



GOVERNMENT OF JAMAICA

**HANDBOOK OF PUBLIC SECTOR
PROCUREMENT PROCEDURES
(MAY, 2001)**

National Contracts Commission
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Acknowledgements

This HANDBOOK OF PUBLIC SECTOR PROCUREMENT PROCEDURES is the definitive document on the subject as of 1 May 2001. It updates and replaces all previous procedural guidelines and memoranda issued on the subject of public sector procurement. The Handbook will have to be updated with time and usage. Contributions toward such updates should be addressed to the Chairman of the National Contracts Commission.

The HANDBOOK was prepared with the assistance of a Working Group consisting of representatives of the following private and public sector organizations:

- The Ministry of Finance and Planning
- The Incorporated Masterbuilders Association of Jamaica
- The Professional Societies Association of Jamaica
- The Joint Consultative Committee for the Building and Construction Industry of Jamaica
- The Ministry of Transport & Works
- The Jamaican Institute of Architects
- The Port Authority of Jamaica
- The Ministry of Education & Culture
- The Airports Authority of Jamaica
- The Jamaica Institution of Engineers
- The Jamaican Institute of Quantity Surveyors
- The Ministry of Health
- The National Water Commission
- The Urban Development Corporation
- The National Contracts Commission

The National Contracts Commission wishes to thank all those persons and organizations who have participated in preparing the HANDBOOK, whether directly in the Working Group or by commenting on it during the drafting stages.

The HANDBOOK is now distributed for USE. It is the guide to all persons responsible for public sector procurement actions. It is the reference document for all procurement by public sector entities.

Any comments should be addressed to the NATIONAL CONTRACTS COMMISSION.

**CHAIRMAN,
NATIONAL CONTRACTS COMMISSION**

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SECTION 5 - PROCUREMENT OF SERVICES

5.1 GENERAL CONSULTING SERVICES

5.1.1 GENERAL PROCEDURES

The selection process for consultants is based on both quality and cost, i.e., a Quality-Cost-Based Selection (QCBS). QCBS uses a competitive process among short-listed firms that takes into account the quality of the proposal and the cost of the services in the selection of the successful firm. The procuring entity shall determine the relative weight given to the quality and cost in each case, pursuant to the nature of the assignment.

Procuring Entities shall select the most appropriate method for evaluating proposals from those described below. The method selected shall be described in the Request for Expressions of Interest as well as the Request for Proposal.

OPTION 1

This method is appropriate for large and/or complex assignments that require the organization, coordination, and management of technical inputs from different disciplines, while maintaining the benefits of price competition.

It involves the evaluation of both the quality of the technical proposal and the costs stated in the financial proposal.

Proposals are given scores based on their technical and financial components, and the consulting firm whose bid has the highest combined total score is invited for negotiations.

OPTION 2

This method is appropriate where complex, highly specialized, or innovative services are required, or when the consulting services may be performed in substantially different ways.

Technical merit alone shall be used to determine the consulting firm that has submitted the best proposal and the firm with the highest-ranked Technical Proposal shall be invited for negotiations.

OPTION 3

This method is appropriate for the selection of consultants for assignments of a standard or routine nature (audits, engineering design of non-complex works, etc.) where well-established practices and standards exist.

It involves evaluation of both the quality of the technical proposals and the costs shown in the financial proposals

When using this method, a minimum qualifying score for the "quality" (technical evaluation) is established. For all bids that have achieved this minimum score, price shall be the only consideration for final selection for negotiation.

5.1.2 THE SELECTION PROCESS

The selection process shall include the following steps:

- preparation of the Terms of Reference (TOR);
- preparation of cost estimate and the budget;
- advertising, pursuant to the contract value guidelines as stated herein for expressions of interest;
- preparation of the short-list of consultants;
- preparation and issuance of the Request for Proposals (RFP);
 - Letter of Invitation (LOI)
 - Information to consultants (ITC)
 - Terms of Reference (TOR)
 - Proposed contract.
- receipt of proposals;
- evaluation of technical proposals: quality considerations;
- evaluation of financial proposal;
- final evaluation of quality and cost; and
- negotiations, approving authorities, and award of the contract to the selected firm.

5.1.2.1 Terms of Reference (TOR)

The procuring entity shall prepare TOR that clearly define the objectives, goals, and scope of the engagement and provide any relevant background information (e.g., a listing of available reports and basic data) to facilitate the consultants' preparation of their proposals. If training and/or the transfer of technology is an objective, it should be specifically outlined along with details of number of staff to be trained, etc. to enable consultants to estimate required resources. TOR shall list the duration, timing and content of the expected outputs (deliverables). However, it should not be inflexible, so that competing consultants may propose their own methodology and staffing. Procuring entity and consultant responsibilities shall be clearly defined in the TOR.

5.1.2.2 Cost Estimate (Budget)

The procuring entity shall prepare a cost estimate based on its assessment of the resources needed to carry out the engagement, i.e., staff time, logistical support, and physical inputs (e.g., vehicles, equipment, etc.).

5.1.2.3 Advertising Guidelines

Under J\$4 Million

Advertising not required. Procuring entities should invite proposals from a minimum of three (3) appropriately qualified consultants registered with the NCC. Participation shall be restricted to domestic consultants only, except where no such qualified consultant is registered with the NCC.

From J\$4M to less than J\$15 Million

Advertise in a national newspaper. Participation shall be restricted to domestic consultants only, except where no such qualified consultant is registered with the NCC.

From \$15 Million to less than the International Contract Value Threshold for Services

Advertise in a national newspaper. Participation shall be restricted to domestic consultants only, except where no such qualified consultant is registered with the NCC.

Equal to or greater than the International Contract Value Threshold for Services

Advertise in a national newspaper. Participation shall be open to all domestic and foreign consultants who are appropriately qualified. Procuring entities should seek to employ offsets, such as domestic content requirements, as far as practicable.

5.1.2.4 Minimum Content of the Notice Seeking Expressions of Interest

The notice must contain, as a minimum, the following:

- Selection Criteria
- The name and address of the procuring entity;
- A brief description of the services to be procured;
- General requirements, e.g., NCC registration, tax compliance, etc.

5.1.2.5 Selection Criteria for Short-List of Consultants

The procuring entity shall give consideration only to those firms expressing interest that possess the required qualifications. Short-lists shall comprise three to six firms, and at least one local firm, unless interested qualified local firms are not identifiable. Selection criteria shall include only those as stated in the notice seeking expressions of interest. Firms that expressed interest, as well as any other firm that specifically so requests, shall be provided the final short list of firms.

In the interest of national development, the short list may comprise entirely national consultants (firms with majority national ownership and registered or incorporated in Jamaica) if the assignment is valued at less than the international contract value for services, and a sufficient number of qualified firms are available.

5.1.2.6 Preparation and Issuance of the Request for Proposals (RFP)

The RFP shall contain: (a) a letter of invitation (LOI); (b) information to consultants (ITC); (c) the terms of reference (TOR); and (d) the proposed contract.

(a) Letter of Invitation (LOI)

The LOI shall state the intention of the procuring entity to enter into a contract for the provision of consulting services, the source of funds, the name and address of the procuring entity, and the date, time and address for submission of proposals.

(b) Information to Consultants (ITC)

The ITC shall contain all the necessary information that would assist consultants to prepare responsive proposals, and shall bring as much transparency as possible to the selection procedure by providing information on the evaluation process, indicating the evaluation criteria, their relative weights, and the minimum passing quality score. The ITC shall not indicate the budget (since cost may also be a selection criterion), but shall indicate the expected input of key professionals (staff time), where applicable. Consultants shall, however, be free to prepare their own estimates of staff time necessary to carry out the engagement. The ITC

shall specify the proposal validity period (usually between 60-90 days). A detailed list of the information to be included in the ITC is as follows:

- a brief description of the assignment;
- standard formats for the technical and financial proposals;
- the names and contact information of officials to whom clarification requests shall be directed;
- details of the selection procedure to be followed, including: (i) a description of the two-stage process, if appropriate; (ii) a listing of the technical evaluation criteria and weights to be accorded to each criterion; (iii) the details of the financial evaluation; (iv) the relative weights for quality and cost in the case of QCBS; (v) the minimum pass score for the technical proposal; and (vi) the details on the public opening of financial proposals;
- an estimate of the level of key staff inputs (in staff-weeks or months) required of the consultants; and indication of minimum experience, academic achievement, etc., for key staff;
- details and status of any external financing;
- information on negotiations and financial and other information that shall be required of the selected firm during negotiation of the contract;
- the deadline for submission of proposals;
- currency (ies) in which the costs of services shall be expressed, compared and paid, including a statement that applicable rates of exchange shall be the prevailing Bank of Jamaica rate on the date of opening of the financial proposals;
- reference to any local laws that may be particularly relevant to the proposed consultants' contract;
- a statement that the firm/individual shall be disqualified from providing downstream goods, works or services under this project if such activities, in the procuring entity's judgment, constitute a conflict of interest with the services provided under this engagement;
- the method in which the proposal shall be submitted, including the requirement that technical proposals and price proposals be sealed and submitted separately in a manner that shall ensure that the technical evaluation is not influenced by price;
- a request that the invited firm (i) acknowledges receipt of the RFP and (ii) informs the procuring entity whether or not it will be submitting a proposal;
- the short list of consultants being invited to submit proposals;
- the proposal validity period (60 – 90 days), and a statement that during this period the consultant shall undertake to maintain, without change, the proposed key staff, and shall hold to both the rates and total price proposed;
- the right of the consultants, in the case of an extension of the validity period, to not maintain their proposal;

- the anticipated date on which the selected consultant shall be expected to commence the assignment;
- the anticipated duration (if known);
- a statement indicating in the case of foreign consultants (i) whether or not the consultants' contract and personnel shall be tax-free; if not a detail of the likely tax obligations or the location where this information may be obtained;
- if not included in the TOR or in the draft contract, details of the services, facilities, equipment, and staff to be provided by the procuring entity;
- phasing of the assignment, if appropriate, and the likelihood of follow-up assignments;
- the procedure to handle clarifications about the information given in the RFP; and
- any conditions for subcontracting part of this assignment, particularly in favour of local consultants.

(c) Terms of Reference (TOR). See Section 5.1.2.1 herein

(d) Contract

The procuring entity shall use the applicable GOJ Standard Contract with minimum changes as necessary to address the specific requirements of the engagement. Any such changes shall be introduced in the Special Conditions of Contract (SCC) and not by changing the General Conditions of Contract (GCC). This standard contract document covers the majority of consulting engagements.

5.1.2.7 Clarification / Modification of the RFP

Consultants or service providers may request clarification of the information contained in the RFP from the procuring entity. All such requests shall be submitted to the procuring entity in writing. The procuring entity shall respond to any request for clarification within seven (7) days of receipt of the request. Responses shall be communicated promptly to all consultants to whom the procuring entity has provided the solicitation documents, without identifying the source of the query or clarification request.

At any time prior to the deadline for submission of proposals, the procuring entity may for any reason, whether on its own initiative or as a result of a request for clarification, modify the solicitation documents by issuing an addendum. The addendum shall be communicated promptly to all consultants to whom the procuring entity has provided the solicitation documents and shall be binding upon them.

If the procuring entity convenes a meeting of consultants for provision of responses to clarification requests, it shall prepare minutes of the meeting containing the requests submitted and its responses to those requests, without identifying the source of the requests. The minutes shall be provided to participating consultants within five (5) days of the meeting date, so as to enable them to take the minutes into account in preparation of their proposals for submission.

5.1.2.8 Receipt of Proposals

The procuring entity shall allow sufficient time for consultants to prepare effective proposals, in accordance with the complexity of the engagement. The time allowed shall not be less than four weeks, except where the engagement is considered, in the judgment of the procuring entity, to be of minimal complexity. In such circumstances, the procuring entity may reduce the time allowed to less than four weeks commensurate with the relative simplicity of the assignment, but in no case less than two weeks. Conversely, the time allowed shall not exceed eight weeks, except where the engagement is considered, in the judgment of the procuring entity, to be exceptionally complex. In such circumstances, the procuring entity may increase the maximum time allowed to more than eight weeks commensurate with the relative complexity of the assignment, but in no case more than sixteen weeks.

The technical and financial proposals shall be submitted at the same time and no amendments to the technical or financial proposal shall be accepted after the deadline. To safeguard the integrity of the process, the technical and financial proposals shall be submitted in separate sealed envelopes. The technical envelopes shall be opened by the Procurement Committee, or an Evaluation Committee convened for this purpose, as soon as possible after the closing time for submission of proposals.

Consultants submitting proposals may attend the opening of the technical proposals if they so desire. However, the financial proposals shall remain sealed until the evaluation of the technical proposals is complete. Any proposal received after the closing time for submission of proposals shall be returned unopened.

5.1.2.9 Evaluation of Technical Proposals: Quality Considerations

The Evaluation Committee shall carry out the evaluation of proposals in two stages: first the technical (quality), and then the cost. Evaluators of the technical proposals shall not have access to the financial proposals until the technical evaluation is concluded.

The Evaluation Committee shall evaluate each technical proposal, taking into account the following criteria, as stated in the ITC:

- the consultants' relevant experience for the assignment;
- the quality of the methodology proposed;
- the qualifications of the key staff proposed;
- the extent of participation of local consultants among key staff in the performance of this assignment.

Each criterion shall be marked on a scale of 1 to 100. Then the marks shall be weighted to become scores. The general rule is that more weight should be accorded to the more significant criteria, pursuant to the nature of the procuring entity's need(s). The following weights are indicative and may be adjusted for specific circumstances.

Consultant's specific experience	5 to 10 points
Methodology	20 to 50 points
Key personnel	30 to 60 points
Transfer of Knowledge	0 to 10 points
Participation by Nationals	<u>0 to 10 points</u>
Total	100 points

The evaluation committee may further divide these criteria into sub-criteria, as necessary, pursuant to the nature of the engagement. For example, sub-criteria under methodology might be innovation and level of detail. The number of sub-criteria should be kept to the essential. The weight given to experience can be relatively modest since this criterion is already addressed in short-listing the consultant. More weight should be given to the methodology in the case of complex assignments.

Evaluation of only the key personnel is recommended as the key personnel will ultimately determine the quality of performance. Curriculum Vitae of key personnel included in consultants' proposals shall be signed by an authorized officer of the firm and by the individual proposed.

Key personnel shall be rated pursuant to the following three sub-criteria, as relevant to the task for which they have been proposed:

- general qualifications: general education and training; length of experience, positions held, time with consulting firm as staff, etc.
- adequacy for the particular assignment: education, training, experience in the specific sector, etc.; and
- experience in the Jamaica/Caribbean region: knowledge of the local language, culture, administrative system, government, etc.

The Evaluation committee shall evaluate each proposal on the basis of its responsiveness to the TOR. A proposal shall be considered non-responsive and rejected at this stage if it does not substantially satisfy the TOR or if it fails to achieve the minimum technical score specified in the RFP.

At the end of this process, the evaluation committee shall prepare an evaluation report of the quality of the proposals. The report shall substantiate the results of the evaluation, including the relative strengths and weaknesses of the proposals. All evaluation records shall be retained pursuant to Section 2.10.1 herein.

5.1.2.10 Evaluation of Financial Proposals: Cost Considerations

After the evaluation of quality is completed, the procuring entity shall notify those consultants whose proposals did not meet the minimum qualifying mark or were considered to be non-responsive to the RFP and TOR, indicating that their unopened financial proposals should be collected.

Procuring entities may use one of the following options for the evaluation of financial proposals.

OPTION 1:

The evaluation committee shall open the financial proposals of those firms that have passed the technical evaluation.

The evaluation committee shall then review the financial proposals and correct any arithmetical errors. For the purpose of comparing proposals, the costs shall be converted to a single currency (\$J or \$US), as stated in the RFP.

The total score shall be obtained by weighting the quality and cost scores and adding them. The weight for the “cost” shall be chosen, taking into account the complexity of the assignment and the relative importance of quality. The weighting shall also depend on the degree of innovation sought by the procuring entity. Where, however, unusual approaches are sought, for instance to provide designs for a building of a type that is seldom required or where a wide variety of design solutions may exist, then the technical quality of the proposals should be accorded more importance. The greater the intellectual input required the more the evaluation should be weighted towards technical excellence. As a general rule, the weighting for cost should normally not exceed 30 points out of a total score of 100. The proposed weightings for quality and cost shall be specified in the RFP. The consultant obtaining the highest total score shall be invited for negotiations.

Where the estimated value of the contract is equal to or above J\$4M, the approval of the NCC and/or Cabinet, pursuant to Section 2.3 herein, shall be sought by the procuring entity.

For those firms that have passed the technical evaluation, the National Contracts Commission recommends the use of the following methodology to determine the proposal with the highest total score:

LEGEND

- TS - Total marks (out of 100) for technical (quality) criteria
- q - Quality Weighting (%)
- c - Cost Weighting (%)
- LT - Lowest Tender
- XT - Other Tenders

Step 1 – Technical (quality) Weighting (see clause 5.1.2.9.)

$$\text{Quality Score (Q)} = \frac{\text{TS}}{100} \times q$$

Step 2 – Cost Score Weighting

$$\text{Cost Score (C)} = \frac{\text{LT}}{\text{XT}} \times c$$

Step 3 – Total Score

$$\text{Total Score} = Q + C$$

A TYPICAL EXAMPLE IS:

The Weighting for Quality is : **75%**

The Weighting for Cost is : **25%**

Step 1 – Technical (quality) Weighting

Proposal	Score	Weighted Quality Score		
A	96	$\frac{96}{100}$	X 75	= 72
B	93.5	$\frac{93.5}{100}$	X 75	= 70
C	100	$\frac{100}{100}$	X 75	= 75

Step 2 – Cost Score Weighting

Proposal	Adjusted Financial Offer	Weighted Financial Score		
A	\$ 8,659,240.00	$\frac{7,956,584.00}{8,288,108.00}$	X 25	= 24
B	\$ 7,956,584.00	$\frac{7,956,584.00}{7,956,584.00}$	X 25	= 25
C	\$ 8,999,562.00	$\frac{7,956,584.00}{8,999,562.00}$	X 25	= 22

Step 3 – Total Score

Proposal	Total Score
A	72+24=96
B	70+25=95
C	75+22=97

OPTION 2:

The Evaluation Committee shall open the financial proposal of the highest scored technical proposal only, review and correct any arithmetical errors. Any financial proposal that is not submitted in accordance with requirements as stated in the ITC shall be rejected and returned along with the corresponding technical proposal to the consultant with a notice indicating the reason(s) for return of the documents. The consultant obtaining the highest technical score shall be invited for negotiations.

Negotiations shall include discussions of the TOR, methodology, staffing, procuring entity inputs and any special conditions of contract. These discussions shall not substantially alter the original TOR or the terms of contract. The final TOR and agreed methodology shall be incorporated in the final contract document.

The selected consultant shall not be allowed to substitute key staff without the prior written permission of the procuring entity, in which case, the personnel proposed for substitution shall be equally or better qualified than the key personnel initially proposed. If the negotiations fail to result in an acceptable contract, the procuring entity shall terminate the negotiations and invite the next ranked consultant for negotiations. The consultant shall be informed of the reasons for termination of the negotiations. Once negotiations have commenced with the next ranked firm, the procuring entity shall not re-open the earlier negotiations. After negotiations are successfully completed, the procuring entity shall promptly notify other firms on the short list that they were unsuccessful, returning unopened financial proposals.

Where the estimated value of the contract is equal to or above J\$4M, the approval of the NCC and/or Cabinet, pursuant to Section 2.3 herein, shall be sought by the procuring entity. If negotiations fail, then open the financial proposal of the second highest technical scorer, and so on.

OPTION 3

The minimum qualifying score for the evaluation of technical proposals shall be established, anticipating that all qualified proposals will compete only on "cost". The minimum score shall be stated in the RFP, along with the areas of assessment, and the scores assigned to each area. The methodology to be used during the evaluation of the technical proposals shall be stated in the RFP.

Bids comprising technical and financial proposals shall be invited from a short list of consultants (see clause # 5.1.2.5.). The technical and financial proposals shall be submitted in two separate envelopes. The contents of each envelope shall be clearly stated on its exterior so as to reduce the risk of opening the financial proposal before the evaluation of the technical proposal is completed.

The envelopes containing the technical proposals shall be opened in the presence of the tenderers or their representatives who shall be so invited. The proposals are then evaluated and assigned scores, following which, all tenderers shall be notified in writing of the results of the evaluation. Those proposals obtaining less than the minimum qualifying score shall not be accepted and the accompanying financial proposal returned unopened to the tenderer. Tenderers securing at least the minimum qualifying score shall be invited to the opening of the financial proposals.

The firm submitting the lowest price proposal shall then be invited for negotiations.

5.2 PROFESSIONAL INDEMNITY INSURANCE

Professional indemnity insurance should be required whenever the circumstances of the project deem this to be necessary. The cost for this will be a reimbursable expense.

5.3 OTHER SERVICES

5.3.1 GENERAL

The procuring entity shall first refer to the Government of Jamaica Schedule of Framework Agreements (“Schedule”) for the current period to determine whether the service to be procured is covered under agreement in the Schedule. If the service required is included, refer to the Schedule for applicable procedures. The following procedures apply to services that are not included in the Schedule.

5.3.2 CONTRACT VALUE UNDER J\$250,000

Where the estimated contract value is less than J\$250,000, participation shall be restricted to domestic concerns only, except where no such qualified concern is registered with the NCC. Opportunities should be offered through limited tender, where procuring entities may invite three or more appropriately qualified contractors that are registered with the NCC to participate. Although opportunities offered through limited tender are not generally advertised, procuring entities may post invitations to tender as described in Section 3.2 herein. There is no requirement for provision of a tender security in this contract value range. See Section 6 "Tendering procedures" for applicable procedures.

5.3.3 CONTRACT VALUE FROM J\$250,000 TO LESS THAN J\$1M

Where the estimated contract value is equal to or greater than J\$250,000 but less than J\$1M, participation shall be restricted to domestic concerns only, except where no such qualified concern is registered with the NCC. Opportunities shall be offered through limited tender, where a minimum of five tenders should be invited from appropriately qualified contractors that are registered with the NCC. Although opportunities offered through limited tender are not generally advertised, procuring entities may post invitations to tender as described in Section 3.2 herein. There is no requirement for provision of a tender security in this contract value range. See Section 6 "Tendering Procedures" for applicable procedures.

5.3.4 CONTRACT VALUE FROM J\$1M TO LESS THAN J\$4M

Where the estimated value is equal to or greater than J\$1M but less than J\$4M, participation shall be restricted to domestic concerns only, except where no such qualified concern is registered with the NCC. Participation opportunities shall be open to all appropriately qualified suppliers that are registered with the NCC. Procuring entities shall advertise the procurement opportunity as set out in Section 3.2 herein, unless the nature and/or complexity of the procurement require national advertising. There is no requirement for provision of a tender security in this contract value range. See Section 6 "Tendering Procedures" for applicable procedures.

5.3.5 CONTRACT VALUE FROM J\$4M TO LESS THAN J\$15M

Where the estimated value is equal to or greater than J\$4M but less than J\$15M, participation shall be restricted to domestic concerns only, except where no such qualified concern is registered with the NCC. Opportunities should be offered through selective tender by national advertising, where all interested appropriately qualified contractors who are registered with the NCC are afforded the opportunity to tender. All contracts within this range of values shall be referred to the NCC for approval of recommendation for award. See Section 6 “Tendering Procedures” for applicable procedures.

5.3.6 CONTRACT VALUE FROM J\$15M TO LESS THAN THE INTERNATIONAL CONTRACT VALUE THRESHOLD FOR SERVICES

Where the estimated value is equal to or greater than J\$15,000,000.00 but less than the international contract value threshold for services, participation shall be restricted to domestic concerns only, except where no such qualified concern is registered with the NCC. Services shall be procured on the basis of selective tender, where all contractors who are registered with the NCC are afforded the opportunity to tender. Authority to enter into a contract shall be obtained from the Cabinet, after reference to the NCC and the Minister for approval of award recommendation. See Section 6 “Tendering Procedures” for applicable procedures.

5.3.7 CONTRACT VALUE EQUAL TO OR GREATER THAN THE INTERNATIONAL CONTRACT VALUE THRESHOLD FOR SERVICES

Where the estimated contract value is equal to or greater than the international contract value threshold for services, participation opportunities shall be open to both domestic and foreign concerns. Opportunities shall be offered through open tender with pre-qualification. Authority to enter into contract must be obtained from the Cabinet, after reference to the NCC and the portfolio Minister for approval of award recommendation. See Section 6 “Tendering Procedures” for applicable procedures.

Procuring entities may employ offsets, e.g., percentage local manufacture or labour content requirements, within this contract value range.

