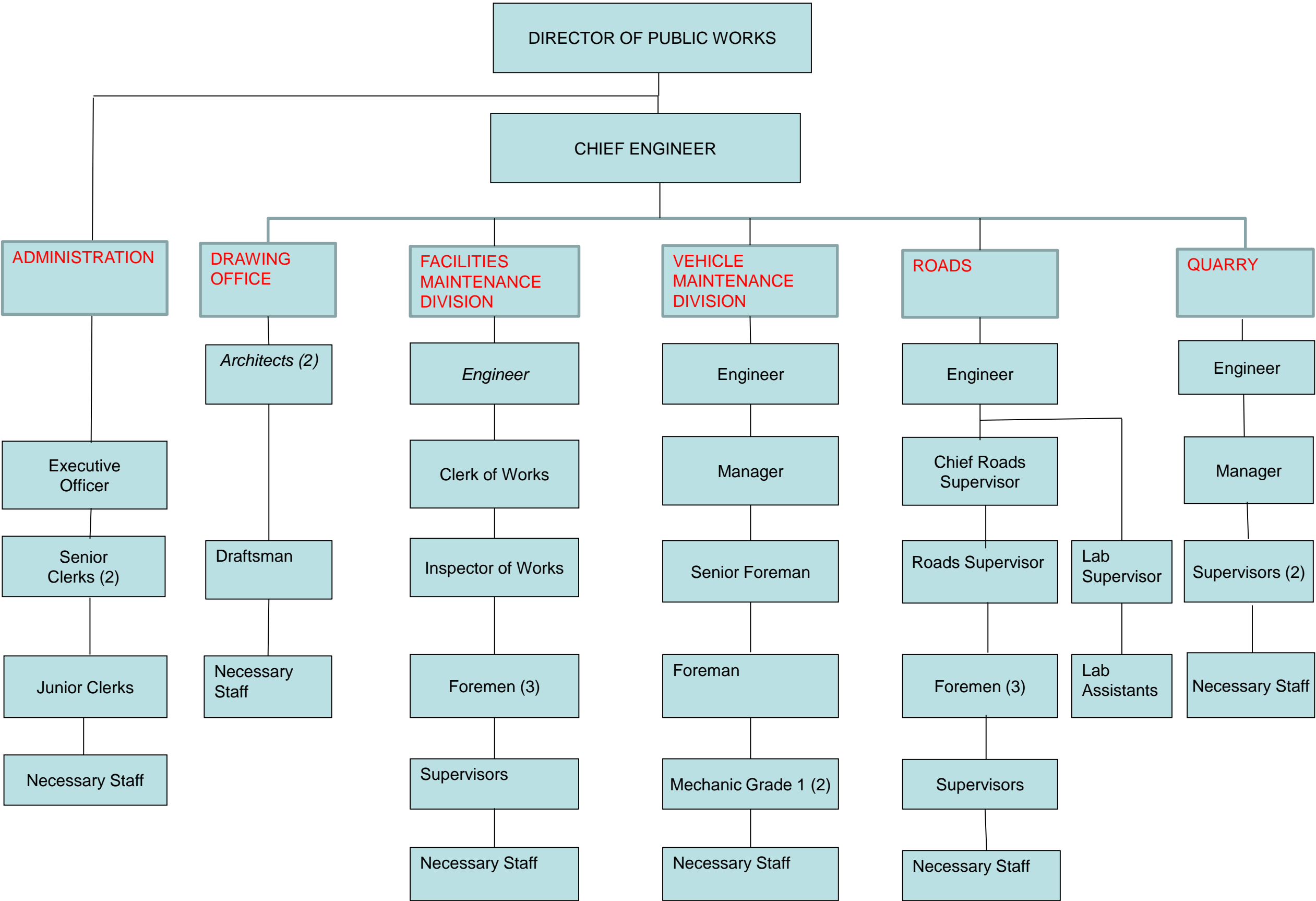


OAS MESICIC – Mechanism for the Implementation of the Inter-American Convention Against Corruption

The Role of Public Works Department in Government Procurement

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PUBLIC WORKS DEPARTMENT – ORGANISATIONAL CHART (2018)



Procurement Methods

The role and function of PWD in government procurement is governed by the *Procurement and Contract (Administration) Act, 2012*.

Section 7 (2) of this Act stipulates that,

“The Director of Public Works shall be the procurement officer for works, heavy equipment and tools and architectural, engineering and land-surveying services.”

The Act in section 10 (1) stipulates that a procurement shall be made by one of the following methods of solicitation:

1. Competitive Sealed Bids
2. Competitive Sealed Proposals
3. Sole Source Procurement
4. Emergency Procurement
5. Competitive Quotations

Procurement Methods

- **Competitive Sealed Bids**

- An Invitation to Tender is placed in the three (3) main local newspapers
- Bidders pay for a Bid Package: Bill of Quantities (BOQ), Specifications, Drawings, Scope of Works and Instructions to Tenderers.
- There would be at least one (1) pre-bid meeting.
- Bids are deposited by the Bidders in the Bid Box by closing date; the secretary would stamp the time that the bids are received. The Bid box is locked at all times.
- Bids are opened at the set time (usually 15 minutes after closing time); the opening is public as prescribed in the Act; any member of the public can attend.
- Each person present has the opportunity to examine the bid documents.

Competitive Sealed Bids...cont'd

- A Tender Evaluation Report (TER) is then drafted by one of the Engineers/Architects and submitted to the Director of Public Works who would then review it and either agree or disagree with his conclusions/recommendation. In some cases 2 or 3 Officers may complete the evaluation and the combined score would determine which bidder is recommended as the most responsive bidder.
- The DPW then submits his TER to the Permanent Secretary of Public Infrastructure (PS/PI).
- The PS/PI is an Ex-officio member of the Tender Board.
- The decision to award the contract is then communicated back to the DPW who then executes the contract and supervises the procurement process.

Competitive Sealed Bids...cont'd

- Sometimes contractors are shortlisted from our list of Registered Contractors and invited to tender instead of placing the Invitation to Tender in the newspaper.
- This is a form of pre-qualification; it allows for competition but it avoids having to prepare a large number of bidding documents and analyse bids from contractors who most likely would not meet certain criteria such as financial capability, experience and quality.

Procurement Methods

- **Competitive Sealed Proposal**
- This method is used more for Services, where the deliverables are specified but the methodology is not fixed.
- This would include design (consultancy) work (engineering, architectural, etc.)
- Request for Proposal (RFP) is placed in newspapers
- Bill of Quantities (BOQ), Specifications, Drawings, Scope of Works and Instructions to Tenderers are issued to bidders.
- Proposals are deposited by the Tenderers in the Bid Box by closing date.
- Bids are opened publicly at the set time.

Competitive Sealed Proposal . . . cont'd

- The DPW then submits his TER to the Permanent Secretary of Public Infrastructure (PS/PI).
- The PS/PI is an Ex-officio member of the Tender Board.
- The decision to award the contract is then communicated back to the DPW who then executes the contract and supervises the procurement process.

Procurement Methods

- **Sole Source Procurement**
 - This type of procurement is used when there is only one supplier who is deemed capable of providing the required services
 - Usually the contractor is invited to submit a cost estimate of the works/services to be procured.
 - Prior to this the Public Works Department (PWD) prepares an independent estimate of the said works/services.
 - A comparative analysis is made and a recommendation is made as to the best price obtainable.
 - There is currently no upper or lower limit for this type of solicitation.

Procurement Methods

- **Emergency Procurement**

- As per the Act, this type of procurement may be used when there is a threat to health and safety.
- The necessary scope of works and specifications/BOQ is prepared and issued to the contractor(s) for an estimate. PWD also simultaneously prepares an independent estimate.
- A comparative analysis is made and a recommendation of the best price obtainable is made to the Financial Secretary.
- There is currently no upper or lower limit for this type of solicitation.
- An example of this occurred after the recent passage of a hurricane and one of our main roads was seriously damaged. PWD was instructed by the Ministry of Finance to commence re-instatement using our available resources and to supplement same using private contractors.
- The work was undertaken with the understanding that normal market rates would be used.

Procurement Methods

- **Competitive Quotations**

- This is similar to the Competitive sealed bids. This method is usually used in the purchasing of equipment.
- The Act stipulates that the award of this type of contract is made by the Procurement Officer.
- A Request for Quotation (RFQ) is issued (usually to regular or pre-qualified suppliers)
- An evaluation is made of the quotations received to determine the best value for money
- The evaluation is done by the persons within the PWD who is most competent to do so through consultations.
- There is currently no upper or lower limit for this type of solicitation.

Authorities and Oversight Mechanisms

- The Procurement and Contract (Administration) Act allows for the appointment of the Director of Public Works as the Procurement Officer for Works, etc. The Act also allows for him/her to delegate his/her authority, but in so doing is still responsible for ensuring that the exercise of the delegated authority is consistent with this Act and the regulations.
- I am not aware of the Procurement Board suspending or debarring any individual from participating in solicitations or entering into contracts for procurement.
- Likewise, I am not aware of any regulations or guidelines for debarring individuals/enterprises from procurement processes. However, likely guidelines might be involvement in bribery or other corrupt practices or financial bankruptcy or failure to settle debts owed to the State.
- The PWD maintains a list of Contractors which is generally updated annually. There is a prescribed form that is filled by contractors.
- However, this does not preclude the use of pre-qualification invitations on a case by case basis.

Electronic Procurement Systems

- Once a contract is awarded, all payments are done through the Intelligent Treasury Management System (ITMS). This system allows for various stages of approval (PWD; Permanent Secretary; Ministry of Finance)
- This allows not only for Financial Planning but also for electronic signature as each user has a unique login passcode.

Selection Criteria for Award of Contracts

Criteria	Wt. (%)	Evaluation Matrix						Weighted score
		Not relevant		Most relevant				
		0	20	40	60	80	100	
1. Price	40							
2. Methodology	20							
3. Experience Record	20							
4. Schedule	10							
5. Project Team	10							
Total	100	Total Weighted Score						

Publication of Tender Opportunities

- Invitations for Tender are published in the local newspapers
- This include Eligibility criteria, deadline, method and place of submission, etc.

Preparation of a Procurement Plan

- All Capital Projects which are implemented through contracts go through the typical Project Management Cycle:
- Planning: Feasibility Study (a project profile is submitted to the Ministry of Sustainable Development); Designs and cost estimates are prepared; Projects are prioritized and then funding is allocated in the annual budget.
- Implementation: Solicitation; Award; Monitoring; close out.

Citizen Oversight Mechanism

- Tenders are opened publicly, meaning that any member of the public can attend.
- Challenges to developing an e-procurement system: inadequate human and technical resources

Results

- The results of contracts awarded in not usually compiled. However, seven (7) copies of each contract is prepared and circulated to:
 - Line Ministry
 - Accountant General
 - Ministry of Finance
 - Auditor General
 - PWD
 - Ministry of Public Infrastructure
 - Contractor