

GUIDE FOR IMMEDIATE RELIEF ASSISTANCE AND EMERGENCY PROCUREMENT



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Preface

The Fiji Government has adopted a new procurement policy framework that is established by the Procurement Regulations 2010 (PR).

One of conditions stipulated in the PR is the provisions for Ministries and Departments to undertake procurement during events that are unforeseen or emergency in nature.

This guide provides guidance to agencies on the process and procedures for undertaking procurement arising from unforeseen situations.

Assistance

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1.0 Introduction

Procurement of goods, services or works by government agencies must comply with the Procurement Regulations (PR) 2010.

Ministries and Departments must follow the tendering procedures as per the provisions of the PR 2010 and the appropriate guidelines for any procurement of goods, services and works.

However, emergency or unforeseen circumstances, may give rise to procurement that will be deemed as impractical to follow the tender process.

Therefore agencies are permitted to forgo routine procurement procedures (e.g. advertisement in the dailies) if the delay following those procedures will prevent the procurement of such goods, services or works and be an impediment to the efficient delivery of relief items.

As such, provisions for procurement that are urgent in nature are evidently stipulated in the Procurement Regulations 2010 to enhance efficient procurement of relief items.

2.0 Scope

The scope of this policy shall be limited only to the emergency procurement and procurement of immediate relief assistance goods, services or works exceeding \$50,001 and is necessary to meet the definition of urgent or unforeseeable event. This Guide must be read together with the *GUIDE TO PROCUREMENT PROCESS FOR PURCHASES UP TO \$50,000*.

3.0 Purpose

These guidelines serve as a procedural guide to the process of emergency procurement.

4.0 Legislative Requirements

Regulation 32 of the Procurement Regulations 2010 sets the legislative requirements for emergency procurement of goods, services or works; while

Regulation 33 of the Procurement Regulations 2010 sets the legislative requirements for immediate relief assistance after a state of natural disaster has been declared.

5.0 Definition

5.1 Emergency Purchases

Emergency purchases are procurement that will only be considered where there is extreme urgency brought about by unforeseeable events such as

- (i) natural disaster such as a cyclone, flood, earthquake, tsunami, whirlwind, landslide, forest fire or drought;
- (ii) life or death situations;
- (iii) events of an outbreak of disease for either human, plant or animal; or
- (iv) Where there is an urgent need for goods, services or civil works and engaging in tender proceedings would be impractical due to time constraints or cost factors, but provided that the circumstances giving rise to that urgency were not foreseeable by the procuring ministry or department.

5.2 Immediate Relief Assistance

Procurement of goods, services or civil works as a result of Natural Disasters during the *state of natural disaster* can be defined as Immediate Relief Assistance.

6.0 Exclusions

Ministries and Departments must not use the provisions of emergency procurement to circumvent from the tender process due to inadequate forecasting or overlooked requirements.

7.0 Endorsement of Procurement

7.1 Emergency Purchases

In accordance with Regulation 32 of the Procurement Regulations 2010;

The Minister of Finance has the powers to approve procurement that may arise from the following unforeseeable events:

- (i) In life or death situations e.g. *urgent need to procure medical supplies that are needed for patients.*
- (ii) In the event of an outbreak of disease for either human, plant or animal e.g. *a sudden outbreak of a disease that is not anticipated and agencies are unprepared.*
- (iii) Where there is an urgent need for goods, services or civil works and engaging in tender proceedings would be impractical due to time constraints or cost factors, provided that the circumstances giving rise to that urgency were not foreseeable by the procuring ministry or department.

7.2 Immediate Relief Assistance

In accordance with regulation 33 of the Procurement Regulations 2010;

Within 30 days of the State of Natural Disaster been declared The National Disaster Management Controller has the authority to endorse procurement that are requested by Permanent Secretaries of agencies to specifically provide assistance in the event of natural disasters such as;

- Cyclone,
- Flood,
- Earthquake,
- Tsunami,
- Whirlwind,
- Landslide,
- Forest fire or drought;

8.0 Accountability

1. Requesting agencies shall adequately analyze the need for procurement and identify the actual items to be purchased at the right quantity during emergency situations.

2. At the end of the immediate relief period, the Ministries that procure goods, services or works for the purpose of providing assistance during events of a natural disaster during the period of State of Natural Disaster must submit a report to the Minister of Finance stating the amounts of funds that have been used on the immediate relief assistance.
3. All requests to the Minister of Finance for approval must be submitted via the Fiji Procurement Office.

9.0 Request for Approval Procedures

The requests for approval are divided into categories; the first is for the approval of emergency procurement that is requested from the Minister of Finance while procurement relating to Immediate Relief assistance must be requested from the National Disaster Management Controller.

9.1 Emergency Procurement

Whenever an emergency condition may arise as stipulated under section 7.1 of this guide, the procuring agency must seek written approval from the **Minister of Finance** via the Fiji Procurement Office.

9.1.1 Existing Government Contract

Prior to seeking quotations, the requesting agency must determine if a government contract exists for the supply of the required goods, services or works.

Agencies must first liaise with contractors and if immediate response is not favourable then the requesting agency may seek quotations from other vendors.

All communications and efforts to liaise and engage government contractors must be documented..

9.1.2 Requests for Quotations

Agencies may then proceed with the requesting of three quotes (where possible) from appropriate suppliers while upholding the principles of procurement.

The procuring officers must submit the recommendations to the Permanent Secretaries and in circumstances where there are less than three quotes, reasons must be clearly stipulated.

9.1.3 Submission to the Minister of Finance

Upon determining the quote most favourable to the requesting agency, the Permanent Secretary must submit in writing the following information seeking approval to procure the goods, services or works that are requested;

- A full explanation of the circumstances of the emergency;
- Description of goods, services or works that needs to be procured;
- Clearly stating whether a government contractor exists or not and if one exists then explanation needs to be stated for not procuring from the contractor;
- Tabulated list of vendors from whom quotes were solicited and quotes received.;

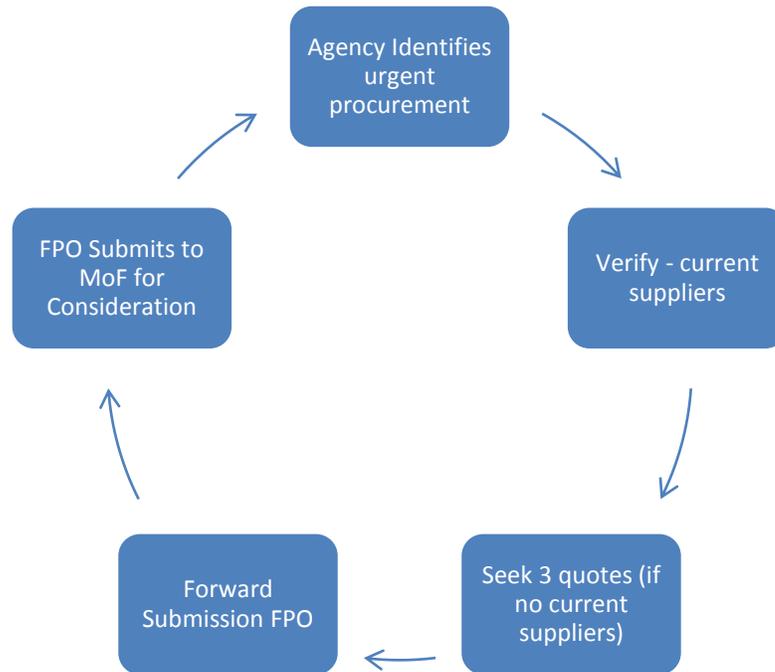
- Reasons to be stated if less than three quotes were either solicited or received;
- Recommendations with reasons for selecting the supplier;
- Total cost related to the procurement; and
- Allocation where funds will be sourced from and the available budgetary provisions.

9.1.4 Approval

The Minister of Finance after assessing the request for procurement shall approve or disapprove the submission.

Upon receipt of the approval the procuring agency shall issue LPOs or Indents for the emergency purchase of the goods, services or works.

The following illustrates the process flow of the approval procedures for emergency procurement.



9.2 Immediate Relief Assistance

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

- Food items
- Access to clean and safe water,
- Medical supplies, (Limited to Drugs and Consumables)
- Temporary shelter materials and

- Seeds for Subsistence purposes

9.2.2 Existing Government Contract

Prior to seeking quotations, the requesting agency must determine if a government contract exists for the supply of the required goods, services or works.

Agencies must first liaise with contractors and if immediate responses are not favourable then the requesting agency may seek quotations from other vendors.

All communications and efforts to liaise with and engage government contractors must be logged.

9.2.3 Requests for Quotations

Agencies may then proceed with the requesting of three quotes (where possible) from appropriate suppliers while upholding the principles of procurement.

The procuring officers must submit the recommendations to the Permanent Secretaries and in circumstances where there are less than three quotes, reasons must be clearly stipulated.

9.2.4 Submission to the National Disaster Management Controller

Upon determining the most favourable quotation by the requesting agency, the Permanent Secretary must submit in writing the following information seeking approval to procure the goods, services or works that are urgently required.

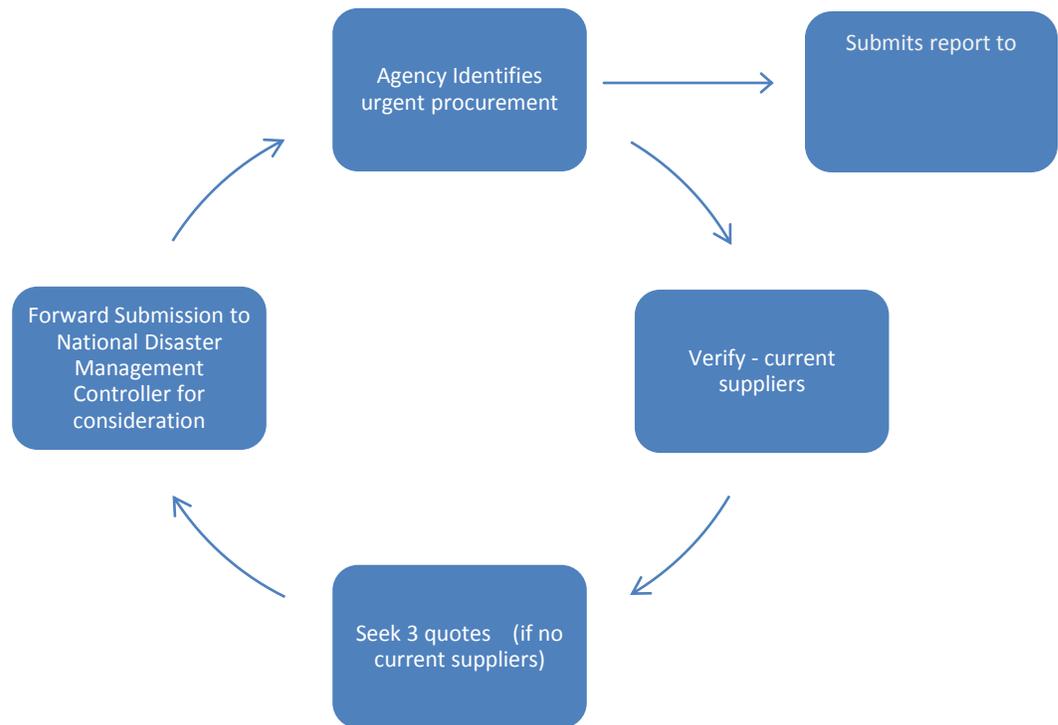
- Description of goods, services or works that needs to be procured;
- Clearly stating whether a government contractor exists or not and one if one does exists then explanation needs to be stated for not procuring from the contractor;
- Tabulated list of vendors from whom quotes were solicited and quotes received;
- Reasons to be stated if less than three quotes were either solicited or received;
- Recommendations with justifications for selecting the proposed supplier;
- Total cost related to the procurement; and
- Allocation from where funds will be sourced from and the available budgetary provisions.

9.2.5 Approval

The National Disaster Management Controller after assessing the request for procurement shall approve or disapprove the submission and dispatch a copy of all such approved or disapproved requests to the Fiji Procurement Office at the end of the immediate relief assistance period.

Upon receipt of the approval the procuring agency shall issue LPOs or Indents for the emergency procurement of the goods, services or works.

The following illustrates the process flow of the approval procedures for emergency procurement.



9.2.6 Approval

At the end of the immediate relief period, Ministries that procure goods, services or works for the purpose of providing assistance during events of a natural disaster during the period of State of Natural Disaster must submit a report to the Minister of Finance stating the amounts of funds that have been used on the immediate relief assistance.

10.0 Conclusion

This guide will be reviewed every month for the next three months thereafter on a annual basis to monitor actual implementation and to reflect material amendments to this guide.