

General Guidelines



PROCUREMENT METHODS & PROCEDURES



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Developed in accordance with the Trinidad and Tobago Public Procurement and Disposal of Property Act Number 1 of 2015 (as amended) and the attendant Public Procurement Regulations

TABLE OF CONTENTS

1.0 PREAMBLE	1
1.1 Purpose of this guideline	1
1.2 Who should use this guideline?.....	1
1.3 How should this guideline be used?	1
1.4 The Trinidad and Tobago Public Procurement Procedures.....	2
1.5 How does this guideline link to the Trinidad and Tobago Public Procurement Procedures?.....	2
2.0 INTRODUCTION	3
3.0 DETERMINING THE MOST APPROPRIATE PROCUREMENT METHOD	4
3.1 Bidding-based methods, request-for-proposal based methods and other procuring methods	4
3.1.1 Bidding-based procuring methods	4
3.1.2 RFP-based procurement methods	4
3.1.3 Other procurement methods	5
4.0 USING A PROBITY ADVISOR OR PROBITY AUDITOR	5
4.1 What is probity and why is it important?	5
4.2 Probity Advisor vs Probity Auditor	6
4.3 When is a Probity Advisor/ Auditor required?.....	6
5.0 OPEN BIDDING	7
5.1 What is open bidding?.....	7
5.2 Conditions of use	7
5.3 Procedures	8
5.3.1 Procurement Notice.....	8
6.0 REGIONAL AND INTERNATIONAL PROCUREMENT	9
6.1 What is regional and international procurement?.....	9
6.2 Conditions for Use:.....	9
6.3 Open Bidding procedures for regional and international procurement:	10
7.0 OTHER BIDDING METHODS	10
7.1 Limited Bidding	10
7.1.1 What is limited bidding?	10
7.1.2 Conditions for Use:.....	10

General Guidelines – Procurement Methods and Procedures

7.1.3 Procedures:	11
7.2 Requests for Quotations (RFQ)	11
7.2.1 What is an RFQ?	11
7.2.2 Conditions for Use:.....	11
7.2.3 Procedures:	11
7.3 Request for Proposals (RFPs)	11
7.3.1 What is an RFP?	11
7.4 Request for Proposals (RFPs) Without Negotiation	12
7.4.1 What is an RFP without negotiation?	12
7.4.2 Conditions for Use:.....	12
7.4.3 Procedures:	12
7.5 Two-Stage Bidding.....	13
7.5.1 What is two-stage bidding?.....	13
7.5.2 Conditions for Use:.....	13
7.5.3 Procedures:	13
7.6 Request for Proposals (RFP) with Dialogue	14
7.6.1 What is RFP with Dialogue?	14
7.6.2 Conditions for Use:.....	15
7.6.3 Procedures:	15
7.7 Request for Proposals (RFP) with Consecutive Negotiations.....	15
7.7.1 What is RFP with Consecutive Negotiations?	15
7.7.2 Conditions for Use:.....	16
7.7.3 Procedures:	16
7.8 Competitive Negotiations.....	16
7.8.1 What are Competitive Negotiations?	16
7.8.2 Conditions for Use:.....	17
7.8.3 Procedures:	17
7.9 Single Source Procurement.....	17
7.9.1 What is Single Source Procurement?.....	17
7.9.2 Conditions for Use:.....	17
7.9.3 Procedures:	18

8.0	PROCUREMENT TECHNIQUES	18
8.1	Electronic Reverse Auction.....	18
8.1.1	What is an electronic reverse auction?	18
8.1.2	Conditions for Use:.....	18
8.1.3	Procedures:	18
8.2	Framework Agreements	19
8.2.1	What is a framework agreement?.....	19
8.2.2	Conditions of Use	20
8.2.3	Procedures	20
8.2.4	Types of framework agreements.....	20
9.0	EMERGENCY PROCUREMENT	23
9.1	Conditions for Use:.....	23
9.2	Procedures:	24
10.0	URGENT PUBLIC INTEREST	25
11.0	ISSUING BIDDING DOCUMENTS	26
12.0	RESPONDING TO REQUESTS FOR CLARIFICATION FROM BIDDERS	26
13.0	ISSUING ADDENDA	27
14.0	Receipt and Opening of Bids	27
15.0	Duty to Accept Successful Submission (Section 35)	28
16.0	Cancellation of Procurement (Section 33)	29
	Glossary of Terms.....	33
	List of Acronyms	42

1.0 PREAMBLE

1.1 Purpose of this guideline

The purpose of this general guideline is to provide procuring entities engaged in the expenditure of public funds with a wide range of procurement methods that may be used in the procurement of the goods, works or services they require to fulfil their mandates and objectives. Conditions of use of each method and attendant procedures are also provided.

1.2 Who should use this guideline?

This guideline should be used by public officers and decision makers involved in the procurement of goods, works or services including procurement officers and project managers. Suppliers and contractors bidding for public sector contracts can also benefit from reading this guideline.

1.3 How should this guideline be used?

This guideline should be read in conjunction with the Public Procurement and Disposal of Public Property Act, 2015, as amended, (“the Act”), the Regulations 2019 and the Comprehensive Handbook on Procurement, Retention and Disposal of Public Property 2019.

As may be applicable, a procuring entity may use these guidelines as a model for developing its own special guidelines. In such instances the procuring entity is required to:

- 1) Map all changes (inclusions, edits, deletions) against this model guide
- 2) Subsequently submit a copy of its own special guidelines to the Office of Procurement Regulation (“the OPR”) for review and approval.

Public bodies are to note that approval of their special guidelines will be granted in accordance with the procedures outlined in the publication entitled:

“Preparation of Special Guidelines and Handbooks for Approval”

1.4 The Trinidad and Tobago Public Procurement Procedures

The Trinidad and Tobago Public Procurement Procedures are derived from the objects of the Act.

Section 5(1) states that the objects of the Act are to promote –

- (a) The principles of accountability, integrity, transparency and value for money;
- (b) Efficiency, fairness, equity and public confidence; and
- (c) Local industry development, sustainable procurement and sustainable development,

in public procurement and the disposal of public property.

1.5 How does this guideline link to the Trinidad and Tobago Public Procurement Procedures?

The Trinidad and Tobago Public Procurement Procedures are based on achieving the objects of the Act. To ensure general compliance with Section 5 of the Act, the procedures applied by procuring entities, in accordance with their procurement strategy, should provide for the consistent application of measures designed to promote accountability, integrity, transparency, value for money, efficiency, fairness, equity, public confidence, local industry development, sustainable procurement and sustainable development.

2.0 INTRODUCTION

Section 5(2) of the Act mandates a procuring entity to carry out its procurement activities in a manner that is consistent with the objects of the Act.

Section 5 (2) - A public body shall carry out public procurement and the disposal of public property in a manner that is consistent with the objects of this Act.

To this end, a public body is required to develop an overall procurement strategy and Annual Procurement Plan that identifies and manages the risks and opportunities it faces in procuring the wide range of goods, works and services it needs. Core to the development of the Annual Procurement Plan and to achieving the objects of the Act is a sound knowledge of the respective supply market.

It is therefore imperative that the “named” Procurement Officer pursuant to Section 61(2) of the Act be appropriately qualified, experienced and competent to undertake the procurement and disposal functions of the public entity.

These general guidelines provide details on a number of procurement methods and techniques¹, the conditions under which each may be used, and the attendant procedures to be applied for each method, as follows:

Section 61 (2) states: For the purpose of this Act, a public body shall have a procurement officer who shall be responsible for public procurement and the disposal of public property for that body and shall notify the Office, in writing, of the name and designation of its procurement officer.

- a) Open bidding;
- b) Limited bidding;
- c) Request for quotations (RFQ);
- d) Request for proposals (RFP) without negotiation;
- e) Two-stage bidding;
- f) Request for proposals (RFP) with dialogue;
- g) Request for proposals (RFP) with consecutive negotiations;
- h) Competitive negotiations;
- i) Single-source procurement.
- j) Sole source procurement

These guidelines will also cover the following procurement techniques:

- a) Electronic reverse auction; and
- b) Framework agreements

Additionally, these guidelines provide a number of general rules applicable to public procurement.

¹ Adopted from the UNCTRAL Model Law on Public Procurement, 2014

3.0 DETERMINING THE MOST APPROPRIATE PROCUREMENT METHOD

The determination of the most appropriate procurement method is not made solely on the basis of whether the item to be procured is a good, work or service. Instead, consideration should also be given to the circumstances of the specific requirement and to maximising competition to the extent that this is practical.

To ensure that the objects of the Act are achieved, the public body must therefore consider the following:

- a) The organisation's mandates and business needs
- b) The characteristics of the item(s) to be procured
- c) The market situation
- d) The degree to which the procurement is urgent
- e) The appropriate level of technology required to carry out the procurement
- f) The procurement method and/or technique that would be most suitable for
 - a. simple low-value items that are easily obtainable
 - b. more specialised or complex procurements
- g) The capacity (professional judgment, experience and skill) of the procurement officer to select and to successfully operate complex procuring methods, while ensuring that abuse and corruption are not introduced into the processes.

Clear justification must be provided by the procuring officer for the procurement method and/or technique selected for all procurements. These methods must be approved by the Accounting Officer and/or Chief Executive Officer and included in the record of the procurement proceedings.

The methods and/or procurement techniques for each round of procurement must be detailed in the **Procurement Strategy Development Form**.

3.1 Bidding-based methods, request-for-proposal based methods and other procuring methods

3.1.1 Bidding-based procuring methods

Bidding-based methods include open bidding, limited bidding, two-stage bidding and open framework agreements within other procurements. These procedures require that the procuring entity develop a description of the subject matter of the procurement based on technical specifications. This allows the procuring entity to retain control of, and responsibility for, the technical solution.

3.1.2 RFP-based procurement methods

RFP methods include RFPs without negotiation, RFPs with dialogue and RFPs with consecutive negotiations. These methods allow the procuring entity to develop the minimum technical requirements and standards required to meet their needs, and to invite proposals from suppliers or contractors that would in turn develop the methodologies and solutions to meet

those needs. Where proposals are invited, the responsibility for ensuring that the solution meets the needs of the procuring entity rests with the supplier or contractor.

3.1.3 Other procurement methods

RFQs, competitive negotiations and single-source and sole source procurements are less structured and regulated than the tender-based or request-for-proposal based methods. These methods are more appropriate and can be used for very low-value, urgent or emergency procurements.

The procuring entity should note however that conditions of use and the functionality of some procurement methods may overlap. As an example, limited bidding, RFQs or electronic reverse auctions may all be appropriate for relatively low-value and simple procurements. The procuring entity must therefore give careful consideration in selecting the most suitable method for achieving the objects of the Act under the given circumstances of the procurement.

In addition to the above, the procuring entity may use its approved threshold values to trigger the appropriate procurement method. Consideration should also be given to the following:

- a) Ensure that the value of the procurement is estimated in accordance with the Act (Section 32), and
- b) That the procurement is not split in such a manner as to avoid obligations under the Act, including reporting requirements, due diligence requirements or the requirement to implement a standstill period (Section 31).

For complex procurement procedures involving dialogue or negotiations with suppliers and contractors, it is critical for the procuring entity to engage a probity advisor/ auditor to ensure that the transparency objective is maintained during the procurement process.

4.0 USING A PROBITY ADVISOR OR PROBITY AUDITOR

4.1 What is probity and why is it important?

Probity is a risk management approach to ensuring that procedural integrity is maintained during the procurement process.

When used in a procurement context, it requires the process to be conducted ethically, honestly, impartially and with fairness to all participants.

The public sector is accountable to the public and subject to audit and political scrutiny. Consequently, good governance cannot be compromised

A procurement process which conforms to the expected standards of probity is one in which clear procedures, consistent with the Government's policies and guidelines and the legitimate interests of bidders, are established, understood and observed throughout the procurement process. All bidders are to be treated consistently and equitably in accordance with these procedures. Decisions are to be made in a transparent manner, which allows them to be understood and justified subsequently.

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and procuring entities need to demonstrate probity in their processes. Probity in procurement processes should result in:

- a) avoidance of corrupt practices;
- b) improvements in public sector integrity through organisational and attitudinal change;
- c) reassurance to the public, and suppliers and contractors wishing to do business with the public bodies, that the process and outcome can be trusted;
- d) provision of an objective and independent view on the fairness of the process;
- e) the avoidance of conflict of interest problems; and
- f) minimising the potential for litigation.

4.2 Probity Advisor vs Probity Auditor

Unless specifically directed by the OPR, a public body may opt to utilise the services of either a 'Probity Advisor' or a 'Probity Auditor' for procurement contracts that are considered 'high-risk' for challenge proceedings.

A Probity Auditor's role is more generally confined to observing and reviewing the procurement process after it has been completed.

A Probity Advisor plays an active role in providing advice on probity issues which may arise during the procurement process, as well as on strategies to overcome potential problems.

It is highly recommended that the Probity Advisor should be engaged as early as possible during the procurement process.

Procuring entities are to note that they are not to engage a Probity Advisor to try to salvage a procurement process that has already been compromised by bad practices or procurement decisions.

4.3 When is a Probity Advisor/ Auditor required?

A Probity Advisor should be used as the exception rather than the rule, as the Guidelines issued already incorporate a number of review mechanisms and procedures to be followed.

A Probity Advisor is an independent third party who is engaged to provide concurrent monitoring of the procurement process. Probity Advisors are often highly experienced consultants and the expense of hiring them needs to be taken into account by the procuring entity. A Probity Advisor/ Auditor may be needed where:

- a) the procurement contract is of high value;
- b) the procurement matter is highly complex, unusual or contentious; and

- c) the nature of the supply market makes bidder complaints and challenges more likely to occur.

A Probity Advisor has three main roles:

- a) to provide advice to the procuring entity during a bidding process on probity-related issues, in order to establish procedures that meet recognised probity standards and ensure that any problems or questions are dealt with satisfactorily.
- b) to provide independent scrutiny of the bidding process to ensure that procurement processes and procedures are actually adhered to, and
- c) to provide a report at the end of the process which records an independent professional view of the way in which it was managed, from a probity perspective.

Procuring entities should focus on how well their procurement processes would stand up to scrutiny by the public or the courts. It is recommended that a Probity Advisor/ Auditor be hired when the procuring entity decides to utilise the following procurement procedures:

- a) Two-stage bidding,
- b) RFP with dialogue,
- c) RFP with consecutive negotiations, and
- d) Competitive negotiations.

5.0 OPEN BIDDING

5.1 What is open bidding?

Open bidding is a procurement method that is based on an invitation to bid that is advertised publicly either nationally, or in appropriate cases regionally or internationally. Open bidding procedures support the achievement of the objects of the Act, including transparency, value for money and public confidence.

Under the open bidding procedures, individuals, companies or joint ventures that are legally constituted and that are suitably qualified, experienced and resourced to supply the goods, works or services being sought shall be given an equal opportunity of submitting bids.

To achieve the objective of local industry development under the Act, however, the open bidding procedures can also be applied to relatively low risk and low value procurements that are reserved by the public body to various geographical locations, namely the Municipal and Regional Corporations.

5.2 Conditions of use

Open bidding is the most appropriate procurement method when, based on the circumstances of the procurement, the procuring entity is seeking to maximise the potential pool of

participating suppliers and contractors in order to achieve the highest levels of transparency, value for money and public confidence.

The open bidding procedures are also applicable for the following procurement methods:

- a) Two-stage bidding
- b) Electronic reverse auctions
- c) Open framework agreements, and
- d) RFPs.

5.3 Procedures

- (a) Draft the procurement notice (See Section 5.3.1 of this guideline).
- (b) Publish the advertisement (e.g. in local, regional and/ or international newspapers, trade magazines, appropriate websites and/ or via social media) (in accordance with the procuring entity's advertisement policy) (minimum standards to be developed).
- (c) Issue procurement documents upon request (electronic or paper-based payment) (Standard bidding documents for the procurement of goods and works and consulting services are provided here).
- (d) Receive and evaluate bids (see [General Guidelines: Evaluation of Bids and Award of Contract](#)).
- (e) Prohibition of negotiation with suppliers or contractors.
- (f) Award of contract (see [General Guidelines: Evaluation of Bids and Award of Contract](#)).

Further information on **bidding documents** are provided in **Section 11** of this Guideline.

5.3.1 Procurement Notice

The **Procurement Notice** shall include the following:

- a. The name and address of the procuring entity and the contact details of the person from whom further information can be obtained;
- b. The form or contract, or a summary of the key terms and conditions that will govern the performance of the procurement contract to be entered into as a result of the procurement proceedings.
- c. The nature, quantity and place of delivery of the goods to be supplied, the nature and location of the construction to be effected or the nature of the services and the location where they are to be provided, as well as the desired or required time for the supply of the goods, the completion of the construction or the provision of the services;

- d. A summary of the criteria and procedures to be used for ascertaining the qualifications of suppliers or contractors, and of any documentary evidence or other information that must be submitted by suppliers or contractors to demonstrate their qualifications.
- e. The means of obtaining the bid documents and the place where they may be obtained;
- f. The price, if any, to be charged by the procuring entity for the bid documents;
- g. If a price is to be charged for the bid documents, the means and currency of payment;
- h. The language or languages in which the bid documents are available (if applicable);
- i. The manner, place and deadline for submission of bids.

Sample procurement notices are attached as **Appendix I and II**, of these guidelines.

6.0 REGIONAL AND INTERNATIONAL PROCUREMENT

6.1 What is regional and international procurement?

Regional procurement refers to invitations issued, publicly or directly to the regional community (e.g. CARICOM member states) to provide bids or proposals for the supply of goods, works and/ or services.

International procurement refers to invitations issued publicly, or directly to shortlisted proponents internationally, to submit bids or proposals for the supply of goods, works and/ or services.

6.2 Conditions for Use:

The procuring entity shall consider extending the invitation for bids regionally or internationally under the following circumstances:

- When the required goods, works or services are not available from qualified, competent and experienced local providers at competitive prices.
- When doing so is necessary to fulfil the terms and conditions of regional or international treaties or agreements.
- The value of the procurement activity is above a stated threshold.

6.3 Open Bidding procedures for regional and international procurement:

1. Invitations to bid should be published at least in:
 - a. One (1) national newspaper of wide circulation and on the website of the procuring entity.
 - b. A regional/ international English language newspaper or trade magazine, with adequate circulation to attract foreign competition and/ or on widely read internet websites, or via social media.
2. To develop local industry and promote local content, regional and/ or international firms shall demonstrate in their bids the manner in which they intend to achieve, among other things, the following in the performance of a procurement contract:
 - a. Use of local content (including labour)
 - b. Knowledge transfer of technology or innovation to local individuals or firms
 - c. The development of the local economy.

Detailed guidelines for local industry development are available in the general guidelines entitled '**General Guidelines: Local industry development and Local content**'.

7.0 OTHER BIDDING METHODS

7.1 Limited Bidding

7.1.1 What is limited bidding?

A procuring entity engages in limited bidding when it does not publicly advertise the procurement opportunity, as in the case of open bidding. In this regard, invitations to bid are issued directly to a selected number of bidders, either through market research, the Procurement Depository, or from the database of prequalified suppliers and contractors maintained by the Office.

7.1.2 Conditions for Use:

Limited bidding restricts the number of bidders invited to bid and is appropriate where:

- a) The goods, works or services, by reason of their highly complex or specialised nature, are available only from a limited number of suppliers or contractors.
- b) The time and cost required to examine and evaluate a large number of bids would be disproportionate to the value of the goods, works or services to be procured.

7.1.3 Procedures:

- a) The solicitation documents shall be issued directly to the selected bidders.
- b) In all other respects, the procedures listed on Section 5.3 of this Guideline would apply.

7.2 Requests for Quotations (RFQ)

7.2.1 What is an RFQ?

A means by which the procuring entity seeks to solicit prices, and basic terms and conditions such as delivery timeframe and payment terms from providers of basic standard goods, simple services or works.

7.2.2 Conditions for Use:

RFQs are appropriate for the procurement of readily available, relatively low priced, goods or services that are not specially produced or provided to the particular description of the procuring entity and for which there is an established market.

7.2.3 Procedures:

- a) Quotations should be requested in writing from as many bidders as practicable, but from **at least three bidders**, using standard documents prepared by the procuring entity. Where only two bidders are available, justification for inviting less than the minimum three bidders shall be provided in the record of the procurement proceedings.
- b) The written RFQs shall contain a clear statement of the procuring entity's requirements as to quality, quantity, terms and time to delivery, as well as any other special requirements.
- c) Bidders should be given adequate time, no fewer than five (5) working days, to prepare and submit their quotations, but each bidder is permitted only one quotation which may not be altered or negotiated.
- d) The successful quotation shall be the lowest-priced quotation meeting the needs of the procuring entity as set out in the RFQ.

7.3 Request for Proposals (RFPs)

7.3.1 What is an RFP?

An RFPs is a formal invitation from a procuring entity to a supplier or contractor to propose a solution to resolve a stated problem. It is a process whereby the evaluators base the award decision not solely on price, but on a variety of factors such as qualifications of the firm and its key personnel, methodology and approach, and prior experience.

The following sections include a variety of RFP processes.

Direct solicitation refers to the issue of the solicitation documents to suppliers or contractors identified by the procuring entity and is applicable for the procurement methods listed below:

- a) Limited bidding
- b) RFQs
- c) Competitive negotiations, and
- d) Single-source procurement

7.4 Request for Proposals (RFPs) Without Negotiation

7.4.1 What is an RFP without negotiation?

A formal invitation from a procuring entity to a supplier or contractor to propose a **specific solution** (methodology and workplan) to fulfilling a **specific requirement**. The award decision in this process is based on price and non-price factors (qualifications, past experience, methodology).

7.4.2 Conditions for Use:

RFPs without negotiation are appropriate under the following conditions:

- 1) when the commercial aspects of proposals are considered separately and only after completion of examination and evaluation of the technical, quality and performance characteristics of the proposals; and
- 2) where the subject matter of the procurement is of a relatively standard nature, where all aspects of the proposals can be evaluated without resort to discussions, dialogue or negotiations with contractors, suppliers or consultants.

7.4.3 Procedures:

1. Invite proposals

RFPs may be issued as follows:

- a) By publishing the RFP publicly in accordance with the procedures provided at Section 5.3 above, or
- b) Directly to prequalified or preselected bidders.

2. Manage the solicitation process

- a) Host pre-submission meeting and/ or site visit
- b) Respond to requests for clarification from bidders, and issue addenda

3. Receive and open proposals

- a) Open technical proposals only
- b) Store commercial proposals, unopened, in a secure location

4. Evaluation of bids and award of contract

- a) Evaluate and rank the technical proposals in accordance with the pre-established criteria specified in the RFP.
- b) The technical proposals that fail to meet the relevant minimum requirements shall be considered non-responsive and shall be rejected on that ground. A notice of rejection and the reasons for the rejection, together with the unopened commercial envelope shall be dispatched to each respective bidder.
- c) The technical proposals that meet or exceed the relevant minimum requirements shall be considered responsive and those bidders shall be invited to the opening of their commercial proposals.
- d) The procuring entity shall award the contract to the bidder with the highest combined score, except in the case of least-cost selection.

7.5 Two-Stage Bidding

7.5.1 What is two-stage bidding?

A **phased** process in which responsive bidders are engaged in **refining the statement of needs** to obtain the most satisfactory solution to the procuring entity's activity. The **first stage** invites prospective bidders to have discussions to refine the statement of needs and at the **second stage**, issue an RFP against one revised specification.

Two-stage bidding is **similar** to RFPs as the technical and commercial proposals are submitted **separately**. However, they are **different** to RFPs because the technical and commercial proposals are submitted one before the other and not **simultaneously**

Multi-stage bidding is where the two-stage bidding is preceded by an expression of interest (EOI) and/ or request for qualifications. This method is mainly used in complex plants, large complex facilities, design and build works and turnkey ICT contracts.

7.5.2 Conditions for Use:

Two-stage bidding is appropriate where:

1. It may be **impractical** to prepare **complete** technical specifications in advance of the procurement.
2. Discussions with suppliers or contractors are required to **refine** the TOR/ technical specification to obtain the most satisfactory solution to its procurement needs.
3. Open bidding was engaged in, but no bids were submitted, or the procurement was cancelled. Additionally, engaging in new open-bidding proceedings or limited bidding, RFQs and RFPs without negotiation would be unlikely to result in a procurement contract.

7.5.3 Procedures:

Procedure #1:

First stage

1. Invite prospective bidders to submit technical proposals on partially developed technical specifications
2. The procuring entity shall evaluate and score the technical proposals, inviting the highest ranked bidder to agree on a proposed technical solution.

Second Stage

1. The procuring entity shall invite the highest ranked technical proposal to submit a commercial offer based on agreed technical solution.

Procedure #2:

First stage

1. Invite prospective bidders to submit technical proposals on partially developed technical specifications, contribute to the completion of the technical specifications and provide a methodology and work plan for carrying out the assignment.
2. Evaluate and score the technical proposals, inviting all **responsive bidders** to clarification and discussions meeting to finalise the technical requirements.

Second Stage

1. Invite responsive bidders to submit technical and commercial proposals based on the amended technical requirements
2. Evaluate technical proposals first, and keep the commercial proposals sealed and secured
3. Firms achieving the minimum technical qualifying mark or greater are invited to the opening of their commercial proposals
4. Commercial proposals are evaluated, and the firm achieving the highest combined score (technical and commercial) is invited to contract negotiations
5. If negotiations fail, the next highest ranked firm is called for contract negotiations.

7.6 Request for Proposals (RFP) with Dialogue

7.6.1 What is RFP with Dialogue?

This is a process in which bidders assist in defining the statement of needs to obtain the most satisfactory solution to its procurement activity, resulting in a **Best and Final Offer (“BAFO”)**.

7.6.1.1 What is BAFO?

BAFO includes a phase where the procuring entity engages in private concurrent dialogues with responsive bidders during an RFP process.

Under the BAFO concept the purpose of these discussions and negotiations is to:

- clarify ambiguities
 - correct obvious mistakes
 - point out weaknesses and deficiencies
- generally, seek improvements in both the technical and commercial aspects of the offers for example, regarding lower prices, prolonged warranties, additional discounts, or short delivery time etc.

7.6.2 Conditions for Use:

RFP with dialogue is appropriate where:

- a) It is **not feasible** to formulate a **detailed** description of the goods, works or services and **dialogue** with suppliers or contractors is required to obtain the most satisfactory solution to its procurement needs.
- b) A contract is sought for the purpose of research, experiment, study or development.
- c) Open bidding was engaged in, but no bids were submitted, or the procurement was cancelled. Additionally, engaging in new open-bidding proceedings or limited bidding, RFQs and RFPs without negotiation would unlikely result in a procurement contract.

7.6.3 Procedures:

1. Invite proposals

RFPs may be issued as follows:

- a) By publishing the RFP publicly in accordance with the procedures provided at Section 5.3 above, or
- b) Directly to prequalified or preselected bidders.

2. Manage the solicitation process

- a) Host pre-submission meeting and/or site visit.
- b) Respond to requests for clarification from bidders, and issue addenda.

1. Receive and open proposals

- a) Open technical proposals only.
- b) Store commercial proposals, unopened, in a secure location.

2. Evaluation of bids and award of contract

- a) Evaluate and rank the technical proposals in accordance with the pre-established criteria specified in the RFP.
- b) The technical proposals that fail to meet the relevant minimum requirements shall be considered non-responsive and shall be rejected on that ground. A notice of rejection and the reasons for the rejection, together with the unopened commercial envelope shall be dispatched to each respective bidder.
- c) The technical proposals that meet or exceed the relevant minimum requirements shall be considered responsive and those bidders shall be invited to participate in dialogue.
- d) The dialogue shall be conducted by the same representatives of the procuring entity on a concurrent basis.
- e) Invite responsive firms to submit a BAFO following the dialogue.
- f) No negotiations shall take place after submissions of BAFOs.
- g) Award the contract to the bidder that best meets the needs of the procuring entity as determined in accordance with the evaluation criteria.

7.7 Request for Proposals (RFP) with Consecutive Negotiations

7.7.1 What is RFP with Consecutive Negotiations?

A two (2) envelope system known as **“rank and run”** where consecutive negotiations with responsive bidders are required in order to ensure that the **commercial terms and conditions** of the procurement are acceptable.

7.7.2 Conditions for Use:

Where consideration of the commercial proposals is done separately and only after evaluation of the technical proposals, and consecutive negotiations with responsive bidders are required in order to ensure that the **commercial terms and conditions** of the procurement are acceptable

7.7.3 Procedures:

1. Invite proposals

RFPs may be issued as follows:

- a) By publishing the RFPs publicly in accordance with the procedures provided at Section 5.3 above, or
- b) Directly to prequalified or preselected bidders.

2. Manage the solicitation process

- a) Host pre-submission meeting and/ or site visit
- b) Respond to requests for clarification from bidders, and issue addenda.

3. Receive and open proposals

- a) Open technical proposals only
- b) Store commercial proposals, unopened, in a secure location

4. Evaluation of bids and award of contract

- a) Evaluate the technical proposals in accordance with the pre-established criteria specified in the RFP.
- b) The technical proposals that fail to meet the relevant minimum requirements shall be considered non-responsive and shall be rejected on that ground. A notice of rejection and the reasons for the rejection, together with the unopened commercial envelope shall be dispatched to each respective bidder.
- c) The technical proposals that meet or exceed the relevant minimum requirements shall be considered responsive and ranked in accordance with the criteria for evaluating proposals as set out in the RFP.
- d) Inform the other responsive bidders that their commercial proposals may be considered for negotiation if negotiations with the higher-ranking bidder does not result in a procurement contract
- e) If required, invite the other responsive bidders for negotiations on the basis of their ranking until arriving at a procurement contract or until all commercial proposals are rejected
- f) Do not reopen negotiations with any supplier or contractor with which it has terminated negotiations

7.8 Competitive Negotiations

7.8.1 What are Competitive Negotiations?

The procuring entity engages in negotiations with a **sufficient number of qualified suppliers or contractors** to ensure effective competition.

7.8.2 Conditions for Use:

There is an **urgent** need for the goods, works or services, and engaging in any other competitive method of procurement, because of the **time involved** in using those methods, would therefore be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable nor the result of delaying tactics on its part.

7.8.3 Procedures:

1. Engage in negotiations with a sufficient number of suppliers or contractors to ensure effective competition.
2. Ensure that any information communicated to a supplier or contractor before or during the negotiations shall be communicated at the same time and on an equal basis to the other suppliers or contractors
3. Upon completion of negotiations, request all bidders to submit a BAFO with respect to all aspects of the proposal.
4. No negotiations shall take place between the procuring entity and bidders with respect to their BAFOs.
5. Award the contract to the bidder that best meets the needs of the procuring entity as determined in accordance with the evaluation criteria.

7.9 Single Source Procurement

7.9.1 What is Single Source Procurement?

A **non-competitive** procurement method used to acquire goods, works and services from only **one** supplier or contractor.

Both **single** and **sole** source procurement require engaging only one supplier or contractor. However, **single** source procurement refers to engaging one selected supplier or contractor, even though there are other suppliers or contractors providing that good, work or service, whereas, sole source procurement refers to an engagement where there is only one supplier or contractor that provides the good, work or service.

7.9.2 Conditions for Use:

This method is appropriate in the following exceptional circumstances:

1. The goods, works or services sought are available **only** from a particular supplier or contractor.
2. Owing to a catastrophic event, there is an **extremely urgent** need for the goods, works or services, and engaging in any other method of procurement would be impractical because of the time involved in using those methods.
3. Additional supplies must be procured from a particular supplier or contractor for reasons of **standardisation** or because of the need for **compatibility** with existing goods, equipment, technology or services

7.9.3 Procedures:

- a) Gain approval, sufficiently detailing the justification of the need for fulfilling a procurement requirement from a single source.
- b) Request a bid proposal or price quotation from the single supplier or contractor.
- c) Engage in negotiations with the supplier or contractor unless such negotiations are not feasible in the circumstances of the procurement.

8.0 PROCUREMENT TECHNIQUES

8.1 Electronic Reverse Auction

8.1.1 What is an electronic reverse auction?

An **online real-time purchasing technique** utilised by the procuring entity to select the successful submission, which involves presentation by suppliers or contractors of successively lowered bids during a scheduled period of time and the automatic evaluation of bids.

8.1.2 Conditions for Use:

1. It is feasible to formulate a detailed description of the goods, works or services.
- b) There is a competitive market of suppliers or contractors anticipated to be qualified to participate in the electronic reverse auction, such that effective competition is ensured.
- c) The criteria to be used in determining the successful submission are quantifiable and can be expressed in monetary terms.
- d) As a technique during the phase preceding the award of the procurement contract utilising another procurement method, such as open bidding.
- e) For award of a procurement contract in a framework agreement procedure with second-stage competition.

8.1.3 Procedures:

1. Procured by way of open bidding up to the final stage preceding the award of the procurement contract when an electronic reverse auction may be used to determine the lowest price.
2. The electronic reverse auction shall be based on:
 - a. price, where the procurement contract is to be awarded to the lowest evaluated price; or
 - b. price and other criteria specified to suppliers, as applicable, where the procurement contract is to be awarded to the best value for money bid.
3. The bidding documents shall include:
 - a) reference to the fact that the final stage will be carried out by way of electronic reverse auction;
 - b) the mathematical formula that will be used in the evaluation procedure during the auction;
 - c. instructions on how the auction can be accessed, including appropriate information regarding connection to the auction.

8.2 Framework Agreements

8.2.1 What is a framework agreement?

The Act (Section 4) defines a “framework agreement” as follows:

“an agreement or other arrangement between one or more procuring entities and one or more contractors or suppliers which establishes the terms, in particular the terms as to price and, where appropriate, quantity, under which the contractor or supplier will enter into one or more contracts with the procuring entity during the period in which the framework agreement or arrangement applies”

A framework covers the provision of a **generic** group of goods, works or services (or a combination), for example:

- Goods - office furniture
- Services - design consultancy
- Works - construction of schools.

You would normally have one ‘**framework**’ for each generic group, but you may have a ‘**framework agreement**’ with more than one supplier or contractor under each framework. Framework agreements can offer economies of scale through aggregation by covering hundreds of items with the prices and terms and conditions agreed.

Framework agreements are also used in preparation for emergency situations. These types of procurement may require security of supply (for further information see Section 9.0 of this Guideline.

A framework agreement is **not a contract itself**, but merely an agreement about the terms and conditions that would apply to any order placed during its life. In this case, a **contract** is made only when the order is placed, and each order is a separate contract. An agreement that places an obligation to purchase upfront is a **contract**.

Examples of framework agreements:

1. A public body enters into a framework agreement for stationery with three suppliers.
2. Four neighbouring Municipal Corporations enter into a framework agreement with one economic contractor for the maintenance of roads.
3. A central purchasing body, acting on behalf of the Regional Health Authorities, enters into a framework agreement with four providers for the supply of emergency vehicles.

8.2.2 Conditions of Use

A procuring entity may enter into a framework agreement under the following conditions:

- a) The need for the good, work or service is expected to arise on an **indefinite or repeated** basis during a given period of time, for example, drinking water or stationery items; or
- b) The need for the good, work or service may arise on an urgent basis during a given period of time, e.g. during the occurrence of a natural disaster such as flooding.

8.2.3 Procedures

The framework agreement procedure is conducted in two stages:

Stage 1 - Select a supplier/s or a contractor/s to be a party (or parties) to a framework agreement with the procuring entity. This is achieved by engaging in an open or limited bidding procedure.

Stage 2 - The procuring entity awards a procurement contract for a specific good, work or service under the framework agreement to a supplier or contractor that is party to the framework agreement.

8.2.4 Types of framework agreements

A framework agreement may take one of the following forms:

- a) **Closed framework agreement** - no supplier or contractor that is not initially a party to the framework agreement may subsequently become a party
- b) **Open framework agreement** - a supplier/s or a contractor/s in addition to the initial parties may subsequently become a party or parties
- c) **Framework agreement procedure with second-stage competition** - a procedure under an open or closed framework agreement with more than one supplier or contractor, in which certain terms and conditions of the procurement that cannot be established with sufficient precision when the framework agreement is concluded are to be established or refined through a second-stage competition
- d) **Framework agreement procedure without second-stage competition** - a procedure under a closed framework agreement in which all terms and conditions of the procurement are established when the framework agreement is concluded.

8.2.4.1 *Closed Framework Agreement*

- a) The procuring entity shall award a closed framework agreement as follows:
 - 1. By means of open-bidding proceedings, in accordance with Section 5.3 of this Guideline; or
 - 2. By means of other procurement methods, in accordance with the relevant procedures outlined in Section 7 of this Guideline

Note:

Although it is possible to use any of the competitive procurement methods to procure a framework agreement, in practice the **open and limited methods** are more commonly used. This is because the frameworks are generally more suited to the procurement of **straightforward commodity and non-complex purchases**, meaning that the open and limited methods are the most appropriate methods.

- b) The procuring entity, when soliciting participation from suppliers or contractors, shall specify:
1. The intention to establish a framework agreement procedure, leading to a closed framework agreement;
 2. Whether the framework agreement is to be concluded with one or more than one supplier or contractor;
 3. If the framework agreement will be concluded with more than one supplier or contractor, the number of suppliers or contractors it intends to include;
 4. The description of the goods, works or services and all other terms and conditions of the framework.
 5. The duration of the framework agreement
 6. An estimate of the terms and conditions of the procurement that cannot be established with sufficient precision when the framework agreement is concluded
 7. Whether there will be a second-stage competition to award a procurement contract under the framework agreement and, if so:
 - i. A statement of the terms and conditions of the procurement that are to be established or refined through second-stage competition
 - ii. The procedures and criteria to be applied during the second-stage competition
 8. Whether the award will be to the lowest-priced or to the most advantageous submission
- c) A closed framework agreement with more than one supplier or contractor shall be concluded as one agreement between all parties unless:
1. The procuring entity determines that it is in the interests of a party to the framework agreement that a separate agreement with any supplier or contractor party be concluded;
 2. The procuring entity includes in the record of procurement proceedings a statement of the reasons and circumstances on which it relied to justify the conclusion of separate agreements; and
 3. Any variation in the terms and conditions of the separate agreements for a given procurement is minor and concerns only those provisions that justify the conclusion of

separate agreements. An example may be the need to execute separate agreements to protect intangible or intellectual property rights.

- d) The provisions of Section 12 of this Guideline shall apply to the award of a closed framework agreement.

8.2.4.2 Open Framework Agreement

Stage 1:

- a) Establish and maintain an open framework agreement online.
- b) Solicit participation by inviting a party to the open framework agreement to be published following the Procurement Notice requirements of Section 5.3 of this Guideline.
- c) Suppliers or contractors may apply to become a party or parties to the framework agreement at any time during its operation by presenting submissions to the procuring entity in compliance with the requirements of the invitation.
- d) Examine all submissions received during the period of operation of the framework agreement.
- e) The framework agreement shall be concluded with all qualified suppliers or contractors that presented submissions unless their submissions have been rejected on the grounds specified in the invitation.
- f) Notify the suppliers or contractors whether they have become parties to the framework agreement and of the reasons for the rejection of their submissions if they have not.

Stage 2:

- 1. Award a procurement contract under the agreement and include:
 - a) The description of the goods, works or services and all other terms and conditions of the framework.
 - b) The duration of the framework agreement
 - c) Any terms and conditions of the procurement that may be refined through second-stage competition
 - d) The procedures and criteria to be applied during the second-stage competition
 - e) Whether the award will be to the lowest-priced or to the most advantageous submission¹.
- 2. Republish at least annually the invitation to become a party to the open framework agreement and ensure unrestricted, direct and full access to the terms and conditions of the framework agreement and to any other necessary information relevant to its operation.

8.2.4.3 Changes During the Operation of a Framework Agreement

During the operation of a framework agreement, no change shall be allowed to the description of the goods, works or services. Changes to other terms and conditions of the procurement,

including to the criteria and procedures for the award of the anticipated procurement contract, may occur only to the extent expressly permitted in the framework agreement.

Supplemental information on framework agreements is provided in the *General Guidelines: Selecting Supply Contractors*.

8.2.4.4 *Selecting a Type of Framework Agreement*

These different types of framework agreement cater to different circumstances, meaning that the decision to engage in procurement using a framework agreement can be a relatively complex one.

For this reason, procuring entities may wish to limit the use of framework agreement procedures while experience in the technique is gained. For example, they may wish to start with open framework agreements intended for procurement of commonly used, off-the-shelf goods or straightforward, recurring services that are normally purchased on the basis of the lowest price.

9.0 EMERGENCY PROCUREMENT

9.1 Conditions for Use:

1. **Framework agreements** can be used when planning for emergencies to mitigate the risks they pose. Framework agreements are suitable for the procurement of goods, works or services for which the need is expected to arise in the future on an emergency basis, such as medicines (where a significant objective is to avoid the excessively high prices and poor quality that may result from the use of single-source procurement in emergency situations). These types of procurement may require security of supply.
2. In cases of urgency following a natural disaster or similar catastrophe, the two methods available are **competitive negotiations and single-source procurement**. The requirement to maximise competition will determine the most appropriate method for emergency procurement. The conditions for use of these methods are almost identical as they refer respectively to “**an urgent**” and “**an extremely urgent**” need for the goods, works or services, as a result of the catastrophe.
3. In each case the **urgency** renders it impractical to use open bidding proceedings or any other method of procurement because of the **time** involved in using them. Although both competitive negotiations and single-source procurement are considered to provide less competition (as well as objectivity and transparency) than other procurement methods, it is clear that competition is to some degree present in competitive negotiations and is essentially absent in single-source procurement.

4. **Only where there is an extreme degree of urgency can single-source procurement be justified**, such as for the needs that arise in the immediate aftermath of the catastrophe (e.g. for clean water, emergency food and shelter or immediate medical needs).
5. Other needs, which may still arise as a direct result of the catastrophe, involve a timeframe that allows the use of competitive negotiations rather than single source procurement.
6. The further in time from the catastrophe, the less likely it is that either of these methods remains available because there will be **time to use other methods**.

9.2 Procedures:

1. Identify all procurement activities for the upcoming fiscal year as identified in the Annual Procurement Plan (see **General Guidelines: Developing the Annual Procurement Plan**), thereby diminishing cases of emergency procurements and, less competitive methods of procurement.
2. Request for authorisation, at any time, to enter into the procurement contract or framework agreement on the ground that **“urgent public interest”** considerations so justify.
3. Engage in a framework agreement procedure by virtue of the nature of the goods, works or services being procured and the needs that arise on an urgent basis during a given period of time.
4. Requirement to publish an advance notice of the procurement is not applicable in the case of competitive negotiations and single-source procurement as those methods are used in urgent or extremely urgent situations respectively.
5. The amount procured using emergency procedures should be strictly limited to the needs arising from that emergency situation.
6. The decision of a procuring entity that urgent public interest considerations exist and the reasons for the decision shall be included in the record of the procurement proceedings.

10.0 URGENT PUBLIC INTEREST

The decision of a procuring entity that urgent public interest considerations exist and the reasons for the decision shall be included in the record of the procurement proceedings.

Section 35(2) of the Act shall not apply where a procuring entity determines that urgent public interest considerations require the procurement to proceed without a standstill period.

Urgent public interest

Urgent public interest considerations refer to issues that can negatively affect the rights of the citizens of Trinidad and Tobago, e.g. the collapse of a bridge which will hinder the free movement of citizens to and from their homes. In that regard, urgent public interest considerations can be applied to the procurement of a short-term solution such as the installation of a temporary bridge, while the details of a long-term solution are being worked out.

Section 35(2) states - A procuring entity shall promptly notify each supplier or contractor who presented submissions of its decision to accept the successful submission at the end of the standstill period.

Challenge Proceedings - Where there is an effect of a challenge:

- The procuring entity may at any time request the OPR to authorise to enter into the procurement contract or framework agreement on the ground that urgent public interest considerations so justify.
- The Office may authorise the procuring entity to enter into the procurement contract or framework agreement where it is satisfied that urgent public interest considerations so justify. The decision of the OPR and the reasons therefor shall be made part of the record of the procurement proceedings, and shall be communicated to the procuring entity, the applicant, all other participants in the challenge proceedings and all other participants in the procurement proceedings.
- Following receipt of an application for review, the OPR may order the suspension of the procurement proceedings, if and for as long as it finds such a suspension necessary to protect the interests of the applicant, unless the OPR decides that urgent public interest considerations require the procurement proceedings to proceed.

11.0 ISSUING BIDDING DOCUMENTS

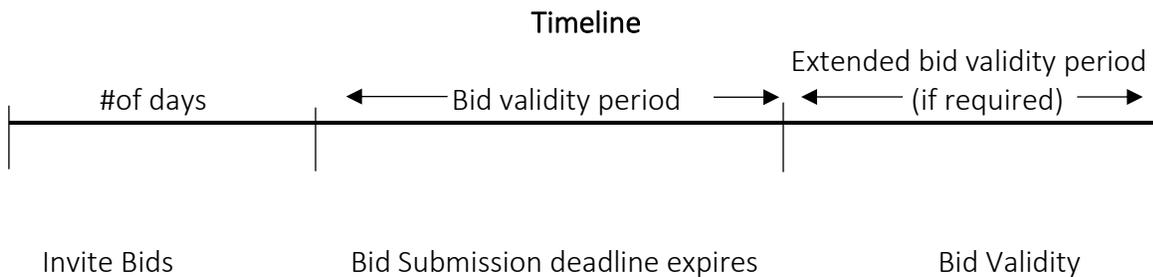
To ensure transparency and fairness, the invitation to bid or to prequalify should include information regarding:

- the identity and address of the procuring entity and the contact details of the person from whom further information can be obtained;
- nature and time-frame of the procurement, including the place of delivery of goods or services, and the location of any works;
- manner of obtaining and the price of the bidding documents, or, if applicable, the prequalification documents;
- place and deadline for submission of bids, or of applications to prequalify; and
- such other matters as may be required by the procuring entity.

The procuring entity shall provide, in an expeditious and non-discriminatory manner, the bidding documents to all potential bidders that respond to the invitation to bid or, in the case of pre-qualification, to all bidders that have been prequalified, and the price, if any.

The bidding documents shall be ready for distribution prior to the publication of the procurement notice. The bidding period starts on the date of the first publication of the procurement notice and ends on the date of the bid submission deadline.

The price that the procuring entity may charge for the bidding documents shall reflect only the **cost of printing and distributing the documents**.



12.0 RESPONDING TO REQUESTS FOR CLARIFICATION FROM BIDDERS

1. Any bidder may, in writing, seek clarification of the bidding documents from the procuring entity.
2. The period within which the bidders may seek clarifications under (1) and the period within which the procuring entity shall respond to such requests for clarifications shall be specified in the bidding documents.
3. The procuring entity's response thereto shall be provided simultaneously in writing to all bidders without identifying the source of the request.

General Guidelines – Procurement Methods and Procedures

4. The procuring entity may make modifications to the bidding documents as a result of the clarification or for any other reason at any time prior to the deadline for the submission of bids.
5. Where required as a result of the modification, the procuring entity shall extend the deadline for submission of bids so as to allow bidders an opportunity to take such modifications into account in preparing their bids.

13.0 ISSUING ADDENDA

1. The procuring entity may amend the bidding document by issuing an addendum as a result of a clarification or for any other reason at any time prior to the deadline using the following:
 - The amendment shall be sent to all shortlisted bidders and will be binding on them. The shortlisted bidders shall acknowledge receipt of all amendments in writing.
 - In case of material changes, the procuring entity shall extend the submission of bids deadline to give the shortlisted bidders reasonable time to take such modifications into account in their proposals.

The procuring entity will not be held responsible for any interpretations made by the Consultants as a result of information received by any means other than by written addenda.

14.0 Receipt and Opening of Bids

1. Submitted bids are received, registered and stored up until the submission deadline.

The purpose of this formal process is to ensure that **transparency** and **confidentiality** are maintained.

2. Procuring entities shall set out in the bidding documents a procedure which guarantees the regularity of bid opening.
3. If public bid opening is envisaged:
 - a) all bids shall be opened publicly at the time and place as specified in the invitation to bid;
 - b) in the presence of bidders' representatives who choose to attend; and
 - c) the procuring entity shall prepare a record of bid opening, summary, date and signed by the bidders or bidders' representatives present and tender committee containing at least the identification of the bid, the date and time of opening, the names of the bidders, their prices, any discounts offered and the existence of bid securities, if required.

General Guidelines – Procurement Methods and Procedures

4. A procuring entity shall not open any bids after taking a decision to cancel the procurement. All unopened bids shall be returned at the time of the decision to the respective suppliers or contractors (Section 33).

15.0 Duty to Accept Successful Submission (Section 35)

1. A procuring entity shall accept the successful submission unless:
 - a) the procurement is cancelled in accordance with section 8.0.
 - b) the submission found successful at the end of evaluation is rejected as abnormally low.
2. A procuring entity shall promptly notify each supplier or contractor who presented submissions of its decision to accept the successful submission at the end of the standstill period.
3. The notice referred to in subsection (2) shall contain, at a minimum, the following information:
 - a) the name and address of the supplier or contractor presenting the successful submission;
 - b) the contract price;
 - c) the duration of the standstill period as set out in the solicitation documents.
4. Subsection (2) shall not apply to awards of procurement contracts where a procuring entity determines that urgent public interest considerations require the procurement to proceed without a standstill period.
5. The decision of a procuring entity that urgent public interest considerations exist and the reasons for the decision shall be included in the record of the procurement proceedings.
6. Upon expiry of the standstill period or, where there is none, promptly after the successful submission is ascertained, a procuring entity shall dispatch the notice of acceptance of the successful submission to the supplier or contractor who presented that submission, unless the OPR orders otherwise.
7. Unless a written procurement contract is required, a procurement contract in accordance with the terms and conditions of the successful submission enters into force when the notice of acceptance is delivered to the supplier or contractor concerned, as long as the notice is dispatched while the submission is still in effect.
8. Where the bid documents require the supplier or contractor whose submission has been accepted to sign a written procurement contract conforming to the terms and conditions of the accepted submission:
 - a) the procuring entity and the supplier or contractor concerned shall sign the procurement contract within a reasonable period of time after the notice of acceptance is dispatched to the respective supplier or contractor.

General Guidelines – Procurement Methods and Procedures

- b) the procurement contract enters into force when the contract is signed by the respective supplier or contractor and by the procuring entity.
9. Neither a procuring entity nor the respective supplier or contractor shall take any action that interferes with the entry into force of the procurement contract or its performance during the time between the dispatch of the notice of acceptance and the entry into force of the procurement contract.
 10. If the supplier or contractor whose submission has been accepted fails to sign any written procurement contract as required or fails to provide any required security for the performance of the contract, a procuring entity shall withdraw the award and either:
 - a) select the next highest ranked submission from among those remaining in effect.
 - b) terminate the procurement proceedings.
 11. Notices under this section are dispatched when they are promptly and properly addressed or otherwise directed and transmitted to the supplier or contractor or conveyed to an appropriate authority for transmission to the supplier or contractor by any reliable means.

16.0 Cancellation of Procurement (Section 33)

1. A procuring entity may cancel a procurement:
 - a) at any time prior to the acceptance of the successful submission
 - b) after the successful submission is accepted
2. A procuring entity shall not open any bids after taking a decision to cancel the procurement.
3. The decision of a procuring entity to cancel a procurement and the reasons for its decision shall be included in the record of the procurement proceedings and promptly communicated to any supplier or contractor who presented a submission.
4. A procuring entity shall promptly publish a notice of the cancellation of the procurement in the same manner and place in which the original information regarding the procurement proceedings was published and return any bids or proposals that remain unopened at the time of the decision to the respective suppliers or contractors.
5. Unless the cancellation of the procurement is a consequence of irresponsible or dilatory conduct on the part of the procuring entity, the procuring entity shall incur no liability towards the respective suppliers or contractors.
6. Procurement records shall be kept for a minimum period of seven (7) years following cancellation of the procurement proceedings.

Appendix I – Sample Procurement Notice – Long form

(This sample form may be used in instances where the procuring entity decides to publish a full-length advertisement in the newspapers.)

(Name of the Procuring Entity)

PROCUREMENT NOTICE

Supply, delivery, installation, commissioning and maintenance (select the applicable service(s)) of (name of requirement)

1. The (Name of the Procuring Entity) was established by (Act of Parliament, if applicable) and is responsible for (mandate and core objectives of the procuring entity).
2. The (Name of the Procuring Entity) hereby invites suitably qualified firms to submit tenders for (the name and brief description of the requirements).
3. The Invitation for Bids (or Request for Proposals) is open to suitably qualified and experienced providers of the goods and services required.
4. An electronic copy of the complete Request for Proposals (RFP) document will be provided upon request from prospective Proponents sent via email to (relevant email address) The email should contain the following information:
 - (a) the Vendor's business name, address, telephone number and email; and
 - (b) the name, designation, email address and direct contact number of the vendor's designated representative for the purpose of the Tender or RFP.
5. Proponent's representatives are encouraged to attend a Pre-bid Meeting scheduled for (time of meeting, AST) at (location of pre-bid meeting).
6. The contract will be awarded in accordance with the pre-defined evaluation criteria and scoring system outlined in the bidding documents. The services to be provided will be governed by the terms and conditions outlined in the respective RFPs.
7. Bids (or proposals) must be completed and submitted in accordance with the instructions outlined in the bidding documents, and must be accompanied by the following:
 - i. Copy of Income Tax and Value Added Tax Clearance Certificates issued by the Board of Inland Revenue, valid as at the date of submission of Proposals.
 - ii. Certificate of Compliance issued in accordance with the National Insurance Act, valid as at the date of submission of Proposals.
 - iii. (Amount and form of the bid security, if applicable).
8. Proponents may request additional information by sending an email to _____.
9. One (1) original, one (1) hard copy and one (1) electronic copy of the bid (or Proposal(s)) must be placed in sealed envelopes, labelled in accordance with the instructions in the bidding documents, and delivered into the appropriately labelled Tender Box located

in the Lobby area at the address below by **NO LATER THAN** (insert the closing date and time).

Insert the address for the pre-bid meeting (and site visit, if applicable)

10. Proposals delivered in accordance with the instructions in the RFP documents will be opened publicly on the same day at the above address, shortly after the closing of the Tender Box(es). Proponents and/or their representatives are invited to be present at the opening.
11. **LATE proposals will not be considered under any circumstances.**
12. The (Name of the Procuring entity) does not bind itself to accept the lowest or any bid (or Proposal).
13. The (Name of the Procuring entity) reserves the right to cancel the present notice in its entirety or partially, without defraying any cost incurred by any firm in submitting their proposals.
14. Failure to comply with any of these instructions or to submit any documentation required in the bidding document may result in bids not being considered.

(Name of duly authorised representative)

(Job title of the duly authorised representative)

Appendix II – Sample Procurement Notice – Short form

(This sample form may be used in instances where the procuring entity decides to publish a summary version of the Procurement Notice in the newspapers, which will direct interested parties to its website, in order to view the full-length version of the Procurement Notice.)

(Name of the Procuring Entity)

REQUESTS FOR PROPOSALS

The (Name of the Procuring Entity) invites suitably qualified firms to submit proposals for the following:

No.	RFP Title and Reference #	RFP Issue Date	Pre-Bid Meeting Date & Time	Submission Deadline Date & Time
1.				
2.				
3.				

An electronic copy of the complete Request for Proposals (RFP) document will be provided upon request from prospective Proponents sent via email to [\(email address\)](#). The email request should contain the following information:

- i) the Vendor’s business name, address, telephone number and email; and
- ii) the name, designation, email address and direct contact number of the vendor’s designated representative for the purpose of the RFP.

Interested Proponents are advised to visit the *(Name of Procuring Entity’s)* website at [\(<https:websiteaddress>\)](https:websiteaddress) to view the detailed Procurement Notice for the RFPs.

(Name of duly authorised representative)
(Job title of the duly authorised representative)

Glossary of Terms

Terms	Meaning
Accountability	allows an interested party to ensure that the objectives are being achieved.
Accounting Officer	a person responsible for ensuring that the financial business of the State for which he/she is responsible is properly conducted and that public funds entrusted to his/her care are properly safe guarded.
Act	the Public Procurement and Disposal of Public Property Act, 2015, as amended
Agreement	a negotiated and typically legally binding arrangement between parties as to a course of action.
Annual Procurement Performance Report	a monitoring mechanism performed on contract delivery progress and close-out.
Annual Procurement Plan	the requisite document that the procuring entity must prepare to reflect the necessary information on the entire procurement activities for goods and services and infrastructure to be procured that it plans to undertake within the financial fiscal year.
as-built'	as-built drawing is a revised set of drawings submitted by a contractor upon completion of a construction project. As-built drawings show the dimensions, geometry, and location of all components of the project.
Asset Management	<u>the process of ensuring that a company's tangible and intangible assets are maintained, accounted for, and put to their highest and best use</u>
Buyer	a person that is responsible for identifying and procuring the goods and services that an organization requires.
Codified	the arrangement of laws or rules into a systematic code.

Terms	Meaning
Commissioning	Project commissioning is the process of assuring that all systems and components of a building or industrial plant are designed, installed, tested, operated, and maintained according to the operational requirements of the owner or final client
Competitive Dialogue	a procedure where an organisation is able to conduct dialogue with suppliers/contractors with the goal of developing suitable alternative solutions.
Confidentiality	the state of keeping or being kept secret or private.
Contract Award	The process of officially notifying a tenderer that they have been selected as the preferred provider for a specific contract.
Contract Management	to ensure that all parties to the contract fully meet their respective obligations as efficiently as possible, delivering the business and operational outputs required from the contract and providing value for money.
Contract Price	The contract price is the price for the goods or services to be received in the contract. The contract price helps to determine whether a contract may exist.
Control Activities	actions established through policies, procedures, guidelines and directives.
Control Environment	set of standards, process and structures.
Defects liability Period	A defects liability period is a set period of time after a construction project has been completed during which a contractor has the right to return to the site to remedy defects
Direct Contracting	a procuring entity may also opt to purchase directly from one, or where feasible, more than one supplier or contractor without competition where circumstances dictate.

Terms	Meaning
Director of Public Prosecutions	the office or official charged with the prosecution of criminal offences.
Disposal of Public Property	includes the transfer without value, sale, lease, concession, or other alienation of property that is owned by a public body.
Efficiency	achieving procurement objectives within reasonable time and cost.
Emergency Procurement	to consider an urgent and unexpected requirement where the conservation of public resources is at risk. Where an emergency exists, procuring entity may pursue procurement contracts without complying with formal competitive bidding requirements.
E-purchasing	Electronic purchasing (e-purchasing), automates and extends manual buying and selling processes, from the creation of the requisition through to payment of the suppliers. The term e-purchasing encompasses back-office ordering systems, e-marketplaces and supplier websites.
Equity	all suppliers/contractors have a fair chance of winning the contract.
Evaluation	the opening and assessing of bids to identify the preferred provider for the project.
Expression of Interest	a serious interest from a buyer that their company would be interested to pay a certain valuation and acquire the seller's company through a formal offer.
Fairness	an even playing field, where all suppliers/contractors are treated equally.
Fixed price	the price of a good or a service is not subject to bargaining. The term commonly indicates that an external agent, such as a merchant or the government, has set a price level, which may not be changed for individual sales.

Terms	Meaning
Framework Agreement	an agreement or other arrangement between one or more procuring entities and one or more contractors or suppliers which establishes the terms, in particular the terms as to price and, where appropriate, quantity, under which the contractor or supplier will enter into one or more contracts with the procuring entity during the period in which the framework agreement or arrangement applies.
Goods	items you purchase such as furniture, laptops et cetera.
Ineligibility List	the removal of a supplier/contractor from the procurement database.
Integrity	avoiding corruption and conflicts of interest.
Internal Control Framework	a process, effected by the public body's board of directors, management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives relating to operations, reporting and compliance.
Invitation to Bid	a request from the procuring entity inviting providers to submit a proposal on a project for a specific goods, works or services.
Junior Procurement Officer	a person whose job involves buying low value, low risk goods, works and services.
Legally Binding	Common legal phrase indicating that an agreement has been consciously made, and certain actions are now either required or prohibited. For example, a lease for an apartment is legally binding, because upon signing the document, the lessor and the lessee are agreeing to a number of conditions.
Letter of Acceptance	a formal indication of a successful offer for the project.
Limited Bidding	to enable a procuring entity to engage a limited number of suppliers or contractors.
Local Industry Development	activities that serve to enhance local capacity and competitiveness by involvement and participation of local persons, firms and capital market and knowledge transfer during the conduct of the programme of goods, works or services that are being procured.

Terms	Meaning
Long term contract	a contract of more than five years in duration. A long-term contract is a contract to perform work for another over an extended period of time
Market Analysis	to understand how the supply market works, the direction in which the market is going, the competitiveness and the key suppliers within the market.
Mean Time Between Failures (MTBF)	is the predicted elapsed time between inherent failures of a system, during normal system
Mean Time to Repair (MTTR)	is a basic measure of the maintainability of repairable item. It represents the average time required to repair a failed component or device
Mobilization	Mobilisation refers to the activities carried out after the client has appointed the trade contractors, but before the trade contractors commence work on site. It is a preparatory stage during which the majority of activities are managed by the construction manager
Named Procurement Officer	a person that leads an organisation's procurement department and oversees the acquisitions of goods, works and services made by the organisation.
Non-Governmental Organization	any non-state, non-profit, voluntary organisation.
Open Bidding	an invitation to bid that is advertised either nationally, regionally or internationally.
Parliament	is the arm of the State entrusted with the responsibility of making laws for good governance, and providing oversight of the Government or Executive.
Payment terms	Payment terms are the conditions under which a vendor completes a sale. The payment terms cover. When payment is expected. Any conditions on that payment. Any discounts the buyer will receive
Performance Bonds	A performance bond, also known as a contract bond, is a surety bond issued by an insurance company or a bank to guarantee satisfactory completion of a project by a contractor. The term is also used to denote a collateral deposit of good faith money, intended to secure a futures contract, commonly known as margin.
Procurement	the acquisition of goods, works and services.

Terms	Meaning
Procurement and Disposal Advisory Committee	to ensure procurement activities including the disposal of public property are conducted in line with accepted professional purchasing practices and appropriate rules and regulations.
Procurement Proceedings	in relation to public procurement, includes the process of procurement from the planning stage, soliciting of tenders, awarding of contracts, and contract management to the formal acknowledgement of completion of the contract.
Procuring Entity	a public body engaged in procurement proceedings.
Public Body	ranging from Ministries to the Tobago House of Assembly (THA), Municipal Corporations, Regional Health Authorities, Statutory Bodies, State Enterprises, Service Commissions, Parliament, State-owned Enterprises, Non-Governmental Organizations, the Judiciary and the Office of the President.
Public Confidence	trust bestowed by citizens based on expectations.
Public Money	money that is received or receivable by a public body.
Public Private Partnership Arrangement	an arrangement between a public body and a private party under which the private party undertakes to perform a public function or provide a service on behalf of the public body.
Public Procurement Review Board	a Board to review decisions made by The Office of Procurement Regulation.
Request for Information	to obtain general information about goods, services or providers and is often used prior to specific requisitions for items.
Request for Proposals	the Request for Proposals to be prepared by the Procuring Entity for the selection of Consultants.
Request for Quotation	to invite suppliers into a bidding process to bid on specific products or services.
Retention (public property)	the continued possession, use or control of goods.

Terms	Meaning
Retention (works)	is a percentage of the amount certified as due to the contractor on an interim certificate, that is deducted from the amount due and retained by the client. The purpose of retention is to ensure that the contractor properly completes the activities required of them under the contract
Risk	the potential for failures of a procurement process designed to purchase services, products or resources.
Risk Assessment	a dynamic and iterative process of identifying, analysing and assessing risks.
Scope of Works	the detailed communication of requirements for civil or building design and/or construction works.
Senior Procurement Officer	a person whose job involves buying high value, high risk goods, works and services.
Service Level Agreements (SLA)	A service-level agreement is a commitment between a service provider and a client. Particular aspects of the service – quality, availability, responsibilities – are agreed between the service provider and the service user
Services	the work to be performed by the Consultant/Contractor pursuant to the Contract.
Short-term contract	Temporary contracts. Similar to fixed-term, temporary contracts are offered when a contract is not expected to become permanent.
Socio-Economic Policies	environmental, social, economic and other policies of Trinidad and Tobago authorised or required by the Regulations or other provisions of the laws of Trinidad and Tobago to be taken into account by a procuring entity in procurement proceedings.
Solicitation	seeking information from supply market participants including in the case of pre-qualifications. A solicitation more usually involves seeking bids to supply goods, services or works.
Specifications	a clear, complete and accurate statement of the description and technical requirements of a material/item/service.

Terms	Meaning
Stand-Still Period	the period from the dispatch of a notice as required by the Act, during which a procuring entity cannot accept the successful submission and suppliers, or Consultants can challenge the decision so notified.
State-Owned Enterprises	a business enterprise where the government or state has significant control through full, majority, or significant minority ownership.
Supplier Performance Management	a business practice that is used to measure, analyse, and manage the supplier's performance to cut costs, alleviate risks, and drive continuous improvement.
Supplier Registration	the first step in our process of building and enhancing a global supplier community. The information you provide about your company will be used to source potential opportunities so be sure to enter as much detail about your capabilities as possible.
Supplier Relationship Management	the systematic approach of assessing suppliers' contributions and influence on success, determining tactics to maximise suppliers' performance and developing the strategic approach for executing on these determinations.
Sustainable Development	the developmental projects that meet the needs of the present without compromising the ability of future generations to meet their own needs.
Sustainable Procurement	a process whereby public bodies meet their needs for goods, works or services in a way that achieves value for money on a long-term basis in terms of generating benefits not only to the public body, but also to the economy and wider society, whilst minimising damage to the environment.
Terms of Reference	the Terms of Reference that explains the objectives, scope of work, activities, and tasks to be performed, respective responsibilities of the Procuring Entity and the Consultant, and expected results and deliverables of the assignment.
The Office of Procurement Regulation	a body corporate established pursuant to an Act of Parliament, namely the Public Procurement and Disposal of Public Property Act, 2015.
Transparency	appropriate information is placed in the public domain.
Treaty	a formally concluded and ratified agreement between countries.

Terms	Meaning
Two-Stage Bidding	a procurement method where submission of proposals takes place in two (2) stages, where the technical and financial proposals are submitted separately.
Value for Money	the value derived from the optimal balance of outcomes and input costs on the basis of the total cost of supply, maintenance and sustainable use.
Warranty Claims	Customer's claim for repair or replacement of, or compensation for non-performance or under-performance of an item as provided for in its warranty document
Works	the construction and engineering works of all kinds.

List of Acronyms

<i>ABBREVIATION</i>	<i>EXPLANATION</i>
<i>ACI</i>	American Concrete Institute
<i>AO</i>	Accounting Officer
<i>APETT</i>	Association of Professional Engineers of Trinidad and Tobago
<i>APP</i>	Annual Procurement Plan
<i>APPR</i>	Annual Procurement Performance Report
<i>ASPA</i>	Annual Schedule of Procurement Activities
<i>ASTM</i>	American Society for Testing and Materials
<i>BATNA</i>	Best Alternative to a Negotiated Agreement
<i>BAFO</i>	Best and Final Offer
<i>BOATT</i>	Board of Architecture of Trinidad and Tobago
<i>BOETT</i>	Board of Engineering of Trinidad and Tobago
<i>BOQ</i>	Bills of Quantities
<i>BS</i>	British Standards
<i>CAP</i>	Contract Administration Plan
<i>CBTT</i>	Central Bank of Trinidad and Tobago
<i>CEO</i>	Chief Executive Officer
<i>CFR</i>	Code of Federal Regulations
<i>CIMS</i>	The Cleaning Industry Management Standards
<i>CIPS</i>	Chartered Institute in Procurement & Supply
<i>CM</i>	Contract Management
<i>COSO</i>	Committee of Sponsoring Organisations of the Treadway Commission
<i>CPAF</i>	Cost Plus Award Fee
<i>CPFF</i>	Cost Plus Fixed Price
<i>CPIF</i>	Cost Plus Incentive Fee
<i>CPM</i>	Contract Management Plan
<i>CQS</i>	Selection based on Consultants' Qualifications
<i>CSR</i>	Corporate Social Responsibility
<i>CTB</i>	Central Tenders Board
<i>CV</i>	Curriculum Vitae
<i>DBR</i>	Design Brief Report
<i>DN</i>	Delivery Note
<i>DPP</i>	Director of Public Prosecution
<i>DSR</i>	Design Standards Report
<i>ECCE</i>	Early Childhood Care and Education
<i>EMA</i>	Environmental Management Agency
<i>EN</i>	European Standards
<i>EOI</i>	Expression of Interest

<i>EU</i>	European Union
<i>FBS</i>	Selection under Fixed Budget
<i>FFP</i>	Firm Fixed Price
<i>FIDIC</i>	Fédération Internationale Des Ingénieurs-Conseils
<i>FPEPA</i>	Fixed Price with Economic Price Adjustment
<i>FPPI</i>	Fixed Price Plus Incentive
<i>GPS</i>	Global Positioning System
<i>HP</i>	Hewlett Packard
<i>HSSEQ</i>	Health Safety Security Environment and Quality
<i>IAS</i>	Institute of Advanced Study
<i>ICT</i>	Information and Communication Technology
<i>IDS</i>	Intrusion Detection System
<i>IFB</i>	Invitation for Bid
<i>IFRS</i>	International Finance Reporting Standards
<i>IGRF</i>	Internal Goods Received Form
<i>ILO</i>	International Labour Organisation
<i>IR</i>	Inception Report
<i>ISO</i>	The International Organization for Standardization
<i>IT</i>	Information Technology
<i>ITB</i>	Invitation to Bid
<i>JPO</i>	Junior Procurement Officer
<i>JV</i>	Joint Venture
<i>KPI</i>	Key Performance Index
<i>LCS</i>	Least Cost Selection
<i>LHA</i>	Local Health Authority
<i>LTA</i>	Long Term Agreement
<i>MOWI</i>	Ministry of Works and Infrastructure
<i>MS</i>	Microsoft
<i>MTBF</i>	Mean Time Between Failure
<i>MTTR</i>	Mean Time to Repair
<i>NASPO</i>	National Association of State Procurement Officials
<i>NATT</i>	National Archive of Trinidad and Tobago
<i>NGO</i>	Non-Governmental Organization
<i>NGOs</i>	Non-governmental Organisations
<i>NIB</i>	National Insurance Board
<i>OECD</i>	Organisation for Economic Co-operation and Development
<i>OPR</i>	The Office of Procurement Regulation
<i>OSH</i>	Trinidad and Tobago Occupational Safety and Health
<i>OSH</i>	Occupational Safety and Health
<i>OSHA</i>	Occupational Safety and Health Administration
<i>P&DAC</i>	Procurement and Disposal Advisory Committee

<i>PMBOK</i>	Project Management Book of Knowledge - Guide Sixth Edition
<i>PO</i>	Procurement Officer
<i>PP&DPP</i>	Public Procurement and Disposal of Public Property ACT 2015, as amended
<i>PPC</i>	Public Procurement Cycle
<i>PPDPPA</i>	Public Procurement and Disposal of Public Property Act
<i>PPPA</i>	Public Private Partnership Arrangement
<i>PPRB</i>	Public Procurement Review Board
<i>PR</i>	Preliminary Report
<i>QBS</i>	Quality Based Selection
<i>QCBS</i>	Quality and Cost-Based Selection
<i>RFI</i>	Request for Information
<i>RFO</i>	Request for Offer
<i>RFP</i>	Request for Proposal
<i>RFQ</i>	Request for Quotation
<i>RH</i>	Relative Humidity
<i>SAMF</i>	Strategic Asset Management Framework
<i>SCP</i>	Sustainable Consumption & Production
<i>SDGs</i>	Sustainable Development Goals
<i>SLA</i>	Service Level Agreements
<i>SOE</i>	State-Owned Enterprises
<i>SOR</i>	Statement of Requirements
<i>SOW</i>	Scope/Statement of Works
<i>SP</i>	Sustainable Procurement
<i>SPM</i>	Supplier Performance Management
<i>SPO</i>	Senior Procurement Officer
<i>SRM</i>	Supplier Relationship Management
<i>SSID</i>	Service Set Identifier
<i>STOW</i>	Safe to Work
<i>SWOT</i>	Strengths, Weaknesses, Opportunities and Threats
<i>TCPD</i>	Town and Country Planning Division
<i>TOR</i>	Terms of Reference
<i>TTD</i>	Trinidad and Tobago Dollars
<i>TTFS</i>	Trinidad and Tobago Fire Service
<i>UPS</i>	Uninterrupted Power Supply
<i>VAT</i>	Value Added Tax
<i>Vfm</i>	Value for Money
<i>VPN</i>	Virtual Private Network
<i>WASA</i>	Water and Sewerage Authority of Trinidad and Tobago
<i>WHO</i>	World Health Organisation