



The Procurement Regulations (2024)

A Guide for Suppliers

The Government of Fiji is making changes to how it buys goods and services to be fairer, more efficient, and better for the environment. This guide explains what this means for businesses that want to sell to the government.

Focus on Value and Sustainability

The government wants the best value for its money, not just the cheapest option. The revised regulations go beyond just the initial cost, considering long-term benefits like maintenance, operational efficiency, and environmental impact. As a supplier, this means showcasing the total lifecycle value of your offerings, including any environmental or social benefits associated with your products or services.

Wider Opportunities and Fair Competition

The revised regulations aim to create a more inclusive and competitive environment for suppliers. New methods like electronic reverse auctions and community participation programs open up more avenues for participation. Additionally, the regulations encourage open competition by requiring justification for selecting any method other than open tenders. This creates a level playing field while promoting the inclusion of disadvantaged groups and small and medium enterprises (SMEs).

Transparency and Accountability:

The revised regulations aim to enhance transparency and accountability throughout the procurement process. Contract award information will be published in a public register, allowing suppliers to understand past decisions and identify potential future opportunities. Additionally, suppliers are granted a standstill period to challenge any proposed award decisions deemed unfair. Finally, the regulations establish stricter ethical and conduct expectations for all parties involved.

Key Changes Affecting Suppliers:

- **More Time for Tenders:** The revised regulations will get rid of the maximum 30 day advertisements and replace this with a minimum of 10 days. Suppliers will potentially have more time to respond to complex tenders, allowing for better preparation and more competitive bids.

- **Electronic Submissions:** Electronic submissions and signatures are now explicitly recognized, subject to approval by the Fiji Procurement Office
- **Revision of the Bond Rate** – A market-based bond rate, commensurate with project risk, will replace the flat 10% rate.
- **Enhanced Qualification Requirements:** More specific requirements are introduced, including ethical, environmental, and legal compliance. Suppliers will need to demonstrate these qualifications and re-qualify periodically if pre-qualified earlier.

Review and Appeal Process

The revised regulations clarify the review process available to address complaints and outline potential corrective measures. Additionally, suppliers can appeal decisions to the Permanent Secretary responsible for finance who may appoint a Complaints Committee to assess the appeal.

Debarment Process Introduced

The regulations includes the process for excluding or debarring suppliers from procurement processes. It also details record-keeping and reporting requirements for procurement activities. Government through the debarment committee may exclude a supplier or contractor from a specific procurement process or future procurement processes if they or their agent offer a bribe to influence procurement proceedings, have conflicts of interest, or engage in coercion or threats to influence participation in a procurement process or the execution of a contract.

Important Note

These are proposed changes, and the final regulations may differ. Suppliers are strongly advised to stay updated on official pronouncements from the relevant authorities and review the full revised draft regulations to fully understand the impact on their participation in government procurement processes.

By understanding these revisions and adapting their approach accordingly, suppliers can better position themselves to thrive in the evolving Fijian procurement landscape.