



GUIDE TO PROCUREMENT USING OPEN AND RESTRICTED TENDERING

Government Procurement Services Government of Montserrat

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List of Acronyms

Acronym	Definition
DPC	Departmental Procurement Committee
GCC	General Conditions of Contract
GOM	Government of Montserrat
GPS	Government Procurement Services
PE	Procuring Entity
PPB	Public Procurement Board
RACI	Responsible Accountable Consulted Informed
SCC	Special Conditions of Contract
STD	Standard Tender Document
XCD	Eastern Caribbean Dollars

PART A: INTRODUCTION

1 Introduction

1.1 Purpose of guide

This guide is designed to provide public officers with easy-to-follow guidance on how to conduct procurement using the open and restricted tendering methods.

Open tendering is the default procurement method for goods, works and services. It must always be used unless there is justification for using another method. Participation is open to any eligible supplier with a formal process for inviting and evaluating tenders.

Restricted tendering follows the same process as open tendering, except that participation is restricted to invited suppliers. It may only be used where there are limited suppliers able to provide the goods, works or services or for reasons of national security.

Open tendering may be conducted in two stages. Section 7 of this guide explains when and how to use a two-stage tendering process.

1.2 Legal framework

Public procurement in Montserrat is governed by:

- the Public Procurement Act 2025 (the “Act”); and
- the Public Procurement Regulations 2025 (the “Regulations”).

This guide is issued by Government Procurement Services (GPS) under section 10 of the Act to provide procuring entities (PEs) with the necessary guidance and direction to implement procurement using the open and restricted tendering methods.

GPS has issued separate guides which provide an overview of the public procurement system, guidance on procurement planning, other methods of procurement and contract award and management.

GPS has also adopted standard tender documents (STDs), contract forms and other procurement forms and templates. The use of these documents is mandatory and this guide provides advice on which documents should be used for the tendering methods.

The Act and Regulations can be downloaded from <https://tenders.gov.ms/publications>. All other documents are available from GPS by emailing procurement@gov.ms.

In the event of any discrepancies, the Act and Regulations take precedence over this guide and the standard documents. Any queries or suggestions for updates to this guide or the standard documents should be addressed to the Head of GPS.

1.3 Application

The Act, Regulations and this guide apply to all PEs, including ministries, departments, units and subdivisions of the Government of Montserrat (GOM) that engage in procurement.

Government owned entities are required to follow this guide, unless they have their own procurement rules or regulations, approved by the Cabinet on the recommendation of the Public Procurement Board (PPB).

For guidance on donor funded procurement and exemptions to the Act, refer to the Guide to the Public Procurement System.

PART B: OVERVIEW OF OPEN AND RESTRICTED TENDERING

2 Overview of open and restricted tendering

2.1 When to use open and restricted tendering

Open tendering is the default procurement method for goods, works and services. It must always be used unless there is justification for using another method. This is because it offers maximum competition and transparency, supporting the overall objectives of public procurement.

Open tendering may be used with or without prequalification. This is explained further in section 3.

Restricted tendering offers less competition and transparency than open tendering, as participation is restricted to invited suppliers. Therefore, it may only be used where:

- the goods, works or services are only available from a limited number of suppliers, so there is no point in advertising the procurement; or
- the procurement relates to national security, so confidentiality requirements prevent open advertising.

The request for quotations method may be used for goods, works or services with a value below Eastern Caribbean Dollars (XCD) 125,000, providing they are readily available from an established market. Therefore, open and restricted tendering are typically used for procurement with a value of XCD 125,000 or more. However, they may be used for lower value procurement where the requirement is for non-standard items or there is a very limited number of suppliers.

You are not permitted to use open or restricted tendering for the procurement of consulting services; instead, use the request for proposals method.

Use of two-stage tendering

Two-stage tendering process may be used when input from suppliers is needed to help GOM define its requirements or determine the best technical solution. It should only be used for complex and specialised procurements.

The two-stage process allows GOM to evaluate and discuss initial tenders with tenderers before finalising its requirements in a second-stage tender document.

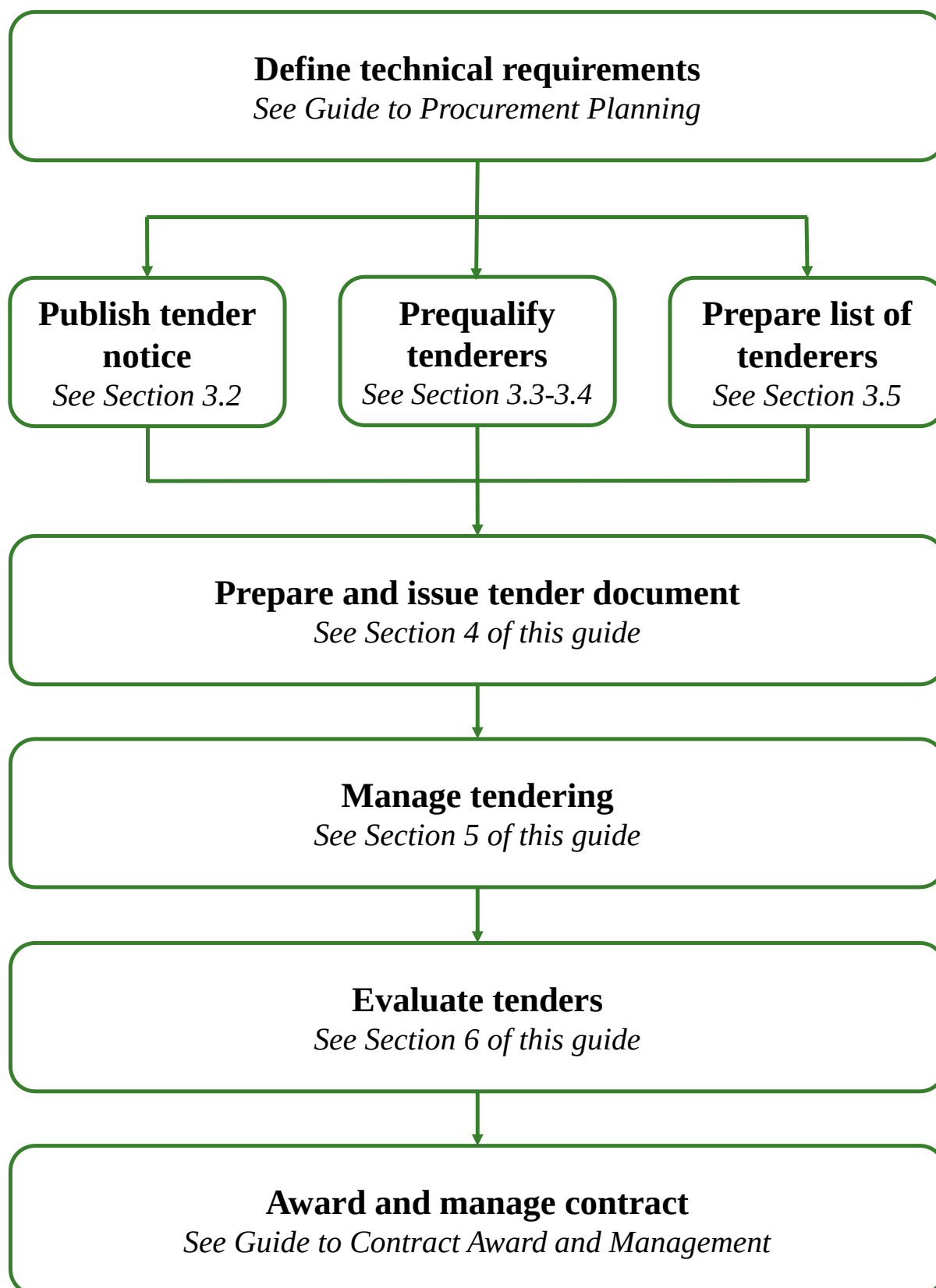
- See **section 7 of this guide** for more information.

You must justify the use of prequalification or two-stage tendering and record the justification in the annual procurement plan and on the procurement record.

2.2 Steps in the tendering process

The open and restricted tendering methods follow the same process, except for the approach to identifying tenderers. For this, the process differs for open tendering with or without prequalification and for restricted tendering.

The flowchart on the next page shows the main steps in the single stage tendering process, with alternative options for identifying tenderers. Sections 3 to 6 of this guide give further information on the main steps in the process. Section 7 covers two-stage tendering.



References and templates:

- Sections 23, 25 and 30-31 of the Public Procurement Act 2025
- Regulations 10, 14-16, 19, 21-22, 25-30 and 44 of the Public Procurement Regulations 2025
- Standard tender documents for goods, works and services, including framework agreements
- Tender and prequalification notice templates
- Forms for solicitation approval, record of public opening, declaration for members of evaluation panels, clarification letter and evaluation report

2.3 Roles and responsibilities

The chart below shows who does what in the tendering process by defining who is Responsible Accountable Consulted or Informed (RACI). It lists all tasks and assigns specific roles for each task, as explained in the table below.

Any procurement using open or restricted tendering will normally be over the threshold for GPS facilitation.

R	Responsible	Does the work
A	Accountable	Owens the result and signs off
C	Consulted	Provides input before or during the task
I	Informed	Kept updated about decisions or progress

TASK	PE			GPS			
	Accounting Officer (or as delegated)	End user or other PE staff	Evaluation Panel	Procurement staff	Head of GPS	PPB or DPC	Tenderer
Prepare description of technical requirements	A	R					
Prepare and publish tender notice (open tendering without prequalification)	I	C		R	A		I
Prequalify tenderers (open tendering with prequalification)	A	R		C	C		C
Identify tenderers to invite (restricted tendering)	A	R		C	C		
Prepare tender document	A	R		C	C		
Approve tender document	R	I			R		
Issue tender document	A	R		I	I		I
Request any clarifications		I					R
Prepare and issue clarifications to tenderers		C		R	A		I
Receive tenders	A	R					I
Hold public opening of tenders		I			C	R	I
Appoint evaluation panel		I	I			R	
Evaluate tenders and prepare evaluation report	A	I	R		C		
Approve evaluation report		I	I		C	R	
Award contract and notify unsuccessful tenderers	A	R					I

PART C: IDENTIFY TENDERERS

3 Identify tenderers

3.1 Approach to identifying tenders

Under open tendering, tenderers are invited to participate through publishing either a tender notice or a prequalification notice. See 3.3 for guidance on when prequalification should be used.

Under restricted tendering, a list of tenderers is prepared and the tender document is sent directly to this list of tenderers only.

- See section 3.2 for how to prepare and publish a tender notice (open tendering without prequalification)
- See section 3.4 for how to manage a prequalification process (open tendering with prequalification)
- See section 3.5 for how to prepare a list of tenderers for restricted tendering

3.2 Prepare and publish tender notice

A tender notice is used to maximise competition by inviting all potential suppliers to participate in the tendering process.

References and templates:

- Sections 23(2)-(3) of the Public Procurement Act 2025
- Regulations 14 and 44 of the Public Procurement Regulations 2025
- Tender notice template

Use the **Tender Notice** template to prepare the tender notice.

Ensure that the tender deadline included is at least:

- 21 days after publication of the tender notice where tendering is limited to domestic tenderers; or
- 30 days after publication of the tender notice where the tender notice is advertised internationally.

These are the *minimum* tendering periods, but you may include longer. A longer period should be used for more complex requirements.

The table below summarises the *minimum* advertising requirements for tender (and prequalification) notices under open tendering:

Criteria	Advertising requirements
All open tenders (immediate advertising)	• Publish on the GOM website; AND • Disseminate via a local public radio station.

All open tenders (after advertising)	Notify in the next issue of the Official Gazette or any other GOM information channel.
PLUS	
All procurement over: • XCD 100,000 for goods or services • XCD 5,000,000 for works	Publish in at least one English language media with adequate circulation to attract foreign tenderers. Tenders published on mytenders.co.uk are automatically published on the international Contracts Finder and Find a Tender websites.
Procurement under an international or regional agreement	Publish in any media required by the agreement.

You may also advertise the tender notice in *additional* media to reach more tenderers and obtain greater competition. This is recommended for specialised requirements or where there are limited suppliers within Montserrat. Other media could include:

- trade or sector-based magazines or websites relevant to the procurement;
- partner websites, such as CARICOM institutions that publish procurement opportunities;
- regional procurement websites which publish Caribbean public sector procurement tenders.

After advertising the notice, you may send a copy of the notice directly to any tenderers who may be interested e.g. registered tenderers, past suppliers for similar contracts or other companies known to provide the goods, works or services. Send the notice only, with no additional information.

3.3 What is prequalification and when to use it

Prequalification is an optional first stage under open tendering. It is used to assess whether potential tenderers have the experience, resources and competence needed to successfully perform a contract, BEFORE they are invited to tender.

All potential tenderers are invited to participate through a prequalification notice. Applications to prequalify are evaluated on a pass or fail basis against the prequalification criteria. All tenderers that meet the prequalification criteria must be invited to tender.

References and templates:

- Sections 23(5)-(6) of the Public Procurement Act 2025
- Regulations 10, 19(2)(a) and 20 of the Public Procurement Regulations 2025
- Prequalification notice template

Prequalification may be used for large-scale, technically complex or high value contracts where the qualifications of tenderers are particularly important. It is typically used for:

- large or complex works contracts requiring intensive capital e.g. power generation, transmission and distribution;
- custom-designed equipment or plant;
- specialised non-consulting services;
- complex information technology systems;
- turnkey design and build contracts; and
- management contracting.

Benefits of prequalification:

- The PE does not spend time evaluating tenders from suppliers who are unlikely to be able to perform a large or complex contract.
- Tenderers are encouraged to spend time preparing a complex tender when they are only competing against other qualified tenderers.

Disadvantages of prequalification:

- The process takes longer due to the additional stage.

3.4 The prequalification process

The flowchart on the next page shows the main steps in the prequalification process. Further information on each step is provided below.

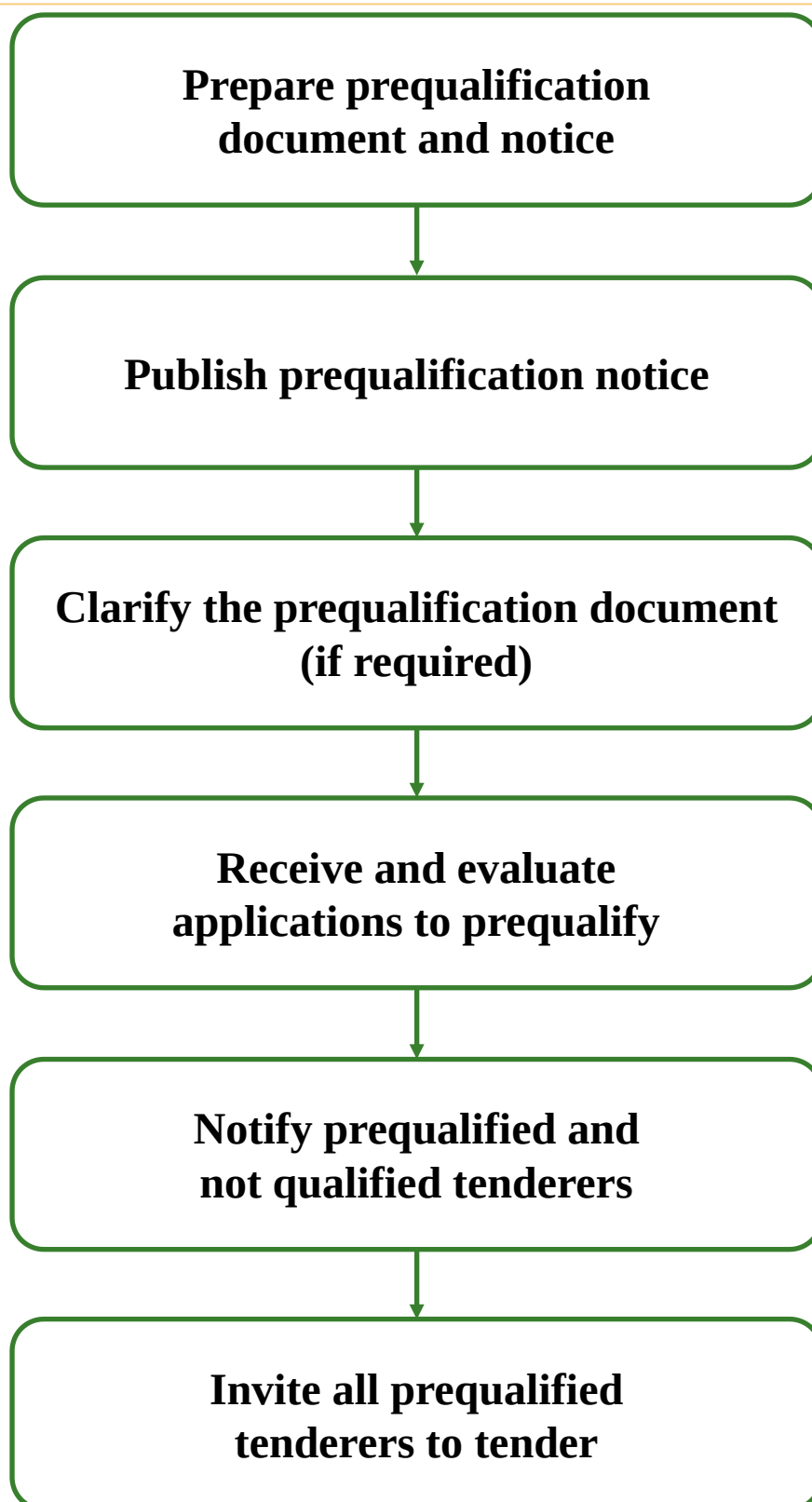
Prepare the **prequalification document**, which should include:

- instructions for preparing and submitting applications to prequalify;
- the prequalification criteria and the documents or information required as evidence of qualifications;
- standard forms in which relevant information should be provided; and
- the name and contact details of the authorised contact point in the procuring entity.

- See the **Guide to Supplier Management** for guidance on qualification criteria.

Use the **Prequalification Notice** template to prepare the prequalification notice. Advertise the notice in the same way as tender notices; see section 3.2 for guidance.

Ensure that the deadline for submitting applications to prequalify is at least 21 days after publication of the prequalification notice.



Interested tenderers will download the prequalification document from <https://tenders.gov.ms>.

Where tenderers request clarification of the prequalification document, prepare and issue clarification responses. The procedure for clarifications is the same as for tender clarifications; see section 5.1 for guidance.

Applications to prequalify are submitted and opened in public, in the same way as tenders. See sections 5.2 and 5.3 for guidance. As for tenders, late applications must be rejected.

The PPB or Departmental Procurement Committee (DPC) will appoint an evaluation panel to evaluate applications to prequalify.

Assess each application using the criteria and procedures in the prequalification document. Criteria should be applied on a pass or fail basis. The evaluation should be based on the qualifications of the tenderer, including any specialised subcontractors, only. Prepare a short report showing the qualifications of each tenderer against each of the criteria, and the overall assessment of qualified or not qualified.

The prequalification report must be approved by the PPB or DPC, depending on value.

Notify all tenderers of whether they are qualified or not qualified. Where tenderers are not qualified, inform them of the reasons.

Use the **Tender Notice** template to prepare a tender notice. The tender notice should state that participation is open to prequalified tenderers only. Email the notice to all prequalified tenderers or send it to them directly from mytenders.co.uk. This informs them of where they can download the tender document.

3.5 List of tenderers

For restricted tendering, prepare a list of tenderers to invite.

References and templates:

- Section 25 of the Public Procurement Act 2025
- Regulation 22 of the Public Procurement Regulations 2025

The number of tenderers on the list will depend on the reason for using restricted tendering, as shown in the table below:

Reason for restricted tendering	Number of suppliers to invite
The goods, works or services are only available from a limited number of suppliers	• Include all tenderers who can supply the goods, works or services. • Tenderers should have been identified when justifying the use of restricted tendering.
The procurement relates to national security	• Include enough tenderers to ensure effective competition, subject to any security restrictions

Where only a limited number of suppliers are known, consider conducting an early market engagement to identify additional tenderers.

PART D: PREPARE AND ISSUE THE TENDER DOCUMENT

4 Prepare and issue the tender document

4.1 Purpose of the tender document

Tender documents provide potential tenderers with all the information they need to prepare and submit a responsive tender. They include:

- a description of the goods, works or services required;
- the rules of the tendering process and what to include in tenders;
- how tenders will be evaluated and how the tenderer's eligibility and qualifications will be assessed; and
- the type and key conditions of the proposed contract.

A well drafted tender document is essential for a successful procurement process.

References and templates:

- Sections 23(4) and 30(1) of the Public Procurement Act 2025
- Regulations 15 and 19 of the Public Procurement Regulations 2025
- Standard tender documents
- Solicitation approval form

4.2 Standard tender documents

You must use the STDs issued by GPS as templates for preparing a tender document. The STDs are designed to:

- ensure compliance with the Act and Regulations;
- reduce the time required to prepare a tender document;
- make it easier for tenderers to prepare tenders by providing standard forms; and
- make it easier to evaluate tenders with information submitted in standard forms.

GPS has issued three different STDs for goods, for works and for services which should be used for open and restricted tendering. There are also STDs for framework agreements for goods, works and services, which may be used under open tendering.

- See the **Guide to Framework Agreements** for additional guidance on preparing a tender document for a framework agreement.

The STDs are suitable for most GOM procurement requirements. If your tender is for a specialised, complex or particularly high value procurement, including two-stage tendering, an alternative standard document may be required. In such cases, consult GPS.

4.3 Prepare the tender document

Select the appropriate **Standard Tender Document** to prepare your tender document.

Some parts of the document are standard and must not be changed. Others need information specific to the tendering process to be completed before issuing the tender document:

- Follow the guidance notes in *[green italics]* to insert relevant information or delete parts that are not needed
- Do not change standard text in black font
- **Remember to delete all guidance notes before issuing the document to tenderers.**

The STDs for goods, works and services all have the same structure. The following table shows how to use each section of the STD:

Section of STD	Guidance on Use
Section 1: Instructions to Tenderers	This section provides standard text on the rules of the procurement process and how to prepare tenders. Do not change any text in this section!
Section 2: Tender Data Sheet	The clauses in the Tender Data Sheet provide additional information to supplement the Instructions to Tenderers. Enter text relevant to your tender e.g. details of any pre-tender meeting and the date and time of the tender deadline.
Section 3: Evaluation and Qualification Criteria	The STDs contains standard criteria which typically apply e.g. criteria to evaluate substantial responsiveness of tenders and eligibility of tenderers. They also contain suggested text for optional criteria. Add, edit or delete the standard text to include criteria relevant to your tender.
Section 4: Description of Requirements	Insert technical requirements for the goods, works or services required. • See the Guide to Procurement Planning for how to define your technical requirements.
Section 5: General Conditions of Contract (GCC)	This section provides standard contract clauses which apply to all contracts. Do not change any text in this section!
Section 6: Special Conditions of Contract (SCC)	The clauses in the SCC supplement or amend the GCC. Enter text relevant to the proposed contract conditions e.g. payment terms and warranty requirements.

Section of STD	Guidance on Use
	Most of the SCC should be drafted before the tender is issued. Final details, such as the supplier's address, will be added at contract award stage.
Section 7: Contract Forms	This section contains standard contract forms, including a contract agreement and templates for performance and advance payment securities. Enter relevant details in the contract agreement before the tender is issued e.g. the name of the procuring entity and description of the goods, works or services. All other details will be added at contract award stage. Do not edit the security forms, which are standard.
Section 8: Tender Forms	These forms are to be used by tenderers to prepare their tenders. Most are standard and should not be changed. Edit as required e.g. to add the correct address for tender submission and to ensure the price schedule, bill of quantities or activity schedule is correct. Add any additional forms required and delete any forms not required.

Ensure that the tender deadline included is at least:

- 21 days after publication of the tender notice for open tendering limited to domestic tenderers;
- 30 days after publication of the tender notice for open tendering advertised internationally; or
- 21 days for restricted tendering.

These are the *minimum* tendering periods, but you may include longer. A longer period should be used for more complex requirements.

Select which type of contract to use for works!

The STD for works includes two different types of contract: admeasurement and lump sum. These have different mechanisms for pricing and payment. Make sure you select the most appropriate type of contract to use, before drafting the tender document.

- See the **Guide to Contract Award and Management** for more information.

4.4 Approve and issue the tender document

Use the **Solicitation Approval form** to record approval of your tender document before it is issued. Complete the overview of procurement before requesting the following approvals:

- Part A for approval within the PE; and
- Part B for approval by GPS.

For open tendering, interested tenderers will download the tender document from <https://tenders.gov.ms>.

For restricted tendering, issue the approved tender document to all selected tenderers at the same time. The tender document should be uploaded to mytenders.co.uk and the link sent to all invited tenderers direct from mytenders.co.uk. Tenderers will then download the document.

PART E: MANAGE TENDERING

5 Manage tendering

5.1 Clarifications and modifications

During the tendering period you must respond promptly to any requests for clarification received from tenderers. Where a request for clarification is received:

- ensure that it was received, in writing, before the deadline for clarifications stated in the tender document: do not respond to any requests for clarification which are not in writing or received late;
- prepare a written response which must answer the question(s) without identifying the tenderer who asked the question(s);
- assign numbers to clarification responses so that tenderers can ensure they have received all clarifications;
- issue the clarification to all tenderers at the same time in the same way as the original tender document was issued i.e. through <https://tenders.gov.ms> for open tendering or mytenders.co.uk for restricted tendering.

If required, you may modify the tender document by issuing a modification. Issue any modification, in writing, in the same way as clarifications. If the modification is issued close to the tender deadline and/or tenderers will require additional time to take the modification into account, extend the tender deadline.

References and templates:

- Section 30(2)-(5) of the Public Procurement Act 2025
- Regulation 16 of the Public Procurement Regulations 2025

5.2 Receive tenders

Tenders may be submitted electronically through <https://mytenders.co.uk/> or in hard copy to the address given in the tender document.

If submitted electronically, the system will automatically record the time and date of receipt and keep electronic tenders secure until the tender deadline.

Where a tenderer submits its tender in hard copy, you must:

- issue a receipt for the tender before it is placed in the tender box;
- keep a record of all tenders received, marking the name of the tenderer and the date and time of receipt;
- keep all tenders secure and unopened in the tender box, ensuring they cannot be accessed before the tender deadline;
- deliver the unopened tenders to the PPB or DPC immediately after the tender deadline, ready for the public tender opening.

5.3 Hold public tender opening

Under open and restricted tendering, all tenders must be opened in public. All tenderers have the right to attend the public tender opening. This supports transparency in the procurement process.

References and templates:

- Section 30(4)-(5) of the Public Procurement Act 2025
- Regulation 19(3)-(6) of the Public Procurement Regulations 2025
- Record of Public Opening for open and restricted tendering

The public opening will be conducted by:

- the PPB, where the estimated value of the procurement is XCD 200,000 or higher; or
- the DPC where the value is below XCD 200,000.

Prepare for the opening by ensuring that a suitable room, facilities and staff are available. Ensure you have a computer with internet access to open tenders submitted electronically.

At the opening, first open and read out any withdrawal notices. Locate the corresponding tender and do not open it!

Then open all other tenders that were received on time, in turn. Read out and record:

- the name of each tenderer;
- the total tender price;
- any discounts offered; and
- the same information for any alternative tenders.

Important rules for public tender openings

- You must not accept or open any late tender!
- You must not open any tender for which a withdrawal notice has been received on time!
- Do not discuss the merits of any tender or reject any tender received before the deadline; the evaluation panel will decide these matters.

Use the **Record of Public Opening for open and restricted tender form** to record the opening:

- Follow the guidance notes in *[green italics]* to record details of the tenders opened.
- Ensure the attendance record is signed by all persons who attend the opening.
- Members of the PPB or DPC who open tenders must sign to certify the record as a true record of the opening.

Send a copy of the record to all tenderers whose tenders were opened.

PART F: EVALUATE TENDERS

6 Evaluate tenders

6.1 The evaluation panel

The evaluation panel appointed by the PPB or DPC is responsible for evaluating tenders and preparing an evaluation report with recommendations for contract award.

Before starting the evaluation, every member of the evaluation panel must sign the

Declaration for Members of Evaluation Panels. This is to:

- confirm that you do not have a conflict of interest or to declare any actual, potential or perceived conflict of interest that does exist;
- confirm that you will keep the evaluation process confidential; and
- confirm that you will maintain the expected standards of integrity and professionalism.

You must evaluate tenders fairly, impartially and in accordance with the evaluation criteria in the tender document!

- Only use the evaluation criteria in the tender document!
- Base the evaluation only on information included in tenders or through any clarifications of tenders!
- Apply the evaluation criteria objectively and in the same way for all tenders!
- Ensure that all evaluation decisions are recorded and justified in the evaluation report!

Unless they are awarding scores to tenders, the evaluation panel should work together on the evaluation.

6.2 Overview of evaluation

The purpose of the evaluation is to objectively assess and compare all tenders received on time, using the methodology and criteria specified in the tender document, to determine the most advantageous tender.

References and templates:

- Sections 31(1)-(2) and 34(a) of the Public Procurement Act 2025
- Regulations 13 and 25-30 of the Public Procurement Regulations 2025
- Declaration for Members of Evaluation Panels (conflict of interest and confidentiality)
- Evaluation Report for open and restricted tendering
- Financial Evaluation Table for open and restricted tendering
- Clarification letter

Conduct the evaluation in three stages:

- **a preliminary examination** to determine whether tenders are substantially responsive to the requirements of the tender document, have been properly signed and are generally in order and whether tenderers meet the eligibility and qualification criteria listed in the tender document;
- **a technical evaluation** to determine whether tenders meet the technical requirements of the tender document without material deviation and to apply any technical criteria listed in the tender document; and
- **a financial evaluation** to compare prices, apply any criteria listed in the tender document and determine the most advantageous tender.

Tenders which are not substantially responsive may be rejected at any stage of the evaluation. See section 6.3 for further guidance on how to determine substantial responsiveness.

The tender document may include price criteria only or both price and non-price criteria. This is explained further in the section 6.6 on technical evaluation and section 6.7 on financial evaluation.

The flowchart on the following page shows how to work through the three stages of evaluation. The evaluation criteria included are examples of typical criteria, but you must apply the precise criteria listed in the tender document for each procurement.

6.3 How to determine substantial responsiveness

The evaluation panel must decide whether each tender is “substantially responsive” or “not responsive” to the requirements of the tender document.

Use the evaluation criteria listed in section 3 of the tender document as a checklist to define what is meant by substantial responsiveness.

A tender is considered to be **substantially responsive** if it conforms to all the terms, conditions and specifications of the tender document without material deviation or reservations.

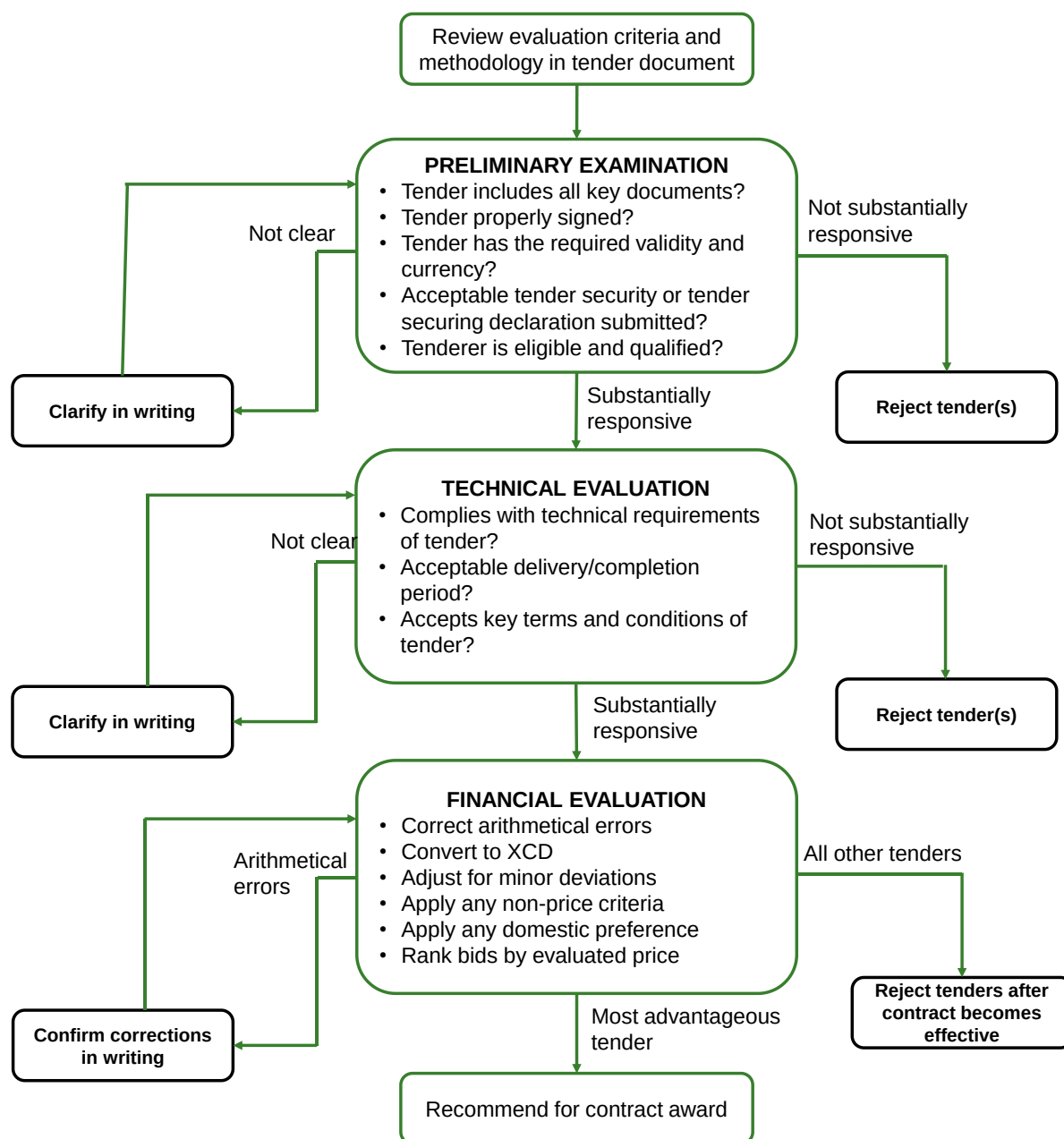
A material deviation is one which would detrimentally affect the scope, quality or performance of the goods, works or services or would change the supplier’s risk and responsibilities under the contract.

A tender may still be considered substantially responsive if it contains:

- minor deviations that do not materially differ from the characteristics, terms, conditions and other requirements of the tender document; or
- errors or oversights that can be corrected without touching on the substance of the tender.

You must reject tenders which are not substantially responsive!

You may clarify or correct minor deviations, errors or oversights.



The table below provides guidance on what would typically be considered material or minor deviations, but the evaluation panel should decide which deviations are material or minor for each tender. It is important to treat all tenderers in the same way when deciding whether a deviation is material or minor.

Material Deviations	Minor Deviations
Tender submission form or price schedule not completed or signed	Tender checklist missing
Tender does not cover the required scope of work	Missing details on Tenderer Information Form
Unacceptable delivery or completion schedule	Certificate of Incorporation not included
Goods, works or services do not comply with the description of requirements	Supplier Code of Conduct or Labour Compliance Declaration not included
Unacceptable payment terms proposed	Arithmetical errors
Tenderer does not accept major terms such as warranty or defects liability period	Formatting issues or spelling mistakes in the tender

6.4 Clarification of tenders

You may request clarifications from tenderers where there are minor deviations in a tender or errors or oversights that can be corrected without touching on the substance of the tender. For example, you may request a tenderer to submit a missing document, providing it is not an essential document such as the tender submission form, price schedule or a key part of the technical details. Do not request a clarification where there is a material deviation.

Any clarification must be requested in writing, using the **clarification letter** template. The request and the response must be recorded in the evaluation report. GPS will assist with requesting clarifications from tenderers as part of its facilitation services.

You must correct arithmetical errors in tenders following the procedure listed in section 1 of the tender document. Where any corrections are made, ask the tenderer to accept the correction through a clarification request. Where the tenderer does not accept the correction, you must reject the tender.

Tender clarifications must not be used to amend the tender price, with the exception of the correction of arithmetical errors.

6.5 Preliminary examination

The preliminary examination is used to assess whether tenders are substantially responsive to the requirements of the tender document e.g. they contain all required documents, are generally in order and have been properly signed. This avoids the evaluation panel spending time conducting a detailed evaluation on tenders which are not responsive. The preliminary examination also eliminates tenderers who are not eligible or qualified.

The table below shows the steps required to conduct and record a preliminary examination.

Step	What to do
Identify the criteria to apply	Review the tables of criteria in section 3 of the tender document. These list the criteria which must be used for the evaluation and the documents or information required to demonstrate responsiveness. Section 3 of the tender document also states which missing documents should result in rejection of the tender and which may normally be obtained through a clarification request. However, the evaluation panel has the final decision on whether to consider missing documents as material or minor deviations.
Prepare evaluation grids	Use the preliminary examination tables in the evaluation report to record the results for each tender opened. There are separate tables for: • substantial responsiveness of the tender; • eligibility; and • qualifications. The tables in the evaluation report include the substantial responsiveness and eligibility criteria typically included in tender documents. You must edit the criteria so that they match the tender document exactly. Delete any criteria which do not apply to the tender document. Qualification criteria are not included in all tenders. Either insert the qualification criteria or delete the table if not required.
Evaluate tenders	Insert “yes” or “no” for each tender against each criterion. Request clarifications from tenderers where required; see section 6.4 for guidance. Add notes underneath the tables to explain where you have accepted a minor deviation or requested a clarification.
Decide on substantial responsiveness	Complete the evaluation panel’s overall conclusion in the bottom rows of each table by entering “yes” or “no”.

Reject any tender which is not substantially responsive, or where the tenderer is not eligible or qualified. Rejected tenders will not be included in the technical evaluation.

6.6 Technical evaluation

The technical evaluation is used to assess whether tenders meet the technical requirements of the tender document without material deviation e.g. whether goods, works or services comply with the specifications and other requirements in the description of requirements.

Most technical evaluation criteria will be evaluated on a pass or fail basis, with substantially responsive tenders considered a pass.

Other technical criteria may also be used and these should normally be quantified in monetary terms and then factored into the financial evaluation. These are referred to as non-price criteria.

Non-price criteria must be linked to the subject of the procurement and listed in the tender document with the methodology for calculating them!

Non-price criteria may relate to any aspect of the technical quality, performance or sustainability characteristics of the goods, works or services or to the delivery or completion period.

They may also relate to life-cycle costing, taking into account costs for use, maintenance, energy consumption or disposal of goods.

The STDs include example non-price criteria, including:

- the cost of spare parts, accessories, consumables or after-sales service for goods;
- life cycle costs for a specified number of years for goods or works; and
- delivery or completion periods which are earlier or later than required.

Non-price criteria which are quantified in monetary terms should be taken into account in the financial evaluation.

For technical evaluation criteria evaluated on a pass or fail basis, use the same approach as for the preliminary examination:

- Identify the criteria to apply: review the table of technical evaluation criteria in **section 3 of the tender document**;
- Prepare evaluation grids: use the technical evaluation table in the **evaluation report** and insert the criteria from the tender document;
- Evaluate tenders: insert “yes” or “no” for each tender against each criterion, requesting clarifications as required and adding notes to explain any minor deviations accepted or clarifications requested; and
- Decide on substantial responsiveness: enter “yes” or “no” in the bottom row to show the evaluation panel’s overall conclusion.

The technical criteria will differ for goods, works and services and will be adapted to the requirements of each procurement. Example technical criteria are shown in the table below:

Example Technical Criteria Goods	Example Technical Criteria Works and Services
Goods (and any related services) are substantially responsive to the requirements in the Schedule of Requirements	Technical Tender is substantially responsive to the requirements in the Employer’s Requirements
Compliance with warranty terms	Tenderer meets the minimum equipment and machinery requirements

Example Technical Criteria Goods	Example Technical Criteria Works and Services
Delivery (and completion) period complies with Schedule of Requirements	Tenderer meets the minimum personnel requirements i.e. qualifications and experience
Ability to deliver spare parts and provide after-sales service	

Tenders which exceed the technical requirement should not be given any extra credit, unless this is done through non-price criteria.

Reject any tender which is not substantially responsive. Rejected tenders will not be included in the financial evaluation.

6.7 Financial evaluation

The financial evaluation is used to compare prices, apply any non-price criteria quantified in monetary terms and determine the most advantageous tender.

As for the other stages of evaluation, start by identifying the criteria to apply: review the financial evaluation criteria in **section 3 of the tender document**.

Use the **financial evaluation table for open and restricted tendering** to record the financial evaluation. This is an Excel spreadsheet with automatic calculations. The first tab of the spreadsheet has instructions for how to use it e.g. how to delete columns not needed and enter data.

Enter the required figures for the financial evaluation in the white cells. The grey cells will be calculated automatically. You may need to use separate spreadsheets to calculate corrections or adjustments in detail, before entering the total in the financial evaluation table.

The table below shows the steps of the financial evaluation. Each step relates to a column in the Excel financial evaluation table.

Step	What to do
Correct arithmetical errors	Check the calculations in all tenders for any errors. Use the methodology in section 1 of the tender document to correct any errors. Insert the correction in the spreadsheet as a + or – amount, or leave as 0 where there are no corrections. Ask the tenderer to accept the correction through a clarification request: see section 6.4 for guidance. Where the tenderer does not accept the correction, reject the tender.
Convert tenders to a single currency	Where all tenders are in XCD, skip this step. Where any tenders are in different currencies, convert prices to XCD. Use the exchange rate indicated in section 1 of the tender document which is usually the exchange rate of the Bank of Montserrat on the date of the tender deadline.

Step	What to do
	Enter the exchange rate in the spreadsheet or leave as 1 where the tender is in XDC. The converted amount will be calculated automatically.
Adjust tenders for minor deviations, reservations or omissions	Where the technical evaluation identified any minor deviations, quantify them where possible. For example: • where an item in a bill of quantities has not been priced, you could add the average price of the item from other substantially responsive tenders; or • where a tenderer confirmed a three-year warranty, but provided costs only for 1 year, you could add the cost of two additional years of warranty. Insert the adjustment in the spreadsheet as a + or – amount, or leave as 0 where there are no adjustments
Apply non-price criteria	Where there are no non-price criteria, skip this step. You should also delete the column for non-price criteria in the spreadsheet. Where non-price criteria apply, calculate the adjustment following the methodology in section 3 of the tender document. Insert the adjustment in the spreadsheet as a + or – amount.
Apply domestic preference	Where no margin of preference applies, skip this step. You should also delete the column for the margin of preference in the spreadsheet. Where domestic preference applies, calculate the adjustment following the methodology in section 3 of the tender document. Insert the adjustment in the spreadsheet as a + or – amount. Note that domestic preference may only be used where a policy has been issued by the Head of GPS!

The most advantageous tender will be the tender with the lowest evaluated price, following all corrections and adjustments applied during the financial evaluation.

The evaluated price of each tender (i.e. the price after all corrections and adjustments) will be shown in the right-hand columns of the financial evaluation spreadsheet, along with the ranking of each tender. The tender ranked as number 1 will be the most advantageous tender.

Once completed, insert a copy of the spreadsheet into the evaluation report appendix for the financial evaluation (replacing the Word table).

Where a tender includes more than one lot:

- apply the evaluation criteria and rank tenderers for each lot;
- apply any discounts offered by tenderers for the award of more than one lot; and
- calculate which combination of awards would offer the lowest total cost for all lots to the PE.

Check for abnormally low tenders!

An abnormally low tender is one where the tender price, in combination with other elements of the tender, appears to be so low that it raises concerns as to the capability of the tenderer to perform the contract for the offered tender price.

The evaluation panel should determine what they consider to be abnormally low. As a guide, a tender price which is 20% lower than other tender prices should be investigated.

Where you consider a tender to be abnormally low:

- request the tenderer to clarify its tender price by providing a detailed analysis of costs and unit prices, by reference to the scope, proposed methodology, schedule and allocation of risks and responsibilities;
- review the tenderer's explanations; and
- decide whether to accept or reject the tender.

If the tenderer's response validates the low price, the tender is not abnormally low.

If the tenderer's response does not demonstrate its ability to perform the contract at the offered price, reject the tender as abnormally low.

Price negotiations are not permitted under open or restricted tendering.

6.8 Prepare the evaluation report

Use the **Evaluation Report template for open and restricted tendering** to record the results of the evaluation. Use all relevant standard text and follow the guidance notes to insert, edit or delete information specific to your evaluation.

Tips on using the Evaluation Report template

- Start by aligning the criteria in the evaluation grids in the appendices with the criteria in section 3 of your tender document, as outlined in the sections above.
- Complete the evaluation grids in order as you conduct the three stages of the preliminary, technical and financial evaluation.
- Then complete the main text which summarises the evaluation, including the recommendations for award.
- All members of the evaluation panel must sign the completed evaluation report.

6.9 Approval of evaluation report

Submit the evaluation report to the PPB or DPC for approval of the contract award recommendation. You should submit to:

- the PPB, where the value of the procurement is XCD 200,000 or higher; or
- the DPC where the value is below XCD 200,000.

Following approval:

- issue a notice of intention to award to all tenderers who submitted a tender and wait for the expiry of the standstill period;
- debrief tenderers on request;
- issue a contract to the successful tenderer, using the draft contract in sections 5-7 of the tender document; and
- publish a contract award notice.

All procurement under open or restricted tendering will require a standstill period, unless the value is less than XCD 100,000 or urgent public interest considerations require the contract to be awarded without a standstill period.

A contract manager will be designated to ensure the signing and mobilisation of the contract and to manage the contract through to completion.

- See the **Guide to Contract Award and Management** for more detailed guidance on how to award and manage contracts, including the requirement for a standstill period.

PART G: TWO-STAGE TENDERING

7 Two-stage tendering

7.1 When to use two-stage tendering

Open tendering is normally conducted in a single stage with tenderers submitting a combined technical and financial tender. It may be conducted in two stages where input is needed from suppliers to:

- determine the most satisfactory technical solution; or
- define or detail the technical, quality or performance specifications and characteristics of the good, works or other service.

References and templates:

- Section 23(7) of the Public Procurement Act 2025
- Regulation 21

Two-stage tendering should only be used for complex and specialised procurements. It is typically used for

- large complex facilities for which a turnkey contract will be awarded for the design and build of a plant;
- works of a complex and specialised nature; or
- complex information and communication technology that is subject to rapid technological advances.

You must justify the use of two-stage tendering and record the justification in the annual procurement plan and on the procurement record.

What is two-stage tendering?

Under a two-stage tendering process:

- in the **first stage**, tenderers are invited to submit initial, unpriced tender;
- GOM may discuss initial tenders with tenderers and subsequently revise the tender document; and
- in the **second stage**, tenderers are invited to submit final, priced tenders.

You may use prequalification before a two-stage tendering process; see section 3.3 for guidance.

7.2 Steps in the two-stage tendering process

The flowchart below shows the process for a two-stage tender. The rules for single-stage open tendering apply to two-stage tendering, except where specific differences are shown

below. Therefore, you should follow the guidance in all sections of this guide, unless it conflicts with the process below.

