



**SECRETARIAT OF THE PACIFIC
REGIONAL ENVIRONMENT
PROGRAMME
(SPREP)**

**PROCUREMENT POLICY AND
PROCEDURES MANUAL**

December 2024

Distribution List and Document Version Control

SPREP Procurement Policy and Procedures Manual 2025

I hereby approve the Procurement Policy and Procedures Manual for SPREP to come into effect on 1 January 2025.

This Policy will strengthen SPREP's role as an Implementing Agency and/or Executing Agency in the region and guide all procurement service provided by SPREP.



Easter Chu Shing
Acting Director General

Date: December 2024



This table tracks all revisions and updates to this policy from time to time. It attempts to capture the date of when the policy has been reviewed and updated together with the official designation and signature of the Director General or proxy for approval. A summary of the changes that are made to this policy should be provided in a separate form and attached as an "Addendum".

| Policy Reviewed and Updated | | | |
|-----------------------------|--------------------|-----------|-----------------|
| Date | Designation | Signature | Addendum Number |
| 01 January 2017 | Director General | | |
| 21 December 2021 | Director General | | 1 |
| December 2024 | A-Director General | | |
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Acronyms Index

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| APP | Annual Procurement Plan |
| COI | Conflict of Interest |
| CROP | Council of Regional Organisation of the Pacific |
| EOI | Expression of Interest |
| FAD | Finance and Administration Department |
| IO | International Organisation |
| TEC | Technical Evaluation Committee |
| PO | Purchase Order |
| PRC | Procurement Review Committee |
| RAO | Records and Archive Officer |
| RFQ | Request for Quotation |
| RFT | Request for Tender |
| SPREP | Secretariat of the Pacific Regional Programme |
| TOR | Terms of Reference |
| USD | United States Dollar |

Glossary

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| Annual Procurement Plan | A consolidated procurement plan of different projects/departments that provides a forecast for the upcoming year. |
| Bidder | Any vendor that submits a quotation, proposal or bid in response to a solicitation request to provide Goods, Consultancy Services, Non-Consultancy Services, or Works. |
| Conflict of Interest | A situation in which an individual's personal interest conflicts with the organisation's interests, resulting in an unjustified advantage or disadvantage. |
| Contract Manager | Contract Manager is a SPREP staff who is responsible for the management, execution of contracts and monitoring that all contract parties are abiding to the terms and conditions of the contract. |
| Delegated Authority | Officers who are budget holders and have the financial authority to approve based on SPREP's Financial delegations. |
| Evaluators | Members who are responsible for assessing tenders |
| Expression of Interest | A solicitation process that allows the Secretariat to develop a list of potential bidders. |
| Juridical Entity | Organisation recognised by law |
| Natural Person | Individual human being |
| Non-Commercial Entities | An entity that is a charitable organisation, non-profit organisation, academic institution, government organisation, or similar entity not primarily directed toward monetary compensation or commercial advantage |
| Non-Evaluating | Members that do not evaluate tenders. |
| Procurement | Buying, renting, leasing, or otherwise acquiring any Goods, Consultancy Services, Non-Consultancy Services and Works, from commercial or non-commercial entities. |
| Purchase Order | An approved order used to control, commit and creates an obligation to pay for the purchasing of goods, consultancy services, non-consultancy services and works from vendors. |
| Quote | A document requested from a vendor that provides estimated details for the purchase of specific goods, consultancy services, non-consultancy services or works. |
| Request for Tender (RFT) | A process to solicit potential bidders to submit their bids for the purchase of specific goods, consultancy services, non-consultancy services or works. |
| Secretariat | Refers to Secretariat of the Pacific Regional Environment Programme. |

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| Small Community-based Organisation | Includes small grassroots entities, groups, individuals, vendors that arise from within the community that are uniquely positioned to address local needs and challenges. These entities, groups, individuals, vendors may not be legally registered businesses. |
| SPREP Executive | Consists of the Director General and Deputy Director General |
| Tender | The process of an organisation inviting vendors to provide a formal written submission for goods, consultancy services, non-consultancy services or works to be procured. |
| Tender Evaluation Committee (TEC) | Evaluates the tenders received from bidders against a set evaluation criterion and prepares the Evaluation Report. |
| Terms of Reference (TOR) | Statement that specifies what is required of the goods, consultancy services, non-consultancy services, or works to be purchased. |
| Vendor Sanction | Non-performing vendors are sanctioned, and future business dealings are suspended until the vendors satisfies the Secretariat's expectations. |

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PART I: PROCUREMENT POLICY

Section 1: Introduction

1.1 SPREP Procurement

The Secretariat of the Pacific Regional Environment Programme (SPREP) is the Pacific region's major intergovernmental organisation. It is based in Apia, Samoa, and works on behalf of its 21 member countries and territories in the Pacific to provide assistance to protect and improve Pacific environments and to ensure sustainable development for present and future generations.

To ensure that funds are spent efficiently, effectively, economically and ethically, the Finance and Administration Department ensures that the processes involving identification of needs, selection and solicitation sources, preparation and award of contract including contract administration follows the SPREP procurement principles. This includes procurement activities undertaken by the SPREP programme teams. The Finance and Administration Department is responsible for the oversight of the Procurement function within SPREP. Additionally, ensuring that the Procurement Strategy is aligned to SPREP's strategic objectives in order to make the organisation more competitive and optimise risk management.

The procurement strategy should consider the following components:

- i) Clear objectives and goals aligned to SPREP overall Strategic Plan.
- ii) Comprehensive Plan aligned to SPREP's goals, objectives and business needs.
- iii) Tools and technology to increase efficiency and to provide data and analytics for informed decision making and performance improvements.
- iv) Supplier/Contractor management.
- v) Risk Management.
- vi) Sustainability and Environmental, Social and Governance (ESG) commitments.

As part of the strategic management and oversight of the overall procurement portfolio, the Procurement Review Committee (PRC) will address the following areas:

- i) Business needs analysis – determine the actual procurement need and the available budget and time to deliver the procurement activity.
- ii) Spend analysis – identifying all expenditure related to the delivery of the goods/services over a period of time.
- iii) Market analysis and complexity assessment – determining an appropriate sourcing strategy. This will involve reviewing the characteristics, capacity and capability of the supply market.
- iv) Delivery planning – business needs and supply market analyses to determine the optimal market approach and engagement strategy.
- v) Risk management strategies – assessing procurement related risks and establishing cost-effective mitigating actions and controls.

The procurement function is performed by SPREP's Procurement Unit led by the Chief Procurement Officer (CPO). Some projects may have a dedicated finance/procurement officer who may undertake procurement activities for the project under the guidance of CPO.

1.2 Purpose of the Policy

This policy was developed by the Secretariat to provide a rigorous policy and procedure to direct the procurement process for goods, consultancy services, non-consultancy services, and works on behalf of SPREP. The Secretariat recognises that ensuring a disciplined approach to procurement is an important factor in strengthening its institutional processes and governance. All procurement activities are to be undertaken in compliance of the procurement practices and procedures set forth in this Policy as well as all related SPREP policies and procedures, including among others Code of Conduct, Financial Regulations, Conflict of Interest, environment and safeguard policies, child protection policies, international fiduciary standards and procedures.

Procurement decisions should be governed by the objectives and guiding principles of SPREP in promoting cooperation in the Pacific region and providing assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations. It undergoes international scrutiny by a suite of international donors who rely on the Procurement Policy and Procedures Manual as a key document for assessing and deciding on the credibility of SPREP as a credible implementing agency. The Procurement Policy and Procedures Manual therefore captures international best practices which are acceptable to a wide-ranging suite of international donor including governments.

1.3 Application of the Policy

This policy applies to:

1. The Director General and Deputy Director General: accountable for all organisation procurement decisions. While they may delegate their authority¹ to staff and other delegated entities, they remain ultimately accountable for all organisation procurement decisions.
2. The Directors and other senior staff: accountable to the Director General for all procurement responsibilities delegated to them. This includes oversight and ensuring staff reporting to them are aware of SPREP's procurement policy and procedures.
3. Chief Procurement Officer: responsible for the overall management of the procurement process.
4. Any other persons involved in SPREP's procurement of Goods, Consultancy Services, Non-Consultancy Services and Works.

1.4 Procurement Framework

This Procurement Policy and Procedures Manual is primarily designed to achieve high standards of professionalism, transparency, accountability and responsibility while maximising efficiency, effectiveness, and flexibility in the procurement process within a system of checks and balances. Underlying objectives are as follows:

¹ Refer Financial delegation outlined in SPREP Financial Procedures Manual May 2022, page 6.

Principles: To establish best practice and clearly state the standards and expectations which apply to all SPREP staff and executing entities (or sub-delegatees in the context of European Commission funded projects) involved in procurement processes;

Procedures: To document a user-friendly and common sense process to be followed by SPREP staff and other executing entities/sub-delegatees when undertaking procurement on behalf of SPREP; and

Outcomes: To provide transparent, impartial, and defensible procurement practices that will ensure that SPREP always expends public and donor funds efficiently and effectively to receive best value and in accordance with best practices.

Section 2: Procurement Guidelines

2.1 Procurement Principles

SPREP procurement principles help ensure that value for money, quality of goods procured, transparency, impartiality, competency, clarity, and socially and environmentally responsible purchasing decisions are consistently made by the organisation.

1. **Value for money:** The guiding principle of the procurement process is that SPREP obtains 'value for money' in a fair and transparent manner. This means the effective, efficient, and economic use of resources while also considering costs, benefits, risks, and an understanding that price does not always indicate value.

Value for money is obtained through the application of the following:

- a. Procurement process must evaluate the relative costs and benefits of the available options;
 - b. Obtaining maximum benefit from the acquired goods and services within the time frames and resources available in the best interest of SPREP;
 - c. Ensure that an integrated assessment of technical, organisational, and pricing factors in light of their relative importance against the requirements (i.e., reliability, quality, experience, reputation, past performance, cost and/or fee realism and reasonableness);
 - d. A procurement approach that is proportional to the risk, value, context, nature, and complexity of the procurement;
 - e. Staff involved in a procurement process to canvass potential suppliers, follow endorsed procedures, apply predefined selection criteria, and make sound and impartial judgements; and
 - f. Avoidance of any adverse impacts on the status, privileges and immunities, independence, impartiality, credibility, and reputation of SPREP.
2. **Transparency:** SPREP staff involved in procurement processes must fully document their procurement processes and conclude with a written contract containing all agreed terms and conditions. This will ensure transparency, ensure all potential suppliers have equal access to all relevant information, and enable SPREP's procurement decisions to stand up to internal and external scrutiny.

3. **Ethics and Impartiality:** SPREP staff involved in procurement processes must behave ethically in alignment to SPREP's Code of Conduct and are required to declare conflicts of interest at all times.

Staff and external representation, particularly on the Evaluation Committee must not improperly use their position to gain a benefit, gift, or hospitality. Hospitality can include presentations, demonstrations, briefings, and discussions, accompanied by meals, unless such presentations are expressly invited in the tender solicitation from all tendering parties, and do not include meals, alcohol, or gifts. Social contact with potential and known tendering parties should be avoided when an approach to market is underway and before contractual arrangements are finalised. Offers of hospitality and entertainment must not be accepted by SPREP staff during these times and must be disclosed in accordance with relevant financial guidelines.

4. **Conflict of Interest:** For the purposes of the Procurement Policy and Procedures Manual, conflict of interest (COI) refers to:
 - a. A conflict between the official duties of staff/external representatives on Evaluation Committee and their private interests or personal relationships, where the private interests or personal relationship could improperly influence the way a staff member carries out their official duties. Staff/external representatives on the Evaluation Committee should ensure that all interactions with businesses are able to withstand public scrutiny;
 - b. A situation where there is an actual or perceived conflict with a SPREP staff member (not involved in the evaluation process) and their private interests;
 - c. A situation where there is grave professional misconduct either on the part of those in the evaluation committee or even the bidders where there are attempts to influence the decision-making during a procurement procedure; or where bidders enter into agreement with other bidders in order to distort competition; or where a bidder tries to obtain confidential information that may give it undue advantages in the procedure;
 - d. A situation where a bidder has a professional conflicting interest that negatively affects its capacity to perform a contract (e.g. where a firm could be awarded a contract to evaluate a project in which it had participated in implementation or to audit accounts that it had previously certified).

Whether a potential conflict of interest can be avoided or not, the Technical Evaluation Committee must declare it immediately in writing by filling in the "Conflict of Interest Form" [Link to SPREP templates](#), and arrangements must be put in place to avoid or remove the conflict. This may include excluding the official from any further participation in a procurement process.

Irrespective of potential conflicts of interest, all members of an Evaluation Committee must sign the Declaration of Impartiality, Confidentiality and Conflict of Interest form during the Opening of the tenders. Likewise, all bidders should declare any areas that may constitute conflict of interest related to this bid whether, at the time of lodging their Tender, a conflict of interest concerning itself or a related entity exists, or might arise during the term of the

Agreement, or otherwise in relation to the Tender. All tenderers must sign a Conflict of Interest Form, [Link to SPREP templates](#) as part of the application process.

If a conflict of interest arises, SPREP may:

- a. exclude the Tender from further consideration;
- b. enter into discussions to seek to resolve or manage the conflict of interest; or
- c. take any other action it considers appropriate.

In hiring any consultants or selecting a company, it is critical that SPREP avoid or manage any potential conflicts of interest.

SPREP will not engage a consultant or select a company:

- a. with a family or business relationship with an SPREP officer who is directly or indirectly involved in any part of the selection process, unless the conflict has been resolved or managed in line with the requirements of this policy (refer Contracting of close relations); or
- b. who may have conflicting obligations to their previous or current clients, or obligations that may place them in a position of being unable to carry out the assignment in the best interests of SPREP.

Stand down period for former SPREP staff – SPREP will not hire a former or retired SPREP staff member as a consultant within 12 months of their departure from SPREP. The Director General may approve otherwise in exceptional circumstances in line with Section 2.2.

5. **Clarity and Confidentiality:** To ensure certainty and to avoid confusion, the standards and duties relating to a procurement process must follow those documented in this Procurement Policy and Procedures Manual and include:
- ii **Thresholds:** the procurement value will pre-determine which procurement procedure to use;
 - iii **Criteria:** standards for evaluating tenders and awarding contracts will be articulated and documented before tenders are published and the evaluation criteria and any weighting made available to all potential suppliers; and
 - iiii **Responsibilities:** the composition and duties of the associated evaluating committee will be clearly documented.

All members involved in evaluating offers should be careful to observe confidentiality of the offers and ascertain that information about the content of the submissions or the evaluation process is not revealed outside the group involved in the procurement process.

6. **Social and Environmental Responsibility:** SPREP's Environmental and Social Management Policy sets out SPREP's commitment to ensuring that the best possible environmental and social impacts of its work are achieved. When planning, approaching the market, and evaluating tenders, SPREP Officers should consider:
- Whether there are any standards (whether legislative, or industry best practice) or certifications that the product or service should meet;

- Whether there are environmentally or socially responsible options within the market that should be encouraged or could be prioritised;
- Through SPREP's procurement practices, endeavour to integrate socially responsible suppliers in the supply chain;
- Ensure that the acquisition of Goods, Consultancy Services, Non-Consultancy Services and Works be based on specifications that promote the expanded use of environmentally preferred products such that in any way have a minimal harmful impact on the environment; and
- Establish technical requirements for evaluation and solicitation that address the advancement of human rights, the abolition of child labour, just labour practices, gender equality, and other broader ethical concerns. This includes supplier actions related to employment policies that address diversity, pay and benefits, health and safety, accessibility, and fair and equal work practices. It should align with SPREP's Child Protection, Environmental and Social Safeguard Management System, Fraud Prevention & Whistleblower Protection and Gender Mainstreaming Policies.
- The following areas should be considered when procuring items:
 - i. Environment: eco-friendly concerns, energy performance, waste reduction, product lifespan and protection of resources,
 - ii. Ethics and society: respect for human rights, working conditions, inclusivity and diversity.
 - iii. Economy: cost, product quality, delivery timeframes, etc.

2.2 Procurement Basics and Exceptions

Procurement is the acquisition of goods, consultancy services, non-consultancy services, or works from an external source.

All SPREP procurement activities will be conducted in accordance with this policy, with the following exceptions subject to the pre-approval process.

1. **Travel purchases:** Procurement will be sourced by providing at least 3 quotes² for prices and itineraries for each travel from known suppliers, with evaluations submitted to the officer with delegated authority for budget holder to approve.
2. **Donor-directed procurements:** Where SPREP has a procurement role under a contract with a donor who requires certain donor procurement procedures to be followed; SPREP will follow the donor procedures. This procurement process will require endorsement by the Director General or Deputy Director General.
3. **Project funding that specifies a preferred supplier:** Where SPREP is obliged by a funding contract, or the donor approves to procure services from a specified supplier; no additional procurement process is required. This procurement process will require endorsement by the Director General or Deputy Director General.

² Exception only in the case where selecting vendor from the Preferred Supplier list, in which case a minimum of two (2) quotes for comparison/validation apply.

4. **Association Agreements³:** There is a current association agreement between SPREP and another entity and where under that association agreement SPREP agrees for that other entity to carry out work, whether generally or specifically, no additional procurement process is required, provided the following conditions are met:
- i The entity is a government agency, a non-profit organisation or non-governmental organisation;
 - ii SPREP has a strongly collaborative relationship with that entity as evidenced by such things as reciprocity and equality of status;
 - iii Contracting any such entity is the more viable option without going through the procurement process. That is, no reasonable alternative or substitute exists, and that the absence of competition is not the result of an artificial narrowing down of the parameters when defining the procurement.

This procurement process will require endorsement by the Director General or Deputy Director General.

5. **Retainer Agreements:** Where SPREP has previously entered into a retainer agreement or a preferred supplier agreement (refer to Section 5.4) with a supplier using appropriate competitive procedures that have established, at the minimum, the qualifications and reputation of the supplier, price structure, general scope of services and terms of reference contemplated, and the ability and willingness of the supplier to respond to requests from SPREP, no additional procurement process is required so long as the services currently sought are consistent with the procedures and retainer agreement in place for that supplier. This process can be facilitated through the Expression of Interest (EOI) process detailed in Section 5.2. Authorised SPREP staff shall maintain appropriate records of the competitive process used to select a supplier from the list of suppliers with current retainer agreements in force at the time the selection is made.
6. **Emergency Response:** There is a sudden unforeseen crisis for the requirement. The term 'genuine exigency' refers to situations where goods or services support emergency interventions and therefore cannot be delayed, as this may result in the imminent loss or endangerment of human lives, or excessive damage to valuable properties, or deterrence of basic human needs. This applies during times of natural disaster, epidemics, pandemics or sudden onset of unforeseen crises. Under no circumstance can 'exigency' be used to justify urgency arising from poor planning, poor oversight or delay in receipt of funding, among other possible circumstances that sound and proactive project management could have avoided. Procurement of goods or services that does not meet the 'genuine exigency' criterion will not be considered for an exception to the competitive process, even if the context is an early recovery programme or project. SPREP Finance must be consulted beforehand and will endorse this procurement process before the consideration and approval of the Director General.
7. **Other Situations:** The Director General may exercise his/her discretion if strong justification is provided in line with the following:

³ Examples include MOU, Letter of Agreement, Collaboration Agreement, Partnership Agreement etc

Directly approach one or more potential suppliers with the specifications, to request quotes when:

- i As a result of a competitive RFT market approach, no suitable proposals were received. Tender must have been advertised at least for a period of not less than four (4) weeks. In which case, the procurement is non-competitive. Potential suppliers can be directly approached to submit a proposal. Proof is required to demonstrate that at least three (3) vendors were solicited (Closed tender). A technical evaluation of the proposals will still need to be carried out by a panel, and the financial proposals will be reviewed against the market rate for similar works to ascertain that best value is being achieved before direct contracting.
- ii The vendor has been previously appointed through an open competitive process, and:
 - a. the specifications for the deliverables required is similar to the previous contract deliverables;
 - b. an initial open competitive process was carried out within one year prior to the new requirement;
 - c. the rate at which the cost of the goods or service is determined is the same as in the initial contract, and this rate is still competitive in the current market; and
 - d. the contractor's delivery under the first contract was satisfactory.
- iii There is no competition for the particular service due to any of the following reasons:
 - a. The aim of the procurement is the creation or acquisition of a unique work of art or artistic performance and that there is no reasonable alternative or substitute that exists;
 - b. Technical reasons and that there is no reasonable alternative or substitute that exists;
 - c. The protection of exclusive rights including intellectual property rights must be ensured
- iv Additional services are required from the original supplier where changing supplier would lose compatibility with existing equipment or services.
- v If the budget for the activity is above USD 20,000 and relates to one of the following services – staff shipments (relocation/repatriation), conference or meeting venue hire (room rate of the hotel selected must be in line with the SPREP Travel Policy), catering, software or annual subscription renewals, internet and mobile phone services. In such cases these activities will follow the direct source process – obtain 3 competitive quotes, recommendation must be pre-approved through the routing process and if necessary, a panel review can be convened to assess quotes. Reference checks must be carried out prior to selection of successful candidate. This procurement exception will require endorsement by the Director General or Deputy Director General.

- vi Where a monopoly exists and there is no competitive marketplace for the procurement requirement. Monopoly is where there is only a single supplier of a good or service with no near substitute or competitors. This should be identified after going through the tender process and only one bidder provides its bid; or where government may grant an organisation exclusive right to provide goods or services; or where prices are fixed by legislation or government regulation, or where the requirement involves a proprietary (exclusive) product or service.
- vii From time to time, the Secretariat may carry out projects with an informal sector. An informal sector may include individual farmers, a farming community, small community or small community-based organisations. When working with an informal sector, SPREP is required to identify the appropriate procurement process to enable effective implementation as early as practicable and/or as part of the Annual Procurement Planning process. If required, this is to be submitted to the donor for endorsement.

Key procurement principles to be followed include:

- i) **Fair and Equitable Selection:** Suppliers must be selected using a fair and equitable process that ensures that the best value in goods and services will be received. To support the supplier selection, SPREP should obtain a formal reference letter from the relevant local government ministries (e.g. Ministry of Agriculture & Fisheries) or established local cooperatives from the community (e.g. Samoa Farmers Association, Church Leader, and Traditional Leader) ensuring there is no conflict of interest.
- ii) **Ethical Considerations:** All procurement activity must be conducted in a manner which demonstrates fairness and impartiality in transactions with suppliers. Suppliers involved in procurement activities are required to comply with the SPREP's standards on integrity, probity, professional conduct, and ethical behaviour.

2.3 Non-Splitting of Procurement

Splitting of procurement is dividing a large procurement into smaller parts to avoid a more stringent procurement procedure and approval threshold. For example: splitting a contract into different activities or smaller parts and awarding these to the same supplier to avoid seeking quotes or the open tender process.

Splitting of Purchases is not allowed, and disciplinary actions may be taken where it has been determined that Purchases have been intentionally split.

2.4 Procurement Categories

SPREP's procurement is categorised into consultancy services, non-consultancy services and works, depending on the nature of the requirement.

1. **Consultancy services:** Consultants generally offer advice or propose solutions to problems, but they do not directly, carry out, or implement solutions.
2. **Non-consultancy services:** Services other than Consultancy Services, rendered to SPREP by a juridical entity or natural person. These include services such as catering,

insurance, installation, commissioning, surveys, training, maintenance and similar services.

3. **Goods:** Goods are supplies, equipment, or machineries that are essential as input to the project to achieve project objectives.
4. **Works:** Works tender would involve infrastructure activities, such as building of roads, and all other activities related to civil or engineering works.

Section 3: Procurement Planning

3.1 Annual Procurement Plan (APP)

Annual procurement planning provides the Secretariat with a forecast of the procurement needs for the upcoming year. Procurement planning allows the Procurement Unit to set their procurement priorities for the coming year and prepare well in advance for any major projects or procurement that may not be readily available in the local market. Forward planning will assist the Secretariat in achieving value for money procurement and will also allow for better financial forecast and cash flow management. The APP should include, but not limited to:

- A reference number,
- Programme/ Department,
- Responsible Officer,
- A brief description of the requirement,
- The estimated value/budget of the requirement,
- The procurement method, and
- The expected award dates.

Each department and/or programme on an annual basis is required to prepare a procurement plan by 30th November and forward this to the Procurement Unit for review and consolidation into the SPREP's Annual Procurement Plan. The APP should be finalised and approved by the Procurement Review Committee by 31st December. Not submitting an annual procurement plan in a timely manner can have several implications. These will include:

1. Disruptions in the procurement process: Delays in the submission of the annual procurement plan can disrupt the procurement process, leading to potential delays in sourcing and acquiring necessary goods or services.
2. Reputational risks: Late submission of the annual procurement plans can potentially harm the reputation of the organisation, particularly if it leads to delays or disruptions in service delivery.
3. Compliance issues: Late submission of procurement plans may result in non-compliance with the policy which can lead to negative consequences.
4. Risk management: Timely submission of procurement plans is crucial for effective risk management. Delays can result in inadequate time for risk assessment and mitigation, potentially leading to increased risks.

3.2 Review of Annual Procurement Plan

The annual procurement plan shall be subject to review and updated at least half yearly. Any change to the plan shall be approved by the Procurement Review Committee.

3.3 Tender Evaluation Committee Members Listing

Accompanied with the APP, SPREP should submit the List of Tender Evaluation Committee nominees and their alternates for the year. Alternates will stand in the role when the nominees are unavailable for the meeting. Nominees are to be determined using the APP as a guide of established procurement needs. The Procurement Unit is to ensure that there is wide representation on the committee and considers gender and ethnicity mix. The Tender Evaluation Committee List is to be reviewed and approved by the Director General and maintained by the Procurement Unit. The Director General may approve at any time, additional members to the TEC as and where relevant.

PART II: PROCUREMENT PROCEDURE MANUAL

Section 4: Procurement Process

The procurement type adopted will be dependent on the estimated costs of the procurement and any other conditions related to the procurement. Estimate the maximum anticipated cost of the procurement, based on the specifications and research – including options, extensions, renewals or other mechanisms that may be executed over the life of the contract. The options available in the SPREP procurement process are summarised in Table 1.

All approval routing process will be performed through an authorised electronic approval system (e.g. DocuSign) and if there are technical issues, this may result in delays or manual approvals.

Table 1

| Procurement Level (US\$) | Type of Solicitation | Advertising Duration | Documents Required | Steps | TEC Composition |
|---------------------------------|-----------------------------|-----------------------------|---|--|---|
| Less than or equal to \$1,000 | Over-the-counter purchase | Nil | Purchase Order | <ol style="list-style-type: none"> 1. Direct purchase of goods or services from a supplier 2. Individual officer submits one (1) quote to the officer with delegated financial authority. | Nil Final Approval: Delegated Authority |
| \$1,001 - \$20,000 | Direct source | 1-2 weeks | 3 quotes Tender evaluation report Contract agreement (where applicable) | <ol style="list-style-type: none"> 1. Directly approach three potential suppliers with the specifications to request quotes. 2. Individual officer evaluates and submits to the officer with delegated financial authority. 3. Negotiate a contract with the approved supplier. In case of individual consultants, <ol style="list-style-type: none"> 1. Compare at least three CVs against the consultancy Terms of Reference (TOR) 2. Conduct reference and sanction checks 3. Select the most qualified consultant that satisfies reference and sanction checks | Nil Final Approval: Delegated Authority |

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| Procurement Level (US\$) | Type of Solicitation | Advertising Duration | Documents Required | Steps | TEC Composition |
|--------------------------|----------------------|----------------------|---|--|--|
| \$20,001 - \$50,000 | Open tender | 2-4 weeks | Request for Tender Routing Slip - Approval for RFT Tender evaluation report Contract agreement | <ol style="list-style-type: none"> 1. Develop RFT 2. Obtain approval for RFT by delegated financial authority via Routing Slip - Approval for RFT 3. Approach the international market through an open request for tender 4. Potential suppliers respond and bid for the work by submitting a tender 5. Evaluate all responses received within the deadline against stated conditions and criteria 6. Tender evaluation report to be approved by the Programme/Department Director 7. Negotiate a contract with the approved supplier | <p>Chair: Chief Procurement Officer / Senior Procurement (Procurement Unit) or Senior Finance / Administration Officer (FAD)</p> <p>Secretary⁴: Procurement Officer or equivalent position from Projects</p> <p>Member 1: Officer from requesting department</p> <p>Member 2: Officer from requesting department</p> <p>Member 3: Officer from different department or External representative ⁵(if required)</p> <p>Final Approval: Department/Programme Director</p> |

⁴ The Secretary position should be included in the APP and to be approved by DFA.

⁵ For country-related procurement, the relevant government ministry is required to submit a "No Objection Letter". However, this letter is not required if a government representative or designate is part of the TEC.

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| Procurement Level (US\$) | Type of Solicitation | Advertising Duration | Documents Required | Steps | TEC Composition |
|--------------------------|----------------------|----------------------|---|---|--|
| \$50,001 - \$100,000 | Open tender | 4-6 weeks | Request for Tender Routing Slip - Approval for RFT Tender evaluation report Contract agreement | <ol style="list-style-type: none"> 1. Develop RFT 2. Obtain approval for RFT by delegated financial authority via Routing Slip - Approval for RFT 3. Approach the international market through an open request for tender 4. Potential suppliers respond and bid for the work by submitting a tender 5. Evaluate all responses received within the deadline against stated conditions and criteria 6. Tender evaluation report to be approved by the Programme/Department Director 7. Negotiate a contract with the approved supplier | <p>Chair: Chief Procurement Officer / Senior Procurement (Procurement Unit) or Senior Finance / Administration Officer (FAD) or Senior Programme Officer / Advisor or equivalent position from Projects</p> <p>Secretary: Procurement Officer or equivalent position from Projects</p> <p>Member 1: Officer from requesting department</p> <p>Member 2: Officer from different department</p> <p>Member 3: Officer from different department or External representative ⁶(if required)</p> <p>Final Approval: Department/Programme Director</p> |
| \$100,001 - \$300,000 | Open tender | 4-6 weeks | Request for Tender Routing Slip - Approval for RFT Tender evaluation report Contract agreement | <ol style="list-style-type: none"> 1. Develop RFT 2. Obtain approval for RFT by delegated financial authority via Routing Slip - Approval for RFT 3. Approach the international market through an open request for tender 4. Potential suppliers respond and bid for the work by submitting a tender 5. Evaluate all responses received within the deadline against stated conditions and criteria 6. Tender evaluation report to be reviewed by CPO prior to approval by the Deputy Director General 7. Negotiate a contract with the approved supplier | <p>Chair: The Director from the Department/Programme responsible for the tender</p> <p>Secretary: Chief Procurement Officer / Senior Procurement Officer /Procurement Officer (Procurement Unit) or equivalent position from Projects</p> <p>Member 1: Officer from requesting department</p> <p>Member 2: Officer from different department</p> <p>Member 3: External representative</p> <p>Final Approval: Deputy Director General</p> |

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| Procurement Level (US\$) | Type of Solicitation | Advertising Duration | Documents Required | Steps | TEC Composition |
|--------------------------|----------------------|----------------------|---|--|--|
| \$300,001 - \$500,000 | Open tender | 6-8 weeks | Request for Tender Routing Slip - Approval for RFT Tender evaluation report Contract agreement | <ol style="list-style-type: none"> 1. Develop RFT 2. Obtain approval for RFT by delegated financial authority via Routing Slip - Approval for RFT 3. Approach the international market through an open request for tender 4. Potential suppliers respond and bid for the work by submitting a tender 5. Evaluate all responses received within the deadline against stated conditions and criteria 6. Tender evaluation report to be reviewed by CPO prior to approval by the Director General 7. Negotiate a contract with the approved supplier | <p>Chair: The Director from the Department/Programme responsible for the tender</p> <p>Secretary: Chief Procurement Officer / Senior Procurement Officer /Procurement Officer (Procurement Unit) or equivalent position from Projects</p> <p>Member 1: Officer from requesting department</p> <p>Member 2: Officer from different department</p> <p>Member 3: External representative</p> <p>Final Approval: Deputy Director General</p> |
| Over \$500,000 | Open tender | 6-8 weeks | Request for Tender Routing Slip - Approval for RFT Tender evaluation report Contract agreement | <ol style="list-style-type: none"> 1. Develop RFT 2. Obtain approval for RFT by delegated financial authority via Routing Slip - Approval for RFT 3. Approach the international market through an open request for tender 4. Potential suppliers respond and bid for the work by submitting a tender 5. Evaluate all responses received within the deadline against stated conditions and criteria 6. Tender evaluation report to be reviewed by CPO prior to approval by the Director General 7. Negotiate a contract with the approved supplier | <p>Procurement Review Committee (Refer Annex 2)</p> <p>Final Approval: Director General</p> |

Notes:

- The closed tender and EOI process can be used to gauge the genuine interest of potential suppliers and streamlines the selection process. During the process of obtaining bids from shortlist/preferred suppliers list, SPREP should use the threshold guidelines of open tender.

4.1 Open Tender

A tender procedure allows all potential bidders to participate in the procurement process. This procedure allows for tender publicity in advertising mediums that can appeal to the largest possible bidders. SPREP may publish the tender advertisement in one or more overseas advertisement platforms to attract a large group of bidders including overseas bidders. Refer to section 5.1 for guidance of approaching the market.

All candidates must have equal access to identical information and receive impartial consideration following common rules and deadlines. The bidders must be given adequate time to submit their bids. Refer to Table 1 for advertisement periods. Any shortening of submission days should be approved by Executive of the tender. The shortening of submission period shall not give rise to unfair competition among potential bidders.

Detailed information of the tender should be made available within the clarification period outlined in Section 6 to all the interested bidders upon request through electronic means or hardcopy.

All the bidders should be treated equally and with strict confidentiality. For non-electronic tender submission, tenders should arrive by the due date in sealed envelope(s) marked with the instructions provided on the tender notice. All electronic submission should also arrive before the due date respecting the instructions provided on the tender notice.

All tenders are opened during the tender opening session in the presence of the tender evaluation committee.

The received bids are evaluated against the set evaluation (administrative, technical, professional and financial) criteria and successful bid(s) are selected.

Before engaging a vendor, SPREP should check if the selected vendor is not on the vendor sanctions list maintained by the Secretariat.

4.2 Closed Tender

Closed tender method may be used when highly complex or specialised Goods, Consultancy Services, Non-Consultancy Services or Works are available from limited number of vendors, or the time and cost required to examine and evaluate a large number of vendors would be disproportionate to the value of the Goods, Consultancy Services, Non-Consultancy Services or Works to be procured. The closed tender is a two-step tender procedure.

Step one

First step is to invite all potential bidders to participate in the procurement process as in Section 4.1. However, the bidders are not provided with a full TOR, instead are provided with a brief description of the tender and selection criteria against which the bidders are requested to respond with supporting information. The bidders should be provided at a minimum 30 calendar days to provide their offers.

The Procurement Unit may issue Expression of Interest (EOI) to confirm participation of identified vendors and should solicit submissions in a non-discriminatory manner from a sufficient number of Vendors from whom the required Goods, Consultancy Services, Non-Consultancy Services and Works are available. Refer to section 5.2 for EOI guidance.

The received bids are evaluated against the set selection criteria and those bidders that closely meet the selection criteria are shortlisted. SPREP should check if the selected bidders are not on the vendor sanctions listing.

The minimum number of bidders shortlisted should be 5 and maximum should be 10. If a minimum of 5 bidders are unable to pass the selection criteria, the Tender Evaluation Committee may approve a number less than 5. The Tender Evaluation Committee may also approve a number greater than 10 at its discretion considering the additional administrative burden it would put on the Tender Evaluation Committee and in such case, open tender procedure could be followed directly instead of a two-step procedure.

The shortlist is valid for a period of 2 years and could also be used for similar procurements.

Step two

The second step is that the full TOR is provided to the shortlisted bidders to participate in the closed tender restricted procedure. The procurement process then follows Section 4.1 however limited to the shortlisted bidders and SPREP would not need to check if the selected vendor is not on the sanction list as this has been performed in step one.

A listing or roster is to be established for the pre-approved suppliers (individuals and firms). This listing should be maintained and managed by the Procurement Unit.

Note: The same process is to be followed for pre-approved Consultants/Experts networks managed by SPREP.

4.3 Direct Source

The three quotation procedure allows the Secretariat to invite at least three bidders of its choice to submit bids. The selection of suppliers may be a result of an “expression of interest process”.

The received bids are evaluated against the set evaluation (administrative, technical, professional and financial) criteria and successful bid(s) are selected. Refer to Table 1 for further details.

4.4 Over-the-Counter Purchase

Low-value Goods, Consultancy Services, Non-Consultancy Services and/or Works whose estimated value is equal to, or lower than, USD 1,000 will be procured through over-the-counter purchasing. Simple purchasing does not require a formal solicitation document and process, and quotations may be requested via email.

4.5 Cancellation and Amendment of Procurement

The Secretariat, at any time, may cancel a procurement procedure. The cancellation of a procurement procedure should be well documented and approved by the same level that approved the initial procurement.

In the event that SPREP amends the RFT or the conditions of tender, it will inform potential Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>). Tenderers are responsible to regularly check the SPREP website Tenders page for any updates and

downloading the relevant RFT documentation and addendum for the RFT if it is interested in providing a Tender Response.

If SPREP determines that none of the Tenders submitted represents value for money or that it is otherwise in the public interest to do so, SPREP may terminate this RFT process at any time and:

- i. not proceed with the procurement i.e., cancel the tender; issue a cancellation notice and inform unsuccessful bidders;
- ii. readvertise the tender with or without a revised scope for a minimum of two weeks;
- iii. directly approach at least three (3) potential suppliers with the specifications, to request quotes provided the tender was advertised for a period no less than four (4) weeks and no suitable submissions were received (refer Section 2.2);
- iv. apply a procurement exception (refer Section 2.2) provided the tender was advertised for a period no less than four (4) weeks and no suitable submissions were received.

The above process must be documented in the tender evaluation report and endorsed by the authorised delegates prior to any action being taken.

Therefore, it is prudent that SPREP on all procurement advertisement or RFQ state the following: *“by participating in the procurement procedure with the Secretariat, you agree that SPREP may withdraw a procurement procedure at any time prior to issue of Purchase Order or signature or a contract without the bidder being entitled to claim any compensation”*.

Section 5: Procurement Considerations

5.1 Approaching the Market

The tender documents are posted by the Records and Archive Officer (RAO) on SPREP's website. The RAO should also distribute the tender documents to all identified potential suppliers, either by e-mail, or by fax. Where feasible and appropriate, given the locations addressed in the Tender, postings in local newspapers or on the websites of CROP agencies may promote broader solicitation of tenders. Tender documents that need distribution through newspaper should be accompanied by a Purchase Order (PO). The Procurement unit should ensure all tender documents are widely circulated.

5.2 Expression of Interest

An expression of interest (EOI) is a solicitation process that allows SPREP to develop a list of potential bidders for services, supplies or works that could be either:

- included on a shortlist; or
- considered for a future procurement process.

The selection of suppliers is a result of an open call for an “expression of interest” where the selection criteria to pass the first round of evaluation is specified. The first round of evaluation would normally require a vendor to meet several criteria not limited to the number of years of experience, the ability to deliver a certain quality of deliverables with proven track record,

compliance with local laws and labour regulations, and the bidders overall pricing and technical capacity. Bidders should apply using the EOI form on [Link to SPREP templates](#).

Those bidders that pass stage 1 of the evaluation are invited to participate for the next stage of bidding. Normally, at stage 2, the bidders are provided with the detailed technical specification of the requirement for the items.

Detailed information concerning the procurement should be made available to all the invited bidders with a specific closing date. The bidders should be given a minimum of 30 calendar days to submit their offers. Any shortening of submission days should be approved by the Director General. The shortening of submission period shall not give rise to unfair competition.

The evaluation processes are same as those of the closed tender evaluation process.

5.3 Guarantees

A guarantee may be required for procurements within the tender threshold. Based on SPREP's risk assessment of the relating procurement, the following guarantee may be considered at the drafting of RFT stage:

- Tender guarantee – is requested to gauge the genuity of bidders and their quality of offer. SPREP may call the guarantee if the bidder withdraws from the procedure when awarded the procurement.
- Performance guarantee – protects SPREP if a vendor fails to perform its contractual obligation.
- Pre-financing guarantee – is a security against any advance payment made to vendor.
- Retention guarantee – is a security against making good, any defects or damage during the warranty/defects and liability period.

5.4 Preferred Supplier

For the purchase of recurring items used in the operations of SPREP (such as travel, ICT equipment etc.), the Secretariat may enter into a Preferred Supplier Agreement with a vendor or several vendors. The terms and price remain fixed for the period of the agreement, with the exception of travels. Such methods enable SPREP to achieve efficiency, best value for money, minimum risk of business interruption and consistency in the quality of delivery of service, supplies and works.

The selection of suppliers is a result of an open call for an expression of interest' or closed tender process.

SPREP may choose more than one preferred supplier for each procurement item. The prices depending on the services (e.g. consultant daily rate) could be fixed for the term of the preferred supplier agreement. Where it is not possible to establish fixed rates, the preferred supplier is required to ensure that the prices are fair, equitable and meet the value for money principles.

The Preferred Supplier is subject to vendor evaluation process and the evaluation results will determine if the vendor continues to be on the list or should be removed.

The preferred supplier listing/roster should be renewed every 24 months or earlier if necessary. Any significant change in the market condition may also require a review of its list of Preferred Supplier. The review of the Preferred Supplier listing will result in closed tender process. The preferred supplier process will be managed by the Procurement Unit while the listing will be approved by the Procurement Review Committee.

All vendors that are on the preferred supplier list or where a contract duration is for more than one calendar year, SPREP, on an annual basis, should request the vendors to submit their mandatory compliance documents, particularly the documents that would be expired or outdated. All compliance documents should be received by 31st of January each calendar year. The Secretariat may suspend any business dealings with a vendor who fails to provide the required documents by the due date, unless the vendor is able to provide a valid justification and demonstrate that it has made all efforts to obtain the documents, and the delay is beyond its control.

Annual receipt of compliance documents will ensure that SPREP only engages reputable and ethical vendors.

Where it is known that a vendor's reputation or ethical conduct has significantly deteriorated, SPREP should immediately reassess its position to be engaged with the vendor for future business dealing and update its vendor Sanctions List accordingly.

5.5 Negotiations and Clarifications

In order to ensure confidentiality of the process, the Secretary of the Evaluation Committee will be the only person that can communicate with the bidders during the period between the closure date and the opening of the Tenders. SPREP staff must answer all enquiries about procurement, in a prompt and polite manner, but also in a way that ensures no potential supplier gains an unfair advantage.

All clarification questions must be conducted in writing to the procurement email and should be sent within the clarification period as outlined in the Request for Tender. SPREP will determine what, if any, response should be given to a Tenderer question. SPREP will circulate Tenderer questions and SPREP's response to those questions to all other Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>) without disclosing the source of the questions or revealing any confidential information of a Tenderer.

Tenderers should identify in their question what, if any, information in the question the Tenderer considers is confidential. If a Tenderer believes they have found a discrepancy, error, ambiguity, inconsistency, or omission in this RFT or any other information given or made available by SPREP, the Tenderer should promptly notify the Secretariat via the procurement email setting out the error in sufficient detail so that SPREP may take the corrective action, if any, it considers appropriate.

SPREP may:

- i. seek clarification or additional information from any Tenderer for the purposes of Tender evaluation;
- ii. shortlist one or more Tenderers and seek further information from them;

- iii. seek best and final offers from one or more Tenderers; or enter into negotiations or discussions with one or more Tenderers

SPREP on a competitive procurement procedure may use the negotiated procedure to negotiate price or any aspects of the procurement with the winning vendor in the best interest of the Secretariat without distorting fair competition.

Request for a price change following bid submission, evaluation or award decision cannot be facilitated through a negotiated procedure unless SPREP (i) varies the procurement quantity, (ii) is satisfied with the price change and (iii) the actions of SPREP or the successful bidder does not distort the rules of fair competition. All the three conditions should be met and well documented. In no circumstances should SPREP or the Bidder(s) use negotiations to provide an unfair or undue advantage to a particular bidder or a group of bidders.

5.6 Tender Terms of Reference (TOR) and Technical Specifications

The Request for Tender must provide all relevant information about SPREP's requirements that is necessary to enable a potential supplier to prepare responsive, tailored submissions. The designing of the TOR document should provide the vendors with minimum information required.

The terms of reference and the technical specifications must allow equal access for vendors and must not have the effect of creating unjustified obstacles to competitive tendering. They must be clear and non-discriminatory, and proportionate to the objective of the procurement. They specify what is required of the service, supply or work to be purchased. They also specify the minimum requirements; whose non-compliance entails the rejection of the tender/submission.

The specifications at a minimum should include:

- Quality levels;
- Environmental and climate performance (e.g. care is taken to ensure that specifications take into consideration the latest developments on the matter);
- Performance or use of the supply (e.g. energy rating for white goods including air conditioners);
- Accessibility for people with special needs (disabilities);
- Other necessary information relevant to the procurement.

The RFT template [Link to SPREP templates](#) can be used for consultancy services, goods and works.

Generally, this includes:

- i. Terms and Conditions of Tender;
- ii. Description: the nature, scope and quantity of the goods, consultancy services, non-consultancy services or works to be procured, including any technical specifications or other instructions;

- iii. Standard Conditions for participation: business license, financial statements, references, evidence of eligibility to live and work in Samoa or project site, any financial guarantees, information or documents that potential suppliers must submit;
- iv. Submission guidelines: any minimum content and format requirements;
- v. Standard Evaluation criteria: qualifications, experience, competencies, and resourcing;
- vi. Include a description of organisational values, i.e. environmental leadership, service delivery, valuing people and integrity;
- vii. Offer Summary Table: for supplier comparison purposes. The tender document package should be completed by attaching the appropriate series of forms that allow the suppliers to submit offers in a consistent fashion, and confirm their acceptance of the type of contractual arrangements proposed;
- viii. Tender Deadlines: Gives potential suppliers sufficient time to prepare and lodge a submission. Suggested minimum response periods are presented in Table 1; and
- ix. Tenderer is deemed ineligible due to association⁶ with exclusion criteria, including bankruptcy, insolvency or winding up procedures, breach of obligations relating to the payment of taxes or social security contributions, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, grave professional misconduct including misrepresentation, corruption, participation in a criminal organisation, money laundering or terrorist financing, child labour, and other trafficking in human beings, deficiency in capability in complying main obligations, creating a shell company, and being a shell company
- x. Tenderer must sign a declaration of honour form together with their application, certifying that they do not fall into any of the exclusion situations cited under (IX) above and where applicable, that they have taken adequate measures to remedy the situation.
- xi. Tenderer to provide at least three references relevant to the tender submission, including the most recent work completed to enable SPREP to carry out reference checks for consultants hired.

The tenderer will need to supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct⁷.

The terms of reference and technical specifications should be clear and concise. Technical specifications may not point to brands and types, and they may not limit competition by being too specific. In addition, the specifications of the ToR should require inputs from the relevant SPREP technical expertise.

5.7 Procurement Exceptions Procedure

All exceptions and any deviation to the Procurement Policy and Procedures Manual above US\$ 100,000 must be pre-approved through the Procurement Review Committee (refer Annex 2).

⁶ Association being either the tenderer or a person having powers of representation, decision making or control over them or a member of their administrative, management or supervisory body have been the subject of a final judgement or of a final administrative decision relating to any of the exclusion criteria.

⁷ https://www.sprep.org/attachments/Publications/Corporate_Documents/sprep-organisational-values-code-of-conduct.pdf

Requesting Officers must complete the Routing Slip: Pre-approval (Direct Appointment) [Link to SPREP templates](#) and submit to the Procurement unit.

The routing slip should outline:

1. A brief overview of the services/goods that is being procured
2. The exception being applied and clear justification together with all relevant supporting documents.
3. For Exception number 6 under Section 2.2 (Emergency Response) – SPREP Finance must be consulted beforehand and will endorse this procurement exception before the consideration of the Director General.

5.8 TEC Sitting Fees⁸

External TEC members (excluding a representative of a member country) who have been selected for their technical expertise and knowledge will be eligible for sitting fees. The Requesting Officer must obtain the approval from their Programme/Department Director prior to negotiating the fees. The approval process is as follows:

1. Approval from Programme/Department Director - to ensure that there is a need;
2. Approval from the SPREP Financial Accountant or Project Accountants at the Finance Department - to ensure that funds are available and are within the guidelines; and
3. Establishment of an LOA with the external party.

Section 6: Tender Process

6.1 Tender Planning

Careful planning is essential to ensure that a given procurement process is successful. Before SPREP approaches potential suppliers, the specifications of goods or services or service outcomes must be clearly identified. In-house technical expertise is required to provide input in the development of specifications and conditions.

- **Specifications:** Specify in advance the performance, technical, and/or functional requirements of the required goods or services. The specifications should only refer to a particular trademark, producer, or supplier when there is no other way to describe it precisely, and then the specification should state that it, 'or an equivalent,' is required.
- **Conditions:** Identify in advance any conditions that potential suppliers must meet to participate in a procurement process. The potential supplier may have to demonstrate minimum legal, technical, or financial capacities, for example relevant experience in the technical field.

6.2 Request for Tender

The tender processes as described below are applicable to all types of tenders and the procedures will depend on the size of the tender amount as described in Table 1 above. For tenders relating to core areas within SPREP (for example: Communications, IT, Financial audits etc) the Requesting Officer must discuss with the relevant Department prior to

⁸ Refer to the SPREP Financial Procedures Manual, Section 17.

finalisation of the specifications or Terms of Reference. When the specifications or Terms of Reference have been finalised and approved, a draft Request for Tender (RFT) is prepared by the Requesting Officer using the template [Link to SPREP templates](#)

The Procurement Officer is responsible for ensuring the information provided by the Requesting Officer complies with the underlying principles of SPREP procurement process and that it is clear, unambiguous and generic, and ensures fair competition among the suppliers. The Procurement Officer plays a support role to the Requesting Officer in the following areas:

- Provides information on previous, current, and upcoming procurement activities for similar products or services;
- Reviews the request for completeness and ensures that the specifications or descriptions are not restrictive or biased towards a specific supplier;
- Assists in market studies to identify sources of supplies, pricing, availability of information, and extent of competition;
- Provides advice on the best method to obtain goods and services in a timely manner, at the best possible price; and
- Is responsible for production of all tender assessment reporting related to the Tender Evaluation Committee.

The Procurement Officer in consultation with the Requesting Officer prepares the “Request for Tender” for approval by the following process:

- Endorsement by Programme/Department Director that the need exists and sign off on the draft “Request for Tender;”
- Endorsement by Finance and Administration (delegated authority) that funds are available; and
- Approval by the Executive that the organisation will be obligated to the terms of the tender.

6.3 Terms and Conditions of Tender

For clarity and consistency, SPREP should prepare a standard set of terms and conditions for the most common types of procurement process: for example, goods, consultancy services, non-consultancy services, and works, through the preparation of a clear and concise terms of reference for the work required through the tender process. As circumstances may require, the Chief Procurement Officer with support from the SPREP Legal Services and Governing Bodies Department should be available to address questions about the terms and conditions to the potential applicants or tenderers, in particular, prior to signing any agreement.

6.4 Submission of Tenders

Tendering parties or applicants must sign a declaration together with their applications, certifying that they do not fall into any of the exclusion situations cited under section 6.9 below and, where applicable, that each has taken adequate measures to remedy the identified situation.

Submitted tenders are received, registered, handled, opened, and stored only by authorised SPREP staff members. The purpose of this formal process is to ensure that tenders are received, handled, and opened according to good practice and that transparency and confidentiality are maintained as specified in the relevant regulations, rules, and procedures of the organisation. This process is handled by the Procurement Unit. As specified in the request for tender (RFT) documents, offers should be received:

- At the correct place, date and time;
- In writing;
- Via mail, courier service, hand delivery, or e-mail; and
- For tenders received by e-mail, this must be on the 'secure' email address tenders@sprep.org dedicated for the purpose of receipt of tenders.

The email address must be safely secured, i.e., password protected, and should only be accessible by the Procurement unit responsible for the receipt of tenders by email. The tenders should be sealed if hand delivered, except in the case of quotations.

Tenders submitted to an email address other than tenders@sprep.org will not be considered by SPREP. If SPREP is made aware of the error in submission prior to the deadline, the applicant will be advised to resubmit their application to the correct portal. However, if SPREP is not made aware of the error in submission until after the deadline, then the application is considered late and will be returned unopened to the sender

6.5 Registration of Tenders

Upon receipt, Procurement Unit personnel should properly record the date and time of delivery and issue a receipt or acknowledgement to the tendering party. The tenders received by hand delivery should be recorded in the Tender Logbook before placing in the tender box at the receptionist area.

6.6 Storage of Tenders

Tenders received by fax should be sealed in individual envelopes and kept in the locked tender box with the other sealed tenders. The locked tender box should be accessible only by the Chief Procurement Officer who is responsible for the procurement functions, until the date and time specified for the tender opening. Tenders received by email must be on the secured email address and will not be accessible to anyone (other than the Chief Procurement Officer) until the Opening of the Tenders meeting.

6.7 Opening of Tenders

Tender opening is a formal process of opening, reading, and recording in writing all tenders received in response to the request for tenders (RFT), at the date, time and place stipulated in the tender documents. It is recommended that the tender opening takes place as soon as feasible after the deadline for receipt of tenders. Apart from being efficient, it will reduce any risk of manipulating tenders received or accepting late bids.

The tender opening process is conducted by the authorised Tender Evaluation Committee. Members of the Tender Evaluation Committee should be present at the opening of the tenders; however, in the event that not all members are available, a minimum of 3 members is required

for the opening of tenders including the chair of the Tender Evaluation Committee. Tender envelopes and tender proposals sent by email are opened one by one, and the opening official/panel should check that the tenders meet the procedural requirements of the tender documents. For example, that there is one original tender, the right number of copies, that there is a tender form properly signed by the supplier and any other documentation as requested. During the tender opening the following information is usually read out loud:

- Supplier's name and place of business;
- Price and any discounts, including currency of the tender;
- Delivery time;
- Delivery terms; and
- Offer validity

The chair of the Tender Evaluation Committee should certify the opening process by signing the tender register.

In tenders where specific bidders are requested to submit a financial bid separately from the technical bid; the process of opening technical bids first is to be followed. In the event that the bidder failed the technical aspect of the tender (70% or more is required to pass the criteria), their financial bids will not be considered.

6.8 Receipt of Tabulation of Valid Tenders

If applicable, tabulation/abstract of the tender is used to record prices, as well as delivery terms, etc. in order to facilitate the evaluation process. This tabulation/abstract is done as soon as possible after the opening of the tender or as part of the opening record/report. The tenders after they have been opened, dated, and signed by the opening official/panel, together with the opening record/report and a tabulation/abstract of the offers, if applicable, are then maintained by the Procurement Officer.

6.9 Invalidation of Tenders

Only tenders that are deemed valid are submitted to the tender evaluation committee for assessment. The procurement unit should check bidders against SPREP's vendor database on Section 8.2. Criteria that render a tender to be invalid include the following⁹:

- a) Tenders received after closing date;
- b) Tenderer is deemed ineligible due to association with exclusion criteria, including bankruptcy, insolvency or winding up procedures, breach of obligations relating to the payment of taxes or social security contributions, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, grave professional misconduct including misrepresentation, corruption, participation in a criminal organisation, money laundering or terrorist financing, child labour and other

⁹ Adopted from Practical Guide to Contract Procedures for EU External Actions, http://ec.europa.eu/europeaid/funding/about-funding-and-procedures/sources-funding_en, Section 2.3.3.1

trafficking in human beings, deficiency in capability in complying main obligations, creating a shell company and being a shell company;

- c) Tenderer has misrepresented information required by the contracting authority as a condition for participating in the procedure or has failed to supply that information; and
- d) Tenderer was previously involved in the preparation of procurement documents¹⁰ where this entails a distortion of competition that cannot be remedied otherwise.

Any exemption to the above invalidation criteria based on justified grounds, (For example: overriding reasons of public interest such as public health or environment protection) must be clearly documented and submitted to the Director General for endorsement.

Any decision of the Chief Procurement Officer or, where applicable, recommendation of the tender evaluation committee to invalidate a tender, shall be made in compliance with the principle of proportionality, in particular taking into account:

- a) the seriousness of the situation, including the impact on the financial interests and image of the Secretariat;
- b) the time which has elapsed since the relevant conduct;
- c) the duration of the conduct and its recurrence;
- d) whether the conduct was intentional or the degree of negligence shown;
- e) in the cases referred to in point (b), whether a limited amount is at stake;
- f) any other mitigating circumstances, such as:
 - i. the degree of collaboration of the person or entity concerned with the relevant competent authority and the contribution of that person or entity to the investigation as recognised by the authorising officer responsible; or
 - ii. the disclosure of the exclusion situation by means of a declaration

In the cases of non-exclusion, the Chief Procurement Officer shall specify the reasons for not excluding the person or entity and inform the tender evaluation committee of those reasons.

The remedial measures shall include, in particular:

- a) measures to identify the origin of the situations giving rise to exclusion and concrete technical, organisational and personnel measures within the relevant business or activity area of the person or entity, appropriate to correct the conduct and prevent its further occurrence;
- b) proof that the person or entity has undertaken measures to compensate or redress the damage or harm caused to the financial interests of the Secretariat by the underlying facts giving rise to the exclusion situation;
- c) proof that the person or entity has paid or secured the payment of any fine imposed by the competent authority or of any taxes or social security contributions.

¹⁰ Procurement documents refer to the tender document, especially the TOR and drafting of the specifications relating to the procurement activity

6.10 Evaluation of Tenders

All tenders or quotes received within the requested deadline need to be evaluated against the conditions and weighted criteria indicated in the information that was available to potential suppliers. Some criteria are typically general, while others should be developed specifically for the procurement. Only those potential suppliers that satisfy the conditions set as prerequisites for participation qualify for further assessment – any that fail to do so must be eliminated. All tenders or quotes satisfying stipulated conditions are then evaluated based on their relative value for money. The value-for-money evaluation should consider:

- a) Costs – direct and indirect benefits and costs considered over the whole procurement cycle;
- b) Quality and fitness for purpose;
- c) Environmental considerations;
- d) Convenience and timeliness;
- e) The relative risks, including the performance history of the prospective suppliers;
- f) The flexibility to adapt to possible change over the lifecycle of the goods or service;
- g) Attributes of proposed contract terms. For example, contract extension;
- h) Previous experience in a similar field and with the same type of requirement;
- i) Experience from the region;
- j) Available capacity and or equipment to undertake the assignment; and
- k) Qualification and experience of proposed personnel including reference checks.

Financial evaluation - The financial proposal from a bid will only be evaluated if the technical proposal is responsive and qualified (i.e. it achieves the required threshold 70% or more during the technical evaluation). The Financial proposal will be assessed based on the United States Dollars (USD) value. **All contracts will be in USD currency¹¹.**

The financial evaluation process compares bids to the financial criteria defined in the RFT documents. The Procurement Officer will rank the financial proposals. The maximum number of points is allocated to the lowest-priced proposal. All other financial proposals receive proportional scores based on how they compare with the lowest-priced proposal. These scores are calculated according to the formula below:

Total financial component % x [Lowest price]/ [Price under consideration] = Score for financial proposal

Cumulative evaluation – The technical proposal should weigh 80% and the financial proposal should weigh 20% of the total evaluation. The proposal with the overall highest score after adding the score of the technical proposal and the score from the financial proposal may offer the best value for money when considering (a) – (k) above.

¹¹ Exception only for contracts in the local currency of SPREP Headquarters and outposted offices ie, SAT, FJD and VAT.

6.11 Selection of Preferred Bidder

SPREP reserves the right to enter into negotiation with respect to one or more proposals prior to the award of a contract, split an award/awards and to consider localised award/awards between any proposers in any combination, as it may deem appropriate without prior written acceptance of the proposers.

The individual or the tender evaluation committee responsible for assessing the quotes or tenders needs to submit to the designated staff member with the delegated financial authority its recommendation on the preferred supplier. Use the template in [Link to SPREP templates](#) to summarise the panel conclusions. The panel report should justify its reasons for concluding that the bidder:

- a) Satisfies the conditions for participation;
- b) Is fully capable of undertaking the contract;
- c) Has submitted a proposal that will provide the best value for money, in accordance with the specific criteria in the request document and the general value for money criteria; and
- d) Received positive references.

The report should also propose a second option in the event the preferred supplier does not take up the offer.

The designated staff member with the delegated financial authority needs to approve the recommendation of the selection panel for it to take effect.

In the event the tender evaluation committee are unable to identify a suitable supplier that meets the conditions and evaluation criteria of the tender the first time they must:

- a. Document the reasons why
- b. Propose alternative options which may include readvertisement, cancellation of the tender, rescope the Terms of Reference which would then be re-tendered.
- c. The selected approach must be approved by the delegated authority in accordance with the financial delegation.

6.12 Approval of Evaluation Report

The Tender Evaluation report must be written by the Secretary of the Tender Evaluation Committee, reviewed by the Tender Evaluation Committee and signed by the Tender Evaluation Committee Chair before sending for approval by the appropriate authority.

To ensure that the tender evaluation report reflects the selection agreed by the tender evaluation committee, the Chief Procurement Officer will need to sign off on the tender evaluation report prior to the report being approved.

Approval of the tender evaluation report is a delegated authority that will only approve the report upon endorsement from the Chief Procurement Officer.

Any firm found to have a conflict of interest shall be ineligible for award of a contract.

Section 7: Procurement Award and Execution

7.1 Contract Award Decision

Procedures for contracting:

- Conduct due diligence checks of the selected vendor(s) in accordance with section 8.1.
- The draft contract is to be drawn up by the Legal and Governing Bodies Officer in consultation with the Chief Procurement Officer and the Requesting Officer for the tender;
- The Chief Procurement Officer will ensure that any issues raised in the evaluation report are covered in the draft contract;
- The Procurement unit circulates the contract, routing slip and approved tender evaluation report to the Programme/Department Director for endorsement, followed by Director Legal Services and Governing Bodies and Director Finance and Administration for approval;
- The contract is approved and signed by the Director General upon receipt of the approved routing slip with the relevant attachments.
- The Procurement unit who will be responsible for ensuring the contract is duly signed by both parties
- A binding contract is in effect once signed by both SPREP and the successful tenderer.

The Director General (or their delegate) has the final decision on the approval of any procurement decision including any variation to the final procurement quantity.

Any contractual discussion/work carried out/goods supplied prior to a contract being signed does not constitute a binding contract.

All documentation related to the tenders is to be centrally filed with the Procurement unit.

Once the contract is awarded, the Procurement Officer must:

- i. Inform all potential suppliers whose submissions were evaluated of the decision as soon as practicable;
- ii. On request, provide an unsuccessful tender with the reasons it was unsuccessful;
- iii. In the case of select or open tenders, the results should be published on the SPREP website, having due regard for the requirements of confidentiality and security, in particular the protection of personal data:
 - a) A description of the goods or services procured;
 - b) The name and address of the successful supplier;
 - c) The value of the successful tender; and
 - d) The date the contract was awarded.

- iv. Without prejudice to any rules and procedures on data protection, SPREP may consider exemptions to publishing of results for justified grounds (for example confidentiality and security; sensitive information that may threaten the reputation of the tenderer, etc)
- v. All other cases which were not part of an open tender (e.g., non-procurement purchases, tenders below USD \$20,000, direct Appointments, etc) are excluded from publication.

7.2 Contract Documents

Contract documents must be included in the bidding documents depending on the nature of the supplies, services and works procured. For basic requirement, the standard contracts should consist of the following documents:

- Contract Agreement; **All contracts will be in USD currency¹².**
- Conditions of Contract;
- Form of Tender;
- Specifications;
- Bill of Quantities;
- Drawings (if applicable); and,
- Any other document listed in the Contract Data as forming part of the contract.

7.3 Contract Management

Once a contract has been awarded, the contract management phase commences and is defined as the period between the signing of the contract and the satisfactory completion of the assignment or the end of the contract. The value and complexity of the contract will determine the level of input required to manage a contract.

Contract managers¹³ are responsible to manage the contract deliverables and monitor key dates. Contract managers must ensure all reports and contract deliverables are filed with Registry and/or uploaded in PIMS. Upon completion of the contract, the contract manager is required to complete a contractor review form, [Link to SPREP templates](#) which is submitted to the procurement unit and made available to personnel who seek feedback on vendor performance.

Payment for contracts shall be made according to the specific terms or deliverables of each contract against invoices issued by the awardee.

¹² Exception only for contracts in the local currency of SPREP Headquarters and outposted offices ie, SAT, FJD and VAT.

¹³ Contract Managers should be SPREP staff that are budget holders or its delegated staff

7.4 Contract Variations

If there is a need to change any aspect of an existing contract, the contract must be amended to accurately reflect such changes. A contract amendment must be initiated and approved at least one month prior to the contract end date.

Contracts which have expired or lapsed, cannot be amended. It should be routed for approval of Renewal of Contract.

Contracts shall not be increased or extended as a means of avoiding the competitive procurement process. They shall only be amended to reflect a development in the contractual arrangement or other material change in circumstances which must be strongly justified.

A contract may be amended without re-advertisement where:

- a) Additional works, services, or supplies “have become necessary” and a change of supplier would not be practicable (for economic, technical reasons or changing supplier would lose compatibility with existing equipment or services) and would involve substantial inconvenience/duplication of costs (limited to 20% of original contract price); or
- b) The need for the change could not have been foreseen at the time of the original tender, provided these changes do not affect the nature of the contract/framework or exceed 20% of the price of the original contract.

A request for amendment of contract is to be made by the Responsible Officer through the Chief Procurement Officer.

The request for amendment must be submitted together with:

- a) copy of original contract
- b) routing slip identifying the clauses that need to be amended and clear justification for the amendment
- c) the proposed amendment - contract amendment template [Link to SPREP templates](#)
- d) supplier performance assessment which should outline the revised workplan and due dates for new deliverables (work that has been completed and paid to date)

7.5 Contract Termination

The Contract Manager should take appropriate action and contact the Procurement Unit and Legal Services and Governing Bodies Department if there is any default on the part of the Secretariat or on the part of the other party to the contract. Contracts may only be terminated by the awarding authority.

In addition to any action required to be taken under the contract with respect to review or rollover, the Contract Manager should prior to the end of the contract assess whether the contract is to be extended or transitioned out. Where the contract is not to continue, the Contract Manager should ensure that there is an orderly transition from the contract.

Termination of contracts should follow the conditions specified in the Procurement Contract. In cases where only a PO is raised without a procurement contract, the Purchase order is void if the procurement is not completed within 30 calendar days. All extensions for the delivery of

service, supplies and works require an approval in writing from the Secretariat. The Secretariat may also terminate a PO if the vendor fails to deliver the procurement within the revised timelines. Refer to section 8.4 for guidance on early termination of contracts based on poor vendor performance.

Section 8: Vendor Management

8.1 Due Diligence

SPREP may only issue a contract to a vendor that has passed due diligence checks.

SPREP will undertake due diligence before contracting a vendor or any other entity involved in SPREP activities to ensure the identity of the entity/individual, and to assess and evaluate the risk of money laundering or terrorism financing, fraud and corruption, or conflicts of interest.

Vendors signing a contract with SPREP will be expected to provide the information necessary for due diligence checks and to declare they have no actual conflicts of interest in entering the agreement with SPREP. The Procurement Unit will undertake the due diligence checks.

Standard due diligence checks for entities include:

1. Verification of business registration details
2. Assessment of financial stability eg. financial reports;
3. Reputation checks from at least 3 reference checks;
4. Perceived, potential or actual conflicts of interest;
5. Checks against relevant donor related sanctions list.
6. Declaration of honour on exclusion criteria

Standard due diligence checks for individuals include:

1. Verification of the individual's full name;
2. Verification of the individual's education and certifications;
3. Reputation checks from at least 3 reference checks;
4. Perceived, potential or actual conflicts of interest;
5. Checks against relevant donor related sanctions list.
6. Declaration of honour on exclusion criteria

Standard due diligence checks for vendors entering into a purchase order with SPREP must comply with requirements under SPREP's vendor form [Link to SPREP templates](#)

Due diligence checks are valid for 24 months or when there is a change to the vendor profile, after which shall be reperformed if the vendor is still active in the finance system. The Procurement Unit is responsible for tracking and conducting such checks.

8.2 Vendor Database

SPREP shall maintain a vendor database to minimise risks when dealing with external vendors, donors and partners. This is a comprehensive repository that includes details of all the vendors that SPREP has engaged with and will include information such as contact information, types of goods or services provided, past transaction history, performance evaluations, and due diligence documentation. Key information from the Vendor Database e.g. potential performance and legal matters, etc (where the same supplier is responding to SPREP RFTs) is to be provided to the Tender Evaluation Committee for consideration.

This database is to be maintained by the Finance Unit and Procurement Unit will manage the subsets.

Subsets of this database include:

1. **Preferred Supplier List:** refer to section 5.4 for further details.
2. **Sanctions List:** refer to Section 8.3 for further details.

8.3 Sanctions List

The Sanctions List is a compilation of vendors that SPREP determines are unsuitable for business or to be engaged. The Procurement Unit shall be responsible for maintaining the list through the review of the Contractor Review Form and if the contractor is not recommended for re-engagement by staff. This list is approved by the Procurement Review Committee every 6 months.

The Sanctions List should also include listing against the relevant donor related sanctions list.

8.4 Monitoring Vendor Performance

Contract managers are responsible for assessing the performance of vendors and determine if the vendors are performing at an acceptable standard on a regular basis. Instances where the Secretariat ascertains that a vendor is not performing at an acceptable level, the Secretariat may terminate the contract early and subsequently sanction the vendor based on the feedback in the Contractor Review Form.

SPREP shall neither sign any new contracts nor sign an amendment, including any extension or changes, to an on-going contract with a suspended, debarred or disqualified firm or individual after the effective date of the suspension, debarment or disqualification without the Secretariat's prior review and no objection.

Section 9: Complaints Lodgement

If any member of the public including the Secretariat's vendors, unsuccessful bidders and staff would like to raise a concern or are not satisfied with any procurement or procurement related activity, they may raise their concerns through the following medium within 10 working days of the award of the contract notice being published:

- Email: fraud@sprep.org
- Hand deliver: SPREP - Office of the Internal Auditor, Vailima Samoa
- Post: all envelopes should be marked Confidential and addressed to Internal Auditor SPREP P.O Box 240, Vailima Samoa.

The formal complaint should outline the name of the tender and the details of the complaint.

The complaint when received should be referred to the Internal Auditor who will record the complaint and acknowledge its receipt within 3 working days. The Internal Auditor will investigate the complaint and where necessary convene a Procurement Complaints Committee to preside over the complaint.

The Procurement Complaints Committee will consist of 3 persons and will be made up of the following:

1. Internal Auditor (Chairperson)
2. A Programme/Department Director previously uninvolved in the tender process
3. Legal Representative

All tender documents will be made available to the Procurement Complaints Committee, and the Tender Evaluation Committee will be interviewed.

The Procurement Complaints Committee will provide a report to the Director General on its investigation with an outcome within 20 working days of convening the investigation. If more time is required, this should be immediately conveyed to the Director General with reasons.

With the endorsement of the Director General, the Internal Auditor will submit a response to the complainant on the outcome of the complaint.

The Internal Auditor should keep records of all complaints, including outcomes, reasons for such outcomes, and response times. The tender evaluation committee should use the complaints' processes to identify general or recurring problems in procurement processes and undertake corrective action.

Section 10: Procurement Rules on Sub-Delegation

As an implementing agency, SPREP will sub-delegate tasks and activities funded by bilateral donors or international organisations, including EU and GEF, to a vetted executing entity (or executing partner in SPREP terms, or sub-delegatee in EU terms, and executing agency in GEF terms). In the Executing Partner Agreement (EPA) signed between SPREP and the executing partner or sub-delegatee, all relevant rules and procedures of SPREP, including the procurement policies and procedures should be clearly described. The basic rule is that the executing partner or sub-delegatee should follow the appropriate policies, rules and procedures (equivalent to the procedures used by SPREP) in all material aspects for providing financing from the donor funds through procurement. Where there is observation of weaknesses or lack of capacity to follow such rules, SPREP should conduct training or workshops to bring the executing partner or sub-delegatee up the level where it can execute the project activities, including procurement, following the proper rules and procedures without problem. Under exceptional cases, SPREP may take over the procurement process with the executing entity as observer; this may be considered as another form of capacity building.

Throughout the project implementation period, SPREP will perform oversight functions on the activities undertaken by the executing partner and monitor its performance against compliance with relevant policies, rules, and procedures in all procurement activities. The EPA will also indicate consequence of non-compliance and remedies thereof.

Annex 1: Terms of Reference – Tender Evaluation Committee (TEC)

Establishment of the TEC

Before the start of the procurement process, a TEC is to be established for each procurement over US\$20,000 as per composition criteria in Table 1 and according to the committee members and alternates approved in Section 3.3. The purpose of this committee is to evaluate submitted bids and make a recommendation to the approver on the selection of one or more suppliers who will provide the Goods, Consultancy Services, Non-Consultancy Services or Works pursuant to the requirements set out in the Request for Tender.

Appointment of the TEC

The Requesting Officer, in consultation with the Chief Procurement Officer draws up a list of potential nominees for the year. The Chief Procurement Officer ensures that there is a wide representation on the committee and considers the gender and ethnicity mix. Committee members must have reasonable command of the language in which the tenders are submitted. They should also have the technical and administrative ability to give an informed opinion on the tenders.

Composition of the TEC

The TEC composition varies depending on the nature, complexity, and value of the procurement activity¹⁴. There should be a minimum of the following:

1. Chairperson (non-evaluating)
2. Secretary (non-evaluating)
3. Evaluators (minimum of 3 evaluators. The number of evaluators should always be an odd number to avoid any score ties)
4. Reserves (Optional – to ensure that there are no disruptions to the evaluation process if an evaluation member is unable to participate)
5. Observers (Optional – non-evaluating)

Depending on the procurement, representatives from executing partners, or recipients of the procurement, may be invited to attend the tender evaluation as observers or an evaluator. Refer to Table 1 of the Procurement Policy and Procedures Manual for specific compositions according to thresholds.

Role of the TEC

- To open all tender submissions in a transparent manner;
- To evaluate the bids using the pre-defined criteria stated in the solicitation documents;
- To make a recommendation for the award of the contract to a bidder/bidder, based on the evaluation;
- To prepare a comprehensive evaluation report that documents the process, rationale, and conclusion of the tender evaluation;

¹⁴ TEC Compositions for procurement thresholds are detailed in Table 1

- To maintain high ethical standards, transparency, equity, avoiding conflicts of interest, and preventing any form of corruption or favouritism throughout the evaluation process;
- To ensure that SPREP's procurement process is followed for the relevant procurement activity; and
- To review documents and justifications provided to ensure they are complete and appropriate;

Responsibilities of TEC Members

- The **chairperson** is responsible for coordinating the evaluation process in accordance with the procedures of the Procurement Policy and Procedures Manual. The chairperson is responsible for:
 - i. The smooth operation of the committee
 - ii. Facilitation of discussions
 - iii. Ensuring impartiality and transparency
 - iv. Verify the accuracy of the financial score in the evaluation matrix
- The **secretary** should be a staff of the Secretariat that is fully versed with the procurement rules and provide technical advice to the TEC without influencing the evaluation process. Therefore, the secretary should be a Procurement Officer or equivalent position from Projects (endorsed by the CPO). The secretary is responsible for:
 - i. Circulation and collection of declarations of impartiality and confidentiality
 - ii. Compilation and circulation of documentation to members
 - iii. Take and keep minutes of all meetings and relevant records and documents accordingly to a filing list set up specifically for the Committee
 - iv. Record attendance at meetings
 - v. Submit the TEC's recommendation to the relevant authority for approval. Refer to Table 1 in the Procurement Policy and Procedures Manual for further details
 - vi. Input the financial score into the evaluation matrix based on financial proposals
- The **evaluating members** of the TEC have collective responsibility for decisions taken by the committee.
- All **members** of the TEC must sign a Declaration of Impartiality and Confidentiality form prior to conducting the evaluation (opening of the bids). Any TEC member or observer who has or might have an actual or potential conflict of interest with any tenderer or applicant must declare it and immediately withdraw from the TEC.

Frequency of Meetings

TEC meetings shall be convened as soon as possible following the tender deadline.

Quorum

All TEC members must attend all meetings. In the event that a member is unable to attend, they must appoint a reserve of equivalent capacity to attend in their absence. Any absence and replacement must be recorded and explained in the evaluation report.

Procedures for TEC Meetings

- Review the pre-defined criteria for evaluating tenders to ensure a common understanding among all members and discuss any aspects of the criteria that may need further clarification.
- Open tenders in accordance with guidelines in the Procurement Policy and Procedures Manual.
- Complete the "Conflict of Interest Form" [Link to SPREP templates](#)
- Members individually assess the tenders based on the agreed evaluation criteria and scoring system, ensuring a systematic and unbiased approach.
- Members then share and discuss individual assessments to consolidate findings and reach a consensus for the awarding of a bidder/bidders.
- The TEC shall compile a report and make recommendations which shall be submitted to the relevant authority for final approval.

Annex 2: Terms of Reference – Procurement Review Committee (PRC)

Establishment of the PRC

The PRC is established for these purposes.

- a. To provide consistency in the application of exceptions **above US\$100,000** under Section 2.2 of the Procurement Policy and Procedures Manual through consideration of submissions to apply Procurement Exceptions.

The following are exclusions. These will follow the usual pre-approval process or travel process:

- i. Travel purchases – Section 2.2.1
- ii. Donor-directed procurements – Section 2.2.2
- iii. Project funding that specifies a preferred supplier – Section 2.2.3
- iv. Emergencies – Section 2.2.6
- v. Other Situations – Clauses 4.7(i) and 4.7(v)

“Exception” means any of the exceptions listed in the SPREP Procurement Policy and Procedures Manual, Section 2.2 Procurement Basics and Exceptions.

- b. To evaluate submitted bids for Goods, Consultancy Services, Non-Consultancy Services and Works pursuant to the requirements set out in the Request for Tender for procurement values **above US\$500,000**.
- c. To approve the Annual Procurement Plans as outlined in Section 3, including any changes.
- d. To approve the Preferred Suppliers Listing as outlined in Section 5.4.
- e. To approve the Procurement Exceptions Procedure specified in Section 5.7.
- f. To approve the Sanctions Listing as outlined in Section 8.3.
- g. To undertake strategic discussions of procurement at SPREP.
- h. To consider any other specific procurement issues (including high risk areas) that are escalated by the TEC and Procurement Unit.
- i. Approve the Procurement Strategy and monitor its implementation
- j. Assess, review and manage risks associated with the procurement process and elevate enterprise level risks to the Risk Committee
- k. Ensure SPREP adopts and implements a robust pathway towards ‘green procurement’

Composition of the PRC

The PRC comprises the following core members:

- i. Chairperson – Deputy Director General
- ii. Secretariat – Procurement Unit

- iii. Member – Director, Biodiversity Conservation
- iv. Member – Director, Climate Change Resilience
- v. Member – Director, Climate Science and Information
- vi. Member – Director, Waste Management and Pollution Control
- vii. Member – Director, Environmental Governance
- viii. Member – Director, Finance and Administration
- ix. Member – Director, Human Resources
- x. Member – Director, Strategic Planning, Partnerships and Resource Mobilisation
- xi. Member – Director, Legal Services and Governing Bodies
- xii. Chief Procurement Officer

In the case of ‘tenders above US\$500,000’, the PRC may include an additional member(s) (optional) for the purpose of evaluation from technical adviser(s) or other expert(s).

Roles and Responsibilities of the PRC

- To ensure consistency of the application of exceptions listed in the Procurement Manual.
- To determine compliance with exception requirements.
- To set down or modify requirements for satisfying an exception.
- To recommend amendments to an exception as necessary to provide clarity on the requirements and compliance of an exception as well as to prevent inconsistency in application.
- To make such recommendations as it deems necessary to facilitate the procurement process.
- To take collective responsibility for the decisions or recommendations taken or made by the committee. If there is no consensus among the Members, this must be reflected in the committee’s report and the matter to be referred to the Director General for consideration.
- The Secretariat for the PRC shall be the Procurement Unit and shall perform the following tasks:
 - Circulating and collecting the declarations of impartiality and confidentiality
 - Compiling and circulation of documentations to members
 - Take and keep minutes of all meetings and relevant records and documents accordingly to a filing list set up specifically for the Committee
 - Record attendance at meetings
 - Submit the PRC’s recommendation to the Director General for approval
 - Inform relevant staff/programme of the outcome
 - Upload meeting documents and minutes on the intranet and file with registry

Frequency of Meetings

The PRC shall meet quarterly, and to convene special extraordinary meetings as the need arises.

Quorum

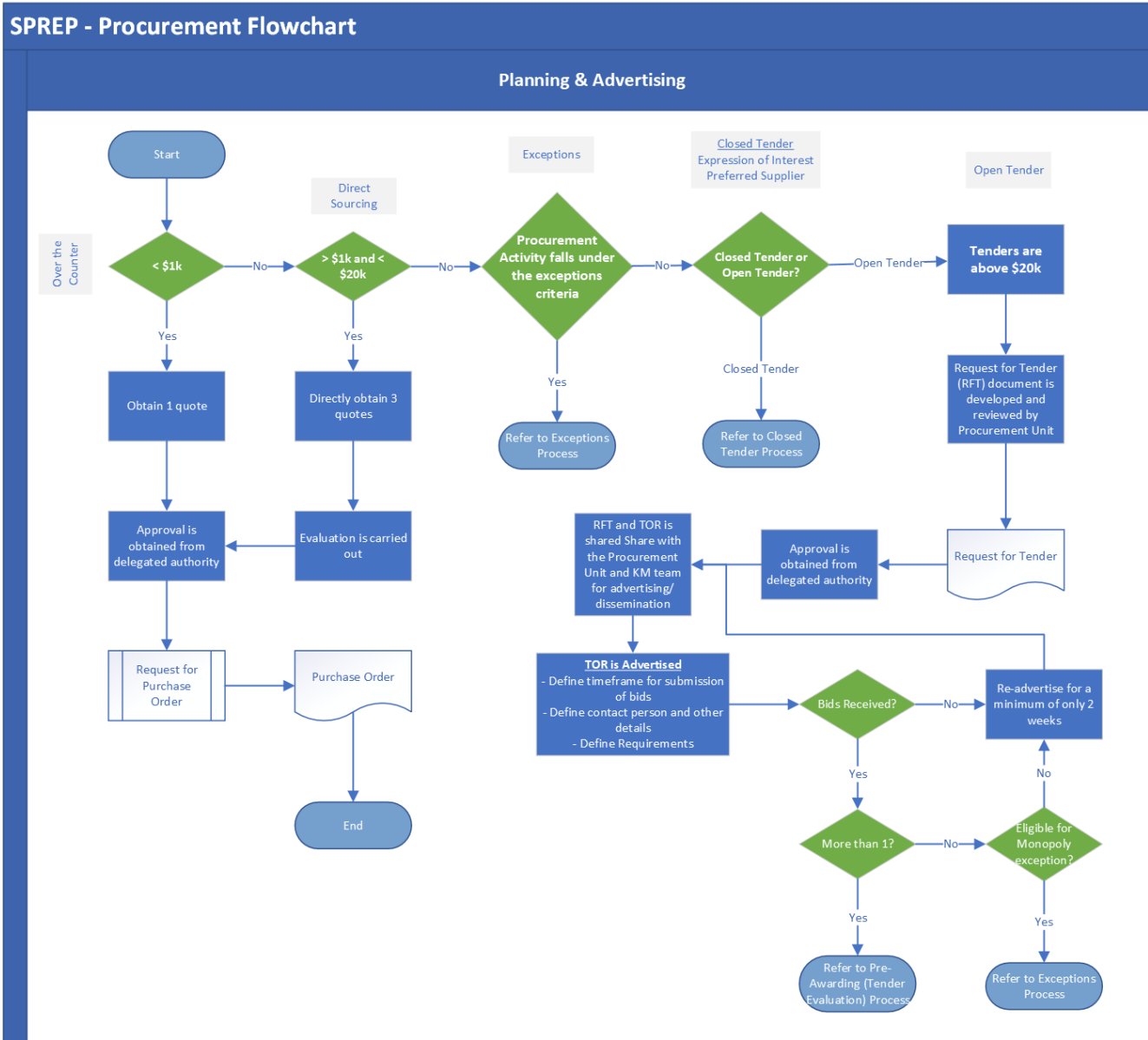
5 members (Not including chair, secretariat and CPO who are mandatory). In the event that a member is unable to attend, they must appoint a reserve of equivalent capacity ¹⁵to attend in their absence. Any absence and replacement must be recorded and explained in the minutes. No meeting can proceed without a quorum.

Procedures for PRC Meetings

- Staff must provide all routing slips and supporting documents to the Procurement Unit ten (10) working days prior to the PRC Meeting.
- Prior to the PRC Meeting, the routing slips and all supporting documents shall be made available to the PRC within 5 working days.
- The Chair is responsible for the smooth operation of the committee, facilitate discussion and ensuring its impartiality and transparency.
- The PRC shall review and discuss submissions received.
- The PRC shall discuss and decide upon any procurement matter that relates to its purposes.
- The PRC shall make recommendations which shall be submitted to the Director General for final decision.
- The Director General having received the recommendations of the PRC, shall decide as soon as possible whether to accept or reject any recommendation or to suggest changes. Such changes or queries shall be referred back to the PRC for consideration then re-submitted to the Executive

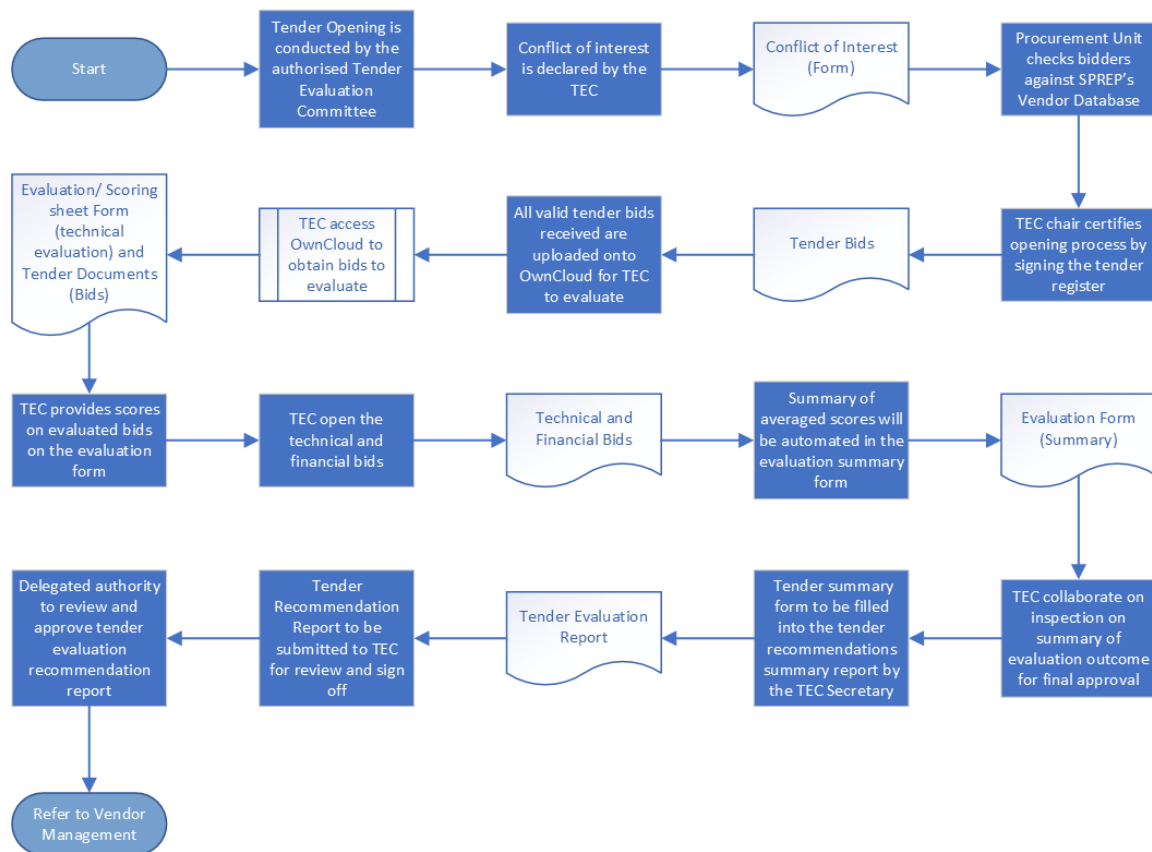
¹⁵ Director position has to be represented by Officer in Charge (OIC)

Annex 3: Procurement Flowcharts



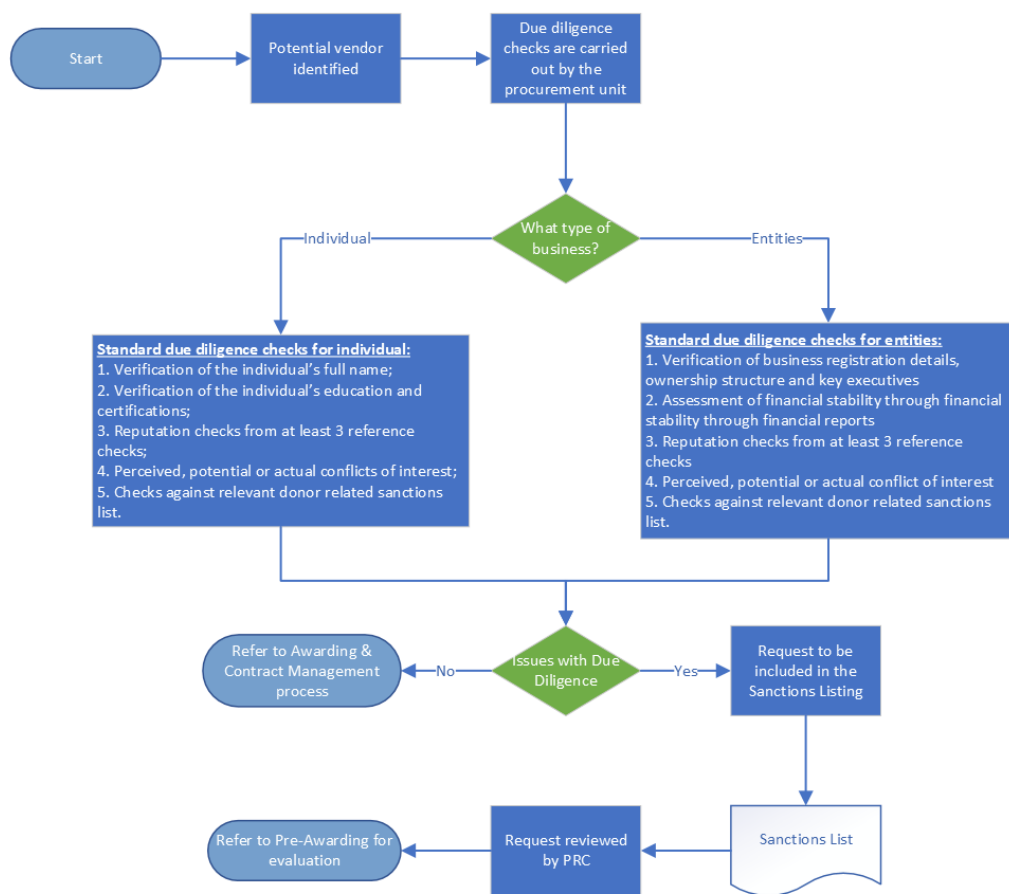
SPREP - Procurement Flowchart

Pre-Award (Tender Evaluations)

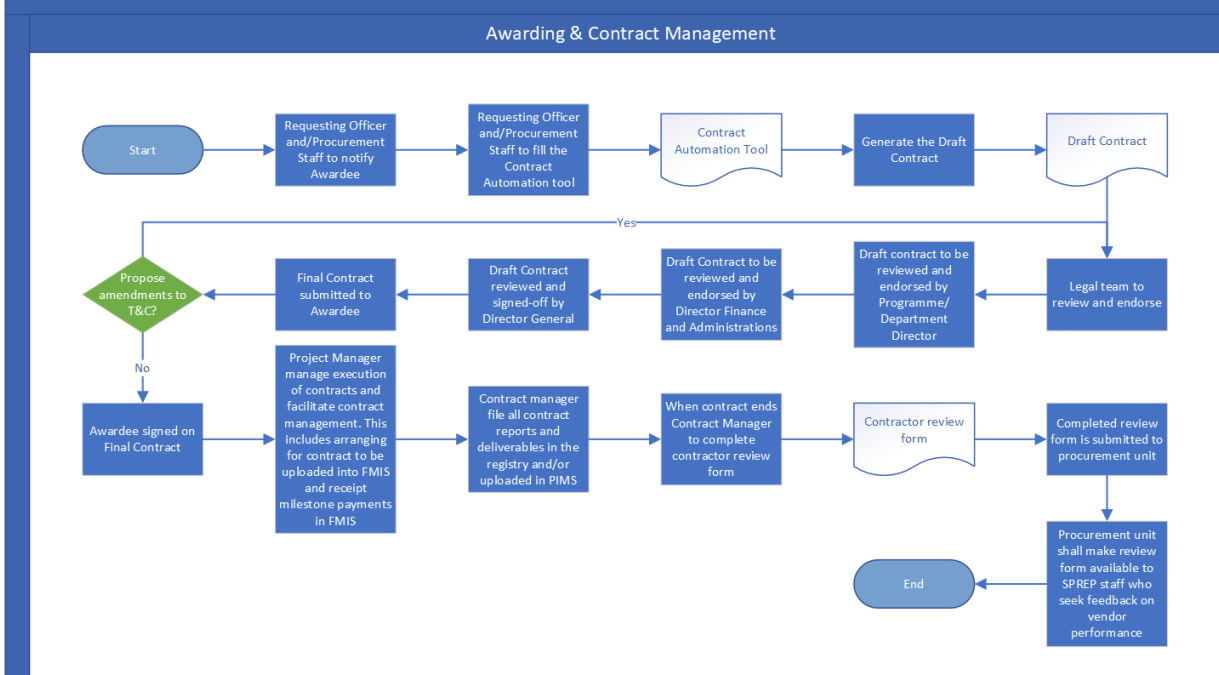


SPREP - Procurement Flowchart

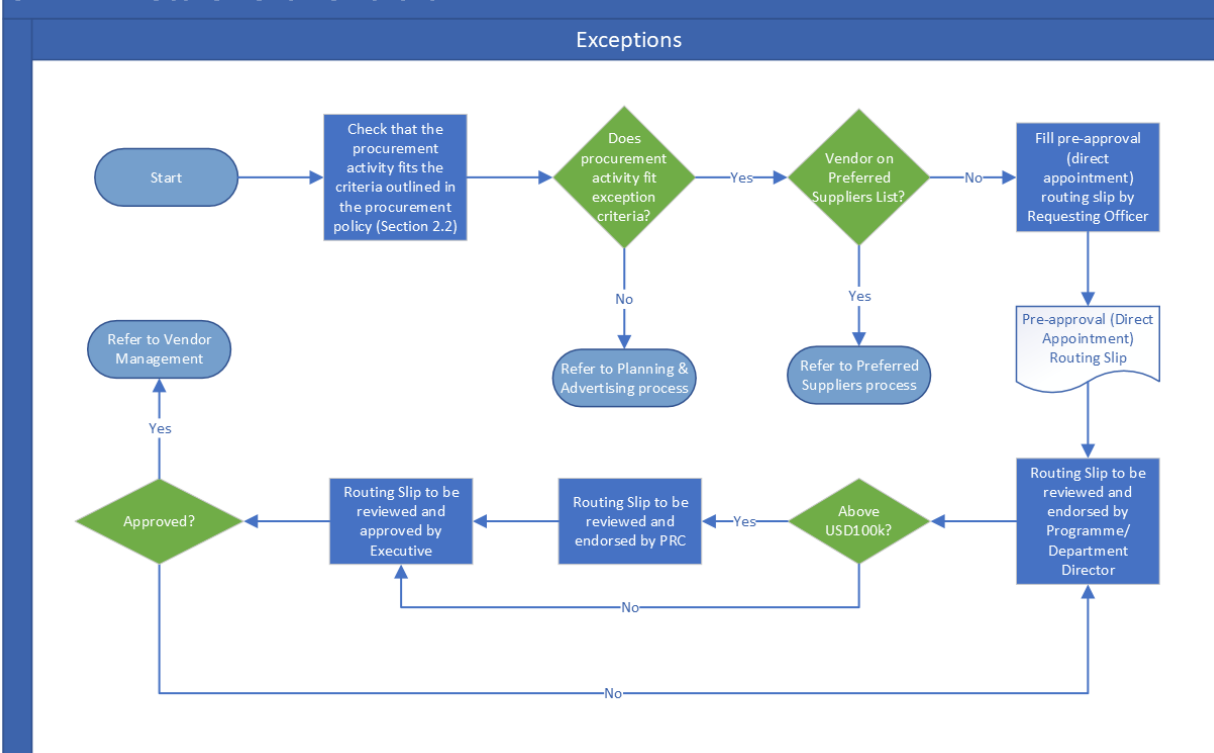
Vendor Management

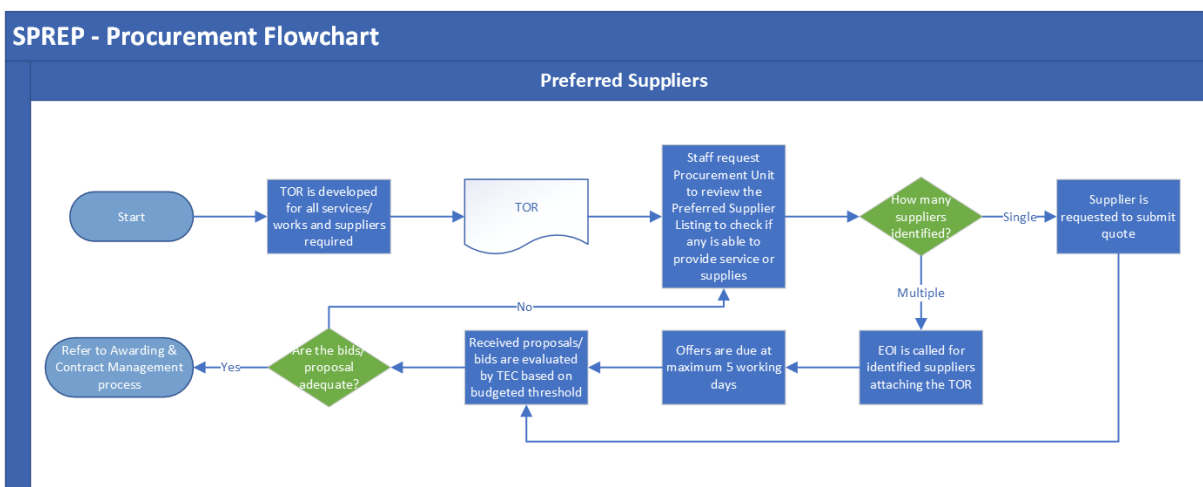
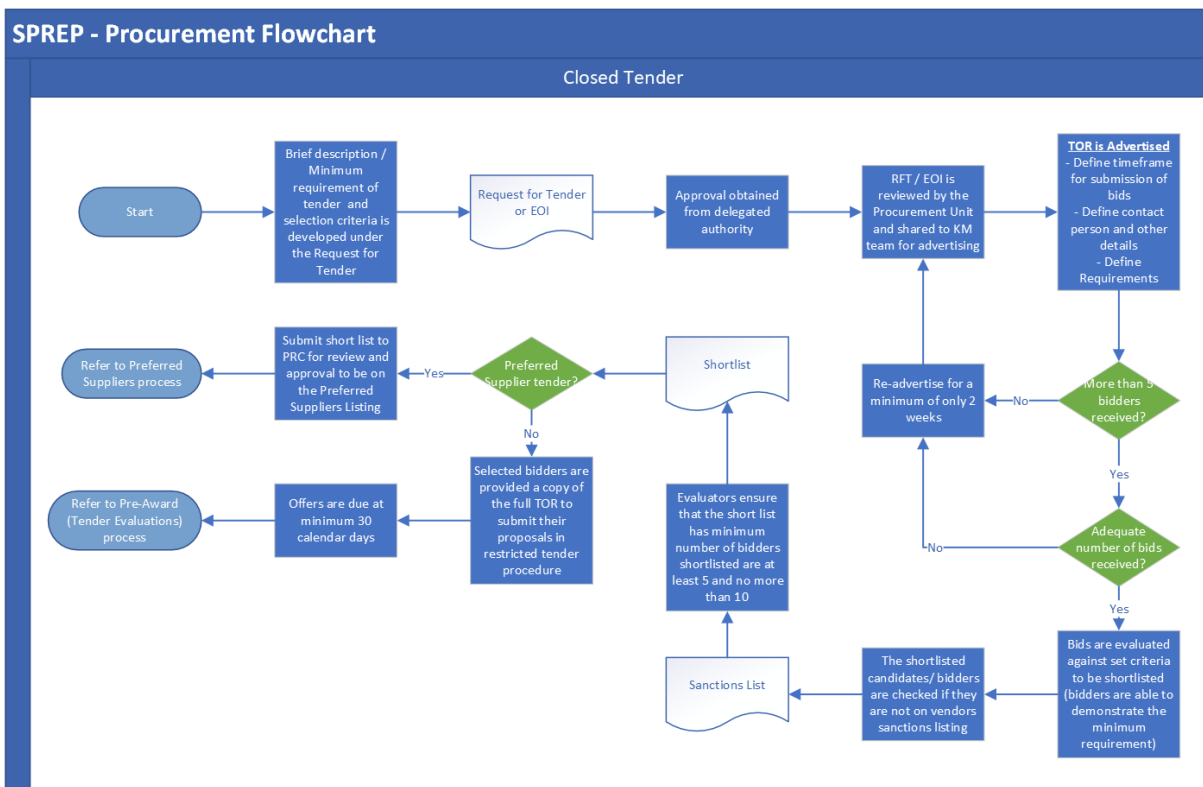


SPREP - Procurement Flowchart



SPREP - Procurement Flowchart





Annex 4 – List of Procurement Templates

[Link to SPREP templates](#)

| No. | Name of Template |
|-----|--|
| 1 | Tender Evaluation Form - Instruction Manual |
| 2 | Evaluation Matrix |
| 3 | Tender Evaluation Report |
| 4 | Preferred Supplier Agreement |
| 5 | Works Contract Template |
| 6 | Service Contract (Below \$50,000) |
| 7 | Goods Contract (Below \$50,000) |
| 8 | Goods and Service Contract (Below \$50,000) |
| 9 | Service Contract (Above \$50,000) |
| 10 | Goods and Service Contract (Above \$50,000) |
| 11 | Preferred Vendors Application |
| 12 | Request for Proposal |
| 13 | Request for EOI |
| 14 | Request for EOI (Individual Consultant) |
| 15 | Conflict of Interest Form |
| 16 | Declaration of Honour Form |
| 17 | Request for Tenders |
| 18 | Request for Quotes |
| 19 | Application Form |
| 20 | Award of Contract Notice |
| 21 | Consultant Review Form |
| 22 | Contract Amendment Form |
| 23 | Vendor Form |
| 24 | Routing Slip - Pre-approval (Direct Appointment) |
| 25 | Routing Slip – Request for Tender |
| 26 | Routing Slip – Consultancy Agreement |
| 27 | Routing Slip - Goods and Services |
| 28 | Routing Slip – Contract Amendment |