benefit from decisions.

**Professional affiliations:** Belonging to professional organizations or associations that could have a vested interest in decisions.

**Other Relationships:**

**Gifts and Favors:** Receiving gifts, favours, or other benefits that could influence decision-making.

**Lobbying efforts:** Engaging in lobbying activities on behalf of a company or organization that could benefit from decisions.



**Gifts**

Gifts of modest value, such as stationery items, promotional materials, or small tech accessories, may be accepted from current or potential suppliers. However, it's crucial that these gifts:

- Are of limited value and not be perceived as substantial benefits.
- Serve a promotional purpose. Their primary function should be to promote the supplier's brand or products.
- Are offered sparingly. Excessive or frequent gift-giving can raise concerns about undue influence.
- Are appropriate for the context. The gifts should be suitable for the business relationship and the occasion.



**Hospitality**

It would be considered inappropriate for the supplier to offer:

- Excessive hospitality, for example, providing luxury accommodations, extravagant meals, or expensive gifts.
- Personal benefits to the official such as vacations.
- Offering hospitality as a way to influence the official's decision-making in procurement matters.



# PART 7 - CONTRACT AWARD ABOVE THE THRESHOLD FOR TENDER

Part 7 covers the processes for selection and contract award at or above the threshold for tender and the extra procedures required at or above the Threshold for Board Approval which includes a standstill periods, debriefing and contract notices

## REGULATION 13, 47, 45, 46, 47, 48, 49, 50, 51 SCHEDULE 1

### 7.1 Making a Recommendation for Award

7.1.1. At or above the *threshold for tender* and below the *threshold for Board Approval*, the bid evaluation report, the tender documents, the bids and the bid evaluation report must be submitted to the secretary of the *Agency Tender Board* for their review to ensure that the process meets the requirements of the *Regulations* and *Guidelines*.

7.1.2. At or above the *threshold for Board Approval*, the bid evaluation report, the tender documents, the bids and the bid evaluation report must be submitted to the secretary of the *Government Tender Board*, including any relevant subcommittee, at FPO for their review to ensure that the process meets the requirements of the *Regulations* and *Guidelines*.

### 7.2 Review of Recommendations

7.2.1 Approval decisions can be made in a board meeting or through written communication between board members. The decision-maker reviews the bid evaluation report, recommendations, and any findings from Fiji Procurement Office and the Secretary's review. They can reject the recommendations, ask for more information, order a re-evaluation, or approve the contract award.

7.2.2 The board can approve a contingency fund for the *procuring agency* to handle minor cost increases without further board approval. Any such decision is recorded in the meeting minutes or decision records.

7.2.3 The *procuring agency* must satisfactorily complete any approving board requirements or address any issues highlighted by the board before the award of a contract, including any negotiation required.



7.2.4 The relevant approving board must approve the selection of a bidder prior to the *procuring agency* issues a *Notice of intention to award a contract*.

### 7.3 Standstill Period

7.3.1 The standstill period is a mandatory pause between the notification of the contract award decision and the signing of the contract at or above the *threshold for Board approval*.

7.3.2 This period allows unsuccessful bidders to challenge the award decision if they believe it was not conducted fairly or in accordance with *Regulations* or *Guidelines*.

7.3.3. The standard duration of the standstill period is 7 clear working days starting from the bidder's receipt of the *Notification of Intention to Award a Contract (Notification of Award)*. Unsuccessful bidders are entitled to a debriefing upon request.

 <b>Negotiation</b>	<p>Negotiation: If necessary, engage in negotiations with the preferred bidder to achieve better pricing or terms, while maintaining fairness and transparency. Negotiations should be conducted ethically and in accordance with procurement regulations.</p>
 <b>GTB Checklist</b>	<p>The GTB Checklists are essential tools to ensure that all papers seeking the Board's consideration meet the necessary requirements and are properly documented. Each submission must include a covering memo and recorded minutes of tender evaluation meetings. It is imperative to attach endorsed evaluation templates and comprehensive due diligence results to provide a thorough and transparent evaluation process.</p> <p>Verification of compliance certificates, such as tax clearance and business registration documents, is mandatory. The checklist must confirm that budget allocation is in place and provide a clear justification for any bid elimination. Ensuring the price validity and referencing all attachments accordingly are critical steps to maintain the integrity and accuracy of the submission. Submissions will be returned if all requirements are not fully satisfied, underscoring the importance of meticulous preparation and adherence to the checklist criteria. This process guarantees that all necessary documentation and references are in place, supporting the Board's decision-making process and upholding the standards of the procurement regulations.</p>

Debriefing requests must be submitted within 3 business days of the notification. Bidders can choose to receive the debriefing either within 7 working days of receiving the notification or after the standstill period expires.

7.3.4 If FPO is not able to deliver a debrief requested by an unsuccessful bidder in this 7-day period, further standstill periods of another 5 clear working days each may be applied, until FPO delivers the debrief.

7.3.5. During the standstill period, the *procuring agency* may not take any steps to complete the contract award including any negotiation or signature after the end of the standstill period.

#### 7.4 Notification of Contract Award

Once all debriefs requested within the *standstill period* have been completed by FPO and no complaints or challenges have been received, or they have been resolved successfully, then the *procuring agency* may provide the Notification of Contract Award. This informs the first ranked bidder in writing, including details of the contract award and any conditions. The notification should clearly outline the terms of the award, the scope of work, and any specific requirements or conditions that must be met. This communication marks the formal acceptance of the bid and initiates the contract preparation phase to complete the contract award including any necessary final clarification, negotiation and signature after the end of the standstill period.

#### 7.5 Debriefing unsuccessful suppliers

7.5.1. A supplier debrief should include reasons for ranking using objective information provided from the evaluation report. It should explain how the proposal performed against the criteria, highlighting strengths and weaknesses. The relative advantages of the successful proposal should be discussed, and the session should address the supplier's concerns and questions.

7.5.2. All participating suppliers must have the opportunity to be debriefed following a procurement. All unsuccessful suppliers are entitled to a debriefing from the *procuring agency*.

7.5.3. A *procuring agency* must not disclose another supplier's confidential or commercially sensitive information.

#### 7.6 Performance Guarantees and Securities

##### Performance Bond

7.6.1 Performance bonds are mandatory for all tenders over the *threshold for Board Approval* involving the supply and purchase of goods, works and services unless exempted by this guideline.

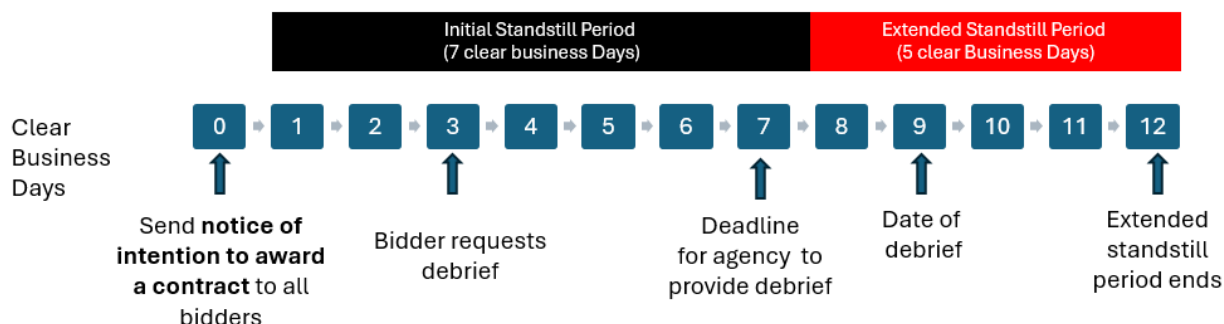
7.6.2 Tender securities or deposit ensure that a tenderer does not withdraw their tender after being awarded a contract.

7.6.3 Contract performance securities may be included in contracts, particularly for works, to ensure contract completion.



FIGURE 5: STANDSTILL PERIOD

## Standstill period(s) - initial and extensions

### Example



**Clear business day starts 9am on day after notice is sent**  
**If supplier requests debrief and agency cannot provide within 7 clear business days, agency must extend the Standstill period by 5 business days and notify all bidders.**

 <p><b>Publish the contract award details</b></p>	<p>The specifics of the contract award shall be published within a period of 30 days following the execution of the contract. Public disclosure promotes transparency and accountability in the procurement process, allowing stakeholders to be informed about the contract award. It also helps to build trust in the procurement system by demonstrating adherence to fair and open practices.</p>
 <p><b>Debriefing</b></p>	<p>Debriefing sessions are crucial for maintaining transparency and fostering a competitive procurement environment. They provide valuable feedback to unsuccessful bidders, helping them understand the procurement process, improve future submissions, and continue participating in future tenders.</p> <p>All suppliers participating in tenders requiring Board approval must be offered a debrief upon request. The Fiji Procurement Office (FPO) must conduct these debriefs within the standstill period. Debriefings should not disclose any confidential or commercially sensitive information about other suppliers.</p> <p>Debriefs should include:</p> <ul style="list-style-type: none"> <li>• Reasons for the proposal's rejection</li> <li>• An explanation of how the proposal performed against the evaluation criteria, highlighting strengths and weaknesses</li> <li>• A thorough discussion of the relative advantages of the successful proposal</li> </ul> <p>Transparency and accountability are essential. All interactions and decisions during the debriefing process should be documented to maintain trust and credibility.</p>

7.6.4 Warranty securities can be arranged for projects sensitive to downtime, ensuring availability of service and maintenance during the warranty period.

7.6.5 *Procuring Agencies* must specify the requirement for any performance bonds in the tender documentation reflected in the contract document. The payment and refund process for performance bonds must be clearly defined, including conditions under which refunds are issued.

7.6.6 The performance bond rate will be as follows:

Category	Performance Bond Rate
Goods	Agency to decide based on risk
Services	Minimum of 2%
Works	Minimum of 2%
100% locally owned SMEs	Minimum of 1%

7.6.7. This guide establishes a minimum performance bond rate that *procuring Agencies* can impose. However, the actual bond rate levied on successful bidders should reflect the specific risk and complexity of each project.

7.6.8 Performance bonds may be waived for certain service providers if they meet the following criteria:

- a. Payment is made after service delivery.
- b. Services are under an annual contract or service level agreement extending an existing contract.
- c. Maintenance services for specialized equipment are provided by a separate company.
- d. Consultancy services with payment terms outlined in the contract deliverables.

7.6.9 Performance bonds may be waived in the following cases:

- a. Goods purchased once and paid for after delivery, with sufficient payment terms to assess product reliability.
- b. Goods procured from overseas suppliers through a Letter of Credit (LC).
- c. Sole supplier situations.

7.6.10 Contracts with exempted performance bonds must include alternative safeguards like warranties or liquidated damages.

## Performance Bond Payment


- 7.6.11 The contractor must pay the full performance bond within the agreed timeline with the contracting agency. Failure to do so may result in the withdrawal of the award.
- 7.6.12 The performance bond must be in an acceptable form, such as cash or a guarantee from a bank, insurance company, or the contractor's parent company. The bond must be valid for the required period.
- 7.6.13 Performance bonds paid in cash must be deposited in the *procuring agency's* trust fund account. If no trust fund account exists, the FPO's trust fund account may be used.
- 7.6.14 A signed contract copy and proof of performance bond payment must be submitted to the Head of Procurement within fourteen working days of contract signing.
- 7.6.15 **Monitoring and Refunding of Performance Bonds**  
*Procuring Agencies* shall diligently monitor all contracts to assess contractor performance and determine eligibility for performance bond refunds. Comprehensive reports must be prepared, supported by relevant documentation, to identify instances of non-compliance or poor performance.
- 7.6.16 Contract documents must clearly outline the terms and conditions for refunding performance bonds, including specific refund percentages.
- 7.6.17 Upon successful contract completion, *procuring Agencies* shall refund the full performance bond

as stipulated in the contract. If the contract lacks specific refund clauses, the *procuring agency's* responsible officer must submit a performance report to the authorized body for approval of the performance bond release or refund.

- 7.6.18 When refunding performance bond, a copy of the performance bond refund certificate must be forwarded to the Head of Procurement for record-keeping purposes.
- 7.6.19 Performance bonds held in the FPO trust account will be refunded based on the submitted certificate and approved by the following authorities:
- **Procuring Agency:** Permanent Secretary Head of Agency
  - **Fiji Procurement Office Trust Account:** Permanent Secretary for Finance upon receipt of satisfactory documentation from the *procuring agency*.

## 7.7 Advance Payment

- 7.7.1 The Financial Instructions gives the authority to the Head of Treasury to approve advance payment in circumstances where it is necessary for goods received through shipment from overseas, and for contractual agreements if stated as such.
- 7.7.2 Advance payment guarantees are required when advance payments are made to suppliers unless approved otherwise by the Head of Treasury.

 <p><b>Bonds, securities and guarantees</b></p>	<ul style="list-style-type: none"> <li>• Performance bonds serve to protect government agencies by providing financial compensation for any monetary damages incurred due to contractor non-performance.</li> <li>• Tender securities/deposits ensure that the tenderer does not withdraw their tender after being awarded a contract.</li> <li>• Advance payment guarantees ensure that funds are used appropriately and that milestones are met.</li> <li>• Warranty securities ensure availability of service and maintenance during the warranty period.</li> <li>• Be careful not to set these requirements too high, unless justifiable as these financial securities may form a barrier to SME participation.</li> <li>• Contract performance securities ensure timely delivery and completion of the contract. Suppliers must be required to post performance bonds, guaranteeing the completion of work and providing compensation for any monetary damages due to non-performance. They submit performance bonds as part of their tender documentation. The requirements for these bonds, including submission timelines and necessary documentation, must be clearly specified to ensure that all bidders are aware of their obligations for all tenders involving the supply and purchase of items, particularly for projects over the <i>threshold for tender</i>.</li> <li>• The refund process for performance bonds must be detailed in the contract, including the conditions under which refunds are issued. This ensures that both the <i>procuring agency</i> and the contractor understand the financial implications and the procedures for handling performance bonds.</li> <li>• <i>Procuring Agencies</i> have specific responsibilities in managing performance bonds. These include ensuring compliance with the relevant regulations, maintaining proper documentation, and monitoring the performance of contractors to ensure that the terms of the bond are met.</li> </ul>
--	--

## 7.8 Contract Award Notice

7.8.1 A *procuring agency* must publish a *Contract Award Notice* on *Fiji E-tendering website* when it has awarded a contract that is subject to the *Guidelines*. This *Notice* must be published whether or not the contract was openly advertised, unless for reasons of national security.

7.8.2 A *procuring agency* must publish the *Contract Award Notice* on *Fiji E-tendering website* within 30 *business days* of all parties signing the contract/s. The *Contract Award Notice* must include:

- a. the agency's name and address
- b. the successful supplier's or suppliers' name/s and address/s

- c. a description of the goods, services or works
- d. the date the contract/s was awarded
- e. the term of the contract/s
- f. the expected spend under the contract/s, or the highest and lowest offers the agency evaluated to award the contract
- g. the type of procurement process used
- h. if the agency claimed an *exemption from open advertising*, include the circumstances that justify the exemption
- i. a Fiji Business Number where available
- j. any other information, as requested by the *Head of Procurement*, for example information on *sustainable outcomes*.



# PART 8 – CONTRACT MANAGEMENT

This part focuses on the overarching principles and processes for managing contracts within government agencies.

## 8.1 Contract Management in *Procuring Agencies*

8.1.1 *Procuring Agencies* must conduct sufficient monitoring and management of supplier performance to ensure that commitments made in contracts are delivered and reported on, regardless of the type or funding of the business or organisation.

### Roles and Responsibilities in Contract Management

8.1.2. *Procuring Agencies* must appoint a Contract Manager responsible for all contractual matters. The Contract Manager oversees monitoring, evaluation, change management, and contract amendments.

### Monitoring and Reporting on Contract Performance

8.1.3. The *procuring agency* may establish key performance indicators (KPIs) to monitor contractor performance. The *procuring agency* should conduct regular performance reviews and assessments to track progress.

8.1.4. The contract management plan should implement effective communication protocols for regular updates and issue resolution and maintain proper documentation and record-keeping for all contract-related activities.

### Contract Management Plan

8.1.5. The *procuring agency* is responsible for developing a contract management plan which outlines objectives, scope, and responsibilities for managing contracts at or *above the Threshold for Board Approval*. This plan must identify potential risks and develop mitigation strategies. The plan should specify payment terms, delivery and performance standards, warranties, and guarantees.

### Compliance and Reporting

8.1.6. The Contract Manager must conduct regular reviews to ensure compliance with contract

terms and report performance and issues to relevant stakeholders to maintain accountability.

8.1.7. The *Procuring Agency* must ensure that all contract-related documents including contract variations are properly maintained and accessible.

## 8.2 Contract Variations and Extensions

8.2.1. *Procuring Agencies* must ensure that all contract variations and amendments are drafted, documented in writing and agreed by both parties in accordance with any instructions or advice issued by FPO or the Solicitor General's Office.

8.2.2 *Procuring Agencies* must challenge and justify the reasons for the changes, addressing the effect on *value for money* of the change, retaining any supporting evidence, and any other relevant information.

8.2.3. All variations and extensions must receive approval from the relevant authority before they are implemented unless the approver has previously approved a contingency sum or percentage within which amendments can be made without further approval.

## 8.3 Requests for Payment


8.3.1. Each *procuring agency* must provide forecasts of payments to its finance department and Treasury for cash management purposes.

8.3.2. Each *procuring agency* must pay suppliers' invoices promptly. Invoices should be paid at the time/s set out in the contract.

8.3.3. *Procuring Agencies* must encourage their suppliers to pay their sub-contractors promptly.

8.3.4. *Procuring Agencies* should encourage suppliers to offer subcontractors no less favourable payment terms than the ones they receive from *procuring Agencies*.



 <p><b>Prompt Payment</b></p>	<p>Prompt Payment is critical to the cash flow of every business including small and medium sized enterprises (SMEs). Payment certainty creates a positive feedback loop that benefits the entire economy. When businesses feel confident about their financial prospects, they are more willing to invest, innovate, and expand, which ultimately drives economic growth and prosperity.</p>
 <p><b>Contract Amendments</b></p>	<p>Comprehensive documentation is essential for all variations and extensions. This includes detailed justifications for the changes, supporting evidence, and any other relevant information. Proper documentation ensures transparency and provides a clear audit trail. It is important to assess and document the financial impact of any variations or extensions on the overall project budget. This assessment should include a detailed analysis of how the changes will affect the project's financial resources and whether additional funding is required.</p> <p>Contracts must be formally amended to reflect any approved variations and extensions. This process involves updating the contract documents and ensuring that all parties involved sign off on the changes. Formal amendments help to avoid misunderstandings and ensure that all parties are aware of their revised obligations.</p> <p>All variations and extensions must comply with the <i>Regulations</i> and any other relevant legal requirements. It is essential to communicate all approved variations and extensions to relevant stakeholders promptly. Effective communication ensures that everyone involved in the project is aware of the changes and can adjust their plans, budgets and activities accordingly.</p> <p>Regular monitoring and reporting on the status of variations and extensions is necessary to manage them effectively.</p>
 <p><b>Contingency sums</b></p>	<p>Contingency sums can cover unforeseen costs and risks that may arise during the execution of a project. They provide a financial buffer to address unexpected issues without disrupting the project's progress or exceeding the allocated budget. They can be advised to the supplier within the contract or held in the agency's budget. They are particularly helpful when a contract is paid in a different currency where no hedging has been used.</p> <p>Comprehensive documentation is required to justify the use of contingency sums. This includes detailed change orders, supporting evidence, and any other relevant information that explains why the contingency funds are needed. Proper documentation provides a clear audit trail and ensures that all expenditures are transparent and accountable.</p>



# PART 9 – ASSET MANAGEMENT AND DISPOSALS

This part covers asset and inventory management and verification and disposal processes, differentiating process by value and whether the assets are held within Fiji and overseas (Regulations 25 – 27)

## 9.1 Asset and Inventory Management and Asset Verification

- 9.1.1. *Procuring Agencies* should securely store or track their assets and inventory and maintain the operational condition of any assets and inventory through their useful life, considering the manufacturers or supplier's recommendations.
- 9.1.2 Assets must be managed and recorded in accordance with any financial instructions issued by the Ministry of Finance.
- 9.1.3 Inventory should be inspected and verified against ledger balances at least once per year. An Asset and Inventory Verification Report should be submitted to the Head of Department or the District Commissioner. This report should detail any discrepancies identified during the verification process. Discrepancies must be noted in the Asset Verification form, and explanations should be provided by the storekeeper or their manager to clarify any inconsistencies.

## 9.2 Asset Disposals

### **Regulations 56, 57**

- 9.2.1 The disposal of government assets must follow a structured and transparent process.
- 9.2.2 *Procuring Agencies* holding assets outside Fiji or below the central disposal threshold may make their own disposal arrangements with prior approval from the Permanent Secretary of Finance or Minister of Finance. *Procuring Agencies* are to ensure they comply with any specific instructions provided by the Permanent Secretary or Minister of Finance. In the absence of any specific instructions to the contrary, the agency shall comply with these Guidelines.
- 9.2.3 A *Board of Survey* is established to oversee the disposal process for assets originally valued or costing at or above the *threshold for central disposal* that are held in Fiji were approved by the Minister of Finance. (Regulation 56.2 and Guidelines 8.4. to 8.11.4)

## Disposal Methods

- 9.2.4 Disposal methods include sale or exchange, public tender, auction, eAuction, transfer to other agencies, gift, destruction, sale to other governments. The contract for any sale must be signed by the Head of Procurement or their delegate.
- 9.2.5 The chosen method should aim to best serve the government interests which may include achieving the best net return for the government and minimise the risk of any future liability.

## Disposal of Hazardous Materials

- 9.2.6 Special consideration must be given to chemicals and potentially hazardous or dangerous goods requiring unique handling or disposal methods to ensure compliance with health and safety, environmental and other legislative requirements. These items must not be donated to schools or to charities.

## Disposal of condemned food items

- 9.2.7 Disposal of condemned food items may be disposed after certification by the appropriate representatives of the Ministry of Health that it is unfit for human consumption. A certificate obtained must accompany the report of unserviceable items seeking approval for write-off from the permanent secretary of finance.

## Documentation and Approval Requirements

- 9.2.8 Detailed documentation of the disposal process is essential for transparency and accountability.
- 9.2.9 Relevant forms, such as Asset Verification (Form No.58) and Asset Disposal (Form No.59), must be completed and attached to the disposal report.

## Valuation and Cost Efficiency

- 9.2.10 Accurate valuation of assets is necessary to determine the most appropriate disposal method.

9.2.11 Cost efficiency should be a key consideration, ensuring that the resources spent on the disposal process do not outweigh the benefits gained. Tendering should only be undertaken when it is cost-effective and provides a clear net return to the agency.

### 9.3 Principles of Disposal

9.3.1 Assets must be disposed of at their highest achievable net value.

9.3.2 Officers must ensure that asset disposal is conducted with:

- **Probity:** Ethically, honestly, and fairly to all parties involved.
- **Transparency:** Avoiding conflicts of interest and ensuring openness in the process.

9.3.3 Asset disposal shall be:

- **Efficient and Streamlined:** Agencies are to ensure they are conducted in a timely manner.
- **Accountable:** Established procedure are followed and all steps documented.
- **Environmentally Responsible:** Considering the safe handling and disposal of hazardous or environmentally harmful goods.

### 9.4 Establishing a Board of Survey

9.4.1 The Permanent Secretary of each agency must appoint a Board of Survey (BOS) annually to assess the existence, condition, and status of assets under their control.

9.4.2 For large asset-based *procuring Agencies*, the Permanent Secretary may opt for a cyclical approach, conducting BOS every three years to ensure all assets are evaluated.

9.4.3 The objectives of the Board of Survey are to determine if assets are

- In working condition or unserviceable.
- Unserviceable or obsolete; or
- Surplus to the requirements of that agency.

#### Urgent Asset Replacement

9.4.4 Upon approval by the Permanent secretary, the agency may also undertake BOS for an asset that needs to be replaced urgently.

#### Board of Survey Composition

9.4.5 In accordance with Regulation 27 of the Procurement Regulations 2024; The Board of Survey must comprise:

- Two officers of that agency who are not directly responsible for the government plant, equipment or inventory being surveyed.
- An officer from another Ministry or Department with relevant expertise in the items being surveyed; and
- An officer nominated by the Head of Procurement if the value of asset to be boarded is over the threshold for disposal

9.4.6 The Chair of the Board of Survey must not be an officer of the Ministry or Department that is conducting the survey. If it is impractical to appoint an officer from another Ministry or Department, the agency must seek approval from the agency head to appoint a senior internal officer as the chair of the BOS team.

9.4.7 The officers selected must be competent and carry out the BOS in an accountable and transparent manner.

9.4.8 The Board of Survey will report its findings and recommendations to the Permanent Secretary of the agency and copied to the Permanent Secretary for Finance for approval.

### 9.5 Board of Survey for Foreign Missions

9.5.1 A Board of Survey for Foreign Missions must be conducted by a team of at least three Embassy officers stationed in that location. The resulting report should be submitted through the Permanent Secretary for Foreign Affairs to the Permanent Secretary for Finance for final approval.

9.5.2 For assets exceeding the central disposal threshold, the Foreign Mission may request a third-party member. If such a request is made, the Foreign Mission should submit it through the Ministry of Foreign Affairs to the Permanent Secretary for Finance. The request should seek the participation of an officer from the Fiji Procurement Office in conducting the Board of Survey.

### 9.6 Functions of a Board of Survey

The functions of the Board of Survey are to:

- a. Carry out a physical inspection of the agency's plant, equipment and inventories;
- b. Identify any plant, equipment and inventories that are unserviceable, obsolete, at or near the end of their physical or economic lives or surplus to the requirements of the agency;
- c. Identify storage and transport issues;
- d. Assess costs and benefits of disposal options;
- e. Recommend the best disposal option;

- f. Submit and follow up approval on the Board of Survey forms.
- g. Undertake a disposal process after approval has been obtained
- h. Evaluate and review the disposal process.

**9.7 Evaluate the Best Disposal Option**

9.7.1 Regulations 56 of the Procurement Regulations 2024 sets out the authorization and methods of disposal of government plant, equipment and inventories. Assets may be disposed by:

- a. By sale or exchange;
- b. By transfer to any other agency, state institution or charitable organization;
- c. By gift or scrap, where the assets are found to be unserviceable, by gift or
- d. By destruction in such a manner as the Permanent Secretary for Finance may direct.

**9.7.2 Public Auction**

For assets approved for disposal via sale, the Head of Procurement may, in certain cases, engage an auctioneer to conduct public auctions.

**9.7.3 Transfer to another Agency**

Assets or goods that are surplus to one agency's needs but valuable to another may be transferred

with mutual agreement between the *procuring agency* permanent secretaries. Such transfers can be conducted without cost or involve a negotiated fee or price.

**9.7.4 Transfer to Schools or NGOs**

Ministries and Departments must obtain written correspondence from interested schools or NGOs before recommending a disposal method. This correspondence should be attached to the BOS form. If a request is received after BOS form submission or approval, the agency must seek information and approval from the relevant authority.




Upon approval for transfer, the disposing agency is responsible for ensuring the correct item is released. A delivery document must be signed upon release of the items


**9.8 Asset Disposal and Register Updates**

Upon disposal of plant, equipment, or inventories, a completed "Asset Disposal" form must be authorized by the agency's Permanent Secretary and submitted to the agency's finance section for immediate asset register updates.

**9.9 Revenue from Disposal**

Proceeds from the sale of disposed goods must be deposited into the Consolidated Fund account.

 <p><b>Inventory verification</b></p>	<p>Effective asset and inventory verification maintains the integrity and efficiency of government operations. These inspections ensure that all assets are accurately recorded and accounted for, thereby supporting fiscal responsibility and operational efficiency.</p> <p>Relevant forms, such as Asset Verification (Form No.58) and Asset Disposal (Form No.59), should be attached to the report to provide comprehensive documentation of the verification process. These forms are essential for maintaining a clear and transparent record of all assets and any actions taken regarding their management. Compliance with the <i>Regulations, Guidelines</i>, Financial Instructions issued by the Ministry of Finance and other relevant legislative requirements is mandatory.</p>
 <p><b>Asset Disposal</b></p>	<p>A Board of Survey must be established to oversee the disposal process. This board is responsible for ensuring that all responsibilities are clearly defined, and that the disposal is conducted in accordance with established guidelines. The board's role is crucial in maintaining the integrity and transparency of the disposal process.</p> <p>A thorough valuation of assets is necessary to determine the most appropriate disposal method.</p> <p>Detailed documentation of the disposal process is essential. This includes maintaining records of all justifications, approvals, and actions taken. Proper documentation supports transparency and provides a clear audit trail, which is vital for accountability.</p> <p>Detailed documentation of the disposal process is essential. This includes maintaining records of all justifications, approvals, and actions taken. Proper documentation supports transparency and provides a clear audit trail, which is vital for accountability.</p>
 <p><b>Government Public</b></p>	<p>Preparation Phase:</p> <ul style="list-style-type: none"> <li>• Identify assets for auction.</li> <li>• Obtain necessary approvals for disposal.</li> <li>• Conduct a valuation of assets.</li> </ul>

<p><b>Auction Checklist</b></p>	<ul style="list-style-type: none"> <li>• Prepare detailed asset descriptions and conditions.</li> </ul> <p><b>Auction Planning (FPO)</b></p> <ul style="list-style-type: none"> <li>• Select a suitable auctioneer or software provider</li> <li>• Set a date, time, and venue for the auction.</li> <li>• Advertise the auction through appropriate channels.</li> <li>• Ensure compliance with relevant regulations and policies.</li> </ul> <p><b>Pre-Auction Activities:</b></p> <ul style="list-style-type: none"> <li>• Arrange for asset inspection by potential bidders.</li> <li>• Provide clear terms and conditions of the auction.</li> </ul> <p><b>Auction Day:</b></p> <ul style="list-style-type: none"> <li>• Ensure all assets are displayed as described.</li> <li>• Conduct the auction transparently and fairly.</li> <li>• Record all bids and winning bidders accurately.</li> </ul> <p>Post-Auction Procedures:</p> <ul style="list-style-type: none"> <li>• Collect payments from winning bidders.</li> <li>• Issue receipts and necessary documentation.</li> <li>• Arrange for the transfer of ownership and delivery of assets.</li> <li>• Update asset registers and financial records accordingly.</li> </ul> <p>Reporting and Review:</p> <ul style="list-style-type: none"> <li>• Prepare a comprehensive auction report.</li> <li>• Review the auction process for compliance and efficiency.</li> <li>• Address any discrepancies or issues that arose during the auction.</li> </ul>
 <p><b>Determine the Market Value of the Asset</b></p>	<p>Valuation plays an important part in the effective and efficient disposal of goods. It provides an important reference point which assists in the recommendation as well the approval of the most appropriate disposal option.</p> <p>Technical expert selected as the member of the Board of Survey should have or obtain sufficient technical knowledge to place a value on items identified for disposal.</p> <p>The most accurate determination of value is always what the competitive market is prepared to pay. In addition to this, there are a number of agents (external) who could provide expert valuations to ensure that the expectations from sales are realistic.</p>



# PART 10 - WAIVERS OF TENDER

This part outlines the waivers that are permitted within the Regulation, who can improve them and in what circumstances they can be justified. It also summarised the process for the justification and approval of a waiver. Waivers provide flexibility around government procurement processes in certain situations. (Regulations 23, 32, 35, 52, 57, 58, 59, 60, Schedule 1)

## 10.1 Circumstances for Waivers

10.1.1 In circumstances summarised in Annex 5, a *procuring agency* can request a *waiver* from applying one or some of the *Regulations*. These waivers are for procurement above the *threshold for quotations*. (Refer Annex 1 for thresholds)

10.1.2 Depending on the value and nature of the request, this must be approved by the agency's permanent secretary, the *Minister* or the *Board* (including its approved subcommittees). No *waiver* from open competitive tender is required if the goods, works or services are listed in Guideline 2.2 or 2.4 (non-procurement activities)

## 10.2 Process for requesting waivers

10.2.1 A *procuring agency* must request a *waiver* in writing using the process in Figure 6

10.2.2 When undertaking procurement using a *waiver*, a *procuring agency* should still conduct its procurement according to the *Principles of Procurement* and other relevant procurement good practice guidance. It should achieve the best *Value for Money* over the life of the contract.

## 10.3 Key Considerations for waivers

*Procuring Agencies* must consider the following when requesting for waivers:

- **Objectivity:** Justifications for waivers must be based on facts, not personal opinions or assumptions.
- **Proportionality:** The benefits of waiving the tendering process must outweigh any potential risks.
- **Ministerial Discretion:** The waiver is granted at the Minister's discretion and is based on evidences and explanations provided
- **Burden of Proof:** The burden of proof lies with the *procuring agency* seeking the waiver to demonstrate that the waiver conditions are met.

- **Regulatory Compliance:** The waiver does not exempt the procurement from other relevant regulations.
- **Subsequent Changes:** Any significant changes to the original conditions or facts may invalidate the decision.

## 10.4 Miscellaneous Waiver Circumstances

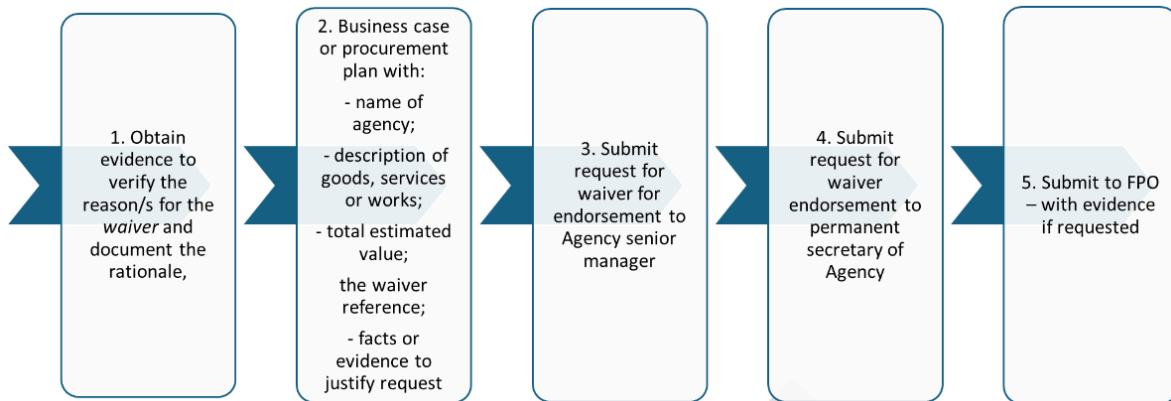
10.4.1 Miscellaneous circumstances refer to any situation or condition that:




- Is not explicitly covered by the specific circumstances outlined in the regulations
- Demonstrates a clear and compelling reason for waiving the usual tendering process.
- Would result in undue hardship, delay, or additional costs if the tendering process were followed.

10.4.2 Some scenarios that can be considered under this category which can be submitted to the Minister for endorsement.

- a. **Venue Hire Services:** If there is only one venue capable of hosting the event and there are no reasonable alternatives. (Regulation 52(1) (a))
- b. **Overseas purchases for overseas missions:** The purchase of vehicles, equipment and other items for the foreign mission e.g. Purchase of office or residential furniture ((Regulation 52(1) (d))
- c. **Maintenance Works:** In cases where it is not possible to correctly diagnose the actual problem in the first instance and total cost of repairs are only determined after more than one phase e.g. diagnostics, repair and test phases in the replacement of vessel and large complex machinery parts. (Regulation 52(1) (a))

FIGURE 6: WAIVERS



 <p><b>Single source processes</b></p>	<p>Single-source procurement is a process used when there is only one viable supplier capable of providing the specific goods, services, or works required. This can occur due to various reasons, such as:</p> <ul style="list-style-type: none"> <li>• <b>Unique Expertise or Technology:</b> The supplier possesses specialized knowledge, skills, or proprietary technology that no other supplier can offer.</li> <li>• <b>Limited Competition:</b> The market for the particular product or service is highly concentrated with only one supplier.</li> </ul> <p>Single-source procurement is <b>not</b> about the supply of a particular brand. It focuses on the <b>supply of specific products, services or works</b> from a sole supplier due to factors mentioned beyond branding</p>
 <p><b>Aid Agency Nomination</b></p>	<p>When an aid agency fully funds a procurement and nominates a specific supplier, <b>written confirmation</b> from the aid agency is required to validate the nomination.</p>
 <p><b>Exceptionally advantageous conditions</b></p>	<p>These include one-time events such as a sale by another government, public auction or a sale resulting from liquidation, bankruptcy, or receivership.</p>



# PART 11 - EMERGENCY PROCUREMENT

This part sets out rules for urgent buying in emergencies. It outlines when emergency buying can be used and what steps must be followed. (Regulations 35 – 37)

## 11.1 Emergency procurement

11.1.1 *Procuring agencies* must not use the provisions of emergency procurement to circumvent from the tender process due to inadequate forecasting or overlooked requirements. A failure to plan procurement processes in advance is not an emergency.

11.1.2 Emergency procurement processes must only be used where it is not possible to use open, competitive, and inclusive procurement.

11.1.3 *Procuring Agencies* must first utilise existing government emergency stocks, standing offer contracts, or supplier panels before procuring from other suppliers.

11.1.4 Emergency purchases must only be considered where there is extreme urgency brought about by events that were unforeseeable by the agency including:

- a. natural disasters declared as an emergency by the minister responsible for Disaster Management.
- b. life-or-death situations.
- c. outbreak of human, plant or animal disease
- d. a tender is reasonably impractical due to time or cost factors, or the condition or quality of goods, equipment, building or publicly owned capital goods or national infrastructure may seriously deteriorate unless urgent action is urgently taken to maintain their value or usefulness

## 11.2 Immediate Relief Assistance

11.2.1 Following the declaration of a State of Natural Disaster, if the need arises, requesting *procuring Agencies* must forward a written submission to the National Disaster Management Controller with the necessary documentations seeking approval for procurement for either of the following purposes:

- a. Food items

b. Access to clean and safe water,

c. Medical supplies, (Limited to Drugs and Consumables)

d. Temporary shelter materials and

e. Seeds for Subsistence purposes

11.2.2 Permanent secretaries with special responsibilities under the Natural Disaster Management Act 1998 may declare emergency procurement response measures, provided that this has been endorsed by the National Disaster Controller

11.2.3 When using emergency procurement justified by the reasons in Guidelines 11.1.4 (b), (c) and (d), *procuring Agencies* must seek the prior approval of the *Minister* for the expenditure and this must cover the expected period of urgency only. Expected Period of Urgency refers to the timeframe reasonably anticipated to address the emergency and allow for the transition to a competitive procurement process.

11.2.4 At the end of the declared state of natural disaster, *procuring agencies* must submit a report to the *Minister*, through the permanent secretary for finance, stating the amounts of funds, quantities and values of goods, services and works that have been used to village and settlement level and all contract awards, regardless of value.

## 11.3 Post Relief Assistance

11.3.1 *Procuring Agencies* seeking additional funds for ongoing relief assistance and rehabilitation purposes must obtain approval for redeployment or supplementary appropriations from the Ministry of Finance before incurring this expenditure.

11.3.2 When requesting emergency procurement, the *procuring agency* must use the *Emergency Procurement* template on the FPO website (an example is in Schedule 3) and submit to the Head of Procurement who will process it within 24 hours.



## 11.4 Pre-Emergency Planning



11.4.1 Given the government's susceptibility to emergency situations, agencies should ensure sufficient pre-emergency procurement planning is conducted to minimize disruptions and facilitate effective responses.

11.4.2 *Procuring Agencies* should undertake the following as part of their pre-emergency planning:

- **Supplier Database:** Maintain a comprehensive and up-to-date database of potential suppliers, including their contact information, product/service offerings, delivery capabilities, and financial stability.
- **Standing offer:** Coordinate with the Fiji Procurement Office to establish a standing offer tender for relevant goods or services, if one does not already exist
- **Performance Metrics:** Establish clear and measurable performance metrics for factors such as delivery time, quality, responsiveness, and compliance with contractual obligations.
- **Emergency Response Plans:** Develop detailed emergency response plans that

outline procurement procedures, supplier selection criteria, and contingency plans for various emergency scenarios.

- **Risk Assessment:** Conduct regular risk assessments to identify potential threats and vulnerabilities that could impact procurement activities during emergencies.
- **Training and Capacity Building:** Ensure sufficient training and capacity building for procurement staff to equip them with the knowledge and skills necessary to handle emergency procurements efficiently and effectively.
- **Communication Protocols:** Establish clear communication protocols with suppliers, relevant government *procuring Agencies*, and other stakeholders to ensure timely information sharing and coordination during emergencies.
- **Regular Reviews and Updates:** Conduct periodic reviews of pre-emergency plans to ensure their relevance and effectiveness considering changing circumstances.

 <p><b>Criteria for Life-or-Death Situations</b></p>	<p><b>Criteria for Determining a Life-or-Death Situation</b></p> <ol style="list-style-type: none"> <li>1. <b>Imminent Threat:</b> The situation must pose a direct and immediate danger to human life or health.</li> <li>2. <b>No Alternative:</b> There must be no other reasonable or practical means to obtain the necessary goods or services through standard procurement procedures.</li> <li>3. <b>Time Sensitivity:</b> The delay in obtaining the goods or services through standard procurement would likely result in serious harm or loss of life.</li> </ol> <p><b>Examples of Life-or-Death Situations</b></p> <ul style="list-style-type: none"> <li>• <b>Natural Disasters:</b> Hurricanes, earthquakes, floods, or other natural disasters that have caused widespread damage or disruption to essential services which can endanger human life.</li> <li>• <b>Public Health Emergencies:</b> Pandemics, epidemics, or outbreaks of infectious diseases that require immediate medical supplies or equipment.</li> <li>• <b>Acts of Terrorism or War:</b> Attacks that result in widespread destruction or casualties.</li> <li>• <b>Infrastructure Failures:</b> Critical infrastructure failures, such as power outages or water shortages, that pose a serious threat to public safety.</li> </ul>
 <p><b>Extreme Urgency</b></p>	<p>Extreme urgency in the context of emergency purchases typically refers to a situation where:</p> <ul style="list-style-type: none"> <li>• Immediate action is required to prevent significant harm, loss, or damage.</li> <li>• Delaying the purchase would result in a substantial negative consequence.</li> <li>• The situation is unforeseen and cannot be addressed through existing resources or procedures.</li> </ul>



## PART 12 - OTHER GUIDELINES

This Part outlines the rules for using third-party agents in procurement and sets clear guidelines for writing technical specifications to ensure fair competition and value for money.

### 12.1 Third Party Agents

#### Guideline

12.1.1 A *procuring agency* may, with the written approval of the Head of Procurement, engage the services of a third-party agent (e.g., an external procurement consultant) to provide advice, arrange, or manage procurement services, or a specific component thereof.

12.1.2 The *procuring agency* must ensure that third party agents have:

- Demonstrated expertise in relevant procurement areas
- Proven track record of successful project delivery.
- Demonstrated financial stability and capacity to fulfil contractual obligations.
- Adherence to ethical standards and conflicts of interest management policies.
- Compliance with applicable laws, regulations, and industry standards.

12.1.3 If the procurement is above the *threshold for board approval*, a written concurrence from the *Head of Procurement* must be sought

12.1.4 If a *procuring agency* utilizes a third-party agent to conduct or manage a procurement, the agency must ensure the agent:

- Adheres to the principles of procurement
- Strictly adheres to all Procurement Guidelines, including seeking necessary waivers (through the *procuring agency*)
- *Operates* in accordance with the terms of the contract with the *procuring agency*
- Provides regular progress reports and performance metrics.

12.1.5 The *procuring agency* must implement a robust system to monitor and evaluate the performance of third-party agents, including:

- Regular performance reviews.
- Audits of procurement processes and documentation.
- Evaluation of cost-effectiveness and value for money.
- Feedback from internal and external stakeholders.

### 12.2 Specifications

#### Regulation 31

12.2.1. When specifying technical requirements, *procuring Agencies* must consider sustainable aspects of the goods, works and services and seek to achieve *Value for Money*.

12.2.2. Where appropriate, technical specifications must be based on:

- a. performance and functional requirements, not on design or a prescribed licensing model or a description of their characteristics
- b. Fiji or international standards where they exist.

12.2.3. When a *procuring agency* describes its technical specifications, it must not:

- a. require or refer to a particular trademark or trade name, patent, design, or type
- b. refer to the specific origin of the goods, services or works or the name of the producer or supplier.



12.2.4. On occasion, a brand name may sometimes be the only way to make the requirements understood. In this case, a *procuring agency* must use 'or equivalent' in the specification and clarify that it will consider equivalent goods, services or works that can be demonstrated to fulfil the requirement.

### 12.3 Definition of Business Days

12.3.1. A *procuring agency* must calculate time periods in clear business days.

12.3.2. A business day is a day when Fiji government *procuring Agencies* and suppliers are normally open and exclude Saturdays, Sundays, and Fiji (national) public holidays. It is a full day from 9am to 5pm. The day a

contract award notice is submitted for publication on Fiji E-tendering website or a notice of intention to award a contract is sent is not a clear business day. The period starts on the next business day at 9am.

 <p><b>Using Trademarks</b></p>	<p>A situation where using a trademark may be the only practical way to make requirements understood is when you are sourcing software that needs to be compatible with an existing system.</p>
 <p><b>Standards</b></p>	<p>Fiji technical regulations should be used for goods and services for use in, and construction works located in, Fiji. You may accept an international standard which is equivalent to a Fiji standard, provided that the supplier has submitted suitable evidence or test results that the international standards is equivalent.</p>

DRAFT



# PART 13 – COMPLAINTS

This Part outlines the process for suppliers to lodge complaints about *procuring agencies*. It specifies which complaints can be reviewed and by whom, including timeframes and escalation procedures to the courts. (Regulation 53, 54, 55)

## 13.1 Dealing with Supplier Complaints

**(For procurement above the threshold for quotations)**

13.1.1 Where a supplier has lodged complaint about a *procuring agency*, FPO or the Board, the Permanent Secretary may undertake a review. However, the following areas are not subject to review:

- the method of procurement selected;
- the choice of selection criteria;
- the withdrawal of a tender under regulation 51; and
- the decision taken to reject all tenders, proposals, or quotations.

13.1.2 Suppliers must submit written complaints within seven working days of being notified of the successful award. Complaints should be sent via letter or email.

13.1.3 Complaints above the threshold for Board Approval should be sent to the Permanent Secretary of Finance who will determine whether a contract has already been awarded, and, if not, will then review the complaint against the timescales in Regulation 54.2. If they decide to review a complaint they must do so within 30 days and will provide a written decision which is final.

13.1.4 The Permanent Secretary of Finance may appoint an independent procurement complaints committee to review the complaint.

13.1.5 If the supplier is not satisfied with the decision of the Permanent Secretary of Finance, or the contract has already come into force, the supplier may seek a judicial review through the courts under Regulation 55.1. The supplier may be required to pay court fees to initiate the judicial review process.

## 13.2 General complaints

13.2.1 All general complaints submitted to the Fiji Procurement Office (FPO) via the FPO website's complaint portal, email, or phone will be processed as follows:

- Complaint Assessment:** The complaint will be assessed to determine if sufficient information is available for evaluation and if input from the relevant *procuring agency* is required.
- Agency Consultation:** If necessary, the complaint will be forwarded to the agency for comment within five working days
- Complaint Resolution:** A response to the complainant will be provided within ten working days of receipt of the complaint.

13.2.2 All written complaints must be acknowledged within three working days of receipt and investigated fairly, impartially, and promptly.

13.2.3 Agencies must ensure that the initiation of a complaint process does not negatively impact a supplier's or potential supplier's ability to participate in future procurement processes.



### Dealing with supplier complaints

#### Key Considerations:

- **Prompt Response:** Acknowledge and investigate complaints promptly to demonstrate your commitment to fairness and transparency.
- **Thorough Review:** Conduct a comprehensive review of complaints, considering all relevant evidence and arguments.
- **Clear Communication:** Communicate your decisions clearly and concisely, providing explanations for your actions.
- **Respectful Treatment:** Treat suppliers with respect, even if their complaints are unfounded or frivolous.



# PART 14 – EXCLUSION AND DEBARMENT

This Part outlines the grounds for excluding or debaring suppliers from procurement processes. It also details record-keeping and reporting requirements for procurement activities. (**Regulation 63 – 65**)

## 14.1 Excluding a Supplier from bidding

14.1.1.A *procuring agency* must exclude a supplier or contractor from a specific procurement process if they or their agent:

- a. offers a bribe, gratuity, employment or anything of service or value, intended to influence procurement proceedings; or
- b. have an unfair competitive advantage or conflicts of interest,
- c. engage in coercion, threatening to harm any person or their property to influence their participation in a procurement process or the execution of a contract.

14.1.2.If the *procuring agency* determines that the supplier or contractor's actions warrant debarment from future procurement activities, they may refer the case to the Debarment Committee for further consideration and action.

14.1.3.Any decision by a *procuring agency* to exclude a supplier or contractor from a specific procurement process must be approved by the appropriate procurement approval authority as part of the recommendation.

14.1.4.Reasons for exclusion must be included in the procurement records and promptly communicated to the supplier or contractor.

## 14.2 Debarment

14.2.1 The Permanent Secretary shall establish a Debarment Committee with the authority to suspend, debar, or disqualify any person, bidder, or supplier from participating in procurement for up to five years.

14.2.2 The Debarment Committee shall consist of at least three members with representative and should include members from the following Divisions:

- Solicitor General's Office
- Internal Audit Division
- Any other relevant departments as determined by the Permanent Secretary

14.2.3 Suppliers may be debarred under the following circumstances:

- a. supplying false information in the bid or prequalification application or response;
- b. collusion between a bidder and a public official in the formulation of any part of the bidding documents;
- c. interfering with competition or competing bidders;
- d. misconduct relating to the submission of bids, including corruption, price fixing, a pattern of under-pricing bids, breach of confidentiality, misconduct relating to execution of procurement contracts, or any other misconduct relating to the responsibilities of the bidder or supplier;
- e. conviction of a company director, consultant, or sole trader for an offence relating to obtaining or attempting to obtain a procurement contract, terrorism, money laundering, child labour, human trafficking, or illicit drug dealing;
- f. conviction of a company director, consultant, or sole trader for an offence related to professional dishonesty or fraud;
- g. submitting inaccurate or inadequate information with a view to mislead;
- h. refusing to enter into a contract with a public body on fair, market-based terms that are consistent with industry standards and practices, except in a situation of force majeure ;
- i. repeated failure of performance to comply with the terms and conditions of the contract or the specifications;
- j. material breach of contract;
- k. non-adherence to United Nations Security Council sanctions; or

- I. without prior written approval, assigning or subcontracting a material proportion of its contract obligations.

### 14.3 Debarment Decision making process

14.3.1 The Debarment Committee shall conduct a thorough investigation into the alleged misconduct, including:

- Reviewing relevant documents and evidence
- Interviewing witnesses
- Consulting with legal counsel when required

14.3.2 The supplier or bidder shall be given reasonable notice and reasonable opportunity to respond.

14.3.3 The Debarment Committee may hold a hearing to allow the supplier to present their case and evidence.

14.3.4 Suspension or debarment or disqualification will not be effective unless the Debarment Committee reviews and considers evidence provided;

- a. reasonable notice and reasonable opportunity is provided to the bidder or supplier to respond to the proposed action; and
- b. name of the supplier/bidder is communicated in a publicly available debarment register that will be managed by Fiji Procurement Office.

### 14.4 Mitigating Factors

When determining the severity of a debarment, the following mitigating factors may be considered by the debarment committee:

- a. **Corrective Measures:** If the supplier has taken prompt and effective corrective measures to address the issue that led to the debarment, a shorter debarment period or other penalties may be appropriate.
- b. **History of Good Performance:** If the supplier has a history of good performance with no prior debarment or sanctions, this may be considered in mitigation.
- c. **Nature and Severity of the Violation:** The severity of the violation will be a key factor in determining the appropriate penalty. More serious violations may warrant a longer debarment period or other harsher penalties.

### 14.5 Records, Reporting and Audits

14.5.1 Without limiting its obligations under the Information Act 2018, a *procuring agency* must keep records of each procurement for at least seven years from the date the contract was signed by all parties.

14.5.2 The records must document the procurement process, all decisions, the contract awarded and include all recommendations and reports. A *procuring agency* may store the records electronically.

### 14.6 Debarment Appeal Mechanism

A supplier may appeal a decision to exclude or debar them from procurement processes on the following grounds:

- a. The decision was based on incorrect or insufficient evidence.
- b. The decision was made in violation of due process or procedural requirements.
- c. The penalty imposed was disproportionate to the offense.
- d. The mitigating factors were not adequately considered.

### 14.7 Debarment Appeal Procedure





14.7.1 A supplier wishing to appeal must submit a written notice of appeal to the Debarment Committee within 5 working days of the date the decision was communicated.

14.7.2 The Debarment Committee shall review the appeal and any supporting evidence provided by the supplier.

14.7.3 The Debarment Committee may hold a hearing to consider the appeal, at which the supplier and any relevant parties may present arguments and evidence.

14.7.4 The Debarment Committee shall make a decision on the appeal and communicate its decision to the supplier in writing.

14.7.5 The decision of the Debarment Committee on an appeal shall be final and binding, unless the decision is challenged in a court of law on the grounds of procedural irregularity or violation of natural justice.

 <p><b>Unfair competitive Advantage &amp; Collaboration</b></p>	<p>Unfair Competitive Advantage in the context of procurement refers to a situation where a supplier has an advantage over other bidders that is not based on legitimate factors such as price, quality, or experience. This advantage can distort the competitive process and prevent fair competition.</p> <p>Examples of unfair competitive advantages include:</p> <ul style="list-style-type: none"> <li>• <b>Insider information:</b> A supplier who has access to non-public information about the procurement process or the requirements of the contract.</li> <li>• <b>Favouritism:</b> A supplier who is favoured by a procurement officer or decision-maker due to personal relationships or other factors.</li> <li>• <b>Collusion:</b> A supplier who colludes with other bidders or public officials to manipulate the procurement process.</li> <li>• <b>Bid rigging:</b> Involves agreements between competitors about which of them should win a bid. It eliminates competition in a tender between the suppliers who are involved and negatively affects prices and other factors such as choice, innovation, quality and investment. Bid rigging is a form of cartel. It is deceptive and illegal behaviour. Bid rigging can occur in one tender but may also occur across multiple tenders and wider markets.</li> <li>• <b>Bribery:</b> A supplier who offers bribes to public officials to influence the procurement process.</li> </ul> <p>Collaboration is not necessarily unlawful. In certain types of procurement, you may want suppliers to collaborate (e.g. to form a joint venture). You can allow for this in your contract award notice and include conditions that suppliers must be transparent about their collaboration (e.g. suppliers must state who they have collaborated with to prepare their response).</p>
 <p><b>Reporting</b></p>	<p>Reporting is an important mechanism for driving real change and ensuring accountability and transparency. The Government is committed to developing a reporting and monitoring framework that provides a system-wide view of government procurement activity.</p> <p>This includes the outcomes (including sustainable outcomes) that <i>procuring agencies</i> are achieving from their primary and mini competition activities. In line with open data principles, MOE may, from time to time, publish the data and information collected.</p> <p>More information on how to report on sustainable outcomes can be found on our website: <a href="http://www.fpo.gov.fj">www.fpo.gov.fj</a></p>
 <p><b>What Records to Keep</b></p>	<p>The procurement process includes planning, sourcing, evaluations, meetings, issues and resolutions, recommendations and decisions. Each step should be thoroughly documented and maintained as records.</p>
 <p><b>Audits</b></p>	<p><i>Procuring agencies</i> are accountable to Parliament and the public for their use of public resources and the powers conferred by Parliament.</p> <p>External audits can be commissioned to provide independent assurance that <i>procuring agencies</i> are operating and accountable for their performance.</p> <p>When entering into any form of joint venture or alliance with the private sector, you should include provisions in the contracts or agreements allowing access for auditing purposes to all records of procurement undertaken by the partnering. The contract provisions should enable access by the public sector entity's own internal auditor and any other person undertaking audit or review on behalf of the Auditor-General.</p>



# PART 15 – CUSTOMS CLEARANCE AND LOGISTICS

This Part outlines the process for customs clearance government goods and logistics management.

## 15.1 Overseas Purchases

15.1.1 The Fiji Procurement Office is responsible for the customs clearance for all of government's consignments or indents via air or sea. Agencies procuring goods and services from overseas need to work with FPO Logistics Unit very closely. Clear, timely and constant communications must always be carried out to attain a smooth clearance process without any extra or avoidable charges or costs incurring

15.1.2 For all overseas procurements the Logistics Unit of the FPO needs to be notified and provided with the original documents as soon as possible before the actual consignment arrives.

15.1.3 *Procuring agencies* are responsible for any additional clearance charges incurred due to late or incomplete documentation. The Fiji Procurement Office is not liable for such charges.

## 15.2 Indent Preparation

15.2.1 *Procuring agencies* must raise an indent for any overseas procurement irrespective of the value of the procurement. The indent will have the entire details of the goods or services procured. Through the indent, the supplier will be notified that all the documents and correspondence should be sent to the Head of the Fiji Procurement Office.

15.2.2 The indent will be signed by the Head of Department (or delegate) and also by the officer who is responsible for ordering the items

15.2.3 *Procuring agencies* must ensure that the correspondence address made available to any suppliers should be as below:

The Head of Fiji Procurement Office,  
P.O Box 2212, Government Buildings, Suva  
E-mail address:  
FPO\_SHIPPING\_SUVA@finance.gov.fj (Suva Office) or  
[FPO\\_Shipping\\_Lautoka@finance.gov.fj](mailto:FPO_Shipping_Lautoka@finance.gov.fj)  
(Lautoka Office)

## 15.3 Overseas purchases (with advance payment)

15.3.1 The supplier only ships goods once payment has been received. In order to initiate advance payment a pro forma invoice is issued by the supplier.

15.3.2 *Procuring agencies* who pay their suppliers in advance must instruct the suppliers to express release their goods and must mark their Bill of Lading as expressed released

## 15.4 Clearance on Indented Items

15.4.1 The FPO Logistics Unit receives the information from local shipping agents, suppliers or agencies to clear the goods.

15.4.2 *Procuring agencies* must issue a request to the Head of Fiji procurement office only if urgent clearance needs to be done after working hours and if goods have to be delivered beyond 10km of any of the clearance port.

## 15.5 Clearance of Non-Indented Items

15.5.1 *Procuring agencies* must formally request for clearance of goods through a memo to the Head of Procurement (FPO). The memo must contain:

- Expected date of arrival of cargo
- Original Shipping documents
- Expense account number for charges to be paid from

15.5.2 *Procuring agencies* are solely responsible for ensuring that sufficient funds are available in the designated expense account to cover clearance charges. The clearance process will only commence after Treasury confirms the availability of adequate funds.

## 15.6 Clearance of dangerous goods

15.6.1 *Procuring agencies* must formally request for clearance of dangerous goods through a memo to the Head of Procurement (FPO). The memo must contain:

- Expected date of arrival of cargo
- Original Shipping documents



- Expense account number for charges to be paid from
- Import License from the relevant issuing authority
  - a. Ammunitions –Police
  - b. Chemicals – Energy and Environment
  - c. Dangerous Drugs – FPBS

15.6.2 The transportation of dangerous goods must be handled by the consigning ministry or department and must comply with all relevant government regulations regarding the transportation of dangerous substances.

### 15.7 Clearance of Relief Supplies

15.7.1 The National Disaster Management Office is responsible with liaising with donors. The NDMO is responsible for arranging for documentation and any related import permits and/or licenses.

15.7.2 All relief supply donations clearances must be submitted to the National Disaster Management Office (NDMO) for endorsement and approval before being forwarded to the Fiji Procurement Office with the relevant expense account for clearance.

### 15.8 Export of Goods

15.8.1 *Procuring* agencies must formally request for export of goods through a memo to the Head of Procurement (FPO). The memo must contain:

- Requested date of export or expected arrival date at receiving port
- Physical address of receiving party
- Receiving contact person's email and phone number
- Serial numbers of exported equipment
- Expense account number for charges to be paid from

15.8.2 Agencies are to note that packages should not be sealed as items will need to be verified by customs before export

### 15.9 Clearance of Non-Indented Shipments Including Hand-Carried Goods at Airport Customs Baggage Hall

15.9.1 *Procuring* agencies must formally request for Clearance of Non-Indented Shipments Including Hand-Carried Goods at Airport Customs Baggage Hall through a memo to the Head of Procurement. The memo must contain:

- A copy of the traveller's flight itinerary showing arrival details
- A copy of the traveller's passport biodata page, confirming identity and nationality
- Detailed invoice or packing list for the goods being hand-carried, indicating the description, quantity, and value of the items
- Expense account number for charges to be paid from

15.9.2 Receiving agencies must provide a 24-hour notification prior to the arrival of the goods.

### 15.10 Unclaimed Cargo

15.10.1 To prevent unnecessary storage costs, the Fiji Procurement Office (FPO) may clear unclaimed cargo from the wharf or bonded warehouses after 72 hours of the cargo arriving in the country. If a procuring agency fails to submit a clearance request within this timeframe, the FPO can proceed with clearance without ministerial authorization. Any associated costs will be charged to the responsible agency.



15.10.2 Fiji Procurement Office will use an expenditure allocation confirmed by the Treasury Division.

15.10.3 Clearance of unclaimed cargo will be approved by the Head of Procurement.

### 15.11 Request to Deliver Cargo

15.11.1 *Procuring* agencies must submit a formal written request to the Head of Procurement for FPO cargo delivery. The request should include:

- Place of delivery
- Expense account to charge delivery cost
- Detailed information about the cargo details

 <p><b>Method of Freight</b></p>	<p>Procuring should ensure method of freight is confirmed very early during the procurement planning process. Here are some factors to take into consideration:</p> <p><b>Product Sensitivity:</b></p> <ul style="list-style-type: none"> <li>• Perishable goods: Require faster transportation methods to minimize spoilage.</li> <li>• Fragile items: Need careful handling and packaging, which may influence freight options.</li> <li>• Hazardous materials: Have specific regulations and transportation requirements.</li> </ul> <p><b>Distance and Location:</b></p> <ul style="list-style-type: none"> <li>• Geographic distance: Impacts transportation time and costs.</li> <li>• Accessibility of locations: Consider infrastructure, road conditions, and port availability.</li> </ul> <p><b>Cost:</b></p> <ul style="list-style-type: none"> <li>• Freight charges: Compare costs of different transportation modes and different freight methods (e.g., air, sea, road and FPB, CIF Etc.)</li> </ul> <p><b>Lead Time:</b></p> <ul style="list-style-type: none"> <li>• Delivery time: Select a method that aligns with your procurement timeline.</li> <li>• Transit time: Consider the time it takes for goods to reach their destination.</li> </ul> <p><b>Sustainability:</b></p> <ul style="list-style-type: none"> <li>• Environmental impact: Evaluate the carbon footprint of different transportation options.</li> <li>• Social responsibility: Consider the ethical practices of carriers and suppliers.</li> </ul> <p><b>Emergency Situations:</b></p> <ul style="list-style-type: none"> <li>• Contingency plans: Have backup options in case of delays or disruptions.</li> <li>• Insurance coverage: Ensure adequate insurance to cover potential losses.</li> </ul>
 <p><b>Inco Terms</b></p>	<p>International commercial terms (Incoterms) clarify the rules and terms that buyers and sellers use in international and domestic trade contracts. The following are some of the common Inco terms used by agencies and needs to be clearly defined and clearly included in the indents:</p> <ul style="list-style-type: none"> <li>• <b>Freight on Board or Free on Board (F.O.B):</b> Suppliers charge agencies only for the goods and freight is the responsibility of government agencies. Government assumes all risk once seller ships the product. With FOB, agencies have control over logistics. Agencies may use this if it wants to protect itself from potential risks associated with international shipping, such as controlling shipping costs, manage shipping delays, or damage during transit</li> <li>• <b>Cost and Freight (C&amp;F):</b> specifies that the seller is responsible for delivering the goods to a designated port of destination and covering the cost of transportation to that port. However, the buyer is responsible for the costs and risks associated with unloading the goods at the destination port, as well as any customs duties or import taxes.</li> <li>• <b>Cost, Insurance and Freight (CIF):</b> specifies that the seller is responsible for arranging transportation and insurance for the goods until they reach the named port of destination. The seller also bears the cost of freight up to that point.</li> <li>• <b>Delivered Duty Paid (DDP):</b> Places the maximum responsibility on the seller. Under DDP, the seller is responsible for delivering the goods to the agreed destination, cleared for import, and bearing all costs and risks associated with the shipment, including duties, taxes, and customs clearance.</li> <li>• <b>Ex-Works (EXW):</b> Places the minimum obligations on the seller. Under EXW, the seller's only responsibility is to make the goods available at their premises, ready for the buyer to pick up. The buyer is responsible for all costs and risks associated with transporting the goods from the seller's premises to their destination. EXW gives the agency complete control over the logistics, allowing them to choose the carrier, route, and insurance coverage.</li> </ul>



# GLOSSARY

Word or phrase	Definition
<b>agency</b>	A generic term used in the <i>Guidelines</i> to refer to Fiji government entities across the <i>Public Sector</i> .
<b>Agency head</b>	<i>Procuring agencies</i> permanent secretaries or their delegates
<b>All-of-Government Contracts (Standing Offer contract)</b>	A type of collaborative contract that has been approved by the <i>Head of Procurement</i> . Standing offers are usually <i>Panel Contracts</i> or <i>Standing Offers</i> established by FPO or a <i>Lead Agency</i> .
<b>Annual Procurement Plan (APP)</b>	A <i>procuring agency's</i> list of planned contracts opportunities that meet or exceed the <i>Threshold for tender</i> . It is a list covering at least the next 12 months from the commencement of the financial year.
<b>Application to Qualify (ATQ)</b>	An application by a supplier to be included in A <i>procuring agency's Pre-qualified Suppliers List</i> . A supplier must prove it has the capability and capacity to deliver specific types of goods, services or works to be included in the list.
<b>approach to market</b>	The formal process of giving notice of a contract opportunity to potential suppliers and inviting them to respond. An example of an approach to the market is a <i>Request to tender</i> published on <i>Fiji E-tendering website</i> .
<b>bid-rigging</b>	A type of price-fixing, or collusive tendering, where there is an agreement between competitors about which of them should win a bid.
<b>Budget Sector Agency</b>	a budget sector agency as defined in the Financial Management Act 2004
<b>business activities</b>	Any activity that is performed with the goal of running a business. For the private sector, these are activities associated with making a profit (e.g. operations, marketing, production or administration).
<b>business case</b>	A management tool that supports decision-making for an investment. It sets out the reasons for a specific project, considers alternative solutions and identifies assumptions, constraints, benefits, costs, and risks.
<b>business day</b>	Any weekday in Fiji, excluding Saturdays, Sundays, and Fiji (national) public holidays.
<b>Board</b>	The Government Tender Board and its sub-committees as may be established under Regulation 9 of the <i>Regulations</i> .
<b>Call off contract</b>	A contract, purchase order or indent awarded under a standing offer contract or Supplier panel. This may include a statement of work or requirements of the <i>procuring agency</i> that refers to the terms and conditions contained in the standing offer.
<b>Civil Service</b>	The Republic of Fiji's government Civil Service departments, ministries and agencies.
<b>clear business day</b>	One full business day from 9am to 5pm.
<b>closed competitive process</b>	A tender process where a <i>procuring agency</i> asks a limited number of known suppliers to tender for a contract opportunity. The contract opportunity is not openly advertised.

Word or phrase	Definition
<b>collusion</b>	A secret agreement or cooperation between two or more parties to cheat or deceive others by illegal, fraudulent or deceitful means.
<b>commercially sensitive information</b>	Information that, if disclosed, could prejudice a supplier's commercial interests (e.g., a trade secret, profit margin or new ideas).
<b>commodity market</b>	A legally regulated exchange (market) where raw goods or primary products, such as agricultural produce, metals and electricity, are bought and sold using standardised contracts (e.g. the London Metal Exchange and the Chicago Board of Trade).
<b>common use goods and services</b>	goods and services that are used by one or more departments and for which the Head of Procurement may enter into a <i>Standing Offer</i> contract
<b>Competitive neutrality</b>	State-owned commercial entities and private businesses compete on a level playing field
<b>construction works</b>	<p>Relates to goods and services associated with developing civil or building works. This includes buildings, roads, rails, bridges, water treatment plants and dams. It covers new builds and replacement of an existing construction. It also includes related services such as design, architecture, engineering, quantity surveying, and management consultancy services.</p> <p>It includes various stages in the project such as:</p> <ul style="list-style-type: none"> <li>- demolition of previous structure</li> <li>- pre-erection work, including site investigation work</li> <li>- construction work for buildings, residential and non-residential - construction work for civil engineering</li> <li>- assembly and erection of prefabricated constructions, i.e. installation on site of complete prefabricated buildings or other constructions, or the assembly and erection on site of prefabricated sections of buildings or other constructions</li> <li>- special trade construction work such as foundation work, including pile driving, water well drilling, roofing and water proofing, concrete work, steel bending and erection, erection work from purchased or self-manufactured structural steel components for buildings or other structures such as bridges, overhead cranes or electricity transmission towers, steel reinforcing work and welding work</li> <li>- masonry work</li> <li>- installation work such as heating, ventilation and air-conditioning work, water plumbing and drain-laying work, gas-fitting construction work, electrical work, insulation work, fencing and railing construction work, other installation work</li> <li>- building completion and finishing such as glazing work and window-glass installation work, plastering work, painting work, floor and wall-tiling work, floor-laying, wallcovering and wall papering work, wood and metal joinery and carpentry work, interior fitting decoration work, ornamentation fitting work, other building completion and finishing work, and steam or sand cleaning work of building exteriors</li> <li>- renting services related to equipment for construction or demolition of buildings or civil engineering works.</li> </ul>
<b>competition</b>	Rivalry between suppliers for sales, profits and market share. Competitive tension in the market and can produce innovation, better-quality goods or services, better value and better pricing.
<b>Competitive Dialogue</b>	<p>a procurement method used for complex, innovative procurement of goods, services and works which allows a <i>procuring agency</i> to thoroughly discuss key aspects of the procurement with potential suppliers during a structured confidential dialogue before finalising the specifications and inviting final proposals.</p> <p>Often used where there is no known solution in the supply market. Shortlisted suppliers are often paid for their participation in the dialogue phase. All shortlisted suppliers are invited to respond to a <i>Request for Proposal</i> or <i>Request to tender</i>.</p>

Word or phrase	Definition
<b>conflict of interest</b>	A conflict of interest arises when an individual or organization has a personal or professional interest that could potentially influence their judgment or actions in a way that compromises their ability to act objectively. This can occur due to relationships, financial interests, or professional affiliations. For more information see p42
<b>Contract Award Notice</b>	A notice containing the information listed in Guideline 45.2. Usually published on the Fiji E-Tendering Service website.
<b>contract opportunity</b>	An opportunity for suppliers to bid for a contract for goods, services or works.
<b>contract management</b>	the process in which the parties to a procurement contract, ensure that they fully meet their respective obligations as efficiently and effectively as possible, according to the terms and conditions of the contract.
<b>deadline for responses</b>	The closing time and date for responses to a contract award notice or any other call for tenders. If a tender is submitted after the closing date, it is deemed to be late and may not be accepted by the <i>Procuring agency</i> .
<b>Department</b>	department as defined in the Financial Management Act 2004.
<b>dependant</b>	includes a spouse, a de-facto spouse, child under 18 years of age, or any other person who is financially dependent on a person or <i>Board Member</i>
<b>direct procurement</b>	A procurement process addressed directly to one supplier or contractor or a restricted number of suppliers or contractors without openly advertising the contract opportunity.
<b>direct interest</b>	where a person or <i>Board member</i> or their <i>dependant</i> is personally a supplier or employee of a supplier or where a <i>Board member</i> or their <i>dependant</i> (individually or combined) directly holds a financial interest in a supplier;
<b>discrimination</b>	making an unfair and prejudicial judgement for or against a person or product.
<b>disposal</b>	the process of reutilizing, transferring, donating, selling, or destroying, Government-owned goods or assets.
<b>dynamic purchasing system</b>	An electronic system established by a <i>procuring agency</i> or the Fiji Procurement Offices to purchase goods services or works which are readily available in the market and is open to any supplier who satisfies the specified selection criteria;
<b>Electronic reverse auction or e-auction</b>	an online real-time purchasing technique utilized by the <i>Procuring agency</i> to select the successful submission, which involves the presentation by suppliers or contractors of successively lowered bids during a scheduled period of time and the automatic evaluation of bids in real time. It gives suppliers the opportunity to bid against each other to improve their offers.
<b>education services</b>	A generic term for public education services provided by government that includes: <ul style="list-style-type: none"> <li>• primary education services: preschool and primary school</li> <li>• secondary education services: general and higher, technical and vocational</li> <li>• higher education services: post-secondary, sub- degree technical and vocational, and those leading to a university degree or equivalent</li> <li>• adult education services: for adults not in the regular school and university system</li> <li>• other education services: not definable by level, excluding sport and recreation education.</li> </ul>
<b>evaluation criteria</b>	The criteria that are used to evaluate responses. These include measures to assess the extent to which competing responses meet requirements and expectations (e.g. criteria to shortlist suppliers following a Registration of Interest or criteria to rank responses in awarding the contract).

Word or phrase	Definition
<b>expression of interest</b>	a response to an open approach to the market requesting submissions from potential suppliers interested in participating in a procurement. The list of potential suppliers who have submitted expressions of interests may be used as the basis for conducting a tender process
<b>Fiji business</b>	A business that originated in Fiji (not being a Fiji subsidiary of an offshore business), is majority owned or controlled by Fijians, and has its principal place of business in Fiji.
<b>Fiji E-tendering website</b>	The Fiji E-tendering website is a website managed by Fiji Procurement Offices. It advertises Fiji Government contract opportunities and is open to both domestic and international suppliers. All tender information and documents are made freely available through the Fiji E-tendering website.  It also offers E-quotes and E-evaluation.
<b>Fiji E-tendering website listing</b>	The summary of a contract opportunity that is published on Fiji E-tendering website. It includes key information such as the: <ul style="list-style-type: none"> <li>- name of the buying agency</li> <li>- approach to market process that will be used (e.g. Request for Proposals)</li> <li>- deadline for responses</li> <li>- address for any enquiries.</li> </ul>
<b>Forward auction</b>	An auction where persons bid for goods or services and the winner is the person supplying the highest bid that meets all other terms and conditions of the auction.
<b>Functional Leader</b>	A Permanent Secretary appointed by Cabinet to drive performance in a particular area of the Civil Service, e.g. procurement.
<b>goods</b>	objects of every kind and description. Includes raw materials and inventories, products, equipment and plant, objects in solid, liquid, or gaseous form, electricity, intangible property such as Intellectual Property (including a software product), as well as services incidental to the supply of goods such as freight and insurance. These are usually items which are capable of being owned.
<b>Government assets</b>	inventories, equipment, furniture and motor vehicles
<b>government's central financial control functions</b>	This relates only to the acquisition of fiscal agency or depository management services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.  These are central banking control functions on behalf of government such as those carried out by the Reserve Bank, and Crown debt management functions such as those carried out by Treasury.  Ordinary commercial banking and financial services are not covered by this definition and are not valid opt-out procurements.
<b>grant</b>	Financial assistance in the form of money paid by the Government to an eligible organisation with no expectation that the funds will be paid back.  It can be either: <ul style="list-style-type: none"> <li>- a conditional grant, where the recipient undertakes specific obligations in return for the money, or</li> <li>- an unconditional grant, where the recipient has no specific obligations to perform in return for the money.</li> </ul>
<b>guidance</b>	A generic name for a range of Fiji Government good procurement practice guides, tools and templates. These can be found at: <a href="http://www.FPO.gov.fj">www.FPO.gov.fj</a>
<b>Head of Procurement</b>	The person in charge of the Fiji Procurement Offices;

Word or phrase	Definition
<b>health services</b>	Health services provided by the government, including: <ul style="list-style-type: none"> <li>- hospital services (in-outpatient and outpatient)</li> <li>- general and specialised medical services</li> <li>- military hospital services and prison hospital services</li> <li>- residential health facilities services other than hospital services - ambulance services</li> <li>- services such as supervision during pregnancy and childbirth and the supervision of the mother after birth</li> <li>- services in the field of nursing (without admission) care, advice and prevention for patients at home, the provision of maternity care, children’s hygiene, etc.</li> <li>- physiotherapy and paramedical services</li> </ul>
<b>Indirect interest</b>	where a non-dependant relative of a person or a <i>Board</i> member is a supplier or where a non-dependant relative holds a financial interest in a supplier
<b>Information Act 1982</b>	A law that sets out the information that government must make available to the Fiji public.
<b>Infrastructure</b>	Structures that facilitate economic performance and wellbeing. Infrastructure includes buildings and physical networks, such as hospitals, schools, transport, social assets and digital networks, however funded.
<b>inventories</b>	stock or items held for sale or consumption by the Government
<b>Invitation to Participate (ITP)</b>	An invitation to suppliers, published on Fiji E-tendering website, to apply to be included in a procurement process.
<b>Invitation to Qualify (ITQ)</b>	An invitation to suppliers, published on Fiji E-tendering website, to apply to be included in a <i>procuring agency’s</i> Pre-Qualified Suppliers List.
<b>Joint Agency contracts</b>	A type of collaborative procurement contract, which may include a <i>Supplier Panel</i> , that typically involves a group of agencies aggregating their needs and collectively going to market for common goods, services or works and is administered by a <i>Lead organisation</i> .  If the contract is limited to a group of named agencies, it is a Closed Joint Agency Contract.
<b>Joint Agency procurement</b>	procurement undertaken by one or more <i>procuring agency</i> as set out in the contract award notice
<b>Lead organisation</b>	a <i>procuring agency</i> designated by the Fiji Procurement Offices to enter into or manage a <i>Joint Agency Contract</i> or <i>standing offer contract</i> on its own behalf and that of other <i>procuring agencies</i>
<b>Lot or Lots</b>	a quantity of goods, works or services within a procurement process for which a separate quotation, bid or proposal may be requested, and a separate contract may be awarded;
<b>Market engagement</b>	Market engagement is a process that allows you, at all stages of procurement, to: <ul style="list-style-type: none"> <li>- communicate your needs or requirements to suppliers - openly and transparently discuss possible solutions</li> <li>- stimulate innovation in the design and delivery of the solution - understand market capacity, capability and trends.</li> </ul>
<b>mini competition</b>	Where a <i>procuring agency</i> seeks quotations for goods, services or works from a supplier that has been awarded a Supplier Panel contract, Standing Offer or Joint Agency Contract.
<b>minimum time periods</b>	The least amount of time in clear business days set by the <i>Guidelines</i> , that a <i>procuring agency</i> must allow suppliers to respond to a particular contract opportunity.
<b>the Minister</b>	The Minister responsible for finance

Word or phrase	Definition
<b>multi-step process</b>	A procurement process with more than one step (e.g. a Registration of Interest followed by a Request for Proposals).
<b>Non procurement activities</b>	do not involve acquiring goods or services through a formal procurement process. These activities typically fall outside the scope of traditional procurement rules and regulations.
<b>notice</b>	The document published on Fiji E-tendering website that advertises a new contract opportunity (e.g. a Registration of Interest or a Request to tender).
<b>open advertising</b>	Publishing a contract opportunity or notice on the Fiji E-tendering website and inviting all interested domestic and international suppliers to participate in the procurement.
<b>Panel Contract</b>	A type of standing offer or contract that governs the relationship between the agency and each supplier or Panel Supplier. It sets out the terms and conditions that the parties agree to contract on in the event that the supplier is allocated a call-off contract or purchase order to provide the specified goods, services or works.
<b>Panel Supplier</b>	A supplier included in a Supplier Panel that has been awarded and signed a Panel Contract.
<b>Performance bonds</b>	a security that must be paid or submitted to the <i>Procuring agency</i> by the supplier or contractor as a means of security for the due and faithful performance of the contract. It may be in the form of a guarantee arranged by a bank, insurance company or the parent company of the supplier or contractor
<b>pre-conditions</b>	A condition that a supplier must meet to be considered for a particular contract opportunity.
<b>Pre-qualification</b>	the procedure to identify, prior to solicitation, suppliers or contractors that are qualified
<b>pre-qualified supplier</b>	A supplier included in a Pre-qualified Suppliers List.
<b>Pre-qualified Suppliers List</b>	A list of suppliers a <i>procuring agency</i> has pre-approved as having the capability and capacity to deliver specific goods or services. It is the Fiji Government equivalent of the World Trade Organization Agreement on Government Procurement's 'multi-use list'.



Word or phrase	Definition
<b>Pre-selection</b>	the procedure to identify, prior to solicitation, a limited number of suppliers or contractors that best meet the qualification criteria for the procurement concerned
<b>Principles of Procurement or Principles</b>	The Principles of Procurement as set out in Regulation 4 of the Procurement Regulations (2024).
<b>procurement</b>	The overall process of acquiring goods, civil works and services or award of conditional grant funding which includes all the functions from the identification of needs, selection and solicitation of sources, preparation and award of a procurement contract by purchase, hire, lease or any other contractual means and all phases of contract administration and management through to the end of the services contracts or the disposal of the asset.
<b>procurement contract</b>	A contract between the <i>Procuring agency</i> and a supplier or contractor resulting from procurement proceedings
<b>Procurement Guidelines or Guidelines</b>	<p>This document or any Guideline within it, which are the Guidelines 1 to 71 and the Definitions in this section, as issued and amended from time to time. They contain the instructions for how a <i>procuring agency</i> is to perform procurement in accordance with the Procurement Regulations 2024, as issued and amended by the Fiji Procurement Offices from time to time.</p> <p>Information in boxes and diagrams accompanying the Guidelines are NOT part of the Guidelines but may be used to support understanding of them.</p>
<b>procurement involving classified information</b>	means procurement in which the <i>Procuring agency</i> may be authorized by the procurement regulations or by other provisions of Fijian law to take measures and impose requirements for the protection of classified information.
<b>procurement plan</b>	<p>A plan to analyse the need for specific goods, services or works and the outcome the agency wants to achieve. It identifies an appropriate strategy to approach the market, based on market research and analysis, and summarises the proposed procurement process.</p> <p>It usually includes the indicative costs (budget), specification of requirements, indicative timeline, evaluation criteria and weightings and an explanation of the sustainable outcomes <i>A procuring agency</i> will seek to achieve through the procurement.</p>
<b>Procuring agency or agencies</b>	The Ministries, Agencies, Departments, and other public or state bodies listed in Schedule 2 of the <i>Guidelines</i> who must apply the <i>Procurement Regulations 2024</i> and <i>Procurement Guidelines</i> .
<b>prototype</b>	An early sample, model or pilot study used to test a concept or process.
<b>public money</b>	as defined in the Financial Management Act 2004, means all money received by or on behalf of the Government, including the proceeds of all loans raised on behalf of the Government, State revenue and any other money that the Minister or the permanent secretary responsible for finance directs to be paid into any bank account held by the Government, but does not include trust money.
<b>Public Sector</b>	<p>This includes agencies in:</p> <ul style="list-style-type: none"> <li>• the Civil Service (departments and ministries)</li> <li>• the wider State Services (e.g. School Boards of Trustees) and</li> <li>• the wider State Sector (e.g. Offices of Parliament, University of the South Pacific, and Stat- Owned Enterprises) and</li> <li>• Regional and Municipal Councils.</li> </ul>

Word or phrase	Definition
<b>Public Private Partnerships (PPPs)</b>	A long-term contract for the delivery of a service, involving building a new asset or infrastructure or enhancing an existing asset. The project is privately financed on a non-recourse basis and full legal ownership is retained by the Government.
<b>relative</b>	a parent, parent-in-law, uncle, aunt, first cousin, grandparent, sibling, stepsibling, non-dependent child or grandchild
<b>Registration of Interest (ROI)</b>	<p>Also known as an Expression of Interest. A formal request from A <i>procuring agency</i> asking potential suppliers to:</p> <ul style="list-style-type: none"> <li>• register their interest in an opportunity to supply specific goods, services or works</li> <li>• provide information that supports their capability and capacity to deliver the goods, services or works.</li> </ul> <p>It's usually the first formal stage of a multi-step tender process.</p>
<b>Regulations</b>	The Procurement Regulations 2024, as amended
<b>Request for Information (RFI)</b>	<p>A market research tool. A formal request from A <i>procuring agency</i> to the market, for information that helps identify the number and type of suppliers and the range of solutions, technologies and products or services they can provide.</p> <p>It is not a type of contract award notice. It must not be used to select or shortlist suppliers.</p>
<b>Request for Proposal (RFP)</b>	<p>A formal request from A <i>procuring agency</i> asking suppliers to propose how their goods or services or works can achieve a specific outcome, and their prices.</p> <p>A <i>procuring agency</i> may be open to innovative ways of achieving the outcome.</p>
<b>Request for Quote (RFQ)</b>	A formal request from A <i>procuring agency</i> asking potential suppliers to quote prices for 'stock standard' or 'off-the-shelf' goods or services or works, where price is the most important factor.
<b>Request to tender (RFT)</b>	<p>A formal request from A <i>procuring agency</i> asking for offers from potential suppliers to supply clearly defined goods or services or works.</p> <p>Often there are highly technical requirements and a prescriptive solution.</p>
<b>response</b>	<p>A supplier's bid or reply to a contract award notice. Examples include:</p> <ul style="list-style-type: none"> <li>• registering, or expressing, an interest in an opportunity</li> <li>• providing a quotation</li> <li>• submitting a proposal, tender or bid</li> <li>• applying to qualify as a pre-qualified supplier.</li> </ul>
<b>services</b>	<p>The rendering of a contractor, supplier or consultant of their time and effort and includes any object of procurement either than goods or works. This may include acts or work performed for another party, e.g. accounting, legal services, cleaning, consultancy, training, medical treatment, or transportation. No transfer of possession or ownership takes place when services are sold, and they:</p> <ul style="list-style-type: none"> <li>- cannot be stored or transported</li> <li>- only exist when provided.</li> </ul>
<b>sourcing</b>	The parts of the procurement lifecycle that relate to planning, market research, approaching the market, evaluating responses, negotiating and contracting.

Word or phrase	Definition
<b>standing offer</b>	<p>A type of collaborative contract that has been approved by the <i>Head of Procurement</i>.</p> <p>Standing offers establish various supply agreements (e.g., for services purchased across government with approved suppliers).</p> <p>Standing offers differ from All-of-Government and Joint Agency Contracts because, in a Standing offer:</p> <ul style="list-style-type: none"> <li>in some instances, a private sector supplier may be authorised to purchase from a Standing offer when it is acting on behalf of A <i>procuring agency</i> (authorised agent)</li> </ul> <p>For some Standing offers, the lead agency may charge a participating agency an admin fee or levy.</p>
<b>Standstill period</b>	<p>the period starting from the dispatch of a notice as required by <i>Regulation 47.2</i>, during which the <i>Procuring agency</i> cannot accept the successful submission and during which suppliers or contractors can challenge, under <i>Regulation 44.7</i>, the decision so notified.</p>
<b>Strategic Procurement Plan</b>	<p>a document prepared by a <i>procuring agency</i> prior to commencing tender proceedings that documents the strategy and plan for a procurement contract and its contract management at or above the <i>Threshold</i> for Strategic Procurement Plans listed in Schedule 1.</p>
<b>sufficient time</b>	<p>The time a government agency must give suppliers to respond to a contract award notice, to support:</p> <ul style="list-style-type: none"> <li>quality responses</li> <li>the integrity of the process</li> <li>the agency's reputation as a credible buyer.</li> </ul>
<b>supplier</b>	<p>A person, business, company, contractor, consultant or organisation that supplies or can supply goods, services or works to a <i>procuring agency</i>. Sometimes also described as a vendor.</p>
<b>Supplier Code of Conduct</b>	<p>The minimum set of expectations that government expects of all its suppliers. Agencies may have their own codes of conduct for suppliers, and these can exist simultaneously.</p>
<b>supplier debrief</b>	<p>Information a <i>procuring agency</i> provides to a supplier who has been unsuccessful in a particular contract opportunity, that explains:</p> <ul style="list-style-type: none"> <li>strengths and weaknesses of the supplier's proposal against the tender evaluation criteria and any pre-conditions</li> <li>reasons the successful proposal won the contract</li> <li>anything else the supplier has questioned.</li> </ul>

Word or phrase	Definition
<b>Supplier Panel or Panel</b>	<p>A list of suppliers a <i>procuring agency</i> has pre-approved to supply particular goods or services and who have agreed to the agency's terms and conditions for supply.</p> <p>May also be known as a Framework Contract. It is the umbrella agreement that governs the relationship between the agency and the supplier(s). It sets out the terms and conditions that the parties agree to for call off contracts or purchase orders for supplying the covered goods, services or works.</p> <p>When the agency wants to buy something under a supplier panel without fixed prices or rates, the parties enter into a mini competition to award a call off contract or purchase order.</p> <p>When the agency wants to buy something under a standing offer with fixed prices or rates, the parties award a purchase order.</p> <p>Panels may be closed or open.</p>
<b>sustainable development</b>	development that meets the needs of the present without compromising the ability of future generations to meet their own needs
<b>sustainable outcomes</b>	Sustainable outcomes are the secondary benefits which are generated due to the way goods, services or works are produced or delivered. They include economic, environmental, social, and ethical outcomes.
<b>sustainable procurement</b>	<i>procurement</i> which is subject to the government's economic, social, environmental and governance policies, including requirements of the <i>Procurement Guidelines</i> , relevant provisions of law, and actions or reporting related to gender and the environment, including any mandatory requirements issued by the Ministry or Department responsible for the environment
<b>technical specifications</b>	<p>A tendering requirement that either:</p> <ul style="list-style-type: none"> <li>• defines the characteristics of goods, services or works to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision, or</li> <li>• addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a goods, service or works.</li> </ul>
<b>tender deposit</b>	A deposit or security which may be required to be paid or deposited with the submission of a bid as an act of good faith by the potential supplier or contractor. This deposit is to be refunded to unsuccessful bidders
<b>tender notice</b>	A notice used to advertise a request to tender, request for proposals, expression of interest, invitation to participate, etc.
<b>tender watch code/s</b>	Codes used on Fiji E-tendering website to classify goods, services and works. They are based on the United Nations Standard Products and Services Code (UNSPSC).
<b>third party agent</b>	A party who is contracted to manage a procurement process on behalf of A <i>procuring agency</i> . The agency remains responsible and accountable for ensuring that the procurement complies with the Government Procurement Guidelines.
<b>threshold</b>	A monetary value or other decision-making criterion as stated in Guideline 6.4 and adjusted using the mechanism stated in Schedule 1 of <i>the Regulations</i> ;
<b>total cost of ownership (TCO)</b>	An estimate of the total cost of the goods, services or works over the whole of their life. It is the combination of the purchase price and all other expenses and benefits that the agency will incur (e.g. installation and training, operating and maintenance costs, repairs, decommissioning, cost associated with disposal and residual value on disposal). It is a tool often used to assess the costs, benefits and risks associated with the investment at the business case stage of a procurement.

Word or phrase	Definition
<b>total estimated value</b>	A genuine estimate of the total cost that a <i>procuring agency</i> will pay over the whole-of-life of the contract. It covers the full contract cost of goods or services, and any other expenses such as maintenance and repairs, and the cost of disposal of the goods at the end of the contract.
<b>unsolicited unique proposal</b>	An approach initiated by a supplier proposing a unique solution that is not available in the marketplace.
<b>Value for Money</b>	<p>The effective, efficient, economical, equitable and ethical utilisation of financial and non-financial resources to achieve the best possible sustainable development outcomes over the life of an activity related to the expenditure.</p> <p>VfM is the best available result for Fiji for the money spent. It includes considering the procurement's contribution to the required results, including any <i>sustainable outcomes</i>. It does not mean selecting the lowest price but rather the best possible outcome for the total cost of ownership (over the whole-of-life of the goods, services or works).</p>
<b>VAT</b>	<b>Value Added Tax (VAT) is a tax added to the price of taxable goods and services.</b>
<b>waiver</b>	<b>The recognised circumstances where a <i>procuring agency</i> does not need to openly advertise the contract opportunity.</b>
<b>welfare services</b>	<p>Public welfare services provided by government, which includes:</p> <ul style="list-style-type: none"> <li>- social services, including residential and non-residential welfare services to the old, disabled, children and other social assistance clients</li> <li>- social security services (administration of benefits).</li> </ul>
<b>works</b>	All activities associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works such as site preparation, excavation, erection, building, installation of equipment or materials, decorating and finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services.

## Annex 1 – Thresholds

Threshold	Value (FJD)
Written Quotation	100
Competitive Quotations	5,000
Tender	50,000
Board Approval (Goods & Services)	100,000
Board Approval (Works)	150,000
Strategic Procurement Plan	1,000,000
Central Disposal	50,000

DRAFT

## Annex 2 – Procuring Agencies

Schedule 2 of the Procurement Regulations 2024 identifies that *procuring Agencies* will include budget sector agencies, State entities and statutory authorities as defined in the Financial Management Act 2004, including any successor agencies;

The list of *Procuring Agencies* includes the following, including any successor agencies;

1. Office of the President
2. Office of the Prime Minister
3. Office of the Attorney-General
4. Ministry of Finance and Strategic Planning, National Development and Statistics
5. Ministry of iTaukei Affairs and Culture, Heritage and Arts
6. Ministry of Home Affairs and Immigration
7. Ministry of Employment, Productivity and Industrial Relations
8. Ministry of Foreign Affairs
9. Independent Bodies
10. Independent Commissions
11. Fiji Corrections Service
12. Ministry of Justice
13. Ministry of Civil Service
14. Ministry of Rural and Maritime Development, and Disaster Management
15. Republic of Fiji Military Forces
16. Fiji Police Force
17. Ministry of Education
18. Ministry of Health and Medical Services
19. Ministry of Housing
20. Ministry of Women, Children and Social Protection
21. Ministry of Youth and Sports
22. Higher Education Institutions
23. Ministry of Agriculture and Waterways
24. Ministry of Fisheries
25. Ministry of Forestry
26. Ministry of Lands and Mineral Resources
27. Ministry of Trade, Co-operatives and Small and Medium Enterprises and Communications
28. Ministry of Multi-Ethnic Affairs and Sugar Industry
29. Ministry of Local Government
30. Ministry of Tourism and Civil Aviation
31. Ministry of Public Works and Meteorological Services, and Transport
34. Peacekeeping Missions
35. Other Ministries & Departments not mentioned

This list may be revised by the Permanent Secretary of Finance at any time.

## Annex 3 - Emergency Procurement Request Form

(Regulation 32.3)

1	Procuring agency	
2	Emergency Event	
3	Goods / Services / Works needed and locations	
4	Justification for Emergency Procurement	
5	Estimated Costs	
6	Proposed Supplier	
7	Why did you select this supplier?	
8	Funds available from agency budget?	
9	Duration of supply (time period)	
10	Approval of Cabinet/Minister (if relevant)	
11	Date of submission	
13	Permanent Secretary / CEO / NDMC Approval	
13	Checked by Fiji Procurement Offices	
14	Recommendation of FPO	APPROVE: YES / NO / MORE INFORMATION NEEDED Comment or information needed:
15	Minister's Decision	APPROVE – YES / NO / DISCUSS Comments:



# Annex 4 - Code of Conduct for Officials Undertaking Procurement

## Introduction

This Code of Conduct establishes the ethical standards expected of officials or consultants and contractors to the Fiji government involved in public procurement processes. It is designed to prevent conflicts of interest in procurement and to ensure that all procurement activities are conducted with integrity, transparency, and accountability, promoting public confidence in the procurement process.

Agencies must mitigate potential conflicts of interest in procurement proceedings by:

1. conducting a conflict assessment,
2. encouraging ethical conduct,
3. undertaking screening procedures during procurement; and
4. providing training and information to officials including this Code of Conduct.

This document builds on the Code of Conduct Act 2016 and covers any official undertaking public procurement activity, including when drafting procurement requirements and documents, evaluating supplier offers, negotiating or managing contracts, managing suppliers and approving payments.

## Principles

### 1. Integrity and Honesty

- Public Officials, when undertaking procurement using public funds, must conduct themselves with the highest levels of integrity and honesty, avoiding any actions that could bring the public service into disrepute.

### 2. Conflict of Interest

- Officials must take reasonable steps to avoid, resolve, or disclose any financial or non-financial conflict of interest that arises or is likely to arise between their personal interests and their official duties.
- Potential conflicts of interest must be declared in writing for assessment in accordance with the Procurement Guidelines.

### 3. Transparency and Accountability

- Decisions and actions in the procurement process must be transparent and accountable. Officials should ensure that procurement strategies and decisions are clearly documented and be retained to be available for review as appropriate.

### 4. Professionalism

- Officials involved in procurement must demonstrate professionalism, including adherence to relevant laws, regulations, and ethical standards. They should continually enhance their knowledge of procurement practices and legal requirements.

### 5. Fair Treatment

- All stakeholders, including suppliers and contractors, must be treated fairly and impartially, and receive the same information at the same time within a procurement process, without discrimination or favouritism.

### 6. Confidentiality

- Sensitive, private and confidential information acquired during the procurement process must be treated as confidential and not be used for personal gain.

### 7. Prevention of Unethical Practices

- Officials must take steps to prevent, report, and remedy any unethical practices, including bribery, fraud, and corruption.
- Officials must take steps to prevent, report, and remedy any human rights abuses by suppliers and within the supply chain such as modern slavery and illegal child labour.

## **8. Hospitality and gifts**

- Officials must not use their authority, position, or office for personal gain, defined as soliciting, accepting, or benefiting from any advantage, favour, or gift of material value as an inducement for doing or refraining from doing anything related to procurement
- Invitations to events from potential or current suppliers with little or no business content must be declined during any procurement process.
- Gifts of small intrinsic value (e.g., pens, desk diaries) may be accepted from current or potential suppliers.
- Hospitality accepted from existing suppliers must be modest, proportional, and of appropriate type and scale.

## **Implementation and Compliance**

### **• Training and Awareness**

- All officials involved in procurement processes must receive appropriate training on this Code of Conduct and the ethical standards it promotes. This training should be part of ongoing professional development.

### **• Reporting Mechanisms**

- A safe and confidential mechanism for reporting breaches of this Code or unethical practices in procurement will be established and promoted within the public service by the Ffidur Office.
- Reports of suspected or potential corruption should be reported to FICAC at .....

### **• Monitoring and Enforcement**

- Compliance with this Code will be regularly monitored. Any breaches of this Code may result in disciplinary action, including removal from office or legal proceedings, in accordance with Fijian law and public service regulations.

## Annex 5 – Summary of available waivers from open tender or competition

# Approval of waiver from open tender or competition

Non-Procurement spend (Guideline 2.2)	By Minister over threshold for Tender (Guideline 10.6)	By Board over threshold for Board Approval (Guideline 10.7)	Permanent Secretary can approve (Guideline 10.8)
Payment for public utilities such as water and electricity where no effective competition	Retrospective approval for contract award or payment to a supplier without a contract.	After open tender for same items. Selective tendering or single source if advertised in last year; no change to requirements; and did not receive any compliant responses; or received responses from suppliers verified to collude, and no other responses complied;	Public Private Partnership arrangements
Obtaining goods, works and services from another public agency	To protect national security, defence, cybersecurity, procurement by most competitive means for weapons, ammunition, or war materials, or peace-keeping.	only one supplier can supply as no alternative or substitute as: <ul style="list-style-type: none"> <li>no real competition, including distributors; or</li> <li>for intellectual property rights, patents or copyrights</li> <li>work of art;</li> </ul>	Procuring agencies can purchase goods, services or works from each other. However, if an agency chooses to use an open, competitive process it must apply the Guidelines.
Paying salaries to officials, and low value incidental expenses reimbursed to officials	Emergency procurement in certain situations, such as natural disasters or urgent needs that make tender proceedings impractical.	for purchases made in exceptionally advantageous conditions that only arise in the very short term, including disposals by other governments. (excludes routine purchases from regular suppliers)	Procurement outside Fiji for use outside Fiji, including constructing, refurbishing, or furnishing Fiji government offices overseas, where approved by Minister.
Statutory and ministerial appointments (excludes Minister asking for supplier or consultant).	Urgent infrastructure development and services in cases of critical failure, or urgency does not allow for full open competitive tender,	Procuring under treaty, agreement, or arrangement between Fiji and foreign State Undertaken by foreign State or an entity designated by it, or Government of Fiji or agency designated.	Non-contractual arrangement (e.g. MOU between two departments) assistance including diplomatic or cooperative agreements to another government), approved by Minister of Finance.
gifts, donations and any form of unconditional grants		Any conditional grant with payment before all conditions of grant are met, as approved by the relevant minister.	Providing development assistance, including conditional grants, budget support or any form of contribution or diplomatic assistance, where approved by the Minister.
Legal services for litigation against the government	AG confirms legal services cannot be provided without a conflict of interest, unique expertise is required or urgent legal need	A supplier has been nominated by an aid agency which is fully funding the procurement, exclusive of any applicable VAT or duty; or	Any procurement funded by an international grant, loan or other assistance or that must comply with an international organisation's procedure if inconsistent with the Regulations.
Legal services for public prosecutions		A design contest where contract is awarded to winner. <ul style="list-style-type: none"> <li>contest must be judged by panel members who understand the winner will be awarded a contract; and panel members do not have any conflict of interest when carrying out the judging;</li> </ul>	Agreements between countries for the joint implementation of a project.
Investments, loans and guarantees made by Treasury or Reserve Bank approved by Minister of Finance			Government Central banking control functions by Reserve Bank, and Crown debt management functions by Treasury.