Public Procurement and Disposal of Public Property (Simplified Procurement) Regulations, 2024

Reference Guide to Understanding the Simplified Procurement Regulations

Prepared by the Office of Procurement Regulation

May 9, 2024

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LEGAL FRAMEWORK AND COMPLIANCE

SUBJECT	SIMPLIFIED PROCUREMENT	
	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Interpretation	Up to **$75,000** (incl. of taxes, duties and other charges) **Regulation 2**	Exceeds **$75,000** but does not exceed **$1,000,000** (incl. of taxes, duties and other charges) **Regulation 2**
Adherence to objects of the Act	Mandatory - **Regulation 3**	
Offences under the Regulations	▪ Splitting of Procurement – **Regulation 5** ▪ Victimisation – **Regulation 12** ▪ Breach of Confidentiality – **Regulation 17**	
Disapplication of Requirements for Simplified Procurement	**Not Required:** ▪ Review Process by the PDAC – **Regulation 13 (a)** ▪ Observance of the Standstill Period – **Regulation 13 (b)** ▪ Section 36 of the Act: Public Notice of the Award of the Procurement Contract or Framework Agreement – **Regulation 13 (c)** ▪ Challenge Proceedings – **Regulation 13 (d)**	

COMPARATIVE REVIEW – MICRO VS SMALL SCALE

SUBJECT	SIMPLIFIED PROCUREMENT	
	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Planned procurement	To be included in APP, **not required in ASPPA** Regulation 7	To be included in APP, **required in ASPPA** Regulation 7
Responsibility of Procurement Officer	Regulation 8 (1) – The Procurement Officer is responsible for all simplified procurement	
Power of the Accounting Officer (AO)	Regulation 9 – The AO has authority to approve all simplified procurement and may delegate his authority, in writing.	
Public Bodies must ensure that suppliers/contractors fulfil their tax obligations	Regulation 10 – Suppliers/contractors are required to submit satisfactory evidence of having fulfilled their tax obligations. Note 6 month grace period pursuant to Regulations 10 (2) and (3)	
Time limit for making submission	Regulation 11 ▪ **Open bidding:** ≥ 10 working days from publication of notice ▪ **Limited bidding:** ≥ 7 days from the issuance of solicitation documents ▪ **RFQ:** ≥ 2 working days from the issuance of solicitation documents ▪ **Single source selection:** ≥ 5 working days from issuance of solicitation documents ▪ **Sole source selection:** ≥ 5 working days from issuance of solicitation documents ▪ **Emergency procurement:** No prescribed time limit	
Due Diligence	Regulation 15 – Due diligence is mandatory for all procurement based on the nature, value and risk	

COMPARATIVE REVIEW – MICRO VS SMALL SCALE

SUBJECT	SIMPLIFIED PROCUREMENT	
	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Stages of Simplified Procurement	Regulation 19 (1) – In conducting a simplified procurement, a procuring entity shall, **as far as practicable**, incorporate the following stages of the procurement proceedings – a) planning; b) solicitation; c) evaluation of submissions and award of the procurement contract; and d) management and execution of the contract. **Note sub-regulations (2) – (5).**	
Record of Procurement Proceedings	Regulation 24 (1) – A procuring entity shall maintain a record of the procurement proceedings of a simplified procurement which shall be made available for audits, investigations and reports of the Office. **Note sub-regulations (2) – (5).**	

PROCUREMENT METHODS, TECHNIQUES AND REDRESS FUNCTIONS

SUBJECT	SIMPLIFIED PROCUREMENT	
	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Procurement Methods and Procedures to be utilised	**Non-Competitive Methods:** ▪ Direct Contracting ▪ Single Source Selection ▪ Sole Source Selection **Competitive Methods/Procedures:** ▪ Opening Bidding ▪ Limited Bidding ▪ Request for Quotations **Regulations 25 & 28**	**Non-Competitive Methods:** ▪ Single Source Selection ▪ Sole Source Selection **Competitive Methods/Procedures:** ▪ Opening Bidding ▪ Limited Bidding ▪ Request for Quotations **Regulations 32 & 34**
Procurement Techniques	Framework Agreements **Regulation 28**	Framework Agreements **Regulation 34**
Procurement Methods that can be used for Procurement of Consultants	Competitive or Non-Competitive Methods – **Regulation 39(1)**	Competitive or Non-Competitive Methods **(except for direct contracting)** **Regulation 39(2)**

PROCUREMENT METHODS, TECHNIQUES AND REDRESS FUNCTIONS

SUBJECT	SIMPLIFIED PROCUREMENT	
	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Pre-Qualification	**Regulation 14** – Pre-qualification not mandatory and may be used at the discretion of the public body, in accordance with the Pre-qualification and Pre-selection Regulations and the OPR's guidelines.	**Regulation 14** – Pre-qualification not mandatory and may be used at the discretion of the public body, in accordance with the Pre-qualification and Pre-selection Regulations and the OPR's guidelines **Regulation 31 (4)** A procuring entity may require a pre-qualified supplier or contractor to demonstrate his qualifications each time the procuring entity engages in a small-scale procurement. **Regulation 31 (5)** A procuring entity may disqualify a supplier or contractor who, without reasonable cause, fails to provide information to demonstrate his qualifications in accordance with subregulation (4).
Redress available: Complaints	**Regulation 45** – Complaints related to collusion or victimisation to be filed with the OPR **Regulation 46** – Complaints relation to irregularity or breach of Regulations to be filed with the relevant public body first.	

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

SUBJECT	SIMPLIFIED PROCUREMENT	
	MICRO-PROCUREMENT	**SMALL-SCALE PROCUREMENT**
Public Bodies must solicit suppliers or contractors from their Registry/ Procurement Depository.	Where applicable (**Registry**): ▪ Solicit participation from registered suppliers/contractors – **Regulation 27 (1)** ▪ **I**f no registered suppliers/contractors can provide goods/services/works required, solicit participation from those who are not registered **–** **Regulation 27 (2)** ▪ Ensure registration of supplier/contractor within 21 days after contract award – **Regulation 27 (3)**	Where applicable **(Procurement Depository):** ▪ Solicit participation from registered suppliers/contractors on the Procurement Depository – **Regulation 30 (1)** ▪ If there are no registered suppliers/contractors, solicit participation from those who are not registered, ensuring they are registered before the contract is awarded.– **Regulation 30 (2)**
Registration of local or foreign suppliers or contractors	Mandatory (Registry) **Regulation 27**	Mandatory (Procurement Depository) **Regulation 30**
Quarterly Contract Reporting	Mandatory (Procurement Depository or as Office determines) **Regulation 29**	Mandatory (Procurement Depository or as Office determines) **Regulation 38**
Consultants must be utilised from the Public Body's Registry or Procurement Depository	**Registry**: ▪ Procuring entity shall engage with Consultants listed on its registry, unless there are no Consultants listed on its registry – **Regulation 42 (1)** ▪ If there are no registered Consultants, solicit participation of those who are not registered, ensuring they are registered within 21 days after the contract is awarded – **Regulation 42 (2) & (3)**	**Procurement Depository**: ▪ Procuring entity shall engage with Consultants registered on the Procurement Depository – **Regulation 43 (1)** ▪ If there are no registered Consultants, solicit participation of those who are not registered, ensuring they are registered before the contract is awarded.– **Regulation 43 (2)**
Exemption from registration for simplified procurements	▪ The payment to a public utility; ▪ The acquisition of goods or services which is only available via an online platform; ▪ The acquisition of goods, works or services required for the conduct of business of the State outside of Trinidad and Tobago; ▪ The acquisition of air travel and hotel services and other expenses related to conferences, foreign trade fairs and training seminars; or ▪ The acquisition of goods, services or works during an emergency. **Regulation 18 (1) (a) – (e)**	

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

SUBJECT	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT	Other
Registration	Public Body Registry (Manual/Electronic)	OPR's Procurement Depository	OPR's Procurement Depository
Data Requirements	**Regulation 26 (3)** 1) Name 2) national identification number, where the supplier or contractor is an individual; 3) address 4) contact number 5) type of business 6) description of goods, works or services. Guidelines to be developed to further guide public bodies on the registration process	**Regulation 31 (1)** 1) name; 2) address; 3) supplier or contractor type; 4) nature of business; 5) geographical location; 6) line of business; 7) copy of the– (i) registration, incorporation or Notice of Continuance; and (ii) national identification card, in the case of an individual; 8) a declaration related to ethical conduct; and 9) Such other information as required by the OPR's guidelines	**Proposed Amendment to Regulation 3 of the Pre-Qualification and Pre-Selection Regulations.** 1) name; 2) address; 3) supplier or contractor type; 4) nature of business; 5) geographical location; 6) line of business; 7) copy of the– (i) registration, incorporation or Notice of Continuance; and (ii) national identification card, in the case of an individual; 8) a declaration related to ethical conduct; and 9) Such other information as required by the OPR's guidelines

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

SUBJECT	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Public Bodies must solicit suppliers or contractors from its Registry or Procurement Depository.	Yes, where applicable (Internal Registry) **Regulation 27 (1)** - Subject to sub-regulation (2) and regulations 18, 21 and 22, a procuring entity shall solicit the participation of suppliers or contractors in its registry. **Regulation 27 (2)** - Where there are no suppliers or contractors in its registry who can provide the goods, services or works required, a procuring entity may solicit the participation of suppliers or contractors who are not in its registry. **Regulation 27 (3)** – a procuring entity shall ensure that the supplier or contractor under sub-regulation (2) is registered no later than twenty-one days after the award of the contract.	Yes, where applicable (Procurement Depository) **Regulation 30 (1)** a procuring entity engaged in a small-scale procurement, shall solicit the participation of suppliers or contractors registered on the Procurement Depository. **Regulation 30 (2)** Where there are no suppliers or contractors registered on the Procurement Depository, a procuring entity may solicit the participation of suppliers or contractors who are not registered on the Procurement Depository but shall ensure that the supplier or contractor who is selected is registered on the Procurement Depository prior to the award of the contract.

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

SUBJECT	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Consultants must be utilised from the Public Body's Registry or Procurement Depository	Yes, (Internal Registry): **Regulation 42 (1)** - procuring entity shall engage with Consultants listed on its registry, unless there are no Consultants listed on its registry. **Regulation 42 (2) & (3)** - Where there are no Consultants listed on its registry, who can provide the service required, a procuring entity may solicit the participation of Consultants who are not on its registry but shall ensure that the Consultant is registered on its registry no later than twenty-one days after the award of the contract.	Yes, (Procurement Depository): **Regulation 43 (1)** - procuring entity shall engage with Consultants registered on the Procurement Depository. **Regulation 43 (2)** - Where there are no Consultants registered on the Procurement Depository, who can provide the service required, a procuring entity may solicit the participation of Consultants who are not registered on the Procurement Depository, but shall ensure that the Consultant who is selected is registered on the Procurement Depository prior to the award of the contract.

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

SUBJECT	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Registration Exemptions	**Public Body's Registry / OPR's Depository:** **Regulation 18 (1)** Where a procuring entity is engaged in a simplified procurement for – a) the payment to a public utility; b) the acquisition of goods or services which is only available via an online platform; c) the acquisition of goods, works or services required for the conduct of business of the State outside of Trinidad and Tobago; d) the acquisition of air travel and hotel services and other expenses related to conferences, foreign trade fairs and training seminars; e) the acquisition of goods, services or works during an emergency. it may engage with a supplier or contractor who is <u>not registered</u> in its registry or in the Procurement Depository. **Regulation 21** - Where a procuring entity has to solicit suppliers or contractors **who are not resident in Trinidad and Tobago for a simplified procurement, for the one-off provision of goods, services or works to be utilised outside Trinidad and Tobago**, it is not required to solicit the participation of suppliers or contractors on its registry or the Procurement Depository. **Regulation 22** - A supplier or contractor who provides **direct online purchases, with no sales contact,** does not have to register in a registry or the Procurement Depository in order to participate in a simplified procurement.	

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

SUBJECT	MICRO PROCUREMENT	SMALL-SCALE PROCUREMENT
Foreign Suppliers	**Regulation 27** applicable.	**Regulation 31 (6)** – Subject to regulations 18, 21 and 22, a supplier or contractor, who is **not resident in Trinidad and Tobago, shall be registered in the Procurement Depository prior to the award of a contract**, and the procuring entity shall allow sufficient time and provide reasonable assistance to the supplier or contractor to complete his registration in the Procurement Depository.

PROCUREMENT DEPOSITORY, PUBLIC BODY REGISTRY & CONTRACT REPORTING

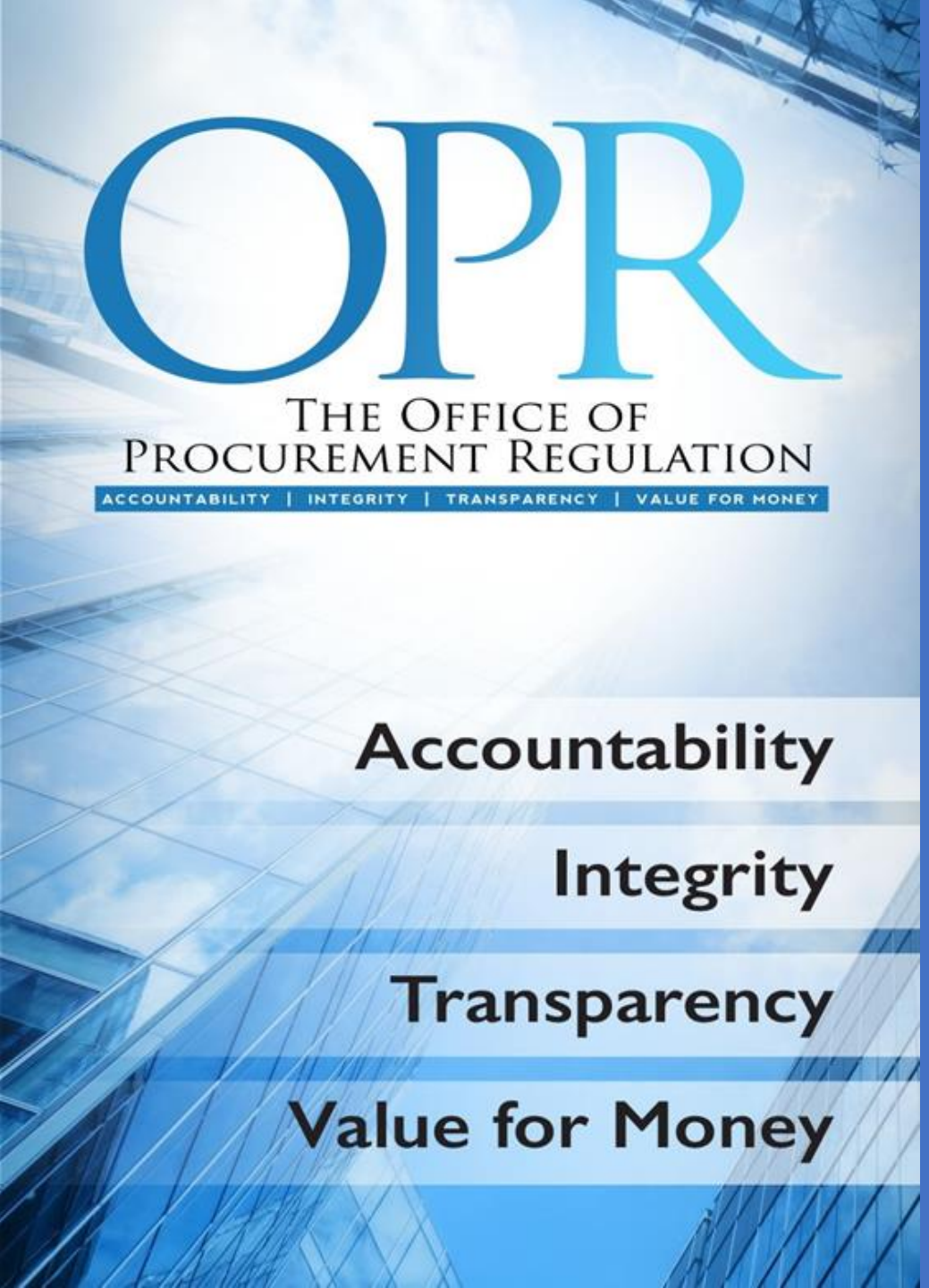
SUBJECT	MICRO-PROCUREMENT	SMALL-SCALE PROCUREMENT
Quarterly Reporting	**Regulation 29** Report to be submitted on the Procurement Depository, or in such other manner as the Office determines, no later than **3 weeks after the end of each quarter**, detailing the following information: a) the aggregate spend for each category of goods, works or services, referred to in the guidelines; b) the number of micro procurements undertaken relative to the category of goods, works or services procured; c) the value of the procurements conducted in relation to each category of goods, works or services; d) the methods of procurement utilized with respect to each category of goods, works or services provided e) the total number of micro; and procurements undertaken by each method of procurement and the value attributed to each method of procurement.	**Regulation 38** Report to be submitted on the Procurement Depository, or in such other manner as the Office determines, on all contracts awarded and all framework agreements established during the quarter immediately preceding the report, **no later than 3 weeks after the end of each quarter.** The report shall include, *inter alia* – a) the method of procurement utilised; b) the supplier or contractor selected; and c) the contract price.

Checklist – Micro vs Small-scale

	Micro Procurement	Small-scale Procurement
Threshold	**≤ $75,000** (Inclusive of applicable taxes, duties, charges)	**>$75,000 ≤ $1M** (inclusive of applicable taxes, duties, charges)
Annual Procurement Plan (APP)	✓	✓
Included in the Annual Schedule of Planned Procurement Activities (Schedule/ASPPA)	✗	✓
Review by Procurement and Disposal Advisory Committee (PDAC)	✗	✗
Requirement of standstill period	✗	✗
Requirement of public notice to award	✗	✗
Must inform each participating supplier or contractor	✗	✓

Checklist – Micro vs Small-scale

	Micro Procurement	Small-scale Procurement
Threshold	**≤ $75,000** (Inclusive of applicable taxes, duties, charges)	**>$75,000 ≤ $1M** (inclusive of applicable taxes, duties, charges)
Verbal quotation may be utilised	✓	✗
Direct contracting may be used	✓	✗
Suppliers or contractors to be solicited, where applicable, from the procuring entity's Registry	✓	✗
Suppliers or contractors to be solicited, where applicable, from the Procurement Depository	✗	✓
Quarterly reporting to OPR required	✓	✓



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