GOVERNMENT OF BERMUDA

CODE OF PRACTICE FOR PROJECT MANAGEMENT AND PROCUREMENT (Code) 2nd Edition

Published July 27, 2020,

AMENDMENT 2026:1

Issued by the Director of the Office of Project Management and Procurement (OPMP)

This Amendment to the Code (2nd Edition) shall come into operation on **1 April 2026**. Procurements commenced prior to that date shall continue to be governed by the Code in force immediately beforehand, unless otherwise directed by the Director of the Office of Project Management and Procurement (OPMP). All other provisions of the Code shall remain in full force and effect.

To: All Accounting Officers, Authorised Public Officers, Heads of Department, Administration/Finance of all Departments**.**

Subject: Amendment 2026:1 to the Code of Practice for Project Management and Procurement, 2nd Edition.

Amendment 2026:1 to the Code of Practice for Project Management and Procurement (2nd Edition*)* (the Code) has been issued under the authority of section 32B (4) of the Public Treasury Act 1969 and will take effect on 1 April 2026. Procurements initiated prior to this date will continue under the previous Code unless otherwise directed.

Amendments are noted in blue font. All other sections of the Code remain unchanged.

This Amendment introduces significant changes to accountability, streamlines authority, and simplifies the approval process in Government procurement. All public authorities and officers involved in Project Management or Procurement, including evaluation, approval and contract awards must comply with these changes and the unchanged sections of the Code.

Key Amendments

New definitions and revised Procurement Thresholds

The Amendment has several new definitions, and the procurement value thresholds have been adjusted:

- Lowest Value: Under $20,000
- Low Value (i): $20,000–$99,999
- Low Value (ii): $100,000–$249,999
- Intermediate Value: $250,000–$499,999
- High Value: $500,000 and above

These thresholds outline applicable procurement methods, documentation, evaluation procedures, and approval pathways.

Approval Requirements

- Cabinet approval is mandatory for all *Intermediate* and *High Value* procurements (≥ $250,000).
- Ministerial sign-off brief is required for all contract awards between $50,000 and $249,999.
- All contracts $50,000 and above must be vetted by the Attorney General's Chambers before execution.

Mandatory Code Training Requirements

Accounting Officers and Authorised Public Officers must complete annual mandatory Code training delivered by OPMP. Completion is required to exercise delegated procurement authority.

Expanded Duties of Accounting Officers

The Amendment strengthens accountability by requiring Accounting Officers to:

- Ensure sound planning, business case development, and funding verification
- Maintain segregation of duties throughout the procurement cycle
- Ensure list of Authorised Officers and their assigned delegated authority is provided to OPMP annually.
- Accounting Officer provide final sign off on technical specification and requirements.
- Ensure Authorised Officers are meet training obligations
- Submit quarterly procurement single and/or sole source activity reports to the Director
- Retain and secure all procurement documentation for audit, inspection and PATI purposes
- Publish required awards per PATI requirements and provide debriefings to unsuccessful bidders if requested.

Non-Competitive (Single/Sole Source) Procurement

The Amendment clarifies expectations for non-competitive procurement, including:

- Accounting Officer approval of single source procurement between $20,000 and $249,999.
- Accounting Officer quarterly single and sole source procurement reporting to OPMP.
- Director and Cabinet approval for Single/Sole Source procurements at *Intermediate* and *High Value* levels.

Evaluation and Award Enhancements

- Evaluation matrices are now mandatory for procurements $100,000 and above.

Record-Keeping and Compliance

The Amendment strengthens requirements for:

- Outlines the types of documents to retain in the procurement record.

Updated Cross-Reference Table

Procurement flows, responsibilities, and required approvals have been fully updated to reflect new thresholds and processes.

Issued by

Director of the Office of Project Management and Procurement (OPMP)

March 31, 2026

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Amends – Cross Reference Table

Amends Section 2 - Definitions 2.1

The following definitions have been inserted or amended as shown in blue font.

"**Canvass**" means informal methods used to obtain pricing information for lowest dollar-value or low dollar-value procurements and/or for budgetary cost estimates, to support value-for-money decisions. Canvassing does not replace competitive procurement procedures where these are required under the Code. Wherever practicable, pricing information must be obtained and retained in written form**.**
Acceptable canvassing methods include the following:

a) Telephone enquiries – where the Authorised Officer contacts vendors by telephone to inquire about pricing and records the details of the responses received.
b) Email enquiries – where the Authorised Officer requests pricing or budgetary cost information from vendors via email and retains the written responses as part of the procurement record.
c) Electronic browsing – where pricing is obtained from online catalogues, supplier websites, or other electronic sources, and the relevant pricing information is captured and retained.
d) Local market enquiries – where the Authorised Officer visits local retail outlets or suppliers to compare prices and, where available, obtains a written estimate or quotation.

"High Value Procurement" means contracts or orders for goods or services with an estimated value of $500,000 and more

"Intermediate Value Procurement" means contracts or orders with an estimated value of $250,000 and $499,999.

"Lowest Value Procurement" means contracts or orders with an estimated value of less than $20,000.

"Low Value Procurement (i)" means contracts or orders with an estimated value of $20,000 to $99,999.

"Low Value Procurement (ii)" means contracts or orders with an estimated value of $100,000 to $249,999.

"Single Source" means a non-competitive procurement decision whereby purchases are directed to one source because of standardization, warranty, or other factors, even though other competitive sources may be available (reference adapted from https://nigp.org/dictionary-of-terms).

"Sole Source" means a non-competitive method of procurement used when only one supplier possesses the unique ability or capability to meet the particular requirements of the entity or when only one supplier is practicably available. (reference adapted from https://nigp.org/dictionary-of-terms)

Amends Section 3 Sub-Section 3.7 Duties, Responsibilities and Roles 3.7 (a) and 3.7 (b)

Section 3 Subsection 3.7 Duties, Responsibilities and Roles, has been amended 3.7 (a) v, 3.7 (b) i, ii, iii, iv, vii, ix, xv, xvi, xviii, xix Accounting Officers has been amended as shown in blue font.

3.7 Duties – Responsibilities and Roles

(a) Cabinet

i. The Cabinet is the ultimate decision-making body in Government and is responsible for setting national policy for public procurement. The Cabinet also approves the award of contracts with values above the prescribed threshold. All Ministers are bound by the collective decisions of the Cabinet and carry joint responsibility for all the Government's policies and decisions. Ministers are responsible for ensuring that the public authorities, under their direction and control, take the action that is necessary to implement decisions made by the Cabinet.

ii. The Cabinet, by way of regulation, prescribes the respective thresholds, approval process and methods of procurement to be utilized by the Government of Bermuda.

iii. The role of the Cabinet is to formulate and implement a procurement policy that will promote the Government's economic and social objectives, encourages trade and investment in the economy and expands employment opportunities in Bermuda.

iv. Where a mandate of the Cabinet supersedes the requirements of this Code, the responsible Permanent Secretary must inform the Secretary to the Cabinet of the mandate and consult with the Director of OPMP.

v. All Intermediate and High Value Procurements with a value of at least $250,000 or greater must be approved by Cabinet.

(b) Accounting Officer

i. Ensuring proper planning, monitoring and compliance of procurement and project activities.
ii. Maintain segregation of duties throughout the project and procurement cycle.
iii. Ensure a list of Authorised Officers and their assigned delegated authority is provided to OPMP annually.
iv. Identifying the need for directing their Authorised Officers to develop requirements and specifications to be satisfied through planning and procurement.
v. Ensuring the creation of, and authorizing, a documented business case before proceeding to market or soliciting bids.
vi. Ensuring available and approved funding source before soliciting tenders.
vii. Accounting Officer and/or their appoint designee Authorised Officer shall provide final sign-off on technical specifications, requirements and approvals for procurements up to the Intermediate Value threshold, provided they have successfully completed the mandatory internal procurement training on the Code of Practice and Financial Instructions as delivered by OPMP.

viii. Authorising Ministry/Portfolio expenditures and the awarding of contracts.
ix. Ensuring Ministry/Portfolio employees involved in procurement have appropriate related education and training, including but not limited to, annual mandatory training on this Code as delivered by OPMP.
x. Must complete annual mandatory training on this Code as delivered by OPMP. The completing of this training and the equivalent to Financial Instructions shall certificate the Accounting Officer and Authorised Officer.
xi. Implementing and ensuring compliance with the Code and law, and all associated regulations, policies and procedures.
xii. Ensuring all procurement related documents are always retained and secured.
xiii. Ensuring the publishing of results of all procurement and projects.
xiv. Ensuring unsuccessful bidders are notified in writing and providing an opportunity for a full debriefing by evaluators.
xv. If the Accounting Officer does not accept the assessment of the Authorised Officer, they shall inform the Director of the reasons for departing from the contract award recommendation.
xvi. Submit quarterly procurement activity reports to the Director.
xvii. Accounting Officers must ensure the Director is informed of the contracts and receives a copy of the fully executed contract.
xviii. Establishing secure paths for public officers or suppliers to report suspicious activity.
xix. Ensure all procurement records are properly retained and made available for audit or inspection.
xx. The list of Accounting Officers can be found in the Financial Instructions (FI).

(c) Director of the Office of Project Management and Procurement

(1) The Office of Project Management and Procurement (**"OPMP"**) was established under section 32B of the Public Treasury (Administration and Payments) Act 1969 to:

i. provide professional, qualified procurement expertise and advice to Government.
ii. ensure that there is no bias in the awarding of government contracts.
iii. identify and apply performance measures to ensure that Government obtains value for money.
iv. ensure that best practices are adhered to in the oversight of capital projects; and
v. advise on, guide, and support the development of, and adherence to procurement regulations, policy, and best practice.

(2) The Director of the Office of Project Management and Procurement **(Director)** performs the following functions to achieve the principal purposes of OPMP in accordance with the Good Governance Act.

i. oversight of all Government procurement, including contracts and all pre-contract negotiations, such as requests for proposals, invitations to tender and the obtaining of quotations and estimates.
ii. oversight of all capital projects for Government.
iii. handling of complaints relating to the awarding of government contracts; and
v such other functions conferred under law or by the Minister responsible for OPMP.
vi. Where the Director objects to the proposed course of action of the responsible Minister on the grounds of propriety, regularity, or value for money relating to the proposed expenditure, the Director must record in writing the objection to the proposal and the reasons that support the

objection. If the Minister rejects the advice and decides nonetheless to proceed, the Permanent Secretary must request a written instruction to take action in question, bring the status of the matter to the attention of the Secretary to the Cabinet, and send the relevant documentation to the Auditor General. A similar procedure will apply with respect to the Parliamentary Standing Committee of the Public Accounts if the Permanent Secretary wants to ensure that the Committee will not hold him personally responsible for the action being taken.

Amends Section 4 Compliance, Inspection and Advice, Sub-Sections 4.3, 4.4, and 4.8 (b)

The following sub-sections 4.3, 44.4 and 4.8 (b) have been amended as shown in blue font.

4.1 The Accounting Officer must ensure that all public officers in the Public Authority comply with this Code and the Bribery Act 2016.

4.2 The Accounting Officer may delegate the authority to engage in a procurement to an Authorised Officer. The Accounting Officer will not be relieved of accountability and responsibility by such delegation.

4.3 Procurements must be properly authorised and carried out by Authorised Officers with the appropriate authority. Authorised Officers may only delegate authority to other public officers who have suitable experience and seniority and are approved by the Accounting Officer. The Accounting Officer must inform Authorised Officers in writing of the extent of any delegated authority and financial thresholds that apply to each procurement.

4.4 Any person who is not an Authorised Officer and is required to monitor the performance of a contract on behalf of the Government must comply with the requirements of this Code and within their delegated authorisation.

4.5 All decisions, documents, quotations, tenders and contracts made, produced, submitted or executed under the Code may be subject to inspection, audits and monitoring by the Financial Secretary or the Accountant General, the Director, the Director of Internal Audit, and the Auditor General.

4.6 In the event of any doubt as to the interpretation of this Code, or as to the proper procedure to be followed, advice should be sought from the Director.

4.7 **Reporting Code Breaches**

(a) Alleged Code Breaches shall be notified by the reporting entity to the Accounting Officer as well as to the entity allegedly in breach. The Accounting Officer is to assess the nature and extent of the alleged breach and report it to the Director. The preliminary determination of the Accounting Officer is to be issued to both the entity uncovering and reporting the breach and the entity allegedly in breach, allowing both parties to comment before a final determination is issued.
(b) If the alleged breach is against the Accounting Officer or their designee and the matter cannot

be resolved at the department level, then the allegation may be referred to the Permanent Secretary (PS) or Director as appropriate for advice or independent investigation. The Director is responsible for dealing with breaches associated with project management and procurement.

(c) If the Director determines that any requirements of the Code have been waived by an Accounting Officer without adhering to the procedures outlined in paragraphs 6.1, 6.2, and 6.3, then it will be considered a breach of the Code. A report shall be made to the Head of the Public Service, who must decide whether disciplinary action is warranted, or transfer the reporting function to another agency as deemed appropriate.

4.8 Dealing with Code Breaches

Government Departments, Offices or Public Authorities

If a Code breach is substantiated against the department and is attributable to the Government's policies, practices and procedures, then that department shall take corrective action in relation to such policies, practices, and procedures. If a breach is the result of the activities of an Individual in contravention of the Government's policies, code of conduct, practices or procedures, then the relevant Accounting Officer shall take the appropriate disciplinary action(s) in accordance with the Government's practices.

a) International Sanctions Measures
The primary Bermuda law that correlates and gives effect to international sanctions is the International Sanctions Regulations 2013.

b) Government-Wide Sanctions
The requesting department shall make a proposal for Government-wide sanction(s) to the Director or Attorney General Chamber (AG) as appropriate. Director or AG shall investigate the proposal and advise the Government if a Government-wide sanction should be applied.

If the Director or Attorney General Chambers becomes aware of a tenderer or service provider who repeatedly breaches or is unsanctioned, the Director or AG may perform an independent investigation and proceed with the option of advising the Government if a government-wide sanction should be applied.

Amends Section 11 Low Value Procurement, Sub-Sections 11.2, 11.3, 11.4 and 11.7.

The value thresholds in the following sub-sections 11.2, 11.3 and 11.4 have been amended along with the addition of subsection 11.7 with other notations as shown in blue font.

11.1 If a Framework Agreement or Approved Contractor List is in place, then it must be used as an alternative to the Rules set out in this section unless, in relation to a Framework Agreement only the Authorised Officer in consultation with the Director determines that the best value for money may be achieved by conducting a separate procurement.

11.2 A written request for quotation may be used for low dollar value purchases and well-defined products and services. The Authorised Officer may canvass (see definition 2.1 for clarity) and obtain goods or services with an estimated value under $20,000 on the basis of a single informal Request for Quotations (section 18) in writing without being required to comply with the requirements of sections 15.5, 15.6, 15.8, 16.2 and 24-29 of this Code. The Total Value of the purchase must be considered before the goods and services are procured. The basis of the award is normally to the lowest-priced, most responsive bid. Full details must be retained on file, including the contractor's name, contact information and quotation details.

11.3 For contracts or orders with an estimated value between $20,000 to $99,999, an Authorised Officer must obtain at least three (3) quotations based on a written Request for Quotations (Section 18) and **will not** be required to comply with paragraphs 15.5, 15.6, 15.8 16.2 and 25-29 of this Code with the exception of the following; obtaining a duly signed copy of the Certificate of Confirmation of Non Collusion for suppliers per subsections 25.1 (i), 25.2, 25.3, 25.4, 25.5. Contracts valued at $50,000 and over must be published per subsection 29.6 using the designated medium (e.g. the Official Gazette) in accordance with the PATI Act. Full details must be retained on file, including the suppliers' names, contact information, quotation and evaluation details. When evaluating quotations from foreign suppliers, Authorised Officers must compare the total landed cost of the goods or services with quotations submitted by local contractors. The landed cost must include the purchase price, exchange, freight, duty and all handling costs. Where it is feasible to do so, quotes must be obtained from specified businesses.

11.4 For contracts or orders with an estimated value between $100,000 to $249.999, the Authorised Officer must obtain at least three (3) written quotations based on the written Request for Quotations (Section 18) or the Request for Proposals (Section 19 and/or Sections 21 and/or 22) and **will be** required to comply with paragraphs 15.5, 15.6, 15.8 and 16.2 and sections 25-29 of this Code. Full details must be retained on file, including the suppliers' names, contact information, evaluation and quotation details. When evaluating quotations from foreign suppliers, Authorised Public Officers must compare the total landed cost of the goods or services with quotations submitted by local contractors. The landed cost must include the purchase price, exchange, freight, duty and all handling costs. Where it is feasible to do so, quotes must be obtained from specified businesses.

11.5 A system-generated Purchase Order must be issued for all procurements. The Purchase Order must include a detailed description of the goods or services and the price.

11.6 If three (3) quotations are not obtainable despite good faith attempts to acquire them, the Accounting Officer or Authorised Officer must document the efforts made, and the results, in the procurement file.

11.7 If it is not reasonably practicable to obtain competitive or sufficiently competitive quotations as required under paragraphs 11.3 and 11.14, the Authorised Officer must follow the procedure to obtain approval for a Non-Competitive Procurement under Section 24.

Amends Section 12 Intermediate Value Procurement, Sub-Sections 12.2, 12.5 and 12.8

The value thresholds in the following sub-sections 12.2, 12.5 have been amended and subsection 12.8 has been inserted, and other notations as shown in blue font.

12.1 If a Framework Agreement or Approved Contractor List is in place, then it must be used as an alternative to the Rules set out in this section unless, in relation to a Framework Agreement only, the Authorised Officer, in consultation with the Director, determines that the best value for money may be achieved by conducting a separate procurement.

12.2 Subject to paragraphs 12.5 and 12.6, for contracts or orders with an estimated value of between $250,000 and $499,999, will be subject to a competitive procurement process unless a waiver of the relevant requirements of this Code has been granted in accordance with section 6. The Authorised Officer must obtain at least three (3) written quotations on the basis of the written Request for Quotations (Section 18) or the Request for Proposals (section 19 and/or sections 21 and/or 22) and will be required to comply with paragraphs 15.5, 15.6, 15.8 and 16.2, and sections 25-29 of this Code. A contract award recommendation document must be developed, retained and detail the evaluation process and all quotations on the procurement file. When evaluating quotations from foreign contractors, Authorised Officers must compare the total landed cost of the goods or services with quotations submitted by local contractors. The landed cost must include the purchase price, exchange, freight, duty and all handling costs. Where it is feasible to do so, quotes must be obtained from specified businesses.

12.3 The Authorised Officer must determine whether the goods or services will be procured using the Open Procedure or the Restricted Procedure, as described in sections 15 and 16, respectively.

12.4 Purchase Orders must specify the goods or services to be provided and set out the price and terms of payment.

12.5 If three (3) quotations are not obtainable despite good faith attempts to acquire them, the Authorised Officer must document the efforts undertaken and the results thereof in the contract award recommendation document and be retain in the procurement file.

12.6 The Authorised Officer must follow the procedure for obtaining a waiver under section 6 if it is not reasonably practicable to obtain competitive or sufficient competitive quotations as required under paragraph 12.2.

12.7 OPMP must review and endorse the procurement process, as well as provide assurance to the Accounting Officer that it has complied with the Law and procurement policy.

12.8 For all Intermediate Value Procurements and above, Cabinet approval must be sought and approval obtained before the contract is executed.

Amends Section 13 High Value Procurement Sub-Sections 13.1 and 13.5

The value thresholds in the following sub-sections 13.1 and 13.5 have been amended along with other notations as shown in blue font.

13.1 All contracts for the purchase of goods or services that have a Total Value of at least $500,000 or above will be subject to an open competitive procurement procedure unless a waiver of the relevant requirements of this Code has been granted in accordance with section 6. All High Value Procurements must be approved by Cabinet before the contract is executed.

13.2 Every High-Risk Procurement must be treated as a High Value Procurement, regardless of the value of the contract.

13.3 A procurement that involves a transfer of staff or assets (e.g. a private/public partnership) must be treated as a High Value Procurement.

13.4 The Authorised Officer must determine whether the goods or services will be procured using the Open Procedure or the Restricted Procedure, as described in sections 15 and 16, respectively.

13.5 High Value Procurements must be reported to OPMP prior to any advertisement. The Accounting Officer must assign a file reference number to each High Value Procurement. This number must be quoted on all documentation relating to the procurement process and the subsequent contract.

13.6 OPMP must review and endorse the procurement process, as well as provide assurance to the Accounting Officer that it has complied with the Law and procurement policy.

Amends Section 24 Non-Competitive Procurement - Single Source or Sole Source Procurement. Sub-Sections 24.1, 24.2, 24.3 and 24.4

The title, value thresholds and text of the following sub-sections: 24.1, 24.2, 24.3 and 24.4 have been amended, new text inserted and other notations as shown in blue font.

Section 24 Non-Competitive Procurement - Single Source or Sole Source Procurement

24.1 Approval to engage in a Single Source or Sole Source procurement must not be granted retroactively.

24.2 Where Authorised Public Officers engage in Single Source or Sole Source procurement; they must solicit a proposal or price quotation from a single contractor in writing. The Authorised Public Officers must engage in negotiations with the contractor from which a proposal or price quotation is solicited unless such negotiations are not feasible in the circumstances of the

procurement concerned. The Accounting Officer and/or their designated Authorised Officer must inform the Director of the Single Source or Sole Source procurement in writing. The Director may conduct an audit to determine if the process was followed. The Director will report quarterly to Cabinet in matters of compliance regarding Single Source and Sole Source procurement processes.

24.3 Non-Competitive – Single Source and/or Sole Source procurement must not be used unless -

(a) In the case of Single Source or Sole Source procurements that are Intermediate Value or High Dollar Value, a waiver must be sought and may be approved by the Director in accordance with Section 6. For all Intermediate Value and High Value Procurements Cabinet approval must be sought and approval obtained before the contract can be executed.

(b) In the case of a Single Source or Sole Source procurement that is estimated to have a value between $20,000 and $249,999 and is approved by the designated Accounting Officer or their designees before contract or agreement execution. The Accounting Officer will conduct due diligence to ensure value for money is obtained. The Accounting Officer must provide quarterly reports on all Single Source-or Sole-Source procurements to the Director of OPMP.

(c) In the case of procurement that is estimated to have a value of less than $20,000 and an Authorised Officer has determined that there is only one source for the supply of the goods or services or works. The procurement is approved by the appropriate delegated signing Authorised Officer. In these circumstances, the Authorised Officer may, without competition, negotiate and award a contract for the procurement of goods, services, or works and must ensure value for money is obtained.

In these circumstances, the Authorised Officer may, without competition negotiate and award a contract for the procurement of goods, services, or works.

24.4 Authorised Public Officers may engage in non-competitive single or sole source procurement in the following exceptional circumstances where the Director determines that:

(a) The subject matter of the procurement is available only from a particular supplier or contractor, or a particular supplier or contractor has exclusive rights in respect of the subject matter of the procurement, such that no reasonable alternative or substitute exists, and the use of any other procurement method would therefore not be possible.

(b) Owing to a catastrophic event, there is an extremely urgent need for the subject matter of the procurement and engaging in any other method of procurement would be impractical because of the time involved in using those methods.

(c) Authorised Officer have procured goods, equipment, technology or services from a contractor, and that additional supplies must be procured from that contractor for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of the original procurement in meeting the needs of the public authority, the limited size of the proposed procurement in relation to the original procurement, the reasonableness of the price and the unsuitability of alternatives to the goods or services in question; or

(d) The use of any other method of procurement is not appropriate for the protection of the essential security interests of Bermuda.

Amends Section 28 Evaluation, Sub-Sections 28.1, 28.4, and 28.5

The value thresholds in the following sub-sections 28.1, 28.4 and 28.5 have been amended as shown in blue font.

28.1 Procedures for the evaluation and scoring of tender submissions are set out in this section. A written evaluation must be recorded on an evaluation matrix which includes objective criteria that are relevant to the procurement and divided among the following sections when the value of a contract is at least $100,000 or above and a request for proposals or quotations is issued:

(a) Experience and Technical Capacity.

(b) Financial Assessment; and

(c) Social, Economic and Environmental.

The Cabinet may from time to time approve amendments to the criteria specified in the Government's standard evaluation matrix.

28.2 The evaluation criteria must be included in the tender documentation. The evaluation approach, criteria, and methodology must reflect the overall objectives of the procurement so that they do not discriminate against specified businesses.

28.3 The Authorised Officer must approve the sub-criteria used for evaluating each Bidder's experience and technical capacity. The criteria must be strictly observed (and remain unchanged) during the contract award process.

28.4 The Authorised Officer must form and preside over an evaluation panel of no less than three (3) members for procurements with an estimated value of $100,000 to $999,999. One of the members must be a comptroller or other financial officer.

28.5 The Authorised Officer must form and preside over an evaluation panel for procurements with an estimated value of at least $1,000,000 or above the evaluation panel must consist of no less than four (4) members and include the Permanent Secretary responsible for the public authority or a designee and the Ministry Comptroller (or another financial officer).

28.6 Each panel member must evaluate the tender responses. The Chairperson of the evaluation panel must collate the scores of each member of the panel. A moderation meeting must be held to address any major discrepancies in scoring. Changes made to any scores based on the moderation meeting must be recorded and include the reason for the change. Once all scores have been finalized, the evaluation panel must prepare an evaluation report which includes a final evaluation sheet and reflects the compiled scores. The evaluation report must be used as the

basis for the recommendation made to Cabinet to award a contract to a particular contractor and must be attached to the memorandum submitted to Cabinet for approval of a contract award recommendation.

Amends Section 29 Awarding Contracts, Sub-Sections 29.1 (b) i, 29.1 (e) and 29.3 (a) and (b).

The value thresholds in the following sub-sections 29.1 (b) i, 29.1 (e) and 29.3 have been amended as shown in blue font.

29.1 Every contract and procurement action the Government enters into must comply with:

(a) All applicable laws and regulations.

(b) All applicable Government rules, policies and procedures including, but not limited to, the Code, the Conditions of Employment and Code of Conduct and the Financial Instructions.

i. Conflict of Interest.

An Authorised Officer who is exposed to an actual, perceived or potential conflict of interest in relation to an actual or proposed solicitation must disclose to their Accounting Officer or the Director. If, after the review, it is determined that there is a conflict, the Accounting Officer must remove the Authorised Officer from this particular contracting situation. An Authorised Officer who fails to disclose can be subject to disciplinary action up to and including dismissal. Any suspected conflicts of interest must be investigated and resolved. (Conditions of Employment and Code of Conduct standards - Annex III Values and Ethics Code) and the standards of conduct for Authorised Officers engaged in Government Procurement Processes)

(c) The Government's strategic objectives and policies, including any applicable procurement strategies such as the adoption of sustainable procurement requirements.

(d) Ministerial sign-off to be included for agreements/contracts between $50,000 and $249,999.

(e) For contracts over $250,000, and over, must obtain a Cabinet conclusion number and the Attorney General must vet the agreement/contract before execution.

29.2 Authorised/Public Officers must use objective criteria set out in the tender documents to make an award recommendation. The Government must only award a contract to a Bidder if the tender represents the best value. Award criteria must be relevant and proportionate to the requirements of the procurement. The criteria must not be discriminatory and must be designed to enable bids to be evaluated for the best value for money, reflecting the requirements and specifications.

29.3 (a) Ministerial sign-off brief. For all contract awards valued between $50,000 and $249,999, a Ministerial sign-off brief is required prior to contract execution or issuance

of a Purchase Order. This shall include, but not be limited to, the following:

i. The Authorised Officer must use a suitable brief template to prepare the Ministerial sign-off brief, ensuring it includes all required contract award recommendation information outlining the procurement process and provide award recommendations.

ii. The brief must be submitted to the Accounting Officer and/or Permanent Secretary for review to ensure compliance with the Code and any other relevant policies, legislation etc prior to approval.

iii. Upon approval the Permanent Secretary shall forward the brief to the relevant Minister for sign-off.

iv. Following the Ministerial sign-off the brief must be retained in the procurement file along with contract documents in accordance with record management requirements.

v. All contracts within this value threshold must be vetted by the Attorney General's Chambers prior to execution and the issuance of any purchase orders.

(b) Cabinet Approval. The Accounting Officer must make a contract award recommendation to Cabinet for all Intermediate and High Value procurement upon receipt of a report from the Authorised Officer or the evaluation panel.

29.4 The contract award recommendation must include an evaluation report and accompany the memorandum that is submitted to Cabinet for approval.

29.5 A contractor that has submitted a bid in response to a Solicitation must not solicit Cabinet or any appointed or elected official to influence the awarding of a contract.

29.6 Contract awards of $50,000 and above must be reported to OPMP and published using the designated medium (e.g., the Official Gazette) in accordance with the PATI Act.

29.7 If the contractor whose submission has been accepted fails to sign any written contract, the Authorised Officer may either cancel the procurement or decide to select the second lowest, most responsive submission from among those remaining in effect.

29.8 Each contract must include the rights and duties of the parties, including the scope of work and other terms and conditions of performance. Authorised Officer must use standard forms of contract, except where a custom contract has been reviewed and approved by the Attorney General.

29.9 Where sub-contractors will play a key part in the successful delivery of the procurement, their technical capability and the general contractor's ability to effectively manage the supply chain may be used as an evaluation criterion in the procurement process. Public authorities must encourage general contractors to consider specified businesses for inclusion in their supply chains. General contractors should also be encouraged to have due regard for sustainable procurement.

Amends Section 33 Contract Register, Sub-Section 33.1, 33.2 and 33.3

The text in the following sub-sections 33.1, 33.2, and 33.3 have been amended as shown in blue font.

33.1 Accounting Officers must maintain a register of all contracts awarded with a value of $50,000 and above. Authorised Officers must ensure that the Accounting Officer and Director of OPMP are informed of the contracts and receive a copy of the fully executed contract.

33.2 The contract register must include the following information for each contract with a value of $50,000 and above.

(a) parties to the contract.

(b) the public authority for the contract.

(c) a brief description of the nature of the contract.

(d) the effective date and the termination date of the contract.

(e) the contract value.

(f) details of any amendment to the contract, including any change in value, scope or nature of the goods, services or property which is the subject of the contract; and

(g) anything else prescribed by OPMP.

33.3 The Authorised Officer must give the Accounting Officer details required to make entries in the contract register and a copy of the fully executed contract not later than ten (10) days after the contract is executed or amended.

33.4 The Authorised Officer of each Public Authority must also maintain a register of all contracts entered into by that Public Authority regardless of value.

Amends Section 42 Records Retention and Inspection. Sub-Sections 42.1 and 42.3

The text in sub-sections 42.1 and 42.3 has been amended along with renumbering as shown in blue font.

42.1 Public authorities must retain all records pertinent to purchases and contracts. The procurement records include documents maintained by the ministry, department, and section that sufficiently detail the history of a procurement for potential audit or inspection purposes. The records must consist of at least the solicitation documents, late submissions and protest documents, bid opening records, tabulation and evaluation records, no response or not bid submissions, contract award documents, written communications regarding negotiations between the parties, executed agreements, amendments and other records which sufficiently and properly reflect all expenditures of Government funds, including all

receipts, invoices, payroll records and other documentation used to substantiate requests for payment.

42.2 Records must be maintained in electronic format for at least five (5) years following completion of the relevant purchase or expiry or termination of any contract, or for a longer-term and in the format, as may be required by the Financial Instructions.

42.3 The Accounting Officer and/or Authorised Officer shall ensure that all Public Officers who require access, including but not limited to the Director, the Accountant General, and the Director of Internal Audit, must have full access to and the right to examine any of the records pertinent to purchases and contracts at all reasonable times for as long as the records must be retained.

Amends – Cross Reference Table

Procurement flows, responsibilities, and required approvals have been updated to reflect new thresholds and processes. The following sections of this table have been amended as shown in blue font.

The Cross-Reference Table in the Code is amended to reflect:

- Revised procurement thresholds values;
- Applicable procurement methods per thresholds; and
- Approval and authorities. Cabinet, Accounting Officer, OPMP and Attorney General Chambers requirements.

Options by Thresholds, Procurement Methods, and Approvals	**Low Value Procurements**			**Intermediate Value Procurement**	**High Value Procurement**
Procurement Methods/Techniques/Values *May also be used for lower values if needed.	Under $20,000 (S11.2)	$20,000 to $99,999 (S11.3)	$100,000 to $249,999 (S11.4)	$250,000 to $499,999 (S12)	$500,000 and above (S13)
Budget (Approved funding source required to undertake a procurement.)	Yes	Yes	Yes	Yes	Yes
*Business Case (Required) (Medium to High-Risk Projects)		Yes, if needed to support request	Yes	Yes	Yes
*Open Procedure (Section 15) or Restricted Procedure (Section 16)		Yes, if required	Yes	Yes	Yes
Pre-Qualification (Section 17)		If required	If required	If required	If required
*Solicitation documents (Section 25)		25.5 (i) Certificate of Confirmation of Non-Collusion form.	*Yes	*Yes	*Yes

Consult with Attorney General Chambers on the appropriate form of Contract to use.	Yes	Yes	Yes	Yes	Yes
Specifications (Section 9) clearly stated requirements, fit-for-purpose; avoidance of brand bias.	Yes	Yes	Yes	Yes	Yes
RFx documents Request for Quotations (RFQ) Section 18), Request for Proposals (RFP) Section 19), Two Stage (Section 20), Negotiation RFPs (NRFP) (Section 21 or 22)	Canvass a written Quote and/or RFQ (if required)	Written Quote and/or RFQ	RFQ, RFP NRFP or Two Stage	RFQ, RFP NRFP, or Two Stage	RFQ, RFP, NRFP or Two Stage
Advertise (Sub-Sections 15.5, 15.6, 16.2, 19.3 and 35.3) Procurement Notice Advert on the Government Portal (Published)			Yes	Yes	Yes
Pre-Bid Conference and/or Site visit (Sub-Sections 25.2 and 25.5)			Should be clearly noted in the RFx document if used		
Submissions must be stored and opened in a secure location (Sub-Section 26.1)	Yes	Yes	Yes	Yes	Yes
Quotations received - record for procurement file	Yes	Yes			
Receipt and Opening Submissions (Section 26) (Tender Opening Form)			Yes	Yes	Yes
Conflict of Interest Declaration – Evaluators (Sub-Section 25.1 (j))		Yes, if needed to support request	Yes	Yes	Yes
Evaluation Matrix with Scoring Notes (Mandatory) (Section 28)		Yes, if needed to support request	Yes	Yes	Yes
Social Economic and Environmental Criteria (Local Benefits) (Mandatory) (Sub-Section 28.1 c)		Yes, if needed to support request	Yes	Yes	Yes
Summary of decision based on quotes received and stored in the procurement file.	Yes	Yes			
Contract Award Recommendation (CAR) (Section 28.6 - Evaluation Report)		Yes, if needed to support request	Yes	Yes	Yes
Accounting Officer's Approval (Sub-Section 32.1)	Authorised Public Officer	Yes	Yes	Yes	Yes
Ministerial Sign Off Brief (Sub-Section 29.3(a)) (use a suitable briefing template)		>$50K	Yes	Yes	Yes
Cabinet Memo required and must be endorsed by the Director prior to submission to Cabinet				Yes	Yes

Approval for Sole Source or Single Source Procurement/Contracts (Section 24)	Authorised Public Officer	Accounting Officer	Accounting Officer	Director and Cabinet	Director and Cabinet
Cabinet Approval (Cabinet Conclusion #)				Yes	Yes
Contract and/or Agreement vetted by the Attorney General prior to execution (Section 32.3)		>$50K	Yes	Yes	Yes
Certificate of Confirmation of Non-Collusion (Mandatory) (Section 32.4)		Yes	Yes	Yes	Yes
Debriefing Bidders (Section 31)	Yes	Yes	Yes	Yes	Yes
Purchase Order (E1) to process payments (Sub-Section 32.7)	Yes	Yes	*Yes	*Yes, with noted Cabinet Conclusion number	*Yes, with noted Cabinet Conclusion number
Contracts must be published in the Official Gazette as per the PATI Act requirements (Sub-Section 29.6)		>$50K	Yes	Yes	Yes
Contract Register - to track and manage contract records maintained by Accounting Officer (Section 33)		>$50K	Yes	Yes	Yes