

# KNOWLEDGE CENTRE

Pre-qualification

PQ:1

## Relevant Facts or Questions Asked

A Procuring Entity (PE) sought guidance as follows:

- I. Whether section 1.3.4 and 1.3.4.1 of the Government of Jamaica's Handbook of Public Sector Procurement Procedures ("Handbook") are still applicable to the pre-qualification process; and
- II. Is it necessary for procuring entities to pre-qualify bidders for the procurement of goods with an estimated value of J\$400 million dollars or if pre-qualification is at the discretion of procuring entities.

## Advice

1. The PE was reminded that pre-qualification procedures as outlined in the Handbook are still relevant and applicable. However, Section 33. - (1) of The Public Procurement Act, 2015 ("Act") and The Public Procurement Regulations, 2018 (as amended) ("Regulations") are the primary provisions on pre-qualification matters which are complimented by the procedures within same Handbook.
2. Regarding the matter of discretion to procuring entities to exercise the pre-qualification option, the PE was directed to Section 33(1) of Act, an excerpt of which is provided below for ease of reference: -

*33.-(1) A procuring entity may engage in pre-qualification procedures with a view of identifying, prior to inviting participation in procurement, suppliers that are qualified.*

3. The PE was further reminded that pre-qualification procedures are generally applied to the procurement of large works, civil works, turnkey plans, Build-Own-Transfer (BOT), certain special goods and complex information technology systems.
4. Therefore, the PE was advised to make a determination as to whether the goods to be procured with an estimated value of J\$400 million dollars, are of a unique, special, or complex nature and requires the application of pre-qualification procedures.
5. The existing law and policy position does not impose a mandatory requirement to utilize pre-qualification procedures for procurements at the stated value.

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