



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

Telephone No. 92-28600-16
Website: <http://www.mof.gov.jm>
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Ref. No.:

MINISTRY OF FINANCE
30 NATIONAL HEROES CIRCLE
P.O. BOX 512
KINGSTON
JAMAICA

2011 July 28

Circular No. 10

Division: Public Expenditure Policy Co-ordination

**Permanent Secretaries
Heads of Departments/Agencies
All Heads of Procuring Entities
Chairmen of Boards**

Re: Use of Other Forms of Bidding Documents

Reference is made to the Contractor General's advisory dated April 12, 2011 regarding the captioned subject. Several entities including external funding agencies have expressed concerns regarding the apparent position of mandatory use of the Government of Jamaica (GoJ) Standard Bidding Documents **only** for all procurements. Some degree of ambiguity has arisen regarding the use of other bidding documents and standard forms in government procurement processes.

Procuring entities should note that the use of GoJ Standard Bidding Documents is mandated for indicated values. Notwithstanding, it is recognized that external funding agencies may require the use of their own documents for procurements under projects that they fund. The procurement procedures make provision for this. There should therefore be no confusion in this regard.

Included amongst the bidding documents are sample contract documents (General and Specific Conditions of Contract). These documents are intended to guide the Procuring Entities in formulating contracts and also to ensure that the key elements to protect the entities interests are included in the contract. The inclusion of these contracts as part of the compendium of Standard Bidding Documents does not preclude the use of other accepted contract forms.

In light of this, it should be noted that the under mentioned forms of construction contracts are acceptable for use by Procuring Entities that are seeking to engage contractors for works projects:

1. The Fédération Internationale des Ingénieurs Conseils/International Federation of Consulting Engineers (FIDIC); and
2. Construction Engineering Council (CIC) formerly the Joint Consultative Committee for the Building and Construction Industry (JCC).

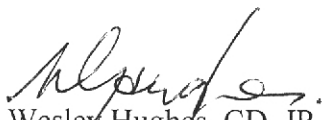
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In keeping with this position, whenever these or other forms of works contracts are being used, all Heads of Procuring Entities must ensure that the appropriate clauses within these documents are modified to reflect the authority of the Head of the Procuring Entity to approve **all** variations before any such works are undertaken. Please refer to Volume 2, Section 1.6 of the GoJ Handbook of Public Sector Procurement Procedures which states *inter alia* that, "***the Engineer.....shall have no authority to issue any variation(s) to a contract without first obtaining the written approval of the Head of the Procuring Entity***".

Permanent Secretaries and all Heads of Entities are required to ensure that all officers concerned are notified of this directive.


Wesley Hughes, CD, JP
Financial Secretary