UWI
ST. AUGUSTINE CAMPUS

Procurement Training

INTRODUCTORY WORKSHOP

Presented by: The Procurement Unit

Express Bu$iness

Wednesday, January 15, 2020

T&T needs new tendering and procurement law, says regulator Moonilal Lalchan

$5.2B CAN BE SAVED

Story by Kim Boodram on Page 5

VIDEO MADE WITH ANIMOTO

Take Control of Your Finances...

PRESENTERS

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THE PROCUREMENT UNIT'S TRAINING OBJECTIVES

To sensitize staff on the policies and procedures that are being used to govern procurement at The UWI, St. Augustine Campus
To update staff on the procedural changes being effected through the revised Procurement Governance Framework
To build the procurement capacity of The UWI STA staff, especially those who are actively involved in the operational aspects of procurement
To bring more structure and accountability in the execution of procurement across the campus.
To properly train and advise staff of The UWI STA's role and responsibility under the Public Procurement and Disposal of Public Property Act 2015 (as amended)

TRAINING SOURCES

All Training Modules and templates have been developed using the following established or approved sources:

- Internal approved Procurement Policies and Procedures
- Public Procurement and Disposal of Public Property Act, 2015 (amended).
- The Office of Procurement Regulation: Guidelines, Handbooks, Training Workshops & other material
- The CIPS Body of Knowledge: Chartered Institute of Procurement & Supply, UK
- United Nations Procurement Body of Knowledge: e.g. Procurement Practitioner's Handbook

TRAINING AGENDA

Day 1

- Introduction
- Procurement Planning
- Case Study

Day 2

- Solicitation
- Tender Evaluation and Award
- Case Study

Day 3

- Supplier/Contractor Performance and Contract Management
- Procurement Reporting and Records Management
- Process Maps and Templates

INTRODUCTION OVERVIEW

1. Opening Remarks and Introductions
2. Introduction to Procurement at The UWI
3. Financial Procedures and Guidelines
4. Procurement Policies and Procedures Guide for Goods, Services and Works, 2011
5. Procurement Governance Framework
6. Approval Authorities
7. The Legislative Framework for Public Procurement in Trinidad and Tobago

Introduction to Procurement at The University of the West Indies

HISTORY OF PROCUREMENT AT THE UWI

Period	Event	What led to these developments?
2008	Revision of the Financial Code	Purchasing & general procurement rules, contracts, Capital Expenditure
2010	Development of The Financial Procedures and Guidelines	Approval of Expenditure for PO's & Contracts, Purchasing Procurement & Contracts, retention of documents, Capital Expenditure, Duties & responsibilities of staff
2011	Development of The Procurement Policy and Procedures Guide for Goods, Services and Works	To govern the procurement of all goods, services and works, except where the use of donor agency guidelines are contractually required
2015	Public Procurement and Disposal of Public Property Act	Legislation and Procedures for efficient public procurement and for assets disposal by public entities
2016	Engagement of a Procurement Services Manager	To manage the set-up of the Procurement Unit, which, inter alia, was intended to oversee the full operationalization of the approved Policy Manual and PPDPPA 2015
2019	Procurement Governance Framework and Supporting Guidelines	Developed to strengthen the Campus' procurement governance structure and to improve procurement compliance on the Campus

INTERNAL POLICIES GUIDING PROCUREMENT AT THE UWI

Purchasing and Procurement at The University of the West Indies, St. Augustine Campus (UWISTA) is governed primarily by the Procurement Policies and Procedures Manual (2011), supported by the following documents, all of which guide how its procurement function is executed:

- Revised University Financial Code, 2008
- University Financial Procedures and Guidelines, 2009/2010
- Procurement Governance Framework & supporting Appendices, 2019

INTERNAL POLICIES GUIDING PROCUREMENT AT UWI

Financial Code 2008

The Financial Procedures and Guidelines, 2009/2010

The University's Procurement Policy and Procedures Guide for Goods, Services and Works, 2011

Revised Procurement Governance Framework and Supporting Guidelines, 2019

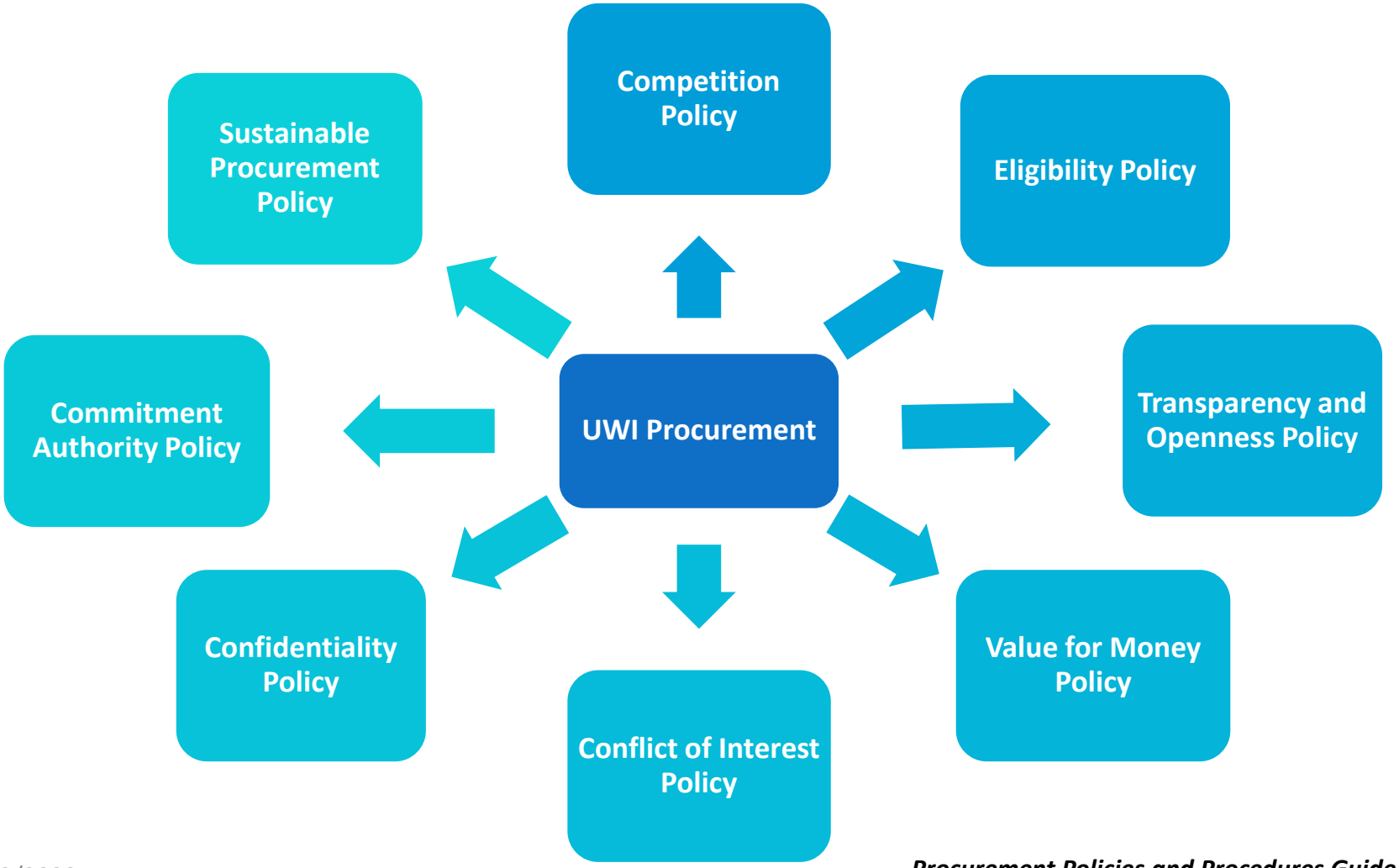
FINANCIAL PROCEDURES AND GUIDELINES, 2009/2010

The Financial Guidelines addresses the following areas:

- Maintenance of Purchasing Manuals
- Contractual Agreements
- Competitive bidding
- Purchasing, approval authorities and limits
- Single/sole source purchasing
- Tender Committee approval
- Retention of documents

Procurement Policies and Procedures Guide for Goods, Services and Works, 2011

PRINCIPLES WHICH INFLUENCE PROCUREMENT AT THE UWI



Procurement Policies and Procedures Guide for Goods, Services and Works, 2011

PROCUREMENT POLICIES AND PROCEDURES GUIDE FOR GOODS, SERVICES AND WORKS, 2011

The purpose of the procurement manual seeks to:

- Describe the policies and procedures
- Promote transparency, accountability and value for money
- Establish Internal Controls
- Provide a suitable framework for procurement planning decision making and control

PROCUREMENT POLICIES AND PROCEDURES GUIDE FOR GOODS, SERVICES AND WORKS, 2011

These procedures should be the main reference for any value of procurement activity that you engage in. It provides details on the following areas:

PURCHASING AND SIMPLE PROCUREMENT	STRATEGIC SOURCING AND COMPLEXED PROCUREMENT	INVENTORY MANAGEMENT	SUPPLIER MANAGEMENT
• Requirements Definition • Sourcing • Supplier Selection • Preparation and Issue of Purchase Orders • The use of Payment Vouchers • Reimbursements • Advanced Payments	• Leasing versus Purchasing • Selecting the Procurement Method • Sourcing • International Tendering • Solicitation Documents • Receiving and Opening Bids • Bid Evaluation	• Storage of Stock • Monitoring Stock Levels • Issuing Stock • Management of Stock	• Relations with Suppliers • Evaluation of Suppliers • Monitoring Supplier/Contract or Performance

REDEFINING THE UWI'S INTERNAL PROCEDURES (Phased approach)

The introduction of the Public Procurement and Disposal of Public Property Act (PPDPPA) has influenced the reexamination of our internal procurement policies & procedures. We have found:

1. Existing policies meet the overarching objects of the legislation.

2. The need to make improvements to increase the level of legislative & regulatory compliance (Procurement Governance Framework, 2019)

To ensure:

- UWI's further engagement with OPR
- Full review of procurement policies for submission to OPR
- Continuous training

Procurement Governance Framework

THE PROCUREMENT GOVERNANCE FRAMEWORK

Procurement Governance Framework

Campus Procurement Committee (CPC)

Approved Composition:

1. Campus Bursar (as Chairperson)
2. Deputy Bursar (to chair when Campus Bursar is absent or unavailable)
3. Senior Projects Officer/Head, Campus Projects Office (CPO)
4. Director/Head, Division of Facilities Management (DFM)
5. Chief Information Officer, Campus IT Services (CITS)
6. Financial Manager, CPO
7. Campus Legal Officer (or designate), Office of the Campus Registrar
8. Financial Manager, Budgets, Bursary
9. Academic member - Deans (on rotation annually, on appointment by the Campus Principal) or their respective nominees

CPC Secretary - Manager, Procurement Unit

CPC Secretariat – Procurement Unit staff

Approved Terms of Reference and Quorum of CPC: *See Attachment II*

➢ **Reporting requirements to CF&GPC**

i. Chair/Member, Tender Evaluation Committee to present Evaluation Report/recommendation to CPC;
ii. HOD/Chair, Tender Evaluation Committee to present paper with Evaluation Report/recommendation to CF&GPC;
iii. Campus Bursar (as Chair of CPC) to update CF&GPC on any minutes and comments at CPC regarding Tender Evaluation report/recommendation.

The Procurement Unit

Major responsibilities:

1. Oversight of procurement activities at UWISTA for compliance;
2. Procurement change driver;
3. Conduct of continuous sensitization, training and education on procurement;
4. Contractor Pre-qualification and Performance Management.
5. Strategic procurement direction: policy and procedural reviews and updates;
6. Legislative and regulatory awareness & compliance;
7. Oversight and audit of disposal of asset function;
8. General procurement auditing and reporting;
9. Campus-wide procurement spend management.

Approved:

The Procurement Working Unit to serve as Secretariat to the CPC.

The Procurement Working Unit will be the liaison between the OPR and The UWI on any legislative or regulatory changes that are likely to impact on the Campus in its procurement activities.

Disposal Committees (Board of Survey)

Approved Composition:

1. Deputy Bursar, Chairperson
2. Asset Manager
3. Director, Division of Facilities Management (DFM) or designate
4. Chief Information Officer, Campus IT Services (CITS) or designate
5. Representative, Faculty of Engineering
6. Representative, Faculty of Medical Sciences
7. Financial Manager - Suppliers, Bursary

Secretariat support: currently provided by the Secretariat, Office of the Campus Registrar).

Terms of Reference:

Updated TOR to be submitted to CF&GPC for approval.

Reporting Requirements:

i. Board of Survey/Disposal Committee to provide a report on disposals to the Campus Procurement Committee (CPC) on a quarterly basis through the Campus Bursar.
ii. Faculty Deans/HODs to continue to dispose once the Board of Survey/Disposal Committee gives approval and identifies method of disposal
iii. Disposal Completion form (template to be prepared by The Procurement Unit), to be used by Faculty/Department after every disposal. To be submitted to Board of Survey/Disposal Committee.

Tender Evaluation Committees

Tender Evaluation Committees:

i. Composition to be guided by the nature and value of procurement
ii. Committee to be guided by specific Evaluation Committee Guidelines [***see Attachments III & IV***]

Evaluation Committee Composition:

For Purchases valued up to TT$100,000

Committee members internal to User Department, with a maximum of 3 persons: May coopt external subject experts as needed (e.g. DFM, OHSE, Finance)

Members to be approved by HOD.

For purchases >TT $100,000 ≤TT$400,000

Mixture of internal and external members, with a minimum of 3 members

Must include external members, technical or otherwise (from e.g. Technical, DFM, OHSE, Finance, Legal)

Members approved by HOD in consultation with the Procurement Manager, if necessary.

For purchases above TT$400,000

Mixture of internal and external members, minimum of 4 members

Members to be approved by CPC, on recommendation from HOD in consultation with the Procurement Manager

Procurement Executing Arms

These Units will be responsible for executing procurement projects/ initiatives on the Campus:

Campus Projects Office (CPO):

i. All procurement relating to projects managed by CPO;
ii. All procurement from other faculties/departments exceeding TT$400,000;
iii. Acquisition of elevators and Central Plant Air Conditioning Systems.

Division of Facilities Management (DFM):

i. Procurement relating to all roads, utilities (water, electrical, air-conditioning, sewer), janitorial and landscaping and repairs of all values;
ii. Maintenance of elevators, air-conditioning systems of all values;
iii. Procurement from other Faculties/Departments less than TT$400,000, on the request of the Dean/HOD

Campus IT Services (CITS):

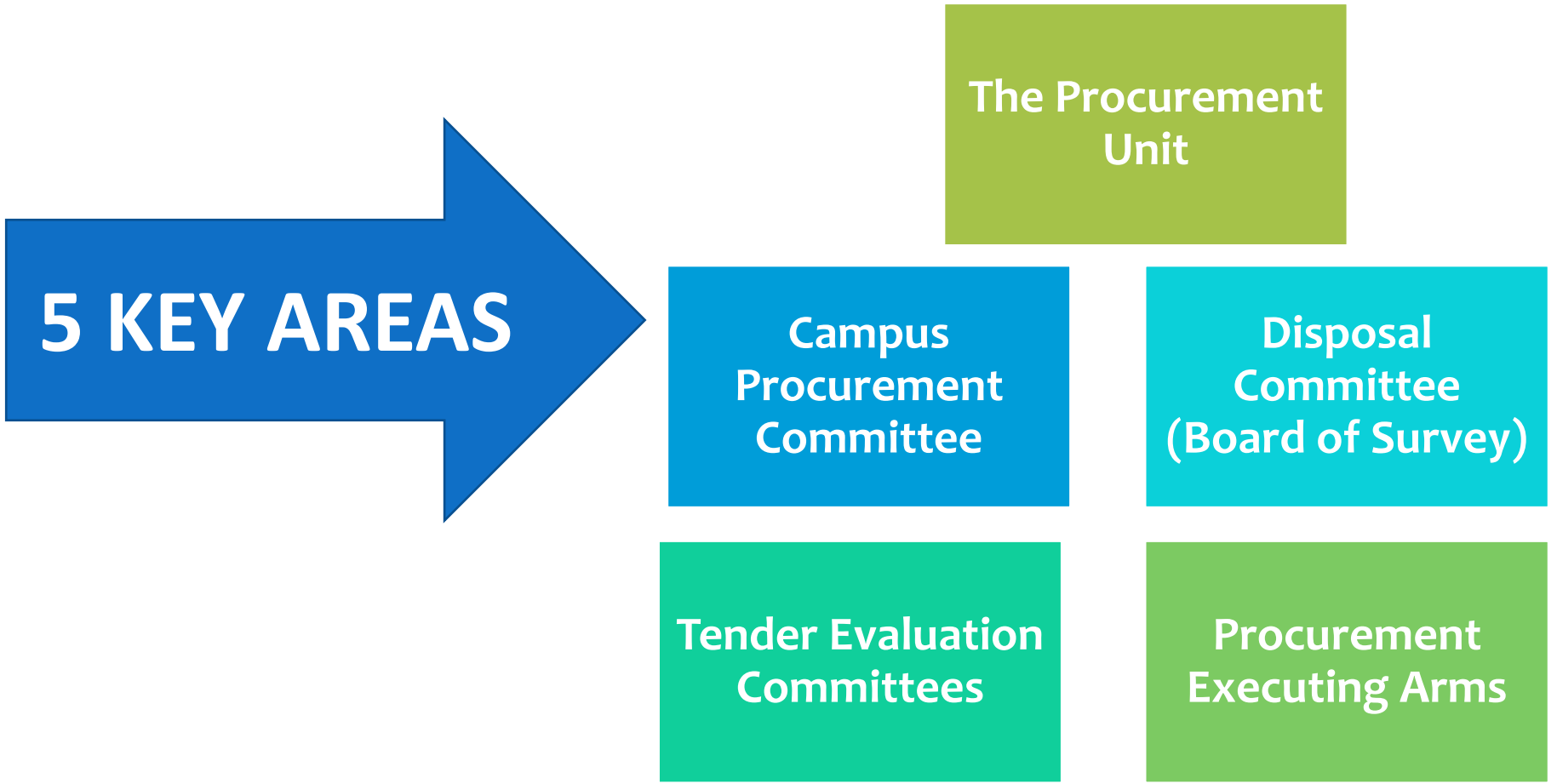
i. All ICT procurement ≤ TT$400,000 – via CITS;
ii. All ICT procurement >TT $400,000 - via Campus Projects Office with technical support from CITS

Faculty of Engineering, Medical Sciences and all other Faculties/Departments:

i. All procurement up to TT$400,000 by the Faculty/Department in consultation with the Procurement Unit;
ii. All procurement >TT$400,000 – via the Campus Projects Office or Division of Facilities Management (as set out above)

Reporting requirements: All executing arms must provide quarterly reports to the Campus Procurement Committee on all procurement undertaken during the given period.

THE PROCUREMENT GOVERNANCE FRAMEWORK



The Procurement Unit

THE PROCUREMENT UNIT

Main Responsibilities

The Procurement Unit will provide direct support to the UWI STA's Faculties, Departments, Schools, Institutes , Centers, Halls of Residences and Administrative Units with respect to sourcing and optimization of Procurement Processes.

We will also be involved in policy making, monitoring, evaluation and coordination to improve operational efficiencies

- Oversight of procurement activities at UWISTA for compliance.
- Act as a Procurement change driver.
- Conduct of continuous sensitization, training and education on procurement.
- Development of the tools and templates needed to engage in procurement activity more efficiently and in a standardized manner.
- Manage the Contractor/Supplier Pre-qualification and Performance Management.
- Debrief unsuccessful bidders on any unsuccessful outcome.
- Initiate Strategic procurement direction: policy and procedural reviews and updates.
- Ensure legislative and regulatory awareness & compliance.
- Have oversight of the disposal of asset function.
- Manage general procurement auditing and reporting.
- Manage campus-wide procurement spend.
- To serve as Secretariat to the Campus Procurement Committee (CPC) and the revised Disposal Committee (when operationalized).

Campus Procurement Committee (CPC)

CAMPUS PROCUREMENT COMMITTEE

The Campus Procurement Committee maintains governance and oversight of the UWI STA's Procurement function

The Campus Procurement Committee has always been involved in The UWI STA's procurement activities.

Their functions have now been reinforced through the revised Procurement Governance Framework and is now more visible due to increased functions

CAMPUS PROCUREMENT COMMITTEE

Composition

- Campus Bursar (Chairperson), with Deputy Bursar when absent or unavailable
- Senior Projects Officer/Head, Campus Projects Office (CPO)
- Division of Facilities Management (DFM) Representative
- Campus IT Services (CITS) Representative
- Financial Manager, Campus Projects Office
- Campus Legal Officer or designate, Office of the Campus Registrar
- Financial Manager, Budgets, Bursary
- Academic member - Deans (to be rotated annually, on appointment by the Campus Principal) or their respective nominees

CAMPUS PROCUREMENT COMMITTEE

Responsibilities

- To work directly with the Procurement Unit to collaborate and oversee The UWI's procurement activities
- Oversee the pre-qualification of contractors and suppliers for the Campus
- Approval of the tender process for selective, single and sole source tenders

CAMPUS PROCUREMENT COMMITTEE

Responsibilities

- Make recommendation(s) on the appropriate sourcing method and tender process for activities exceeding $400,000
- To review the evaluation report for procurement above $400,000 before forwarding to Campus Principal and CF&GPC
- Contract monitoring and review

CAMPUS PROCUREMENT COMMITTEE

Meeting of the CPC

- The CPC shall meet once every month or as often as necessary or as is expedient for the transaction of its business.

CAMPUS PROCUREMENT COMMITTEE

Meeting of the CPC

- The CPC shall meet once every month or as often as necessary or as is expedient for the transaction of its business.

- At a minimum, the CPC shall convene at least two weeks prior to the scheduled meeting of CF&GPC to deliberate, clarify and recommend all procurement matters to be submitted for CF&GPC's approval.

Procurement Executing Arms (PEA)

What is a PEA

A Procurement Executing Arm (PEA) refers to the Faculty/Department/Unit that facilitates and carries out the procurement process for goods, services and works.

PROCUREMENT EXECUTING ARMS (PEA)

Who are the PEAs?

PROCUREMENT EXECUTING ARMS

- **Campus Projects Office (CPO)** [Special Purpose PEA]
- **Campus IT Services (CITS)** [Special Purpose PEA]
- **Division of Facilities Management (DFM)** [Special Purpose PEA]
- **Other Faculties/Depts/ Units**

PROCUREMENT EXECUTING ARMS (PEA)

Procurement Related Responsibilities:

1. To manage and execute procurement relating to their specific area or work for all Faculties/ Departments/Units across the Campus where necessary

2. To engage in a procurement planning process with Faculties/Departments/Units:

- Who request the assistance of the Special Purpose PEA's
- For the procurement of specific items under their management.
- Who request technical support where necessary.

3. To provide quarterly reports to the Campus Procurement Committee

4. To provide technical support to Tender/Bid Evaluation Committees across the Campus.

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Campus Projects Office (CPO):

- All procurement relating to projects managed by CPO;
- Procurement from other faculties/ departments exceeding TT$400,000;
- Acquisition of elevators and Central Plant Air Conditioning Systems.

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Division of Facilities Management (DFM):

- Procurement relating to all roads, utilities (water, electrical, sewer), janitorial and landscaping of **all values**

- Maintenance of elevators, air-conditioning systems of **all values**.

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Division of Facilities Management (DFM):

- For all other types of facilities maintenance procurement, the DFM will execute ‘all repairs’ exceeding $TT400k on behalf of the User Department

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Division of Facilities Management (DFM):

For all repairs ≤ $TT400k, the User department can either:

a. Retain responsibility for all other types of repairs providing that the expertise to manage all technical aspect of the activity resides within the User Department, or

b. Rely on the DFM to execute such procurement where the required technical expertise cannot be located internal to the User Department.

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Campus IT Services (CITS):

- The User Departments to retain responsibility for purchasing of computers, printers, copiers, laptops and ICT equipment & accessories ≤$400k.

- LAN Administrators to develop specifications and consult with CITS on possible suppliers on behalf of User Departments.

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Campus IT Services (CITS):

- All ICT procurement >$400k - via Campus Projects Office with technical support from CITS
- A CITS representative to be included as part of the evaluation process

PROCUREMENT EXECUTING ARMS

Procurement Executing Values Based on Procurement Categories

Faculty of Engineering, Medical Sciences and all other Faculties/Departments/Units

- All procurement up to $400,000 by the Faculty/Department/Units in consultation with the Procurement Unit
- All procurement >$400,000 – via the Campus Projects Office or Division of Facilities Management

PROCUREMENT EXECUTING ARMS

In light of the above

a. The User Departments are expected to rely on the PEA designated to execute procurement as listed, based on value, nature and complexity.

PROCUREMENT EXECUTING ARMS

In light of the above

b. Where a PEA external to the User Department is needed to facilitate the procurement, the User Department is still required to provide technical information, scoping requirements, evaluation criteria and any other information requested by the PEA to execute the procurement/tender process.

PROCUREMENT EXECUTING ARMS

In light of the above

c. In order to determine which area is best suited to undertake a procurement activity, the planning and budgeting for the goods/ services/works required starts with the User Department.

Please consult the Procurement Unit if clarification is needed on the role and responsibilities of the PEA.

Tender/Bid Evaluation Committees

Overall Responsibility

- To make recommendations to the Head of Department or other relevant signing authorities on the award of suitable contractors and/or suppliers to provide The UWI with required goods, services and works
- To be impartial with their selection of a suitable supplier/contractor
- To maintain written documentation of the actions and decisions taken by the Committee.

CONFLICT OF INTEREST AND CONFIDENTIALITY

All staff involved in the evaluation of procurement activities are required to declare any conflict of interest they may have with a supplier/contractor and to maintain the confidentiality of all bids during and after the bid evaluation process.

Staff are also required to conduct procurement activities in accordance with the ethics principles enshrined in Procurement Legislation, The UWI STA's Procurement Manual, Financial Code and Procedures

<TT $100,000
≤TT$400,000
Committee Members to be approved by HOD
Consult with the Procurement Manager where required
APPROVAL OF EVALUATION COMMITTEE
>TT$400,000
Committee Members to be approved by CPC Chair

TENDER EVALUATION COMMITTEE

≤TT$100K

Composition

User Department will retain responsibility and shall ensure the Evaluation Committee comprise a maximum of 3 members as follows:

- At least one senior member of staff with expert knowledge and experience in the subject area;
- Personnel responsible for managing the project/contract (if not same as senior technical member of staff identified above);

TENDER EVALUATION COMMITTEE

≤TT$100K

Composition

- One senior administrative personnel with knowledge of the procurement process (preferably not person actively involved in requesting quotation.

If required, the User Department can opt to source evaluators from other areas of the Campus (e.g. DFM, OHSE, Finance).

TENDER EVALUATION COMMITTEE

TT$100k - TT$400k

Composition

Where User Department/ Department Head/Budget Holder is executing the procurement solely:

- Minimum of 3 members
- Two (2) staff internal to the Unit with the requisite skills relevant to the subject area of the procurement. These can comprise:
  - one (1) senior technical staff and

TENDER EVALUATION COMMITTEE

>TT$100k - TT$400k

Composition

- either one (1) of the unit's purchasing resource **OR** one (1) end user with adequate knowledge of the required good/service **OR** any other internal staff with adequate knowledge and experience to participate.

- One (1) staff member external to the department, as necessary, with area-specific knowledge relevant to project, including but limited to financial, legal, health and safety (campus-wide).

TENDER EVALUATION COMMITTEE

>TT$100k - TT$400k

Composition

Where a PEA is executing the procurement on behalf of the User Department/ Department Head/Budget Holder (e.g. DFM, CITS, CPO):

- Minimum of 3 members
- Two (2) technical staff members:
  - one each from the Executing Unit and the User Department **OR** both from the latter where the expertise does not exist in the former,

TENDER EVALUATION COMMITTEE

>TT$100k - TT$400k

Composition

- One (1) end user with adequate knowledge of the required good/service,
- One (1) staff member external to the department, as necessary, with area-specific knowledge relevant to project, including but limited to financial, legal, health and safety (campus-wide).

TENDER EVALUATION COMMITTEE

>TT$400k

Composition

The Evaluation Committee shall comprise a minimum of 4 members to be chosen from the following persons as appropriate:

- One (1) senior technical staff member from the User Department,
- One (1) member of the CPO/DFM, as the Procurement Executing Unit, once the relevant technical knowledge exists therein,

TENDER EVALUATION COMMITTEE

>TT$400k

Composition

- One (1) end user with adequate knowledge of the required good/service,
- One (1) financial/accounting resource
- One (1) staff member external to the department, as necessary, with area-specific knowledge relevant to project, including but limited to engineering, facilities management, sciences, medical, legal, health and safety (chosen from across the campus).

Disposal Committee (Board Of Survey)

Responsibilities

1. To examine and advise on the disposable value and the means of disposal of movable University property submitted for its examination; and
2. To advise on the percentage of the replacement element in any items proposed to be acquired to replace equipment which the Board of Survey has recommended to be disposed of.

Source: Board of Survey Terms of Reference and Procedures (2009)

DISPOSAL COMMITTEE (BOARD OF SURVEY)

Current Process

DISPOSAL COMMITTEE (BOARD OF SURVEY)

Original Board of Survey	Reconstituted Board of Survey
Chairperson	Deputy Bursar, Chairperson
The Estate Manager	Asset Manager
The Campus Bursar	Representative, Division of Facilities Management (DFM) or designate
Two members of Academic Staff	Representative, Campus IT Services (CITS) or designate
	Representative, Faculty of Engineering
	Representative, Faculty of Medical Sciences
	Financial Manager-Suppliers, Bursary

Secretariat support: currently provided by the Secretariat, Office of the Campus Registrar), but it is proposed that this be moved to the Procurement Unit

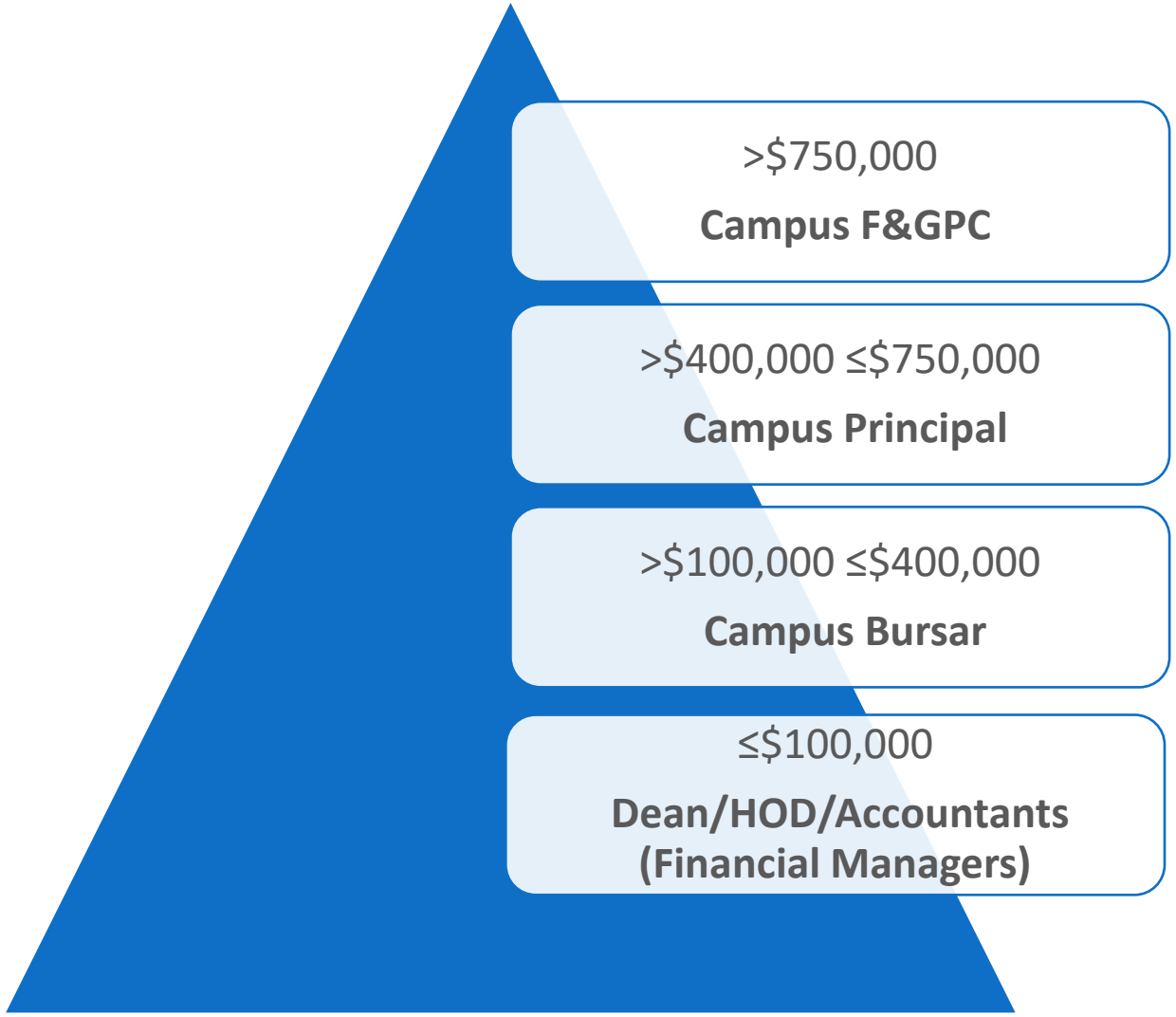
DISPOSAL COMMITTEE (BOARD OF SURVEY)

Reporting Requirements

The following is a planned approach subject to the approval of the draft Disposal Policy

- Provide a report on disposals to the Campus Procurement Committee (CPC) quarterly
- Faculty Deans/HODs to continue to dispose once the Board of Survey/Disposal Committee gives approval and identifies method of disposal
- Disposal Completion Form to be used by Faculty/Department after every disposal. To be submitted to Board of Survey/Disposal Committee.

Tender/Contract Approval Authorities



The Legislative Framework for Public Procurement in Trinidad and Tobago

(1) The Public Procurement and Disposal of Public Property Act 2015, as amended (partially proclaimed)

(2) Procurement Regulations 2019 (not yet proclaimed)

(3) OPR General Guidelines (Comprehensive Handbook of Procurement, Retention and Disposal of Public Property, 2021

(4) OPR Special Guidelines (or Special Guidelines of a Public Body approved by the OPR)

What is the Public Procurement and Disposal of Public Property Act?

"An ACT to provide for public procurement, and for the retention and disposal of public property, in accordance with the principles of good governance, namely accountability, transparency, integrity and value for money, the establishment of the Office of Procurement Regulation, the repeal of the Central Tenders Board Act, Chap. 71:91 and related matters"

WHO IS RESPONSIBLE FOR ENFORCING THE PPDPP ACT

The Office of Procurement Regulation is a body corporate established pursuant to Part II of the Public Procurement and Disposal of Public Property Act, 2015, as amended.

WHO IS RESPONSIBLE FOR ENFORCING THE PPDPP ACT

The extensive functions of the OPR are set out under section 13 of the PPDPP Act.

In the performance of its functions, the OPR may—

(a) monitor the procurement of goods, works and services, and the disposal of public property, by public bodies to ensure compliance with the Act;

(b) conduct audits and periodic inspections of public bodies to ensure compliance with the Act;

(c) issue directions to public bodies to ensure compliance with the Act.

APPLICATION OF THE ACT

According to sections 6 and 7 of the PPDPP Act

"This Act applies to public bodies and public-private partnership arrangements".

Further, "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."

THE UWI AS A PUBLIC BODY UNDER THE ACT

According to Part 1 of the PPDPP Act 2015 as amended, The University of the West Indies (The UWI) is considered a "public body" according to the following definition:

- *"(l)* **a body corporate** or unincorporated entity **in relation to any function**, project, scheme or arrangement **which involves the use by it, of public money**;"

WHAT IS PUBLIC MONEY?

According to Part 1 of the PPDPP Act 2015 as amended, "**public money**" means money that is:

(a) **received or receivable by a public body**;

(b) raised by an instrument from which it can be reasonably inferred that the State accepts ultimate liability in the case of default;

(c) spent or committed for future expenditure, by a public body;

(d) distributed by a public body to a person;

(e) raised in accordance with a written law, for a public purpose; or

(f) **appropriated by Parliament**."

PURPOSE OF THE PPDPP ACT

To provide for public procurement and for the retention and disposal of public property in accordance with the following principles:

- Good Governance
- Accountability
- Transparency
- Integrity
- Value for Money
- Efficiency
- Fairness
- Equity
- Local Industry Development
- Sustainability Procurement and Sustainable Development
- Public Confidence

WHAT DO THESE PRINCIPLES MEAN?

Principle	Explanation
Accountability	To be responsible for our actions and decisions and having the obligation to report and/or answer to those actions and decisions.
Integrity	Commitment to honesty the execution of the process which assures reliability and confidence amongst stakeholders.
Transparency	Availability of information by all stakeholders and being open to scrutiny.
Value for Money	Achieving efficiency and economies of scale
Efficiency	Achieving procurement competently and with the least waste of time and effort.
Fairness	Level playing field, where all suppliers/contractors are treated equally

WHAT DO THESE PRINCIPLES MEAN?

Principle	Explanation
Equity	All suppliers/contractors have a fair chance of winning the contract.
Public Confidence	Obtaining the trust of stakeholders and ensuring they understand the process.
Local Industry Development	Includes those activities that serve to enhance local capacity and competitiveness by involvement and participation of local market and knowledge transfer during the engagement.
Sustainable Procurement	Sustainable procurement is the adoption and integration of Corporate Social Responsibility (CSR) principles into your procurement processes and decisions while also ensuring, they meet the requirements of your company and its stakeholders.
Sustainable Development	Developmental projects that meet the needs of the present without compromising the ability of future generations to meet their own needs.

KEY PROCUREMENT ROLES AND RESPONSIBILITIES

Accounting Officer	UWISTA Campus Principal
Named Procurement Officer (NPO)	UWISTA Procurement Manager
Procurement and Disposal Advisory Committee (PDAC)	UWISTA Campus Procurement Committee (CPC)
Disposal Committee	UWISTA Board of Survey

WHO IS THE ACCOUNTING OFFICER?

The Accounting Officer has the fiduciary responsibility to the Auditor General in accordance with the Exchequer and Audit Act, Chapter 69:01 as amended

RESPONSIBILTIES OF THE ACCOUNTING OFFICER

The Financial Regulations of the Exchequer and Audit Act set out the accountabilities of Accounting Officers as follows:

Section (4) An Accounting Officer shall be responsible for ensuring —(a) that the financial business of the State for which he is responsible is properly conducted; and (b) that public funds entrusted to his care are properly safe guarded and are applied only to the purposes intended by Parliament

Section (5) All Accounting Officers are personally and pecuniary responsible for – (a) due performance of the financial duties of their departments; (b) the proper collection and custody of all public moneys receivable by them; and (c) for any accounts rendered by them or under their authority

WHO IS THE NAMED PROCUREMENT OFFICER?

A person that leads an organization's procurement department and oversees the acquisitions of goods, works and services made by the organization.

The OPR recommends that the ‘Named’ Procurement Officer reports to the Accounting Officer for effective internal controls, planning, executing and monitoring the procurement and disposal functions to ensure full compliance with the provisions of the Act.

RESPONSIBILITIES OF THE NAMED PROCUREMENT OFFICER

Ensuring that training is provided to procurement staff in the Code of Conduct,	Annually compiling the APP for approval by the Accounting Officer & submission to the OPR;	Compiling the annual procurement performance report within 1 month of the end of each fiscal period;	Customizing the Handbook and Special Guidelines for approval by the OPR; and	Ensuring that the procurement, retention and disposal of public property functions are planned and executed in a manner designed to achieve the objects of the Act.

RESPONSIBILITIES OF THE PROCUREMENT AND DISPOSAL ADVISORY COMMITTEE (PDAC)

Verifying the procurement and disposal activities performed by a public body and	**Providing a level of reassurance to the Accounting Officer that the activities were performed in accordance with approved policies and procedures, handbooks and guidelines, and the annual procurement plan.**

This committee should comprise at a minimum a representative of the legal department, finance department and an individual with the technical expertise to advise on the specific procurement activity.

Currently, The UWISTA's Campus Procurement Committee acts and executes the functions that is required of the PDAC.

THE PROCUREMENT AND DISPOSAL ADVISORY COMMITTEE

Other Key Roles And Responsibilities

Campus Legal Office

Where necessary:

Is involved in the review of the solicitation documents (including draft contract), the bid evaluation process, negotiation and finalization of contracts to ensure legal risks and protection are catered for etc.

Participates in contract negotiations with Suppliers/Contractors.

Faculties/Departments

Responsible for the planning and execution of and reporting on all their procurement activities.

THE PROCUREMENT AND DISPOSAL ADVISORY COMMITTEE

Other Key Roles And Responsibilities

Disposal Committee

The Disposal Committee (at UWISTA, this is the Board of Survey) acts as an operational committee responsible for recommending the best method of disposal of unserviceable, obsolete or surplus stores or equipment to the 'Named' Procurement Officer (Procurement Manager) who subsequently makes this recommendation to the Accounting Officer via the PDAC (CPC).

Critical Features of the Legislation

… that will impact the UWISTA's approach to Procurement Planning, Execution and Compliance

- Roles, responsibilities and authorities of the Accounting Officer and the Named Procurement Officer in the public body
- Provisions, Guidelines and Procedures aligned with the Legislation and the Regulations
- Increased reporting requirements to the OPR and Parliament on how The UWISTA plans & executes procurement
- Pre-qualification and registration of Suppliers/Contractors from whom The UWI can procure goods, works and services

… that will impact the UWISTA's approach to Procurement Planning, Execution and Compliance

- Publishing of planned procurement activities & contracts awarded
- Detailed processes for executing and reporting on the Disposal of Assets
- Observance of a Standstill Period for high value/high risk procurement and impact on timelines for tendering and award of contracts
- Right of vendors to challenge the award of contracts
- List of offences and penalties under the Act

…that will impact the UWISTA's approach to Procurement Planning, Execution and Compliance

Note:

- A public body shall not dispose of unserviceable, obsolete or surplus stores and equipment to an employee of the public body or a member of a board or committee of the public body except as expressly allowed under Regulations (section 57)
- A procuring entity shall not procure goods, works or services from a member of its staff or a person who has direct influence on the decision of a procuring entity (section 59(4))
- A member of staff of a procuring entity or a person with direct influence on the decisions of a procuring entity shall declare any interest that he may have in any tender

…that will impact the UWISTA's approach to Procurement Planning, Execution and Compliance

NOTE that section 5 of the PPDPP (Amendment Act) 2020 provides that the Act does shall not apply to the following services provided to the public body:

- Legal services
- Accounting and auditing services
- Medical emergency or other scheduled medical services

Under the PPDPP Amendment Act 2016, a Public Procurement Review Board is established to review decisions made by the OPR

ANNUAL PROCUREMENT PLAN

What is the Annual Procurement Plan?

- The Annual Procurement Plan provides details of the items to be procured, risk and market analyses, procurement strategies and objectives, and contract management strategies for its spend categories for a 12 month period.

- An Annual Procurement Plan is **NOT** a schedule of anticipated procurement actions to be undertaken during a period. However, such a schedule (The Annual Schedule of Procurement Activities) flows from the Annual Procurement Plan and will be attached as an Appendix to the Plan.

ANNUAL PROCUREMENT PLAN

Who is responsible for preparing the Annual Procurement Plan?

- The Named Procurement Officer has full responsibility for the final preparation of the Annual Procurement Plan, for submission to the Accounting Officer. However, the Plan has to be developed in collaboration with all of UWISTA's budget holders.
- The Plan should take into account Annual Estimates of Capital, Recurrent and PSIP Expenditure.
- The Accounting Officer is responsible for approving the Annual Procurement Plan

REPORTING REQUIREMENTS UNDER THE ACT

Annual Procurement Plan	Quarterly Report	Annual Procurement Performance Report	Other Reports
Reports on all planned procurements for the fiscal year	Reports on all contracts awarded for the preceding quarter	Reports on performance, comparing planned with actual activities and outcomes	Reports on any procurement or disposal matters requested by OPR
Prepared by Procurement Manager (NPO)	Summary Report prepared by Procurement Manager (NPO)	Prepared by Procurement Manager (NPO)	Prepared by Procurement Manager (NPO)
Approved by Campus Principal (Accounting Officer)	Approved by Campus Principal (Accounting Officer)	Approved by Campus Principal (Accounting Officer)	Approved by Campus Principal (Accounting Officer)
Due within six (6) weeks of the approved National Budget	Due three (3) weeks after the end of each quarter	Due within six (6) weeks at the end of the fiscal year	Due date to be determined by OPR

STANDSTILL PERIOD

What is the Standstill Period?

'means the period from the dispatch of a notice as required by section 35(2), during which a procuring entity cannot accept the successful submission and suppliers or contractors can challenge the decision so notified'

PPDPP Act 2015

- *Applies to High Risk/High Value Procurement*

STANDSTILL PERIOD

Under **S. 7** "A procuring entity shall set a standstill period which is not fewer than ten working days and not more than fifteen working days, in the first instance, in accordance with the guidelines issued by the Office".

(The Public Procurement and Disposal of Public Property (Evaluation) Regulations 2021)

PROCUREMENT DEPOSITORY

- The Act requires that the OPR establish a database, known as “the Procurement Depository” where suppliers/contractors can provide information with respect to their qualifications and experience.

- In conducting its due diligence, pursuant to section 29(1)*(e)*, a procuring entity may require a supplier/contractor who has submitted information to the Procurement Depository to confirm the accuracy of the information submitted.

CONTRACTOR REGISTRATION & PRE-QUALIFICATION

What is Prequalification?

- Pre-qualification is the procedure to identify prior to solicitation, suppliers/contractors who are qualified.

Who will Prequalify?

- The Procurement Unit will be responsible for prequalifying suppliers/contractors for The UWISTA in collaboration with the User Departments and PEAs.

CONTRACTOR REGISTRATION & PRE-QUALIFICATION

Any supplier/contractor seeking to participate in procurement with the UWISTA must register their information and upload relevant associated documentation into the Procurement Depository, established by the OPR.

An "assigned" procuring entity **will be required to prequalify the suppliers/contractors they will be engaging with**, in the Procurement Depository. Once they have been prequalified by the "procuring entity" they can be engaged by any other "procuring entity".

NB: Before engaging with a supplier/contractor that was approved by another procuring entity, The UWI should review the application and conduct any necessary due diligence checks to assess the validity of the supplier/contractor.

CONTRACTOR REGISTRATION & PRE-QUALIFICATION

What if the supplier/contractor is not on the database?

The PEAs at UWISTA will be responsible for advising the supplier/contractor to register on the Procurement Depository and upload their documents to be prequalified before they submit a quotation/proposal/tender.

What if the supplier/contractor is already on the database?

The PEAs at UWISTA can recommend the supplier/contractor they want to engage with to the Procurement Unit who will pre-qualify them before use.

RIGHT TO CHALLENGE AND APPEAL

According to Section 49(1) of the PPDPP Act, 2015:

'A supplier or contractor may bring challenge proceedings where it is alleged that:

(a) a procuring entity made a decision or took action that is not in compliance with this Act; and

(b) the supplier or contractor has suffered or is likely to suffer loss or injury because of the decision or action of the procuring entity'.

RIGHT TO CHALLENGE AND APPEAL

A Supplier/ Contractor may apply to the OPR for review of a decision or an action taken by a procuring entity in the procurement proceedings.

Applications for review can also be submitted for terms of, or decisions taken for:

- Solicitation
- Pre-qualification
- Pre-selection (prior to the submission deadline).

Challenges can be within the standstill period or where no standstill period has been applied.

Source: PPDPPA Section 50(2)

Synopsis of Procurement Legislative and Regulatory Framework

SYNOPSIS OF PROCUREMENT LEGISLATION

Legislative Framework

- Establishment of the OPR and its relationship with public bodies.
- Oversight and control
- Guidelines, model Handbooks and standard bidding documents
- Comprehensive database of information
- Set training standards, competence levels and certification requirements
- Procurement Depository and Database of pre-qualified suppliers/contractors

SYNOPSIS OF PROCUREMENT LEGISLATION

Compliance and Enforcement

- Enforces compliance with the PPDPP Act 2015 as amended
- Audits and conducts periodic inspection of public bodies
- Investigative powers
- Report on unfulfilled procurement contracts and non-compliance

SYNOPSIS OF REGULATIONS

Regulatory Framework

- The Public Procurement and Disposal of Public Property (Evaluation) Regulations, 2021 (**Note: A procuring entity shall only use the evaluation criteria and methodology specified in its bidding document**. An evaluation criterion may refer to both price and non-price factors)

- The Public Procurement and Disposal of Public Property (Ineligibility Proceedings) Regulations 2021 (If an officer of a procuring entity, a bidder or a member of the public **suspects that a supplier or contractor, participating in a contract award procedure, or a senior officer of the supplier or contractor has engaged prohibited conduct**, he may bring this to the attention of the Accounting Officer, or equivalent in a public body, or to the Office in a report, together with any documentary evidence at his disposal)

SYNOPSIS OF REGULATIONS

Regulatory Framework (continued)

- The Public Procurement and Disposal of Public Property (Pre-Qualification and Pre-Selection) Regulations, 2021 (A public body may create a register of pre-qualified suppliers and contractors for classes of procurement which it may require on a recurring basis. **Where a procuring entity pre-qualifies a supplier or contractor it shall inform the Office within fourteen working days of the pre-qualification for the inclusion of the pre-qualification in Office's database of pre-qualified suppliers and contractors**)

- The Public Procurement and Disposal of Public Property (Procurement Methods and Procedures) Regulations 2021 (Open Bidding, Limited Bidding, RFQs, Single Source Selection, Sole Source Selection, etc.)

SYNOPSIS OF REGULATIONS

Regulatory Framework (continued)

- The Public Procurement and Disposal of Public Property (Procurement of Consultants) Regulations, 2021 (A procuring entity may procure the services of a Consultant using a competitive or non-competitive method of procurement. **A procuring entity may utilize either the sole source or single source method of procurement where –**
  - **(a) a Consultant is to be selected because of his unique qualification; or**
  - **(b) it is necessary for a Consultant to continue a project**.)

- The Public Procurement and Disposal of Public Property (Participation in Procurement) Regulations 2021 (A supplier or contractor who participates in an international competitive bid may benefit from domestic preference mechanisms set out in the bidding document)

SYNOPSIS OF REGULATIONS

Regulatory Framework (continued)

- The Public Procurement and Disposal of Public Property (Challenge of Proceedings) Regulations, 2021 (**A supplier or contractor may bring challenge proceedings for review by the OPR** where it is alleged that—
  - *(a)* a procuring entity made a decision or took action that is not in compliance with this Act; and
  - *(b)* the supplier or contractor has suffered or is likely to suffer loss or injury because of the decision or action of the procuring entity.)

- The Public Procurement and Disposal of Public Property (Record of Proceedings) Regulations 2021(**A procuring entity shall maintain an easily accessible and retrievable record for each procurement proceeding, which shall be marked with the record management reference number**)

SYNOPSIS OF REGULATIONS

Regulatory Framework (continued)

- The Public Procurement and Disposal of Public Property (Retention of Public Property and Disposal of Personal Property) Regulations 2021
  (**A public body shall dispose of unserviceable, obsolete or surplus stores or equipment by utilizing the most appropriate means** including, but not limited to – (a) public sale or tendering; (b) public auction; (c) gift; (d) lease; (e) concession; (f) transfer; (g) destruction; (h) trade-in; (i) recycling; and (j) donation)

WHAT CAN HAPPEN IF THE UWISTA DOES NOT COMPLY WITH THE ACT?

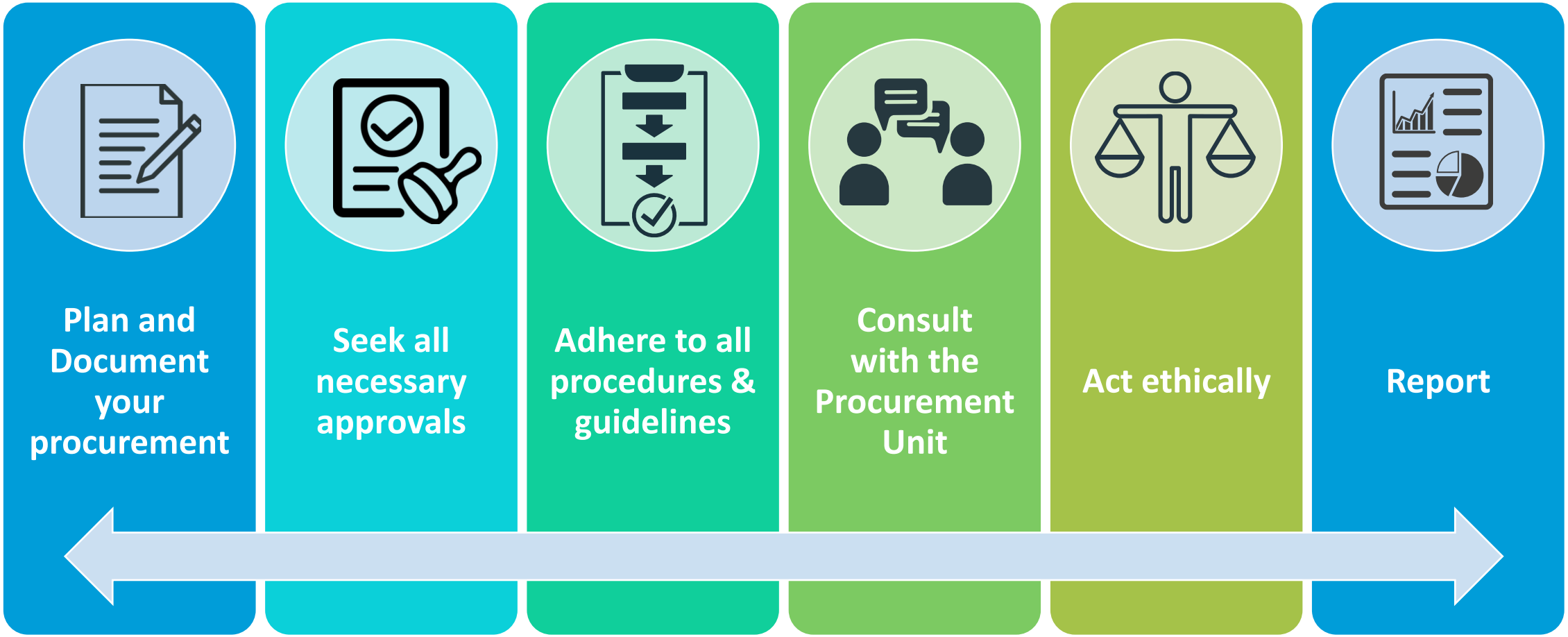
SCHEDULE 1 : OFFENCES AND PENALTIES

Section	Offence	Specified Penalty
14 (2)	**Failure to comply** with a direction by the OPR issued under the Act to ensure compliance with the Act (public body or person)	Summary Conviction - $100,000
17 (2)	Failure of a member of the Board (OPR) or a Committee constituted by the Board (knowingly or willfully) **to disclose an interest**	Summary Conviction - $500,000 and imprisonment for One Year
41 (4)	False report to the Office	Conviction - $500,000 and imprisonment for One Year
59 (10)	Conduct influencing public officer (**bribery, conflicts of interest, corrupt, fraudulent, collusive, coercive or obstructive practices**)	Conviction - $1.0M and imprisonment for Five Years
60 (1)	**Bid-rigging**, influencing procurement proceedings	Conviction - $5.0M and imprisonment for Ten Years
60 (2)	**Altering a procurement document** to influence the outcome of the procurement proceedings	$2.0M and imprisonment for Seven Years
63 (2)	**Contravention of a regulation made by the Minister** on the recommendation of the OPR (challenge proceedings, ineligibility list)	≤ $1.0M and imprisonment for Five Years

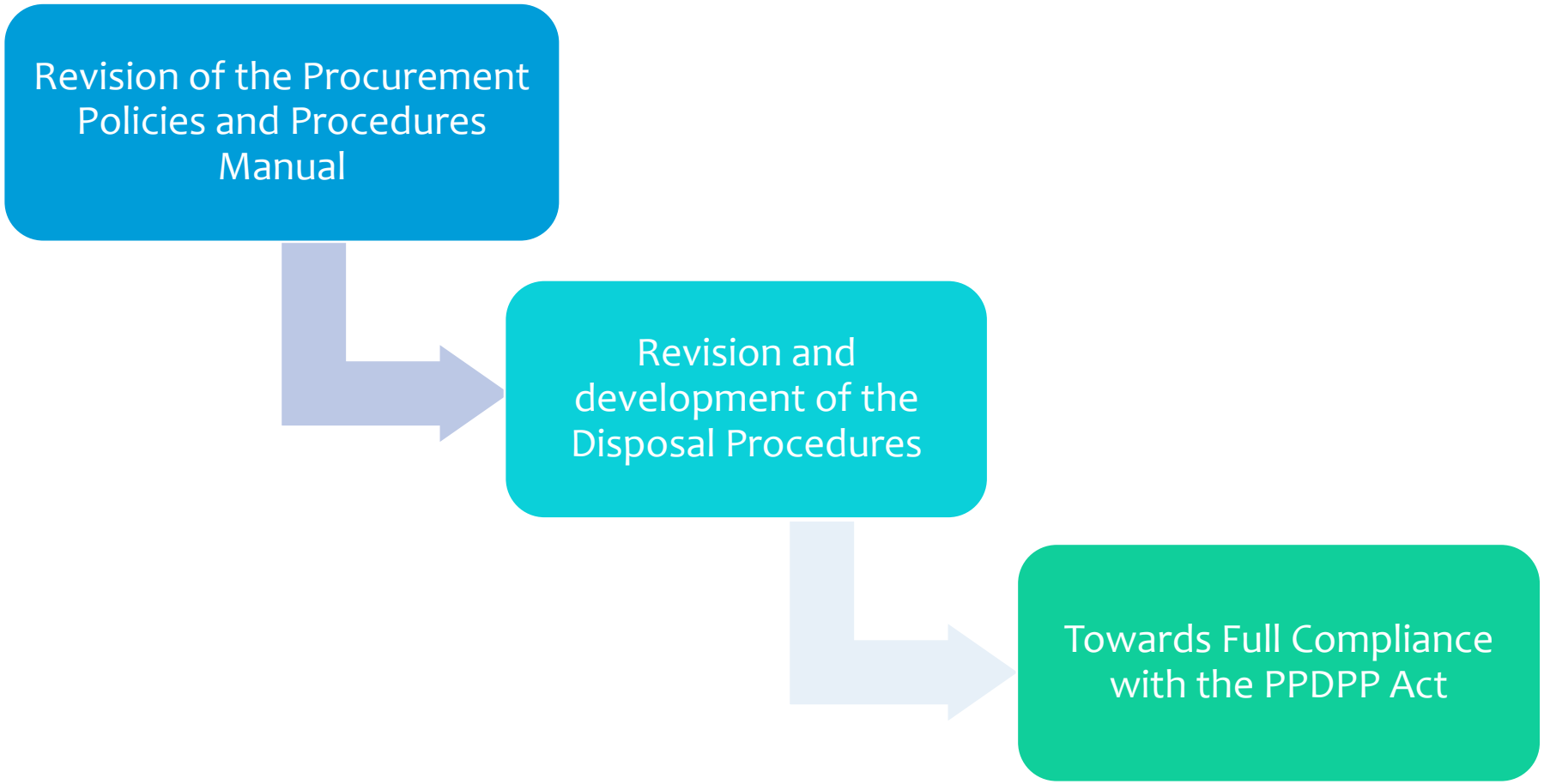
SCHEDULE 1 : OFFENCES AND PENALTIES

Section	Offence	Specified Penalty
31	Splitting of Procurement	Summary Conviction - $500,000 and imprisonment for One Year
39	Breach of confidentiality	Summary Conviction - $500,000 and imprisonment for One Year
40	Victimization	Summary Conviction - $500,000 and imprisonment for One Year
41	Failure to report collusion	Summary Conviction - $500,000 and imprisonment for One Year
46	Concealing/ destroying information required for an investigation	Conviction on Indictment - $5.0M and Ten Years imprisonment
52	Failure to comply with requirements wrt confidentiality in challenge proceedings	Summary Conviction - $500,000 and imprisonment for One Year

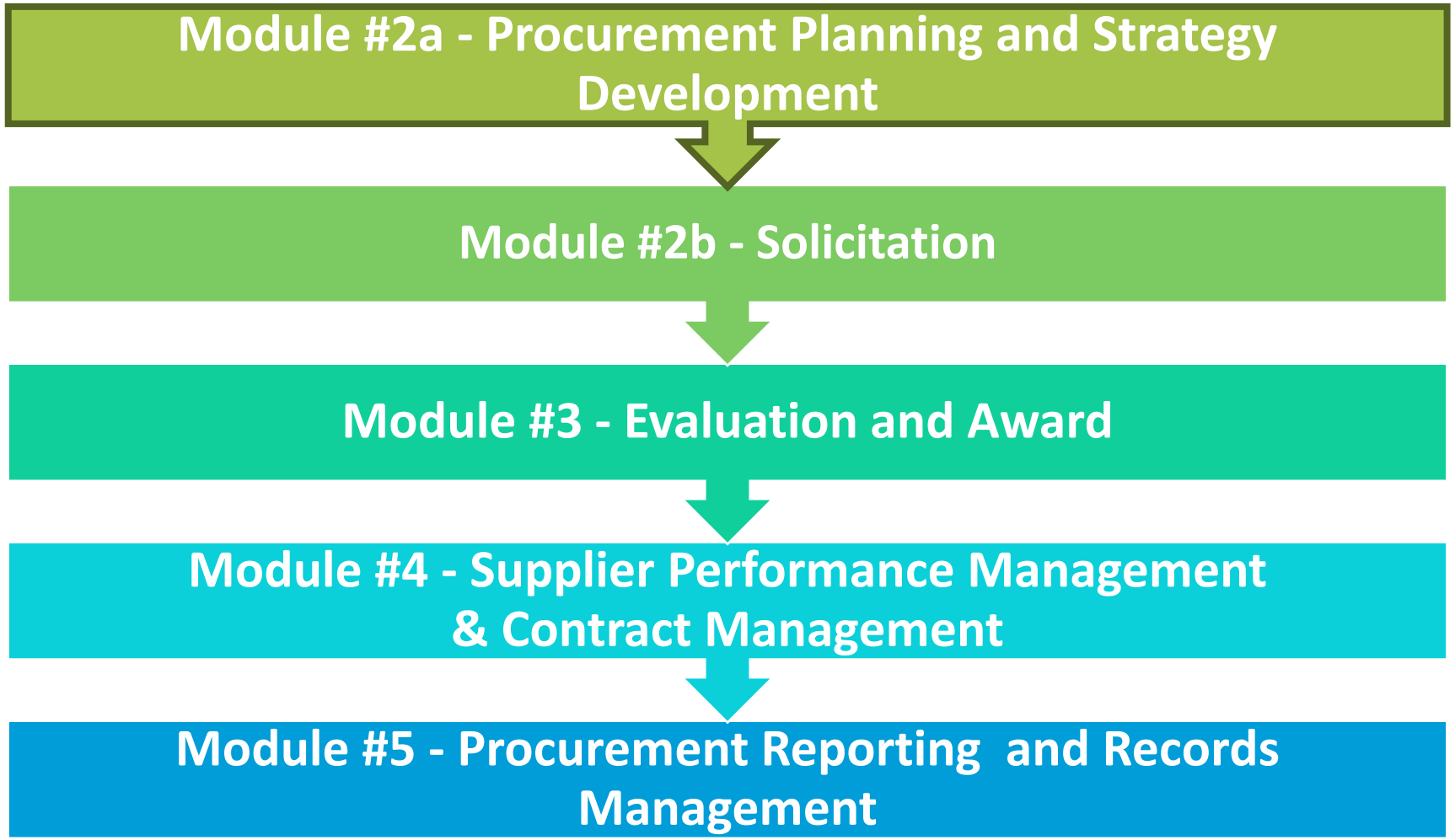
HOW CAN YOU DO YOUR PART?



PROCUREMENT NEXT STEPS AT THE UWISTA



NEXT ON THE TRAINING SCHEDULE



QUESTIONS