

# THE PUBLIC PROCUREMENT ACT

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## The Public Procurement (Set Asides) Order, 2019

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In exercise of the powers conferred on the Minister by regulation 46 of the Public Procurement Regulations, 2018, by virtue of section 60(1) (e) and (j) of the Public Procurement Act, and every other power hereunto enabling, the following Order is hereby made:—

1. This Order may be cited as the Public Procurement (Set Asides) Order, 2019.
2. In this Order —
  - “medium enterprise” means an enterprise which satisfies the criteria specified in the Schedule in relation thereto;
  - “micro enterprise” means an enterprise which satisfies the criteria specified in the Schedule in relation thereto;
  - “small enterprise” means an enterprise which satisfies the criteria specified in the Schedule in relation thereto.
3. — (1) A set aside of 20% shall be made available for the Jamaican suppliers specified in paragraph 4.
  - (2) A set aside of such portion, as the Minister determines, shall be made available for Jamaican suppliers in respect of the procurement of the goods and services specified in paragraph 5.
4. — (1) Jamaican suppliers entitled to the benefit of the set aside specified under paragraph 3(1) are —
  - (a) micro enterprises;
  - (b) small enterprises; and

(c) medium enterprises.

(2) The criteria for determination of whether a Jamaican supplier qualifies to be described as a micro enterprise, a small enterprise or a medium enterprise is set out in the Schedule.

5. Jamaican suppliers may benefit from the application of the set aside specified under paragraph 3(2) in respect of –

- (a) printing, including images on fabric, banners, posters or other medium;
- (b) the manufacture or assembly of furniture for offices or schools;
- (c) the manufacture or assembly of uniforms for public officers and students;
- (d) the manufacture or assembly of drapery and related accessories made in Jamaica;
- (e) the manufacture or assembly of automotive products;
- (f) the manufacture or supply of the national flag and national emblems.

### **SCHEDULE** **(Paragraphs 2 and 4)**

#### *Criteria for Determination of Enterprise as Micro, Small or Medium*

Enterprise	Total sales ( <i>per annum</i> )	Ownership
1. Micro	Not exceeding \$15,000,000.00	Not more than 50% of the equity interest is under the ultimate effective control or ultimate ownership of a Jamaican company which is not a micro enterprise, small enterprise or a medium enterprise.
2. Small	Exceeding \$15,000,000.00 but not exceeding \$75,000,000.00	Not more than 50% of the equity interest is under the ultimate effective control or ultimate ownership of a Jamaican company which is not a micro enterprise, small enterprise or a medium enterprise.

3. Medium

Exceeding  
\$75,000,000.00  
but not exceeding  
\$425,000,000.00

Not more than 50% of the equity  
interest is under the ultimate effective  
control or ultimate ownership of a  
Jamaican company which is not a  
micro enterprise, small enterprise or a  
medium enterprise.

Dated this

23<sup>rd</sup>

day of

September

2019.

*M. J. Clarke*

Minister of Finance and the Public Service