GUIDE TO MANAGEMENT OF THE SUPPLIER MARKET

# Government Procurement Services
# Government of Montserrat

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## List of Acronyms

| Acronym | Definition |
|---|---|
| GOM | Government of Montserrat |
| GPS | Government Procurement Services |
| PE | Procuring Entity |
| PPB | Public Procurement Board |
| 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 manage the supplier market. This includes:

- how to use and maintain the supplier register;
- eligibility and qualification criteria for suppliers; and
- the supplier debarment 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 manage aspects of procurement related to supplier registration, eligibility and debarment.

GPS has issued separate guides which provide an overview of the public procurement system, guidance on procurement planning, all 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 supplier management.

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: SUPPLIER REGISTRATION

# 2 Supplier Registration

## 2.1 Purpose of the supplier register

The GOM supplier register is a list of suppliers whose eligibility to participate in public procurement has been checked by GPS. Suppliers will be able to register to provide goods, works and services which are needed regularly by GOM.

**References and templates:**

- Section 29 of the Public Procurement Act 2025
- Regulation 12 of the Public Procurement Regulations 2025
- Registration notice
- Supplier information form

The register can be used by any procuring entity to identify eligible tenderers to participate in lower value procurement processes which may not be advertised. This reduces the work involved in preparing shortlists and gives confidence that the tenderers invited are eligible.

Tenderers can use their registration to demonstrate that they comply with eligibility criteria, avoiding the need to submit the same documents repeatedly for different procurement processes e.g. certificate of incorporation, supplier code of conduct and labour compliance declaration. This saves time for both tenderers and evaluation panels. However, tenderers may still need to meet contract specific qualification criteria, related to technical competence, financial resources, equipment, facilities, personnel or experience. Section 3 provides further guidance on eligibility and qualification criteria.

## 2.2 When to use the supplier register

For goods, works and services, you may use the supplier register to identify tenderers for procurement with an estimated value below Eastern Caribbean Dollars (XCD) 125,000. This includes procurement using the request for quotations method and any restricted tendering processes under this threshold.

**Remember that if you buy the same goods, works or services repeatedly, a framework agreement may be appropriate.**

For consulting services, the supplier register may be used to develop shortlists for assignments with an estimated value below XCD 75,000.

Where direct contracting is used in situations of extreme urgency, you should request quotations from all suitable suppliers on the register.

For all other procurement, where the supplier register isn't used for sourcing, tenderers may still provide their supplier registration number in their tender as evidence of eligibility.

Procuring entities may consult the supplier register at any time. All procuring entities will have access to the supplier register on a shared folder. For any queries, email procurement@gov.ms.

## 2.3 How are suppliers registered?

GPS establishes the register of approved suppliers and manages the supplier registration process. It will publish a **registration notice** inviting application to register every three years, although suppliers can apply to join the register at any time.

The notice will indicate how to obtain a **Supplier Information Form** and explain the registration procedure and criteria for registration. Suppliers will need to submit a **Supplier Information Form**, with documentary evidence to show how they meet the criteria.

Where suppliers meet the registration criteria, GPS will confirm their registration, which will be valid for up to three years. When the next registration process is launched, the supplier will only need to update its original information.

GPS will make a decision on applications to register within one month, regardless of whether they are submitted in response to a notice or at any other time. Where a supplier does not meet the criteria for registration. GPS will inform them of the reasons for rejecting their application.

Where a supplier has been debarred from participating in public procurement, GPS will remove it from the supplier register.

# PART C: SUPPLIER ELIGIBILITY AND QUALIFICATIONS

# 3 Supplier Eligibility and Qualifications

## 3.1 Eligibility and Qualifications

Suppliers are required to meet **eligibility criteria** to participate in public procurement. These apply to all procurement and ensure that GOM is only dealing with reputable suppliers who are legally established and operating in compliance with relevant laws.

PEs may also require suppliers to meet **qualification criteria** for specific contracts. These are used for more complex or high-risk procurement to ensure that suppliers have the technical ability and financial capacity to perform a contract successfully.

**References and templates:**

- Section 18 of the Public Procurement Act 2025
- Regulations 10 and 13 of the Public Procurement Regulations 2025

The STDs include the **eligibility criteria** which apply to all procurement, as well as the documents or information that tenderers must submit to prove their eligibility. These are summarised below, but you should refer to the STDs for the full wording. The eligibility criteria relate to the tenderer:

- having the legal capacity to enter into a contract;
- not being insolvent, in receivership, bankrupt, being wound up or any similar situation;
- having complied with obligations to pay taxes and social security contributions;
- not having been convicted of a criminal offence related to professional conduct or a prohibited practice; and
- not having been debarred from participating in procurement by PPB.

**Eligibility and the supplier register**

GPS will assess supplier eligibility as part of the supplier registration process. To register, suppliers will need to provide a certificate of incorporation (or similar) and to sign the Supplier Code of Conduct and Labour Compliance Declaration. A registered supplier may then quote their GPS registration number in a tender, instead of including these documents every time.

However, registration information will normally only be updated every three years. Therefore, you should still check for up to date eligibility where relevant, particularly for high value or high-risk contracts.

**Suppliers are still required to provide a valid Tax Compliance Certificate (or equivalent) in every tender. They are also required to declare that they meet the eligibility criteria in the tender submission form.**

**Qualification criteria** are not needed for simple, low-risk procurement. They should be used where there is a risk that an unqualified supplier will fail to perform a contract.

Qualifications may be evaluated in two ways:

- through a prequalification process; or
- as part of the preliminary examination when evaluating tenders.

> ➔ See the **Guide to Open and Restricted Tendering** for guidance on both prequalification and evaluating qualifications during the preliminary examination.

Where used, qualification criteria must be prepared specifically for each procurement to ensure that they are relevant and proportionate to the requirements of that procurement. For example, criteria related to financial capacity will be more demanding for higher value contracts. Qualification requirements related to turnover and cashflow are usually set as a multiple of the estimated contract value. Qualification criteria related to technical ability must be related to the goods, works or services being purchased; for example, they may relate to previous experience of particular construction activities or to particular standards related to a product, manufacturing process, quality management system or environmental management.

The STDs include sample qualification criteria for goods, works and services which may be used as a starting point to draft qualification criteria. Edit these criteria as required for each procurement.

## 3.2 Eligibility for preferences and set asides

The Head of GPS may issue a policy on sustainable procurement to promote national industry and socio-economic development. A sustainable procurement policy may use two different mechanisms to support national companies and/or facilitate the participation of target groups who do not usually participate in public procurement. These mechanisms are:

- applying a **margin of preference** of up to 15% to tenders offering goods manufactured in Montserrat or using labour or service from Montserrat; or
- **setting aside** or reserving up to 20% of their procurement, by value, for defined target groups of suppliers.

**Domestic preference** works by increasing the tender price of non-eligible tenderers by a set percentage during financial evaluation. This gives non-domestic tenderers a higher evaluated price, making domestic tenderers more competitive.

Any domestic preference policy will define eligibility for the margin of preference, documentation required to prove eligibility, the percentage of the preference and how it will be applied during evaluation.

**Set asides** work by limiting participation in some procurements to eligible tenderers. Companies which are not part of the target group are not permitted to tender. Target groups may include:

- small enterprises or micro enterprises;
- special groups including women, youth, the elderly and persons with disabilities; or
- any other group identified by the policy.

Any set aside policy issued will define the target group to benefit from the set aside, eligibility for the set aside, which goods, works or services are covered, the percentage of contracts reserved, how the set aside should be applied in procurement processes and how the effectiveness of the set aside will be measured.

The STDs provide space for:

- a set aside policy to be added to the eligibility criteria; and
- a margin of preference to be included in the financial evaluation.

Any policy will include the wording to be added to tender documents.

**You may not give preference to or reserve procurement for any suppliers, except in accordance with a policy issued by the Head of GPS!**

# PART D: SUPPLIER DEBARMENT

# 4 Supplier Debarment

## 4.1 What is debarment?

Debarment is a temporary or permanent ban that stops a supplier from tendering for, or receiving, a GOM contract. PPB may decide to debar a supplier when they have failed to meet the integrity standards required by the Act.

The List of Debarred Suppliers is available at https://tenders.gov.ms/publications.

**Do not deal with any debarred supplier!**

Where a supplier has been debarred, you must not:

- invite a tender or application to prequalify from them;
- evaluate a tender from them;
- hold any discussions with them;
- award a contract to them; or
- accept them as a subcontractor.

**If a tender is received from a debarred supplier, you must reject it!**

Where a contract or subcontract already exists when a supplier is debarred, you may continue it, unless the accounting officer directs otherwise.

Debarment avoids GOM dealing with suppliers who fail to meet integrity standards. It also acts as a deterrent to unethical practices by suppliers.

The decision to debar a supplier is made by PPB, after a formal process. Any public officer may initiate debarment proceedings if they suspect that there is reason to debar a supplier.

**References and templates:**

- Sections 18(7) and 40(6) of the Public Procurement Act 2025
- Regulations 51-57 of the Public Procurement Regulations 2025
- Draft Notice of Proposed Debarment
- Notice of Proposed Debarment
- Notice of Debarment

## 4.2 Grounds for debarment

PPB may debar a supplier for two reasons:

- the supplier has been convicted of prohibited practices or a similar offence under the laws of Montserrat; or

- the supplier has submitted false or misleading information, or failed to disclose material information regarding its eligibility, in a tender or similar document in Montserrat.

Prohibited practices include fraud, collusion, coercion and obstruction, as well as any offence under Part 6 of the Penal Code.

➔ See the **Guide to the Public Procurement System** for further information on prohibited practices and ethical standards.

## 4.3 How to start a debarment process

If you suspect that there are grounds to debar a supplier (or its affiliate), inform the Head of GPS. You should provide any documentary evidence you have to support your suspicions. You may do this at any stage, whether before, during or after a procurement process, during management of a contract or after completion of a contract.

The Head of GPS will consider the allegations and investigate as required. If there is sufficient evidence to support debarment, the Head of GPS will prepare a **Draft Notice of Proposed Debarment** and submit it to PPB.

## 4.4 The debarment process

Debarment follows a strict process to ensure that all evidence is considered and the supplier has the opportunity to respond:

- PPB will review the **Draft Notice of Proposed Debarment** and decide whether to proceed;
- PPB may establish a Debarment Committee to determine whether there is sufficient evidence;
- the Debarment Committee will send a **Notice of Proposed Debarment** to the supplier (and any affiliates);
- the supplier has the right to contest the allegations and to have an oral hearing before the Debarment Committee;
- the Debarment Committee will inform the supplier of the procedure to follow and any hearing;
- following any hearing, the Debarment Committee will make a recommendation to PPB regarding any proposed debarment, based on the seriousness of the supplier's conduct and any mitigating factors;
- where there is sufficient evidence, PPB may impose a sanction by issuing a **Notice of Debarment** to the supplier.

## 4.5 Debarment sanctions

PPB may impose any of the sanctions show in the table below:

| Sanction | Details and when used |
|---|---|
| Letter of Reprimand | A formal Letter of Reprimand is issued but no debarment is imposed.<br>May be used for a first offence and the offence is relatively minor or there are mitigating factors. |
| Suspended Debarment | The supplier is required to comply with certain conditions within a specified period of time to avoid debarment. This may involve remedial or preventative measures to prevent future instances of prohibited practices.<br>Where the supplier fails to comply with the conditions on time, a temporary debarment will automatically be applied.<br>This may be used based on the seriousness of the offence and any mitigating factors. |
| Temporary Debarment | The supplier is debarred from participating in procurement for a period of up to three years.<br>The period is determined by the seriousness of the offence. A shorter period is normally applied for a first offence, unless the offence is considered serious. |
| Permanent Debarment | The supplier is debarred from participating in procurement permanently.<br>This is only used for particularly serious offences where the supplier has failed to correct its practices following at least two temporary debarments, including at least one with a programme of remedial or preventative measures. |

Any permanent debarment will be automatically referred to the Independent Adjudicator for review. In all other cases, PPB's decision is final and takes effect immediately. However, a supplier may:

- request PPB to refer a conditional non-debarment or temporary debarment to the Independent Adjudicator; or
- seek review of a debarment by PPB where there is new evidence, a change in ownership or the supplier has complied with remedial or preventative measures.

Following debarment, GPS will add the supplier to the List of Debarred Suppliers and remove them from the supplier register. The List of Debarred Suppliers will show the end date of any temporary debarment.