### Competition

This section on competition in the procurement process provides information for procurement entities on means to solicit and receive bids and on evaluating the procurement document.

### Period of Solicitation

To comply with the obligation to conduct a fair, open and transparent procurement process, suppliers must be allowed enough time to submit a bid in response to a procurement opportunity with the Cayman Islands Government.

The choice of procurement open period takes into consideration various factors, such as the complexity of the procurement, the time that may be required to prepare the bid, and the need for suppliers to subcontract part of the requirement.

The procurement period and document availability begins at the time of the posting of the notice of opportunity. All procurements over $100K must be open for a minimum of 15 business days from the date that the notice of opportunity is advertised on the website.

However, choosing the minimum days to solicit bids will not necessarily result in a good outcome if the procurement is such that suppliers need to be allowed more time to disseminate the information of the bid document and prepare their response. If a procurement document is amended during the procurement period, suppliers may request or need more time to respond to the procurement. In these circumstances, a longer procurement period may be warranted and require an amendment to extend the closing date.

### Public Notice of Opportunity

All procurements at the threshold of $100K or above must be publicly advertised on a website as designated by the Central Procurement Office to comply with the *Procurement Regulations, 2018.* Suppliers will have access to the website to check for opportunities.

The portal is at: <https://www.procure.gov.ky/bid-opportunities>

Enough information should be provided in the project description to allow suppliers to assess their capability or interest in the procurement. Procurement documents become available to suppliers upon activation of the vendor registration process. The procurement period and document availability begins at the time of public advertisement through the notice of opportunity.

Procurements under the $100K threshold may also as an option be publicly advertised on a website designated by the Central Procurement Office.

Additionally, supplemental advertising of the notice of opportunity may be done in a local paper and/or a specific publication relating to the procurement.

### Procurement Not Publicly Advertised (Invitation Sent Directly to Suppliers)

For procurements that are not publicly advertised, due to being below the threshold of $100K, the selected procurement strategy may be to solicit bids by direct invitation. Every effort should be made to ensure best value, fairness and access to opportunities in terms of preparing an invitation list of suppliers.

During the open period of the procurement that was not publicly advertised, if any supplier requests the opportunity to submit a bid where the supplier had not been initially invited to submit a bid, the supplier should be given the opportunity to provide a bid and in such a case, an extension of the closing date may be warranted.

**Communications**

To protect the integrity of the procurement process, bidders must have equal access to all information pertaining to the requirement during the procurement period. Therefore, all clarifications, modifications to the requirement, or any additional information related to the requirement must be transmitted simultaneously to all bidders. During this process, the identity of suppliers must remain confidential.

Communications during the procurement period are to be directed only to the point of contact listed in the procurement documents.

### Questions

Bidders may submit questions or enquiries related to the procurement documents during the procurement period in the manner stated within the procurement documents, in writing, within the timeframe prescribed. Any questions received after that timeframe should not be answered.

Simple questions where the answer does not affect other bidders and how they will respond to the procurement may be answered directly to the bidder asking the question.

When replying to questions or enquiries from bidders, the response must be carefully drafted taking into account that the answer may require a modification of the procurement documents. If a question or enquiry results in a need to amend a clause of the procurement document, the response should clearly refer to the addendum.

**Addenda**

Changes to the procurement itself, to reflect clarifications or that may result from answering the questions, including extensions to the procurement period, if granted, must be released as an addendum to the procurement.

Depending on the significance of the changes published in any required procurement addendum, it may be necessary to extend the solicitation period.

### Site Visits

Site visits may be used when the nature of the requirement requires suppliers to view the site where work will be performed in order to submit a bid that provides a viable solution to the requirement. Site visits may be voluntary or mandatory. The site visit with date and how to register must be identified in the procurement documents.

Any information, specification or clarification that is provided during a voluntary site visit must be made available to all bidders.

In circumstances where the site visit is mandatory, any bids received from suppliers that have not attended the site visit are automatically declared non-responsive. The decision to make a site visit mandatory should be made with care for this reason.

### Receipt of Bids

The rules of receipt of bids and the closing of the procurement period must be clearly stated in the procurement document.

The appropriate authority based on the threshold of the procurement will open and record the bids received:

* At less than $100K, as determined by the Chief Officer;
* At $100K to < $250K, the Entity Procurement Committee receives and receipts bid submissions; and
* At $250K +, the Public Procurement Committee receives and receipts bid submissions.

The bids are to be submitted before the closing of the submission deadline stated in the procurement document. Late bids will be accepted only subject to any specific circumstances outlined in the procurement document. Otherwise, bids received after that time will remain sealed and will be returned to the bidder. If submitting electronically, the portal for accepting bids will close automatically at the closing date and time indicated in the procurement details.

**Evaluation of Bids**

Bids must always be evaluated in a manner that is fair and transparent, based solely on the evaluation methodology stated in the procurement documents and known by bidders from the outset. Applying undisclosed evaluation criteria would put the integrity of the procurement process into jeopardy.

Any documents pertaining to the evaluation of bids must be preserved and documented in the procurement file. This information may be required if the evaluation procedure is challenged and if an access to information request is submitted.

This is the typical sequence of events in the evaluation process for bids:

1. At the initial meeting for evaluators, the Project Lead will brief evaluators on their key responsibilities and practices to avoid;
2. Evaluation members will be required to sign a Declaration covering confidentiality, conflict and conduct available online if electronic bids or at this link otherwise: <https://www.procure.gov.ky/evaluation-guide>
3. technical bids are distributed either physically or released electronically to identified evaluators in a staged approach depending on which requirements are requested in the solicitation document, beginning with mandatory submission requirements, then mandatory technical requirements, followed by point-rated technical requirements and finally when all the previous stages have been met, the pricing is released and recorded;
4. each evaluator independently evaluates and scores the technical bids;
5. the evaluation team holds its consensus meeting, which results in a consensus score which is an agreement amongst all evaluators as to the final score for that criteria and a record of the rationale for reaching that score. The meeting is led by the Project Lead, as applicable, who will remind the evaluation team of their responsibilities;
6. the Project Lead will ensure that scores are substantiated and will request the team to validate their findings if not satisfied;
7. The identified evaluator conducts the financial evaluation;
8. The Project Lead completes the evaluation ensuring to use the selection methodology as set out in the RFP;
9. the Project Lead obtains the approval to award the contract to the successful bidder;
10. The Project Lead is responsible for ensuring that the confidentiality of the bids is preserved and that the bids are handled in compliance with security requirements. In that regard, bids are to be kept in a secure cabinet at all times; and
11. At or after the consensus meeting as applicable, any physical copies of bids will be returned to the Project Lead.

A guidance document on evaluation has been provided as a tool to assist you and is available in the Tool List at the following link:

<https://www.procure.gov.ky/evaluation-guide>