

**THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY (PRE-QUALIFICATION AND PRE-
SELECTION) REGULATIONS, 2021**

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Legal Notice No.

REPUBLIC OF TRINIDAD AND TOBAGO

**THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY ACT, 2015**

REGULATIONS

Made by the Minister of Finance on the recommendation of the Office of Procurement Regulations under section 63 of the Public Procurement and Disposal of Public Property Act, 2015 and subject to affirmative resolution of Parliament

**THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY (PRE-QUALIFICATION AND PRE-
SELECTION) REGULATIONS, 2021**

Citation

1. These Regulations may be cited as the Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021.

Interpretation

2. In these Regulations –
“invitation” means an often formal request to be present or participate;
“Office” means the Office established pursuant to section 9 of the Act; and
“Procurement Depository” means the Procurement Depository established pursuant to section 26 of the Act;

Register of pre-qualified suppliers and contractors

3. (1) A public body may create a register of pre-qualified suppliers and contractors for classes of procurement which it may require on a recurring basis.

(2) Where a procuring entity pre-qualifies a supplier or contractor it shall inform the Office within fourteen working days of the pre-qualification for the inclusion of the pre-qualification in Office’s database of pre-qualified suppliers and contractors.

4. (1) A public body may engage in pre-qualification proceedings for procurement which it requires. Pre-qualification of suppliers and contractors

(2) Where a supplier or contractor is registered in the Procurement Depository, the public body may –

- (a) review the information submitted into the Procurement Depository and assess, on a pass/fail basis, whether the supplier or contractor meets the minimum requirements for pre-qualification; and
- (b) engage with the supplier or contractor, where applicable, to confirm that the information in the Procurement Depository is accurate.

(3) A public body may invite a pre-qualified supplier or contractor to make a submission.

(4) A public body shall issue a public invitation to pre-qualify where –

- (a) there are no pre-qualified suppliers or contractors for the procurement;
- (b) the number of pre-qualified suppliers or contractors is less than the required number; or
- (c) the number of pre-qualified suppliers or contractors is deemed insufficient for a competitive process.

(5) An invitation to pre-qualify shall be published in at least one newspaper in daily circulation in Trinidad and Tobago, on the public body's website and on the Office's website.

(6) An invitation to pre-qualify shall also be published in international publications, where applicable.

(7) The invitation to pre-qualify shall –

- (a) contain the deadline for submission of pre-qualification information; and
- (b) advise that the submission of information into the Procurement Depository is an ongoing process.

5. (1) An invitation to pre-qualify shall contain the following information: Content of invitation to pre-qualify

- (a) the name and address of the procuring entity;
- (b) 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;
 - (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;
- (c) the criteria and procedures to be used for ascertaining the qualifications of suppliers or contractors and the information submitted by them;
- (d) a declaration pursuant to section 28 of the Act, where applicable;
- (e) the means of obtaining the bidding document;
- (f) the price of the bidding document and the payment currency, where applicable;
- (g) the language in which the bidding document is available; and
- (h) the place, manner and deadline for submissions.

(2) The procuring entity shall ensure that applicants for pre-qualification meet the requirements set out in section 29(1) of the Act.

Clarification of pre-qualification documents

6. (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 procuring entity shall respond to a request made under sub-regulation (2) within such time that will enable the supplier or contractor to present his application to pre-qualify in a timely fashion.

(3) The response to the request that might reasonably be expected to be of interest to other suppliers or contractors shall, without identifying the source of the request, be communicated to all suppliers or contractors to whom the procuring entity provided the pre-qualification documents.

(4) Where a procuring entity issues a clarification or modification of the pre-qualification requirements, it shall, prior to the deadline for presenting submissions, extend the deadline in order to afford suppliers or contractors sufficient time to take the clarification or modification into account in their respective applications.

7. (1) A procuring entity shall promptly notify each supplier or contractor, who presented an application to pre-qualify, of its decision.

Notice of pre-qualified supplier or contractor

(2) Where a procuring entity decides not to pre-qualify a supplier or contractor it shall provide the supplier or contractor with reasons for its decisions.

8. In response to the invitation to prequalify, suppliers and contractors shall register in the Procurement Depository database and upload the required information and supporting documents, to enable the public body to determine whether or not it meets the criteria for pre-qualification.

Submission of information to the Procurement Depository

9. (1) A public body may engage in pre-selection proceedings for procurement which it requires.

Pre-selection of suppliers and contractors

(2) 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 public body shall invite all pre-qualified suppliers or contractors to participate in pre-selection proceedings.

(3) A public body shall issue a public invitation for pre-qualification in accordance with the pre-qualification criteria set out in regulation 4 where a high-risk or high-value procurement is involved and –

- (a) there are no pre-qualified suppliers or contractors;

- (b) the number of pre-qualified suppliers or contractors is less than the required number; or
- (c) the number of pre-qualified suppliers or contractors is deemed insufficient for a competitive process.

Invitation for pre-selection

10. (1) An invitation for pre-selection shall specify the minimum and maximum number of suppliers or contractors that would be invited to make a submission.

(2) The invitation for pre-selection shall be issued as a pre-requisite to a specific procurement.

Assessment for pre-selection

11. Pre-selected suppliers or contractors would subsequently be assessed against additional evaluation criteria relevant to the procurement, to which a maximum and minimum score would be applied and the applicants would be ranked in accordance with the overall scores obtained.

Weighted evaluation criteria

12. The weighted evaluation criteria shall, where applicable, include the following:

- (a) the supplier's or contractor's relevant experience;
- (b) in the case of the provision of services, the quality of the understanding of the requirement under consideration and of the methodology proposed;
- (c) the qualifications of the key members of staff proposed;
- (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;
- (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.

13. The number of pre-selected suppliers or contractors specified in the invitation for pre-selection shall be invited to make a submission. Invitation to make submission

Dated this day of , 2021.

Minister of Finance

Approved by the Senate this day of , 2021.

Clerk of the Senate

Approved by the House of Representatives this day of , 2021.

Clerk of the House