

# OPR<sup>TM</sup>

THE OFFICE OF  
PROCUREMENT REGULATION

ACCOUNTABILITY | INTEGRITY | TRANSPARENCY | VALUE FOR MONEY

## SPECIAL GUIDELINES



# *PREPARATION OF SPECIAL GUIDELINES AND HANDBOOKS FOR APPROVAL*

Prepared by: The Office of Procurement Regulation

2019

Developed in accordance with the Republic of Trinidad and Tobago Public Procurement and Disposal of Public Property Act, Number 1 of 2015 (as amended), and the attendant Public Procurement Regulations.

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## 1.0 Preamble

### 1.1 Purpose of this guideline

The purpose of this guideline is to provide public bodies with the steps they are required to follow in the preparation of their special guidelines and handbooks for approval by the Office of Procurement Regulation (“the OPR”).

### 1.2 Who should use this guideline?

This guideline is to be used by those with the responsibility for developing and approving the entity’s special guidelines and handbooks – namely procurement officers, accounting officers or the equivalent within organisations and systems described in the Public Procurement and Disposal of Public Property Act, 2015, as amended (“the Act”) as “public bodies”.

### 1.3 How should this guideline be used?

This guideline should be read in conjunction with the Act (), the Procurement Regulations 2019, the Handbook of Procurement, Retention and Disposal of Public Property and General Guidelines issued by the OPR.

The sections contained herein provides detailed guidance for public bodies to develop their special guidelines and how to submit same for review and approval by the OPR.

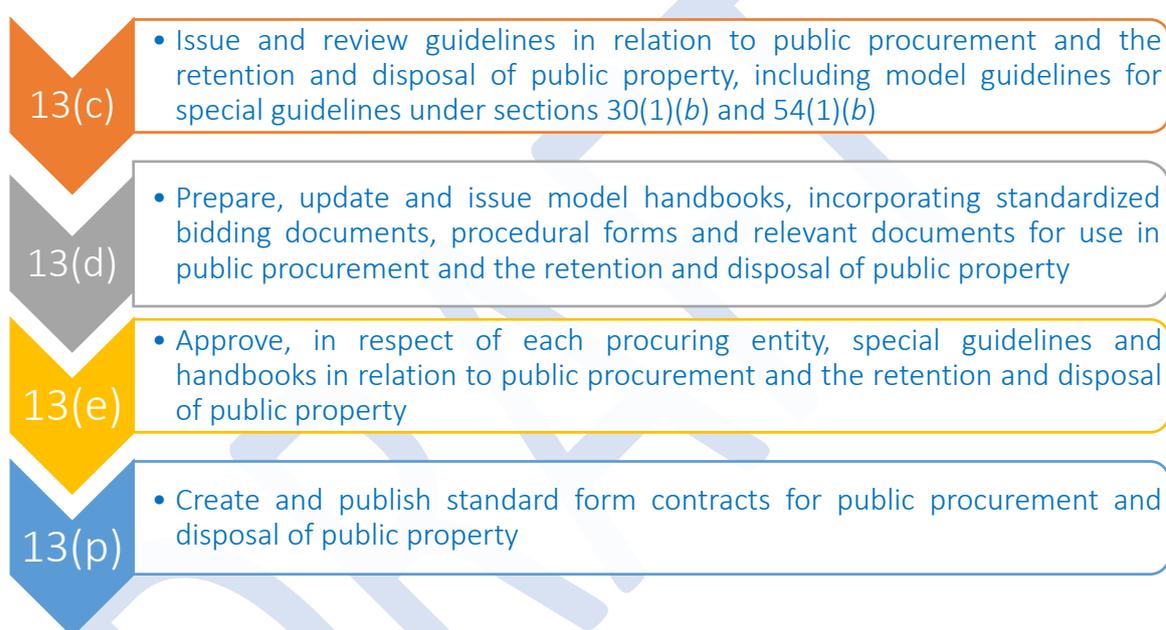


## 2.0 Introduction

The Act introduces a paradigm shift for procurement, retention and disposal of public property in Trinidad and Tobago. Public bodies are required to perform their procurement, retention and disposal of public property functions in a manner designed to achieve the objects of the Act.

### 2.1 Responsibilities of the OPR

Sections 13 (c), (d), (e) and (p) of the Act mandate the OPR to equip public bodies with handbooks, guidelines, standardised bidding documents, procedural forms, standard form contracts and other relevant documents for use in public procurement, retention and disposal of public property, as follows:



In that regard, the OPR has developed one comprehensive and one basic handbook, a number of general guidelines on a wide range of procurement, retention and disposal of public property activities, as well as guidelines and other relevant documents, for use by public bodies, as shown in the table.

No.	Name
1.	Comprehensive Handbook on Procurement, Retention and Disposal of Public Property
2.	Basic Procurement Handbook – A Practical Guide
3.	Preparation of special guidelines and handbook for approval by the OPR
<b>General Guidelines</b>	
<b>SECTOR SPECIFIC</b>	
4.	Procurement by state-controlled enterprises and statutory bodies
5.	Procurement by Non-Governmental Organisations
6.	Health Sector Procurement
7.	Procurement of Works

No.	Name
8.	Local Government Procurement
9.	Prequalification for the provision of legal services
<b>General Guidelines</b>	
<b>OPERATING ENVIRONMENT FOR PUBLIC SECTOR PROCUREMENT</b>	
10.	Framework for Internal Control for Procurement
11.	Procurement functional management
12.	Developing Procurement Capacity
13.	Code of conduct
14.	Whistleblowing and Challenge Proceedings
<b>PROCUREMENT PLANNING (STRATEGIC AND OPERATIONAL)</b>	
15.	Procurement Portfolio Management and Supply
16.	Category Management
17.	Developing the Annual Procurement Plan
18.	Developing Specifications
19.	Sustainable development and sustainable procurement
<b>TENDERING PROCEDURES</b>	
20.	Procurement Methods and Procedures
21.	Template for Pre-qualification and Pre-selection
22.	Standard Bidding Document – Invitation to Bid
23.	Standard Bidding Document- Request for Quotations
24.	Local industry development and local content
25.	Management of risk in procurement
29.	Selecting Supply Contracts <i>Sample Forms of Contracts</i>
<b>EVALUATION OF BIDS AND AWARD OF CONTRACT</b>	
30.	Evaluation of Bids and award of contract
31.	Negotiation of Contract
32.	Standstill Period (and debriefing)
<b>CONTRACT MANAGEMENT</b>	
33.	Monitoring, managing and reporting of performance contracts
34.	Management and monitoring of contract activities
35.	Record keeping and maintenance of procurement files (Document management system)
<b>RETENTION AND DISPOSAL OF PUBLIC PROPERTY</b>	
36.	Retention and disposal of public property



## 2.2 Responsibilities of Public Bodies

Public Bodies may utilise the handbooks, guidelines, documents and templates issued by the OPR to perform their procurement, retention and disposal of property activities.

However, where necessary, a public body should develop its own special guidelines to facilitate the achievement of the objects of the Act, without compromising its unique circumstances.

In that regard, the Act provides for the following:

**30(1)** A procuring entity shall comply with—

- (a) such general guidelines in relation to public procurement as the Office may issue;
- (b) such special guidelines in relation to public procurement as the Office may approve for that procuring entity; and
- (c) such handbooks in relation to public procurement as the Office may approve for that procuring entity for the purposes of ensuring compliance with this Act and guidelines under paragraphs (a) and (b).

**30(2)** Special guidelines under subsection (1)(b)—

- (a) shall be prepared by the procuring entity and submitted to the Office for its approval; and
- (b) may provide that general guidelines under subsection (1)(a) shall apply to a procuring entity subject to such exemptions or amendments as are specified in the special guidelines.

**30(3)** Handbooks under subsection (1)(c) shall be prepared by the procuring entity and submitted to the Office for its approval.

## 2.3 Circumstances unique to public bodies

Circumstances unique to a public body may be as a result of one or more of the following characteristics:

- 1) Its **legal structure**, for example, the public body may be owned by a mixture of shareholders such as government, private and/ or may be publicly traded.
- 2) **Operating procedures** (the public body may be bound by certain commercial practices in order to maximise profits and minimise costs)
- 3) **Size of operation** (the entity may be extremely large or extremely small)

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- 4) **National Security** (some of the operations of the entity may be sensitive to national security considerations)
- 5) **Unique business model** (in terms of the entity's operations and/ or reporting lines)
- 6) **Unique market circumstances** (e.g. requirement for highly complex or specialised goods and services)

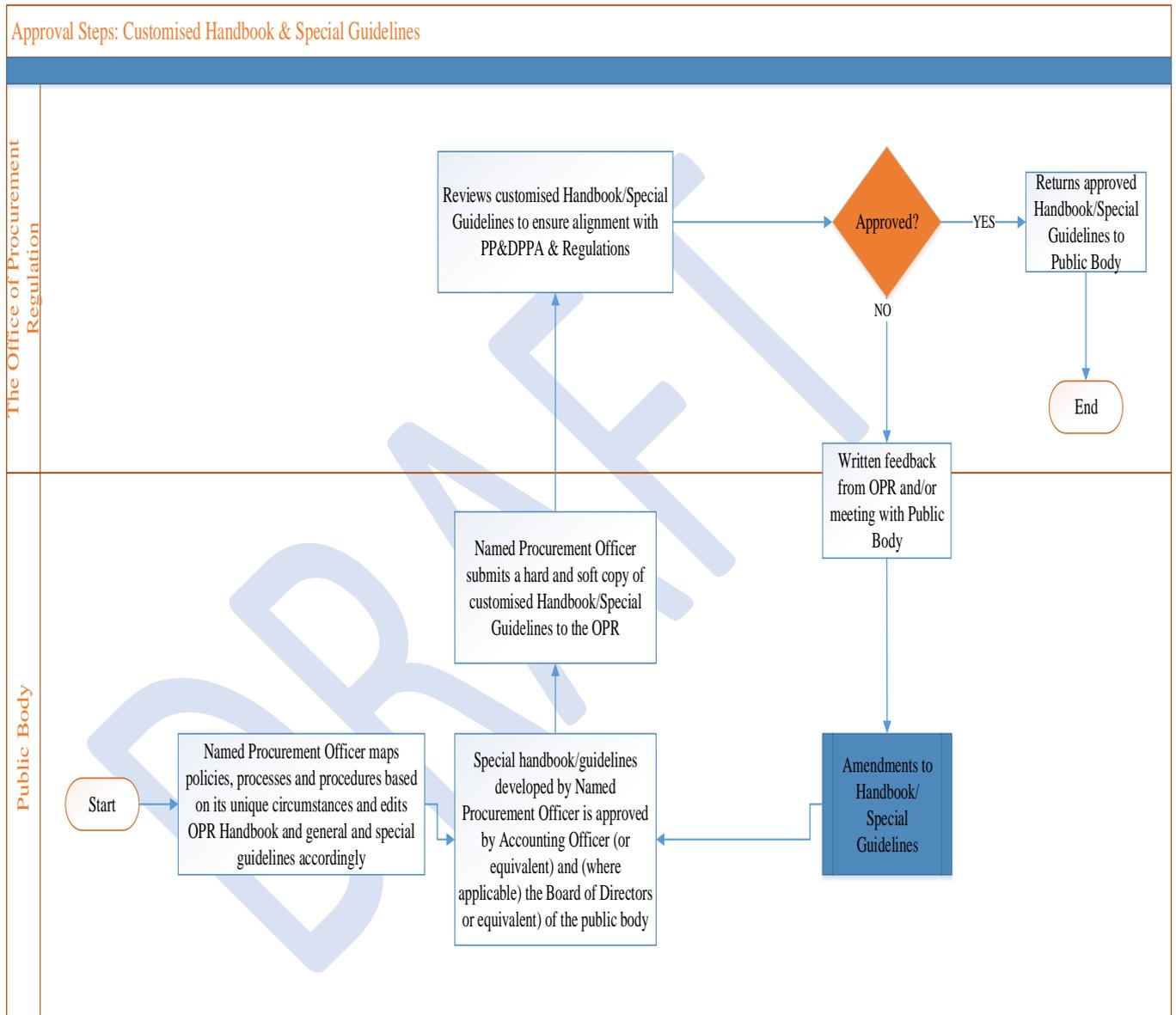
In such instances the public body will be required to take the following steps in order to obtain approval of its customised procurement policies, processes and procedures:

- 1) Clearly map all changes (**inclusions, edits, deletions**) within OPR's model guidelines and handbook in red ink where hardcopy documents would be submitted or in using "track changes" for softcopy edit; and
- 2) Subsequently submit a copy of its own special guidelines and handbook to the OPR for review and approval.

Please note that, unless authorised by the OPR, all such approved changes must remain clearly identified in the public bodies' specially approved handbooks and guidelines in order to facilitate future changes, updates or approvals by the OPR.

### 3.0 Public Bodies' Steps To Approved Special Handbooks And Guidelines

The following process map illustrates the steps to be taken by a public body for the approval, by the OPR, of its customised handbook and/ or special guidelines:



## Glossary

Terms	Meaning
Accountability	allows an interested party to ensure that the objectives are being achieved.
Accounting Officer	a person responsible for ensuring that the financial business of the State for which he/she is responsible is properly conducted and that public funds entrusted to his/her care are properly safe guarded.
Act	the Public Procurement and Disposal of Public Property Act, 2015, as amended
Agreement	a negotiated and typically legally binding arrangement between parties as to a course of action.
Annual Procurement Performance Report	a monitoring mechanism performed on contract delivery progress and close-out.
Annual Procurement Plan	the requisite document that the procuring entity must prepare to reflect the necessary information on the entire procurement activities for goods and services and infrastructure to be procured that it plans to undertake within the financial fiscal year.
Asset Management	the process of ensuring that a company's tangible and intangible assets are maintained, accounted for, and put to their highest and best use
Buyer	a person that is responsible for identifying and procuring the goods and services that an organization requires.
Codified	the arrangement of laws or rules into a systematic code.
Competitive Dialogue	a procedure where an organisation is able to conduct dialogue with suppliers/contractors with the goal of developing suitable alternative solutions.
Confidentiality	the state of keeping or being kept secret or private.

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Terms	Meaning
Contract Award	The process of officially notifying a tenderer that they have been selected as the preferred provider for a specific contract.
Contract Management	to ensure that all parties to the contract fully meet their respective obligations as efficiently as possible, delivering the business and operational outputs required from the contract and providing value for money.
Control Activities	actions established through policies, procedures, guidelines and directives.
Control Environment	set of standards, process and structures.
Direct Contracting	a procuring entity may also opt to purchase directly from one, or where feasible, more than one supplier or contractor without competition where circumstances dictate.
Director of Public Prosecutions	the office or official charged with the prosecution of criminal offences.
Disposal of Public Property	includes the transfer without value, sale, lease, concession, or other alienation of property that is owned by a public body.
Efficiency	achieving procurement objectives within reasonable time and cost.
Emergency Procurement	to consider an urgent and unexpected requirement where the conservation of public resources is at risk. Where an emergency exists, procuring entity may pursue procurement contracts without complying with formal competitive bidding requirements.
Expression of Interest	a serious interest from a buyer that their company would be interested to pay a certain valuation and acquire the seller's company through a formal offer.
Evaluation	the opening and assessing of bids to identify the preferred provider for the project.

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Terms	Meaning
Equity	all suppliers/contractors have a fair chance of winning the contract.
Fairness	an even playing field, where all suppliers/contractors are treated equally.
Framework Agreement	an agreement or other arrangement between one or more procuring entities and one or more contractors or suppliers which establishes the terms, in particular the terms as to price and, where appropriate, quantity, under which the contractor or supplier will enter into one or more contracts with the procuring entity during the period in which the framework agreement or arrangement applies.
Goods	items you purchase such as furniture, laptops et cetera.
Integrity	avoiding corruption and conflicts of interest.
Ineligibility List	the removal of a supplier/contractor from the procurement database.
Internal Control Framework	a process, effected by the public body's board of directors, management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives relating to operations, reporting and compliance.
Invitation to Bid	a request from the procuring entity inviting providers to submit a proposal on a project for a specific goods, works or services.
Junior Procurement Officer	a person whose job involves buying low value, low risk goods, works and services.
Letter of Acceptance	a formal indication of a successful offer for the project.
Limited Bidding	to enable a procuring entity to engage a limited number of suppliers or contractors.

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Terms	Meaning
Local Industry Development	activities that serve to enhance local capacity and competitiveness by involvement and participation of local persons, firms and capital market and knowledge transfer during the conduct of the programme of goods, works or services that are being procured.
Market Analysis	to understand how the supply market works, the direction in which the market is going, the competitiveness and the key suppliers within the market.
Named Procurement Officer	a person that leads an organisation's procurement department and oversees the acquisitions of goods, works and services made by the organisation.
Non-Governmental Organization	any non-state, non-profit, voluntary organisation.
Open Bidding	an invitation to bid that is advertised either nationally, regionally or internationally.
The Office of Procurement Regulation	a body corporate established pursuant to an Act of Parliament, namely the Public Procurement and Disposal of Public Property Act, 2015.
Parliament	is the arm of the State entrusted with the responsibility of making laws for good governance, and providing oversight of the Government or Executive.
Procurement	the acquisition of goods, works and services.
Procurement Proceedings	in relation to public procurement, includes the process of procurement from the planning stage, soliciting of tenders, awarding of contracts, and contract management to the formal acknowledgement of completion of the contract.
Procurement and Disposal Advisory Committee	to ensure procurement activities including the disposal of public property are conducted in line with accepted professional purchasing practices and appropriate rules and regulations.
Procuring Entity	a public body engaged in procurement proceedings.

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Terms	Meaning
Public Body	ranging from Ministries to the Tobago House of Assembly (THA), Municipal Corporations, Regional Health Authorities, Statutory Bodies, State Enterprises, Service Commissions, Parliament, State-owned Enterprises, Non-Governmental Organizations, the Judiciary and the Office of the President.
Public Confidence	trust bestowed by citizens based on expectations.
Public Money	money that is received or receivable by a public body.
Public Private Partnership Arrangement	an arrangement between a public body and a private party under which the private party undertakes to perform a public function or provide a service on behalf of the public body.
Public Procurement Review Board	a Board to review decisions made by The Office of Procurement Regulation.
Retention	the continued possession, use or control of goods.
Request for Information	to obtain general information about goods, services or providers and is often used prior to specific requisitions for items.
Request for Proposals	the Request for Proposals to be prepared by the Procuring Entity for the selection of Consultants.
Request for Quotation	to invite suppliers into a bidding process to bid on specific products or services.
Risk	the potential for failures of a procurement process designed to purchase services, products or resources.
Risk Assessment	a dynamic and iterative process of identifying, analysing and assessing risks.
Scope of Works	the detailed communication of requirements for civil or building design and/or construction works.

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Terms	Meaning
Senior Procurement Officer	a person whose job involves buying high value, high risk goods, works and services.
Services	the work to be performed by the Consultant/Contractor pursuant to the Contract.
Socio-Economic Policies	environmental, social, economic and other policies of Trinidad and Tobago authorised or required by the Regulations or other provisions of the laws of Trinidad and Tobago to be taken into account by a procuring entity in procurement proceedings.
Solicitation	seeking information from supply market participants including in the case of pre-qualifications. A solicitation more usually involves seeking bids to supply goods, services or works.
Specifications	a clear, complete and accurate statement of the description and technical requirements of a material/item/service.
Stand-Still Period	the period from the dispatch of a notice as required by the Act, during which a procuring entity cannot accept the successful submission and suppliers, or Consultants can challenge the decision so notified.
State-Owned Enterprises	a <u>business</u> enterprise where the government or <u>state</u> has significant control through full, majority, or significant minority ownership.
Supplier Registration	the first step in our process of building and enhancing a global supplier community. The information you provide about your company will be used to source potential opportunities so be sure to enter as much detail about your capabilities as possible.
Supplier Relationship Management	the systematic approach of assessing suppliers' contributions and influence on success, determining tactics to maximise suppliers' performance and developing the strategic approach for executing on these determinations.
Supplier Performance Management	a business practice that is used to measure, analyse, and manage the supplier's performance to

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Terms	Meaning
	cut costs, alleviate risks, and drive continuous improvement.
Sustainable Development	the developmental projects that meet the needs of the present without compromising the ability of future generations to meet their own needs.
Sustainable Procurement	a process whereby public bodies meet their needs for goods, works or services in a way that achieves value for money on a long-term basis in terms of generating benefits not only to the public body, but also to the economy and wider society, whilst minimising damage to the environment.
Terms of Reference	the Terms of Reference that explains the objectives, scope of work, activities, and tasks to be performed, respective responsibilities of the Procuring Entity and the Consultant, and expected results and deliverables of the assignment.
Transparency	appropriate information is placed in the public domain.
Treaty	a formally concluded and ratified agreement between countries.
Two-Stage Bidding	a procurement method where submission of proposals takes place in two (2) stages, where the technical and financial proposals are submitted separately.
Value for Money	the value derived from the optimal balance of outcomes and input costs on the basis of the total cost of supply, maintenance and sustainable use.
Works	the construction and engineering works of all kinds.

## List of Acronyms

<i>ABBREVIATION</i>	<i>EXPLANATION</i>
<i>ACI</i>	American Concrete Institute
<i>AO</i>	Accounting Officer
<i>APETT</i>	Association of Professional Engineers of Trinidad and Tobago
<i>APP</i>	Annual Procurement Plan
<i>APPR</i>	Annual Procurement Performance Report
<i>ASPA</i>	Annual Schedule of Procurement Activities
<i>ASTM</i>	American Society for Testing and Materials
<i>BATNA</i>	Best Alternative to a Negotiated Agreement
<i>BOATT</i>	Board of Architecture of Trinidad and Tobago
<i>BOETT</i>	Board of Engineering of Trinidad and Tobago
<i>BOQ</i>	Bills of Quantities
<i>BS</i>	British Standards
<i>CAP</i>	Contract Administration Plan
<i>CBTT</i>	Central Bank of Trinidad and Tobago
<i>CEO</i>	Chief Executive Officer
<i>CFR</i>	Code of Federal Regulations
<i>CIMS</i>	The Cleaning Industry Management Standards
<i>CIPS</i>	Chartered Institute in Procurement & Supply
<i>CM</i>	Contract Management
<i>COSO</i>	Committee of Sponsoring Organisations of the Treadway Commission
<i>CPAF</i>	Cost Plus Award Fee
<i>CPFF</i>	Cost Plus Fixed Price
<i>CPIF</i>	Cost Plus Incentive Fee
<i>CPM</i>	Contract Management Plan
<i>CQS</i>	Selection based on Consultants' Qualifications
<i>CSR</i>	Corporate Social Responsibility
<i>CTB</i>	Central Tenders Board
<i>CV</i>	Curriculum Vitae
<i>DBR</i>	Design Brief Report
<i>DN</i>	Delivery Note
<i>DPP</i>	Director of Public Prosecution
<i>DSR</i>	Design Standards Report
<i>ECCE</i>	Early Childhood Care and Education
<i>EMA</i>	Environmental Management Agency
<i>EN</i>	European Standards
<i>EOI</i>	Expression of Interest
<i>EU</i>	European Union
<i>FBS</i>	Selection under Fixed Budget
<i>FFP</i>	Firm Fixed Price
<i>FIDIC</i>	Fédération Internationale Des Ingénieurs-Conseils
<i>FPEPA</i>	Fixed Price with Economic Price Adjustment

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<i>FPPI</i>	Fixed Price Plus Incentive
<i>GPS</i>	Global Positioning System
<i>HP</i>	Hewlett Packard
<i>HSSEQ</i>	Health Safety Security Environment and Quality
<i>IAS</i>	Institute of Advanced Study
<i>ICT</i>	Information and Communication Technology
<i>IDS</i>	Intrusion Detection System
<i>IFB</i>	Invitation for Bid
<i>IFRS</i>	International Finance Reporting Standards
<i>IGRF</i>	Internal Goods Received Form
<i>ILO</i>	International Labour Organisation
<i>IR</i>	Inception Report
<i>ISO</i>	The International Organization for Standardization
<i>IT</i>	Information Technology
<i>ITB</i>	Invitation to Bid
<i>JPO</i>	Junior Procurement Officer
<i>JV</i>	Joint Venture
<i>KPI</i>	Key Performance Index
<i>LCS</i>	Least Cost Selection
<i>LHA</i>	Local Health Authority
<i>LTA</i>	Long Term Agreement
<i>MOWI</i>	Ministry of Works and Infrastructure
<i>MS</i>	Microsoft
<i>MTBF</i>	Mean Time Between Failure
<i>MTTR</i>	Mean Time to Repair
<i>NASPO</i>	National Association of State Procurement Officials
<i>NATT</i>	National Archive of Trinidad and Tobago
<i>NGO</i>	Non-Governmental Organization
<i>NGOs</i>	Non-governmental Organisations
<i>NIB</i>	National Insurance Board
<i>OECD</i>	Organisation for Economic Co-operation and Development
<i>OPR</i>	The Office of Procurement Regulation
<i>OSH</i>	Trinidad and Tobago Occupational Safety and Health
<i>OSH</i>	Occupational Safety and Health
<i>OSHA</i>	Occupational Safety and Health Administration
<i>P&amp;DAC</i>	Procurement and Disposal Advisory Committee
<i>PMBOK</i>	Project Management Book of Knowledge - Guide Sixth Edition
<i>PO</i>	Procurement Officer
<i>PP&amp;DPP</i>	Public Procurement and Disposal of Public Property ACT 2015, as amended
<i>PPC</i>	Public Procurement Cycle
<i>PPDPPA</i>	Public Procurement and Disposal of Public Property Act
<i>PPPA</i>	Public Private Partnership Arrangement
<i>PPRB</i>	Public Procurement Review Board
<i>PR</i>	Preliminary Report
<i>QBS</i>	Quality Based Selection

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<i>QCBS</i>	Quality and Cost-Based Selection
<i>RFI</i>	Request for Information
<i>RFO</i>	Request for Offer
<i>RFP</i>	Request for Proposal
<i>RFQ</i>	Request for Quotation
<i>RH</i>	Relative Humidity
<i>SAMF</i>	Strategic Asset Management Framework
<i>SCP</i>	Sustainable Consumption & Production
<i>SDGs</i>	Sustainable Development Goals
<i>SLA</i>	Service Level Agreements
<i>SOE</i>	State-Owned Enterprises
<i>SOR</i>	Statement of Requirements
<i>SOW</i>	Scope/Statement of Works
<i>SP</i>	Sustainable Procurement
<i>SPM</i>	Supplier Performance Management
<i>SPO</i>	Senior Procurement Officer
<i>SRM</i>	Supplier Relationship Management
<i>SSID</i>	Service Set Identifier
<i>STOW</i>	Safe to Work
<i>SWOT</i>	Strengths, Weaknesses, Opportunities and Threats
<i>TCPD</i>	Town and Country Planning Division
<i>TOR</i>	Terms of Reference
<i>TTD</i>	Trinidad and Tobago Dollars
<i>TTFS</i>	Trinidad and Tobago Fire Service
<i>UPS</i>	Uninterrupted Power Supply
<i>VAT</i>	Value Added Tax
<i>Vfm</i>	Value for Money
<i>VPN</i>	Virtual Private Network
<i>WASA</i>	Water and Sewerage Authority of Trinidad and Tobago
<i>WHO</i>	World Health Organisation