



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
1	Does the procurement depository take precedence over a public body's vendor database?	Procurement Depository	<p>In accordance with section 26 (1) of the Public Procurement and Disposal of Public Property Act, 2015, as amended, (hereinafter referred to as 'the Act'), "the Office is required to establish a database, to be known as the Procurement Depository, to which suppliers or contractors can submit information with respect to, among other things, their qualifications and experience".</p> <p>Additionally, pursuant to section 13 (q), the Office is required to "prepare and maintain a comprehensive database of pre-qualified contractors and suppliers".</p> <p>The Office will provide each public body with the opportunity to submit its list(s) of pre-qualified suppliers or contractors to the Office. Once the list is verified by the Office, the pre-qualified suppliers or contractors will be uploaded onto the Office's database.</p>
2	Can public bodies invite companies via public advertisements to be registered on the Procurement Depository?	Procurement Depository	Public bodies will be able to invite companies to be registered on the Procurement Depository via public advertisements.



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

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			<p>Once the Procurement Depository goes live, a public body may invite companies to register by informing suppliers or contractors to input the required information and documents on to the Depository.</p> <p>Public Bodies will be advised when the Depository is close to completion as sensitisation sessions and/or workshops will be held with the relevant stakeholders.</p>
3	Is a procuring entity obligated to use the Procurement Depository?	Procurement Depository	<p>Pursuant to section 13(1) (q) of the Act, the Office will “prepare and maintain a database of pre-qualified contractors and suppliers”.</p> <p>Further, pursuant to section 26(1) of the Act, there will be one Procurement Depository, where suppliers or contractors can express their interest in becoming pre-qualified. Once the supplier or contractor fulfils all the requirements on the Procurement Depository, the supplier’s information will be sent to an ‘assigned’ public body to conduct due diligence checks regarding the suppliers or contractors request to be pre-qualified and in accordance with section 29 of the Act.</p>



FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION

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			<p>Once the pre-qualification assessment is completed by the public body, the list of pre-qualified suppliers or contractors must be sent to the Office for uploading unto the database of pre-qualified suppliers or contractors.</p> <p>Therefore, if a public body is beginning a procurement process, the public body must ensure that each supplier or contractor it engages, is on the pre-qualified list of suppliers or contractors.</p>



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4	How will the Office ensure equality of opportunity in the implementation of the Procurement Depository?	Procurement Depository	<p>In accordance with 26 (1) of the Act, the Office shall establish 'the Procurement Depository', to which suppliers or contractors can submit information with respect to, among other things, their qualifications and experience.</p> <p>The Procurement Depository shall be accessible for public viewing which includes suppliers and contractors via the Office's website. The pre-qualification due diligence requirements have also been standardised across public bodies in accordance with section 29 of the Act, allowing for a fair and transparent process. Additionally, the 'named' Procurement Officer is responsible for ensuring fairness and equity in accordance with section 5 of the Act.</p>



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5	What are the consequences of a public body inviting a supplier or contractor who is not registered on the Procurement Depository to tender ?	Procurement Depository	<p>Pursuant to section 6 of the Act, “any procurement of goods, works or services or retention or disposal of public property that is not done in accordance with the Act and any procurement contract or agreement that is not entered into in accordance with the Act shall be void and illegal”.</p> <p>As such, if a public body wishes to invite a supplier or contractor who is not registered on the procurement depository to participate in a particular procurement process, the public body must advise the supplier or contractor to register on the Procurement Depository to become pre-qualified on the database. Prior to the public body issuing any award of contract or entering into a framework agreement with the said supplier or contractor, the supplier or contractor must be listed as a pre-qualified vendor on the database.</p>
6	Is use of the Depository only for procurement activities over a certain value?	Procurement Depository	The use of the Procurement Depository applies to all procurement and disposal activities executed by public bodies regardless of the value of the procurement and disposal activity.



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

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			The requirements for the pre-qualification of suppliers or contractors will depend on value, as suppliers or contractors will be pre-qualified based on specific value categories (small, medium and large).
7	Will foreign organisations be placed on the Procurement Depository?	Procurement Depository	International suppliers or contractors are required to follow the same process as local suppliers or contractors, and will be required to be pre-qualified prior to any award of contract.
8	Will there be a minimum number of pre-qualified suppliers to use depending on the value of the contract?	Pre-Qualification & Pre-Selection	<p>There is no established minimum number of pre-qualified suppliers or contractors a public body is required to invite for any particular procurement process.</p> <p>If there are numerous pre-qualified suppliers or contractors on the database and it is impractical to invite all suppliers or contractors to participate in the specific procurement activity, a pre-selection process can be used by the public body.</p> <p>According to section 4 of the Act, pre-selection is defined as “the procedure to identify, prior to solicitation, a limited number of suppliers or contractors who best meet the qualification criteria for the procurement concerned”.</p>



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
			<p>The public body’s pre-selection documents must set out the maximum number of pre-selected suppliers or contractors from which bids will be requested and the manner in which the selection of that number will be carried out. The procuring entity shall pre-select suppliers or contractors that acquired the best rating, up to the maximum number indicated in the pre-selection documents. For example, if a procuring entity determines that ten (10) supplier or contractors will be pre-selected, then this number must be set out in the public body’s pre-selection documents and based on the pre-established criteria set out in the pre-selection documents, the top ten (10) ranked suppliers or contractors should be invited to participate in that particular procurement activity.</p>
9	<p>Pre-qualification lists expire every two (2) or three (3) years and should be redone for the data to remain current and reliable. Given the Office's timeline for the Procurement Depository, would it make sense for an entity to undertake</p>	<p>Pre-Qualification &amp; Pre-Selection</p>	<p>Once a supplier or contractor uploads the required information to the Procurement Depository, the ‘assigned’ public body will carry out the requisite due diligence checks.</p> <p>The suppliers or contractors satisfying the pre-qualification requirements, will be added to the pre-qualified database.</p>



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
	a new or an update of a pre-qualification exercise?		Once the supplier or contractor is pre-qualified this does not expire. However, some of the information provided by the supplier or contractor will expire and the supplier or contractor is required to update this information. The system will issue reminders to the suppliers or contractors of the expiration of the relevant documents. Once a supplier or contractor is on the database and updates the information as required, the supplier or contractor will remain pre-qualified.
10	Who performs the assessment of the supplier and contractor for both the pre-qualification and pre-selection lists?	Pre-Qualification & Pre-Selection	<p>Public Bodies will be responsible for the assessment of suppliers or contractors for both the pre-qualification database and their pre-selection lists.</p> <p>The Office will assign a public body to conduct the due diligence requirements as set out in section 29 of the Act for the pre-qualification of suppliers or contractors.</p> <p>A public body may establish a Committee to conduct the evaluation/assessment of the pre-qualification submissions and said Committee will make a recommendation to the 'named' Procurement Officer.</p>





**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
			The 'named' Procurement Officer should obtain the approval of the Accounting Officer prior to the submission of the approved pre-qualified list to the Office.
11	Will suppliers or contractors be charged a fee by Office to be registered for pre-qualification?	Pre-Qualification & Pre-Selection	There is no charge/fee to be registered on the Procurement Depository or to be pre-qualified on the database.
12	Does a supplier or contractor still have to submit pre-qualification documentation at the time of bid submission if they are listed on the Procurement Depository?	Pre-Qualification & Pre-Selection	<p>Section 29 (8) of the Act states that a procuring entity may require a supplier or contractor that was pre-qualified in accordance with the Act to demonstrate his qualifications again in accordance with the same criteria used to pre-qualify such supplier or contractor.</p> <p>As such, a public body may require a pre-qualified supplier or contractor to demonstrate his qualification again.</p> <p>Of note, the criteria used to pre-qualify is the criteria the supplier or contractor must be assessed against. Additionally, prior to contract award a public body must do its due diligence, therefore documents may be requested from a supplier or contractor as part of this due diligence exercise.</p>



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
13	For Public Bodies who have already developed a pre-qualification system based on industry (e.g. oil and gas) where there are special safety requirements, can we do a pre-qualification for suppliers based on these requirements?	Pre-Qualification & Pre-Selection	<p>There will be one database of pre-qualified suppliers or contractors for use by all public bodies in accordance with section 13 (1) (q) of the Act and this database will be maintained by the Office.</p> <p>In its pre-selection process, a public body may address the specific or unique requirements for a particular procurement activity. For example, public bodies in the energy sector may require suppliers or contractors to be Safe to Work (STOW) certified. As such, suppliers or contractors possessing STOW certification can be assessed in the pre-selection evaluation process.</p>
14	If we have an open tender that is won by a supplier who was not previously qualified, does that supplier automatically become pre-qualified on the Office's database?	Pre-Qualification & Pre-Selection	<p>As part of the open tender process suppliers or contractors should be advised in the solicitation document, to register on the Procurement Depository and provide the required information to become pre-qualified on the Office's database.</p> <p>Once the supplier or contractor uploads their documents on to the Procurement Depository, the 'assigned' public body will conduct the pre-qualification exercise simultaneously. If</p>



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
			the supplier or contractor satisfies the pre-qualification requirements the supplier or contractor will be added to the Office's pre-qualified database.
15	Are State Enterprises required to be registered or placed on to the pre-qualification database to participate in a procurement process advertised by a public body?	Pre-Qualification & Pre-Selection	<p>All suppliers or contractors must be registered on the pre-qualified database to be eligible to participate in a public procurement process.</p> <p>Therefore, if a State Enterprise wishes to be eligible to participate in a public procurement process, they must satisfy the pre-qualification requirements and be listed on the pre-qualified database.</p>
16	For high value tenders, will three (3) years audited accounts be a compulsory requirement of non-local companies from jurisdictions when audited requirements are not required in law in their jurisdiction?	Pre-Qualification & Pre-Selection	According to 'the General Guidelines: Pre-Qualification and Pre-Selection of Suppliers and Contractors', the submission of Audited Financial Statements or equivalent is a requirement for pre-qualification for contracts over two (2) million Trinidad and Tobago Dollars (TTD \$2,000,000.00). "For contracts with relatively low to medium risk and value, requesting Banker's Letter or Management Accounts as evidence of the bidder's financial capability may be more appropriate than requesting Audited Financial Statements"



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

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			<p>(General Guidelines: Pre-Qualification and Pre-Selection of Suppliers and Contractors, p.9).</p> <p>Of note, public bodies must conduct their due diligence checks when assessing the financial capability of local and international suppliers or contractors and must ensure that documents are valid and have been signed and authorised by legitimate Agents.</p>
17	What are considered Financial Statements?	Pre-Qualification & Pre-Selection	<p>Financial statements are the information or records of the financial activities or financial position of a business. The documents required to assess financial capability as part of the pre-qualification process will be specified in the Procurement Depository.</p> <p>For the value category under two (2) million Trinidad and Tobago Dollars (TTD \$2,000,000.00), Management Accounts are required and at a minimum these should include the Balance Sheet and Income Statements which must be signed by two (2) Directors of the company.</p>
18	How do you verify the validity of the VAT and Income Tax Clearance Certificate?	Pre-Qualification & Pre-Selection	As part of its due diligence process, public bodies can verify the validity of the documents submitted by suppliers or



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
			contractors from the relevant authority. For example, the Board of Inland Revenue, can be contacted to verify the validity of the VAT and Income Tax Clearance Certificates.
19	How would a public body keep information pertaining to a supplier or contractor’s director(s) criminal record up to date if the pre-qualification is valid for a 3 year period?	Pre-Qualification & Pre-Selection	<p>Once a supplier or contractor logs on to the Depository and provides the required information, the Public Body then does its due diligence. If the supplier or contractor meets the requirements the supplier or contractor is added to the pre-qualified database. Once the supplier or contractor is pre-qualified this does not expire. It is the supplier or contractor’s responsibility to keep this information current and valid.</p> <p>As it pertains to the criminal background of the director(s) of suppliers or contractors, information must be provided by the supplier or contractor to illustrate that they meet this requirement in the form of a declaration from the company and a Police Certificate of Good Character. This information would be uploaded on to the Procurement Depository and as part of a public body’s due diligence process, a supplier or contractor can be requested to provide updated documents.</p>
20	Given that suppliers or contractors must submit information during the pre-	Pre-Qualification & Pre-Selection	During the pre-qualification of suppliers or contractors, all suppliers or contractors will be required to submit the



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
	qualification process, when a Request for Quotation is issued should updated documents be requested?		<p>relevant statutory and qualification documents pursuant to section 29 of the Act.</p> <p>During a procurement process and prior to an award of contract, a public body is required to conduct its due diligence checks to verify that all documents submitted by the supplier or contractor is valid.</p>
21	If a supplier or contractor who has recently gotten out of jail submits a tender, should the Public Body accept or reject his bid?	Pre-Qualification & Pre-Selection	<p>In accordance with section 29 (1) (c) of the Act “A procuring entity shall ensure that suppliers and contractors have not, and their directors or officers have not, been convicted of any criminal offence”.</p> <p>The Act mandates that the directors or officers of a supplier or contractor <b>must not</b> be convicted of a criminal offence. However, the Office having reviewed same and based on discussions that ensued thereafter with stakeholders, proposes an amendment to section 29(1). The said amendment is currently before the Attorney General of Trinidad and Tobago, and the Office will be advised accordingly on the suggested amendments.</p>



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22	Would categorising small suppliers or contractors by location be restricting their opportunity for growth?	Pre-Qualification & Pre-Selection	<p>Pursuant to section 5 (c) of the Act, “The objects of this Act are to promote local industry development...”. The Office proposes to categorise suppliers or contractors by geographic location to allow them greater access to procurement opportunities within their respective geographical location. For example, two hundred (200) small plumbing contractors have been pre-qualified and are located throughout Trinidad and Tobago and a public body requires plumbing services in Toco. Instead of inviting all 200 small plumbing contractors, a public body may invite only the suppliers or contractors who operate in that particular location.</p> <p>Categorisation by geographical location allows suppliers or contractors (in a particular geographic location) a greater opportunity in being able to participate in public procurement proceedings and promotes local industry development. Further, ‘the General Guidelines for Pre-Qualification and Pre-Selection of Supplier and Contractors’ categorise suppliers or contractors by value categories.</p>
23	Should a public body rotate its suppliers? For example if a public body has 100 pre-	Pre-Qualification & Pre-Selection	The Office is not recommending the use of rotation or rosters. Public bodies should instead utilise a pre-selection process to



**FREQUENTLY ASKED QUESTIONS  
PRE-QUALIFICATION AND PRE-SELECTION**

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	qualified suppliers or contractors within a particular category, can the first twenty-five (25) be selected for a project and a subsequent project of the same value the other twenty-five (25)?		<p>identify, prior to solicitation, a limited number of suppliers or contractors who best meet the qualification criteria for the procurement concerned.</p> <p>For additional information on pre-selection please refer to 'the General Guidelines for Pre-Qualification and Pre-Selection of Suppliers and Contractors', which can be located on the Office's Website, 'Resource Centre' Tab.</p>
24	With respect to pre-qualification and pre-selection, is 'repairable omission' considered? If so what guidance or advice is offered for its use?	Pre-qualification & Pre-selection	<p>The following provisions of the Act shall apply: -</p> <p>Section 29 (3) of the Act states as follows: "Any requirement established pursuant to this section shall be set out in the pre-qualification or pre-selection documents, if any, and in the solicitation documents and shall apply equally to all suppliers or contractors."</p> <p>Section 29 (4) "A procuring entity shall evaluate the qualifications of suppliers or contractors in accordance with the qualification criteria specified in subsection (1) and procedures set out in the pre-selection documents, if any, and in the solicitation documents."</p>





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PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
			<p>Section 29 (5) “ notwithstanding subsection (4) a procuring entity may require the supplier or contractor presenting the successful submission to certify on oath that the documentary evidence provided to demonstrate his qualifications for the particular procurement is true and correct.”</p> <p>Section 29 (6) “A procuring entity shall disqualify a supplier or contractor if the information submitted concerning the qualifications of the supplier or contractor was materially inaccurate or materially incomplete so as to constitute a misrepresentation”.</p> <p>Section 29 (7) “A procuring entity may disqualify a supplier or contractor if the information submitted concerning the qualifications of the supplier or contractor was inaccurate or incomplete in any respect and the supplier or contractor fails to promptly remedy the inaccuracy or incompleteness upon the request of the procuring entity”.</p>



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PRE-QUALIFICATION AND PRE-SELECTION**

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			<p>Section 29 (8) “A procuring entity may require a supplier or contractor that was pre-qualified in accordance with this Act to demonstrate his qualifications again in accordance with the same criteria used to pre-qualify such supplier or contractor”.</p> <p>As such, a public body in undertaking its due diligence may require a supplier or contractor presenting the successful submission to certify an oath that the documents submitted are true and correct; or may require a supplier or contractor to demonstrate its qualifications again.</p> <p>Of note, best practice dictates that such requests for documentation or clarification shall not seek to make a non-compliant bid complaint and in keeping with section 5 the objects of the Act, public bodies must treat suppliers or contractors fairly and equitably therefore affording all suppliers or contractors the same opportunity.</p>
25	In a pre-selection process if you pre-select up to ten (10) suppliers or	Pre-qualification & Pre-selection	In a pre-selection evaluation, the public body must rate the suppliers or contractors that meet the criteria specified in the pre-selection documents according to the manner of rating



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PRE-QUALIFICATION AND PRE-SELECTION**

No.	Question	Category	Response
	contractors do you have to select or rank them in order from one (1) to ten (10)?		<p>that is set out in the pre-selection documents. The public body must then pre-select suppliers or contractors that acquired the best rating, up to the maximum number indicated in the pre-selection documents.</p> <p>If a public body decides to pre-select the top ten (10) ranked suppliers or contractors, the suppliers or contractors must then be ranked and the ten (10) highest ranked suppliers or contractors should be pre-selected.</p>