

# KNOWLEDGE CENTRE

Publication

P:1

## Relevant Facts or Questions Asked

A Procuring Entity (PE) sought guidance as follows:

- I. The PE1 references their discussion with PE2, and shares their stance on the matter of publication of procurement opportunities, which is as follows:

*“...regarding the adequacy/appropriateness of the Manner of Publication of Notification, in this instance Electronic Procurement System/GOJEP, was used to invite interested and qualified bidders. My checks have revealed that the GOJ Procurement Regulation make provision for the use of electronic means or advertisement in the local newspapers and not both; hence, our justification for only utilising GOJEP...”*

- II. An excerpt of the Part III – (Services) of the Second Schedule of the Public Procurement Regulations was provided by the PE2 as justification for not utilising the local newspaper, where GOJEP was utilised.
- III. PE1 requires guidance whether the PE2’s justification for not advertising a national competitive bidding (NCB) procurement proceeding in the local newspaper is correct; and
- IV. Whether the Second Schedule replaced the provisions set out in Section 1.1.2 – Local Competitive Bidding of Volume two of the Handbook for Public Sector Procurement Procedures (Handbook).

## Advice

### Applicability of the Handbook

1. The PE is advised that the policies and procedures set out in the Handbook were superseded by the advent of the law which took effect April 1, 2019. Notwithstanding, this Ministry has determined that where the legislation is silent on the treatment of a particular matter, reliance on GOJ procurement policy in the previous Handbook of Public Sector Procurement Procedures is appropriate, following written guidance from the OPPP.
2. However, in this instance, the procuring entity is advised that the legislation is not silent in relation to the matter of the publication of procurement opportunities, where open method of bidding is being utilised.

### Advertisement in the local newspaper for NCB procurement proceedings via GOJEP

3. Though this Ministry encourages procuring entities to publish NCB procurement proceedings in local newspapers and magazines even where the GOJEP portal is being utilised, the law does not require compliance with this practice. In this regard, there is no prohibition on procuring entities who decide not to publish their NCB procurements in the print media.
4. Notwithstanding, the PE should also be mindful that the suppliers who are registered on the GOJEP are only a subset of the local supplier population, so advertisement through circulating newspapers is bound to increase awareness of the contract opportunity and increase competition.

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