



VOLUME I: General Instructions to Respondents

These General Instructions are provided to respondents of the Commission's invitation to assist in preparation of their submissions. They shall be augmented and/or overridden by the Instructions of Particular Application for the noted project.

Contents

Purpose.....	5
Conventions Used.....	5
Frequently Used Acronyms.....	5
1. General Background.....	6
1.1. Background on the Commission.....	6
1.2. Description of Requirement.....	6
1.3. Procurement Procedure.....	6
1.3.1. Open Procedure.....	6
1.3.2. Selective Procedure.....	6
1.4. Source of Funds.....	6
1.4.1. Government of Trinidad and Tobago.....	6
1.4.2. The National Carnival Commission of Trinidad and Tobago.....	6
1.4.3. Multilateral Bank Funding.....	7
1.4.4. Public Private Partnership.....	7
2. Eligibility and Qualification Requirements.....	7
2.1. Rights of the Commission.....	8
3. Invitation Information.....	8
3.1. Identification Number and Title.....	8
3.2. Procurement Timetable.....	8
3.3. Communication Methods.....	8
3.3.1. Email Communications.....	9
3.3.2. Facsimile Communications.....	9
3.4. Pre-Submission Meeting.....	9
3.4.1. Pre-Submission Webinar.....	9
3.4.2. Pre-Submission Live Meeting.....	9
3.5. Site Visits.....	9
3.6. Asking and Answering of Questions.....	10
3.7. Issuance of Addenda.....	10
4. Submission Preparation.....	10
4.1. Submission Method.....	10

General Instructions to Respondents



4.1.1.	Paper Method.....	10
4.1.2.	Fax Method.....	11
4.2.	Submission Preparation	11
4.2.1.	Electronic Submission Preparation	11
4.2.2.	Paper Submission Preparation	11
4.2.3.	Number of Envelopes	11
4.3.	Handling of Marketing Literature.....	12
4.4.	Submission Signature	12
4.5.	Power of Attorney	12
4.6.	Submission Validity Dates	12
4.7.	Preparation Costs	12
4.8.	Ownership of Submissions	12
4.9.	Language of Submissions	13
4.10.	Alternative Submissions	13
4.10.1.	Solicited	13
4.10.2.	Unsolicited.....	13
5.	Respondent Details	14
5.1.	Joint Ventures and Consortia	14
5.1.1.	Joint Ventures.....	14
5.1.2.	Prime Contractor and Sub Contractors	14
5.2.	Acceptance of Terms	14
5.3.	Conflict of Interest.....	14
5.4.	Improper Conduct	15
5.5.	Information Security.....	15
5.6.	Confidentiality of Information.....	15
6.	Submission Evaluation and Processing	15
6.1.	Submission Opening Method	15
6.1.1.	Live Meeting Method	16
6.1.2.	Post Only Method.....	16
6.2.	Evaluation Methodology	16
6.2.1.	Evaluation Criteria	16

General Instructions to Respondents



6.3.	Bid Conformance	17
6.4.	Right to Accept or Reject Submissions	17
6.5.	Right to Cancel, Withdraw or Reissue	17
6.6.	Disqualification of Respondents.....	17
6.7.	Oral Presentations.....	18
6.7.1.	Webinar Presentations.....	18
6.7.2.	On-Site Presentations.....	18
6.8.	The Appointment of the Selection Team	18
6.9.	Errors and Omissions.....	19
6.10.	Post-Submission Clarifications	19
6.11.	Verification of Information and Due Diligence	19
7.	Award of Contract	20
7.1.	Debriefing of Non-Selected Respondents	20
7.2.	Right to Protest.....	20
7.3.	Procedure to Protest	20
7.4.	Right to Administrative Appeal	21

Purpose

These General Instructions to Respondents (GIR) shall guide respondents to the Commission's invitations in the preparation of their submissions. The General Instructions are generic and designed to be inclusive of the Authority's range of procurement procedures. The Instructions of Particular Application (IPA) shall augment and/or supplement the GIR. Where there are differences between the GIR and IPA, the IPA shall prevail.

Conventions Used

Brackets: Bracketed [text] shall refer to the areas where the IPA may explain, clarify or override the GIR.

Invitation: The term 'invitation' shall indicate a procurement procedure opened by the Authority inviting responses from vendors, whether requesting information, proposals, quotations or tenders.

Submission: The term 'submission' shall indicate any response to an invitation issued by the Authority, whether that response includes information, proposals, quotations or tenders.

Frequently Used Acronyms

AVL	Approved Vendors List
EOI	Expression of Interest
GIR	General Instructions to Respondents
GORTT	Government of Trinidad and Tobago
IPA	Instructions of Particular Application
ITD	Invitation to Dialogue
ITN	Invitation to Negotiate
ITT	Invitation to Tender
PQQ	Pre-Qualification Questionnaire
RFP	Request for Proposal
NCC	National Carnival Commission (Commission)

1. General Background

1.1. Background on the Commission

The National Carnival Commission (NCC) was established by Act 9 of 1991, as enacted by the Parliament of Trinidad and Tobago (MLA, 1991. c. 42:01). The Act, states that a body be established, to be known as the National Carnival Commission of Trinidad and Tobago, which shall be responsible to the Minister. The Act further states the objectives of the NCC are to make Carnival a viable national, cultural and commercial enterprise; to provide the necessary managerial and organizational infrastructure for the efficient and effective presentation and marketing of the cultural products of Carnival; and to establish arrangements for ongoing research, the preservation and permanent display of the annual accumulation of Carnival products created each year by the craftsmen, musicians, composers and designers of Carnival.

1.2. Description of Requirement

The Instructions of Particular Application (IPA) shall provide a short summary of the requirement for this invitation. Full requirements shall be provided in Volume 3 of the invitation.

1.3. Procurement Procedure

The IPA shall identify one of the following procurement procedures for this invitation:

1.3.1. Open Procedure

Open tendering shall permit any economic operator, whether individual or corporation, domestic or international, to respond to the invitation. Certain pre-or post-qualification requirements shall be required.

1.3.2. Selective Procedure

Selective tendering shall permit only pre-qualified candidates from the NCC's Approved Vendors List (AVL) to respond.

1.4. Source of Funds

The IPA shall identify one of the following source of funds, or a combination of these sources, for the invitation:

1.4.1. Government of Trinidad and Tobago

Where funding is provided by the Government of the Republic of Trinidad and Tobago (GORTT), ministerial funds have been budgeted for the project.

1.4.2. The National Carnival Commission of Trinidad and Tobago

Where funding is provided by the NCC, Commission funds have been budgeted for the project.

1.4.3. Multilateral Bank Funding

Where funding is provided by any one of the following multi-lateral banking institutions:

- The Inter-American Development Bank
- The Caribbean Development Bank
- The World Bank
- The International Bank of Reconstruction and Development

1.4.4. Public Private Partnership

Where funding requires collaboration with the vendor and a financial institution to establish a Public Private Partnership (PPP).

2. Eligibility and Qualification Requirements

To be eligible for award, respondents shall provide evidence satisfactory to the NCC of their eligibility, capability and adequacy of resources to carry out the requirements effectively. Satisfactory evidence shall include, but is not limited to, the following:

- Certified tax-compliance document.
- Certificate of Incorporation duly embossed and certified by the state or country of incorporation. These must state the date of incorporation, place of registration and principal place of business.
- Audited financial statements for the last three or more years of operations.
- Signed Statement of Power of Attorney, if operating on behalf of your firm.
- Appropriate licensing and registration as is required by this invitation.
- Appropriate customer references as is required by this invitation.
- Declaration of Pending Litigation signed by your corporate attorney or senior executive officer.
- Appropriately signed Tender Documents.
- Demonstration of experience with projects of a similar size and nature.
- [Additional requirements and/or modified requirements may be noted in the IPA].

Failure to provide any of these documents may result in rejection of your submission. Respondents are required to complete the Conformance Checklist provided in the Response Forms section of the invitation documents. Respondents who have completed a PQQ within the last twelve months in the same category of spend, and have been placed on the AVL for the given category of spend, are not required to pre-qualify again. *However, they shall be required to register for the procedure.* Eligibility requirements for the invitation shall take precedence if they differ from the previous PQQ procedure. Thus, a vendor may be required to respond to the new invitation regardless of their status on the AVL.

2.1. Rights of the Commission

In addition to the rights of the NCC under its Procurement Rules, the NCC Act, and the laws of Trinidad and Tobago, the NCC specifically reserves the right to:

- Reject all submissions, to waive informality and to solicit and re-advertise for new responses.
- Remedy or waive technical or immaterial errors in a respondent's tender.
- Request any necessary clarifications or qualification data.
- Conduct further investigations with respect to the qualifications and experience of the respondent that is in the best interests of the project.

3. Invitation Information

3.1. Identification Number and Title

The IPA shall identify the identification number and title for the invitation. For example:

Number: NCC-QPS-16-003

Title: Invitation to Tender for the Erecting and Dismantling of Temporary Fencing, Aisles and Gates

3.2. Procurement Timetable

The IPA shall identify the procurement timetable for the invitation in the following format:

Item	Date
Invitation Publication	[Day-Month- Year]
Pre-Submission Meeting	[Day-Month- Year] (##:00 Hrs)]
Site Visit	[Day-Month- Year] (##:00 Hrs)]
Last Day for Questions and Answers	[Day-Month- Year] (##:00 Hrs)]
Submissions Due/Tender Opening	[Day-Month- Year] (##:00 Hrs)]
Respondent Oral Presentations	[Day-Month- Year]
Award Announcement	[Day-Month- Year]
Commencement	[Day-Month- Year]

Alterations to procurement Timetable shall be made via addendum.

3.3. Communication Methods

The IPA shall identify one of the following primary communication methods for this invitation. All respondents are required to use the required communication method.

3.3.1. Email Communications

Where email is identified, respondents shall communicate through the email address noted in the IPA. All communication shall use this method.

3.3.2. Facsimile Communications

Where facsimile is identified, respondents shall communicate through the fax number noted in the IPA. All questions may be asked through this fax number, and all answers, announcements and addenda shall be issued via this fax number.

The IPA may also provide contact information (email and phone) for the Procurement Specialist for the invitation to assist with technical difficulties.

3.4. Pre-Submission Meeting

If noted in the Procurement Timetable within the IPA, one of the following methods shall be used for the Pre-Submission Meeting.

3.4.1. Pre-Submission Webinar

Where webinars are called for, respondents shall be provided with a link to register for the pre-submission webinar. A webinar is a web-based meeting where parties reunite using web meeting software. No travel shall be required. Voice over Internet Protocol (VoIP) access shall be provided so that respondents may listen free-of-charge through their computer speakers. Alternatively, toll-charged telephone numbers shall be provided for major countries.

3.4.2. Pre-Submission Live Meeting

Live meetings shall be conducted on the NCC's premises or at another site as indicated in the IPA. During the Pre-Submission Meeting, whether webinar or live, a short presentation shall be provided to review the instructions, requirements, contract, and evaluation criteria. Respondents will be permitted to ask questions. Project Team personnel shall provide verbal responses where possible and shall follow-up with formal written answers within a specified timeframe after the meeting. Written responses shall override verbal responses, rendering the verbal responses invalid, where appropriate.

All interested parties may attend the pre-submission meeting; purchase of the invitation documents is not required for attendance, though respondents shall register for the meeting prior to attending. The NCC reserves the right to record these meetings without prior notice, though is not required to.

3.5. Site Visits

If noted in the Procurement Timetable in the IPA, a site visit may be conducted for the invitation to permit respondents the opportunity to see the location where the works or services shall occur. All spoken answers to questions during the site visit will be overridden by

the formal written answers published to respondents after the site visit.

3.6. Asking and Answering of Questions

All questions shall be asked using the communications methods identified in the IPA, Clause 1.2.3 Communication Methods.

Answers to questions will normally be provided within two working days. Answers requiring extensive research may take longer.

Importantly, answers to questions are provided to assist respondents with preparing their submissions. Answers to questions do not modify the original invitation, nor are they legally binding. *Only addenda are formal modifications of the invitation.* Where an answer modifies the invitation, it shall be identified in an addendum.

3.7. Issuance of Addenda

Addenda shall be announced using the method identified in Clause 1.2.3 Communication Methods. Addenda may incorporate and consolidate answers from many questions. Importantly, addenda are deemed to modify, change and/or qualify the original invitation documents and shall be considered as if they were originally included therein. *Respondents shall list all such addenda in the Form of Tender.*

No elucidation, explanation, or information given to respondents by the NCC or any of its employees or agents shall be held to have any contractual validity unless included in an addendum.

4. Submission Preparation

4.1. Submission Method

The IPA shall identify one of the below methods for receiving submissions:

4.1.1. Paper Method

Respondents shall send via courier, post, or hand their bound submissions to the following address prior to the closing time:

Tender Box
Chairman, Tenders Committee
National Carnival Commission
11 St Clair Avenue
Cor. St Clair Avenue and Gray Street
St Clair, Trinidad, W.I.

4.1.2. Fax Method

Respondents shall fax their submissions to the following fax address [identified in the IPA]. The Fax Method is reserved for minor quotation requests, only.

4.2. Submission Preparation

A set of mandatory Response Forms is provided in Microsoft Word format to facilitate the preparation and the Selection Team's review of your submission. Respondents are required to answer all of the questions – presented in the boxed areas – as requested, providing as much *relevant* detail as possible.

Respondents are required to list the titles of any supporting documents in the Attachments block for the appropriate question.

4.2.1. Electronic Submission Preparation

Where electronic submissions are required, respondents shall save the attachments in Adobe PDF format and list the file names using the following naming convention:

- Response Form File: "2016.###_MyFirmName_ResponseForms.pdf"
- Attachments File: "2016.###_MyFirmName_Attachments.pdf"
- Separated Attachments: "2016.###_MyFirmName_Attachment_Q#.##.pdf"

Respondents are requested to consolidate the attachments into one comprehensive PDF file named "2016.###_MyFirmName_Attachments.pdf", if possible. Where PDF locking prohibits this you may save them as separate files and name them according to the corresponding question number, as noted in the third example above where "Q" indicates the question number to which the attachment responds.

4.2.2. Paper Submission Preparation

Where paper submissions are requested respondents shall prepare two binders – one for their Response Forms, the second for the associated attachments. Attachments shall be presented in order of their appearance in the question numbers. Each section shall include a tab separator noting the question number to which the following attachments respond.

4.2.3. Number of Envelopes

The IPA shall identify the number of envelopes required by the invitation. Generally, respondents shall be required to present their solution in 'one envelope' including both technical and financial information in the same document.

In certain circumstances where technical complexity is high, the Commission may call for 'two envelopes', one technical proposal and one financial proposal. The IPA shall identify the appropriate method.

4.3. Handling of Marketing Literature

If a respondent wishes to use existing marketing literature to answer a question, they must extract and/or summarize the essential information and place it in the answer block provided in the Response Forms. You may then refer to the full document as an attachment. Kindly do not skip the answer block and simply note the attachment.

Respondents are welcome to include relevant marketing literature, brochures, case studies, white papers, reviews, etc. in Adobe PDF format, videos in .avi format, or photos in .jpeg, .jpg, .gif, .bmp, or .png formats. However, *a summary must be provided in the answer block on the Response Forms, otherwise the attachment may not be reviewed.*

4.4. Submission Signature

Submission Team Leaders – or an appropriate responsible official of the firm – having the legal authority to bind the respondent to the details of the submission shall sign the Response Forms prior to submitting them. This signee shall have the power to perform all acts, negotiate terms, and receive any notice regarding their submission.

Where electronic submissions are required, respondents shall be required to provide handwritten signatures in their submission. Such signatures may be scanned, embedded or imported. These signatures shall be considered "electronic signatures" and shall be legally binding as if they were original hand written signatures. Submissions failing to include electronic signatures may be deemed non-compliant.

4.5. Power of Attorney

The submission Team Leader, or responsible official, shall be required to provide a written Power-of-Attorney documenting their ability to act on behalf of the respondent in this procurement procedure. This requirement shall be waived for Minor Purchases.

4.6. Submission Validity Dates

To be accepted, your submission must have a validity of 120 days from the due date for submissions, even if that date is adjusted by addendum.

4.7. Preparation Costs

All costs associated with the preparation of submissions and participation in the tendering process are non-reimbursable and are the sole responsibility of the respondent.

4.8. Ownership of Submissions

All documents submitted by respondents – whether electronic or paper means – shall become the property of the NCC and will not be returned. The concepts, ideas, plans, drawings, schedules and other information contained in the submission shall become the property of the NCC if the respondent's tender is accepted and the respondent is contracted to execute the

work. In the implementation of this tendering process and any subsequent contract awarded, contract documents may consist of the items listed above and may also include the selected respondent's tender.

4.9. Language of Submissions

The submission prepared by the respondent and all related correspondence and documents exchanged by the respondent and NCC shall be written in standard English language.

Supporting documents and printed literature furnished by the respondent may be in another language provided they are accompanied by an English translation. For the purpose of interpretation of the submission, the English language shall prevail. Translations of legal documents shall be certified by a public notary or by such equivalent official procedure as may exist in the originating country.

4.10. Alternative Submissions

The IPA shall identify one of the following approaches regarding alternative submissions. An alternative submission is a submission that is knowingly non-compliant with the terms and conditions of the invitation, or which seeks to propose a different approach than the requested one. Alternative submissions may be accepted by the NCC in the following circumstances:

- **Solicited:** At the request of the NCC and stated in the invitation;
- **Unsolicited:** On the initiative of the vendor but not requested in the invitation.

4.10.1. Solicited

Where it is deemed beneficial to the NCC to solicit an alternative approach to that outlined in the scope, the Commission may invite respondents to submit a base submission and an alternative submission.

During this procedure, the following guidelines shall apply:

- All submissions received shall be considered by the Selection Team for the award;
- Alternative submissions may be examined even if the respondent's base submission was not preferred.

The IPA shall note whether Alternative Submissions are solicited.

4.10.2. Unsolicited

Where unsolicited alternative submissions are received, consideration shall be given to the alternative submission only if the respondent also provided the preferred submission. The NCC may consider Alternative Submissions at its absolute discretion provided the respondent has submitted a compliant submission. The NCC has no obligation to consider Alternative Submissions.

5. Respondent Details

5.1. Joint Ventures and Consortia

Respondents may submit as a consortium of more than one company, either as a joint venture or a lead contractor with subcontractors.

5.1.1. Joint Ventures

If submitting as a joint venture, respondents must be jointly and severally liable and must include a signed Joint Venture Agreement that states such liability, and identifies the roles and responsibilities within the joint venture. Only one submission may be made by a joint venture. No firm composing a part of the joint venture, or its personnel, may participate in the submissions of another firm for the same invitation.

5.1.2. Prime Contractor and Sub Contractors

If submitting as a consortium of a prime contractor and subcontractors, respondents must include a signed letter from the subcontractors confirming their participation and their role.

Generally, all parties to the consortium are prohibited from participating in the submissions of other consortia or joint ventures. In certain circumstances, ancillary subcontractors who are not providing principle components of the consortia's submission may be permitted to participate in the submissions of other consortia. An example of this would be testing services, laboratory services, and other such specialties. *Respondents are required to request authorization from the NCC regarding the matter prior to submitting.*

5.2. Acceptance of Terms

Respondents understand and agree that their submission constitutes acknowledgement and acceptance of, and a willingness to comply with, all of the terms, conditions and criteria contained in this invitation.

Any part – or all parts – of a respondent's submission may become part of the subsequent contract between the selected respondent and the NCC. False, incomplete or unresponsive statements in connection with submissions or failure to adhere to the instructions of this invitation may be sufficient cause for the rejection of a submission. The evaluation and determination of the fulfilment of this requirement will be the NCC's responsibility and its judgment will be final.

5.3. Conflict of Interest

A conflict of interest is a clash or incompatibility between the private interests and official responsibilities of an individual in a position of trust, such as a procurement officer. Any NCC officer, employee, Board member or agent (including a company in which the aforementioned may be a shareholder or have an interest) who:-

- is involved in the preparation, distribution or evaluation of the invitation, or
- is involved with the negotiation of any subsequent contract or with the oversight of the

contract and/or work project described in this invitation, and

- has a familial relationship or any other close or intimate personal relationship with any respondent to this procurement procedure,

is considered to have a conflict of interest.

In such case, the NCC's officer, employee, Board member, or agent will be refused from participating in the administration or judgment of this invitation, and will not be allowed to conduct any work on this invitation. If, due to official duties and the operation of law, the officer, employee or agent cannot be excluded from participating in the administration of this invitation or any subsequent activity, the affected respondent shall be disqualified.

5.4. Improper Conduct

The Commission's officers, employees or agents shall neither solicit nor accept gratuities, gifts, favours, inducements or anything of monetary value (hereafter simply called inducements) from respondents or their consortium members. If a prospective respondent or anyone acting on behalf of the respondent offers such an inducement to the NCC's officers, employees or agents, the Commission shall immediately disqualify the respondent.

5.5. Information Security

Respondents [P.J1] are required to safeguard the NCC's information and to protect any official information to which it may have access to during the invitation period. Respondents shall not communicate with the Press or other outside bodies or disclose or publish any matter arising from this invitation.

All respondents' Team Members including suppliers and subcontractors shall be informed of these provisions.

5.6. Confidentiality of Information

Subject to applicable law, the NCC will use all reasonable efforts to maintain confidentiality during the procurement process. After the opening of respondents' submissions, information relating to the examination, clarification and comparison, and recommendations concerning the award of any contract shall not be disclosed to the respondents or made public until the selection has been announced.

NCC reserves the right to divulge the name of the winning respondent(s) and/or finalist(s), the general contract terms, and the total price of the award, if applicable.

6. Submission Evaluation and Processing

6.1. Submission Opening Method

On the date and time noted in the Procurement Timetable, all submissions shall be opened. The

IPA shall identify one of the below methods to open submissions:

6.1.1. Live Meeting Method

Paper submissions shall be opened using live meetings at the Commission's Head office. During these opening meetings, Commission personnel will open one tender at a time and read off the tender price and vendor name for each submission.

6.1.2. Post Only Method

Invitations using this method shall not have a public opening meeting. Rather, NCC personnel will open the tenders after the closing period and then post the respondent names and total tender prices using the communication method identified.

In both cases, the names and total tender price of each submission shall be shared with all registered respondents.

6.2. Evaluation Methodology

The evaluation methodology used will be the Analytic Hierarchy Process, a multi-criteria decision analysis methodology.

During the evaluation, the Selection Team will review each submission in detail to evaluate its performance with respect to the criteria established. Each conforming submission will be evaluated fairly and evenly against each criterion.

Upon completion of the evaluation, the Selection Team will make its recommendation.

6.2.1. Evaluation Criteria

The IPA shall identify the evaluation criteria and their associated weights for this invitation. These criteria shall then be repeated in the Response Forms and accompanied by answer blocks to permit respondents the opportunity to explicitly respond to each criterion.

Depending on the procurement procedure in effect, the evaluation criteria may be either Selection Criteria or Award Criteria. Selection Criteria are those used for EOI/PQQ procedures to pre-qualify respondents for a subsequent ITT. Award Criteria are criteria used in ITT/RFQ procedures to directly award.

6.3. Bid Conformance

A submission is considered conforming if it meets the following conditions:

- It is received by the submission due date/time, including any extensions.
- It includes a signed Statement of Power of Attorney, where applicable.
- It includes a Valid Tax Certificate, including VAT, issued by the Board of Inland Revenue and dated not more than six (6) months prior to the closing date of the Tender .
- It includes a Certificate of Incorporation duly embossed and certified by the state or country of incorporation. These must state the date of incorporation, place of registration and principal place of business.
- It includes audited financial statements for the last three years of operations, if available.
- It includes appropriate customer references as is required by this invitation.
- It includes a Declaration of Pending Litigation signed by your corporate attorney or senior executive officer.
- It is signed, sealed and marked as stipulated by this invitation.
- It contains all the information and documents requested by this invitation.
- It provides information in reasonable detail.
- It includes appropriate licensing and registration as is required by this invitation.
- There are no inconsistencies between the submission and the supporting documents.
- [Additional conformance requirements may be noted in the IPA.]

Failure to provide any information requested in the invitation may result in that submission being classified as unacceptable. Additional conformance requirements may be presented in the IPA.

6.4. Right to Accept or Reject Submissions

The NCC is not bound to select any response. The NCC reserves the right to reject any or all submissions, prior to the award of contract, without incurring any obligation or liability.

6.5. Right to Cancel, Withdraw or Reissue

The NCC reserves the right to cancel, withdraw or re-issue this invitation if circumstances require it. No compensation will be provided to respondents should that unlikely event occur.

6.6. Disqualification of Respondents

Any one or more of the following reasons shall be considered sufficient for the disqualification of a respondent and the rejection of their submission:

- Late submissions of proposals
- Evidence of collusion among prospective respondents.

- More than one submission for the same work from an individual, firm, or corporation, whether using the same or a different name.
- Lack of competency of personnel, adequate machinery, plant and/or equipment ~~as revealed by the financial statement and/or experience data sheet(s).~~^[P.J2]
- Unsatisfactory performance record as shown by past work.
- Failure of the prospective respondent to be properly licensed.
- Failure to comply with any conformance requirement of the NCC as noted in this invitation.
- Any other reason to be determined in good faith to be in the best interests of the NCC.

6.7. Oral Presentations

If required in the Procurement Timetable, the IPA may identify one of the following oral presentation methods. During oral presentations, respondents are invited to present their solution to the Selection Team. This shall provide an opportunity for the respondent to clarify or elaborate on their submission, but it shall not be permitted to change the respondent's original submission.

6.7.1. Webinar Presentations

During webinar presentations, respondents shall be invited separately to a web meeting managed by the Commission. Only the respondent's team and the Commission's Selection Team and Project Team shall be permitted to attend. Each respondent shall have an equal amount of time to make a presentation about their solution.

6.7.2. On-Site Presentations

During on-site presentations, respondents shall come to Trinidad and Tobago to present their solution in front of the Selection Team. Only the respondent's team and the NCC's Selection Team and Project Team shall be permitted to attend. Each respondent shall have an equal amount of time to make a presentation about their solution.

All costs associated with travel, lodging, meals and other incidentals shall be for the respondent's account. Respondents are encouraged to book their flights early to guarantee availability.

The Commission reserves the right to record these meetings without prior notice. |

[P.J3]

6.8. The Appointment of the Selection Team

The NCC shall appoint a Selection Team comprised of individuals with appropriate knowledge of acquisition, law, engineering and other subject-matter expertise to evaluate respondent submissions.

The Selection Team will be charged with the responsibility of reviewing and evaluating all submissions to determine the most attractive submission(s). The Selection Team may, in its discretion, elect to utilize separate sub-committees or outside experts to assist in the review and evaluation of the submissions. All conforming submissions shall be evaluated fairly and evenly.

6.9. Errors and Omissions

If during the tendering process the respondent discovers any errors, omissions, inconsistencies, discrepancies or ambiguities in the tender documents supplied by the NCC, the respondent shall notify the NCC using the permitted communication method, submitting a recommended correction.

6.10. Post-Submission Clarifications

Post-Submission Clarifications may become necessary during the evaluation process when aspects of a submission are unclear or contain minor errors. The NCC is permitted to contact respondent team leaders in writing to request clarification. If the matter is particularly complex the NCC may call the respondent to request clarification by telephone, though conversation details shall be fully documented.

When requesting clarifications, the Commission shall observe the following guidelines:

- Price, delivery Incoterms, delivery schedules or other critical components of the original submission shall not be altered in any way;
- Unfair advantage shall not be given to a respondent in any way;
- All respondents shall be afforded an equal opportunity for clarification if the need for the clarification originated from flaws in the NCC's invitation.

The objective at this stage is to evaluate submissions as submitted, not to negotiate changes. Post-Submission Clarification shall be permitted for all procurement procedures but shall not be transformed into Post-Tender Negotiation, which is expressly prohibited in the Open and Restricted procedures.

6.11. Verification of Information and Due Diligence

To facilitate contract award to the most qualified firm(s), the Commission may at its sole discretion verify any data or information included in any submission. Moreover, the Commission at its sole discretion may obtain relevant information from other legitimate sources about the respondent. Such data and information shall be duly recorded and may be used to accept or disqualify a firm's submission.

7. Award of Contract

Upon confirmation from the NCC's Tenders Committee, or other appropriate level of authorization, the selected respondent(s) will be sent a Letter of Award (LOA). The respondent is responsible for replying to the LOA within seven days (7) of receipt.

7.1. Debriefing of Non-Selected Respondents

After the winning respondent(s) is announced, non-selected respondents may request separate debriefing meetings. During the session, the NCC will share the high level results of the decision, to include:

- Who the winning respondent was;
- What the total price was for their bid;
- In high level terms, how they as a respondent compared on the selection criteria relative the other respondents;
- Specifically where they were deemed deficient relative to their peers.

The intent and purpose of this meeting is to:

- Provide respondents with transparency into the selection process;
- Provide respondents with real answers as to how they performed against the criteria and relative to their peers;
- Encourage respondents to improve upon future tenders in areas where they were deemed deficient.

Importantly, all peer respondent names will be masked, and no information about other vendor responses will be provided. The NCC reserves the right to record these meetings without prior notice, though is not required to.

7.2. Right to Protest

Any prospective or actual respondent who is allegedly aggrieved in connection with this invitation shall have the right to protest, if:

- His submission has been rejected without consideration, or;
- His submission has been considered and then rejected.

Respondents are hereby placed on notice that these are the only acceptable reasons for a protest.

7.3. Procedure to Protest

A respondent claiming the right to protest shall comply with the following procedure. Failure to comply in the noted manner shall automatically disqualify the protest, relieve the NCC from accepting the protest, and negate the ability of the protestant to reissue the protest.

The submission Team Leader of the protesting respondent must sign a letter stating the exact reason for the protest. The letter must be couriered to the following address:

General Instructions to Respondents



The Secretary, Tenders Committee
National Carnival Commission
11 St Clair Avenue
Cor. St Clair Avenue and Gray Street
St Clair, Trinidad, W.I.

The letter must be received within five (5) calendar days after the protestant knows or shall have known the facts supporting the protest. In addition, the protest shall not be considered unless received within five (5) calendar days from the date of announcement of award or finalists.

The Secretary, Tenders Committee shall coordinate a review of the protest with the Selection Team, and shall within five (5) calendar days after receipt of the written protest issue a decision in writing to the protesting respondent. The decision shall state the reasons for the action taken as well as informing the protesting respondent the right of administrative review.

A decision rendered by The Secretary, Tenders Committee, in consultation with the Selection Team, shall be final and conclusive. If the protesting respondent has complied with the "Procedure to Protest", they shall have a right to commence an administrative appeal if absolutely necessary. The appeal shall be in conformance with the "Right to Administrative Appeal" process in Section 1.5.16.

7.4. Right to Administrative Appeal

A protesting respondent may appeal the Secretary, Tenders Committee's decision and request an Administrative Review. To be valid, the protesting respondent shall follow the below procedure. Failure to comply with the procedure shall automatically relieve the NCC from accepting the appeal for review.

The Team Leader from the protesting respondent must file, in writing, his appeal and request for an administrative review to the Chairman, Tenders Committee. The appeal request must be signed by the respondent's Team Leader and be sent via courier to the below address within five (5) calendar days after receipt of the Secretary, Tenders Committee's decision.

The Chairman, Tenders Committee
National Carnival Commission
11 St Clair Avenue
Cor. St Clair Avenue and Gray Street
St Clair, Trinidad, W.I.

The appeal must contain the reasons for appealing the Secretary, Tenders Committee's decision and it shall include all supporting data for those reasons. The Chairman, Tenders Committee has

the administrative power to accept or reject any appeal and to grant or deny any request for an administrative review on that appeal.^[P.J4]

If the Chairman, Tenders Committee, after the review of the protesting respondent's written appeal, decides that the request does not merit further consideration, he shall render his decision in writing to the protesting respondent. A decision shall be made within two (2) calendar days after the receipt of the protesting respondent's request for an administrative review. This decision shall be final and shall not permit further administrative or legal recourse.

If the Chairman, Tenders Committee, after review of the protesting respondent's written appeal and request, decides that the appeal merits further consideration, he shall grant an administrative review on that appeal and shall appoint a review committee and other relevant personnel, whether internal or external, as necessary. The review committee will be given all the data furnished by the protesting respondent to the Chairman, Tenders Committee during the "Procedure to Protest" and the written decision by the Secretary, Tenders Committee under the same paragraph. The committee shall have the right to interview all parties in connection with the protest as well as to consult outside counsel.

The review committee shall render a written recommendation to the Chairman, Tenders Committee within five (5) calendar days after being commissioned as a committee. The Chairman, Tenders Committee shall notify the allegedly aggrieved protesting respondent, in writing, of the review committee's recommendation within two (2) calendar days.

The decision of the Chairman, Tenders Committee shall also be included in this notification and his decision shall be final. No further reviews or protests will be permitted, and no further legal recourse by the respondent will be allowed.