



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
1	In the event the OPR overturns the award of a procurement contract or framework agreement, how is the procuring entity to proceed given that the scope has been tendered for and the commercials have been opened and evaluated?	Evaluation & Awarding of Contracts	<p>Section 6 (1) of the Public Property and Disposal of Public Property Act, 2015 (as amended) (hereinafter referred to as 'the Act') states that "Subject to section (2) any procurement of goods, works or services or retention or disposal of public property that is not done in accordance with this Act and any procurement contract or agreement that is not entered into in accordance with this Act shall be void and illegal".</p> <p>Further Section 41 (1) of the PP&DPP Act provides that "the Office may on its own initiative or shall as a result of a complaint made under this Act, consider, inquire into and investigate any alleged breach of this Act".</p> <p>Section 50(10) of the Act states "that in making its decision with respect to an Application (for review) that it has entertained, the Office may (d) overturn the award of a procurement contract or a framework agreement that entered into force in a manner that is not in compliance with this Act and, if notice of the award of the procurement contract or the framework agreement has been published,</p>



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
			<p>direct that the notice of the overturning of the award be published”.</p> <p>If the Office decides to overturn the award of a procurement contract or a framework agreement that entered into force in a manner that is not in compliance with this Act, the Office will promptly notify in writing the procuring entity of its decision and all other participants of the procurement proceeding.</p> <p>As such, once the Office has overturned the award of a procurement contract or a framework agreement, the entire procurement proceedings would be cancelled and a public body would have to ‘re-tender’ for the specific good, works or services.</p> <p>Of note, a public body or person who, without reasonable justification, fails to comply with a direction issued under the Act commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars according to section 14(2) of the Act.</p>



FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
2	How do we treat with inconsistencies in the evaluation criteria?	Evaluation & Awarding of Contracts	<p>“Evaluation criteria (award criteria) are the standards and measures used to determine how satisfactorily a proposal has addressed the requirements identified in the bidding document.” (General Guidelines, Evaluation of Bids and Awarding of Contracts, p.5).</p> <p>The evaluation criteria constitutes the basis on which a public body chooses the best offer and consequently awards a contract. The evaluation criteria must be established in advance by the public body and may not be prejudicial to fair competition. The proper application of the evaluation criteria is crucial for the process of awarding public contracts. If the evaluation criteria is not applied properly, the tender process, the evaluation of tenders and the contract award decision may be flawed. This could mean that the tender process would have to be cancelled and re-started, as otherwise the ‘best’ tender would not have been selected.</p> <p>Any inconsistencies in the evaluation criteria identified <u>prior</u> to the deadline for submission of bids can be amended or removed by issuing an Addendum to all prospective bidders</p>



FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>followed by the appropriate extension of the time limit for the receipt of bids.</p> <p>If inconsistencies in the evaluation criteria are found subsequent to the deadline for submission of bids, the public body must objectively evaluate all bids in accordance with the published evaluation criteria. However, if the inconsistency would lead to a flawed evaluation award decision not in keeping with the objects of the Act, then the public body should cancel and re-invite.</p> <p>Of note, the public body must interpret and/or apply the award criteria in the same way throughout the entire procurement activity.</p>
3	Why do we need to assess the methodology in a selective tender?	Evaluation & Awarding of Contracts	<p>Selective tendering is a procurement method that limits the request for tenders to a select number of suppliers or contractors. This method of procurement is also referred to as Limited Bidding and Restrictive Tendering.</p> <p>The methodology is used to assess a supplier's or contractor's approach to executing the services specified in the public</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			body's requirements. The public body will have to ascertain whether the bidders' methodology will achieve the public body's requirements as set out in the solicitation documents.
4	Should health and safety be considered as a compliance or relevant element to be evaluated for the procurement of works and some services since it is governed by OSHA?	Evaluation & Awarding of Contracts	<p>All public bodies must comply with the Occupational Safety and Health Act Chap. 88:08. Further, public bodies should have a Health Safety Security and Environment (HSSE) policy suitable to its particular industry.</p> <p>The public body would need to determine whether health and safety requirements should be a mandatory evaluation requirement or a contract performance standard.</p>
5	Is progressive evaluation recommended?	Evaluation & Awarding of Contracts	<p>Weighted criteria with mandatory elements are criteria that have mandatory minimum requirements defined and are measured above that minimum criteria.</p> <p>In a progressive evaluation the supplier or contractor must achieve a minimum score in each criterion set out in the bidding document (e.g. minimum score of fifty percent (50%) in addition to satisfying the overall pass mark specified in the bidding document (e.g. minimum overall score of seventy</p>



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
			<p>percent (70%). Only bids that achieve the minimum criterion score as well as the overall minimum score will proceed to the evaluation of its price or financial bid.</p> <p>Of note, the recommended evaluation approach is one that is consistent with the requirements of the particular procurement activity.</p>
6	<p>If a supplier did not meet all of the technical requirements but met most, would they still be considered as having failed because they did not pass every requirement in the specifications?</p>	<p>Evaluation & Awarding of Contracts</p>	<p>Generally, evaluation criteria can be categorised into three categories including (i) mandatory criteria, (ii) weighted criteria and (iii) weighted criteria with mandatory elements (UNDP, 2016). Mandatory criteria are used in straightforward bid evaluation methods where they are rated as pass/fail, responsive/non-responsive or compliant/non-compliant. The mandatory criteria are the first criteria against which bids are evaluated in order to eliminate bids that do not conform to these requirements.</p> <p>Weighted criteria are criteria which can be measured in terms of degree of responsiveness. The scale used to measure the degree of responsiveness depends on the procurement method and category of procurement.</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>Weighted criteria with mandatory elements are criteria that have mandatory minimum requirements defined and are measured above that minimum criteria.</p> <p>As such, the acceptance or rejection of a bid is based on the evaluation criteria and methodology employed.</p>
7	What are the contractual implications of a Letter of Award?	Evaluation & Awarding of Contracts	<p>Whilst the Office notes the varying case law on the contractual implications of a Letter of Award.</p> <p>Once fully proclaimed, the contractual implication of a Letter of Award/Acceptance falls within the ambit of the Act. Pursuant to section 35 (6) the Act dictates that “upon expiry of the standstill period, or where there is none, promptly after the successful submission is ascertained, a procuring entity shall dispatch the notice of acceptance of the successful submission to the supplier or contractor who presented that submission unless the Office orders otherwise”.</p> <p>Further section 35(7) of the Act states that “unless a written procurement contract is required, a procurement contract in accordance with the terms and conditions of the successful</p>



FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>submission enters into force when the notice of acceptance is delivered to the supplier or contractor concerned, so, however, that the notice is dispatched while the submission is still in effect”.</p>
8	<p>What is the recommended composition of a Tender Evaluation Committee?</p>	<p>Evaluation & Awarding of Contracts</p>	<p>“The composition and mandate of the evaluation committee is critical to an effective procurement process. Experience in the following areas is often required to effectively evaluate the proposals:</p> <ul style="list-style-type: none"> a. Technical knowledge of the subject matter being procured b. Applicable law c. Procurement process d. In-house technology e. Commercial acumen” <p>(General Guidelines, Evaluation of Bids and Awarding of Contracts, p.7).</p> <p>Typically, the committee is comprised of three (3) to six (6) persons depending on the size of the public body and the complexity or nature of the procurement. At a minimum the</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			committee may be comprised of someone from the Procurement Department and a subject matter expert.
9	Should the Chief Procurement Officer ('named' Procurement Officer) be solely responsible for the appointment of the Evaluation Committee? Is this a conflict with respect to separation of powers?	Evaluation & Awarding of Contracts	Pursuant to section 61(2) of the Act, the 'named' Procurement Officer "shall be responsible for public procurement and disposal of public property for that public body". However, the Accounting Officer should be responsible for approving the composition of the evaluation committee submitted by the 'named' Procurement Officer. This procedure should be outlined and approved in a public bodies Handbooks and Special Guidelines.
10	How does one inform a non-successful bidder of a contract if they do ask on their status?	Evaluation & Awarding of Contracts	<p>Pursuant to section 35 (2) of Act "a procuring entity shall promptly notify each supplier or contractor who presented submissions of its decision to accept the successful submission at the end of the standstill period".</p> <p>Further section 35 (3) provides that the notice referred to in subsection (2) shall contain, at a minimum, the following information:</p> <ul style="list-style-type: none"> i. the name and address of the supplier or contractor presenting the successful submission; ii. the contract price; and



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			iii. the duration of the standstill period as set out in the solicitation document.
11	If a contractor is first ranked and his cost is above the approved sum for the project and there are 2nd and 3rd ranked contractors who fall within the budget and is technically compliant, is it mandatory to still engage in negotiations with the 1st ranked or can we justify choosing the 2nd ranked?	Evaluation & Awarding of Contracts	<p>At the price or financial evaluation, the committee examines the offered price for computational errors taking into consideration factors such as provisional sums and discounts et cetera. A price reasonableness analysis can then be done to ascertain that the price of the recommended bidder is fair given the prevailing market conditions.</p> <p>As such, the first ranked bidder would have been identified by assessing the technical and financial capabilities of the supplier or contractor in accordance with the published evaluation criteria. Considering the preceding, it is not recommended that the second or third ranked bidders be engaged prior to engaging in discussions with the first ranked bidder.</p>
12	If the internal estimation is substantially lower than the market rates and this was only identified during the evaluation process, should the procurement process be	Evaluation & Awarding of Contracts	In the procurement planning phase, public bodies must conduct the necessary market research which includes collecting and analysing information about capabilities within the market to satisfy the public bodies requirements, such as obtaining updated cost information, determining the



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
	cancelled if there is a time constraint attached?		<p>appropriate technology and alternative products, as well as identifying appropriate supplier or contractor qualification criteria.</p> <p>If a public body does not possess the in-house competence or capabilities to develop a comprehensive engineer’s estimate, then the public body can procure the required services or request the assistance of another public body.</p> <p>Once a transparent and fair evaluation process was conducted and the evaluation team determines that the internal estimate is not representative of the market rate of the required goods, works or services, a request for additional funding can be made. The internal estimate must go through an internal review to determine the ‘short comings’ which would then form part of the written justification to be put forward to the relevant public authority for review and decision. If the request for additional funding is granted, the evaluation committee can proceed to make a recommendation for award. Of note, all associated</p>



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
			<p>documentation must form part of the record of procurement proceedings.</p> <p>If, however additional funding is not available, the public body would be constrained to cancel that particular procurement activity.</p>
13	<p>A Procurement Officer is given limited time to execute their due diligence to acquire an item of high value. When completing the quotation analysis, what justification would be most appropriate if only one supplier responds to a Request for Quotation (RFQ). Is it Emergency, Sole Selection or Best Availability?</p>	<p>Evaluation & Awarding of Contracts</p>	<p>Restrictive tendering is a procurement method that limits the request for tenders to a select number of suppliers or contractors. This method of procurement is also referred to as Limited Bidding and Selective Tendering.</p> <p>A basic feature of this method is that competition is confined to a limited number of firms, either because they are the only ones qualified to fulfil the requirement, or certain conditions warrant the use of a limited number of firms in order to reduce the time and cost of the selection process.</p> <p>The request for quotations is a procurement method used for small value procurement of readily available off-the-shelf goods, low value construction works, or low value services. This procurement method is non-competitive because the</p>



FREQUENTLY ASKED QUESTIONS
 EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>requirement is usually not advertised, and the procuring entity invites quotations from a limited number of suppliers or contractors, usually a minimum of three (3).</p> <p>If the RFQ is sent to a minimum of three (3) suppliers or contractors and only one quotation is received in response to the request for quotation within the time specified for the closing of bids, the public body may proceed to evaluate the bid for compliance with the technical specification or scope or works of the requirement. If the quotation is deemed technically compliant then the public body must assess the price of the compliant quote and acceptable delivery or completion date.</p> <p>Subsequent to the completion of the procurement proceedings for the particular procurement activity, the public body can engage the suppliers or contractors who did not bid to enquire as to the reason(s) why as this would assist the public body in future RFQ processes. Therefore, this is not an emergency, sole selection or selection based on best availability.</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
14	Is it right for a Permanent Secretary to submit a Tender Evaluation Report to a Minister for approval?	Evaluation & Awarding of Contracts	<p>Pursuant to the section 61 (2) of the Act, the ‘named’ Procurement Officer “shall be responsible for the public procurement and disposal of public property for that public body”. The Accounting Officer or equivalent is responsible for approving the recommendations of evaluation committee, subsequent to the review of the Procurement and Disposal Advisory Committee (PDAC).</p> <p>A Minister should not play a role in the evaluation and award process within a public body. However, the Accounting Officer may inform the Minister of decisions regarding procurement proceedings.</p>
15	Does the Accounting Officer have the authority to overturn the recommendation of the evaluation committee?	Evaluation & Awarding of Contracts	<p>The Accounting Officer has the authority to overturn the recommendation of the evaluation committee if he or she determines that the recommendation of the evaluation committee is not in keeping with the Act, Regulations or the public bodies approved Handbooks and Special Guidelines.</p> <p>The Procurement and Disposal Advisory Committee (PDAC) is responsible for reviewing the procurement proceedings, recommendations for contract award and property disposal</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			files to ensure compliance with the Act, Regulations and the public bodies approved Handbooks and Special Guidelines and advise the Accounting Officer accordingly.
16	Whether the Accounting Officer contrary to the advice of the 'Named' Procurement Officer could go ahead and award the contract	Evaluation & Awarding of Contracts	<p>The Accounting Officer has the authority to award contracts contrary to the advice of the 'Named' Procurement Officer. However, if this is done against the advice of PDAC and the 'Named' Procurement Officer without just cause and he or she is found to be in breach of the Act, this should be brought to the attention of the Office.</p> <p>Under section 6(1) of the Act (as amended) 2015, the Office has the authority to make any procurement that is in contravention of the Act, void and illegal.</p>
17	Do we have to declare both the primary and secondary scoring matrix in our Request for Proposals?	Evaluation & Awarding of Contracts	<p>Evaluation criteria are standards against which bids are evaluated. The purpose of establishing the evaluation criteria is to:</p> <ul style="list-style-type: none"> i. Compare the merits of offers that can vary widely in form and substance.



FREQUENTLY ASKED QUESTIONS
 EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<ul style="list-style-type: none"> ii. Minimise the public bodies risk that the selected supplier will not be able to perform the contract satisfactorily. iii. Identify the best match to the requirements. <p>Public bodies must publish the evaluation criteria and relative weightings and the manner of application of the criteria in the evaluation procedure. Public bodies must only assess the offers received against the criteria and procedures that have been set out in the solicitation documents.</p>
18	In what instance is review of the 'named' Procurement Officer's recommendation required by the Procurement and Disposal Advisory Committee (PDAC)?	Evaluation & Awarding of Contracts	<p>Each public body must set out in its Handbooks and Special Guidelines the thresholds and delegation of authority pertaining to the limits for approval of the, 'Named' Procurement Officer, PDAC and the Accounting Officer or equivalent.</p> <p>The Office recommends that PDAC review procurement activities that are of medium to high risk and value, taking into consideration the organisational structure of the public body and the nature of the procurement activity.</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
19	If during an evaluation process the financial documentation in respect of one of the tenderers appears fraudulent how should that be treated with by the committee and by the Procurement Officer in the evaluation report?	Evaluation & Awarding of Contracts	<p>If during the evaluation of a suppliers' or contractors' financial submission, the evaluation committee determines that the documentation or information provided is fraudulent, the evaluation committee must conduct its due diligence with the necessary financial institutions and have the documents audited.</p> <p>If the findings of the investigation or audit report are that the documents are in fact fraudulent, the public body has recourse under section 59 (7) of the Act which provides that "where a procuring entity is satisfied that an inducement was offered, or any corrupt, fraudulent, collusive, coercive or obstructive practice was carried out in relation to a tender or proposal, the procuring entity shall reject or revoke the tender or proposal and report the matter to the Office for action."</p>
20	Should members of the evaluation committee be approved by Accounting Officer or by the Chief Secretary (Tobago)?	Evaluation & Awarding of Contracts	The evaluation committee must be recommended by the 'named' Procurement Officer and approved by the Accounting Officer or equivalent within the public body.



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
21	A bidder submits documents for a procurement process and meets the initial criteria. However, during the evaluation it was found that some of the copies has documents within which were not signed or missing a page, should it be rejected?	Evaluation & Awarding of Contracts	<p>The preliminary examination of offers excludes offers from further consideration that do not meet the mandatory criteria specified in the solicitation documents. Some examples of mandatory requirements are that offers:</p> <ul style="list-style-type: none"> i. have been properly signed ii. are accompanied by the required offer securities iii. are accompanied by the required documentation iv. are complete and v. validity period conforms with requirements etc. <p>This is a pass/fail exercise. Submissions that do not meet the mandatory requirements are not acceptable and are rejected and therefore will not be considered further in the evaluation process. The rejection of offers should be documented in writing.</p> <p>If an offer passes the preliminary stage notwithstanding the mandatory requirements have not been met, then the</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			submission ought to be deemed non-compliant and not evaluated further.
22	There is a requirement for a subject matter expert on the evaluation committee, who defines the qualifications and experience of the subject matter expert?	Evaluation & Awarding of Contracts-- Qualifications of the Subject Matter Expert	The 'named' Procurement Officer in consultation with the Accounting Officer should determine the level of qualifications and experience of the subject matter expert. If the required expertise does not exist within your organisation you can outsource and hire a technical expert or request the required technical expertise from another public body for this particular purpose.
23	Is it acceptable to recommend persons to sit on the evaluation committee who are involved with the preparation of tender document?	Evaluation & Awarding of Contracts-- Composition of the Evaluation Committee	<p>Evaluation is conducted by a designated evaluation team and in accordance with the public body's approved Handbooks and Special Guidelines, using the evaluation criteria and method pre-determined in the solicitation document in order to conduct a fair and unbiased evaluation. The evaluation process also needs to be transparent, and therefore each step of the process must be documented in an evaluation report which subsequently is the basis for the recommendation of award.</p> <p>If the person who prepared the solicitation document is required to sit on the evaluation committee, they may do so</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>as an observer. In any event, it is recommended that everybody involved in the evaluation process signs a declaration of confidentiality, impartiality, and no conflict of interest regarding each particular evaluation and members should indicate any conflict of interest immediately to the 'named' Procurement Officer.</p>
24	<p>If a requested debriefing is not provided within the standstill period and the supplier or contractor does not report this to the Office, can the public body proceed to award the contract?</p> <p>Is there a penalty to the Office if they do not step in and ensure that the debriefing happens and is there a body overseeing the Office ensuring that they do?</p>	Evaluation & Awarding of Contracts--Debriefing	<p>Debriefing is the act of informing suppliers or contractors that were not selected during a procurement process, of the reasons why they were not selected. Section 35(2) of the Act provides that "A procuring entity shall promptly notify each supplier or contractor who presented submissions of its decision to accept the successful submission at the end of the standstill period".</p> <p>Following the issuance of the Notice of Decision to Award, an unsuccessful supplier or contractor may request from the procuring entity additional debriefing on the procurement process and outcome. Where the supplier or contractor determines that it wishes to have further debriefing, its written request must be made to the procuring entity within three (3) working days from dispatch of the Notice of Decision</p>



FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>to Award the contract to the successful supplier or contractor. The procuring entity may facilitate the debriefing orally in a face-to-face meeting, or in writing. Discussion with unsuccessful bidders may include the following:</p> <ul style="list-style-type: none"> a) The procuring entity’s requirements as outlined in the solicitation documents; b) The procurement, including the evaluation process; c) The strengths and weaknesses of the proposal submitted by the unsuccessful parties, as it relates to the procuring entity’s requirements.” <p>(General Guidelines, Standstill Period, pgs. 7-8)</p> <p>Once a public body complies with section 35 (2) of the Act and the Standstill Period Guidelines issued by the Office, the public body may proceed with awarding the contract.</p> <p>If however, the aggrieved supplier or contractor brings a complaint to the Office of not being provided with a requested debriefing, and an investigation by the Office reveals that the public body did not comply with the requirements for a debriefing, the Office will take any action</p>



FREQUENTLY ASKED QUESTIONS EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>it deems necessary to ensure that the objectives of the Act are observed.</p> <p>The (Amendment) Act No. 5 of 2016 establishes the Public Procurement Review Board which is tasked with reviewing the decisions made by the Office.</p>
25	Where the FIDIC form of contract is used in construction, how can we effectively manage the contract in the case of a dispute?	Evaluation & Awarding of Contracts--FIDIC	<p>The FIDIC suite of construction contracts is written and published by the International Federation of Consulting Engineers. The FIDIC suite of contracts now covers a wide range of projects and methods of procurement.</p> <p>FIDIC has various forms of contracts (e.g. Green Book, Red Book, Yellow Book, Silver Book, White Book) which all contain standard dispute resolution clauses.</p> <p>If a dispute arises between a public body and a supplier or contractor while carrying out a project using a FIDIC form of contract, standard dispute resolution procedures will be available. For instance, when using the Red or Yellow Book, parties to a dispute may seek a resolution from the Contract Engineer, the Dispute Adjudication Avoidance Board (DAAB)</p>



FREQUENTLY ASKED QUESTIONS
 EVALUATION AND AWARDING OF CONTRACTS

No.	Question	Category	Response
			<p>(previously referred to as the Dispute Adjudication Board), or, as a last resort, arbitration under international rules. Ultimately, the dispute resolution procedure is always under the control of the parties, who may adapt the procedure to suit their needs under the Particular Conditions of contract. Some ways that public bodies can effectively manage a FIDIC contract in the case of a dispute are as follows:</p> <ul style="list-style-type: none"> i. Install an effective claim or dispute management process from day-one and maintain it throughout the entire project; ii. Ensure that the supplier or contractor provides clear contacts for claim related issues; iii. Make sure the FIDIC dispute management bodies (standing DAAB) are set up at the beginning of the project and not only after a claim has escalated; iv. Ensure claims submitted by the public body are well founded; v. Keep proper records (procurement proceedings) and allocate sufficient resources to 'paper trail' and



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
			<p>minimise staff changes during the duration of the contract period;</p> <ul style="list-style-type: none"> vi. Ensure strict compliance with notice requirements; vii. Seek legal and/or expert advice early, as this can clarify the viability of claim; and viii. Remain open to pragmatic solutions.
26	What are the criteria for application of the standstill period? Is it for all tenders even if the tender ranges vary by company?	Evaluation & Awarding of Contracts--Standstill	<p>A standstill period is defined in section 4 of the Act as a period “...during which a procuring entity cannot accept the successful submission and suppliers, or contractors can challenge the decision so notified.”</p> <p>The criteria for application of the standstill period is set out in the Act. Section 35(2) of the Act states that “A procuring entity shall promptly notify each supplier or contractor who presented submissions of its decision to accept the successful submission at the end of the standstill period”.</p> <p>Further sections 35(4) and (5) state that the notice referred to in 35(2) shall not apply where a public body determines that urgent public interest considerations require that the procurement proceed without a standstill period. The</p>



**FREQUENTLY ASKED QUESTIONS
EVALUATION AND AWARDING OF CONTRACTS**

No.	Question	Category	Response
			<p>decision of a procuring entity that urgent public interest considerations exist and the reasons for the decision must be included in the record of the procurement proceedings.</p> <p>If a public body requires certain threshold values to be applied to the standstill period requirement, this must be detailed in the public bodies Special Guidelines, which would require the approval of the Office.</p>
27	Does the Board of Directors have any input, in the bid evaluation and award process?	Evaluation & Awarding of Contracts--The Role of the Board	<p>The responsibility of the Board of Directors is one of governance. The Board of Directors should not be involved in the operations of a company which includes the procurement functions within public bodies. Of note, the Board of Directors should not play a role in the evaluation and award process within a public body.</p> <p>The Board of Directors being responsible for governance and oversight would be accountable for approving a public body's Handbook and Special Guidelines. A public body may keep its Board of Directors informed on critical operational decisions.</p>