

THE OFFICE OF PROCUREMENT REGULATION

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PUBLIC ADVISORY #8

EXERCISING DUE DILIGENCE WHEN PREQUALIFYING CONTRACTORS/SUPPLIERS

The Office of Procurement Regulation (The OPR/The Office) wishes to advise **ALL** public bodies and persons/entities in receipt of public money *that due diligence must be exercised when prequalifying contractors/suppliers.*

Moreover, Section 29 (1) of the Public Procurement and Disposal of Public Property Act, 2015 (as amended), provides that a procuring entity shall ensure that suppliers and contractors -

- a) have the legal capacity to enter into the procurement contract;
- b) are not insolvent, in receivership, bankrupt or being wound up, their affairs are not being administered by a court of a judicial officer, their business activities have not been suspended and they are not the subject of legal proceedings for any of the foregoing;
- c) have not, and their directors or officers have not, been convicted of any criminal offence;
- d) have fulfilled their obligations to pay all required taxes and contributions in Trinidad and Tobago;
- e) have the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and personnel to perform the procurement contract; and
- f) meet relevant industry standards.

Further, public bodies and persons/entities in receipt of public money are also advised that according to section 58 (3) of the Act that –

The Office may add a supplier or contractor to the **ineligibility list** where the supplier or contractor –

- a) consistently fails to provide satisfactory performance;
- b) is found to be indulging in corrupt or fraudulent practices; or
- c) is convicted of an offence under this Act.

Public bodies and persons/entities in receipt of public money as defined by section 4 of the Act, should become familiar with the Act in its entirety.

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Moonilal Lalchan
Procurement Regulator

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