

**THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY (EVALUATION) REGULATIONS,
2021**

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Legal Notice No.

REPUBLIC OF TRINIDAD AND TOBAGO

**THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY ACT, 2015**

REGULATIONS

Made by the Minister, on the recommendation of the Office of Procurement Regulation, under section 63 of the Public Procurement and Disposal of Public Property Act and subject to affirmative resolution of Parliament

**THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC PROPERTY (EVALUATION) REGULATIONS,
2021**

- Citation **1.** These Regulations may be cited as the Public Procurement and Disposal of Public Property (Evaluation) Regulations, 2021.
- Interpretation **2.** In these Regulations, “life-cycle costing method” means a costing tool used to determine the one-time and recurring costs associated with a major purchase over the lifetime of the good;
- Evaluation criteria **3.** (1) A procuring entity shall select the successful submission based on the evaluation criteria and methodology specified in its bidding document.
- (2) A procuring entity’s evaluation criteria and methodology shall be appropriate to the type, nature, market conditions, and complexity of the goods, works or services being procured.
- (3) A procuring entity shall only use the evaluation criteria and methodology specified in its bidding document.
- (4) An evaluation criterion may refer to both price and non-price factors.
- Price factor **4.** (1) A submitted price may be adjusted for the quantifiable evaluation criterion if it is specified in the bidding document.

- (2) A quantifiable evaluation may include:
- (a) the period for completion of the work or service or delivery of the good;
 - (b) the life-cycle operating costs;
 - (c) the need for after-sale service or technical assistance;
 - (d) the need for the supply of spare parts related to the use of the good;
 - (e) the payment terms;
 - (f) the optional items required in the bidding documents; and
 - (g) the extended warranty.

(3) A life-cycle costing method, which establishes the total cost of ownership, should be used whenever possible, and in particular where the cost of operation or maintenance of the good or work, over its specified lifetime –

- (a) is estimated to be considerable when compared with its initial cost; and
- (b) may vary among different submissions.

(4) It is evaluated on a net present value (NPV) cost basis.

(5) Where a procuring entity uses a life-cycle costing method it shall specify the following information in its bidding document:

- (a) the number of years used in determining the life-cycle cost;
- (b) the discount rate, in percentage, to be used to calculate the net present value of future costs over the life-cycle period as specified;
- (c) the factor and methodology to be used for calculating the operation, maintenance, or disposal cost of the good, work or service; and
- (d) the information to be provided by a supplier or contractor in his bid.

5. (1) A procuring entity may identify in its bidding document, in addition to the price factor, the relevant non-price factor and method of application which may be considered in evaluating a submission in order to determine the proposed best value for money submission. Price factor

(2) A non-price factor refers to a factor which is not monetarily quantifiable and is assessed using a scoring or weighting system.

- (3) A non-price factor includes, but is not limited to:
- (a) the quality of methodology and work plan;
 - (b) the performance, capacity, or functionality feature of the good, work or service; and
 - (c) the sustainability feature.

(4) A non-price factor shall be prioritized, assigned merit points and weighted according to its relative importance in meeting the desired outcome of the procurement.

(5) The method of assessment of a non-price factor shall be set out clearly and precisely in the bidding document.

Transmission of
notice of
decision

6. For the purposes of section 35(2), a notice shall be transmitted to –

- (a) a supplier or contractor; and
- (b) the address of a person nominated by the supplier or contractor as an alternative recipient in his submission,

by any lawful mechanism which allows for subsequent confirmation of its receipt, including through a reputable commercial courier, registered mail or electronic means.

Standstill period

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.

Dated this day of , 2021.

Minister of Finance

Approved by the Senate this day of , 2021.

Clerk of the Senate

Approved by the House of Representatives this day of , 2021.

Clerk of the House