

PUBLIC PROCUREMENT SENSITIZATION

December 2,
2019



Public Procurement Law & Regulation – Effective April 1, 2019

2

- Public Procurement Act 2015.
- Public Procurement Regulation 2018

All Public Sector entities are now mandated to conduct procurement in keeping with this legislation.

New Legislation VS Handbook of Public Sector Procurement Procedures 2014

- This legislation supersedes the rules and procedures outlined in the 2014 Handbook
- A new Handbook is being developed.

New Standard Bidding Documents (SBDs)

- ▶ A total of 43 Standards Bidding Documents
- ▶ Ten (10) for Consulting Services
- ▶ Fourteen (14) for Goods
- ▶ Five (5) for Non-consulting services
- ▶ Fourteen (1) for works

New Entities

- ▶ Integrity Commission-

Mandated to promote and enhance standards of ethical conduct for parliamentarians.

Procuring Entities are mandated to comply with request from that Office

New Entities

Specialist Procurement Unit

- ▶ The Head of Entity (HOE) is mandated to establish a Specialist Procurement Unit.

New Entities

Public Procurement Commission (PPC)

- ▶ The National Contracts Commission has been renamed the PPC

New Entities

Office of Public Procurement Policy

- ▶ The Procurement and Asset Policy Unit (PAPU) in the MOFP has been renamed the Office of the Public Procurement Policy.
- ▶ Headed by a Chief Public Procurement Policy Officer

Procurement Methods and Threshold

- ▶ Procurement Thresholds remain the same as the 2016 amendments, however the names of the procurement methods have been changed.
 1. International Competitive Bidding -
Open International Competitive Bidding
 2. Local Competitive Bidding – Open
National Competitive Bidding

Procurement Methods and Threshold

3. Direct Contracting – Single Source Procurement.
4. Limited Tender – Restricted Bidding
5. Local Competitive Bidding – Open
National Competitive Bidding

Single Source Procurement

- ▶ Four (4) Circumstances where it may be utilized.
 1. The goods/services/works are available from a particular Supplier or approved un-registered supplier, or a particular **supplier has exclusive rights**
 2. Procurement of additional goods/services/works for reasons of **standardization or compatibility.**

Single Source Procurement

3. National Security or defense interests of Jamaica
4. Emergency Situations or extreme urgency

Restricted Bidding

This method may be utilized where –

1. The time and cost involved in considering a large number of bids would be disproportionate to the estimated value of the procurement.

Negotiation

- ▶ The Procuring Entity is to engage in negotiations when using Single Source Procurement unless not feasible for the procurement concerned.
- ▶ As per the Regulations 27 (1-4) after a clarification is sought and received in respect of Open Bidding, no negotiations can take place between the PE and the Bidder.

Surcharge

- ▶ The Financial Secretary may surcharge an Officer on the recommendation of the Auditor General, Contractor General or the Public Procurement Commission if that officer:
 1. Was responsible for utilizing a procurement method in contravention of the Act which resulted in a deficiency or loss of public monies if no satisfactory explanation is provided.
 2. The surcharge can be the full amount of the loss or as determined by FS.

Standstill Period

- ▶ The period of time between the notice of the contract award decision and the actual award of the contract.
 1. Not exceeding 10 days
 2. Notification of unsuccessful bidders indicating the successful bidder and the contract price.
 3. The objective is to allow UB the opportunity to query, review and challenge the results if they desire.
 4. Not required for Single Source Procurement (within the thresholds)
 5. May not be required in procurement of an urgent need

Special and Differential Treatment Orders under the PPA 2015

17

- ▶ Objectives of Special and Differential Treatment Measures:
 1. Encourage participation of Jamaican suppliers
 2. Increase their capacity to compete for contracts
 3. Develop Jamaican industries
 4. Promote economic growth

Domestic Margin of Preference and Set Asides

THANK YOU!!