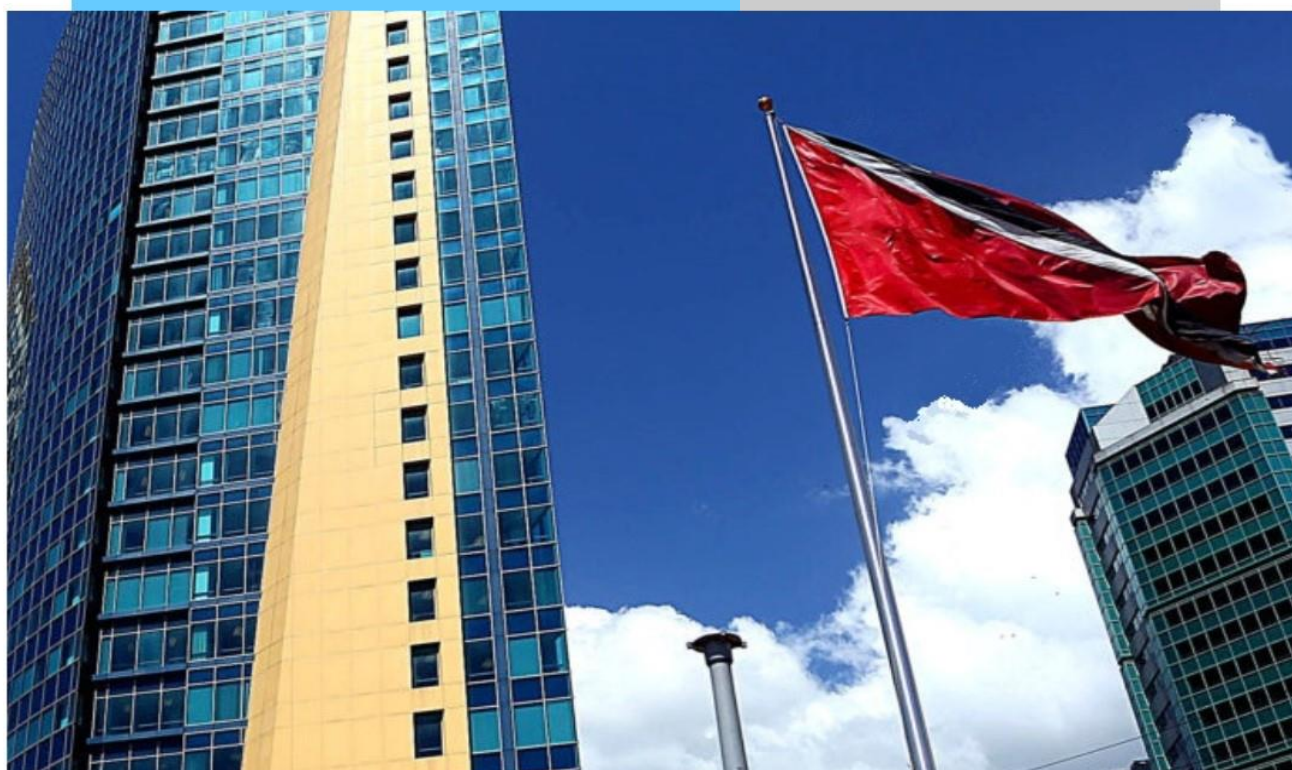


# General Guidelines



## PRE-QUALIFICATION & PRE-SELECTION



Prepared by: The Office of Procurement Regulation

**HGTE01 - 08-2023 - Version 3.0**

Developed in accordance with the Trinidad and Tobago Public Procurement and Disposal of Public Property Act Number 1 of 2015 (as amended) and the attendant Public Procurement and Disposal of Public Property Regulations 2021

## REVISIONS

### Revisions of 2023

To be in alignment with the fully proclaimed *Public Procurement and Disposal of Public Property Act, 2015*, as amended (“the Act”), and the ten *Public Procurement and Disposal of Public Property Regulations* of 2021, revisions were made within these guidelines with respect to:

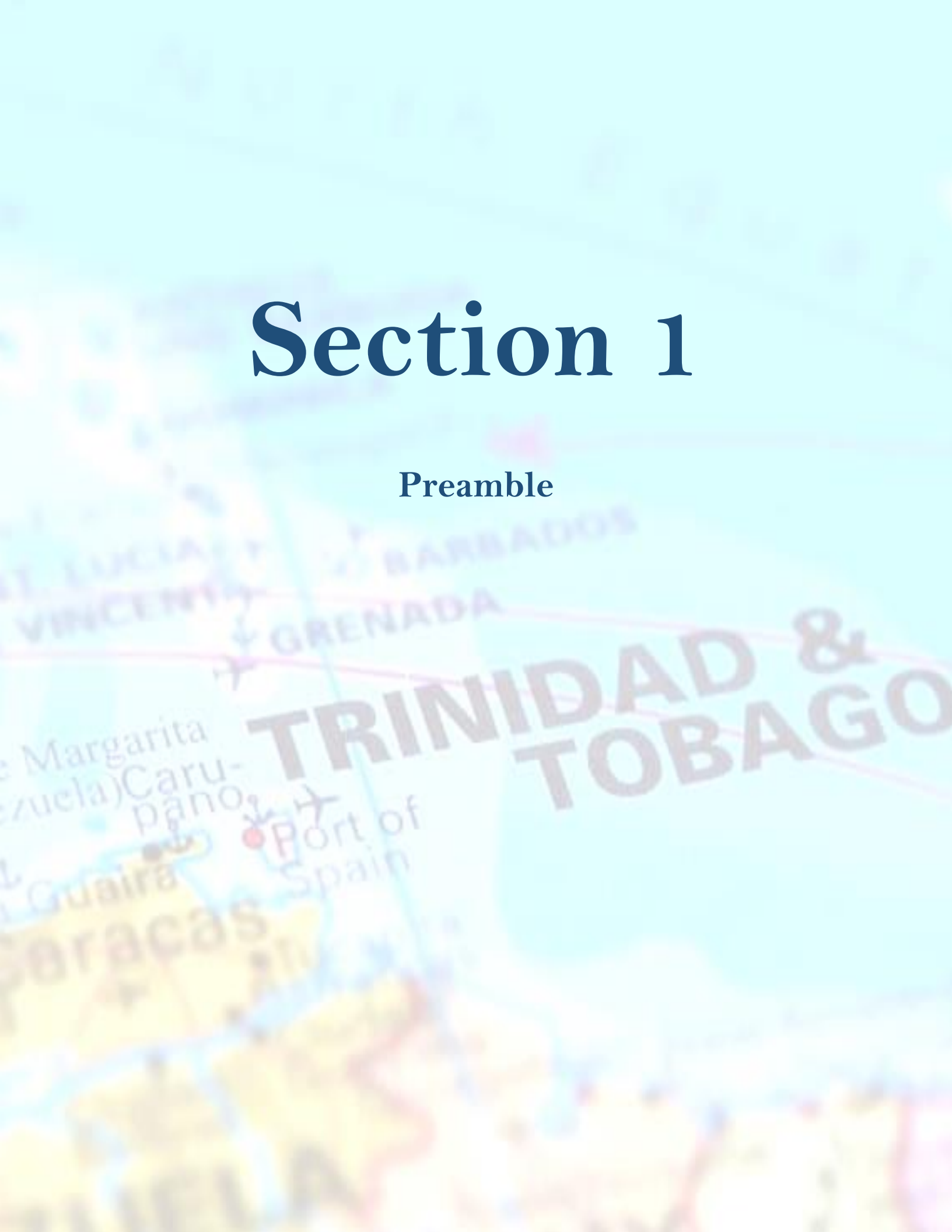
Revision	Page No.
Section 1.5: informing public bodies of the need to comply with these guidelines	6
Section 1.6: informing public bodies where applicable, to highlight any exemptions or amendments in the format specified by the OPR.	6
Section 3.3: updated in accordance with the Regulations	11 - 13
Inclusion of Section 3.4 ‘Documents Required for Pre-qualification’	13
Amended the title of the Due Diligence Checklist to ‘Table 1: DUE DILIGENCE REQUIREMENTS (Indicative Document Listing)’	14
Included link to OPR’s website for Glossary of Terms	35
Included link to OPR’s website for Acronyms	35
Minor editorial changes made throughout these guidelines	

**\*Note:** In the event that there is a discrepancy between the Handbooks & Guidelines and the Act and Regulations, the provisions of the Act and the Regulations shall prevail.

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# Section 1

Preamble



## 1.0 PREAMBLE

### 1.1 Purpose of these Guidelines and Template

These guidelines and template have been developed to provide public bodies with an understanding of the pre-qualification and pre-selection processes provided for under the Public Procurement and Disposal of Public Property Act, 2015, as amended (“the Act”). The guidelines seek to explain how the Procurement Depository, established by the Office of Procurement Regulation (“the OPR”), will enable the process of pre-qualifying suppliers or contractors and the process by which the pre-qualified list can be used to pre-select qualified and capable suppliers or contractors for a specific procurement activity.

### 1.2 Who Should use these Guidelines?

These guidelines and template attached should be used by Procurement Officers and other officers in public bodies who are involved in the pre-qualification or pre-selection process. The guideline can also be utilised by suppliers or contractors interested in gaining an understanding of how the system of pre-qualification and pre-selection operates under the new public procurement regime.

### 1.3 How Should these Guidelines and Template be Used?

These guidelines and attached template were developed based on the due diligence requirements outlined at Section 29(1) of the Act and should be read in conjunction with the Public Procurement and Disposal of Public Property Regulations, 2021.

### 1.4 How Does these Guidelines Link to the Act?

The Act introduces a new paradigm for procurement, retention and disposal of public property in Trinidad and Tobago based on a principled approach. The Act:

- a. allows for pre-qualification or pre-selection proceedings to identify qualified suppliers or contractors prior to solicitation; and
- b. requires the creation of a database of pre-qualified suppliers or contractors.

As such, these guidelines and the attendant template have been developed to assist public bodies in understanding how pre-qualification and pre-selection will function in the Trinidad and Tobago context and the role in using these tools to mitigate the risks of having suppliers or contractors participating in procurement proceedings for which they do not have the capability to perform a contract in the event of an award.

## General Guidelines - Pre-Qualification and Pre-Selection

### 1.5 Compliance with these General Guidelines

In accordance with Sections 30(1)(a) and 54(1)(a) of the Act, public bodies *'shall comply with'* these general guidelines issued by the OPR.

### 1.6 Exemptions or Amendments to these General Guidelines

As may be applicable, pursuant to Sections 13(1)(c), 30(1)(b) and (c), 30(2), 30(3), 54(1)(b) and (c), 54(2) and 54(3) of the Act, public bodies shall prepare handbooks and special guidelines highlighting exemptions or amendments to these general guidelines, in the format specified by the OPR, for its approval.



# Section 2

Introduction

## 2.0 INTRODUCTION

Section 26(1) of the Act requires that the OPR establish a Procurement Depository into which suppliers or contractors can submit information with respect to their qualifications and experience.

### Procurement Depository

**Section 26(1):** The Office shall establish a database, to be known as “the Procurement Depository”, to which suppliers or contractors can submit information with respect to, among other things, their qualifications and experience.

The OPR has established an electronic system, into which suppliers or contractors can submit information with respect to among other things, their qualifications and experience, thereby registering their interest in providing goods, works or services to public bodies.

The definition of suppliers or contractors in the context of the Act, is *“any party or potential party to procurement proceedings with a procuring entity”* (Section 4 of the Act).

Any party seeking to participate in procurement proceedings must input information and upload relevant associated documentation into the Procurement Depository, in accordance with Section 29(1) of the Act (**see section 3.3 below**). Section 26(3) of the Act, places full responsibility on the supplier or contractor to ensure the accuracy of the information provided.

**Figure 1** below provides an illustration of the roles and responsibilities of the key stakeholders in the Trinidad and Tobago system of pre-qualification as defined by the Act.

Suppliers and Contractors	Procuring Entity	The OPR
<ul style="list-style-type: none"><li>• Register interest in providing goods, works or services by uploading information and documentation on the Procurement Depository as evidence of being qualified and experienced so to do.</li><li>• Ensure the accuracy of the information that they provide.</li></ul>	<ul style="list-style-type: none"><li>• Engages in pre-qualification and pre-selection proceedings.</li><li>• Conduct due diligence, to confirm the accuracy of the information submitted by the supplier or contractor.</li><li>• Notifies each supplier or contractor who presented an application to pre-qualify of its decision.</li></ul>	<ul style="list-style-type: none"><li>• Establishes the Procurement Depository for access by suppliers/contractors and procuring entities.</li><li>• Prepares and maintains the database of pre-qualified contractors and suppliers.</li></ul>

**FIGURE 1: Responsibilities of key players in the pre-qualification process**



## General Guidelines - Pre-Qualification and Pre-Selection

The pre-qualification database prepared and maintained by the OPR will include all suppliers and contractors who have attained the minimum requirements for supplying goods, providing works, or executing services to procuring entities in Trinidad and Tobago.

It is important to note that procuring entities are required to exercise due diligence in verifying the accuracy of the information provided by the supplier or contractor, prior to the award of any contract. To facilitate this requirement, the Act makes provisions for procuring entities to require a supplier or contractor to confirm the accuracy of the information submitted to the Procurement Depository (**Section 26(4) of the Act**).

To determine whether the due diligence requirements have been satisfied, procuring entities must first:

- a) understand these requirements, and
- b) determine the documents and information to be submitted by suppliers and contractors.

In that regard, this guideline seeks to:

- a) provide public bodies with an understanding of the due diligence requirements as specified in the Act,
- b) identify the documents and information to be provided by suppliers and contractors to enable the procuring entity to assess whether the requirements have been met, and
- c) provide guidance on how the pre-qualification and pre-selection systems mandated in the Act should function.

The Procurement Depository established by the OPR is an electronic system, and the Procurement Depository Supplier User Guide provides detailed information and snapshots of what is captured for a supplier or contractor's profile in the Procurement Depository. It is therefore to be used as a guide for public bodies when developing the pre-qualification process for their respective entity, and by suppliers or contractors when gathering the information to upload on the Procurement Depository.

**Section 3** of these general guidelines treats with [pre-qualification](#) of suppliers and contractors.

**Section 4** provides guidance on [pre-selection](#) of suppliers and contractors.



# Section 3

Pre-Qualification of Suppliers &  
Contractors

### 3.0 PRE-QUALIFICATION OF SUPPLIERS AND CONTRACTORS

#### 3.1 What is Pre-Qualification?

Pre-qualification is a process used to identify qualified suppliers or contractors who can be invited to submit tenders or proposals to provide goods, works and/or services. Pre-qualification is not intended to limit the number of participants in a procurement process but seeks to invite qualified suppliers or contractors to participate in future projects.

#### Pre-qualification

Section 4 - “pre-qualification” means the procedure to identify, prior to solicitation, suppliers or contractors who are qualified.

During the pre-qualification process, suppliers or contractors are assessed on a **pass or fail basis** against pre-defined criteria.

#### 3.2 When is Pre-Qualification Used?

In the context of the Trinidad and Tobago procurement system, all suppliers or contractors interested in providing goods, works or services to public bodies or procuring entities using public funds must first be pre-qualified. The pre-qualification process is used to assess whether the suppliers or contractors attain the minimum requirements prior to engaging them in a solicitation process. Pre-qualification in the Procurement Depository is open to local, regional and international suppliers.

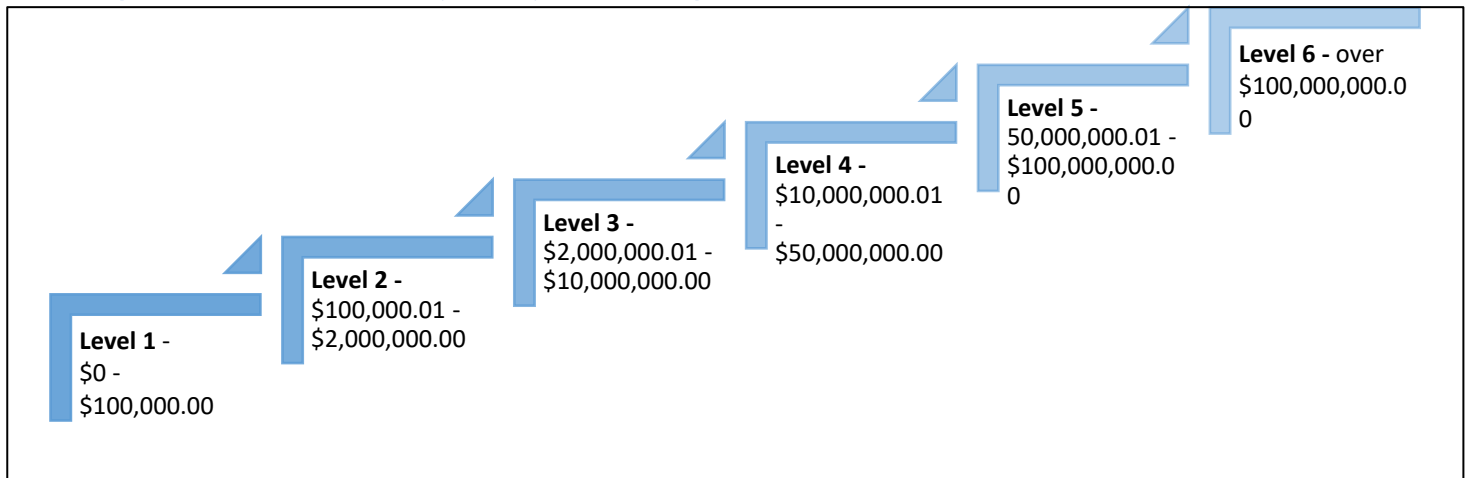
#### 3.3 How the Procurement Depository was Designed

1. The Procurement Depository was designed in accordance with Section 29 (1) of the Act and Amendment Act No. 27 of 2020, which specifies that procuring entities are required to 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 or 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 been convicted within the past ten years of corruption or fraud related offences locally or internationally—
    - (i) as individuals; or
    - (ii) as directors or officers of a company;
  - 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.

2. Additionally, the data collected in the Procurement Depository will be classified based on:
  - a) The type of goods, works or services for which the supplier or contractor is applying to be pre-qualified (referred to as Line of Business). These goods, works and services are categorized in the Procurement Depository according to the United Nations Standard Products and Services Code (“UNSPSC”) (**See Procurement Depository User Guide**).
  - b) The estimated value range of the selected Line of Business to be undertaken by the supplier or contractor (referred to as Value Category). Suppliers and contractors can only apply for one (1) Value Category for a given Line of Business and all values are expressed in Trinidad and Tobago Dollars (TTD) and are VAT Exclusive.

The Value Category ranges are as follows:

Figure 2 – Procurement Depository Value Categories



Based on the Value Categories, a supplier that is pre-qualified for the smaller value category e.g., Level 1 (\$0 - \$100,000.00), can only be invited for opportunities that fall within that Value Category. However, suppliers and contractors qualified for the higher Value Categories e.g. Level 3 (\$2,000,000.01 - \$10,000,000.00) would have satisfied more stringent requirements and as a result, can be invited for the lower Value Categories if there are limited pre-qualified suppliers in that Value Category.

- c) The geographical location in which they operate. Suppliers or contractors will specify if they are:
  - An international supplier or contractor, where the country of registration is a foreign country;
  - A supplier or contractor established in a CARICOM Member Country; and
  - Suppliers or contractors registered locally. Local suppliers will be categorised based on the Municipal or Regional Corporation in which they choose to operate.

Regulation 4(2) of the Public Procurement and Disposal of Public Property (Pre-qualification and Pre-selection) Regulations, 2021 states that, “The procuring entity shall ensure that a supplier or contractor that is pre-qualified meets the requirements set out in section 29(1) of the Act in relation to each line of business and value category of the goods, works or services offered by the supplier or contractor” (see Table 1 below).

### **NOTE!**

**A supplier or contractor shall register in the Procurement Depository and upload the required information and supporting documents, to enable a procuring entity to determine whether or not it meets the criteria for pre-qualification.**

**Regulation 3. (1) the Public Procurement and Disposal of Public Property (Pre-qualification and Pre-selection) Regulations, 2021**

### 3.4 Documents Required for Pre-qualification

Table 1: Due Diligence Checklist below, provides a comprehensive listing of documentary evidence that can be used by public bodies to satisfy their due diligence requirements in accordance with Section 29 (1) of the Act. The supply risks associated with the goods, works or services in its portfolio matrix in its Annual Procurement Plan will inform the public body’ decision on the documents to be examined to determine whether the supplier or contractor meets the criteria for pre-qualification for each of its lines of business.

To promote the principle of fairness, only documents required for pre-qualification should be requested, so as not to place an undue burden on the supplier or contractor. For example, audited financial statements will not be needed to satisfy the ‘financial capability’ requirement for the provision of catering services which may have appeared as a low risk and low value item in the Annual Procurement Plan. Alternatively, based on the assessed level of risk associated with the provision of the good or service, a Banker’s letter may suffice.

In promoting the principles of transparency, accountability, integrity and public confidence, the public body is required to securely store and maintain the record of its pre-qualification assessments for each supplier and contractor and its lines of business, including the following:

- 1) the invitation to pre-qualify (where applicable),
- 2) checklist of documents examined for each supplier and lines of business
- 3) evidence of site visits (where applicable),
- 4) notes/minutes developed by the pre-qualifier or members of the pre-qualification team.

General Guidelines - Pre-Qualification and Pre-Selection

Table 1: DUE DILIGENCE REQUIREMENTS (Indicative Document Listing)			Level 1	Level 2	Level 3 - 6	
No.	Requirement	Evidence	\$0-\$100k	>\$100k - \$2M	>\$2M	
1	Legal capacity to enter into the contract	1.1	Certificate of Incorporation & where app, continuance	X	X	X
		1.2	Certificate of Registration	X	X	
		1.3	Company by-laws			X
		1.4	Board resolution			X
		1.5	Principals registered Power of Attorney			X
		1.6	Notice of Directors			X
		1.7	Affidavit			X
		1.8	Return of Beneficial Interest in the Shares of a Company Form.			X
2	Not insolvent, in receivership, bankrupt or being wound up, affairs not being administered by a court or a judicial officer, business activities not suspended and not the subject of legal proceedings for any of the foregoing	2.1	Declaration	X	X	X
3	Have not been convicted within the past ten years of corruption or fraud related offences locally or internationally—(i) as individuals; or (ii) as directors or officers of a company;	3.1	Declaration	X	X	X
		3.2	Police certificate of character		X	X
4	Have fulfilled their obligations to pay all required taxes and contributions in Trinidad and Tobago	4.1	Tax Clearance	X	X	X
		4.2	VAT Clearance or a letter of exemption	X	X	X
		4.3	NIB Compliance or a letter of exemption	X	X	X
5	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.	5.1	Portfolio of projects	X	X	X
		5.2	References	X	X	X
		5.3	Equipment listing	X	X	X
		5.4	Banker's letter	X	X	X
		5.5	Management Accounts	X	X	
		5.6	Company Profile		X	X
		5.7	CVs and qualification certificates		X	X
		5.8	Letters of comfort from creditors		X	X
		5.9	Insurances		X	X
		5.10	Organisational structure			X
		5.11	Audited Financial statements			X
		5.12	Agency letter of authorisation, where applicable			X
6	Meet relevant industry standards	6.1	Health and Safety Policy Statement	X	X	X
		6.2	Licences (e.g. wireman, plumbing, firearm user, food handler's badge, etc)	X	X	X
		6.3	Health, Safety, Security & Environment P&P		X	X
		6.4	ISO Certification, where applicable			X
		6.5	Safe to Work (STOW) certification , as applicable			X
		6.6	Professional membership (e.g. BOETT, BOATT)			X

## NOTE!

**The purpose of pre-qualification is to promote the principle of efficiency in public procurement proceedings by reducing the administrative burden for both the public bodies and the suppliers and contractors.**

The supply risks associated with the goods, works or services in its portfolio matrix in its Annual Procurement Plan will assist the public body in identifying the documents to be examined to determine whether the supplier or contractor meets the criteria for pre-qualification for each of its lines of business.

### 3.5 How Will the Pre-Qualification Process Work?

A supplier or contractor may be pre-qualified by a procuring entity for the Line(s) of Business and Value Category of goods, works and services under either of the following circumstances:

- a) The supplier or contractor has registered in the Procurement Depository and submitted a request for pre-qualification; or
- b) The procuring entity has issued an invitation to pre-qualify for a specified procurement proceeding pursuant to Regulation #4 of the Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021 and the supplier or contractor has made a submission in the Procurement Depository in response to the invitation.

## NOTE!

**Regulation #4 of the Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021 .**

*Where pre-qualification is made under sub-regulation (1) (a), the procuring entity shall -*

*(a) review the information submitted into the Procurement Depository and assess whether the supplier or contractor meets the requirements for pre-qualification;*

*(b) ensure that information submitted in the Procurement Depository for prequalification meet the requirements set out in section 29(1) of the Act;*

*(c) engage with the supplier or contractor, where applicable, to promptly confirm that the information in the Procurement Depository is complete and accurate.*

### 3.5.1 The Pre-Qualification Process for Suppliers and Contractors

- i. Suppliers and contractors wishing to provide goods, works and services to public bodies will log onto the OPR's Procurement Depository, create a supplier or contractor profile and upload the required documentation e.g. Company By Laws, Income Tax Certificate, Incorporation Articles and information e.g. Supplier Name, Supplier Type, Incorporation/Registration Year into the Procurement Depository (**see Procurement Depository Supplier User Guide**).
- ii. The supplier or contractor will be responsible for updating the information submitted through the Procurement Depository and will specify the Line of Business and the Value Category for which pre-qualification is required.
- iii. Suppliers or contractors can enter the names of (3) public bodies (maximum) which the business or company was previously pre-qualified. This information will assist with identifying the public body to assign the pre-qualification request.
- iv. The supplier or contractor will then publish their record (i.e. the supplier/contractor's full profile) when it is completed and make a request to be pre-qualified for each Line of Business.
- v. A public body with a matching Line of Business, can reserve the record and commence the pre-qualification process for that Line of Business. No other public body can review the record while it is reserved.
- vi. If the public body does not accept/reject the pre-qualification request within a stipulated time frame, the pre-qualification request is released and is available for another or same public body to reserve for pre-qualification.
- vii. The public body reviews the supplier or contractor's application for pre-qualification on a pass/fail basis and promptly notifies each supplier or contractor, who presented an application to pre-qualify, of its decision.
- viii. Registration and pre-qualification in the Procurement Depository shall be on an ongoing basis where suppliers or contractors will not need to pay to participate in the pre-qualification process.
- ix. Where a public body assessment of a pre-qualification request results in a rejection, the supplier or contractor will receive an email notification of the outcome. The public body is expected to provide reason(s) for rejection to the supplier or contractor.

Additionally, in accordance with Regulation #6 of the Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021 the following obtains:



## General Guidelines - Pre-Qualification and Pre-Selection

- 1) A supplier or contractor may request clarification of the pre-qualification documents within a reasonable time prior to the deadline for presenting applications to pre-qualify.
- 2) The public body shall respond to this request within such time that will enable the supplier or contractor to present his application to pre-qualify in a timely fashion. The supplier or contractor will be notified of public body's decision to pre-qualify.

(Figure 3 below provides an illustration of the Pre-Qualification Process for Suppliers and Contractors as outlined in the above section.)

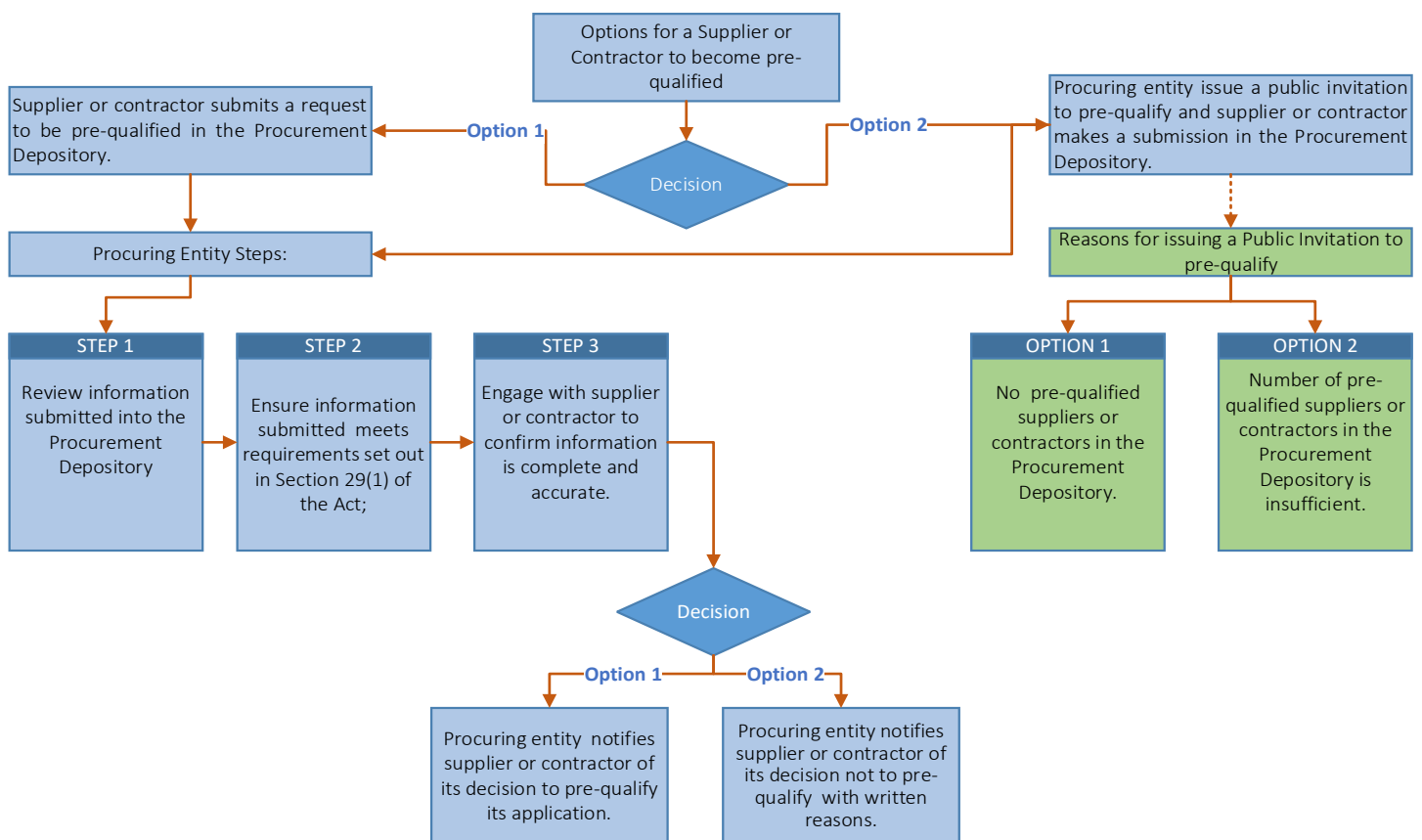


FIGURE 3: Pre-qualification Process for Suppliers and Contractors

### 3.6 What are the Benefits of the Procurement Depository and the Pre-Qualification process?

The Procurement Depository will:

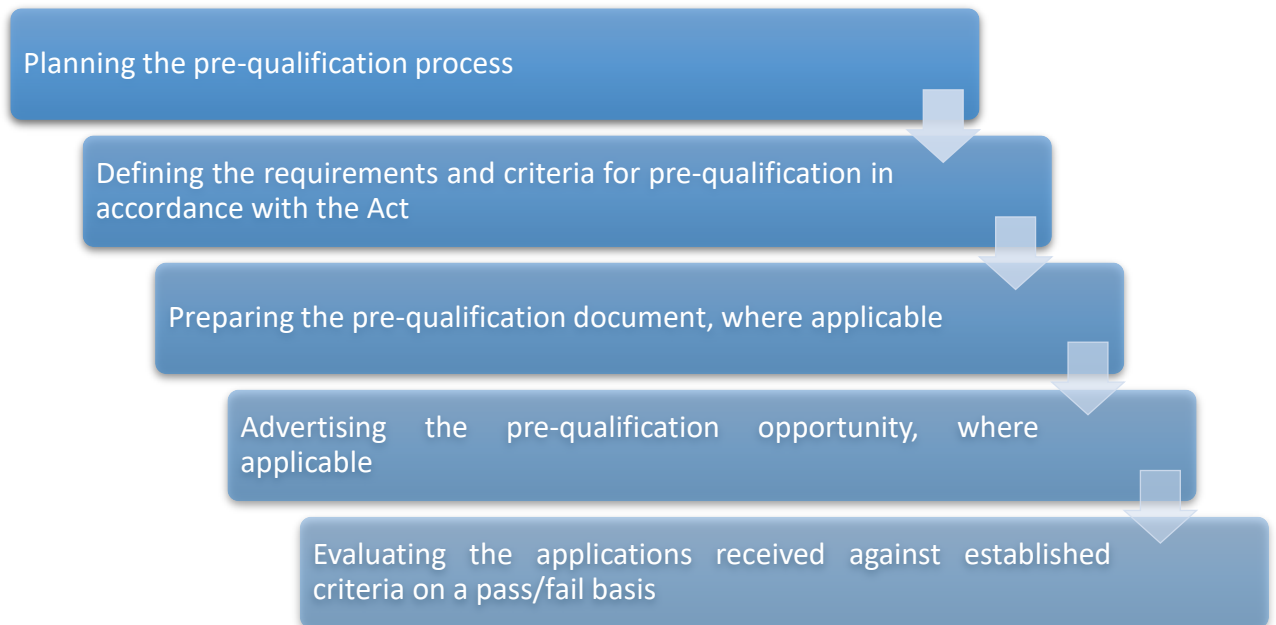
- a. Function as the single reference point for potential suppliers and contractors to register their interest in doing business with public bodies.
- b. Play a key role in the supplier and contractor identification process in which all potential suppliers or contractors can register to supply goods or provide works or services to public bodies.
- c. Automatically notify suppliers and contractors of expiring documents in advance of the expiration date, so that the supplier and contractor can upload the valid document. This will ensure that documents in the system are up to date.
- d. Enable suppliers and contractors to receive email notification of public bodies' tenders entered in the system which matches their Line of Business. This presents business opportunity to suppliers and contractors.
- e. Allow public bodies to search for pre-qualified suppliers and contractors by Line of Business, Value Category and geographic location.
- f. Provide greater transparency and accountability in the development of the pre-qualification database.
- g. Be accessible 24 hours a day, 7 days a week.

The pre-qualification system will:

- a. Ensure that each bidder who has been pre-qualified has demonstrated the ability to perform the works, services or deliver the goods required.
- b. Contribute to an efficient process by saving the bidder from demonstrating its general qualifications and experience repeatedly, for each round of procurement, and to each public body.
- c. Standardise the pre-qualification process across public bodies, allowing suppliers to operate on equal footing.

### 3.7 The Pre-Qualification Process from a Procuring Entity's Perspective

The pre-qualification process involves the following steps:



#### i) Planning the Pre-Qualification Process

The Procurement Depository Supplier User Guide available at <https://oprtd.org/procurement-depository/> provides details of the information and documentation that will be collated through the Procurement Depository.

Planning remains an important part of the pre-qualification process. At this stage, technical issues and the management aspects of the process must be addressed. For instance, having the proper blend of professionals with technical skills to manage and roll out the pre-qualification process is key. Factors to consider in the planning process include:

- The types of goods, works and services that will be assessed during the pre-qualification exercise.
- The levels of capability to be assessed.
- Documents required to determine capability (technical and financial).
- Industry standards that may be applicable.

#### ii) Defining the Requirements and Criteria for Pre-Qualification

A critical step in the pre-qualification process is defining the requirements that suppliers or contractors need to satisfy in order to successfully deliver the works, goods or services. One such

## General Guidelines - Pre-Qualification and Pre-Selection

requirement is that the supplier or contractor must have the necessary professional and technical qualifications.

The supplier or contractor will be required to upload details of its professional and technical qualifications to supply the goods, works or services onto the Procurement Depository. If the supplier is a firm, they will also be required to provide a summary of the professional and technical qualifications, and upload the Curriculum Vitae, of the key staff. For example, if a firm is seeking to be pre-qualified to provide Market Research Services in Level 1 (\$0 - \$100,000.00) of the Value Category, then the firm will be required to provide details of its professional and technical qualifications to provide these services in this category.

When determining the requirements, procuring entities should ensure that they:

- a. Understand the markets from which the suppliers or contractors are being sourced;
- b. Identify the requirements that must be met; and
- c. Ensure the criteria are clear and explicitly refer to the needs and characteristics of the project. To ensure that the suppliers or contractors possess the requirements, the procuring entity should verify that the documentary evidence has been provided where applicable.

### **NOTE!**

**The documentation and information being requested in the Procurement Depository have been standardised to ensure that they are relevant and do not impose an excessive burden on suppliers and contractors.**

### iii) Preparing the Pre-Qualification Documents

A procedural safeguard to ensure the promotion of the transparency principle is the process requirements in the pre-qualification or pre-selection documents.

Where a procuring entity has issued an invitation to pre-qualify for a specified procurement proceeding pursuant to Regulation #4 of the Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations 2021, the invitation (pre-qualification documents) must include the following information:

- a) the name and address of the procuring entity
- b) the contact information of the procuring entity's authorised representative;
- c) a summary of the principal terms and conditions of the procurement contract to be entered into as a result of the procurement proceedings, including -
  - (i) the nature, quantity and place of delivery of the goods to be supplied;
  - (ii) the nature and location of the works to be effected;

## General Guidelines - Pre-Qualification and Pre-Selection

- (iii) the nature of the services and the location where they are to be provided; or
- (iv) the required time for the supply of the goods, the completion of the works, or the provision of the services;
- d) the criteria and procedures to be used for ascertaining the qualifications of suppliers or contractors and the information submitted by them;
- e) a declaration pursuant to Section 28 of the Act, where applicable;
- f) deadline for submission of clarification questions;
- g) a statement that suppliers and contractors must register in the Procurement Depository;
- h) the language in which the information should be submitted;
- i) a statement that the submission in response to the invitation to pre-qualify must be made through the Procurement Depository; and
- j) the deadline for applying for prequalification in response to the specific invitation to pre-qualify.

As outlined in Regulation #5(1) of the Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations 2021.

### **NOTE!**

**Section 28(1) A procuring entity may limit participation in procurement proceedings to promote local industry development and local content.**

The pre-qualification/pre-selection template provided at **Appendix I** is to be used as a guide by procuring entities when issuing an invitation to pre-qualify for a specified procurement proceeding.

#### **iv) Advertising the Pre-Qualification Opportunity**

A procuring entity shall issue a public invitation to pre-qualify for the Line(s) of Business and Value Category of goods, works and service in the Procurement Depository in accordance with 3.5 (b) above, where:

- a) There are no pre-qualified suppliers or contractors in the Procurement Depository for the goods, works or services required; or
- b) The number of pre-qualified suppliers or contractors in the Procurement Depository is deemed insufficient for a competitive process.

Additionally, a public invitation to pre-qualify in the Procurement Depository shall be published in at least one newspaper in daily circulation in Trinidad and Tobago, on the public body's website and on the OPR's website.

A public invitation to pre-qualify in the Procurement Depository shall also be published in international publications, where applicable.

v) **Evaluating the Applications Received Against Established Criteria on a Pass/Fail Basis**

Evaluation is a critical step in the pre-qualification process. Developing the pre-qualification framework beforehand will assist in establishing a fair and efficient process. Efficiency can also be improved by identifying members of the evaluation team with the appropriate skills to assess both technical and financial capability of suppliers or contractors.

The evaluation process should be fair, transparent and objective; therefore, suppliers and contractors must only be evaluated based on the qualification criteria and procedures set out in the pre-qualification documents and the criteria must apply equally to all. The evaluation is essentially a series of yes or no decisions. During the evaluation process, ensure that adequate focus is placed on areas critical to delivery of the goods, works or services.

Following the assessment, all applicants that meet the qualification requirements may be invited to participate in the bid submission phase or a pre-selection process. The public body should verify the information provided by the suppliers or contractors by for example, contacting past clients and by other applicable means. It may not be practical to verify every area, but the level of verification should match the risk associated with the delivery of the goods, works or services.

## **NOTE!**

- *Section 29(6): A procuring entity shall disqualify a supplier or contractor if the information submitted concerning the qualifications of the supplier or contractor was materially inaccurate or materially incomplete so as to constitute a misrepresentation*
- *Section 29(7): A procuring entity may disqualify a supplier or contractor if the information submitted concerning the qualifications of the supplier or contractor was inaccurate or incomplete in any respect and the supplier or contractor fails to promptly remedy the inaccuracy or incompleteness upon the request of the procuring entity.*

**A procuring entity may require that the supplier or contractor presenting the successful submission to certify on oath that the documentary evidence provided to demonstrate his qualifications for the particular procurement activity is true and correct.**

vi) **Maintaining and Managing the Database and Information**

The pre-qualification system requires updating and maintenance to accommodate any changes that may affect supplier or contractor capability. The Act places the responsibility for ensuring the accuracy of the information on the supplier or contractor. However, the Act also states that a public body, as part of their due diligence process, may:

- a. request that pre-qualified suppliers demonstrate their qualifications again in accordance with the same evaluation criteria;
- b. disqualify suppliers or contractors who, without reasonable cause, fail to demonstrate their qualifications when asked to do so; and
- c. promptly notify each supplier or contractor who is requested to demonstrate his qualification again whether or not he has done so to the satisfaction of the procuring entity.

**NOTE!**

**Despite the existence of the database of pre-qualified suppliers and contractors, the Act requires that public bodies do their due diligence prior to contract award – Section 29(1).**



# Section 4

**Pre-Selection of Suppliers &  
Contractors**



## 4.0 PRE-SELECTION OF SUPPLIERS AND CONTRACTORS

### 4.1 What is Pre-Selection?

Pre-selection is a process used to identify the most eligible applicants based on the qualification requirements and capability for delivering on a specific procurement contract.

#### Pre-Selection

Section 4 - “pre-selection” means the procedure to identify, prior to solicitation, a limited number of suppliers or contractors who **best meet** the qualification criteria for the procurement concerned.

Following this initial screening, applicants are assessed against pre-determined rated criteria, specified in the pre-selection document. Post assessment, applicants are then ranked on merit. The highest ranked submissions are shortlisted and invited to submit proposals.

The maximum number of applicants that will be permitted to present proposals following the pre-selection process, will be specified in the pre-selection document.

**WARNING!** The pre-selection process is not handled within the Procurement Depository.

### 4.2 What is the Objective of Pre-Selection?

The objective of the pre-selection process is to identify the most qualified applicants relevant to a specific procurement process. This could include geographical location, estimated value of contracts previously awarded or completed, specific technical capability, among other things. Pre-selection therefore results in a list of applicants that are most qualified for the specific procurement exercise.

The Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021 Section 9 (2) states:

Where the list of pre-qualified suppliers or contractors is prohibitively lengthy and would result in the public body spending an inordinate amount of time on the evaluation of submissions, the procuring entity may, at a minimum, pre-select suppliers or contractors on the basis of the following:

- (a) geographical location;
- (b) estimated contract value;
- (c) specialized nature of the goods, works or services; or
- (d) previous procurement history

### 4.3 When is Pre-Selection Used?

Pre-selection can be used in instances where more than the optimum number of pre-qualified suppliers or contractors exist for a type of good, work or service and in any complex, high-value procurement projects.

Additionally, in accordance with Regulation 9(4) of the Public Procurement and Disposal of Public Property (Pre-qualification and Pre-selection) Regulations, 2021, a procuring entity may invite all pre-qualified suppliers or contractors in the specific area of procurement to participate in the pre-selection proceedings.

### 4.4 The Pre-Selection Process

The pre-selection of a limited number of qualified suppliers or contractors is undertaken as follows:

1. **Planning the Pre-Selection Process:** When planning the pre-selection process, it is important to identify the criteria that applicants must satisfy to qualify for further assessment. Criteria may include sustainable business practices, contract management and/or project management capability, local content requirements, experience of the team, understanding or development of the requirements, ability to include staff in capacity building efforts, timeline of project and delivery schedule (see Table 2 below for a sample pre-selection evaluation criteria).

**Table 2 - Sample Pre-Selection Evaluation Criteria**

No.	Criteria	Maximum Score	Minimum Score *
1.	Project Management Capability	10	5
2.	Understanding of the requirements	10	5
3.	Experience of the assigned Team	30	15
4.	Delivery schedule	20	10
5.	Local content requirements	20	10
6.	Timeline of project	10	10
	<b>Total</b>	<b>100</b>	<b>70</b>

\*Applicants are required to achieve at least the 50% of the score assigned to each criterion, and at least 70% of the overall score to be considered for pre-selection.

2. **Preparing the Documents:** The pre-selection documents must provide applicants with the information, criteria and procedure required to prepare and submit applications for pre-selection. The invitation shall contain, among other things, the following information:
  - a. the supplier's or contractor's relevant experience;

## General Guidelines - Pre-Qualification and Pre-Selection

- b. the qualifications of the key members of staff proposed;
- c. managerial capability, reliability, experience to perform the specific contract;
- d. transfer of knowledge, if such transfer is relevant to the procurement or is a specific part of the terms and conditions of the procurement;
- e. the extent of participation by Trinidad and Tobago nationals in the provision of the services, where applicable;
- f. environmental conditions for sustainable procurement and sustainable development;
- g. requirement for contributing to local industry development;
- h. such other requirement specific to the procurement.

The pre-qualification template provided at **Appendix I** is to be used as a guide which procuring entities can modify to include any additional rated evaluation criteria that may be relevant to the specific procurement exercise, and that will be used in the pre-selection process.

3. **Inviting Applicants:** In the absence of a prequalified list of the appropriate suppliers or contractors, or where there is a limited pre-qualified list (e.g. three or less), the pre-selection process should be openly advertised.

In the instance of a list of available pre-qualified suppliers or contractors e.g. more than 10, the procuring entity may invite all prequalified firms (or individuals) to participate in the pre-selection process.

4. **Evaluating Submissions:** Applicants with the minimum pre-selection requirements are further assessed and ranked on merit against additional rated selection criteria set out in the pre-selection documents. The highest-ranking submissions are shortlisted and invited to submit proposals. The number of applicants selected would be based on the number specified in the pre-selection document.
5. **Preparing the Shortlist:** Following the evaluation of the applicants, the shortlist of firms should be prepared. The shortlist should include not less than three (3) and no more than ten (10) eligible bidders, provided there is a sufficient number of applicants.

Figure 4 below provides an illustration of the Pre-Selection Process for Suppliers and Contractors as outlined in the above section.

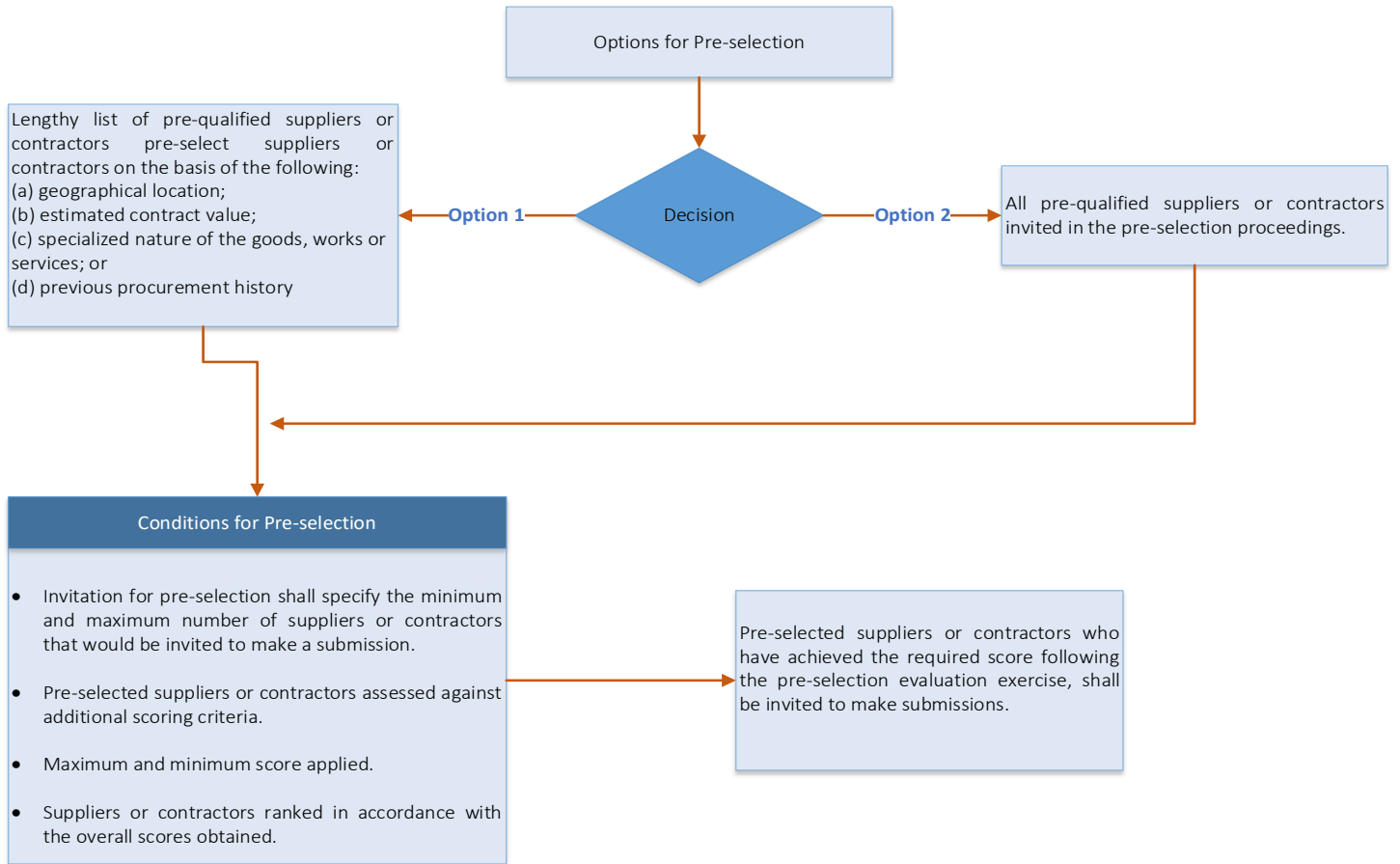


FIGURE 4: Pre-selection process for Suppliers and Contractors

## APPENDIX I

NAME OF PROCURING ENTITY

### SUPPLIER/CONTRACTOR INVITATION TO PRE-QUALIFICATION/PRE-SELECTION TEMPLATE

*[insert reference number from procurement plan]*

*DATE*

*[insert date]*

## PART I

### INSTRUCTIONS TO APPLICANTS

*[Notes to the Procuring Entity: Please note that the instructions are provided in brackets for modification by the procuring entity and should be deleted from the final document to be issued, if this template is being used for pre-selection. Please modify accordingly].*

#### 1.0 GENERAL INFORMATION

1. The **[Insert name of public body]** is inviting suppliers and contractors to register and apply for pre-qualification in the Procurement Depository available at **[insert e-mail address]** for the provision of **[insert applicable goods, works or services]**.
2. This invitation to pre-qualify is extended to suitably qualified and experienced providers. All information provided should be in English and contract sums and monetary values must be quoted in Trinidad and Tobago Dollars only.
3. The online pre-qualification requirements are open to providers of goods, works and services in the following categories:  
**[Please specify the categories for pre-qualification and the corresponding UNSPS Codes<sup>1</sup> that are required by your entity. The examples below are provided as a guide only]**
  1. General building works/services
  2. Civil Works
  3. Supplies (stationery, furniture, consumables)
  4. Ground maintenance services
  5. Janitorial & Hygienic services
  6. Security services
  7. Vehicle maintenance services
  8. Equipment (office & minor)
  9. ICT services
  10. Rental services
  11. Consultancy Services

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<sup>1</sup> United Nations Standard Products and Services Code (“UNSPSC”) found at <https://www.unspsc.org/>

## General Guidelines - Pre-Qualification and Pre-Selection

4. Applicants shall be pre-qualified into various value-categories based on the type of services above in accordance with the following values:

**[Please note that there are six (6) value categories from which to select]:**

- LEVEL 1 (\$0 - \$100,000.00)
- LEVEL 2 (\$100,000.01 - \$2,000,000.00)
- LEVEL 3 (\$2,000,000.01 - \$10,000,000.00)
- LEVEL 4 (\$10,000,000.01 - \$50,000,000.00)
- LEVEL 5 (\$50,000,000.01 - \$100,000,000.00)
- LEVEL 6 (>\$100,000,000.00)

5. Interested applicants are invited to attend a pre-submission briefing session at **[indicate the location of the briefing session]** on the **[indicate the date and time of the briefing session]**.

6. A prospective applicant requiring clarification of the pre-qualification requirement shall contact the **[name of public body]** in writing via e-mail to **[insert e-mail address]**.

7. The **[name of public body]** will respond in writing to requests for clarification and shall forward copies of its response to all applicants who are participants of the pre-qualification exercise (Section 6(3) of Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021. The **[name of public body]** shall provide a description of the inquiry without identifying its source.

8. Applicants are advised that being pre-qualified is not a guarantee to the award of a contract.

## 2.0 SUBMISSION REQUIREMENTS

1. All applications for inclusion on the list of pre-qualified contractors must be submitted online through the Procurement Depository via **[insert e-mail address]**.

2. Applicants are advised to read the instructions carefully, respond to all questions fully, yet succinctly, and provide the required supporting documentation.

3. The **[name of public body]** recognises that there are various types of applicants with different competencies and skill sets. In order to effectively assess the application, it is important that the required fields are filled out as it applies to the organisation. "Not Applicable" should be stated where a particular question does not apply with a brief explanation.

4. The pre-qualification requirements shall comprise the following:

- a) The completed fields,
- b) Documentary evidence establishing the Applicant's eligibility to pre-qualify inclusive of statutory documents and signed declarations,
- c) Documentary evidence establishing the Applicant's qualifications.

## General Guidelines - Pre-Qualification and Pre-Selection

5. Copies of all statutory documents must be valid as at the date of submission and uploaded to the database. Failure to comply with this requirement will result in the suspension of the application process.
6. The pre-qualification fields and the relevant uploaded data must be completed by an authorised member of the Applicant's organisation with the level of authority to act on behalf of the organisation.
7. In the case of an applicant applying as part of a Joint Venture ("JV"), the application shall be signed by an authorized representative of the JV and submitted on behalf of the JV. The JV shall be legally binding on all the members as evidenced by a power of attorney signed by their legally authorised signatories.
8. Applicants are allowed to pre-qualify for more than one (1) Line of Business by following the online requirements.
9. Applicants are advised that a representative of the **[name of public body]** may visit their premises to verify the information recorded on the database.

PPDPP Act Section 26 (4) In conducting its due diligence, pursuant to section 29(1)(e), a procuring entity may require a supplier or contractor who has submitted information to the Procurement Depository to confirm the accuracy of the information submitted.

10. In accordance with Section 13(1)(q) of the Act, the OPR shall maintain a database of pre-qualified suppliers and contractors.
11. All information received will be subject to any legal disclosure requirements.

### 3.0 EVALUATION PROCEDURES AND CRITERIA

1. Any Applicant that wishes to contact the **[name of public body]** on any matter related to the pre-qualification process may do so in writing.
2. In accordance with Section 29(7) of the Act a *"procuring entity may disqualify a supplier or contractor if the information submitted concerning the qualifications of the supplier or contractor was inaccurate or incomplete in any respect and the supplier or contractor fails to promptly remedy the inaccuracy or incompleteness upon the request of the procuring entity"*.



## General Guidelines - Pre-Qualification and Pre-Selection

3. Section 29(9): *“a procuring entity shall disqualify any supplier or contractor who, without reasonable cause, fails to demonstrate his qualifications when requested to do so.”*
4. The **[name of public body]** reserves the right to make inquiries of references, past or present clients indicated in the online application to determine performance levels and capacity of the organisation. The **[name of public body]** will assess submissions on a pass/fail basis based on the following criteria.

**[Suggested criteria are provided as follows, please amend the criteria where applicable. If this template is being used for pre-selection, please amend to reflect criteria relevant to the specific procurement project]**

- a) Eligibility:
    - o Proof of legal capacity to enter into a contract
    - o Not insolvent, in receivership, bankrupt or being wound up, affairs not being administered by a court or a judicial officer, business activities not suspended and not the subject of legal proceedings
    - o The company and their directors or senior officers have not been convicted of any criminal offence
    - o Have fulfilled their obligation to pay all required taxes and contributions in Trinidad and Tobago
  - b) Organisation Experience details
  - c) Past performance and experience in projects of a similar nature
  - d) Professional and technical competence, managerial capability and sufficient personnel to execute the services
  - e) Financial resources and capability
  - f) Equipment and other physical facilities
  - g) Meets the relevant industry standards
5. The Procuring Entity reserves the right to accept or reject any application, and to cancel the pre-qualification process and reject all applications at any time, without incurring any liability. In accordance with Section 7 (1) of the Regulations, a procuring entity shall promptly notify each supplier or contractor, who presented an application to pre-qualify, of its decision.
  6. All Applicants who have met or exceeded the specified criteria shall be pre-qualified.
  7. In considering any applications delivered:
    - i. *A Procuring Entity shall disqualify a supplier or contractor if the information submitted concerning the qualifications of the supplier or contractor was materially inaccurate or materially incomplete so as to constitute a misrepresentation.* (Section 29 (6) of the Act).

## General Guidelines - Pre-Qualification and Pre-Selection

- ii. *A Procuring Entity shall disqualify any supplier or contractor who, without reasonable cause, fails to demonstrate his qualifications when requested to do so. (Section 29 (9))*
8. *A Procuring Entity shall promptly notify each supplier or contractor who is requested to demonstrate its qualifications again as to whether or not he has done so to the satisfaction of the Procuring Entity. (Section 29 (10)).*
9. *A Procuring Entity may require a supplier or contractor that was pre-qualified in accordance to this Act, to demonstrate his qualifications again in accordance with the same criteria used to pre-qualify such supplier or contractor.*

## Glossary Of Terms

The Glossary of Terms is available on the OPR's website at <https://oprtd.org/handbooks-of-procurement-retention-disposal/>

## List of Acronyms

The list of Acronyms is available on the OPR's website at <https://oprtd.org/handbooks-of-procurement-retention-disposal/>