



GOVERNMENT OF SAINT LUCIA

GUIDELINES FOR PROCUREMENT

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1. PURPOSE

- 1.1 The purpose of these guidelines is to inform Permanent Secretaries, Heads of Departments, other public officers, prospective suppliers and contractors about the general procedures for public procurement of goods and services.
- 1.2 The Procurement of all goods and services in the Public Service is governed by chapter 15.01 of the Revised Laws of Saint Lucia 2008.

2. APPLICABILITY OF GUIDELINES

- 2.1 The requirements and procedures outlined in these Guidelines apply to the procurement of all goods and services financed wholly by funds from the Consolidated Funds of the Government of Saint Lucia.
- 2.2 For the procurement of goods and services funded wholly or in part by other funding Agencies, these guidelines must be adhered to, unless otherwise stated.

3. RESPONSIBILITY FOR PROCUREMENT

- 3.1 The primary responsibility for the procurement of goods and services rests with the Permanent Secretary of the Ministry or any Head of Department or officer designated by him/her.
- 3.2 The Officer in charge should ensure that all procedures are adhered to during the procurement process so as to ensure that there is fairness and transparency. Specifically officers should be guided by the following considerations:
 - (a) the need for high quality goods and services
 - (b) the need for economy and efficiency in public procurement
 - (c) the need to allow all qualified suppliers an equal opportunity to participate in public procurement opportunities
- 3.3 Revisions and amendments to these guidelines shall be approved by the Director of Finance

4. ELIGIBILITY

Subject to eligibility requirements of specific procurements, firms and individuals from all countries are eligible to provide goods and services subject to:

- a) has a legal capacity to enter into a contract
- b) is not currently suspended or debarred from participation
- c) not have a conflict in relation to the procurement

5. CONFLICT OF INTEREST

- 5.1 Consultants, contractors and suppliers shall not be eligible for any Procurement that would be in conflict with their prior or current obligations or that may place them in a position of being unable to carry out the assignment in the best interest of the Government of Saint Lucia.
- 5.2 Public officials are required to avoid circumstances of conflict of interest. Where it is unavoidable, disclosure must be made so as to maintain transparency in public procurement process.

6. UNFAIR COMPETITIVE ADVANTAGE

- 6.1 To ensure fairness and transparency in the selection process, the Ministry should ensure that all short listed consultants or prequalified contractors and suppliers be provided with all information and documents relating to the assignment or works. The process should be conducted in a manner which would not give any consultant or contractor a competitive advantage.

7. MISPROCUREMENT

- 7.1 The Government of Saint Lucia will not finance expenditures for goods, works and services which have not been procured in accordance with the Procurement and Stores Regulations, or funding was not approved in the Annual Estimates. In such cases, the Government of Saint Lucia will declare mis-procurement, and may suspend any funds allocated for the activity or service.
Even after the contract is awarded, the Government of Saint Lucia may still declare Mis-procurement if it concludes that the award was granted on the basis of incomplete, inaccurate, or misleading information furnished by, or to, the procuring entity or that the conditions of the contract had been modified without approval.

8. LANGUAGE

- 8.1 All procurement documents and contracts shall be prepared in English.

9. FRAUD AND CORRUPTION

- 9.1 It is the Government's policy to require that all Ministries as well as bidders, suppliers and contractors observe the highest standards of ethics during the procurement and execution of contracts.

In pursuance of this policy, the Government:

- (a) defines, for the purposes of this guideline, the terms set forth below as follows:
 - (i) "corrupt practice" means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official in the procurement process or in contract execution;
 - (ii) "fraudulent practice" means a misrepresentation or omission of facts in order to influence a procurement process or the execution of a contract;
 - (iii) "collusive practices" means a scheme or arrangement Between two or more bidders, (with or without the knowledge of the Ministry) designed to establish bid prices at artificial, non-competitive levels;
 - (iv) "coercive practices" means harming or threatening to harm, directly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract
- (b) will reject a proposal for award if it determines that the bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the contract in question;
- (c) may suspend funds allocated for the activity or project if it determines at any time that a representative of any Ministry

engaged in or was subject to corrupt, fraudulent, collusive, or coercive practices during the procurement, or execution of that contract. ***Where timely and appropriate action satisfactory to the Director of Finance is not taken by the Ministry, then suspension of funds will be effected.***

- (d) will impose sanctions on a consultant, supplier or contractor, including declaring ineligible, either indefinitely or for a stated period of time, to be awarded a Government of Saint Lucia contract if it at any time determines that the consultant, supplier or contractor has directly or through an agent, engaged in corrupt, fraudulent, collusive, or coercive practices
- (e) will have the right to require that, in contracts financed by the Government of Saint Lucia, a provision be included requiring consultants, contractors or suppliers to permit the Government of Saint Lucia to inspect their accounts and records and other documents relating to the bid submission and contract performance and have them audited by auditors appointed by Government of Saint Lucia.

10. CONTRACTS

- (a) Subject to exceptions made in the Procurement and Stores Regulations, all procurement contracts shall be made on the basis of competitive tenders either in response to advertisement or in response to letters of invitation to at least three qualified contractors or suppliers. For the purpose of these guidelines, a qualified contractor or supplier is a contractor or supplier who is able to meet the qualification requirements stipulated in the invitation to tender for the procurement opportunity.

11. CENTRAL TENDERS BOARD

11.1 A Central Tenders Board (CTB) appointed by the Minister for Finance under Procurement and Stores Regulations has the following functions:

- (a) to open tenders for the:
 - i) procurement of goods and services
 - ii) sale of public goods
- (b) to accept or reject tenders submitted

- (c) to advise on the invitation to submit new tenders if all tenders have been rejected
- (d) to award contracts for the procurement of goods and services including works

11.2 The members of the Central Tenders Board include:

- (a) the Director of Finance or his or her nominee as the Chairperson;
- (b) a nominee of the Attorney General or alternate
- (c) the Chief Economist, Ministry of Planning or his or her nominee;
- (d) a representative of a Government ministry appointed as a Floating Member for this Ministry
- (e) a representative of the Saint Lucia Chamber of Commerce, Industry and Agriculture

11.3 Where civil works and road works will be undertaken on behalf of the Government of Saint Lucia, the Chief Engineer or his/her nominee shall be in attendance

11.4 A quorum constitutes of the Chairman and two other members of the Board. The Secretary will not be part of a quorum.

11.5 A Secretary shall be appointed by the Chairman of the Board.

11.6 The functions of the Secretary include:

- a) to take the minutes of all meetings of the Central Tenders Board and submit for confirmation at the next sitting of the board
- b) to prepare the agenda for all meetings
- c) to receive and secure all tenders received
- d) to notify all members of the Board of scheduled or extraordinary meetings
- e) to receive evaluation reports or other procurement documents submitted by the various Ministries pertaining to Board meetings
- f) to prepare all necessary documents and to circulate these documents to all Board members in preparation for the meetings

- g) to secure all bid securities and to return the securities in accordance with procedures or instructions in the bid documents
- h) to inform bidders of the decisions of the Central Tenders Board
- i) to maintain files of all matters dealt with by the board including minutes of meetings
- j) to undertake other duties as assigned by the Chairman

12 FLOATING MEMBERS

- 12.1 A floating member is a senior officer of a Ministry identified as the designated representative of this Ministry to attend all meetings of the Board, whenever, there is a matter relating to the Ministry on the agenda of a meeting.
- 12.2 A floating member shall not form part of the quorum of a meeting. The member should not form part of the team evaluating tenders for the Ministry
- 12.3 An alternate for a floating member should be selected in the event that the member is unable to attend a meeting.
- 12.4 The Permanent Secretary must inform the Chairman in writing of the floating member and also his/her designate.

13 MEETINGS

- 13.1 Meetings of the Central Tenders Board are held on a fortnightly basis or as notified via annual notification of scheduled meetings. Requests for extra-ordinary meetings may be considered by the Chairman to consider special or urgent matters which must be given priority before the scheduled meeting. The Schedule of Meetings must be circulated to all ministries/departments by the Secretary of the Board at the beginning of the calendar year.

14 DEPARTMENTAL TENDERS BOARD

- 14.1 The Director of Finance has the authority under the Procurement and Stores Regulations to appoint a Departmental Tenders Board in the

various ministries to perform the functions of the Central Tenders Board if:

(a) the value of the procurement of goods and services does not exceed \$100,000.00

(b) the goods or services tendered are in respect of that Department only

14.2 The Permanent Secretary of the ministry shall select the members of the Departmental Tenders Board and request the approval of the Director of Finance. The Director of Finance shall approve the Board in writing.

14.3 The composition of a Board should include but not limited to:

(a) Permanent Secretary or representative as Chairperson

(b) Budget Analyst for the Ministry

(c) Senior Accountant

(d) Financial Analyst

(e) Representative of the Department or Unit concerned

14.4 The functions of the Departmental Tenders Board include:

(a) to open tenders on behalf of the various departments of the Ministry

(b) to accept or reject tenders for the procurement of goods and services for the Ministry within the specified threshold

(c) to award tenders for the procurement of goods and/or services, or execution of works on behalf of the Ministry

(d) to deliberate on matters pertaining to the procurement of goods and services for the Ministry

(e) to advise departments on the results of tenders and discussions pertaining to the procurement of goods and services;

(f) to inform the awardees, as well as unsuccessful tenders, of the decision of the Departmental Tenders Board;

14.5 A quorum constitutes of the Chairperson, The Budget Analyst and at least one other member.

14.6 A Secretary shall be appointed by the Chairperson of the Departmental Tenders Board

- 14.7 The Secretary shall be responsible to:
- (a) to take and circulate for confirmation the minutes of all meetings of the Departmental Tenders Board
 - (b) to prepare the agenda for all meetings
 - (c) to receive and secure all tenders received
 - (d) to notify all members of the Board of scheduled or extra-ordinary meetings
 - (e) to receive evaluation reports or other procurement documents submitted by the various departments pertaining to Board meetings
 - (f) to prepare all necessary documents and to circulate these documents to all Board members in preparation for the meetings
 - (g) to secure all bid securities and to return the securities in accordance with procedures or instructions in the bid documents
 - (h) to inform bidders of the decisions of the Departmental Tenders Board
 - (i) to maintain files of all matters dealt with by the board including minutes of meetings
 - (j) to undertake other duties as assigned by the Chairperson
 - (k) to prepare an annual report of awards made by the Board to be submitted to the Chairman of the Central Tenders Board
- 14.8 The minutes of all Departmental Tenders Board meetings must be submitted to the Chairman of the Central Tenders Board within seven (7) working days after a meeting.

15 PROCUREMENT PLANNING

- 15.1 Procurement Planning shall form an integral part of the budgetary process. Every ministry shall prepare and furnish the Director of Finance with an annual Procurement Plan setting forth:
- a) the works, goods and services and the associated estimated costs which would be required by the ministry during the budget year
 - b) the method of procurement to be undertaken for such contracts

- (c) the proposed timing (quarter) of the procurement

The ministry shall update the procurement plan as needed throughout the financial year to reflect approved estimates available and procurements steps effected.

16 PROCUREMENT METHODS

- 16. Goods. Works and Services can be procured using one of the following methods:

- (a) Work Order
- (b) Direct Purchase
- (c) Shopping
- (d) Open Competitive Bidding
- (e) Restricted Competitive Bidding

16.2 WORK ORDER

A Work Order is an expedited procurement procedure to be used for the procurement of works not exceeding \$50,000 in value, or such greater amount as determined by the Director of Finance. A work order must be signed and authorized by the Permanent Secretary.

16.3 DIRECT PURCHASE

- (a) This method allows for a contract to be authorized by the Minister for Finance, when an application is made by the respective Ministry. Contracts by direct purchase should be exceptional, only applicable in cases of extreme urgency.
- (b) For the purpose of these Guidelines, the Government of Saint Lucia defines the following terms:
 - (i) “exceptional” means unusual, extra-ordinary, unique, peculiar
 - (ii) Extreme urgency means pressing, important, requiring immediate attention, essential critical
- c) Ideally suited for the following circumstances:

- I
 - i) where only one supplier exists
 - ii) the nature of the procurement does not attract competitive bids (relatively small order from large suppliers)
 - iii) An emergency situation which does not permit the procuring entity to go through the tendering process

16.4 SHOPPING

- a) Where value of common user goods or services to be Procured is less than \$50,000 or any value as prescribed by the Director of Finance
- b) Procuring entity selects most favorable supplier and obtains an open bill. Quotations may be sought to perform a price comparison.
- c) Open bill is signed by authorized officer and used for the production of a Purchase order.
- d) The purchase of Office furniture and equipment is reserved for the Central Procurement unit of the Ministry of Finance. Unless a special capital provision exists for that purpose.

16.5 OPEN COMPETITIVE BIDDING

Competitive bidding comprises

- (1) National Competitive Bidding (NCB) for the procurement of works, goods and services above the \$50,000 stipulated threshold.
 - (a) they are widely available locally at competitive prices
 - (b) works are labor intensive hence most suitable for local providers
 - (c) works are scattered geographically or spread over time
- (2) Regional or International Bidding

Regional Competitive Bidding (RCB) or International Competitive Bidding (IBC) involves advertising procurement opportunities to attract tenders from within the Caribbean Region or internationally by either direct invitation or via open advertisement. Typically used for procurements where sufficient competition does not exist locally or to comply with thresholds of trade agreements

16.6 RESTRICTED COMPETITIVE BIDDING

Tenders are invited from a minimum of 5 prequalified suppliers. This method is ideally used in the follows situations:

- a) where open tendering would be wasteful as goods/services are widely available.
- b) Numerous tenders would be received making the evaluation tedious.
- c) Very few variations in price/rates exists between suppliers
- d) the results would not have differed significantly had open tendering been done

NOTE. This can also apply inversely in that it is useful where procurement is for a good/service which is only provided by a few known providers.

17 NOTIFICATION OF PROCUREMENT

17.1 Timely notification of bidding opportunities is essential for competitive bidding. Notification may include advertising or direct communication to pre-qualified or selected bidders.

17.2 Advertising

Notification of invitation to bid will be advertised in the Saint Lucia Gazette and at least one (1) national newspaper. For RCB and ICB, procurement notices will be placed in at least one regional and one international newspaper.

17.3 Procurement notices shall also be posted on the website of the Government of Saint Lucia. Notices of procurements to be handled by the CTB must be submitted to the Chairman CTB, prior to its publication.

17.4 Procurement Notice

The procurement Notice shall contain information concerning:

- (a) the ministry of department (procuring agency)
- (b) source and purpose of the funds
- (c) scope of procurement
- (d) requirements to pre-qualify

- (e) the name, telephone, fax number and address of the ministry or department responsible for procurement
- (f) the address of the website where detailed procurement notices will be posted
- (g) the scheduled date for availability of prequalification or bidding documents (if necessary)

17.5 The bidding documents shall not be released to the public before the first publication date of the Procurement Notice.

17.6 Duration of Procurement Notice

- a) Notices of invitation to prequalify; to submit expressions of interest or to bid, shall have a minimum closing date of 30 days from the date of first publication. Duration must take into account the size and complexity of the procurement.
- b) The notice shall be explicit and complete, to enable prospective bidders to determine their capacity to participate in the procurement process.
- c) Respondents to the procurement notices may be shortlisted via prequalification to determine their capacity to deliver the required goods, services or works.

17.7 Procurement notices must indicate to bidders that where advance payments would be required bidders must be prepared to furnish corresponding guarantees for such advances.

18 PREQUALIFICATION OF BIDDERS/SHORT LISTING OF CONSULTANTS

18.1 The ministry must ensure that only those who have adequate capabilities and resources will be invited to bid for the provision/execution of goods, works or/and services. Technical committees will be appointed to prequalify bidders or shortlist consultants.

18.2 The Central Tenders Board appoints technical committees for the prequalification of contractors for the maintenance of a list of prequalified contractors. This list shall be maintained annually and can be updated based on requests from Ministries.

18.3 The prequalification status of bidders will be based on:

- (a) experience and past performance on similar contracts
- (b) capabilities with respect to personnel, equipment and construction or manufacturing facilities and
- (c) financial position

18.4 Evaluation of prequalification shall be completed on designated pre-qualification forms. A minimum of five (5) firms shall be prequalified for any procurement.

As soon as prequalification is completed:

- (a) a report on the prequalification list shall be submitted to the Chairman Central Tenders Board who shall use the information to update the list of prequalified contractors
- (b) all applicants are informed of the results of prequalification
- (c) Bidding documents are made available to the qualified prospective bidders

18.5 Verification of the information provided in the submission for the pre-qualification shall be reconfirmed at the time of award of contract

18.6 An award may be denied to a bidder who is judged to no longer have the capability or resources to successfully perform the contract.

19 BIDDING DOCUMENTS

19.1 The bidding documents shall contain all information necessary for a prospective bidder to prepare a bid for the works, goods or services to be provided.

19.2 for procurements to be handled by the Central Tenders Board Ministries shall make a complete copy of the bidding documents available to the Chairman Tenders Board including all changes and addendums in electronic forms and hard copy. Only prequalified bidders shall receive bidding documents.

19.3 The detail and complexity of these documents may vary with the size and complexity of the proposed procurement. However, a complete set of bidding documents shall include but not limited to:-

- a) Invitation to bid or letter of Invitation
- b) Instructions to bidders
- c) Form of bid
- d) Form of contract
- e) Conditions of contracts – general and specific
- f) Specifications and drawings
- g) Relevant technical data (geological and environmental) included
- h) List of goods, bills of quantities or Statement of Works or Terms of Reference
- i) Delivery time or schedule of completion
- j) Necessary appendices such as Bid Security Form, Performance Security Forms

19.4 The basis for bid evaluation and selection of the lowest evaluated bid shall be clearly outlined in the instructions to bidders and/or the specifications.

19.5 **INVITATION TO BID**

Ministries and departments shall use the standard Letter of Invitation (LOI) or Invitation for Bid (IFB).

The LOI or IFB shall state that:

- The source of funds
- The description of the contract
- The details of the client
- The date, time and address for submission of bid proposals
- The bid validity period
- The bid security to accompany the bid

19.6 **INSTRUCTIONS TO BIDDERS**

Instructions to Bidders shall contain all necessary information that would help bidders prepare responsive bid proposals, and shall bring as much transparency as possible to the selection procedure. Adequate information on the following aspects shall be included:-

- (a) General information to the bidders on cost of the bidding documents, site visits, pre-bid meeting.
- (b) Bidding forms including form of contract, clarification of bidding documents, amendments to bidding documents, standard formats for the technical proposals, names and contract information of officials to whom the bidder representatives shall meet if necessary.
- (c) Information on preparation of Bids such as language of bid, documents comprising the Bid, bid prices, currencies of bid payment, bid validity, bid security, alternative proposal by bidders, format and signing of bid.
- (d) Details of the selection procedure to be followed such as the listing of the technical evaluation criteria and weights given to each criteria, the details of the financial evaluation, the details on the public opening of financial proposals.
- (e) an estimate of the level of key staff inputs (in staff months) required
- (f) Information on submission of bids such as the method in which the bid proposals shall be submitted, deadline for submission, sealing and marking of bids, modifications and withdrawals of bids. Deadlines must express the calendar date and time must be expressed in 24 hour clock.
- (g) the anticipated date on which the selected bidder shall be expected to commence works
- (h) bid opening and evaluation of bids, correction of errors, determination of responsiveness
- (i) award of contract data such as award criteria, notification of award , signing of agreement, performance security, advance payments and security, adjudicator, condition for subcontracting part of the assignment, contract monitoring
- (j) The instructions shall state that the board may reject bids not in conformity to instructions laid out.

19.7 **CONDITIONS OF CONTRACT**

The condition of the contract shall form an integral part of the bid documents. The contract documents shall clearly define the following:

- (a) the scope of the work to be performed
- (b) the goods to be supplied
- (c) the definitions of the contract terms
- (d) the language and laws of the contract
- (e) the forum for the settlement of disputes
- (f) the functions and authority of the contract administrator
- (g) information on contract scheduling, contract quality control, contract cost control and payments
- (h) liquidated damages and bonus clauses
- (i) force majeure

19.8 **CONTRACT DATA**

Copies of the Standard Form of Contract and specific contract data shall be provided in the bidding documents.

Specific contract data shall include:

- (a) The ministry's name and address as the employer
- (b) The name of the authorized representative of the ministry
- (c) The name and address of the contract administrator or project manager
- (d) The summary scope of the contract

19.9 **FEES OF BIDDING DOCUMENTS**

If a fee is charged for the bidding documents it shall be reasonable and reflect only the cost of printing and delivery to prospective bidders and shall not be so high as to discourage qualified bidders.

19.10 **DISTRIBUTION OF BID DOCUMENTS**

Bidding documents shall be distributed manually or electronically. If an electronic system is used it shall not restrict bidders access to the bidding documents but should be secure to avoid modification to the bidding documents. For manual distribution, bidders shall be notified on the start date of the bidding period to collect or receive all bidding documents.

19.11 **BIDDING PERIOD**

The bidding period shall be no less than thirty (30) days except in the case of large, complex bids where forty-five (45) days shall be considered.

19.12 **VALIDITY OF BIDS**

The validity period shall be sufficient to allow for evaluation of bids and award of contract. The validity period will be determined by the Ministry and shall be indicated in the Invitation to bid. Bidders shall be required to submit bids valid for the period specified in the bidding documents.

In the event that the evaluation of bids is expected to exceed the bid validity period, the procuring entity must seek permission from the respective bidders for an extension to the validity period.

19.13 **STANDARDS**

Standards and technical specifications quoted in bidding documents shall promote the broadest possible competition, while assuring the critical performance or other requirements for the goods and/or works under procurement.

As far as possible, the Ministry shall specify internationally accepted standards as issued by the International Standards Organization with which the equipment or materials or workmanship shall comply. Where such international standards are unavailable or are inappropriate, minimum standards may be specified.

19.14 **USE OF BRAND NAMES**

Specifications shall be based on relevant characteristics and /or performance requirements. Reference to brand names, catalogue numbers, or similar classification shall be avoided.

19.15 **BID PRICING**

Bidders for works contracts shall be required to quote unit prices or lump sum prices for the performance of the works. Prices shall include all duties, taxes and other levies.

Bidders for goods contracts shall be required to quote prices including carriage, insurance (foreign and inland), inland transportation, and other related costs.

Bidders for turnkey contracts shall be required to quote the price of the installed plant at site including the cost for supply of equipment, transportation, insurance installation, associated service costs, duties, taxes and levies.

19.16 **PRICE ADJUSTMENT**

Bidding documents shall state either that:

- (a) bid prices will be fixed or
- (b) price adjustments will be made to reflect any changes in the major contract elements. The prescribed adjustment formula shall be specified accordingly.

19.17 **BID SECURITY**

- (a) The bid security shall be an amount guaranteeing that the bidder will execute a contract at the bid price if offered an award of the contract. The requirement for a bid security shall be dependant on the nature and complexity of the proposed contract.
- (b) The bid security amount shall be specified in the bidding documents
- (c) The format of the bid security shall be in accordance with the stipulated form of bid security included in the bid documents
- (d) When used, the bid security shall be in the form of:

- i. Certified Bank Managers cheque
 - ii. Letter of Credit
 - iii. Bank guarantee from a reputable bank (Local or foreign)
 - iv. Bid Bond from a reputable financial institution (local or foreign)
- (e) Bidders personal cheques, cash or cash equivalent shall **not** be considered as bid security.
 - (f) Bid security shall be valid for 30 days beyond the validity of the bids.
 - (g) The bid security of unsuccessful bidders shall be released upon signing of the contract with the successful bidder
 - (h) Bid security of the successfully bidder shall be discharged when the bidder has signed the Agreement and furnished the required Performance Security.
 - (i) The conditions for Bid Security forfeiture shall be stated in the Instructions to Bidders.

19.18 **PRE-BID MEETINGS**

These meetings shall be scheduled at a suitable date during the early part of the tendering period, to clarify the scope of works and other conditions of the contract. Minutes of such meetings shall be submitted to the chairman of the Central Tenders Board.

20. BID SUBMISSION

20.1 Ministries shall indicate in the Instruction to Bidders, the required sealing and markings when submitting their bid proposals. The deadline (time and date) and conditions of submission of bids shall be specified in the Invitation to Bid.

20.2 Two Envelope Bids

- (a) Bids for the provision of services may be submitted using the two envelope system, comprising of separate technical and financial proposal.

- (b) Such bids shall be submitted in a outer envelope or parcel containing two separate sealed envelopes identifying the respective proposals

21. RECEIPT OF BIDS

- 21.1 Bids shall be received by the Secretary of the Central Tenders Board or Departmental Tenders Board as appropriate. An official receipt shall be issued for the Tenders received.
- 21.2 All bids received shall be recorded in a Bid Receipt Register.
- 21.3 The Secretary shall sign the outer envelopes of bids indicating the date and time of receipt of the submission.
- 21.4 The Secretary shall only accept sealed bids with the appropriate markings.
- 21.5 The Secretary shall ensure that all Bid Documents are kept confidential and secured in a locked room.

22 BID OPENING

- 22.1 The stipulated time, date and place for the bid opening must be specified in the Invitation to Bid. The opening date shall be the same as the deadline of bid submission or a date closer to the submission date.
- 22.2. Ministries and departments shall set bid opening dates to coincide with the schedule of meetings of the Central Tenders Board.
- 22.3 Bids shall be opened by the Central Tenders Board in the presence of at least three (3) Board members including a Floating member and at least one Technical Officer from the respective ministry.
- 22.4 Bid opening sessions shall be open to all bidders subject to the following:
 - (a) The information to bidders shall indicate to bidders that the bid opening is public and shall invite bidders or their representative to attend.
 - (b) Bidder representatives shall sign the Attendance Register at the meetings.

- 22.5 The Secretary of the Board shall forward all sealed bids received on time to the Chairperson at the meeting.
- 22.6 The Chairperson shall open all bids forwarded by the secretary and the bid amounts and the securities read out aloud. Bids received after the stipulated deadline shall not be opened.
- 22.5 The Secretary shall record the name of the bidders and the amounts and shall transfer the bid documents to the leader of the Technical Committee for evaluation
- 22.6 Bids shall not be opened before the date and time specified in the Procurement Notice or the Invitation to Bid.
- 22.7 Where bids are submitted as two envelopes (technical and financial) technical proposals will be opened first. Financial proposals will be opened after the completion of technical proposals evaluation. Only the Financial Proposals of bidders who satisfied the technical criteria will be opened.

23. EXAMINATION OF BIDS

- 23.1 The Chairman shall examine the opened bids to ascertain whether the bids:
- i. have been properly signed
 - ii. are accompanied by the required securities
 - iii. the securities are valid
 - iv. are generally in order

24 BID EVALUATION

- 24.1 All bids opened by the Board (CTB/DTB) shall be evaluated to assess whether or not the bids meet the minimum requirements or specifications and selection criteria as stipulated in the bid documents.
- 24.2 Tender evaluation committees shall be appointed by the Tenders Board to evaluate tenders. Committees appointed by the board to evaluate tenders shall report to the board.
- 24.4 Only members of tender evaluation committees are authorized to attend bid evaluation meetings

- 24.5 The technical committee shall evaluate each bid which is determined as responsive to the specifications in the bidding documents. Bid evaluation should be consistent with the terms and conditions indicated in the bidding documents and any approved modifications thereof prior to the opening of bids.
- 24.6 Other Factors along with price may be considered for the purpose of determining the lowest evaluated bid.
- 24.7 For goods and equipment, these factors include but are not limited to:
- (a) payment schedule
 - (b) delivery time
 - (c) operating costs
 - (d) efficiency and compatibility of the equipment
 - (e) availability of service and spare parts
 - (f) related training, safety and environmental benefits
- 24.8 For construction works, these factors include but are not limited to:
- (a) the time of completion of construction
 - (b) the reliability of construction methods proposed
- 24.9 **EVALUATION OF BID PROPOSALS – TWO (2) ENVELOPE SYSTEM**
- (a) Where bids submitted in two envelopes – financial proposal and technical proposal the evaluation shall be carried out in two stages the evaluation of the technical proposals shall be conducted first, after the required administrative compliance check is done.
 - (b) Evaluation of Technical Proposal
 - i. The technical evaluation shall be conducted by the evaluation committee at a scheduled evaluation meeting. The evaluation criteria shall be the same as that included in the bidding documents.
 - ii. The criteria shall include:

- (a) the consultant's relevant experience for the assignment
 - (b) the quality of the methodology proposed
 - (c) the qualification of the key staff proposed
 - (d) the transfer of knowledge, if required in the TOR
 - (e) the extent of participation by nationals among key staff in the performance of the assignment
- iii. The technical evaluation committee shall prepare and submit a detailed report on the technical evaluation.

(c) Evaluation of Financial Proposal

- i. Financial proposals shall be opened after the acceptance and approval of the technical evaluation report by the tenders board.
- ii. The financial proposals of bidders who meet the qualifying mark will be opened.
- iii. The financial proposals of bidders who did not meet the minimum qualifying mark shall be returned unopened.
- iv. The opening of financial proposals shall be a public opening, where bidders or their representative may choose to attend.
- v. The lowest evaluated financial proposals shall be recommended for the award of contract

24.10 EVALUATION REPORTS

(a) The evaluation committee shall prepare and submit to the Board (CTB/DTB) a detailed report on the evaluation and comparison of bids for the specific reasons on which the recommendation is based for the award of contract.

(b) The recommendation may include:

- i. An award of contract
- ii. A request to negotiate with one bidder

- iii. A request to reject all bids and re-tender
 - iv. A request to reject all bids
- (c) An award of contract will be recommended when the lowest evaluated bidder has been determined, who proposes to deliver the desired good(s) or service(s).
- (d) A request to negotiate is determined when the bidder has proposed the required good(s) or service(s) according to specification, but at a price or on conditions which require discussions and or negotiations.
- (e) A request to reject all bids and re-tender may be recommended when all bids fail to meet the required specifications or exceed the budgeted amount or a deficiency in the procurement process was determined.
- (f) A request to reject all bids shall be made when all bids received are determined to be unacceptable and the Ministry is no longer interested in procuring the goods or services.

24.12 CONFIDENTIALITY OF BID EVALUATION

Except as required by law, after the public opening of bids, information relating to the examination, clarification and evaluation of bids and recommendations concerning awards shall not be disclosed to bidders or other persons not officially concerned with this process until the notification of contract award.

25. POST QUALIFICATION OF BIDDERS

- 25.1 The post qualification of bidders may be done, as part of the evaluation process in instances where pre-qualification was not conducted.
- 25.2 Post qualification is conducted in order to determine whether the bidder who has been determined to offer the lowest evaluated offer has the capability and resources to effectively carry out the contract as offered in the bid.
- 25.3 The Ministry shall reject where the bidder does not meet the minimum post qualification criteria. The next lowest evaluated bidder or bidders shall be considered until a bidder who meets the criteria set out in the bidding documents can be selected.

26. REJECTION OF BIDS

26.1 The Central Tenders Board (CTB) or Departmental Tenders Board (DTB) may reject bids if necessary. This provision must be stated in the Bidding documents. A Bid shall be rejected if it is received after the stipulated time, if it does not contain the required markings or is not sealed. Such bids will not be opened by the Board.

26.2 A bid which was opened by the Board shall be rejected if:

(a) It is not properly signed

(b) It is not accompanied by the required securities or a valid securities

(c) It is not substantially responsive to the bidding documents

(d) If it contains material deviations from or reservations to the terms, conditions and specification in the bidding documents

26.3 All bids may be rejected by the CTB or DTB when:

(a) there is lack of effective competition or evidence of collusion

(b) bids are not substantially responsive

(c) bids prices are substantially higher than existing budget

26.4 Where the evaluation committee determines that bids should be rejected the evaluation report recommending rejection of all bids as well and where applicable the proposal to re-tender shall be submitted to the respective Board.

26.5 All bids shall not be rejected and new bids requested solely for the purpose of attempting to obtain lower prices

27 AWARD OF CONTRACT

27.1 The lowest evaluated bidder shall be selected for award of contract.

A recommendation shall be made for the contract to be awarded to the bidder who meets the appropriate standards of capability and resources and whose bid has been determine to:

- (a) be substantially responsive to the bidding documents and
- (b) offers the lowest evaluated cost

27.2 A contract shall be awarded by the board if the recommendation for the award is accepted by the respective Board.

27.3 Where the recommendation for an award of contract is to be made by the Departmental Tenders Board then the report shall be submitted to the Permanent Secretary.

27.4 Where the recommendation for an award of contract is to be made by the Central Tenders Board the report shall be submitted to the Chairman Central Tenders Board.

28. NOTIFICATION OF CONTRACT AWARD

28.1 The Secretary of the Board shall notify, in writing, of the approval of the contract award within five (5) working days of the approved date. The notification of contract award shall be distributed to:

- (a) the successful bidder
- (b) the Permanent Secretary of the respective Ministry
- (c) the Accountant General
- (d) the Director of Audit
- (e) the Attorney Generals chambers

28.2. The notification shall include the following information:

- (a) name of successful bidder
- (b) total contract amount
- (c) the duration of the contract awarded
- (d) summary scope of the contract awarded
- (e) the contract administrator/Head of Department

29. DEBRIEFING

29.1 All unsuccessful bidders shall be notified by the Secretary of the Board on the non-selection of their bid. The ministry's website may also be used to notify where there were many bidders

29.2 The Permanent Secretary or Head of Department shall provide an explanation either in writing and/or in a debriefing meeting to any bidder who wishes to ascertain the grounds on which his/her bid was not selected.

30. CONTRACT MANAGEMENT

30.1 The Ministry shall identify the contract administrator /project manager as stipulated in the bidding documents. The contract administrator shall be responsible for the monitoring and control of the contract.

30.2 Type of Contract

The Ministry shall decide on the type of contract which shall be indicated in the bidding documents. The common types of contracts are:

- (a) lump sum contract
- (b) Time based contract
- (c) Percentage contract
- (d) Cost Plus contract

30.3 Contract Document

The contract agreement shall be a complete document containing the following details.

- a. Standard Contract Agreements Forms
- b. Letter of Acceptance
- c. Information on staff and Resources/Prequalification Information
- d. Contract data
- e. Specifications/TOR/B.O.Q
- f. Performance Security – methodology and work plan as submitted in the technical proposal
- g. Remuneration – from Financial Proposal

30.4 In addition every contract shall contain the following details where applicable:

- (a) detailed specifications, including quantity of the goods to be supplied or the work or services to be performed
- (b) drawings, plans and other instructions
- (c) the commencement and completion dates;
- (d) the maintenance period
- (e) the sum of money to be retained and the retention period;
- (f) the total sum payable;
- (g) a penalty clause, if applicable
- (h) any security or bond required;
- (i) any special conditions relating to goods, materials, equipment or plant;
- (j) any other period or special conditions, relating to the performance of the contract or other wise

30.5 **TERMS AND METHODS OF PAYMENTS**

- a) The terms and conditions including the payment method of the contract shall be specified in the bidding documents. Such terms and methods of payment shall be in accordance with the Finance Administration Act.
- b) The Ministry/agency should consider the payment cycle of the Government of St. Lucia (GOSL) in determining the timing of payment for a contract.

30.6 **CONTRACT VETTING**

The complete contract documents shall be vetted by the Attorney General prior to the execution.

30.7 **PERFORMANCE SECURITY**

Bidding documents for works shall specify the required security in an amount sufficient to protect the Ministry in case of breach of contract by the contractor. In contracts for the supply of goods, the need for the performance security depends on the market conditions and commercial practice for the particular kind of goods. Suppliers or manufacturers may be required to provide a guarantee to protect against non-performance of the contract. Such security in an appropriate amount may also cover warranty obligation

30.8 CONTRACT SIGNING

- a. The standard contract agreement form shall be signed by the Permanent Secretary and the Contractor.
- b. The contract shall be in the name of the Government of Saint Lucia (GOSL). Copies of the signed contract shall be submitted to:
 - (a) Director of Finance
 - (b) Director of Audit
 - (c) Accountant General
 - (d) Contractor
 - (e) Central Tenders Board

30.9 CONTRACT EFFECTIVENESS

The contract effectiveness date shall be the date on which the acceptance letter is issued by the Ministry or agency to the contractor.

30.10 CONTRACT MONITORING AND CONTROL

No Advance payment other than a mobilization fee, may be made on any contract without the written approval of the Director of Finance

30.11 CONTRACT PAYMENT:-

An accounting officer or any officer authorized by him or her shall sign a certificate in respect of every payment to be made relating to a contract as follows:

- (a) where payment is made for work in progress or services partially completed –

“I certify that the value of work performed (or services provided) exceeds the amount claimed and that the works (or services) have been carried out satisfactorily and in accordance with the terms of the contract,”

- (b) where final payment is being made –

“I certify that the work (or service) has been satisfactorily completed in accordance with the terms and conditions of the contract and that all progress payments and any retention money have been deducted from the amount payable under the contract.”

- (c) where retention money or any balance thereof is to be paid to the contractor at the end of the retention period –

“I certify that there are no further claims against this contractor for defects or other reasons in respect of the work(or services) carried out under contract No..... and I am satisfied that the retention money or remaining balance thereof amounting to \$..... is now payable to the contractor in accordance with the terms and conditions of the contract.

Where a firm of management consultants is engaged its certificate shall be attached to any payment voucher in respect of the contract.

30.12 **CONTRACT MODIFICATIONS**

A contract shall not be modified in order to substantially change the proposal which was submitted by the bidder and acceptance by the Ministry/agency.

30.13 **CONTRACT VARIATIONS**

- a. The terms and conditions of any contract shall not be varied except with the approval of the Tenders Board or Accounting officer, as the case requires.
- b. Where the variation of a contract approved by a Departmental Tenders Board or an accounting officer, would cause the value of the contract to increase beyond the monetary limit prescribed for the DTB or accounting officer, any such variation must be reviewed by the initial accounting officer or DTB who approved

the contract then the recommendation for the variation submitted to the relevant authority.

30.15 **TERMINATION OF CONTRACT**

In the event that the contractor is unable for any reason, to complete the contract, the Ministry or agency may with the approval of the CTB/DTB choose another contractor.

Amendments