

ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

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**MINISTRY OF FINANCE & THE PUBLIC SERVICE**  
30 NATIONAL HEROES CIRCLE  
-P.O. BOX 512  
KINGSTON  
JAMAICA

REF NO:

2017 July 17

**Circular No.: 6**  
**Division: Public Expenditure Policy Co-ordination**

**Permanent Secretaries**  
**Heads of Procuring Entities**

**Re: Composition of Evaluation Committees for Public Procurement**

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Permanent Secretaries, Heads of Departments, Chief Executive Officers and other Heads of Procuring Entities are hereby advised of the following policy directive to govern the captioned matter and to be implemented immediately.

**Role of Boards of Directors, Parish Councillors and Similar Agents**

Members of Boards of Directors and Parish Councillors, and those who are in similar management capacity are hereby prohibited from being directly involved in the bid evaluation activity, since same Board of Directors and Parish Councillors will be acting in the capacity of reviewing and approving of procurement contract awards.

It has been brought to the attention of this Ministry that a pervasive practice exists within some Procuring Entities, more specifically Statutory Bodies, Government Companies and Parish Councils, whereby members of the Boards of Directors and Parish Councillors, routinely constitute the membership of Evaluation Committees and are actively involved in the actual evaluation of bids.

This practice is not in keeping with procurement best practice and the principles of good corporate governance and hence is not supported under Government of Jamaica's (GOJ) procurement policy and regime. A clear distinction of the roles of policy direction and that of operational/administrative management is to be maintained in the procurement phases of evaluating, reviewing, recommending and approval of the award of contracts.

The Corporate Governance Framework for Public Bodies (CGFFPB), October 2012 also provides general guidance regarding the fundamental role of GoJ Boards and Committees. It outlines that Boards have the overall responsibility for strategic oversight and policy direction of Public Bodies and Government Companies while the day-to-day operations are executed through the executive management. Similarly, the political, policy making and oversight functions of Local Authorities are performed through Parish Councils while the administrative functions through the Secretary Manager.

The continued participation of members of Boards of Directors and Parish Councillors on evaluation committees may be perceived as creating conditions for political and/or policy making agents to exercise undue influence on the evaluation proceedings which creates a threat to the confidentiality and objectivity

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of the bid evaluation activity. In addition, Boards of Directors, and Parish Councillors are among the agents/officers of procuring entities who are expected to review and exercise oversight regarding the integrity of, and compliance with procurement guidelines. Direct involvement of these agents in bid evaluation therefore, creates a significant reputational risk to the procurement process with respect to creating a wider negative public perception of an entire procurement process.

**Skill Composition of Evaluation Committees**

The attention of all is drawn to Section 2.2.6 of the Handbook of Public Sector Procurement Procedures, March 2014, ("The Handbook") which states that:

*"Procuring Entities are responsible for establishing Evaluation committees in accordance with the type of procurement and the relevant expertise required to carry out the evaluation process. Evaluation Committees are responsible for the evaluation and comparison of the bids received and for the preparation of the Bid Evaluation Report."*

The Evaluation Committee is not permanent as it is constituted as the need arises, based on required competency, skills and knowledge. An entity's constitution of evaluation committees is also based on respective members' availability given the importance of timely turnaround on award recommendation. Procurement best practice recognizes primary membership from the entity to include both technical and administrative personnel from the procurement department and staff from other departments.

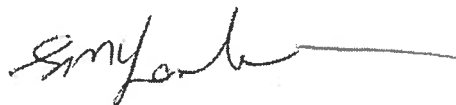
The committee may include individuals outside the entity, where given the nature, technicality and complexity of the procurement, critical and specialized expertise cannot be sourced in-house.

In instances where non-members of staff are utilized on evaluation committees, prior consideration must be taken into account for the likelihood of conflicts of interest. Section 2.2.6 of the Handbook states that: *"GoJ requires that all Evaluation Committees adhere strictly to the following principles: a) ensure that the bid evaluation process is strictly confidential; b) reject any attempt or pressure to distort the outcome of the evaluation...."*

To ensure fairness and objectivity, members of the Evaluation Committee should not have any direct or indirect undeclared financial interest in the procurement matter or any personal relationship with bidders.

Based on the foregoing, well documented efforts should be maintained prior to the constitution of an evaluation committee to ensure that the requisite skills set can be satisfied in-house. Where the requisite skills-set is lacking in-house, the search should be expanded to the parent ministry before being broadened to outside of the Public Sector sources. Where external help is required, due justification must form part of the organization's procurement process documentation after proper due diligence have been done to satisfy GoJ conflict of interest requirements.

**Permanent Secretaries, Heads of Departments, Chief Executive Officers and Heads of Procuring Entities are advised to bring this Circular to the attention of all affected personnel.**



Everton McFarlane  
Financial Secretary (Assigned)