

**Central Tenders Board  
Procurement Procedures Matrix**

References to:  
Government Contracts and Tenders (GCT) Act [CAP 245]  
GCT Regulation, Order No. 96 of 2021

Category	THRESHOLD	METHODS	CONFIRMATION REQUIREMENTS	NOTICE REQUIREMENTS AND TIMEFRAMES	CHANGES TO REQUIREMENTS	ELIGIBILITY
	Part 1	Part 2/ Part 3	Part 4	Part 3/ Part 4	Part 3	Part 3
High Value	VT 10,000,000 and above	<p>5(1) An <u>open tender</u> method must be used.</p> <p>5(2) Despite subclause 5(1): (b) the Board may approve the use of a <u>limited tender</u>, if the Board is satisfied that an open tender process is not likely to or will not, provide the best result</p> <p><i>Note: considerations for Board approval of limited tender under subclause 5(2) are outlined in subclause 5(3)</i></p> <p>5(4) If a limited tender is used, the head of agency must prepare a written statement to the Board to incitate the circumstance and conditions that justified the use of the limited tender.</p> <p>9(1)(b) must use standard tender documents issued by the Board and approved by SLO, unless the Board and SLO approve otherwise</p> <p>11 . The head of an agency must determine the expected value of a Government Contract before a decision is made on the tender method.</p>	<p>20(1) Before publishing a notice of request for an open tender or giving notice of a limited tender, the Board must: (a) obtain written confirmation from the Director of DOFT that the agency has sufficient funding available to meet the requirements of the proposed Government Contract; and (b) confirm in writing that the proposed tender method and documents complies with the Act and this Regulation</p> <p>20(2) Confirmation may be provided on a case by case basis or on an annual basis at the start of the relevant year for all of the agency's proposed high value Government Contracts</p>	<p>12(1) the head of an agency is responsible to for advertising the Government Contract.</p> <p>Open Tender: 12(2) the head of an agency must: (a) publish a notice of a request for an open tender (i) <u>in a newspaper and on a website approved by the Board</u> or (iii) outside of Vanuatu if the Board or the head of a Government an agency is satisfied that that goods, services or works being purchased are unlikely to be supplied at the best price or quality from within Vanuatu;</p> <p>Limited Tender: (b) give written notice of a limited tender to suppliers that have the capacity to participate in the tender.</p> <p><i>Note: minimum information requirements for the notice for open and limited tenders are outlined in subclause 12(3)</i></p> <p>22. A person must submit his or her tender: (a) for an open tender of VT 100,000,000 and above – within 30 business days after the date of the notice, and (b) for an open tender of VT 10,000,000 and above but below VT100,000,000 – within 15 business days after the date of the notice; and (c) for a limited tender – within 10 business days after the date of the notice; and (d) for open tenders advertised internationally of any value – within 30 business days after the date of publication of a notice of request.</p>	<p>12(6) The Board may make changes to the tender process before the deadline stated in the advertisement.</p> <p>12(7) When making changes, the Board must publish a notice of the changes to the tender process in accordance with the original notice requirements (see <i>subsection 12(2)</i>).</p> <p>20(3) the agency must provide the details of any changes of a proposed Government Contract to the Board.</p>	<p>10(1) A person who intends to participate in an open or limited tender process for a procurement must register as a supplier with MFEM</p> <p>10(2) MFEM must keep and maintain an up to date electronic register for suppliers</p> <p>8. A person must not submit a tender if the person is convicted of any of the following offences involving: (a) dishonesty, obstruction of justice or a lack of honesty or business integrity; or (b) corruption; or (c) anti-competitive practices, whether or not involving collusion.</p> <p>Act: 3(6) (6) A Government Contract must not be awarded to: (a) a public servant; or (b) a minister; or (c) a Member of Parliament; or (d) a leader as defined under the Leadership Code Act [CAP 240]; or (e) a person that <u>does not have a tax clearance certificate</u> issued under section 51 of the Tax Administration Act No. 37 of 2018.</p>
Low Value (Category A)	VT 1,000,000 to VT 9,999,999	<p>5(1) An <u>open tender</u> method must be used.</p> <p>5(2) Despite subclause (1): (a) the head of an agency may approve the use of a <u>limited tender</u></p> <p><i>Note: considerations for the head of agency approval of limited tender under subclause 5(2) are outlined in subclause 5(3)</i></p> <p>5(4) If a limited tender is used, the head of agency must <u>prepare a written statement</u> to the Board to incitate the circumstance and conditions that justified the use of the limited tender.</p> <p>9(1)(b) must use standard tender documents issued by the Board and approved by SLO, unless the head of agency and SLO approve otherwise</p> <p>11 . The head of an agency must determine the expected value of a Government Contract before a decision is made on the tender method.</p>	<p>28(1) Before publishing a notice of request for an open tender or giving notice of a limited tender, the head of an agency must obtain written confirmation from the Director of DOFT that the agency has sufficient funding available to meet the requirements of the proposed Government Contract.</p> <p>28(2) Confirmation may be provided on a case by case basis or on an annual basis at the start of the relevant year for all of the agency's proposed low value Government Contracts (Category A).</p>	<p>12(1) the head of an agency is responsible to for advertising the Government Contract.</p> <p>Open Tender: 12(2) the head of an agency must: (a) publish a notice of a request for an open tender (ii) <u>on a website approved by the Board</u> or (iii) outside of Vanuatu if the Board or the head of a Government an agency is satisfied that that goods, services or works being purchased are unlikely to be supplied at the best price or quality from within Vanuatu</p> <p>Limited Tender: (b) give written notice of a limited tender to suppliers that have the capacity to participate in the tender.</p> <p><i>Note: minimum information requirements for the notice for open and limited tenders are outlined in subclause 12(3)</i></p> <p>22. A person must submit his or her tender within: (a) 10 business days after the date of publication of the notice of request for an open tender; and (b) 5 business days after the date of giving notice of a limited tender.</p>	<p>12(6) The head of an agency may make changes to the tender process before the deadline stated in the advertisement.</p> <p>12(7) When making changes, the head of an agency must publish a notice of the changes to the tender process in accordance with the original notice requirements (see <i>subsection 12(2)</i>).</p>	<p>10(1) A person who intends to participate in an open or limited tender process for a procurement must register as a supplier with MFEM</p> <p>10(2) MFEM must keep and maintain an up to date electronic register for suppliers</p> <p>8. A person must not submit a tender if the person is convicted of any of the following offences involving: (a) dishonesty, obstruction of justice or a lack of honesty or business integrity; or (b) corruption; or (c) anti-competitive practices, whether or not involving collusion.</p> <p>Act: 3(6) (6) A Government Contract must not be awarded to: (a) a public servant; or (b) a minister; or (c) a Member of Parliament; or (d) a leader as defined under the Leadership Code Act [CAP 240]</p>
Low Value (Category B)	VT 100,000 to VT 999,999	<p>6. A potential supplier must provide a written quotation.</p> <p>5(7) a head of an agency may approve the use of an open or a limited tender if he or she is satisfied that it will result in the best overall value for the Government agency.</p> <p>11 . The head of an agency must determine the expected value of a Government Contract before a decision is made on the tender method.</p>	<p>35(1) head of an agency must: (a) ensure the agency has sufficient funds available to meet the requirements of the proposed Government Contract; and (b) request quotations from suppliers who have the capacity to supply the goods or services, or to execute the public works: (i) from <u>at least 3 suppliers</u></p>	<p>35(2) In obtaining the quotations, the head of an agency must: (a) not discriminate, particularly against potential suppliers on the basis of their location within Vanuatu; and (b) ensure that potential suppliers are dealt with fairly; and (c) ensure that potential suppliers are provided with all the information that are required in order to submit bids which are responsive to the needs of the Government agency.</p> <p>35(3) Despite 35(2)(a) and (b), special consideration is to be given to the remoteness of a location and what will be the most practical benefit to the communities in that location.</p>	N/A	<p>Act: 3(6) (6) A Government Contract must not be awarded to: (a) a public servant; or (b) a minister; or (c) a Member of Parliament; or (d) a leader as defined under the Leadership Code Act [CAP 240]</p>
Low Value (Category C)	VT 1 to VT 99,999	<p>6. A potential supplier must provide a written quotation.</p> <p>5(7) a head of an agency may approve the use of an open or a limited tender if he or she is satisfied that it will result in the best overall value for the Government agency.</p> <p>11 . The head of an agency must determine the expected value of a Government Contract before a decision is made on the tender method.</p>	<p>35(1) head of an agency must: (a) ensure the agency has sufficient funds available to meet the requirements of the proposed Government Contract; and (b) request quotations from suppliers who have the capacity to supply the goods or services, or to execute the public works: (ii) from <u>at least 1 supplier</u></p>			

Procurement Procedures Matrix

References to:  
Government Contracts and Tenders (GCT) Act [CAP 245]  
GCT Regulation, Order No. 96 of 2021

Category	TENDER SUBMISSIONS	TENDER OPENING	EVALUATION COMMITTEE	EVALUATION REPORT	REVIEW AND APPROVAL
	Part 3/ Part 4	Part 3/ Part 4	Part 3	Part 3/ Part 4	Part 4
High Value	<p>21(1) The method of submission must be specified in the tender documents.</p> <p>21(2) a person may submit his or her tender to the Board: (a) via email, or (b) through a website or online portal approved by the Board, or (c) physically, which must be in a sealed envelope</p> <p>14(1) A person who intends to submit a tender must comply with the tender requirements set out in the tender request form.</p> <p>14(3) The names of the tenderers must not be made know to anyone prior to the opening of the tender submissions.</p> <p>14(4) The content of tender submissions must be kept confidential and must not be disclosed to any person other than the members of the Board and the officers of the agency who are directly involved in the administration of the tender, until such time an award of contract is recommended.</p>	<p>23(1) The Secretary of the Board must open all tender submissions within 7 business days after the closing date for the submission of tenders in the presence of: (a) the Chairperson and 2 members of the Board; and (b) a representative from the procuring Government agency;</p> <p>23(2) The Secretary must prepare a list, setting out for each tender, the tender: (a) number; and (b) name; and (c) amount; and (d) and any special conditions of the tender.</p> <p>23(3) The list must be distributed to the members of the Board and all tenderers.</p> <p>14(2) A tender submission received after the due date for submission of tenders must not be considered.</p>	<p>16(1) The Board is to appoint the members of the evaluation committee</p> <p>16(3) The evaluation committee consists of: (a) an officer within the agency with technical knowledge of the relevant goods, services or works nominated by the head of the agency; and (b) an officer nominated by the Director-General; and (c) a person within or outside the Government agency with suitable qualifications and experience nominated by the head of the Government agency.</p> <p>16(4) If a member is for any reason unable to attend a meeting of the evaluation committee, he or she may nominate his or her representative to represent him or her at the meeting of the evaluation committee.</p> <p>16(5) A person must not be appointed as a member of the evaluation committee if the Board is satisfied that the person has an actual, potential or perceived conflict of interest in relation to the tender.</p> <p>16(6) The quorum for a meeting of the evaluation committee is 3 members present at the meeting.</p>	<p>24 (1) The evaluation committee must submit its report to the Board within 15 business days after the opening of tender submissions.</p> <p>24(2) Despite subclause (1), the Chairperson of the Board may extend the period of submitting the report which must not exceed 40 business days, taking into account the following: (a) the size and complexity of the contract being tendered; and (b) the amount of time required to confirm and evaluate information presented in the tenders; and (c) any time frames or deadlines set for the project being considered; and (d) the workload of the agency.</p> <p><i>Note: required contents of the report are outlined in subclause 17(2)</i></p> <p>17(3) The report must be signed by all the members of the evaluation committee.</p> <p>17(4) If a contract cannot be finalised with the preferred tenderer, the next preferred tenderer may be selected from the order of the merit list.</p> <p>17(5) In cases of public works relating to construction or renovation, works estimates and proposed contracts must be approved by PWD before the evaluation committee produce its report.</p> <p>39(1) Despite the outcome of the process: (a) computer hardware, software and accessories are to be purchased only from the supplier authorised by OGCI; and (b) motor vehicles, other than heavy machinery that is purchased through the Board, can be made only with the prior written approval of the Fleet Management Committee of the PSC</p> <p><i>Note: General requirements for evaluation are outlined in clause 15</i></p>	<p>25(1) The Board must within 5 business days after receiving the report of the evaluation committee: (a) accept the recommendation to award the contract; or (b) request additional information or clarification from the evaluation committee if the Board is not satisfied with the report; or (c) decline to accept the recommendation to award the contract.</p> <p>25(2) The evaluation committee must provide the additional information or clarification within 2 days after receiving the request.</p> <p>25(3) The Board must prepare and submit a report of its decision to COM: (a) within those 5 business days when accepting the recommendation of the evaluation committee; or (b) within 5 business days after receiving the additional information or clarification.</p> <p>25(4) The Board must set out in its report: (a) in the case where the Board accept the recommendation of the evaluation committee - the reasons for recommending the chosen tender, the evaluation criteria used, the reasons for using that evaluation criteria; and any other information that the Board considers relevant; and (b) in the case where the Board does not accept the recommendation of the evaluation committee - the reasons for not accepting the recommendation.</p> <p>25(5) COM may approve or reject the recommendation of the Board.</p> <p>Act: 12(4) The Council must not decline a recommendation for acceptance of a tender from the Board unless there are compelling reasons to do so, and where the Council does decline a recommendation it must provide its reasons in writing to the Board within 14 days of making that decision.</p>
Low Value (Category A)	<p>29(1) The method of tender submissions must be specified in the tender documents.</p> <p>29(2) A person may submit his or her tender to the agency: (a) via email, or (b) through a website or online portal approved by the agency; or (c) physically, which must be in a sealed envelope</p> <p>14(1) A person who intends to submit a tender must comply with the tender requirements set out in the tender request form.</p> <p>14(3) The names of the tenderers must not be made know to anyone prior to the opening of the tender submissions.</p> <p>14(4) The content of tender submissions must be kept confidential and must not be disclosed to any person other than the members of the Board and the officers of the agency who are directly involved in the administration of the tender, until such time an award of contract is recommended.</p>	<p>31(1) The procurement co-ordinator of the agency must open all tender submissions within 5 business days after the closing date for the submission of tenders in the presence of the tenderers or their representatives.</p> <p>31(2) The procurement co-ordinator must prepare a list, setting out for each tender, the tender: (a) number; and (b) name; and (c) amount; and (d) and any special conditions of the tender.</p> <p>31(3) The list must be distributed to a tenderer upon his or her request.</p> <p>14(2) A tender submission received after the due date for submission of tenders must not be considered.</p>	<p>16(1) The Board is to appoint the members of the evaluation committee</p> <p>16(3) The evaluation committee consists of: (a) an officer within the agency with technical knowledge of the relevant goods, services or works nominated by the head of the agency; and (b) an officer nominated by the Director-General; and (c) a person within or outside the Government agency with suitable qualifications and experience nominated by the head of the Government agency.</p> <p>16(4) If a member is for any reason unable to attend a meeting of the evaluation committee, he or she may nominate his or her representative to represent him or her at the meeting of the evaluation committee.</p> <p>16(5) A person must not be appointed as a member of the evaluation committee if the Board is satisfied that the person has an actual, potential or perceived conflict of interest in relation to the tender.</p> <p>16(6) The quorum for a meeting of the evaluation committee is 3 members present at the meeting.</p> <p><i>Note: General requirements for evaluation are outlined in clause 15</i></p>	<p>32(1) The evaluation committee must submit its report to the head of the Government agency within 15 business days after the opening of tender submissions.</p> <p>32(2) Despite subclause (1), the head of the agency may extend the period of submitting the report which must not exceed 30 business days, taking into account the following: (a) the size and complexity of the contract being tendered; and (b) the amount of time required to confirm and evaluate information presented in the tenders; and (c) any time frames or deadlines set for the project being considered; and (d) the workload of the agency.</p> <p><i>Note: required contents of the report are outlined in subclause 17(2)</i></p> <p>17(3) The report must be signed by all the members of the evaluation committee.</p> <p>17(4) If a contract cannot be finalised with the preferred tenderer, the next preferred tenderer may be selected from the order of the merit list.</p> <p>17(5) In cases of public works relating to construction or renovation, works estimates and proposed contracts must be approved by PWD before the evaluation committee produce its report.</p> <p>39(1) Despite the outcome of the process: (a) computer hardware, software and accessories are to be purchased only from the supplier authorised by OGCI; and (b) motor vehicles, other than heavy machinery that is purchased through the Board, can be made only with the prior written approval of the Fleet Management Committee of the PSC</p> <p><i>Note: General requirements for evaluation are outlined in clause 15</i></p>	<p>33(1) The head of the agency must within 5 business days after receiving the report of the evaluation committee: (a) accept the recommendation to award the contract; or (b) request additional information or clarification from the evaluation committee if the head of the Government agency is not satisfied with the report.</p> <p>33(2) The evaluation committee must provide additional information or clarification within 2 days after receiving the request.</p> <p>33(3) The head of the agency must within 5 business days of receiving the additional information or clarification, make a decision as to whether to: (a) accept the recommendation to award the contract; or (b) reject the recommendation to award the contract.</p> <p>33(4) The head of the agency must readvertise the tender if he or she rejects the recommendation to award the contract.</p>
Low Value (Category B)	N/A	N/A	16(2) To avoid doubt, no evaluation committee is to be appointed for a low value Government Contracts (Categories B and C).	<p>36 The procurement co-ordinator must: (a) review the quotations within 5 business days after the closing date; and (b) prepare a written assessment of the quotations in a format approved by the Board.</p> <p>39(1) Despite the outcome of the process: (a) computer hardware, software and accessories are to be purchased only from the supplier authorised by OGCI; and (b) motor vehicles, other than heavy machinery that is purchased through the Board, can be made only with the prior written approval of the Fleet Management Committee of the PSC</p>	35(4) The head of the Government agency is not bound to accept the lowest or highest quotation, or any quotation for that matter.
Low Value (Category C)					

Procurement Procedures Matrix

References to:  
Government Contracts and Tenders (GCT) Act [CAP 245]  
GCT Regulation, Order No. 96 of 2021

Category	CONTRACT NOTIFICATION AND AWARD	ADVANCE PAYMENTS	CONTRACT DURATION	CONTRACT EXTENSIONS/ VARIATIONS	COMPLAINTS MECHANISMS
	Part 4/ Part 5	Part 5	Part 5	Part 5	Part 8
High Value	<p>25(6) If COM approves the awarding of the contract, the Board must</p> <p>(a) notify in writing, the decision of COM to all the participating tenderers; and</p> <p>(b) publish the decision on a website approved by the Board within 1 business day after receiving written decision of COM.</p> <p>25(7) A contract must be entered into by the Minister responsible for the Government agency with the supplier approved by COM as soon as possible.</p> <p>41(1) An agency must enter into a Government Contract with a supplier using the standard contract issued by the Board and approved by the SLO.</p> <p>25(8) If COM does not approve the awarding of a contract, the tender must be re-advertised.</p> <p><i>Note: requirements under section 3(3) of the Act</i></p>	<p>42(1) An agency must not enter into a Government Contract with a supplier if the Government Contract requires advance payments of <u>more than 25% of the total value</u> of the proposed Government Contract.</p> <p>42(2) Despite subclause (1), the Board may authorise an agency to enter into a Government Contract with a supplier if the Board is satisfied that there:</p> <p>(a) are exceptional circumstances; and</p> <p>(b) is no alternative ways to secure essential goods, services or works.</p>	<p>44(1) A Government contract must not exceed 3 years without the prior approval of COM.</p> <p>44(2) The duration of a Government Contract may exceed 1 year with the prior written approval of the Board; and confirmation from the Director of DOFT that funding is available for the duration of the contract.</p> <p>44 (3) Where a Government Contract exceeds 1 year, the Government Contract must contain provisions providing that:</p> <p>(a) the performance of the Government Contract in the years subsequent to the first year of the Government Contract is subject to change upon the appropriation of adequate funds to meet the commitments under that Government Contract; and</p> <p>(b) the Government Contract may be cancelled without penalty if adequate appropriations are not made for those subsequent years.</p> <p>44(4) The total amount of expenditure committed by a Government agency for all Government Contracts of the agency that exceeds 1 year, must not be over 50% of the estimate of non-personnel expenditure for the Government agency in each financial year as determined by DG MFEM.</p> <p>44(5) A Government agency must:</p> <p>(a) keep and maintain records of the commitments relating to Government Contracts that exceed 1 year in a format approved by the DG MFEM; and</p> <p>(b) make the records available to the DG MFEM upon request.</p>	<p>Act: 38(1) A Government Contract must not be varied, including any extension of the term of the Government Contract <u>unless the Board in writing approves the variation or extension.</u></p> <p>Act: 38(2) In deciding whether to approve a variation to a Government Contract, the Board must have regard to whether:</p> <p>(a) a variation has been made previously; and</p> <p>(b) the variation is for 1 year or less; and</p> <p>(c) the variation represents an increase of not more than 20% in the price of the original terms; and</p> <p>(d) in the case of an extension of the term of the Government Contract - the extension does not have a value exceeding 100% of the original Government Contract; and</p> <p>(e) such other matters as the Board considers relevant.</p>	<p>60(1) A person may make a written complaint to the Minister if he or she has suffered, or is likely to suffer, loss or injury due to a contravention or a failure by another person to comply with a requirement of this Regulation.</p> <p>60(2) A complaint may be made at any stage of a procurement process.</p> <p>61(1) A complaint must be made in writing to the Minister.</p> <p>61(2) The complaint may be made at any time, but no later than 10 business days after the date of notification of the proposed award of the Government Contract.</p> <p>61(3) If the complaint is not resolved or dismissed, the Minister must:</p> <p>(a) suspend the procurement unless he or she is satisfied that urgent public interest considerations require it to proceed; and</p> <p>(b) direct that the complaint be reviewed by an independent suitably qualified expert appointed by the Minister on the recommendation of the Board.</p> <p>61(4) As soon as practicable after the expert is directed to review the complaint, he or she must investigate the complaint and take or hear submissions from all relevant parties.</p> <p>61(5) The expert must review all documentation relating to the complaint and may interview any person he or she thinks can assist him or her with the review.</p> <p>61(6) Following an investigation, the expert may:</p> <p>(a) resolve or dismiss the complaint and remove the suspension; or</p> <p>(b) uphold the complaint and require the tender to be re-advertised.</p> <p>61(7) The decision of the expert must be made in writing containing the reasons for the decision.</p> <p>61(8) The Minister must in writing, inform the complainant of the expert's decision within 5 business days</p>
Low Value (Category A)	<p>33(5) The procurement co-ordinator of the Government agency must:</p> <p>(a) notify in writing the decision of the head of the agency to all participating tenderers; and</p> <p>(b) publish the decision on a website within 1 business day after the decision.</p> <p>33(6) A contract must be entered into by the head of the agency with the approved supplier as soon as possible.</p> <p>41(1) An agency must enter into a Government Contract with a supplier using the standard contract issued by the Board and approved by the SLO.</p> <p><i>Note: requirements under section 3(5) of the Act</i></p>	<p>42(1) An agency must not enter into a Government Contract with a supplier if the Government Contract requires advance payments of <u>more than 25% of the total value</u> of the proposed Government Contract.</p> <p>42(2) Despite subclause (1), the head of the agency may authorise an agency to enter into a Government Contract with a supplier if the head of the agency is satisfied that there:</p> <p>(a) are exceptional circumstances; and</p> <p>(b) is no alternative ways to secure essential goods, services or works.</p>	<p>44(1) A Government contract must not exceed 3 years without the prior approval of COM.</p> <p>44(2) The duration of a Government Contract may exceed 1 year with the prior written approval of the head of the agency; and confirmation from the Director of DOFT that funding is available for the duration of the contract.</p> <p>44 (3) Where a Government Contract exceeds 1 year, the Government Contract must contain provisions providing that:</p> <p>(a) the performance of the Government Contract in the years subsequent to the first year of the Government Contract is subject to change upon the appropriation of adequate funds to meet the commitments under that Government Contract; and</p> <p>(b) the Government Contract may be cancelled without penalty if adequate appropriations are not made for those subsequent years.</p> <p>44(4) The total amount of expenditure committed by a Government agency for all Government Contracts of the agency that exceeds 1 year, must not be over 50% of the estimate of non-personnel expenditure for the Government agency in each financial year as determined by DG MFEM.</p> <p>44(5) A Government agency must:</p> <p>(a) keep and maintain records of the commitments relating to Government Contracts that exceed 1 year in a format approved by the DG MFEM; and</p> <p>(b) make the records available to the DG MFEM upon request.</p>	<p>Act: 38(2) (3) A Government Contract with a value below VT10,000,000 must not be varied or extended unless it meets the prescribed requirements.</p> <p>45(1) In deciding whether to vary or extend a Government Contract, the head of the agency must have regard to whether:</p> <p>(a) the variation has been made previously; and</p> <p>(b) the variation is for 1 year or less; and</p> <p>(c) the variation represents an increase of not more than 20% in the price of the original terms; and</p> <p>(d) in the case of an extension of the term of the Government Contract – the extension does not have a value exceeding 100% of the original Government Contract; and</p> <p>(e) the Government agencies has obtained a written confirmation from the Director of DOFT that funds are available to cover the variation or extension.</p> <p>45(2) If the variation or extension increase the total value of the Government Contract (original cost plus variation or extension) to VT10,000,000 and above, the variation or extension must be approved by Board in accordance with subsection 38(2) of the Act.</p>	<p>60(1) A person may make a written complaint to the Minister if he or she has suffered, or is likely to suffer, loss or injury due to a contravention or a failure by another person to comply with a requirement of this Regulation.</p> <p>60(2) A complaint may be made at any stage of a procurement process.</p> <p>62(1) A complaint must be made in writing to the Board.</p> <p>62(2) The complaint can be made at any time, but no later than 10 business days after the date of notification of the proposed award of the Government Contract.</p> <p>62(3) If the complaint is not resolved or dismissed, the Board must suspend the procurement and review the complaint as soon practicable, including to take or hear submissions from all relevant parties.</p> <p>62(4) The Board must review all documentation relating to the complaint and may interview any person the Board thinks can assist the Board with the review.</p> <p>62(5) Following a review, the Board may:</p> <p>(a) resolve or dismiss the complaint and remove the suspension; or</p> <p>(b) uphold the complaint and require the tender to be re-advertised.</p> <p>62(6) The decision of the Board must be made in writing containing the reasons for the decision.</p> <p>62(7) The Board must in writing inform the complainant of the Board's decision within 5 business days after its decision.</p>
Low Value (Category B)	<p>37(1) The procurement co-ordinator must, notify in writing, the successful bidder.</p> <p>37(2) An unsuccessful bidder may request to be advised of the decision of the head of the Governmentan agency.</p> <p>37(3) If there is no successful quotation:</p> <p>(a) the head of the Government agency must decide whether or not to:</p> <p>(i) obtain additional quotations; or</p> <p>(ii) proceed with the procurement; and</p> <p>(b) the procurement co-ordinator must notify all the bidders about the decision of the head of the Government agency</p>	<p>42(1) An agency must not enter into a Government Contract with a supplier if the Government Contract requires advance payments of more than 25% of the total value of the proposed Government Contract.</p>	<p>44(1) A Government contract must not exceed 3 years without the prior approval of COM.</p> <p>44(2) The duration of a Government Contract may exceed 1 year with the prior written approval of the head of the agency; and confirmation from the Director of DOFT that funding is available for the duration of the contract.</p> <p>44 (3) Where a Government Contract exceeds 1 year, the Government Contract must contain provisions providing that:</p> <p>(a) the performance of the Government Contract in the years subsequent to the first year of the Government Contract is subject to change upon the appropriation of adequate funds to meet the commitments under that Government Contract; and</p> <p>(b) the Government Contract may be cancelled without penalty if adequate appropriations are not made for those subsequent years.</p> <p>44(4) The total amount of expenditure committed by a Government agency for all Government Contracts of the agency that exceeds 1 year, must not be over 50% of the estimate of non-personnel expenditure for the Government agency in each financial year as determined by DG MFEM.</p> <p>44(5) A Government agency must:</p> <p>(a) keep and maintain records of the commitments relating to Government Contracts that exceed 1 year in a format approved by the DG MFEM; and</p> <p>(b) make the records available to the DG MFEM upon request.</p>	<p>Act: 38(2) (3) A Government Contract with a value below VT10,000,000 must not be varied or extended unless it meets the prescribed requirements.</p> <p>45(1) In deciding whether to vary or extend a Government Contract, the head of the agency must have regard to whether:</p> <p>(a) the variation has been made previously; and</p> <p>(b) the variation is for 1 year or less; and</p> <p>(c) the variation represents an increase of not more than 20% in the price of the original terms; and</p> <p>(d) in the case of an extension of the term of the Government Contract – the extension does not have a value exceeding 100% of the original Government Contract; and</p> <p>(e) the Government agencies has obtained a written confirmation from the Director of DOFT that funds are available to cover the variation or extension.</p> <p>45(2) If the variation or extension increase the total value of the Government Contract (original cost plus variation or extension) to VT10,000,000 and above, the variation or extension must be approved by Board in accordance with subsection 38(2) of the Act.</p>	<p>60(1) A person may make a written complaint to the Minister if he or she has suffered, or is likely to suffer, loss or injury due to a contravention or a failure by another person to comply with a requirement of this Regulation.</p> <p>60(2) A complaint may be made at any stage of a procurement process.</p> <p>65 There is no [specific] complaint mechanism for low value Government Contracts (Categories B and C)</p>
Low Value (Category C)	<p>38(1) As soon as practicable, the procurement co-ordinator must ensure that a contract is entered into between the agency and the successful supplier.</p> <p>41(1) An agency must enter into a Government Contract with a supplier using the standard contract issued by the Board and approved by the SLO.</p>	<p>42(1) An agency must not enter into a Government Contract with a supplier if the Government Contract requires advance payments of more than 25% of the total value of the proposed Government Contract.</p>	<p>44(1) A Government contract must not exceed 3 years without the prior approval of COM.</p> <p>44(2) The duration of a Government Contract may exceed 1 year with the prior written approval of the head of the agency; and confirmation from the Director of DOFT that funding is available for the duration of the contract.</p> <p>44 (3) Where a Government Contract exceeds 1 year, the Government Contract must contain provisions providing that:</p> <p>(a) the performance of the Government Contract in the years subsequent to the first year of the Government Contract is subject to change upon the appropriation of adequate funds to meet the commitments under that Government Contract; and</p> <p>(b) the Government Contract may be cancelled without penalty if adequate appropriations are not made for those subsequent years.</p> <p>44(4) The total amount of expenditure committed by a Government agency for all Government Contracts of the agency that exceeds 1 year, must not be over 50% of the estimate of non-personnel expenditure for the Government agency in each financial year as determined by DG MFEM.</p> <p>44(5) A Government agency must:</p> <p>(a) keep and maintain records of the commitments relating to Government Contracts that exceed 1 year in a format approved by the DG MFEM; and</p> <p>(b) make the records available to the DG MFEM upon request.</p>	<p>Act: 38(2) (3) A Government Contract with a value below VT10,000,000 must not be varied or extended unless it meets the prescribed requirements.</p> <p>45(1) In deciding whether to vary or extend a Government Contract, the head of the agency must have regard to whether:</p> <p>(a) the variation has been made previously; and</p> <p>(b) the variation is for 1 year or less; and</p> <p>(c) the variation represents an increase of not more than 20% in the price of the original terms; and</p> <p>(d) in the case of an extension of the term of the Government Contract – the extension does not have a value exceeding 100% of the original Government Contract; and</p> <p>(e) the Government agencies has obtained a written confirmation from the Director of DOFT that funds are available to cover the variation or extension.</p> <p>45(2) If the variation or extension increase the total value of the Government Contract (original cost plus variation or extension) to VT10,000,000 and above, the variation or extension must be approved by Board in accordance with subsection 38(2) of the Act.</p>	<p>60(1) A person may make a written complaint to the Minister if he or she has suffered, or is likely to suffer, loss or injury due to a contravention or a failure by another person to comply with a requirement of this Regulation.</p> <p>60(2) A complaint may be made at any stage of a procurement process.</p> <p>65 There is no [specific] complaint mechanism for low value Government Contracts (Categories B and C)</p>