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ANNEXURES

LEGAL NOTICE NO. 117 OF 2025

Public Procurement Regulations, 2025

Pursuant to section 163 of the Public Procurement Act, 2023[1], I,

DR. RETŠELISITSOE MATLANYANE

Minister responsible for finance and development planning, make the following regulations:

PART I - PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Public Procurement Regulations, 2025 and shall come into operation on the date of publication in the gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires:

"Act" means the Public Procurement Act, 2023;

"bid security" means a security submitted by a tenderer to secure the obligations of the tenderer participating in a tendering proceeding, in accordance with the requirements set forth in the Act and in the tendering documents;

"bid securing declaration" means an undertaking by a tenderer, committing to pay a corresponding fine, be barred or both in the event he violates any of the conditions stated therein;

"bidding document" means a tender document, request for proposals, request for quotations or any other document inviting a tenderer to submit a tender;

"contract price" means an estimated contract amount of a planned procurement, made by a procuring entity;

"evaluation committee" means an ad hoc committee established by the Chief Accounting Officer to evaluate bids or proposals;

"margin of domestic preference" means a preference given to a bidder under section 78 of the Act;

"service provider" means a person or entity that provides services to a procuring entity;

"undue influence" includes any form of pressure brought to bear by any official, elected or appointed person, who can either provide a benefit to, or exact punishment against any person involved in a procurement activity or decision;

"value for money" includes the consideration of the optimal balance of benefits and cost over the entire live cycle of what is being procured and the consideration of financial and non financial factors to achieve the best outcome for the money spent; and

"work" means a work associated with a construction, installation of equipment or materials and services incidental thereto.

Application

3. These Regulations shall apply to all procuring entities subject to the provisions of the Act.

Environmental issues and social objectives

4. (1) A procuring entity shall not procure chemicals, pesticides or other goods which have been declared harmful to the health of the population, the environment, domestic animals, wildlife and flora.

(2) Notwithstanding sub regulation (1), a procuring entity may, where procurement of goods declared harmful is necessary, request -

(a) for permission to procure such harmful goods from the Authority; and

(b) from the competent body, the guidelines and procedure to be followed while procuring harmful goods.

(3) A procuring entity shall -

(a) assess the impact on the environment of any works at the planning stage of the project and in any case before procurement proceedings are commenced;

(b) pay due regard to the repair and re-use of goods wher ever practicable and economically viable, before disposing them by tender and procuring new replacements; and

(c) in the interest of promoting specific social objectives, prepare specifications that reflect such objectives.

(4) The Authority shall issue guidelines for promotion of social objectives in procurement proceedings.

PART II - INSTITUTIONS ESTABLISHED FOR MANAGING PUBLIC PROCUREMENT

Procurement reporting format and tools

5. The Authority shall prescribe the standards, frameworks and develop the system to be used by a procuring entity.

Procurement contract, performance audits and monitoring

6. The Authority shall -

(a) monitor procurement activities and contract implementation;

(b) conduct procurement audit for all procuring entities, projects or contracts;

(c) before audit, inform the relevant procuring entity on the intention, objectives and compliance indicators to be used for the audit;

(d) upon completion of the audit and before issuing the final audit report, discuss audit findings and responses;

(e) approve the audit report before it is submitted to the

procuring entity; and

(f) after approval by the Board, the LPPA still has the discretion to either use a committee for this purpose or not.

Information dissemination

7. The Authority shall provide the following information to the public:

(a) a list of the legislation on public procurement and disposal of public assets;

(b) the processes and procedures of public procurement and disposal of public assets;

(c) the annual procurement plan of a procuring entity;

(d) the standard forms, solicitation documents and specification standards issued by the Authority;

(e) details of the administrative reviews by the procuring entities and the Central Tender Board;

(f) procurement reports;

(g) a list of the suppliers, consultants and contractors who are -

(i) registered with the Authority; and

(ii) debarred by the Authority;

(h) a list of common user items, works, services and training institutions from which accredited training in public procurement and disposal of public assets may be obtained;

(i) information on the procedure for registration and updating of suppliers, consultants and contractors;

(j) the annual report of the Authority; and

(k) any other information which may be of interest to the public.

Procurement by the Central Tender Board

8. (1) The Central Tender Board shall -

(a) on behalf of all procuring entities carry out procurements above the threshold provided in Schedule 4 of the Public Procurement Act;

(b) on an annual basis, receive procurement needs of the procuring entities within the threshold of the Central Tender Board and prepare its own procurement plan;

(c) issue request for bids notices on behalf of the procuring entities;

(d) appoint a minimum of five members of the evaluation committee who shall include a representative of a procuring entity that initiated the procurement;

(e) consider recommendations from the evaluation committees for award of tenders and award contracts;

(f) sign contracts with the successful bidder;

(g) share and maintain procurement records; and

(h) handle applications for administrative review in terms of the Public Procurement Act.

(2) A procuring entity shall initiate a procurement to be handled by the Central Tender Board.

(3) The secretary of the Central Tender Board shall be responsible for receipt of bids and bid opening.

(4) An evaluation committee shall evaluate and submits bids to the Central Tender Board.

(5) A procuring entity that initiated a procurement shall carry out the contract management.

Meetings of the Central Tender Board

9. (1) The Central Tender Board shall meet as often as is necessary for the proper discharge of its functions.

(2) In the absence of the Chairperson, the other members shall designate one of them to preside over the meeting.

(3) Quorum of the Central Tender Board shall be three members.

(4) (a) a member of the Central Tender Board, on receiving an agenda of the meeting of the Central Tender Board, or on notification of a matter being brought to the attention of the Central Tender Board shall sign a declaration using Form 2 in these Regulations; and

(b) where a member has a conflict of interest, such a member shall not participate in the deliberations or decision-making process of the Central Tender Board in relation to the agenda item or the matter in question.

(5) The minutes of a meeting of the Central Tender Board shall include -

(a) a register of attendance signed by the members and the advisers;

(b) indicate whether attendance by a member was for the entire meeting or for only part of the meeting and where a member attended only a part of the meeting, indicate the items on the agenda in which the member participated;

(c) the discussion in relation to each item on the agenda, including any advice given by an adviser and any disagreement between the members; and

(d) the decisions made for each item on the agenda includ-

ing, the conditions, if any, given for a request that is approved, or the reasons rejecting a request.

(6) All the members who attended the meeting shall sign the minutes of the meeting.

Procuring entity

10. (1) A procuring entity shall submit to the Authority -

(a) an annual procurement plan not later than fourteen days after the approval of budget;

(b) information on tender, quotation invitations and request for proposals, within seven days after the invitation or request;

(c) quarterly procurement implementation reports, within fourteen working days after the end of the respective month or quarter;

(d) contract award, contract amendments, or contract termination, within fourteen working days of the enforcement; and

(e) an annual procurement implementation report quarterly, after the end of the respective financial year.

(2) A procuring entity shall -

(a) make available all the documents requested for the audit;

(b) be required to keep procurement records in a proper manner as prescribed in these Regulations;

(c) for the need of further processing procurement matters and payments, comment in detail, on information submitted by those proofing the engagement of a supplier, contractor or consultant, related to inconsistencies in procurement processes or lack of procurement documen-

tation relating to supplies, works or services provided to a procuring entity and shall be through the following bodies:

(i) a procurement unit, for procurements below thresholds provided for in Schedule 2 of the Act; using Form 19; and

(ii) a procurement committee, for procurements whose thresholds are provided for in Schedule 2 of the Act and above, using Form 20; and

(d) Conduct, in writing, all internal and external procurements instructions or clarifications.

(3) A procuring entity -

(a) shall convene on the due date and time and in a place set out in the invitation to tender;

(b) shall make a record of proceedings of each public opening which shows -

(i) the number of tenders received against each invitation to tender; and

(ii) details of all late tenders received;

(c) is prohibited to comment on or pass opinion on the acceptability of the mandatory documents;

(d) is prohibited to open tenders that are submitted after the deadline;

(e) shall pass all tenders opened on that day to a procurement unit for appropriate action;

(f) shall, on the date of closure of tenders, open the tender box in which tenders have been stored securely and shall open each tender due on that date and time; and

(g) shall, for each tender received, announce -

(i) the name of the tenderer;

(ii) the tender price;

(iii) the alternative tender price where alternatives are permitted;

(iv) price discounts offered;

(v) modifications;

(vi) withdrawal from the tender;

(vii) any changes to the tender or revised tender; and

(viii) the presence or absence of the mandatory documents required by the invitation to tender, which shall include but is not limited to, tender security, tax certificates and the completed certificate of *bona fide* tendering.

(4) A late tender shall be recorded as 'Rejected Late Tender'.

Procurement committee

11. (1) A procurement committee shall -

(a) convene to consider the report and recommendation to the award of the procurement contract made by the evaluation committee;

(b) ensure that -

(i) the competitive process has been followed in accordance with these regulations;

(ii) the award of the procurement contract is strictly in accordance with objective evaluation criteria

as set out in the invitation to tender;

(iii) the decision can stand scrutiny by the audit authorities, the business community, the public in general and any challenge of anticompetitive behaviour or misuse of public funds; and

(iv) the Government is achieving value for money; and

(c) maintain an irregularity book that records all price alterations on the tenders dealt with or unusual incidents that arise whilst a procurement committee is in session.

(2) Members of a procurement committee shall, at the commencement of a procurement committee proceedings, decide on the contract award, complete and sign a Conflict of Interest Declaration using Form 3 stating that they do not have any interest in the decision of a procurement committee on the contract award.

Records of procurement committee meetings

12. (1) A secretary of a procurement committee shall record the minutes of a meeting of a procurement committee.

(2) The minutes of a meeting of a procurement committee shall include -

(a) a register of attendance signed by the members and the advisers;

(b) indicate whether attendance by a member was for the entire meeting or for only part of the meeting and where a member attended only part of the meeting, indicate the items on the agenda in which the member participated;

(c) the discussion in relation to each item on the agenda, including any advice given by an adviser and any disagreement between the members; and

(d) the decisions made for each item on the agenda including, the conditions, if any, given for a request that is approved, or the reasons rejecting a request.

(3) All members who attended a meeting shall sign the minutes of the meeting.

Co-opting of advisers to meetings of a procurement committee

13. (1) A procurement committee may request an independent person or end user to attend its meeting, as an adviser, to assist the committee in its operations.

(2) An adviser shall not take part in the decisions of a procurement committee or vote and shall only attend the part of the meeting where the matter on which advice is required, is considered.

(3) An adviser who attends a procurement committee meeting shall sign the register of attendance.

Meetings of evaluation committee

14. (1) At the start of the evaluation committee proceedings to decide a contract award, members of the evaluation committee shall be required to complete and sign a confidentiality agreement and Conflict of Interest Declaration stating that they do not have any interest in the decision procurement committee on the contract award.

(2) The following evaluation exercises for technical evaluation shall be concluded within a time period of ten working days from the date of the opening of bids or proposals:

(a) procurement of supplies or non-consultancy services;

(b) procurement of works;

(c) consultancy services;

(d) expression of interest; and

(e) proposals

(3) The financial proposals shall be evaluated within ten working days from the date of the opening of the financial proposals.

(4) Where an evaluation committee is not able to complete an evaluation exercise within the time prescribed in subregulation (2) or (3), the evaluation committee shall, in writing -

(a) explain to the Chief Accounting Officer the reasons for extension; and

(b) request for extension of the time period which shall not be longer than the prescribed time.

(5) A meeting of an evaluation committee shall not be held unless all members of the evaluation committee are present.

(6) An evaluation committee shall evaluate with strict adherence to evaluation criteria spelled out in the tender document.

(7) The evaluation of a bid shall be conducted by the members of the evaluation committee, independently, during a meeting of the evaluation committee.

(8) A decision of an evaluation committee shall be the decision of the majority and shall be stated as such in the evaluation report.

(9) The minutes of a meeting of the evaluation committee shall be -

(a) signed by all members of the evaluation committee and shall form part of the records of the procurement for which the evaluation is conducted; and

(b) an annexure to the evaluation report.

(10) The evaluation report shall state the disagreements of the members, if any, including the reasons for the disagreement, the discussions held on the issue in disagreement and the views of the members of the evaluation com-

mittee on the matter.

(11) The evaluation report shall be signed by all the members of the evaluation committee.

(12) Where a member of the evaluation committee does not or is not able to sign the report, the member shall in writing give reasons why he did not or was not able to sign the report.

PART III - GENERAL PROVISIONS ON PROCUREMENT PROCEEDINGS

Annual procurement plan

15. (1) A procurement unit shall for each financial year, prepare an annual procurement plan for a procuring entity.

(2) An annual procurement plan and any updates to it shall be approved by a procurement committee and the Chief Accounting Officer.

Contents of annual procurement plan

16. An annual procurement plan of a procuring entity shall state, but not limited to the following:

(a) the works, services and goods to be procured;

(b) a contract package of the works, services and goods to be procured and the estimated cost of each package;

(c) a time schedule of the procurement requirements;

(d) the common use items to be procured under framework agreement by the Central Tender Board;

(e) the works, services and goods to be procured by the Central Tender Board;

(f) resources required for the procurement, supported by a schedule of the projected funding;

(g) a recommended method of procurement for each contract package and the time estimated for each stage of procurement; and

(h) a type of contract recommended for each procurement.

Aggregating procurement requirements

17. (1) A procuring entity shall aggregate its procurement requirements for -

(a) a user department of a procuring entity;

(b) a financial year or any other appropriate period; and

(c) any other appropriate circumstance.

(2) A procuring entity shall, for the purposes of subregulation (1) -

(a) determine the -

(i) optimum size and type of contract that attracts the greatest and most responsive competition or the best prices;

(ii) potential savings in time or transaction costs;

(iii) appropriate size of the contract which facilitates the application of a preference and reservation scheme, where applicable; and

(iv) optimum number and size of a contract to facilitate the management and administration of a contract by a procuring entity; and

(b) aggregate the items -

(i) which are of a similar nature and which are likely to attract the same potential bidders;

(ii) for which a method of procurement and bidding conditions are to be the same;

(iii) which are to be ready for bidding at the same time; and

(iv) which are to be subject to the same conditions of a contract.

Procedure for request of quotations

18. (1) A procurement unit shall, in issuing a request for quotations, use the following procedures:

(a) issue, request for quotations simultaneously;

(b) send a request through registered emails of potential bidders;

(c) invite suppliers registered on the supplier's data base rotationally; and

(d) may make a follow up with a phone call.

(2) A request shall entail -

(a) clear instructions to the bidders;

(b) how submission shall be made, time and place for submission of quotation;

(c) how prices shall be quoted and offered; and

(d) the evaluation criteria used in the evaluation of quotations.

(3) A procuring entity shall maintain a record of all the quotations received and clear justification where it has not been feasible to meet the required number, using Form 9.

(4) A quotation validity period shall be a minimum of thirty days.

(5) A procurement unit shall give a potential bidder a minimum time of three days to prepare a quotation.

Procedure for evaluation and award

19. A procurement unit shall, in selecting a bidder -

(a) evaluate the quotations in accordance with the principles of open bidding;

(b) compare prices of quotations obtained from bidders, and as most economically advantageous tender.

Procedure for entering into a contract

20. (1) A procurement unit shall issue a contract to a successful bidder.

(2) the results of who is successful shall be made known to all bidders and may be published on the website of the procurement entity.

Splitting of procurement requirements

21. A procuring entity shall not split a procurement requirement where a requirement can be procured as a single contract.

Division into lots

22. (1) A procuring entity shall, at the commencement of a procurement process, divide the procurement requirements allocated to a procurement process, into separate lots, where it is anticipated that the award of several separate contracts will result in value for a procuring entity.

(2) The choice of procurement method shall not be determined by the estimated value of each individual lot but by the total value of the annual budget for the relevant budget line.

(3) A bidding document shall clearly state the -

(a) number of lots included in a procurement process;

(b) nature and size of each lot;

(c) proportion of each lot for which a bidder may bid, or whether a bid shall be for complete lots; and

(d) method of evaluating multiple lots.

Framework agreement

23. (1) A procuring entity shall, on an annual basis, compile the list of proposed items to be procured under the framework agreement and forward them to the Authority.

The Authority shall -

(a) on an annual basis, indicate to a procuring entity the items to be procured under the framework agreements; and

(b) aggregate the list of requirements from the procuring entity and forward the list to the Central Tender Board for procurement under the framework agreements.

(3) Notwithstanding the provision of sub-regulation (2)(b), a procuring entity may conclude a framework agreement subject to approval of the Authority.

(4) The Central Tender Board or a procurement entity shall use open tender method of procurement for a framework agreement in accordance with the provisions of these regulations and shall use the standard tender as appropriate.

(5) The Central Tender Board may enter into framework agreements with one or more of the bidders who qualify.

(6) A procurement unit shall do the following:

(a) use estimated quantities when concluding a framework

agreement and a tenderer shall be requested to quote unit prices of the items required; and

(b) issue an order to a contractor quoting the quantity required, the delivery time and the price as indicated in the framework agreement.

Record keeping

24. (1) A procuring entity shall maintain the records of all procurement proceedings in accordance with section 76 of the Act.

The records of a procuring entity referred to in subregulation (1) -

(a) may be maintained in a manual or electronic form or both forms as may be approved by the Authority;

(b) shall be maintained for a period of five years from the date of -

(i) contract completion or termination;

(ii) a decision to terminate the procurement proceedings; or

(iii) the settlement of any dispute under the contract, whichever is later; and

(c) shall thereafter be submitted to the office responsible for government archives.

(3) The procurement records shall contain at least the following documents, where appropriate:

(a) a request to initiate the procurement proceedings;

(b) a copy of any published notice;

(c) any shortlist or list of pre-qualified tenderers;

(d) a copy of the pre-qualification and bidding documents and any amendments or clarifications;

(e) the records of tenders received and tender openings;

(f) copies of all tenders evaluated and any clarifications requested and responses given by the procuring entity;

(g) an evaluation report;

(h) minutes of any meetings related to the procurement;

(i) the notification of contract award;

(j) the signed contract document;

(k) any contract amendments or variations;

(l) all submissions to and all decisions of a procurement committee and Central Tender Board related to a procurement or contract amendments;

(m) all post contract documentation relating to the fulfilment of contract obligations, in particular copies of bank guarantees or advance payment guarantees;

(n) all documentation evidencing deliveries of goods or completion certificates in relation to contracts for works or services;

(o) copies of all invoices for goods, works and services and details of payment authorisation;

(p) copies of any claims or disputes under the contract; and

(q) all correspondence between a procuring entity and tenderers and the supplier.

Communication

25. (1) Subject to the provisions of these regulations, communication between a tenderer and a procuring entity shall be in written or electronic form that provides a record of the content of the communication.

(2) For the purposes of this regulation, in writing shall mean in a form that provides a record of the content of the communication and may include electronic mail, except where otherwise indicated in these regulations or in a bidding document.

(3) A meeting between a procuring entity and tenderer or supplier shall be recorded and any agreement reached shall be confirmed in writing.

(4) The communication to a procurement committee, central tender board or the Authority shall be addressed to the Chairperson of the procurement committee, the secretary of tender board or the Director General respectively through the postal, physical or electronic means.

(5) The language of communication shall be in any official language.

PART IV - PREFERENCE SCHEMES AND DEBARMENT

Granting of a margin of preference

26. A bidding document shall state, as shall be necessary -

(a) that a preference scheme shall be applied;

(b) a percentage of a preference;

(c) eligibility for a preference;

(d) the evidence required to prove eligibility for a preference; and

(e) the way a preference is to be determined during evalua tion.

Debarment of suppliers, contractors and consultants

27. (1) A debarment proceeding may be initiated by the Authority as a result of audit or investigation conducted by the Authority or where a debarment proposal is submitted to the Authority by any person.

(2) A debarment of a tenderer shall be pursuant to section 77 of the Act.

(3) A person who wishes to submit a proposal for debarment of a tenderer to the Authority shall do so within thirty days of becoming aware of the circumstances or grounds which give rise to a debarment.

(4) A recommendation for debarment shall specify -

(a) a name and address of a potential tenderer recommended for debarment;

(b) the grounds for a proposed action;

(c) factual record which include all evidence, information and documents; and

(d) any other information or documents in the possession of or known to a person submitting a debarment proposal.

(5) The Authority may require any public body or person to produce information, documents or any evidence concerning possible grounds for debarment of a potential tenderer.

(6) A public body or a person required under sub-regulation (5) to produce information, documents or evidence, shall produce the documents or evidence within fourteen days from the date of receiving the request.

(7) Where the Authority determines that there are grounds for debarment on basis of the produced information, documents and evidence, the Authority shall, within twenty-one days from the date of receiving the evidence, issue to the respective tenderer a notice of debarment.

(8) A notice of debarment shall -

(a) inform a tenderer of the facts constituting grounds for a proposed debarment; and

(b) require a tenderer to make written representation showing cause why he should not be debarred from participating in public procurement for a period specified under the Act.

(9) A tenderer shall respond to a notice referred to in sub-regulation (8) within fourteen days from the date of receiving a notice.

(10) Upon receipt of the representation under subregulation (8)(b), the Authority shall issue a notice to all procuring entities to suspend the procurement proceedings that the service provider under investigations has tendered in pending the completion of the debarment proceedings.

(11) Where the Authority determines that a tenderer should be precluded in accordance with sub-regulation (10), the Authority shall preclude a tenderer for a period that the Authority may determine or, until the final determination of debarment proceedings.

(12) The Authority -

(a) may terminate the preclusion where it considers that the grounds for the preclusion are no longer valid; and

(b) shall send a copy of its decision under subregulations (10) and (11) to a tenderer and where applicable, to a person who proposed a debarment and all procuring entities.

(13) A period of debarment of a tenderer shall be determined by the Authority depending on the gravity of the case.

(14) A decision of the Authority shall be in writing and shall include a summary of the findings of fact and reasons for a decision.

(15) The Authority shall send a copy of its decision under sub-regu-

lation (14) to a tenderer and to any other person who has legitimate interest in procurement in question and all procuring entities and shall publish such decision on the Authority website.

(16) The Authority shall preclude a tenderer who has been debarred in their country of domicile or has any restriction from doing business either locally or internationally.

Register of precluded and debarred tenderers

28. (1) The Authority shall maintain a register of all precluded and debarred tenderers which shall, among other things, specify the name and address of each tenderer under preclusion or debarment, grounds for preclusion or debarment and the period under which a tenderer is on preclusion or debarment, as the case may be.

(2) The register shall, always during office hours, be made available to the public and shall also be available on the website of the Authority.

(3) A tenderer who is debarred shall not be permitted to start a new supply, contracting or consulting firm during that period for the purpose of participating in public procurement or disposal.

(4) A procuring entity shall not procure from, contract with, or engage a tenderer who is debarred from participating in public procurement proceedings.

(5) Any preclusion or debarment of a potential tenderer shall not affect any existing contracts entered into between a tenderer and any procuring entity before a debarment decision except where fraud and corruption is established.

(6) A tenderer who is dissatisfied with a debarment decision made by the Authority, may appeal to the Procurement Tribunal against a decision of the Authority.

PART V - PROCUREMENT METHODS AND PROCEEDINGS

Division I - Initiation of Procurement Requirements

Annual procurement plan

29. (1) A procuring entity shall prepare an annual procurement plan for each individual procurement requirement with an estimated value.

(2) Individual procurement plan shall include -

(a) a description of the requirement, including the schedule required for delivery, implementation or completion of the goods, works or services and any division into lots;

(b) the estimated value of the requirement and, where applicable, individual lots;

(c) the proposed method of procurement;

(d) an indication of whether pre-qualification will be required;

(e) an estimate of the time required for each stage in a procurement cycle, considering publication requirements and the applicable approval requirements;

(f) a proposed type of contract; and

(g) any other relevant information.

Procurement reference number

30. (1) The procurement requirements shall be given a unique procurement reference number, in accordance with the numbering system determined by a procurement unit.

(2) A procurement unit shall maintain a register of reference numbers allocated to procurement and disposal requirements of an entity.

Initiation of procurement requirement and confirmation of funding

31. (1) An initiation of a procurement requirement shall include -

(a) a clear description of the works, consultancy services, non-consultancy services or goods required;

(b) the estimated value of the works, consultancy services, non-consultancy services or goods;

(c) confirmation of availability of funding except in cases of advance procurement processing as provided under section 75 of the Act; and

(d) the approval of the procurement requirement.

(2) In estimating the value of the works, consultancy services, non-consultancy services or goods required and confirming the availability of funds, a procuring entity shall -

(a) base an estimate on an assessment of the market price; and

(b) seek technical advice, where required.

(3) A procurement unit shall allocate a specific reference number to each procurement requirement at the initiation stage.

(4) A procurement requirement shall be initiated using Requisition Form provided for under Form 4, or Open Tender Initiation Form provided for under Form 5.

(5) A procuring entity, conducting procurement proceedings, shall be responsible for notifying and liaising with a relevant body or individual required to provide input to the procurement process.

Issuance of a bidding document

32. (1) A procuring entity shall issue a bidding document to -

(a) a bidder who requests a document, in the case of national or international competitive tendering;

(b) a bidder on the shortlist approved by a procurement committee, in the case of limited competitive tendering; and

(c) a single source provider or a sole source provider approved by a procurement committee.

(2) Where a bidding document is sold, a procuring entity shall allow a potential bidder to inspect a bidding document before purchase.

(3) A procuring entity shall record the issue of a bidding document and addenda using Form 7.

(4) A bidding document may be sold in order to recover the cost of printing, copying and distribution.

(5) The Authority shall set the price range of a bidding document in the guidelines.

(6) Where a bidding document is sold, a procuring entity shall issue signed receipts for payment to a bidder.

Division II - Procurement Methods

Choice of procurement method

33. (1) A procuring entity shall use the procurement methods specified in Part V of the Act for all procurement requirements.

(2) A choice of a procurement method shall be determined by -

(a) an estimated value of the requirement;

(b) the circumstances relating to the requirement as provided under the methods of procurement provided for in these regulations; and

(c) the type of procurement, whether goods, works or services.

National competitive tendering

34. (1) A national competitive tendering shall be used when an estimated contract amount exceeds a threshold specified in Schedule 2 of the Act.

(2) A procurement using a national competitive tendering method shall be open to all bidders and shall be by public advertisement of a bid notice in at least one publication of wide national circulation or listenership and on the website of the Authority.

(3) A procurement unit shall make a submission to a procurement committee in respect of a procurement under national competitive tendering using Form 5.

International competitive tendering

35. (1) An open international bidding may be used instead of a national competitive tendering where a competition will not be effective without foreign bidders or where foreign bids will increase value for money.

(2) A procurement using an international competitive tendering shall be open to all bidders and shall be by a public advertisement of a bid notice in at least one publication of wide international circulation, one publication of wide national circulation and on the website of the Authority.

(3) Nothing shall prevent a domestic bidder from participating in international competitive tendering.

(4) A procurement unit shall make a submission to a procurement committee in respect of a procurement under international competitive tendering using Form 5.

Division III - Exceptional Procurement Methods

Limited competitive tendering

36. (1) A procurement unit may use a limited competitive tendering in lieu of open competitive tendering where:

(a) a commodity analysis or market research has revealed that a number of suppliers capable of executing goods, works or services requiring high qualification and expertise, equipment and technology is locally and internationally limited;

(b) patents and intellectual property rights apply; and

(c) it is impossible to adhere to the time limits set for open competitive tendering as a result of emergency not -

(i) created by the procuring entity; or

(ii) a result of failure to plan.

(2) A procurement unit shall -

(a) obtain authority of a procurement committee in under taking a limited competitive tendering using Form 6; and

(b) send an invitation to tender to all identified limited suppliers.

(3) A tender submission deadline shall be set between twenty and thirty working days after an invitation to tender has been issued depending on the nature or complexity of the goods, works or services.

(4) A contract shall not be signed by the procuring entity until ten working days has lapsed after the notice of contract award has been made.

(5) A procuring entity shall invite all pre-qualified bidders to submit tenders.

Procedure for conducting limited tendering

37. (1) A procuring entity in conducting limited tendering shall -

(a) contact known limited potential bidders stating -

(i) a full description of procurement requirement; and

(ii) a delivery and completion schedule; and

(b) share a bidding document with interested limited potential bidders.

(2) An evaluation of bids obtained shall be carried out in accordance with the principles under open bidding.

Single source contracting

38. (1) A procuring entity shall use a single source contracting in circumstances provided under section 101 of the Act.

(2) A procurement unit shall seek approval to a procurement committee in respect of a procurement under a single source contracting using Form 5.

(3) The reasonableness of a price in a procurement for -

(a) an extension of an existing contract; or

(b) the additional purchase from the original supplier, of a similar nature of goods, works or services awarded shall not exceed twenty percent for goods or fifteen per percent for works and services of the value of the initial contract.

(4) The extension of an existing contract referred to in sub regulation (3) shall -

(a) factor in the inflation where applicable as the value of

the initial contract; and

(b) not, after its expiration, be extended any further but shall be subjected to methods of procurement set out under the Act.

Division IV - Preparation of Bidding Documents

Use of a standard document

39. (1) A procuring entity shall use a standard document issued by the Authority.

(2) Where no suitable standard document has been issued, a procuring entity shall consult the Authority on the document to be used.

Customization of a standard document

40. (1) A procuring entity may customize a standard bidding document, or any other document issued by the Authority.

(2) A customization of a standard bidding document or any other document issued by the Authority shall be limited to -

(a) the entry of the contact details of a procuring entity such as, the name and address of the procuring entity; and

(b) the addition of a logo or any other form of identification of a procuring entity.

(3) A customization beyond the limitations in sub-regulation (1) and (2) shall only be done with prior authority from the Authority.

(4) A procurement committee shall approve the use of a customized document by a procuring entity.

Bidding documents

41. (1) A bidding document shall contain all the information required by tenderers to prepare and submit tenders and shall be drafted using the standard

document issued by the Authority.

(2) A bidding document shall contain -

(a) clear instructions on the management of the procurement process and the applicable rules;

(b) a procurement reference number;

(c) the words, "technical" or "financial" where a one stage-two envelopes or two stage bid submission method is used;

(d) the words "withdrawal" "modification" or "replacement" where a bid is withdrawn, modified or replaced;

(e) a clear statement of requirements giving a description of the goods, works or services to be procured;

(f) a clear explanation of the evaluation process and a statement of all evaluation, eligibility and qualification criteria to be applied; and

(g) the proposed form and conditions of contract including International Commecial Terms (INCOTERMS).

(3) A bidding document shall specify number of copies of bids to be submitted, which shall be the original bid marked "original" and a specified number of copies, each marked "copy".

(4) A tender document shall be authorised by the procurement committee prior to its issue.

Statement of requirements

42. (1) A statement of requirements shall give a correct and complete description of the goods, works or services and their intended purpose or use.

(2) A statement of requirements shall be -

(a) included in a bidding document by which a tenderer will be informed of the requirements of a procuring entity;

(b) used in evaluation to determine whether a tenderer meets the requirements of a procuring entity, as specified in a bidding document, and where appropriate, to determine the quality of a tender; and

(c) included in a contract to define the goods, works or services being procured.

(3) A statement of requirements included in a bidding document shall be prepared with a view to -

(a) creating fair and open competition; and

(b) ensuring that the goods, works or services are fit for the purpose for which they are being procured and are of appropriate quality.

(4) A statement of requirements shall, to the extent possible, be based on the relevant objective technical and quality characteristics of the goods, works or services to be procured.

(5) A procuring entity shall, in preparing a statement of requirements, seek technical advice, where required.

Statement of requirements for goods

43. (1) A statement of requirements for goods shall, in addition to the provisions of regulation 42, provide a complete, precise and unambiguous description of the goods required and shall include, where appropriate -

(a) a list of the goods and the quantities required, including any incidental services or works, such as delivery, installation, commissioning, maintenance, repair, user training or the provision of after-sales services;

(b) a delivery and completion schedule;

(c) specifications; and

(d) drawings.

(2) Specifications shall include, where appropriate -

(a) the purpose and objectives of the goods;

(b) a full description of the requirement;

(c) a generic specification to an appropriate level of detail;

(d) a functional description of the goods, including any environmental or safety features;

(e) performance parameters, including outputs, timescales and any indicators or criteria by which satisfactory performance can be judged;

(f) process and materials descriptions;

(g) dimensions, symbols, terminology language, packaging, marking and labelling requirements;

(h) inspection and testing requirements; and

(i) any applicable standards.

(3) A statement of requirements for goods shall not include any reference to a particular trademark, brand name, patent, design, type, specific origin, producer, manufacturer, catalogue or numbered item, unless there is no other sufficiently precise or intelligible way of describing the requirement, in which case the words "or equivalent" shall be included and the description shall serve only as a benchmark during the evaluation process.

(4) Notwithstanding the provisions of subregulation (3), where a particular trademark, brand name, patent, design, type, specific origin, producer, manufacturer, catalogue or numbered item is required for reasons of technical compatibility, servicing, maintenance or preservation of warranty conditions, such description may be used, subject to written justification.

Statement of requirements for works

44. The statement of requirements for works shall, in addition to the provisions of regulation 42, provide a complete, precise and unambiguous description of the works required and shall include, where appropriate -

(a) a description of the scope of the works, which may include, but not be limited to design, construction or installation of equipment;

(b) the purpose and objectives of the works;

(c) the duration or completion schedule for the works;

(d) details of the supervision requirements, working relationships and other administrative arrangements;

(e) drawings or design requirements;

(f) specifications and standards;

(g) bills of quantities or equivalent;

(h) inspection and testing requirements;

(i) the relevant industry standard;

(j) a description of any incidental supplies or non-consultancy services required;

(k) a delivery schedule for supplies associated with or to be incorporated into the works; and

(l) any other information relevant to the procurement.

Statement of requirements for non-consultancy services

45. A statement of requirements for services shall, in addition to the provisions of regulation 42, provide a complete, precise and unambiguous description of the services required and shall include, where appropriate -

(a) a background narrative to the required services;

(b) the objectives of the services and targets to be achieved;

(c) a list of specific tasks or duties;

(d) deliverables or outputs for the assignment;

(e) the role, qualifications or experience required for any key staff;

(f) management and reporting lines for the supplier, including administrative arrangements and reporting requirements;

(g) any facilities, services or resources to be provided by a procuring entity;

(h) inspection or quality testing requirements or indicators of successful performance; and

(i) the duration or completion schedule.

Tender validity period

46. (1) A validity period required for a tender shall be specified in a bid document.

(2) A period fixed by a procuring entity shall be sufficient to permit evaluation, appointment and contracting but the period shall not exceed one hundred and twenty days for national and one hundred and fifty days for international from the final date fixed for submission of tenders.

(3) In exceptional circumstances, prior to the expiry of the original

period of effectiveness of tenders, a procuring entity may request tenderers to extend a validity period for an additional period to be determined by the procuring entity.

(4) A tenderer may refuse a request under subregulation (3) without forfeiting its bid security and the effectiveness of its tender shall be terminated upon the expiry of the un-extended period of effectiveness.

(5) A request and a response shall be made in writing or by any other means that provide a record of the information contained therein.

(6) A tenderer who agrees to an extension of a period of effectiveness of his tender shall extend or seek an extension of a period of effectiveness of his bid security provided by him or provide a new bid security to cover an extended period of effectiveness of his tender.

(7) A tenderer whose bid security is not extended or, who has not provided a new bid security shall be considered to have refused a request to extend a period of effectiveness of his tender.

(8) The provisions regarding discharge and forfeiture of bid security shall apply during an extended period of tender validity.

PART VI - BIDDING

Division I - Invitation to Bidders

Method of inviting a bidder

47. (1) A procuring entity shall invite a bidder to bid -

(a) by publication of a bid notice;

(b) through a pre-qualification exercise;

(c) by development of a shortlist; and

(d) by invitation to prospective bidders.

(2) A method used shall be in accordance with the Act and these

Regulations.

Bid notice

48. (1) A bid notice shall be -

(a) published through at least one publication of wide national circulation or listenership and on the website of the Authority; and

(b) displayed on the procuring entity website and the notice board of a procuring entity not later than the date of publication of the bid notice and shall be displayed until the deadline for submission of bids.

(2) A tender notice shall contain at least -

(a) the name, address and contact details of a procuring entity;

(b) instructions on obtaining the bidding documents, including any price payable;

(c) instructions on the location and deadline for submission of tenders; and

(d) an indication whether a site visit or pre-bid will be compulsory.

Division II - Prequalification

Pre-qualification notices and documents

49. (1) A procuring entity shall by public advertisement of a pre-qualification notice, invite potential bidders to obtain the pre-qualification documents from the procuring entity.

(2) A procuring entity shall, for a pre-qualification exercise, use -

(a) the standard format of the pre-qualification notice issued

by the Authority; and

(b) the pre-qualification documents issued by the Authority.

(3) A pre-qualification notice shall contain -

(a) a summary of the scope of the procurement;

(b) any key requirements and criteria for pre-qualification;

(c) instructions on obtaining the pre-qualification document;

(d) the deadline for submission of pre-qualification applications; and

(e) the physical address for submission of documents.

(4) A pre-qualification documents shall contain -

(a) details of the scope of the procurement;

(b) a statement of the requirements and criteria for pre-qualification;

(c) a statement of the information required from a bidder;

(d) instructions on the location and deadline for submission of pre-qualification applications; and

(e) instructions on the sealing and labelling of pre-qualification applications.

(5) An information required from a bidder under subregulation (4) (c) shall be the minimum information required to make a judgment on the suitability of the bidder and not to discourage a bidder from applying for pre-qualification.

Pre-qualification

50. (1) A prequalification may be used -

(a) under open competitive tendering to obtain a list of pre-qualified tenderers who have been assessed to be capable of effectively performing the proposed contract; and

(b) where the -

(i) goods, works or non-consultative services are highly complex, specialized or require detailed design or methodology; or

(ii) evaluation is particularly detailed, and the evaluation of many tenders would require excessive time and resources from a procuring entity.

(2) A procuring entity shall -

(a) invite all potential bidders to submit applications to pre-qualify;

(b) promptly issue pre-qualification documents to all bidders who request them; and

(c) maintain a record of all bidders to whom documents are issued using Form 7.

(3) The pre-qualification document shall contain all the information required by bidders to prepare and submit applications to pre-qualify and shall be drafted using the standard document.

Bidding periods for prequalification

51. The procuring entity shall allow the bidding period for submission of applications to pre-qualify to be -

(a) twenty-five days where the publication of notice is national only; or

(b) thirty-five days where the publication of notice is international.

Criteria for evaluation for pre-qualification

52. An evaluation for pre-qualification shall be based on the capability and resources of a bidder, considering -

(a) experience in executing similar contracts;

(b) performance on similar contracts;

(c) capabilities with respect to equipment and manufacturing facilities;

(d) the qualifications and experience of the personnel of the bidder;

(e) financial capability of the bidder to perform the proposed contract;

(f) facilities or representation at or near the location for performance of the contract;

(g) the available capacity to undertake the assignment; and

(h) any other relevant criteria.

Evaluation of pre-qualification

53. (1) Applications to pre-qualify received on or before the deadline for submission shall be evaluated on a pass or fail basis against the criteria in the pre-qualification document.

(2) An evaluation committee shall prepare a record of its evaluation of applications, which shall clearly state which bidders were determined to be qualified and the reasons why any bidders were determined to be not qualified.

(3) An evaluation team shall conduct due diligence on the prequalified bidders to verify authenticity of the documents submitted.

(4) The results of the pre-qualification, including the record of the evaluation of applications, shall be submitted to the procurement committee for approval using Form 11.

Shortlisting of consultants

54. (1) Where the procuring entity invites consultants from a shortlist of bidders, the shortlist shall -

(a) be an open competitive advertisement to attract potential consultants, where limited tendering is used on the grounds of a limited number of sources, in accordance with the Act; or

(b) at least have six bidders in all other cases unless on an exceptional basis.

(2) The proposed shortlist shall be authorised by a procurement committee, prior to the issuance of request for proposal and the bidding documents.

Bidding periods

55. (1) A bidding period shall start on the date of the first publication of the bid notice or issue of the bidding document to all bidders and shall end on the date of the tender submission deadline.

(2) A bidding period shall be -

(a) twenty-five working days for the national competitive tendering;

(b) thirty-five working days for the international competitive tendering; and

(c) for the quotations method on supplies, works and non-consultative service shall be between five working days and ten working days depending on the nature and complexity of the work.

Bid security or bid securing declaration

56. (1) A procuring entity shall require a bid security or signing of a bid securing declaration for all open competitive tendering and for use of limited tendering specified in the Act.

(2) Subregulation (1) shall not apply to consultants as per section 117 of the Act.

(3) A bidding document shall specify the requirements for a bid security or bid securing declaration.

(4) The value of any required bid security shall not exceed two percentage of a bid price expressed as a fixed amount and not with decimal points.

(5) Where bidders are submitting bid security or bid securing declaration form -

(a) the requirement shall apply to all bidders; and

(b) the bidding documents shall stipulate that the issuer of the bid security or bid securing declaration and the confirmer, if any, of the bid security or bid securing declaration, and the form and terms of the bid security or bid securing declaration, have to be acceptable to the procuring entity;

(6) The bid security shall -

(a) be in accordance with the form of the bid security included in the bidding documents or any other form approved by the procuring entity prior to the bid submission; and

(b) remain valid for all days of tender validity period.

(7) The bid securities of -

(a) unsuccessful tenderers shall be released after cooling off period and debriefing has passed; and

(b) successful tenderer shall be discharged when the tenderer has signed the contract and furnished the required performance security to the satisfaction of the procuring entity.

(8) Where a bidder -

(a) breaches the bid securing declaration, the procuring entity shall immediately notify the Authority; and

(b) declines to honor the submitted bid by signing a contract with procuring entity, the bidder shall forfeit bid security and the procuring entity shall notify the Authority.

(9) The procuring entity shall not enforce a bid securing declaration or shall make no claim to the amount of the bid security, and shall return or procure the return of the bid security document, after whichever of the following occurs earliest, the -

(a) expiry of the tender validity period or agreed extended period;

(b) entry into force of a procurement contract;

(c) rejection by the procuring entity of all tenders; or

(d) withdrawal of the tender prior to the deadline for the submission of tenders.

Clarification and amendment of bidding documents

57. (1) A bidding document shall state that a tenderer may seek clarification of the bidding document in writing from the procuring entity and shall state the final date after which such clarification may not be sought.

(2) A date referred to in subregulation (1) shall not be less than -

(a) ten working days before deadline for submission for national competitive tendering; and

(b) fifteen working days before deadline for submission for international competitive tendering.

(3) Where a request for clarification is received, the procuring entity shall promptly provide a clarification in writing -

(a) to all potential bidders and

(b) that shall include a description of the inquiry, but without identifying the source.

(4) At any time prior to the deadline for submission of tenders, the procuring entity may, either at its own initiative or in response to a request for clarification from a tenderer, amend the bidding document by issuing an addendum or corrigendum.

(5) All amendments shall be numbered sequentially.

(6) The procuring entity may extend the deadline for the submission of tenders, through the issuance of an amendment in cases where amendments made on the document are discovered late after ten working days or fifteen working days for national competitive tendering or international competitive tendering respectively.

(7) Clarifications and addendum to the bidding document shall be binding on tenderers.

(8) An amendment to a bidding document shall be approved by the procurement committee prior to the issuance of the amendment.

Pre-bid meetings and site visits

58. (1) A procuring entity may organize a -

(a) pre-bid conference in order to brief tenderers or to offer the opportunity for them to seek clarifications; and

(b) site visit, to enable tenderers to gain access to the site for delivery of any proposed works or services.

(2) The details of pre-bid conferences and site visits, including the date, time and location, shall be included in the bidding document and any tender notice.

(3) A date referred to in subregulation (2) shall not be less than -

(a) fifteen working days before deadline for submission for national competitive tendering; and

(b) twenty working days before deadline for submission for international competitive tendering.

(4) The date of any pre-bid conference or site visit shall be sufficiently early in the tendering period, to enable tenderers to take the information into account in preparing their tenders.

(5) A procuring entity shall prepare minutes of any pre-bid conference or site visit meeting and shall promptly send them to all tenderers to whom the bidding document has been issued. It shall be recorded using Form 8 and shall include -

(a) all information provided as part of any briefing;

(b) details of any clarifications requested, but without identifying the source of the inquiry;

(c) the details of responses provided to clarifications; and

(d) a record of attendance.

Bid validity period and extensions

59. (1) The bidding documents shall state the duration which a bid shall be valid.

(2) The duration of a bid validity period shall be ninety days for national competitive tendering and one hundred and twenty days for international competitive tendering, to allow and enable, a -

(a) procuring entity to undertake evaluation, post-qualifica-

tion and negotiation exercises;

(b) procurement committee to adjudicate the award of contract recommendation;

(c) bidder to challenge the award decision before a contract is formed; and

(d) procurement unit to prepare the contract document within the validity period of the bid.

(3) Where an extension to the bid validity period becomes necessary, a bidder shall be requested in writing, before the expiry of validity of their bid, to extend the validity for a specified period to complete the process outlined in subregulation (2).

(4) In extending the validity of a bid, the bidder shall not be permitted to change the price or any other details of the bid.

(5) A bidder may refuse to extend the validity of the bid, and where the bidder refuses to do so, the bidder shall be disqualified but shall not forfeit the bid security.

Withdrawal, replacement, and modification of bids

60. (1) A tenderer may modify or withdraw the bid prior to the deadline for the submission of bids without forfeiting its bid security.

(2) The modification or notice of withdrawal shall be effective if it is received by the procuring entity prior to the deadline for submission of bids.

(3) The bidding documents shall contain instructions that a bidder may, at any time before the deadline for submission of bids -

(a) withdraw the bid;

(b) submit a replacement bid; or

(c) modify the bid.

(4) A bidding document shall specify the procedure for withdrawal, replacement or modification of a bid and shall at least contain the following;

(a) withdrawal shall be by submission of a letter notifying the procuring entity of the withdrawal and shall be authorised and submitted in the same way as the bid;

(b) modification shall be by submission of a letter notifying the procuring entity of the part of the original bid being modified and shall be authorized and submitted in the same way as the original bid;

(c) an envelope containing the letter -

(i) withdrawing a bid shall be clearly marked, "withdrawal"; and

(ii) modifying a bid shall be clearly marked, "modification"; and

(d) bidder withdrawing a bid may submit a new bid in accordance with the bid submission instructions in the bidding document and the envelope containing the new bid shall be clearly marked "replacement".

(5) Withdrawal, replacement or modification of a bid shall be the same as the deadline for submission of bids.

Bid submission methods

61. (1) A bidding document shall contain instructions on the method of bid submission.

(2) A bid submission method to be used shall be selected using the rules for the applicable evaluation methodology and guided by the following -

(a) a one stage single envelope method shall be used under technical compliance evaluation method where all stages of the evaluation are to be conducted together; and

(b) a one stage two envelopes method shall be used where the detailed technical evaluation is to be conducted without reference to the financial bid.

(3) A bidding document shall state that a bid shall be submitted in a plain securely sealed outer envelope, so that opening or resealing of the envelope cannot be done undetected.

(4) A procuring entity shall not be responsible for opening a bid that is not properly marked or sealed.

(5) Where alternative bids are permitted and a bidder submits more than one bid, each bid shall be submitted as a separate bid and shall conform to the instructions for preparation and submission of bids in its own right, without any reliance on any other bid.

Procedure for receiving bids

62. (1) A procuring entity shall receive bids -

(a) through the staff of a procurement unit, in person, who shall acknowledge a receipt;

(b) by use of a tender box; or

(c) by electronical means.

(2) Where a bid is delivered by a courier, a procuring entity shall not be held liable where the bid is lost or delivered late by the courier to the procuring entity.

(3) A procurement unit shall issue a signed receipt for each bid received, stating the date and time the bid is received and the time used for tenders shall be the national official time.

(4) A procuring entity shall maintain a record of all the bids received in-person, using Form 9.

(5) The process of submission of bids shall be closed at the deadline for submitting bids.

(6) A bid that is brought to the location of submission of bids after the deadline for submission shall not be accepted or received by the procuring entity.

(7) A bid that is submitted after the deadline for submission of bids shall be labelled "late tender" and shall be kept unopened by the Chairperson and secretary to the procurement committee.

(8) The closure of the process of submission of proposals shall be managed by at least one member of the procurement unit or the secretariat of the Central Tender Board and shall be witnessed by a person nominated by the user department.

(9) The persons referred to in subregulation (7) shall sign Form 9 to confirm that bidding closed at the deadline for submission of bids.

(10) The bids received shall, immediately after the closure of the process of submission of bids, be moved to the location where the bids are to be opened.

Procedure for receiving bids through tender box

63. (1) A procurement unit shall provide a box for submission of bids which shall be accessible to bidders during working hours until the deadline for submission of bids.

(2) Where a bid is too large to be placed in the tender box, a member of the procurement unit shall receive the bid, issue a receipt to the bidder and sign Form 9.

(3) A procuring entity shall require a bidder to register the bid before placing the bid in the tender box.

(4) A process of submission of bids shall be closed at the deadline for submission of bids by sealing the tender box.

(5) A bid that is brought to the location for submission of bids after the deadline for submission shall not be placed in the box or accepted in any other way.

(6) A tender box shall not be opened before the public opening session.

Procedure for electronic submission of bids

64. (1) Where electronic submission of bids is allowed, a bidding document shall provide for the following:

(a) electronic means through which bidders shall submit bids;

(b) instructions on how the bids should be submitted; and

(c) electronic mode of communication between the bidder and the procuring entity.

(2) The process of submission of bids through electronic means shall be closed at the deadline for submission of bids.

Procedure for public bid opening

65. (1) The bids submitted under the competitive bidding methods shall be opened at a public bid opening session.

(2) For the purposes of subregulation (2)(a) bid opening shall be immediately after bid submission closing.

(3) A procuring entity shall publicly open all tenders received, immediately after the fixed deadline for submission of tenders.

(4) A tenderer or his representative, or any interested person is entitled to attend a tender opening.

(5) At the opening of a tender, a procuring entity shall announce and make a relevant record of the procurement in respect of -

(a) tenderers' names;

(b) the price where applicable; and

(c) available and valid mandatory documents.

(6) Available and valid mandatory documents referred to in subregulation (5)(c) may include the following:

(a) bid securing declaration or bid security and the form or amount of a bid security;

(b) trading license of the bidder or its equivalent;

(c) tax clearance; and

(d) certificate of *bona fide* or bid form.

(7) A procurement unit shall take minutes of the meeting and make them available to any interested party.

(8) The public bid opening shall be recorded using Form 10.

(9) A person who attends or participates in a bid opening session shall sign Form 10.

(10) After all bids are opened, read out and recorded, the record of the bid opening session shall be signed by the chairperson and the secretary of the procuring entity.

(11) Copies of the record shall upon request, be made available to a bidder or a representative of a bidder.

Request for clarification of bids

66. (1) An evaluation committee may at any stage of the evaluation request a bidder to clarify the information provided in their bid or proposal or to submit additional documentation to clarify the information provided.

(2) An evaluation committee shall make a request for clarification of information or submission of documentation under subregulation (1) only where there is -

(a) a nonconformity or an omission in a bid, which is not a

material deviation as specified in regulation 84 (2) and (3); or

(b) an arithmetic error which shall be corrected.

(3) A bidder shall not be permitted to make a clarification or submission which -

(a) alters or amends the price of a bid except to correct errors in accordance with regulation 70;

(b) changes the substance of the terms and conditions of the bid; or

(c) substantially alters anything which forms a crucial or deciding factor in the evaluation of the bid.

(4) A request to a bidder shall be signed by the head of procurement unit.

Complaints on the bidding process

67. A member of a procuring entity or any other person who suspects -

(a) collusion between bidders, may request the Authority to investigate; and

(b) mismanagement or malpractice of a procurement or disposal process within the procuring entity, shall report this to the chief accounting officer who shall take appropriate action.

PART VII - BID EVALUATION

Division I - General Provisions

Evaluation methodology and criteria

68. (1) The methodology for the evaluation of tenders shall consist of a -

(a) preliminary examination to determine whether tenders are compliant, complete and are responsive to the basic instructions and requirements of the tender document;

(b) technical evaluation to compare each tender to the technical requirements of the statement of requirements on a pass or fail basis, to determine whether the tenders are substantially responsive; and

(c) financial evaluation and comparison to determine the tender with the lowest responsive price.

(2) An evaluation committee shall not, during an evaluation, make an amendment or addition to the evaluation criteria stated in the bidding document, and shall not use any other criteria other than the criteria stated in the bidding document.

(3) The evaluation criteria shall assess -

(a) the compliance of the bid with the statement of requirements;

(b) the ability of the bidder to perform the proposed contract; and

(c) the ability of the bid to meet the objectives of the procurement.

Costs to be considered in evaluation of financial bids

69. (1) The following costs shall, where applicable, be considered in the

financial evaluation of bids -

(a) fee rates or unit prices, based on either a fixed or estimated total quantity;

(b) reimbursable costs, such as costs for travel, materials or consumables used in the performance of the services or similar costs;

(c) packaging, freight and inland delivery;

(d) installation and commissioning of equipment;

(e) inspection and tests;

(f) operating costs, which shall be for the period specified in the bidding document;

(g) servicing and maintenance of equipment which shall be for the period specified in the bidding document;

(h) for works, the total bid price shall be based on the bill of quantities or the schedule of prices and the cost of day to day work items; and

(i) duties, taxes or other levies.

Correction of arithmetic errors

70. (1) A bidding document that has the arithmetical error shall be corrected where there is -

(a) a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, in which case the unit price shall prevail and the total price shall be corrected, except where there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;

(b) an error in a total which corresponds to the addition or subtraction of subtotals, in which case the subtotals shall prevail and the total shall be corrected; or

(c) a discrepancy between words and figures, in which case the amount in words shall prevail, except where the amount which is expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to paragraphs (a) and (b).

(2) A bidder shall promptly be notified of an arithmetic correction and requested to agree to it within five working days.

(3) Where a bidder does not agree to arithmetic correction referred to in subregulation (2), a procurement unit shall make conclusion on the arithmetic correction.

Division II - Evaluation of Bids for Works, Goods and Non-Consultancy Services

Stages of evaluation

71. An evaluation of a bid for the procurement of goods, works or non-consultancy services shall be conducted under the following four stages, a -

(a) preliminary examination to determine the eligibility of the bidders and the administrative compliance of the bids received;

(b) technical evaluation of the bids to determine responsiveness of the bids that are eligible after the preliminary examination carried out under paragraph (a);

(c) financial comparison of the bids that are eligible after the technical evaluation carried out under paragraph (b) to determine the best evaluated bid; and

(d) technical evaluation of bids to determine the capability and capacity of the tenderer to execute the contract.

Preliminary examination

72. Eligibility and administrative compliance shall be determined on a pass or fail basis and a bid which is not eligible or administratively compliant shall be rejected at the preliminary stage of evaluation.

Eligibility of bidder

73. (1) An evaluation committee shall at the preliminary examination, verify the accuracy, validity and authenticity of the documents submitted by a bidder.

(2) A bidder shall be eligible where he -

(a) has the legal capacity to enter into a contract with the procuring entity;

(b) is not insolvent, in dissolution, bankrupt or being wound up;

(c) is not debarred by relevant authorities;

(d) is not the subject of legal proceedings for any of the circumstances mentioned in subregulation (2)(b);

(e) fulfilled the obligations to pay taxes and social security contributions in Lesotho; and

(f) does not have a conflict of interest in relation to the subject of the procurement.

(3) For the purpose of subregulations (1) and (2), a bidder shall be required to submit the following documents, with the bid -

(a) a certified copy of a valid -

(i) trading license of the bidder or its equivalent;

(ii) certificate of registration of the bidder or its equivalent; and

(iii) tax clearance;

(b) a signed statement indicating that a bidder does not have a conflict of interest in the subject of the procurement; and

(c) any other relevant document or statement as may be stated in the bidding documents.

(4) Where a document required in subregulation (3) is not available in the country of a foreign bidder, the foreign bidder shall submit an alternative document or an official statement affirming that the document is not available in the country of the foreign bidder.

Administrative compliance

74. (1) An evaluation committee shall determine the administrative compliance of a bidder by confirming that the bidder conforms satisfactorily to the basic instructions, requirements and the terms and conditions of the bidding documents without any material deviation or omission.

(2) where a bid security or bid securing declaration is required -

(a) a bidder shall submit, in the correct form, -

(i) an authentic bid security in the correct amount; or

(ii) a bid securing declaration;

(b) the authorisation and signature of the bids shall be in accordance with the instructions in the bidding document; and

(c) a bidder shall submit additional documents or samples as may be required.

(3) A financial bid shall be submitted separately where required.

Technical evaluation

75. (1) An evaluation committee shall, in the technical evaluation of bids, -

(a) use the evaluation criteria in the bidding documents;

(b) conduct a technical evaluation of a bid that has passed the preliminary examination;

(c) use a merit point evaluation system as specified in the bidding documents;

(d) for a bid for goods, and non-consultative services, determine whether the bid complies with the minimum technical specification stated in the bidding document; and

(e) for a bid for works, determine whether the -

(i) bid adheres to the technical specifications and standards;

(ii) proposed work plan and the completion schedule are adequate;

(iii) work methods, including the safety precautions and measures proposed are adequate;

(iv) documents submitted, including drawings, charts, calculations and data sheets are adequate; and

(v) methods proposed for handling materials and the schedules and sources of the materials and equipment are suitable.

(2) A bid which is nonresponsive to the requirement of the evaluation shall be rejected at the evaluation stage.

Product demonstration or samples

76. (1) Where it is necessary to assess the technical characteristics of goods, a procuring entity may, as part of the evaluation process, request for a -

(a) demonstration of the product by the bidder; or

(b) submission of a sample by the bidder.

(2) An evaluation committee shall give a bidder who is requested to demonstrate or submit a product, notice of the date, time and location of the demonstration or submission.

(3) An evaluation committee shall evaluate sample product during evaluation period.

(4) A bidder shall collect a submitted sample product within 10 days after award of contract.

Evaluation of financial bids

77. (1) The financial bids of the corresponding technical bids that are responsive shall be examined and compared, to determine the best evaluated bid.

(2) An evaluation committee shall -

(a) determine whether a financial bid is complete;

(b) correct the arithmetic error in a bid, if any, as stipulated in regulation 70;

(c) apply any non-conditional discounts offered in a bid;

(d) make adjustments for any deviation that is not a material deviation, as stipulated in regulation 70;

(e) where required for purpose of comparison, convert all bids to a single evaluation currency;

(f) where required, apply a margin of preference using the procedure specified in the bidding document;

(g) determine the total evaluated price of each bid;

(h) rank the bids using the total evaluated price; and

(i) determine the best evaluated bid.

(3) Where a cross discount is offered, it shall be incorporated in a further financial comparison prior to determining the best evaluated bid.

(4) An evaluation committee shall, for the best evaluated bid for works, assess whether the level of payment projected for the different stages of the assignment exceed the progress of the works and where the evaluation committee determines that this is the case, the bidder shall be requested to -

(a) provide a detailed analysis of the price of any of the items of the bid, to demonstrate that the price is consistent with the construction methods and work schedules proposed in the bid; or

(b) increase the amount of the performance security provided, where this is necessary to protect the procuring entity against default.

(5) An evaluation report under technical compliance shall be prepared using Form 12.

Procedure for conducting merit point evaluation

78. (1) The following procedure shall apply to the conduct of the merit point evaluation:

(a) each member of the evaluation committee shall independently conduct an evaluation by considering each bid and awarding scores for the set criterion and record the scores in the score sheet;

(b) an evaluation committee shall collect the score sheets

and the scores awarded by each evaluator be compiled during the meeting, to produce a score sheet for each bid, from which the average score for each bid shall be calculated;

(c) an evaluation committee shall compare the scores of each evaluator for each bid in order to verify that there has been a consistency of approach to the evaluation and a common understanding of the criteria by all the members of the evaluation committee;

(d) an evaluation committee shall note any significant deviation from the average score or any inconsistencies in scoring and these shall be recorded and each evaluator shall explain and justify the scores awarded, where required; and

(e) where an evaluation committee agrees that a member of the evaluation committee was not consistent in the approach or did not understand the evaluation criterion or a bid, a member shall be permitted to adjust the scores awarded but shall not be obliged to make the adjustments.

(2) The average score in subregulation (1)(b) shall be the total technical score of a bid and where a weighted score is used, the weightings shall be applied prior to calculating the average score.

(3) For the purposes of subregulation (1)(e), an adjustment shall only be permitted to the extent necessary to correct an inconsistency in the approach or where a member of the evaluation committee did not understand the evaluation criterion or the bid.

(4) Where a score is adjusted, the original score sheet shall be kept as part of the record of the evaluation and the adjusted score shall be recorded on a new score sheet.

Technical evaluation report

79. (1) An evaluation committee shall, using Form 12 or Form 18, pre-

pare a technical evaluation report indicating the strengths and weaknesses of each bid.

(2) The technical evaluation report shall be signed by all the members of the evaluation committee.

(3) An evaluation committee shall submit a technical evaluation report to the procurement committee for approval, without any change or comment, before the financial bids are opened.

Notifications to bidders

80. (1) Notification to bidders after the approval of the technical evaluation report by the procurement committee, shall be made at the same time to bidders whose bids have passed and those that have failed to make it to financial evaluation stage.

(2) After the approval of the technical evaluation report by the procurement committee and before the financial bids are opened, the bidders whose bids are disqualified at the technical evaluation stage and which are not recommended for financial evaluation shall be notified.

(3) The notification under subregulation (2) shall state the -

(a) score awarded to the bid at the technical evaluation;

(b) reasons for the disqualification of the bid; and

(c) weaknesses of the bid against the evaluation criteria.

(4) A notification under this regulation shall be unique to the bidder and shall not provide details on any other bid.

(5) The report shall be provided within five working days of a request by a bidder.

(6) A financial bid that is not evaluated shall be kept unopened.

Public opening of financial bids

81. (1) A procuring entity shall notify the bidders whose technical bids qualify for financial comparison and invite the bidders to the session for opening of the financial bids.

(2) The notification shall indicate the:

(a) date and time of the opening of the financial bids, which date shall be five days after the notification; and

(b) location of the opening session.

(3) The session for opening the financial bids shall be open to the public.

(4) A procuring entity shall, in the record of bid opening, note any inconsistencies or omissions in the bids submitted.

Procedure for opening of financial bids

82. (1) A procuring entity shall, at the financial bid opening session, notify the bidders -

(a) who submitted bids;

(b) about total price of each financial bid, including the currency and the amount; and

(c) about any other information that is required to be stated as indicated in the bidding documents.

(2) The pages of the financial bids shall be endorsed with the stamp of the procuring entity and signed or initialled.

(3) The public opening of the financial bids shall be recorded using Form 14.

Representation of bidders at opening session of financial bids

83. (1) A procuring entity shall allow a bidder or his representative to attend a public opening session.

(2) A bidder or a representative of the bidder shall not be allowed to ask questions after the bids are opened and a procuring entity shall not enter a discussion with the bidder or his representative on the specific details of any bid.

Financial evaluation

84. (1) Evaluation committee shall conduct a financial evaluation of the bids to examine the financial bids and determine the best evaluated bid.

(2) The financial evaluation shall:

(a) assess whether a bid conforms to the terms and conditions of the bidding documents, without material deviation;

(b) determine the bid price;

(c) correct any arithmetic errors in a bid;

(d) make adjustments for a non-conformity or an omission in a bid that does not constitute a material deviation in accordance with subregulation (3);

(e) convert the currencies of the bids into a single currency for purposes of evaluation, where required;

(f) apply any margin of preference in accordance with the procedure specified in the bidding documents;

(g) determine the total evaluated price of each bid; and

(h) award a financial score to each bid or rank the bids, in accordance with the requirements of the selection method used.

(3) For the purposes of subregulation (2)(d), an adjustment for a non-conformity or an omission in a bid that does not constitute a material deviation shall be made using the following rules -

(a) the price of an input or item that is described in the technical bid but which is not priced, shall be assumed to be included in the prices of the other inputs or items; and

(b) where the quantification of an input or item in the financial bid is different from the quantification in the technical bid the evaluation committee shall -

(i) where a time-based contract is to be used, correct the quantification in the financial bid to make it consistent with the quantification in the technical bid by applying the relevant unit price to the corrected quantity and correcting the total financial price; and

(ii) not make any corrections to the financial bid where a lump sum contract is used.

(4) A financial bid -

(a) shall be complete where the inputs and items indicated in the technical bid are priced in the financial bid; and

(b) with the lowest evaluated price shall be given a financial score of hundred and the other bids shall each be given a financial score that is inversely proportional to the lowest evaluated price.

(5) Notwithstanding subregulation (4)(b) another method, where this is provided in the bidding documents, may be used to allocate scores for the cost.

Determination of best evaluated bid

85. (1) For the purposes of determining the best evaluated bid, the total score of a bid shall be obtained by adding the weighted score of the technical

and financial bids.

(2) A bidder who obtains the highest total score under regulation (1) shall be recommended for award of contract.

(3) The combined technical and financial report shall be prepared using Form 15.

Combined evaluation score

86. The combined evaluation score shall be determined by combining the technical evaluation score with the financial evaluation score to establish the ranking score of the bidder.

Unconditional discount

87. Where a bidder offers a discount, the discount shall be reflected in the evaluation of bids and the original price of the bid shall, at the financial comparison stage, be modified by the discount offered.

Conditional discount

88. (1) Where a bidder offers a conditional discount, the conditional discount shall not be considered at the financial evaluation of the bids.

(2) If the conditions are met, the discount shall be effected during contract implementation.

Post-qualification and due diligence

89. (1) Where appropriate, a post-qualification may be undertaken in accordance with the criteria in the tender document, to determine whether the best evaluated tenderer has the capability and resources to effectively carry out the contract.

(2) Where a pre-qualification has been conducted, the evaluation committee shall verify the information submitted by the tenderer who submitted the lowest evaluated responsive tender.

(3) Where a pre-qualification has been conducted and where the ten-

derer no longer meets the qualification criteria, the tender shall be rejected and the qualifications of the next best evaluated tenderer shall be verified.

Evaluation report and award recommendation

90. (1) An evaluation committee shall prepare an evaluation report for submission to the procurement committee.

(2) The evaluation report shall include -

(a) a project overview;

(b) the bidding document;

(c) a summary of the bids received and opened;

(d) the results of the -

(i) preliminary examination

(ii) technical evaluation;

(iii) financial comparison evaluation; and

(iv) post-qualification where necessary;

(e) reasons why any tenders were declared non-responsive;

(f) details of any non-material deviations which were accepted and the way in which they were quantified and considered in the financial evaluation;

(g) the evaluated price of each tender, showing any corrections or adjustments to the tender price and any conversion to a common currency;

(h) the ranking of the bids, according to their total evaluated price;

(i) a statement of the best evaluated bid, for each lot where applicable;

(j) a summary of the application of any conditional discounts and the best evaluated combination of bids, where applicable;

(k) a recommendation to award the contract or contracts to the best evaluated bidder or combination of bids, or other appropriate recommendation; and

(l) the relevant budget approval.

(3) The evaluation report and recommendations shall be approved by the procurement committee prior to proceeding with contract award or any other action, such as cancellation of the procurement process or re-tendering.

(4) A copy of the original tender document together with the evaluation report and recommendations shall be made available to the procurement committee.

(5) A procuring entity may cancel the procurement proceedings where -

(a) the best evaluated price of a bidder is above the budget; and

(b) a procuring entity receives a financial bid that would qualify as the best evaluated bid; but the price of the bid is very low and there is no practical proof that is provided that the price is implementable in comparison to the value of the works, goods or services to be procured.

Division III - Procurement of Consultancy Services

Methods of procuring consultancy services

91. A procuring entity shall procure consultancy services -

(a) by publishing a notice inviting expression of interest and

developing a shortlist;

(b) by developing a shortlist of not less than six consultants without publication of a notice inviting expression of interest; or

(c) by inviting a single or sole source consultant in accordance with regulation 100.

Notice of expression of interest

92. (1). A procuring entity may, if it deems it necessary, publish the notice inviting expressions of interest in at least one publication of wide national circulation, on the website of the Authority or professional publication.

(2) Where a procuring entity does not expect the required consultancy services to be available from at least six consultants in Lesotho, the notice inviting expressions of interest shall be published in at least one publication of wide international circulation.

(3) The notice inviting expressions of interest shall on the date of publication of the notice, be displayed on the website of the Authority and on the procurement notice board and website of the procuring entity and remain on display up to the date of closing of submission of expressions of interest.

(4) A procuring entity may publish an abridged version of the notice inviting expressions of interest and where the procuring entity publishes an abridged version of the notice, the procuring entity shall indicate the website address where the full notice may be viewed.

(5) A notice inviting expressions of interest shall indicate the following information -

(a) the name, address and contact details of the procuring entity;

(b) a statement of any eligibility and qualification requirements;

(c) the criteria to be used to evaluate the expressions of interest;

(d) instructions on the location for submission of expressions of interest and the deadline for submission; and

(e) instructions on the sealing and labelling of expressions of interest.

(6) A procuring entity shall use the standard notice inviting expressions of interest issued by the Authority.

Period for expressions of interest

93. (1) The period for expressions of interest shall start on the date the notice is first published and end on the deadline for submission of expressions of interest.

(2) The period shall follow that of national or international competitive bidding timelines provided by these Regulations.

Short listing of consultants after expression of interest

94. (1) The evaluation committee shall, using the evaluation of expressions of interest, develop a shortlist of consultants who meet the requirements of the procuring entity.

(2) The evaluation of expression of interest shall be in accordance with the criteria stated in the notice inviting expressions of interest.

(3) The evaluation of expressions of interest shall determine -

(a) the capacity of a consultant to perform the assignment successfully; and

(b) the eligibility of a consultant.

(4) In determining the capacity of the consultant to perform an assignment successfully, the evaluation committee shall establish -

(a) the experience of the consultant in assignments of a similar nature;

(b) the skills of the consultant that are relevant to the assignment; and

(c) any other criteria that is relevant to the capacity of the consultants to perform the assignment.

(5) In determining the eligibility of the consultant, the evaluation committee shall establish whether the -

(a) consultant has the legal capacity to enter into a contract with the procuring entity;

(b) consultant is not insolvent, in dissolution, bankrupt or being wound up;

(c) business activities of the consultant are not debarred by the relevant authorities;

(d) consultant is not the subject of legal proceedings for any of the circumstances mentioned in paragraph (b);

(e) consultant fulfilled the obligations to pay taxes and levies in Lesotho; and

(f) consultant does not have a conflict of interest in relation to the subject of the procurement.

(6) For the purpose of subregulation (5), a consultant, where the consultant is a firm, company, corporation, organization or partnership, shall be required to submit the following documents, with the expression of interest -

(a) a copy of valid trading licence of the consultant or its equivalent;

(b) a copy of valid certificate of registration of the consultant or its equivalent;

(c) a signed statement indicating that the consultant does not have a conflict of interest in the subject of the procurement;

(d) any other relevant documents or statements as may be stated in the notice inviting expression of interest; and

(e) tax clearance.

(7) Where the business of a consultant is not registered in Lesotho and a document required in subregulation (6) is not available in the country of the consultant, the consultant shall submit an alternative or equivalent document which shall be verified by the relevant authority.

(8) A procuring entity shall verify the accuracy, validity and authenticity of the documents submitted by a consultant under subregulation (6).

(9) For the purpose of subregulation (4), where the consultant is an individual, the consultant shall be required to submit a curriculum vitae, with the expression of interest.

(10) The eligibility of a consultant shall be evaluated on a pass or fail basis and where a consultant fails the eligibility requirements, the consultant shall be eliminated from the evaluation.

(11) A shortlist used by a procuring entity with at least top five ranking consultants shall be used for the same;

(a) nature of procurement subject; and

(b) financial year.

(12) The evaluation of expressions of interest shall be recorded using Form 16.

(13) A further due diligence shall be conducted to establish compliance of a consultant with their country of domicile and internationally.

Notification to consultants not shortlisted

95. (1) A procuring entity shall -

(a) on the day the request for proposals is issued, notify a consultant who is not shortlisted; and

(b) where requested by a consultant who is not shortlisted, provide the consultant with a report stating the reasons for the failure of the expression of interest of that consultant.

(2) The report shall -

(a) include a copy of the shortlist of the consultants approved for the consultancy service; and

(b) include brief details of the reasons why the consultant was not shortlisted and the reasons why the consultant did not meet the required standard or the relative weaknesses of the expression of interest of the consultant against the evaluation criteria.

(3) The report shall be unique to a consultant and shall not provide details of any other expression of interest except the information specified under subregulation (2) or information which is available publicly.

(4) A procuring entity shall provide the report within five working days of a request.

Invitation of consultants without publication of notice of expression of interest

96. (1) A procuring entity may invite consultants without publication of a notice for expression of interest where -

(a) the consultancy service can only be provided by a limited number of consultants;

(b) the value of the procurement is lower than the value prescribed under Schedule 2 of the Act;

(c) there is an urgency; or

(d) there is an emergency.

(2) For the purposes of issuing an invitation, a procuring entity shall use:

(a) the database of the Authority list of consultants; and

(b) its knowledge of the market.

(3) A procuring entity shall, in issuing an invitation, confirm that -

(a) a fair and equal opportunity is afforded to all the consultants and that barrier shall not be created to deter competition;

(b) a consultant is not included on the invitation unless the consultant is expected to fully satisfy the -

(i) eligibillity requirements; and

(ii) qualification requirements and the key personnel of the consultancy firm have the relevant experience and the qualifications to perform the service; and

(c) the owners of the consultant, where the consultant is a firm, are not owners of another firm issued with an invitation.

Shortlist of consultants

97 (1) A procurement unit shall submit the shortlist of consultants and a request for proposals document to the procurement committee for approval using Form 6.

(2) A procurement committee shall consider the shortlist of consultants and record the reasons for the selection of each consultant using Form 6.

(3) The shortlist approved by the procurement committee shall, on the date that the request for proposals is issued to the shortlisted consultants, be published on the public domain for five days and shall be displayed for the duration of the period for submission of proposals.

Procuring a single source consultant

98. (1) Where exceptional circumstances prevent the use of competitive bidding and the conditions allow for use of a single source method of procurement, a procuring entity may invite a consultant who has the capacity to perform the required assignment to submit a proposal.

(2) A procuring entity shall use the database or market knowledge to identify a single source consultant.

(3) A procurement unit shall, prior to making a recommendation for procurement as a single source consultant to the procurement committee, confirm that the consultant is eligible and qualified.

(4) A procurement unit shall issue request for proposal to the consultant.

(5) The evaluation committee shall submit the name of the recommended single source consultant to the procurement committee for approval of the request for proposals using Form 6.

(6) The name of the single source consultant, who is approved by the procurement committee, shall on the day the request for proposals is issued, be published on the public domain and remain on display for the duration of the period for submission of proposal.

Procurement of services of consultants who are individuals

99. (1) An individual consultant shall be -

(a) engaged on assignments for which a team of personnel and additional outside professional oversight support is not required and Form 6 may be used; and

(b) selected based on their qualifications for the assignment.

(2) A procuring entity shall shortlist at least five individuals and compare their qualifications and capability relevant to the assignment.

(3) A notice inviting expression of interest from individual consult-

ants shall state -

(a) the address of the website with the full terms of reference which shall state the skills, qualifications and experience required;

(b) details of the information required from the consultants, which shall include the curriculum vitae and a covering letter stating the suitability and availability of the consultant, for the assignment;

(c) that the expression of interest is to be submitted using the one stage-single envelope method;

(d) the criteria to be used to select the consultants which shall be based on the experience and qualifications of the consultant and capacity to provide the consultancy services; and

(e) whether the selection shall consider references and use interviews to assess the skills, qualifications and experience of the consultant.

(4) Where a consultant is to be interviewed as part of the selection process, the notice shall state that -

(a) the consultant invited for the interview will bear the costs of attendance;

(b) the consultant invited for the interview shall be notified of the arrangements for the interview; and

(c) where the consultant who is invited for interviews fails to attend, the consultant shall be eliminated from the selection process.

(5) The full terms of reference shall be displayed on a website referenced in the notice and shall promptly be made available to a consultant who makes a request.

(6) A procuring entity shall use the standard notice inviting individual consultants issued by the Authority to prepare a notice inviting individual consultants.

(7) Subsequent to sub regulation (1) the approval may be sought from procurement committee and Form 6 may be used.

Drafting request for proposals

100. (1) A procuring entity shall use the standard request for proposals issued by the Authority, to draft a request for proposals for a consultancy service.

(2) A request for proposals shall be approved by the procurement committee.

(3) For the purposes of drafting a request for proposals under subregulation (1), a procurement unit shall not make any textual or other changes to the sections on instructions to consultants, the general conditions of the contract and the proposal forms, except in accordance with subregulation (4).

(4) The procurement unit shall -

(a) effect any necessary changes to the instructions to the consultants by an entry in the data sheet;

(b) effect changes to the general conditions of contract by an entry to the special conditions of contract;

(c) modify the statement of requirements, as may be required; and

(d) modify the evaluation and qualification criteria in accordance with the options in the standard request for proposals issued by the Authority and these Regulations.

(5) A request for proposals shall -

(a) define the terms of reference of the consultancy service in a precise form and in a manner that leaves no doubt

or assumption by a consultant;

(b) state clearly the selection method to be used which shall be appropriate to the requirements of the procuring e-ntity;

(c) state the validity period of the proposals;

(d) state whether a pre-proposal meeting is to be held;

(e) where appropriate, notify of the date, time and the location for the opening of the technical proposals and the information to be read at the opening session;

(f) state clearly the evaluation criteria to be used including appropriate factors and their weighting and method of application;

(g) include a draft contract with the structure of payment, payment terms and method of payment; and

(h) require that the basis of the prices and costs required are adequately defined and that these represent the full cost of the procurement requirement.

(6) A request for proposals shall -

(a) in respect of the instructions to the consultants on the selection process -

(i) indicate the form of the proposal securing declaration, where required;

(ii) indicate the form required of a valid proposal;

(iii) provide instructions on the requirements for signing and authorising proposals; and

(iv) the currency in which a proposal is to be submitted;

(b) in respect of the statement of requirements for the consultancy services, include the -

(i) terms of reference and the expected input of the key personnel;

(ii) duration and timing of the inputs and the completion schedule;

(iii) inputs and facilities to be provided by the procuring entity; and

(iv) required deliverables or outputs and the arrangements for approval or acceptance of the deliverbles or outputs; and

(c) in respect of the proposed contract, include -

(i) the type of contract to be placed;

(ii) the amount and form of the performance security, where this is required;

(iii) the currency in which the contract price is to be paid;

(iv) the payment terms and the documentation required for payment;

(v) the basis for determining the fixed prices and the variable prices, and the method for calculating the variations in the variable prices, where required;

(vi) provisions relating to fraud and collusion; and

(vii) the method of payment.

Statement of requirements in request for proposals

101. (1) A statement of requirements for the procurement of consultancy services shall be in the form of terms of reference.

(2) The terms of reference for consultancy services shall be included in the request for proposals and in the contract.

(3) The terms of reference shall contain a clear and unambiguous description of the required consultancy services and shall include -

(a) a background narrative to the required consultancy services;

(b) the objectives of the required consultancy services and a list of the targets to be achieved by the consultant;

(c) a list of the specific tasks or duties to be performed;

(d) a schedule of the deliverables or the outputs for the assignment and the timelines for submission of the deliverables or outputs, against which the achievements of the consultancy services are to be measured;

(e) the management and reporting lines of the consultant, to the procuring entity and the specific administrative arrangements and reporting requirements to apply;

(f) the duration of the assignment and the timetable for implementing the assignment;

(g) the industry standards applicable to the assignment, if any;

(h) the required key personnel and their minimum qualifications;

(i) facilities to be provided by the client; and

(j) the location of the assignment.

(4) A template of a contract for a selected method of consultancy shall form part of the request for proposal.

Methods of selection of consultants

102. (1) A procuring entity may use any of the following selection methods for the selection of consultants -

(a) the quality and cost based selection method;

(b) the quality based selection method;

(c) the fixed budget selection method;

(d) the least cost selection method; or

(e) consultants' qualifications selection method.

(2) A request for proposals shall indicate the selection method to be used by the procuring entity.

(3) A procuring entity shall preferably use the quality and cost based selection method to select consultants.

(4) A procuring entity may use other methods in the following circumstances:

(a) the quality based selection method shall be used for -

(i) highly specialised assignments, where it is difficult to develop precise terms of reference or the required input and for which a procuring entity expects consultants to demonstrate innovation in the proposal;

(ii) assignments that have a high downstream impact and in which, the objective is to have the best consultants; and

(iii) assignments that can be carried out in several

different ways, where a proposal is therefore not comparable and where the value of the consultancy services depends on the quality of the proposals submitted;

(b) the fixed budget selection method shall be used where an assignment is simple, can be precisely defined, and where the budget is fixed;

(c) the least cost based selection method shall be used where the required consultancy service is of a standard or routine nature and where well established practices and standards exist; and

(d) the consultant qualifications selection method shall be used for consultancy services of a value as may be prescribed by the Authority in guidelines.

Details to be included in the request for proposal

103. (1) A request for proposals shall, -

(a) where the quality and cost based selection method is to be used, state -

(i) the technical evaluation criteria to be used and the maximum scores for each criterion;

(ii) the qualifying score of the technical proposal; and

(iii) the relative weights to be allocated to the technical and the financial proposals at evaluation;

(b) where the quality based selection method is used, state -

(i) the technical evaluation criteria to be used and the maximum scores for each criteria; and

(ii) the qualifying score of the technical proposal;

(c) where the fixed budget selection method is to be used, state -

(i) the technical evaluation criteria to be used and the maximum scores for each criterion;

(ii) the qualifying score of the technical proposal; and

(iii) the budget for the assignment;

(d) where the least cost selection method is to be used, state-

(i) the technical evaluation criteria to be used and the maximum scores for each criteria; and

(ii) the qualifying score of the proposal; and

(e) where the consultants qualification selection method is used, state -

(i) the technical evaluation criteria to be used and the maximum scores for each criteria; and

(ii) the qualifying score of the proposal.

(2) For the purposes of subregulation (1) (a) (iii), the weight for the financial score shall not be less than ten points and not more than thirty points of the total of one hundred points for the technical and financial proposals.

Details of evaluation criteria to be included in request for proposals

104. (1) The evaluation criteria to be used shall be stated in the request for proposal and the evaluation shall be conducted in accordance with the criteria without any amendment to the criteria.

(2) The request for proposals shall state -

(a) the technical evaluation criteria, which shall consist of a number of main criteria which may be divided into

subcriteria; and

(b) that total of the points for all the criteria shall be one hundred and shall state the maximum number of points for each main criterion.

(3) The main criteria and maximum number of points in this subregulation are indicative and may be adjusted to the specific circumstances of the procurement requirement.

(4) Where an evaluation is complex or where a technical evaluation of subcriteria or the curriculum vitae is required, each criterion may be scored out of one hundred points and the scores of each criterion weighted to obtain a maximum total of one hundred points.

Tendering periods for consultancy services

105 (1) A tendering period shall -

(a) start on the date of issue of the request for proposals document to all shortlisted tenderers and shall end on the date of the proposal submission deadline; and

(b) be -

(i) forty-five working days, in the case of consultancy firms; and

(ii) fifteen working days in the case of individuals.

Evaluation of bids for consultancy services

106. The provisions on evaluation of tenders for goods, works and non-consultancy services under these regulations shall with necessary modifications, apply to evaluation of bids for consultancy.

Preliminary examination for consultancy services

107. An evaluation committee shall at the preliminary examination determine

whether the bidder is eligible and the proposal administratively compliant.

Technical evaluation for consultancy services

108. (1) An evaluation committee shall use the evaluation criteria in the request for proposals and based on the contents of a proposal, conduct a detailed evaluation of a proposal that passes the preliminary examination.

(2) The detailed evaluation shall compare the details of the proposal with the criteria stated in the request for proposals.

(3) The detailed evaluation of proposals shall use a merit point evaluation system as specified in the request for proposals.

(4) A proposal which does not meet the minimum score required in the request for proposal shall be rejected at the detailed evaluation stage.

Procedure for conducting merit point evaluation

109. (1) The following procedure shall apply to the conduct of the merit point evaluation:

(a) the members of the evaluation committee shall at a meeting of the evaluation committee discuss the criteria and any subcriteria and the relative importance of each criteria and subcriteria;

(b) each member of the evaluation committee shall independently conduct an evaluation by considering each proposal and awarding scores for the set criterion and record the scores in the score sheet;

(c) the evaluation committee shall collect the score sheets and the scores awarded by each evaluator shall be compiled during the meeting, to produce a score sheet for each proposal, from which the average score for each proposal shall be calculated;

(d) the members of the evaluation committee shall compare the scores of each evaluator for each proposal in order

to verify that there has been a consistency of approach to the evaluation and a common understanding of the criteria and of each proposal by all the members of the evaluation committee;

(e) the evaluation committee shall note any significant deviation from the average score or any inconsistencies in scoring and these shall be recorded and each evaluator shall explain and justify the scores awarded, where required; and

(f) where the evaluation committee agrees that a member of the evaluation committee was not consistent in the approach or did not understand the evaluation criterion or a proposal, the member shall be permitted to adjust the scores awarded but shall not be obliged to make the adjustments.

(2) The average score in subregulation (1)(c) shall be the total technical score of the proposal and where a weighted score is used, the weightings shall be applied prior to calculating the average score.

(3) For the purposes of subregulation (1)(f), an adjustment shall only be permitted to the extent necessary to correct an inconsistency in the approach or where a member of the evaluation committee did not understand the evaluation criterion or the proposal.

(4) Where a score is adjusted, the original score sheet shall be kept as part of the record of the evaluation and the adjusted score shall be recorded on a new score sheet.

(5) The evaluation committee shall, in the evaluation report, indicate the strengths and weaknesses of each proposal.

Technical evaluation report

110. (1) The evaluation committee shall submit the report to the procurement committee for approval before the financial proposals are opened.

(2) The evaluation report shall be signed by all the members of the

evaluation committee and a member who is not able to sign the report shall give a written explanation for this.

(3) The technical evaluation report shall contain -

(a) a summary of the preliminary examination;

(b) the results of the technical evaluation, including the scores allocated to each proposal, a narrative on the strengths and weaknesses of each proposal and the ranking of the proposals as may be required by the selection method;

(c) the non-conformity or omissions, if any, relating to the technical method used by the consultant or regarding the staffing or required experience; and

(d) recommendations on the proposals that should be evaluated at the financial comparison stage.

(4) The technical evaluation report shall be prepared using Form 13.

Notification to consultants not recommended for financial evaluation

111. (1) After the approval of the technical evaluation report by the procurement committee and before the financial proposals are open, the consultants whose proposals are disqualified at the technical evaluation stage and which are not recommended for financial evaluation shall be informed.

(2) The procuring entity shall, on request, provide a consultant whose proposal is disqualified at the technical evaluation stage and which is not recommended for financial evaluation with a report which shall state the score awarded to the proposal at the technical evaluation, the reasons for the disqualification of the proposal and the weaknesses of the proposal against the evaluation criteria.

(3) The debrief under this regulation shall be unique to the consultant who makes a request and shall not provide details on any other proposal, other than the information that is otherwise publicly available.

(4) The report shall be provided within five days of a request by a consultant.

(5) A financial proposal that is not evaluated shall be kept unopened.

Evaluation of proposals of single source consultant

112. (1) The evaluation committee shall make a recommendation for award of contract, to a single source consultant where the proposal of the consultant achieves the minimum technical score.

(2) Where the technical proposal of a single source consultant is not administratively compliant or does not meet the minimum technical score, the evaluation committee shall recommend to the procurement committee to reject the proposal and to invite another consultant to submit a proposal.

(3) The evaluation report shall state -

(a) the results of the preliminary examination;

(b) the technical scores awarded by each member of the evaluation committee;

(c) the total technical score for the proposal;

(d) a description of the relative strengths and weaknesses of the proposal;

(e) the price of the financial proposal read out at the proposal opening session;

(f) the results of the assessment of responsiveness to the terms and conditions of the request for proposals;

(g) the evaluated price of the proposal, following any arithmetic corrections or adjustments to the price if any or all were required;

(h) a recommendation to award the contract to the consultant or where the proposal is rejected, the reasons for the

rejection; and

(i) the issues that require negotiations, if any.

(4) The evaluation report shall be prepared using Form 15.

Evaluation of financial proposals under the quality and cost-based evaluation method

113. (1) An evaluation committee shall -

(a) evaluate the financial proposals of the corresponding technical proposals that met the minimum qualifying score under the detailed evaluation for the technical proposals; and

(b) give a financial proposal with the lowest evaluated price a financial score of hundred and other proposals shall each be given a financial score that is inversely proportional to the lowest evaluated price.

(2) Notwithstanding subregulation (1)(b), an evaluation committee may use another method to allocate the scores for the costs where it is provided for in the request for proposals.

(3) An evaluation committee shall, for the purposes of determining the best evaluated proposal, -

(a) weigh the score of the technical and financial proposals using the weights stated in the request for proposal;

(b) obtain the total score of a proposal by adding the weighted score of the technical and financial proposals; and

(c) recommend for award of contract, the consultant who obtains the highest total score under subregulation (b).

(4) The evaluation committee shall prepare an evaluation report which shall indicate -

(a) the total price of the proposal and technical score of each consultant as read out at the public opening of the financial proposals;

(b) the results of the administrative compliance of the proposals to the terms and conditions of the request for proposals and the reasons for the rejection of the proposals that are rejected;

(c) the evaluated price of each proposal, following any corrections or adjustments to the price and the conversion to a single currency;

(d) the score of each financial proposal;

(e) the weighting of the technical and financial scores;

(f) the total score for each proposal; and

(g) a recommendation to award the contract to the consultant who obtains the highest total score under subregulation (3).

(5) The evaluation report shall be prepared using Form 15.

Evaluation of financial proposals under the quality-based evaluation method

114. (1) An evaluation committee shall -

(a) evaluate the financial proposal of the corresponding technical proposal that met the highest qualifying score under the technical evaluation for the technical proposals.

(b) recommend for award of contract, the consultant who obtains the highest qualifying score under the technical evaluation.

(c) prepare an evaluation report which shall indicate -

(i) the price of the financial proposal of the consultnt, following any corrections or adjustments to the price and the technical score of the consultnt as read out at the public opening of the financial proposals;

(ii) the results of the administrative compliance of the proposal to the terms and conditions of the request for proposals; and

(iii) a recommendation to award the contract to the consultant.

(2) The combined technical and financial evaluation report shall be prepared using Form 15.

Evaluation of financial proposals under the fixed budget evaluation method

115. (1) An evaluation committee shall -

(a) evaluate the financial proposals of the corresponding technical proposals that met the minimum qualifying score under the detailed evaluation for the technical proposals; and

(b) prepare an evaluation report which shall indicate -

(i) the total price of the proposal of each consultant and technical score of each consultant as read out at the public opening of the financial proposals;

(ii) the results of the administrative compliance of the proposals to the terms and conditions of the request for proposals and the reasons for the rejection of the proposals that are rejected;

(iii) the evaluated price of each proposal, following any corrections or adjustments to the price and the conversion to a single currency;

(iv) the proposals that were rejected for exceeding or being below the budget by more or less than the tolerance margin;

(v) the ranking of the proposals that are within the budget, using the score of the technical propos-ls;

(vi) a recommendation to award the contract to the consultant who obtains the highest technical score, that is within the budget; and

(vii) where appropriate, a recommendation for negotiation and the issues for negotiations.

(2) The procurement unit shall submit the report of the evaluation committee to the procurement committee for approval without any change or comment.

(3) The evaluation report shall be prepared using Form 15.

Evaluation of financial proposals under the least cost evaluation method

116. (1) An evaluation committee shall -

(a) evaluate the financial proposals of the corresponding technical proposals that met the minimum qualifying score under the technical evaluation for the proposals;

(b) prepare an evaluation report which shall indicate -

(i) the total price of each proposal and the technical score of each proposal as read out at the public opening of the financial proposals;

(ii) the results of the administrative compliance of the proposals to the terms and conditions of the request for proposals and the reasons for the rejection of the proposals that are rejected;

(iii) the evaluated price of each proposal, following any corrections or adjustments to the price and the conversion to a single currency;

(iv) the ranking of the proposals, according to their total proposal price;

(v) a recommendation to award the contract to the consultant with the lowest proposal price, which meets the minimum qualifying technical mark; and

(vi) where appropriate, a recommendation for negotiation and the issues for negotiations; and

(c) recommend for award of contract, a consultant who submits the lowest priced proposal, which meets the minimum qualifying score under the detailed evaluation.

(2) The financial proposals shall be ranked according to the total prices.

(3) An evaluation report shall be -

(a) signed by all the members of the evaluation committee; and

(b) prepared using Form 15.

(4) A procurement unit shall submit the evaluation report to a procurement committee for approval without any change or comment.

Selection of consultants' qualifications selection method

117. (1) An evaluation committee shall select a consultant who is an individual with the best evaluated expression of interest.

(2) The selection shall be conducted using the criteria stated in the invitation for expression of interest.

(3) An evaluation committee shall, during the selection, -

(a) verify that a consultant meets the eligibility criteria stated in the notice;

(b) assess the skills, qualifications and experience of a consultant in relation to the requirements of the terms of reference and criteria stated in the invitation for expression of interest;

(c) reject a consultant who does not substantially meet the requirements of a procuring entity, as defined in the terms of reference; and

(d) rank a consultant who meet the requirements of the procuring entity according to the technical scores of their proposals.

(4) Where it is stated in the invitation for expression of interest, the evaluation committee shall -

(a) consider references; or

(b) use interviews to assess the skills, qualifications and experience of a consultant.

(5) An evaluation committee shall, where an interview is to be conducted, conduct an interview -

(a) after the evaluation of the other criteria with a consultant with the best expression of interest;

(b) by telephone or other appropriate means of communication; and

(c) by at least three members of the evaluation committee who shall prepare a plan for the interview for the approval of the procurement committee, prior to the inter view.

(6) The minutes of the interview shall form part of the evaluation

report.

(7) Subject to the requirement for an interview in this regulation, an evaluation committee shall recommend to a procurement committee to award the contract to a consultant with the best expression of interest.

(8) An evaluation report shall -

(a) contain -

(i) the results of the assessment of responsiveness to the notice inviting expression of interest;

(ii) the score for the expression of interest, awarded by each member of the evaluation committee;

(iii) the total score for the expression of interest;

(iv) a recommendation to request a consultant with the best expression of interest to submit a fee rate; and

(v) a recommendation to invite a consultant with the best expression of interest for negotiations, where necessary;

(b) be signed by all the members of the evaluation committee;

(c) be submitted to a procurement committee for approval; and

(d) be prepared using Form 16.

PART VIII - CONTRACT AWARD

Division I - Contracting

Performance securities

118. (1) A procuring entity may request a performance security for all contracts for goods, works and non-consulting services with national or international competitive tendering.

(2) A bidding document and contract shall, where performance security is required, state the requirements for a performance security including form, wording and the conditions for forfeiture of the security.

(3) Notwithstanding the provisions of subregulation (1), performance securities shall not be required for framework agreements.

(4) The value of any required performance security may be expressed either as a fixed amount or as a percentage of the contract value. The amount shall be between five and ten percent of the contract value.

(5) A procuring entity shall, in determining the amount of performance security required, take into account the cost to the supplier of obtaining a performance security, the value of the contract, the risk of a supplier failing to fulfil his contractual obligations and the extent of protection offered to the procuring entity through alternative means, such as payment retentions.

(6) Where appropriate, the value of a performance security may be progressively reduced, in line with the progress of a supplier in delivering or completing the goods, works or services to which a performance security relates.

(7) A procuring entity shall keep a performance security until the final completion of the contract and shall be released after issuance of the certificate of acceptance of the final report or certificate of completion of works or services if there is no claim filed against the tenderer, contract guarantor or the surety company.

(8) A successful tenderer shall provide a performance security within a time stipulated in a bidding document.

Notice of tender results

119. (1) A procuring entity shall, within five working days after the decision of a procurement committee to award a contract -

(a) deliver a copy of the notice of tender results to all tenderers who participated in the bidding process;

(b) publish a notice of tender results in the public domain; and

(c) send a copy of the notice of tender results of unsuccessful bidders and best evaluated bidder to the Authority for publication on the website of the Authority.

(2) A notice of tender results shall -

(a) not amount to a contract; and

(b) state -

(i) the name of a preferred tenderer;

(ii) the proposed total contract price and, where any scores were awarded during the evaluation process, the total score of the preferred tenderer;

(iii) the date of the notice;

(iv) that a procuring entity shall not award a contract during the cooling off period of ten days from the date of the notice;

(v) the expiry date of the cooling off period specified in paragraph (iv); and

(vi) the unsuccessful tenders and the stage at which their tenders failed or were eliminated.

(3) A procuring entity shall obtain proof of delivery of a notice of

tender results to all tenderers.

(4) A notice of tender results shall be displayed on the procurement notice board of a procuring entity and the website of the Authority until the day following the expiry of the cooling off period.

(5) A bidder may lodge a complaint about the bidding process in accordance with the procedure set out in Part XI of these Regulations.

Procedure for awarding contract

120. A procuring entity shall not issue a contract document, or other communication in any form, conveying acceptance of a bid that binds a procuring entity to a contract with a provider, until -

(a) the procurement committee decides to award the contract;

(b) the cooling off period expires;

(c) the chief accounting officer confirms that the procurement is not subject to any review;

(d) the full amount of the funding for the period of the proposed contract is committed; and

(e) all relevant agencies make the necessary approval of the contract.

Effectiveness of a contract

121. (1) An effectiveness of a contract shall be as specified in the contract.

(2) A procuring entity shall fulfil all its obligations relating to contract effectiveness.

(3) A procuring entity shall cancel a contract award where a supplier fails -

(a) or refuses to sign a written contract without due cause;

(b) to provide the required performance security within the time specified; or

(c) to fulfil any other condition of contract effectiveness.

(6) A procuring entity may, where it had cancelled a contract award in terms of subregulation (3), proceed to -

(a) award a contract to the next ranked tenderer; or

(b) re-tender.

De-briefing to tenderers or consultants

122. (1) A procurement unit shall offer unsuccessful tenderers and the preferred tenderer the opportunity of a debriefing.

(2) A debriefing shall be carried out a team headed by a representative from a procurement unit, with specialist staff as necessary.

(3) A debriefing team shall advise unsuccessful tenderer of -

(a) any areas where their tender was not as responsive as expected; and

(b) the reasons for their lack of success in broad and constructive terms, whilst maintaining the commercial confidentiality of other tenderers.

Division II - Types of Contracts

Choice of contract

123. (1) A procurement unit shall advice on the contract type appropriate for a procurement or disposal after considering the -

(a) nature of the procurement or disposal requirement;

(b) need to minimise risk for a procuring entity;

(c) need to maximise value for money for a procuring entity;

(d) likelihood of any delays or unforeseen circumstances requiring contract extensions, or variations of change of orders; and

(e) need for effective contract management and cost control.

(2) A procuring entity shall use any of the types of contracts specified under this Part.

Lump sum contract

124. (1) A lump sum contract shall include -

(a) a fixed price; and

(b) an interim, milestone or stage payments.

(2) A payment for a lump sum contract shall be linked to clearly specified outputs or deliverables which include -

(a) deliveries of supplies, evidenced by the appropriate delivery documentation;

(b) reports;

(c) drawings;

(d) bills of quantities;

(e) activity schedules; and

(f) any other outputs or deliverables appropriate to a contract.

Time-based contract

125. (1) A payment for a time-based contract shall be based on agreed hourly, daily, weekly or monthly fee for nominated personnel or a certain type or grade of personnel and reimbursable items using actual expenses or agreed unit prices.

(2) A payment rate for personnel shall include salary, social costs, overhead costs, fee or profit and special allowances or any other costs incidental thereto.

(3) A reimbursable item may include -

(a) subsistence, such as per diem or housing;

(b) transport, which may be international or local;

(d) services and equipment such as vehicles, office equipment, furniture and supplies;

(e) office rent;

(f) insurance;

(g) printing of documents;

(h) surveys;

(i) training, if it is a major component of the assignment; and

(j) any other appropriate items.

(4) A time-based contract shall include a maximum amount of total payments to be made including any contingency allowance for unforeseen work and duration.

(5) A time-based contract shall include interim or stage payments.

Admeasurement contract

126. (1) Under an admeasurement contract, works shall be split into various items and the quantity of each item needed to complete the assignment shall be estimated and indicated in a bidding document.

(2) A bidder shall price each work item by indicating a unit rate for each item in the bill of quantities.

(3) An initial total contract price shall be calculated by multiplying the unit rate by the estimated quantity to give a total for each item, and then calculating the sum of the line item totals.

(4) The actual work done shall be measured during the performance of the contract and shall be finally reconciled upon completion of the contract.

(5) A payment shall be made for the actual quantity of work performed.

(6) An admeasurement contract shall include:

(a) fixed prices or price adjustment; and

(b) interim or stage payments.

Cost reimbursable contract

127. Under a cost reimbursable contract, a procuring entity shall pay a provider -

(a) for the actual cost of the works, evidenced by receipts and other appropriate documentation; and

(b) a fee or profit to be agreed upon and specified in the contract.

Retainer contract

128. (1) A payment for a retainer contract shall include a flat fee -

(a) which represents the total payment due, irrespective of the level and amount of services provided during the prescribed period; or

(b) as a retainer for the prescribed period plus a pre-agreed unit rate for services provided.

Success fee contract

129. (1) A payment for a success fee contract, shall be a -

(a) pre-agreed amount linked to the successful completion of a target or event;

(b) percentage of predetermined amount or proceeds; or

(c) a basic flat rate, which is not linked to the successful completion of a task, event or action.

(2) A success fee contract shall describe the nature of the success to which a success fee shall be applicable and the timescale in which the task, event or action shall be achieved.

Framework agreement

130. (1) A payment under a framework agreement shall be for the actual quantity delivered or performed during the time period covered by the call off contract, using the fixed unit prices specified in the contract.

(2) A framework agreement may -

(a) include an estimated quantity or value, but shall not commit to purchasing this estimated quantity or value; and

(b) commit to purchasing a minimum quantity or value or to purchasing all similar requirements from the parties in the framework agreement, where this is necessary or preferable to obtain competitive prices.

Percentage based contract

131. (1) A procuring entity may use a percentage based contract where it is appropriate to relate the fee paid directly to estimated or actual costs or amounts, such as the value of a contract or sale.

(2) A contract shall clearly define the total cost from which the percentage is to be calculated and the percentage to be paid.

(3) A percentage based contract may include -

(a) a fixed target cost or amount;

(b) minimum or maximum fees;

(c) a sliding scale of fees; and

(d) incentives fees, related to any savings made through economic design, discounts obtained, cost reductions or similar.

Cost reimbursable and target price contract

132. (1) A procuring entity may use a cost reimbursable or target price contract for -

(a) emergency works, where there is insufficient time to fully calculate the costs involved; or

(b) high risk works, where it is more economical for the procuring entity to bear the risk of price variations than to pay the contractor to accept the risk, or where a contractor will not accept the risk.

(2) A payment shall be for -

(a) the actual cost of the works, as evidenced by receipts and other appropriate documentation; and

(b) a fee or profit, as specified in the contract.

(3) Where a target price can be agreed, an incentive payment may also be made for any cost savings.

Division III - Contract Management

Contract management

133. (1) A procurement unit official and a person appointed by the Chief Accounting Officer from the user department, shall jointly manage the contract.

(2) A procurement unit official shall share a copy of a contract with a person appointed by the Chief Accounting Officer to manage the contract.

(3) A procurement unit official and the appointed person shall prepare a contract management plan using Form 17 and forward a copy to the Authority for purposes of monitoring.

Appointment of contract manager

134. (1) A user department shall recommend to the Chief Accounting Officer, a member of the user department, with appropriate skills and experience, or who is supervised by a member of the user department who has the appropriate skills and experience, to take part in contract management.

(2) Where a contract is of high value or is complex or forms part of a larger project, the Chief Accounting Officer shall assign the contract to a contract management team, which shall have the same responsibilities as a contract manager.

(3) A contract may be managed by a body or person outside the procuring entity, supervised by a procurement unit official and a person appointed by the Chief Accounting Officer.

Responsibilities of contract manager

135. (1) A contract manager appointed under regulations 135 and 136 shall -

(a) manage the obligations and duties of the procuring entity specified in the contract; and

(b) make certain that the contracted body performs the contract in accordance with the terms and conditions specified in the contract.

(2) A contract manager shall, in the case of a time-based contract, closely monitor the progress of the contract and ascertain that the payments claimed by the contracted body are appropriate and in accordance with the contract terms.

(3) For the purposes of subregulation (1), a contract manager shall -

(a) ascertain that -

(i) a contracted body meets all performance or delivery obligations in accordance with the terms and conditions of a contract;

(ii) a contracted body submits all the required documentation in accordance with the terms and conditions of a contract;

(iii) a procuring entity meets all the payment and other obligations in accordance with the terms and conditions of a contract;

(iv) there is adequate cost, quality and time control, where appropriate;

(v) there is compliance with the Act, these Regulations and best practices;

(vi) all contract obligations are complete before closing the contract file; and

(vii) all contract management records are kept and archived as required;

(b) issue any required variations or change orders, in accordance with the terms and conditions of a contract;

(c) provide full details of a required contract amendment to the procurement unit and obtain the approval of the procurement committee before issuing any amendment;

(d) manage the handover or acceptance procedures;

(e) provide full details of any proposed termination of a contract to the procurement unit and obtain the approval of the Chief Accounting Officer prior to termination;

(f) appraise the performance of the service provider and report on the performance of the provider to the procurement unit; and

(g) submit a monthly report on the progress or completion of the contract to the Chief Accounting Officer and give a copy to the Authority.

(4) A procurement unit shall every three months prepare and submit to the Chief Accounting Officer a report on all contracts signed by a procurement committee, highlighting the problems encountered in managing the contracts.

Price adjustment

136. (1) For contracts with a duration of more than eighteen months, a procuring entity may include a price adjustment provision, where it determines that it is more economical for a procuring entity to accept the risk of increased costs than to pay an additional cost for the supplier to accept the risk.

(2) Where a price adjustment provision is included, a contract shall clearly state-

(a) the formula for calculating adjustments, which shall separate the total price into components, such as labour, equipment, materials and fuel;

(b) price indices for each component specified in the formula;

(c) any correction factor to consider differences in the payment currency and the currencies of the source of the input and price index;

(d) the base date for application of the formula;

(e) the frequency with which the formula shall be applied; and

(f) any minimum variation required to qualify for price adjustment and any other restrictions or conditions.

(3) Where there is an industry standard or where an appropriate formula is not available, a procuring entity shall use the sample formula in Annexure 2.

(4) A contract may also provide that, when the price adjustment provisions result in an increase exceeding a specified percentage or amount of the contract, a procuring entity may either -

(a) terminate the contract; or

(b) re-negotiate the contract in order to stay within the budget or otherwise minimise costs for a procuring entity.

Contract variation

137. (1) Subject to subregulation (2), a procuring entity may at any time after signing the contract issue a contract variation order to the contractor, supplier, and consultant in accordance with the contract, requiring the provider to make changes within the general scope of the contract in -

(a) the drawings, designs, or specifications;

(b) the method of shipment or packing;

(c) the place of delivery;

(d) time of performance or duration of the contract; or

(e) the related services to be provided by the provider.

(2) A procuring entity shall, before issuing a contract variation order, obtain an approval from both the procurement committee and the Authority using the prescribed thresholds in Schedule 4 of the Act.

(3) A procuring entity shall not issue a variation order under these regulations which increases the cost of the contract beyond 0.1 percent in the case of a single change or one percent in the case of cumulative change orders, of the original contract price.

(4) A variation order shall -

(a) be issued by the contract manager; and

(b) not be issued to the contractor, supplier, or consultant without the approval of the procurement committee and the Authority.

Contract amendment

138. (1) A change in the contract which increases the original contract price by more than 0.1 percent of the original contract price shall be effected by amending the contract.

(2) A price to be charged by a provider for any related services that might be needed but which were not included in the contract shall be agreed upon in advance by the parties and shall not exceed the prevailing rates charged to other parties by the provider for similar services.

(3) Notwithstanding subregulation (2) a contract amendment for additional quantities of the same items shall use the same or lower unit prices as

the original contract.

(4) A single contract amendment shall not increase the total contract price by more than fifteen percent of the original contract price for procurement of works and by more than twenty percent of the original contract for procurement of goods and services.

(5) A contract amendment shall not be issued to a contractor, supplier, or consultant without -

(a) commitment of the full amount of funding of the amended contract price over the required period of the revised contract;

(b) obtaining approval from the procurement committee; and

(c) obtaining approval from other concerned bodies including the Attorney General where applicable.

(6) An approval of the other concerned bodies including the Attorney General required under subregulation (6) shall be obtained after approval of the amendment by a procurement committee.

Contract termination

139. (1) A contract document shall specify the grounds on which a contract may be terminated and specify the regulations applicable to termination.

(2) A procuring entity shall obtain the authorisation of a procurement committee which authorised the original contract, prior to terminating the contract.

(3) A request for approval shall clearly state -

(a) the reasons for termination;

(b) actions which have been taken to avoid the need for termination;

(c) the contractual grounds for termination; and

(d) the costs, if any, for which a procuring entity will be liable following termination.

PART IX - FORCE ACCOUNT

Force account

140. (1) Where a procuring entity uses a force account mechanism:

(a) the supplies to be used for the assignment shall be procured in accordance with the requirements of the Act and these Regulations; and

(b) a procuring entity shall incur direct, indirect and overhead costs that are less than those that would be incurred if the assignment was executed by a contractor.

(2) Where there is an emergency or where no contractor is willing to execute the assignment, the force account mechanism may be used, without fulfilling the requirements of sub regulation (1)(b).

(3) For the purpose of ensuring value for money in the application of the force account mechanism, the Chief Accounting Officer of a procuring entity shall, in writing, appoint a member of the procuring entity as supervisor, to supervise the works to be executed under force account.

(4) A supervisor shall -

(a) approve the work plan;

(b) supervise the progress of the assignment;

(c) verify the works undertaken and the costs of the works;

(d) make available, materials, employees, tools and equipment, adequate for the works;

(e) ensure that the works are executed in accordance with

the applicable technical standards and issue performance and completion certificates; and

(f) ensure that the employees and supplies used for the works are commensurate to the works.

(5) An appointment shall indicate -

(a) the functions and powers of the supervisor;

(b) the duration of the assignment;

(c) the reporting mechanism between the supervisor and the Chief Accounting Officer; and

(d) the facilitation to be given to the supervisor.

(6) A supervisor shall submit to the Chief Accounting Officer, progress reports and at the completion of the assignment, a final report.

(7) The Chief Accounting Officer of a procuring entity may, with the approval of the Chief Accounting Officer of another procuring entity, appoint a member of the other procuring entity to perform the functions of supervisor, specified in these Regulations.

Community participation

141. Community participation shall be in accordance with section 105 of the Act and a proposed procedure and an activity to be carried out by community participation shall be packaged and submitted to an appropriate procurement committee for approval following standard practices of relevant bodies and appropriate laws.

PART X ASSET DISPOSAL

Division I - Planning

Disposal process

142. (1) The Chief Accounting Officer shall authorize any disposal by a

procuring entity.

(2) A procurement unit and administration department or appropriate department of a procuring entity that is responsible for the management of the public assets shall recommend appointment of members forming Board of Survey and request of the disposal of a public asset using Form 21.

(3) The Board of Survey shall determine a method of disposal and recommend to the Chief Accounting Officer using Form 22.

(4) The Accountant General shall evaluate and determine reserve price, market price, resale price or residual value of the approved disposal items using Form 23.

(5) A procurement unit shall draft a bidding document, issue appropriate notice and conduct the remaining processes of disposal.

Disposal plan

143. (1) Assets to be disposed of may be grouped in lots in a manner which attracts maximum possible competition in a case of bidding or public auction.

(2) Where an asset is to be disposed of by tender, a procuring entity shall maximize the number of assets to be disposed of at a time in order to reduce transaction costs.

(3) A procuring entity may group assets for the purpose of common disposal.

Valuations and reserve price, residual value or market price.

144. (1) A procuring entity shall obtain a valuation for a public asset prior to the commencement of disposal proceedings.

(2) The valuation shall be obtained from -

(a) the Ministry of Finance under the department responsi ble for register of Government assets; or

(b) a competent authority established under the relevant laws.

(3) The reserve price, residual value or market price shall be the minimum sale price of a public asset.

Division II - Disposal Procedure

Disposal of unserviceable, obsolete, obsolescent or surplus supplies and equipment

145. (1) A procurement unit and administration department or department responsible for management of the public assets shall, at least once a year, recommend appointment of relevant staff of procuring entity and relevant experts where necessary to Chief Accounting Officer for a convening of Board of Survey comprising not less than five with relevant expertise to examine, and group all unserviceable, obsolete, obsolescent or surplus supplies and equipment and report its findings and recommend accordingly.

(2) Where items become unserviceable for reasons other than fair wear and tear, such as through accident or expiry, a set procedure to be established by the Ministry of Finance for handling losses shall be followed before the items are boarded and disposed of.

(3) A procuring entity shall report the disposed items to the Accountant General to allow their removal from the register of Government assets.

Invitation to disposal bid

146. (1) A bidding document and the notice shall -

(a) disclose the reserve price or residual value;

(b) provide full and accurate description of the goods to be disposed;

(c) indicate where assets are located and the time of viewing the assets;

(d) indicate the place, date, time and deadline for submission

of bids; and

(e) indicate payment terms, and where appropriate address the risk and cost of dismantling and removing the goods upon completion of disposal proceedings.

(2) A bidding document shall -

(a) contain instructions on the details of labelling of the sealed tender and reference number; and

(b) require that the bidder contain the price offered and full name and contact address of the tenderer which shall include mailing address, telephone number, and if possible, email address.

(3) A tenderer shall choose his or her preferred type of envelop and method of sealing, but the procuring entity shall at the opening of tenders reject any envelop that is not sealed.

(4) A tenderer may withdraw a written submitted tender at any time before the deadline for submission of tenders by submission of a letter notifying a procuring entity of the withdrawal.

(5) A withdrawal letter shall be submitted in the same way as the tender and shall be opened, read out and recorded at the tender opening.

(6) A submitted tender may be amended at any time before the deadline for submission of tenders and the amendment shall be by a withdrawal of the original tender and submission of a new tender not more than once.

(7) Tenders shall be opened, and prices read out in public and all interested persons shall be allowed to attend the opening.

(8) Where there is no responsive bidding or no offer in an auction, the Chief Accounting Officer shall on the recommendations of the procurement unit dispose the items by another appropriate method or, by destruction, dumping, or burying.

(9) In the case where an identical highest-price tender has been sub-

mitted by more than one tenderer, a procuring entity shall observe the following :

(a) invite tenderers who submitted identically priced tenders to submit a revised tender;

(b) no tender other than those who submitted identical highest-priced tenders shall be permitted to submit a revised tender;

(c) a revised tender shall only contain a revised price which shall not be less than the previous highest bid price and tenderer shall not be permitted to change the terms and conditions, technical details, documentation or any other aspects of their original tender, if any; and

(d) a revised tender shall be written and sealed and submitted in the same way as the original tender.

Description of public assets for disposal

147. (1) A procuring entity shall -

(a) issue notice in a form of internal memo;

(b) request direct negotiations; or

(c) issue out invitation notice and the bidding documents to the public, give a description of a public asset to be disposed of including pictures and size of the asset, the encumbrances on the assets, if any, the current usage, condition and location of the asset.

(2) The description of a public asset shall, where applicable, indicate the risk and cost of dismantling and removing the public asset upon completion of the disposal proceedings.

Inspection of public assets

148. (1) A procuring entity shall offer a reasonable opportunity to po-

tential bidders, to inspect a public asset before the deadline for bidding.

(2) The arrangements for the inspection of the public assets shall be included in the invitation notice and in the bidding documents, where appropriate.

Methods of disposal of public assets

149. A public asset may be disposed of using but not limited to the following methods:

(a) public bidding;

(b) public auction;

(c) direct negotiations;

(d) destruction of the assets;

(e) conversion or classification of assets into another form for disposal by sale;

(f) transfer to another procuring entity;

(g) demolition; and

(h) donation.

Conditions for use of public bidding.

150. (1) The residual value shall be used in public bidding and employees of procuring entity are free to participate.

(2) A public bidding shall be used as a method of disposal where -

(a) the asset is in a remote area;

(b) the asset has a geographically dispersed potential market;

(c) the sale has end-user or export restrictions;

(d) conditions need to be attached to the sale of the asset; or

(e) post-bid negotiations may be required.

Rules for disposal of public assets by public bidding

151. (1) The Chief Accounting Officer may approve requested disposal items.

(2) A procurement unit shall solicit for bids to dispose of a public asset by public bidding by publishing an invitation notice to the public.

(3) An invitation notice to the public shall be published in at least three media newspapers, broadcast media or digital of national circulation and may be communicated to the public using any other appropriate media, which offers an efficient means of communicating with potential bidders and which increases competition.

(4) An invitation notice shall -

(a) be displayed on the procurement notice board of the procuring entity and on the website of the Authority; and

(b) indicate that an interested bidder shall obtain the bidding documents from a procuring entity.

(5) A bidding document for disposal by public bidding shall indicate -

(a) a description of the public asset to be disposed of;

(b) the documentation required for bidding;

(c) the eligibility requirements;

(d) the procedure for signing and authorising bids;

(e) that the public asset is sold on an “as is, where is” basis

or the alternative basis for sale;

(f) the location of the public asset and the arrangements for a potential bidder to inspect the public asset;

(g) the requirement for a bid security or bond, where necessary;

(h) that the substance of a bid including changes in price shall not be sought, offered or permitted after bid closing;

(i) the deadline for submission of bids and the location and method for submission bids;

(j) the arrangements for opening the bids;

(k) the qualification required of the bidders;

(l) the method to be used to evaluate the bids and to award of the contract for disposal;

(m) the conditions of the sale;

(n) the payment procedure and handing over arrangements; and

(o) that the risk and cost of dismantling and removing the public asset is to be the responsibility of the successful bidder.

(6) A bidding document may be sold and where a bidding document are sold, they shall be sold at a price that covers the costs of copying and issuing a document.

(7) A procuring entity shall record the issue or sale of bidding documents using Form 7.

(8) A minimum bidding period shall be fifteen working days.

(9) A bid shall be evaluated using the "price only" methodology.

(10) Where a successful bidder fails to pay the contract price in accordance with the terms of the contract, the procuring entity shall terminate the contract and make an offer to sell to the next highest bidder.

(11) The records of public bidding shall be done using Form 27.

Conditions for use of public auction

152. (1) A public auction shall be used where -

(a) there are many potential bidders for the public asset;

(b) the value of the asset is low; or

(c) more than one public assets are to be disposed of and the assets are at one location.

(2) Where a public auction method is used, the sale price shall be at a reserve price.

Rules for disposal of public assets by public auction

153. (1) The Chief Accounting Officer may approve or not approve the use of the public auction method.

(2) A procuring entity shall solicit for bids to dispose of a public asset by public auction, by publishing an invitation notice to the public.

(3) The invitation notice to the public shall be published in at least one publication of wide national circulation and may be communicated to the public using any other appropriate media, which offers an efficient means of communicating with potential bidders and which increases competition.

(4) The invitation notice shall be displayed on the procurement notice board of the procuring entity and on the website of the Authority.

(5) Any Auctioneer who maybe engaged by the Government, shall be governed by the contractual agreement between the two parties.

(6) A procuring entity shall allow a period of at least ten working days for the potential bidders to inspect the public asset to be auctioned, which shall be between the date of publication of the invitation notice to the public and the date of the public auction.

(7) A bidding at a public auction shall be made orally.

(8) A procedure for bidding at a public auction shall be specified by the auctioneer.

(9) The auctioneer shall -

(a) not negotiate with any bidder; and

(b) at the public auction, announce the successful bidder who shall immediately after the announcement pay the full amount of the contract price.

(10) Notwithstanding anything in this regulation, a public asset shall not be handed over to a bidder until the full contract price is paid and received by the procuring entity.

Appointment of Auctioneer

154. (1) The Ministry of Finance shall appoint the auctioneer licenced to practice in Lesotho to conduct a public auction on behalf of a procuring entity.

(2) The auctioneer shall be procured in accordance with the relevant procurement rules and methods in the Act.

(3) The Ministry of Finance shall, in procuring an auctioneer, consider the -

(a) commission rate;

(b) location and cost of transporting the asset to be disposed of;

(c) facilities;

(d) ability to achieve optimum returns;

(e) performance record and integrity; and

(f) viability of the business.

(4) The auctioneer appointed under this regulation shall provide a performance security in the format required by a procuring entity where requested to do so.

Use of direct negotiations

155. (1) The auctioneer shall, when a sale is made to a particular bidder, use direct negotiations where national security, public interest, health and safety issues, legal and human rights issues or environmental considerations are served.

Rules for disposal of public assets by direct negotiations

156. (1) The Chief Accounting Officer may approve or not approve the use of direct negotiations.

(2) Where a public asset is to be disposed of through direct negotiations, a procuring entity shall obtain a market value for the public asset before the negotiations are conducted.

(3) A procuring entity shall solicit for bids to dispose of a public asset using direct negotiations by issuing a bidding document.

(4) A bidding document shall be drafted using the format issued by the Authority.

(5) The minimum bidding period for disposal by direct negotiations shall be three working days.

(6) The bids shall be evaluated using the "price only" methodology.

(7) Where a successful bidder fails to pay the contract price in accordance with the terms of a contract, a successful bidder shall forfeit the bid security and a procuring entity shall terminate a contract and dispose of the asset

using another appropriate method of disposal.

Destruction of public asset

157. A Board of Survey may recommend the use of destruction of a public asset where -

(a) national security, public interest, health and safety issues, legal and human rights issues or environmental considerations will be served if the public asset is destroyed; or

(b) the public asset has no residual value and it cannot be transferred to another procuring entity, converted or classified into another form with any value or disposed of by donation.

Disposal of public assets by destruction

158. (1) The Chief Accounting Officer may approve the use of disposal by destruction using Form 21.

(2) The Chief Accounting Officer shall state the decision on the Form submitted under subregulation (1).

(3) A procuring entity shall undertake the destruction of the public asset or engage a competent authority or a provider to undertake the destruction.

(4) Where a procuring entity engages a -

(a) service provider to undertake the destruction, the service provider shall be procured in accordance with the relevant procurement rules and methods in the Act; and

(b) competent authority or a service provider to undertake the destruction, the competent authority or service provider shall issue a certificate of destruction to the procuring entity which shall be part of the record of disposal proceedings.

Use of conversion or classification of a public asset into another form for disposal by sale

159. The Board of Survey may recommend conversion or classification of a public asset into another form for disposal by sale -

(a) where national security, public interest, health and safety issues, legal and human rights issues or environmental considerations shall be served if the public asset is converted or classified into another form; or

(b) where the public asset has no residual value in its current form, but where some sale value can be obtained through conversion or classification of the public asset into another form.

Disposal of public assets by conversion or classification of the public assets into another form

160. (1) A procuring entity may engage a competent authority or a provider to undertake the conversion or classification.

(2) Where a procuring entity engages a provider to undertake the conversion or classification, the provider shall be procured in accordance with the relevant procurement rules and methods in the Act.

(3) A competent authority or the provider who undertakes the conversion or classification shall submit evidence of the conversion or classification undertaken and shall be part of the record of disposal proceedings.

Use of trade-in

161. A trade-in shall -

(a) be used where a public asset of a procuring entity shall be upgraded in a convenient, economic and efficient way, by trading-in a surplus public asset of the procuring entity, to offset the purchase price of a new asset; and

(b) not be used where competition and value for money will

not be achieved in the procurement process.

Disposal of public assets by trade-in

162. (1) A procurement unit and administration department or department responsible for management of the public assets shall make a request to the Board of Survey which shall recommend the disposal by trade-in to the Chief Accounting Officer.

(2) The Chief Accounting Officer may approve or not approve disposal by trade-in.

(3) A procuring entity shall solicit for bids for the procurement to be done under the trade-in of a public asset using the relevant regulations on procurement.

(4) The estimated value of the asset of the trade-in shall be included in the estimated value of the procurement.

(5) The disposal process of the trade-in shall be carried out using the appropriate disposal method in accordance with these Regulations.

(6) The disposal process of the trade-in shall be an integral part of the procurement process and shall follow the procurement rules in the Act and these Regulations.

(7) The method used to evaluate trade-in offers shall be stated in the evaluation report.

Transfer of a public asset to another procuring entity

163. (1) A procuring entity shall use a transfer of a public asset to another procuring entity for further use.

(2) A procurement unit and administration department or department responsible for management of the public assets shall make a request to the Board of Survey which shall recommend the transfer to another procuring entity to the Chief Accounting Officer.

(3) The concerned procuring entities shall prior to the transfer, agree

on the following:

(a) subsidiary or linked public assets to be included in or excluded from the transfer;

(b) date for the transfer;

(c) responsibility for transporting the public asset;

(d) procedure of handing over the public asset and the documentation to be transferred with the public asset; and

(e) responsibility for any legal obligations linked to the public asset to be transferred.

(4) The arrangements for the transfer shall be recorded using Form 24.

Use of donation

164. (1) A disposal of public asset by donation shall only be used where -

(a) a procuring entity contributes to charity;

(b) it is more expensive to adopt other methods of disposal; and

(c) the public asset cannot be transferred to another procuring entity.

(2) The disposal referred to in subregulation (1) shall comply with the relevant laws and Government policies.

Disposal of public assets by donation

165. (1) The Chief Accounting Officer may approve disposal of public assets by donation.

(2) A procuring entity shall -

(a) identify a recipient of the public assets to be donated and confirm the interest of the recipient to receive the public asset on the terms and conditions offered by a procuring entity; and

(b) not dispose of a public asset by donation where the procuring entity will incur expenses except where -

(i) there is no other way of disposing of the asset; and

(ii) the cost to be incurred is less than would be incurred if the public asset was destroyed.

(3) These Regulations shall not apply to an asset that is procured by a procuring entity for the purpose of donation to any person.

(4) A procuring entity shall confirm the donation of a public asset using Form 24.

Division V - Evaluation of Disposal Bids

Evaluation of disposal bids

166. (1) The provisions on evaluation of bids for procurement under these regulations shall, with necessary modifications, apply to evaluation of disposal bids.

Evaluation based on price only

167. (1) Where an evaluation is based on the price only, the bidder with the highest price shall be awarded the contract.

(2) An evaluation committee shall, in evaluating the bids -

(a) correct any arithmetic errors;

(b) convert the currency of the bids into a common currency; and

(c) compare the price of each bid with the value of a public asset or the reserve price, as appropriate.

(3) An evaluation committee shall recommend award of a disposal contract to a bidder with the best evaluated price, subject to any reservations regarding the valuation or reserve price.

(4) The evaluation report shall be drafted using Form 25 and shall indicate -

(a) the price of each bid;

(b) correction of arithmetic errors, if any, and the conversion of the bid prices into a common currency;

(c) the best evaluated bid;

(d) the comparison of the best evaluated bid with the valuation or reserve price, if any; and

(e) a recommendation to -

(i) award the contract to the best evaluated bidder;

(ii) cancel the disposal process; or

(iii) dispose of the public asset using another disposal method.

Evaluation based on price and other factors

168. (1) Where the evaluation is based on price and the eligibility requirements and compliance are met, a bid shall be evaluated on a pass or fail basis.

(2) An evaluation committee shall -

(a) use a preliminary examination to assess the eligibility of a bidder on a pass or fail basis and shall reject a bidder who fails to meet the eligibility criteria; and

(b) use a price evaluation to;

(i) correct any arithmetic errors;

(ii) convert the bid prices into a common currency, where applicable; and

(iii) compare the bid price with the valuation of the public asset or reserve price.

(3) A recommendation for contract award shall be in accordance with the specifications in the bidding document.

(4) An evaluation committee shall recommend award of the disposal contract to the bidder with the best evaluated price, and who meets the eligibility requirements and passes the evaluation criteria, subject to any reservations regarding the valuation or reserve price.

(5) An evaluation report shall be prepared using Form 25 and shall indicate -

(a) whether a bidder is eligible;

(b) the results of the application of any other evaluation criteria relevant to public interest;

(c) the price of each bid;

(d) the correction of any arithmetic errors and the conversion to a common currency where applicable;

(e) the best evaluated bid;

(f) a comparison of the best evaluated bid with the valuation or reserve price, if any; and

(g) a recommendation to -

(i) award the contract to the best evaluated bidder and where necessary, to negotiate with the best

evaluated bidder;

(ii) cancel the disposal process; or

(iii) dispose of the public asset using another disposal method.

Submission of record of public auction and evaluation report

169. (1) Where the disposal of a public asset is by public auction, the auctioneer shall within five days from the date of the public auction, submit the name of the highest bidder, the price of the bid, and the proceeds from the public auction, to the Chief Accounting Officer, using Form 26.

(2) Where the disposal method requires the submission of a written bid, the evaluation committee shall submit the name of the highest bidder and the price of the bid, to a procurement committee using Form 25.

Records of disposal of public assets

170. A procuring entity shall, in addition to the records to be kept for each disposal, process and keep the following records -

(a) a report of the board of survey;

(b) a copy of an invitation notice;

(c) a report on the inspection of the public assets by the potential bidders; and

(d) all correspondence between a procuring entity and the bidders, the auctioneer or the third-party disposal agent.

PART XI - TRIBUNAL

Tribunal to review decisions by the Authority.

171. (1) A bidder who is aggrieved by a decision made by the authorized body on debarment or the decision of the Chief Accounting Officer or the Central Tender Board, may make an application to the Tribunal for a review of the of-

fending decision.

(2) A bidder who alleges that the Authority, the Central Tender Board or the Chief Accounting Officer has a conflict of interest in respect of a matter before them and who believes that the matter cannot be handled impartially by the office handling the matter, may apply to the Tribunal for a determination of the allegation and where necessary, of the matter the office is handling.

(3) In addition to subsections (1) and (2), the Tribunal has power to review a decision of the Authority where an application is properly made to the Tribunal by a procuring entity or by any person whose rights are adversely affected by a decision made by the Authority.

(4) For the avoidance of doubt, the following matters shall not be subject to review by the Tribunal -

(a) a decision by a procuring entity to cancel a procurement prior to award of a contract under section 94 of the Act; and

(b) a decision by a procuring entity to limit the participation of bidders under a preference scheme.

(5) The Tribunal may, in reviewing a decision before it, -

(a) suspend any action by the concerned procuring entity, until the Tribunal decides on the matter;

(b) direct the concerned procuring entity, with respect to anything to be done or redone in the procurement or disposal process;

(c) order that the procurement or disposal process be terminated; and

(d) require the payment of compensation for any costs, reasonably incurred by the bidder who is a party to the proceedings, as a result of an unlawful act or decision of the concerned procuring entity or of the Authority.

(6) The Tribunal shall, for the purposes of reviewing a decision of the Chief Accounting Officer, the Central Tender Board or the Authority, make a decision in writing and give reasons for the decision, including its findings on material questions of fact and reference to the evidence or other material on which those findings were based and may -

(a) affirm the decision;

(b) vary the decision;

(c) set aside the decision;

(d) decide to substitute the decision so set aside; or

(e) refer the matter to the party whose decision is reviewed for reconsideration in accordance with any direction or recommendation of the Tribunal.

(7) The Tribunal shall issue a decision within a period of not more than ten days after receiving an application for review.

Powers of the Tribunal.

172. (1) The Tribunal shall have power to -

(a) take evidence on oath;

(b) proceed in the absence of a party who has had reasonable notice of the proceedings.

(c) adjourn the hearing of the proceedings;

(d) make an order as to costs against any party, which shall be enforceable like an order of the High Court; and

(e) request to examine a witness who is inside or outside Lesotho.

(2) Tribunal shall have powers similar to the powers of the Courts of Law to summon a person to appear before it-

(a) to give evidence; or

(b) to produce books, documents or things mentioned in the summons, that are in the possession, custody or control of the person named in the summons.

(3) Where the Tribunal considers it desirable for the purposes of avoiding expenses or delay, or for any other special reason, it may receive evidence by affidavit and administer interrogations and require the persons to whom interrogations are administered to make a full and true reply to the interrogations.

(4) The Chairperson of the Tribunal shall submit to the Authority not later than seven days after issuing their decisions, copies of the decisions concerning complaints or disputes in procurement proceedings.

Application for review by the Tribunal

173. An application to the Tribunal for review of a decision of the Chief Accounting Officer, the Central Tender Board or the Authority shall -

(a) be made in writing in the prescribed form;

(b) include a statement of the reasons for the application;

(c) be lodged with the Tribunal within ten days of being served by the offending decision.

Appeals to the Courts of Law from decisions of the Tribunal

174. (1) A party to proceedings before the Tribunal who is aggrieved by the decisions of the Tribunal, may, within thirty days after being notified of the decision of the Tribunal or within such further time as the Courts of Law may allow, lodge a notice of appeal with the Registrar of the Courts of Law.

(2) A party who intends to appeal against a decision of the Tribunal shall serve a copy of the notice of appeal on the other party to the proceedings before the Tribunal.

(3) An appeal to the Courts of Law shall be made on questions of

law only.

DATED:

DR RETŠELISITSOE MATLANYANE
MINISTER OF FINANCE

NOTE

1. Act No. 3 of 2023

ANNEXURE 1

FORM NUMBER	DESCRIPTION
1	Standard Declaration Form - Board of Directors
2	Standard Declaration Form - Central Tender Board
3	Declaration of conflict of Interest - Procurement Committee/Evaluation committee
4	Requisition Form
5	Open tender Initiation Form
6	Request by Procurement Unit to Procurement Committee for Approval of Procurement Method where exceptional procurement method is required.
7	Record of Issue of Bidding Documents or Addenda Addendum form (services, goods, and works)
8	Record of Minutes of Pre-Bid/Pre-Proposal Meeting
9	Record of Bids Received
10	Record of Bid Opening
11	Report of Assessment and Pre-Qualification Evaluation
12	Technical Evaluation Report under Technical Compliance
13	Technical Evaluation Report Under Quality and Cost Based Evaluation Method
14	Record of Financial Bid Opening
15	Combined Technical and Financial Evaluation Report for Consultancy Services
16	Evaluation Report for Expressions of Interest for Consultancy Services
17	Contract Management Plan
18	Technical Evaluation Report for Consultancy Services
19	Clarification to Procurement Unit on inconsistencies in transactions below schedule 2
20	Clarification to Procurement committee on inconsistencies in transactions on amount in schedule 2 and above
21	Requisition for Disposal Form
22	Board of Survey Disposal Report Form
23	Asset Valuation Form
24	Agreement for the Transfer or Donation of an Asset to Another Procuring Entity or Other institution of interest

25	Disposal Evaluation Report (Evaluation Based on Price Only/ Price and Other Factors)
26	Record of Public Auction
27	Disposal Bidding Report

FORM 1

STANDARD DECLARATION FORM – BOARD OF DIRECTORS

I, ... do solemnly swear to abide by the rules of the Public Procurement Authority including the principles of natural justice, equity, the Code of Ethical Conduct and best practices in the performance of my duties as a member of the Board of Directors of the Public Procurement Authority.

I also confirm that I do not have any direct or indirect interests of whatsoever nature in any item on the Agenda that may give rise to the principles of conflict of interest or cause unfair advantage to any party that is directly or indirectly involved in the particular agenda item.

I shall also, at all times, maintain the required level of confidentiality and professional standards in the performance of my duties as a member of the Board of Directors.

Subscribed and solemnly declared by me at ..... on the ..... day of..... 20…..

Signed by.....

Board Member

FORM 2

STANDARD DECLARATION FORM – CENTRAL TENDER BOARD

I, ... do solemnly swear to abide by the rules of the Public Procurement Authority including the principles of natural justice, equity, the Code of Ethical Conduct and best practices in the performance of my duties as a member of the Central Tender Board.

I also confirm that I do not have any direct or indirect interests of whatsoever nature in any item on the Agenda that may give rise to the principles of conflict of interest or cause unfair advantage to any party that is directly or indirectly involved in the particular agenda item.

I shall also, at all times, maintain the required level of confidentiality and professional standards in the performance of my duties as a member of the Central Tender Board.

Subscribed and solemnly declared by me at ..... on the ..... day of..... 20…..

Signed by.....

Member, Central Tender Board

FORM 3

DECLARATION OF CONFLICT OF INTEREST – PROCUREMENT COMMITTEE/EVALUATION COMMITTEE

Procurement Reference No.: ……

Subject of Procurement: ……

I ……..…….. do hereby declare that I do/ do not have any form of interest in any Agenda item that may give rise to the principles of conflict of interest or cause unfair advantage to any party that is directly or indirectly involved in the particular agenda item.

Designation

Position

Nature of Interest
(Please write NONE if none applicable)

Signature: ……..Date: ……
……

CONFIDENTIALITY

I shall also, at all times, maintain the required level of confidentiality and professional standards in the performance of my duties as a member of the Evaluation Committee/Procurement Committee.

Subscribed and solemnly declared by me at ..... on the ..... day of..... 20……

Signed by.....

FORM 4

REQUESITION FORM

PART 1 INITIATION

Procurement Reference Number

Code of Procuring entity	Supplies/Works/ services	Financial year	Sequence number

Particulars of Procurement

Subject of Procurement	Procurement Plan Reference	Location for Delivery	Date Required

Details relating to the Procurement

Item No.	Description (Attach specifications, terms of reference or scope of works)	Quantity	Unit of Measure	Estimated Unit Cost	Market price of the procurement

General details

Currency:
Estimated Total Cost:

PART 2: DEPARTMENT: ……

REQUESTING OFFICER: ……SIGN: ……
DATE: ……

HEAD OF DEPARTMENT: ……SIGN: ……

DATE: ……

RECOMMENDED/NOT RECOMMENDED

PART 3: PROCUREMENT (Attach Quotations or Supporting documentation and Recommendations for purchase)

DATE RECEIVED: ……TIME: ……
……...……..
SUPPLIER'S NAME: ……
……
ADDRESS: ……TIN No.: ……..……...ESTIMATED COST: ……
HEAD OF PROCUREMENT: ……SIGN: ……
DATE: …..……

PART 4: ACCOUNTS

Vote/head No Programme Sub-programme Item Balance remaining

NAME: ……SIGN: ……
DATE: ……..

PART 5: THE CHIEF ACCOUNTING OFFICER

NAME: ……SIGN: ……

DATE: ……

RECOMMENDED/NOT RECOMMENDED

FORM 5

OPEN TENDER INITIATING FORM

PART 1: INITIATION……

Procurement Reference Number

Code of Procuring entity	Supplies/Works/ services	Financial year	Sequence number

Particulars of Procurement

Subject of Procurement	Procurement Plan Reference	Location for Delivery	Expected Date of Completion

Pre-requisite requirements of the project

Capital project		Current stage of the project and Project Appraisal process (PSIC)		BDS Project Implementation Plan (attach copy of the document)
Yes	No	Initial stage (attach copy of the report and documentations)	Project execution stage (attach copy of the report and documentations)	

Project Budget allocations

Source of funding:

Amount of Public Funds:	**Development partners:**
Initial stage	Execution stage

Currency: Currency:
Total budget Currency:

Central Tender Board processes

Yes No

Details relating to the Procurement

Item No.	Description (Attach specifications, terms of reference or scope of works)	Quantity	Unit of Measure	Estimated Unit Cost	Market price of the procurement

General details Currency:
Estimated Total Cost:

PART 2: DEPARTMENT: ……

REQUESTING OFFICER: ……SIGN: ……
DATE: ……

HEAD OF DEPARTMENT: ……SIGN: ……
DATE: ……

RECOMMENDED/NOT RECOMMENDED

PART 3: PROCUREMENT (Assigned Officer and recommended expert if necessary)

ASSIGNED OFFICERS' NAME: ..……
……AND……

HEAD OF PROCUREMENT: ……..…… SIGN: ……..… DATE: …..……

PART 3: ACCOUNTS

Vote/head No Programme Sub-programme Item Balance remaining

NAME: ……SIGN: ……
DATE: ……..

PART 4: THE CHIEF ACCOUNTING OFFICER

NAME: ……SIGN: ……
DATE: ……

RECOMMENDED/NOT RECOMMENDED

FORM 6

REQUEST BY PROCUREMENT UNIT TO PROCUREMENT COMMITTEE FOR APPROVAL OF PROCUREMENT METHOD WHERE EXCEPTIONAL PROCUREMENT METHODS ARE TO BE USED

Procurement Reference Number

Code of Procuring entity	Supplies/Works/ services	Financial year	Sequence number

Submission by the Procurement Unit (PU)

Date of submission to Procurement Committee:

REQUESTING OFFICER SIGNATURE AND DECLARATION OF CONFLICT OF INTEREST

DECLARATION OF CONFLICT OF INTEREST	**REASONS AND DETAILS OF THE REQUIREMENTS**			
Declaration by Procurement Unit's requesting officers The information contained in this form and the attached documents is complete, true and accurate and in accordance with the Public Procurement Act	Recommended method of procurement and justification	Names of shortlisted supplier (s) or contractor (s) or Consultant (s) and justification for selection	Bidding document. Persons involved in preparation of proposal document (Names and positions)	Names of persons recommended to constitute the Evaluation Committee and the justification (Names and positions)

Cost of the bidding document if any	Any other relevant information

Name:

Position: Procurement Officer

Signature:

Date:

Declaration by head Procurement Unit | Comments | Justification

The information contained in this form and the attached documents is complete, true and accurate and in accordance with the Public Procurement Act

Name:

Position: Head of PU/Secretary of PC

Signature:

Date:

Decision by the Procurement Committee (PC)

Date of Procurement Committee meeting

Recommendations Majority Number | Consensus | Approved | Not Approved

DECLARATION OF CONFLICT OF INTEREST | **VOTE AND JUSTIFICATION (where no consensus reached)**

Declaration by Procurement Committee
The information contained in this form is a true and accurate record of the decision of the Procurement

Vote (Approved/Not Approved) | Justification

Committee meeting held
on the above date and in
accordance with the Public
Procurement Act

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

FORM 7

RECORD OF ISSUENCE OF BIDDING DOCUMENTS OR ADDENDA

Procurement Reference Number

Code of Procuring entity	Supplies/Works/ Services	Financial year	Sequence number

Particulars of Procurement

Subject of procurement	**Date bid document**	**Fee paid**	**Addendum**	**Bid deadline submission**

N0.	**Date of issue**	**Additions/Corrections**

Particulars of Issue of Bidding /pre-qualification Documents

No.	**Name and address of bidder**	**Date and time of issue of documents**	**Person issued with the document and address**	**Signature of person issued with document**	**Name and Signature of officer issuing document**

Particulars of Issue of Addendum no. ……

No.	**Name and address of bidder**	**Date and time**	**Person issued**	**Signature of person**	**Name and**

	of issue of Addendum	with the Addendum and address	issued with Addendum	Signature of officer issuing Addendum

Particulars of Issue of Addendum no. ……

Name and address of bidder	Date and time of issue of Addendum	Person issued with the Addendum and address	Signature of person issued with Addendum	Name and Signature of officer issuing Addendum

I hereby certify that the above is a true and accurate record of the issue of bidding documents.

Procurement Officer

Name: …… Position: ……
.

Signature: …… Date: ……

Head of Procurement
Name: …… Position: ……
.

Signature: …… Date: ……

FORM 8

RECORD OF MINUTES OF PRE-BID/SITE VISIT/PRE-PROPOSAL MEETING

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

Particulars of Procurement

Subject of procurement	**Location of Pre-bid/ proposal Meeting**	**Date and time of Meeting**

Record of Pre-bid/proposal Meeting Minutes

Agenda

Question asked	**Response given**

RECORD OF ATTENDANCE

No	**Name and address**	**Position**	**Company or department**	**Signature**	**Date**

Certification of minutes as a true record of the proceedings of the meeting:

Name: ……Position: Chairperson of the meeting

Signature: ……Date: ……

Note: Record of pre-bid/ proposal meeting to be sent to all bidders who purchased or were issued with the bidding documents.

FORM 9

RECORD OF BIDS RECEIVED

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

Particulars of procurement

Subject of procurement	Deadline for bid submission (date and time)	Location for bid closing

Particulars of receipt or bid closing

No.	Name and address of Bidder	Date of Receipt	Time of Receipt	Number of envelopes	Name of officer who received the bid	Signature of officer who received the bid

Name: ……Chairperson: ……

Signature: ……Date: ……

Name: ……Secretary:……
Signature: …… Date: ……

FORM 10

RECORD OF BID OPENING

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

Particulars of procurement

Subject of procurement	Date and time Of bid opening	Location for bid opening	Type of opening Technical/ Financial/Combined opening

PART 1 - PARTICULARS OF BID OPENING

No	Name and address of the bidder	Currency and price as read out (not applicable in case of technical bids.) except	Bid security/ Proposal securing declaration received (Yes/No)	Bid security (if required) amount	No of copies	Tax clearance	Traders licence

Power of attorney Certificate of bona fide

Name: ……Chairperson: ……
Signature: ……Date: ……
Name: …… Secretary:……
Signature: ……Date: ……

PART II: RECORD OF ATTENDANCE

No	Name and address	Position	Company or Department	Signature

FORM 11

REPORT OF ASSESSMENT AND PRE-QUALIFICATION EVALUATION

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

1. **INTRODUCTION**

(a) The requirement is for [Subject of procurement]…… ……..

(b) The procurement method used and approved by the Procurement Committee was [National/ International competitive tendering] with pre-qualification.

2. **DETAILS OF INVITATION**

(1) The pre-qualification document was approved by the Procurement Committee on [date]……..

(2) The pre-qualification notice was advertised on [date]…… …….in [name of newspaper/publication]…… ……..

(3) The list of bidders who requested for and were issued with the pre-qualification document was recorded using Form 7 which attached.

3. **DETAILS OF BID CLOSING**

(1) Bidding was closed on [date] …… at [time] ……at [location]…… ……...

(2) The receipt of pre-qualification submissions was recorded using Form 9 if applicable which is attached.

4. **DETAILS OF BID OPENING**

(1) A public bid opening was held at [location]…….. on [date]…….. at [time]……

(2) The bid opening and attendance was recorded using Form 10 which is attached.

5. **COMPOSITION OF EVALUATION COMMITTEE**

NAME DEPARTMENT DESIGNATION

6. **SUMMARY OF PRE-QUALIFICATION EVALUATION**

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

Subject of pre-qualification

Evaluation Criteria All pre-qualification submissions received were evaluated against the criteria stated in the pre-qualification document/notice.

Number	1	2	3	4	5	6
Company Name						
Pre-qualification criteria{List all criteria in accordance with the pre-qualification document or notice. Criteria shown BELOW are examples only}.						
Experience/performance on similar contracts in the country/region/ internationally	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO	
Equipment and manufacturing/	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

construction facilities					
Qualifications and experience of personnel	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Financial capability to perform the contract	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Local facilities or representation	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
Available capacity	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO	
Recommendation	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ

KEY: Q = Qualified NQ = Not Qualified {*delete that which is not applicable in the table above*}

7. Remarks

(1) Give a brief narrative on the result of the evaluation and justification with reasons why any pre-qualification submissions were declared non responsive:……
……
……

(2) On the basis of the pre-qualification criteria stated in the Pre-qualification document, ……[number] bidders are pre-qualified and ……[number] are not pre-qualified.

Refer to the attached table, which summarises the evaluation.

(3) Recommendation

It is recommended that [number]……

……..…… bidders be invited to bid, as listed below:

1. ……

2. ……

Signed by the Evaluation Committee

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: …… Signature: ……Date: ……

Name: ……Signature: ……Date: ……

8. **SIGNATURE OF PROCUREMENT COMMITTEE:**

Secretary to Procurement Committee

Secretary's advice if need be

Comments Justification

Name:

Position: Secretary to PC

Signature:

Date:

The signing and conclusions by the

Procurement Committee (PC)

Procurement Committee - Majority Consensus Approved Not Approved
Recommendations

VOTE AND JUSTIFICATION (where no consensus reached)

	Vote (Approved/Not Approved)	Justification
Name:		
Position:	Chairperson of PC	
Signature:		
Date:		
Name:		
Position:	Member of PC	
Signature:		
Date:		
Name:		
Position:	Member of PC	
Signature:		
Date:		
Name:		
Position:	Member of PC	
Signature:		
Date:		
Name:		
Position:	Member of PC	

Signature:

Date:

Annexes:

Form 7: Record of issue of pre-qualification documents
Form 9: Record of receipt of bids
Form 10: Record of bid opening
Summary of pre-qualification evaluation
List of pre-qualified bidders

FORM 12

EVALUATION REPORT UNDER THE TECHNICAL COMPLIANCE EVALUATION METHOD

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Non-consultancy Services	Financial year	Sequence number

***Please read the guidance notes for preparing evaluation report at the end of this Form**

1. **Introduction**

(a) The requirement is for the ……

(b) The procurement method used and approved by the Procurement Committee was [open national bidding/open international bidding/restricted bidding/quotations/direct procurement] [date]……

2. **Details of invitation**

(a) The bidding document was approved by the Procurement Committee on [date] ……

(b) The bid notice was advertised on the [date] …… in [name of publications]……

(c) The list of bidders issued with the bidding document was recorded using Form 7 which is attached.

(d) The pre-qualification evaluation and pre-qualified list were approved by the Procurement Committee on [date] …… {For open bidding with pre-qualification}

(e) The bidding document was issued on [date] …… …….. {For re-

stricted bidding or quotations procurement method or
{For single sourcing procurement}

3. **Addenda to bidding document** {if applicable}
{For addenda}

(a) [Number] …… addendum/addenda was/were approved by the Procurement Committee on [date(s)] …… …… and issued.

(b) The issue of the addendum/addenda was recorded using Form 7 which is attached.

4. **Pre-bid meeting** {if applicable}

(a) A pre-bid meeting was held at [location] …… ……..on [date]…… ……..

(b) The minutes were recorded using Form 8 which is attached.

5. **Details of bid closing**

{For open bidding, restricted bidding and quotations and proposals procurement}

(a) Bidding was closed on [date] …… at [time] …… at [location] ……

(b) The receipt of bids was recorded using Form 9 which is attached {if applicable}.

6. **Details of bid opening**

(a) A public bid opening was held at [location]…… ……..on [date]…… ……at [time] ……

….. {if applicable}

(b) The bid opening session and the attendance was recorded using Form 10 which is attached. {if applicable}

7. **Details of membership of the Evaluation Committee**

COMPOSITION OF EVALUATION COMMITTEE

NAME	**DEPARTMENT**	**DESIGNATION**

8. **Details of evaluation methodology**

The evaluation methodology used was technical compliance evaluation method, which involved the following four stage procedure:

(a) Preliminary examination on a pass/fail basis to determine the eligibility of the bidders and assess their administrative compliance to the Invitation. Non eligible and non compliant bids were eliminated from further evaluation.

(b) Technical evaluation to determine the technical responsiveness of eligible, compliant bids to the technical specification and terms and conditions in the invitation. Bids that were not substantially responsive were eliminated from further evaluation.

(c) Financial comparison to examine and rank financial bids. The lowest price eligible, compliant, substantially responsive bid was ranked first and declared the best evaluated bid.

(d) Post qualification evaluation to determine whether the best evaluated bidder has the capacity and the resources to effectively execute the procurement for the procuring entity.

9. **Preliminary examination**

[Brief narrative on the result of the preliminary examination and justification with reasons why any bid was declared non eligible or non compliant.]

Refer Table 1 which summarises the preliminary examination.

10. **Technical evaluation**

[Brief narrative on the results of the technical evaluation and justification with reasons why any bids were declared nonresponsive. Include details of any nonmaterial, nonconformities, errors or omissions waived or rectified by the evaluation committee and the way in which they were quantified for inclusion in the financial comparison. Include details of all clarifications requested and received from bidders].

Refer to Table 2 which summarises the technical evaluation.

11. **Financial comparison**

[Describe the correction of any arithmetic errors, application of any discounts, adjustments made for any nonmaterial, nonconformities, errors or omissions, conversion to a common currency and application of any margin of preference].

All bids that were eligible, compliant and substantially responsive were ranked, with the lowest priced being ranked first.

Refer Table 3 which summarises the financial comparison.

12. **Evaluation of multiple lots** {if applicable}

A second stage of the financial comparison was undertaken to apply discounts, which were conditional on the simultaneous award of more than one lot.

See the attached spreadsheet which details the application of the conditional discounts.

13. **Post-qualification** (if required)

[Name of bidder] was evaluated against the qualification criteria stated in the bidding document.

[Brief narrative on the result of the post-qualification evaluation and justification with reasons if the bidder was found not qualified against any criteria.]

On the basis of the qualification criteria stated, [name of bidder] …… …….. is qualified/not qualified {if applicable}.

See record that summarises the post-qualification evaluation.

14. **Recommendations** {to be amended as appropriate}

Based on the evaluation methodology and criteria stated in the invitation, it is recommended that -

(a) the best evaluated bid for the procurement of [list all items the recommendation relates to] is from [name of bidder] with a total evaluated price of [currency and amount] ……

(b) the total proposed contract price is [currency and amount] ……..

(c) the total acquisition cost for the requirement is estimated to be [currency and amount …… ……], including [state all incidental costs included in the estimate].

{Repeat these recommendations for split awards or multiple lots}

15. **Signed by the Evaluation Committee:**

We confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:

Name: …… Signature: …… Date: ……

Name: …… Signature: ……Date: ……

Name: …… Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Quotations (if applicable)

15. **A. SIGNATURE OF PROCUREMENT HEAD OF PROCURE-MENT**

Name: ……Signature: ……Date: ……

15. **B. SIGNATURE OF PROCUREMENT COMMITTEE:**

Secretary to Procurement Committee
Secretary's advice if need be

Comments Justification

Name:

Position: Secretary to PC

Signature:

Date:

the signing and conclusions by the
Procurement Committee (PC)

Procurement Committee - Majority Consensus Approved Not Approved

Recommendations

VOTE AND JUSTIFICATION (where no consensus reached)

Vote (Approved/Not Approved) Justification

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Annexes: {amend as appropriate}

Form 7: Record of sale or issue of bidding documents
Form 8: Record of minutes of pre-bid meeting
Form 9: Record of bids received
Form 10: Record of bid opening
Table 1: Preliminary examination
Table 2: Summary of detailed evaluation

Table 3: Summary of financial comparison
Spreadsheets detailing line item comparisons for partial or split awards
Spreadsheets showing application of conditional discounts
Minutes of the meeting of the evaluation committee

Documents available from the Procurement Unit: {to be amended as appropriate}

Copy of the bidding document.
Copy of all bids.

TABLE 1 – PRELIMINARY EXAMINATION AND ASSESSMENT OF ELIGIBILITY

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Non-consultancy Services	Financial year	Sequence number	
	1	2	3	4
Name of Bidder				
Eligibility criteria				
{Complete criteria as per bidding document}	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
Administrative compliance criteria				
{Complete criteria as per bidding document}	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC

	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
Conclusion Remarks	**C/NC**	**C/NC**	**C/NC**	**C/NC**

KEY: C = Compliant NC = Non Compliant {delete that which is not applicable in the table above}

This preliminary examination eliminated [number] bidders, [names of bidders]

TABLE 2 – SUMMARY OF TECHNICAL EVALUATION
(ONLY BIDS THAT ARE ELIGIBLE AND COMPLIANT)

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Non-consultancy Services	Financial year	Sequence number

No.	Name of bidder	Technical responsiveness	State reasons for the responsiveness/non responsiveness. State any nonmaterial nonconformities, errors and omissions accepted and the way in which they were quantified			
			Criteria 1	Criteria 3	Criteria 4	Criteria 5

KEY: R = Responsive NR = Non Responsive {delete that which is not applicable in the table above}
This examination eliminated [number] bidders, [Names of bidders].

TABLE 3 – SUMMARY OF FINANCIAL COMPARISON
(ONLY BIDS THAT ARE ELIGIBLE, COMPLIANT AND SUBSTANTIALLY RESPONSIVE)

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Non-consultancy Services	Financial year	Sequence number

No.	Name of bidder	Bid currency	Bid Total	Corrections made	Discounts	Adjustments made	Corrected amount	Exchange rate	Converted total	Margin of preference
								Evaluated total		Rank

{Attach working spreadsheets detailing line item comparisons for partial or split awards or detailing the application of conditional discounts for multiple lots}.

TABLE 4 – PROCUREMENT COMMITTEE

CLARIFICATIONS FROM EVALUATION COMMITTEE FORM

Enquiry number:……

Date of enquiry/clarification:……

Procurement reference number	**Nature procurement**	**Evaluation completed date**	**Evaluation Committee response**

Area of inquiry/clarifications

Evaluation stages	**Expectation/understanding**	**Inconsistencies**	**Evaluation criteria**	**Consistency**	**Justifications**
Preliminary evaluation stage					
Technical evaluation stage					
Financial evaluation stage					
Scoring stage	Outliers				
	Combinations				

Any other relevant inquiry:

Representative signings

FORM 13

TECHNICAL EVALUATION REPORT UNDER QUALITY AND COST BASED EVALUATION METHOD

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Non-consultancy Services	Financial year	Sequence number

****Please Read the Guidance notes for preparing evaluation report at the end of this Form**

BACKGROUND

1. **Introduction**

(1) The requirement is for the provision of [subject of procurement]……

(2) The procurement/ selection method used and approved by the Procurement Committee was ……

2. **Details of invitation**

{For open bidding with shortlisting of consultants }

(1) The expression interest was approved by Procurement Committee on [date]……

(2) The notice for expression interest was advertised on the [date]… in [name of publications]……

(3) The list of bidders who were issued with the expression of interest documents was recorded using Form 7 which is attached.

(4) The evaluation of expressions of interest and shortlist were approved by the Procurement Committee on [date]…… ……

{For request for proposals procurement}

(1) The bid document /RFP was approved by the Procurement Committee on [date]……

(2) The publication of request for proposal was on the [date]…… ……(if applicable)

(3) The invitation and issue of RFP was on the [date]…… …… to the following shortlisted…… ……

(4) The bidders who were issued with the bid documents/RFP was recorded using Form 7 which is attached.

{For single source procurement}

(1) The bid document and proposed bidder were approved by the Procurement Committee on [date] ……

(2) The bid document was issued on [date] ……

3. **Addenda to bid document**
{For addenda}

(1) [Number] addendum/addenda was/were approved by the Procurement Committee on [date(s)] …… ……and issued.

(2) The issue of the addendum/addenda was recorded using Form 8 which is attached.

4. **Pre-bid meeting** {if applicable}

(1) A pre-bid meeting was held at [location] …… …….on [date] ……

(2) The meeting was recorded using Form 9 which is attached.

5. **Deadline for submission of proposals**

{For open bidding, restricted bidding and quotation method}

(1) Bidding was closed on [date]…… …….at [time] ……at [location] ……..

(2) The receipt of bids was recorded using Form 9 which is attached. (if applicable)

{For single source procurement}
The sealed bid was received on [date] …… ……..

6. **Details of bid opening**

(1) A public bid opening was held at [location] …… ……on [date] …… ……..at [time] ……

(2) The outer envelopes were opened, and checks were made to ensure that the envelopes contained two separately sealed envelopes of technical and financial bids.

(3) Only the technical bids were opened, stamped and signed by the Chairperson.

(4) The financial bids were not opened, however, financial envelops stamped and put into secure storage.

(5) The bid opening and attendance was recorded using Form 10 which is attached.

7. **Details of Evaluation Committee**

The Evaluation Committee approved by the Chief Accounting Officer on [date] ……comprised:

COMPOSITION OF EVALUATION COMMITTEE

NAME **DEPARTMENT** **DESIGNATION**

PART 1: TECHNICAL EVALUATION

8. Details of evaluation method.

The evaluation method being used is the quality and cost based selection method which involves the following procedure:

(a) preliminary examination on a pass/fail basis to determine the eligibility of the bidders and assess their administrative compliance to the Invitation. Non eligible and non compliant bids were eliminated from further evaluation;

(b) Technical evaluation to assess the technical quality of bids against the criteria in the Terms of Reference in the invitation and determine their total technical score using a merit point system. Each bid was compared to the minimum technical qualifying mark stated in the invitation and those not meeting the minimum mark were eliminated from further evaluation;

(c) Financial bids of those bidders who were substantially responsive and met the minimum qualifying mark will be opened and a financial comparison carried out to examine financial bids and determine the financial score of each bid;

(d) Technical and financial scores will be combined, using the weightings given in the invitation, to give a total score for each bid. The bidder with the highest total score will be ranked first and recommended for contract award, subject to any negotiations required.

9. **Preliminary examination**

[Brief narrative on the result of the preliminary examination and justification with reasons why any proposals were declared non eligible or non compliant].

Refer to Table 1, which summarises the preliminary examination.

10. **Technical evaluation (of the eligible, compliant proposals)**

[Brief narrative on the results of the technical evaluation, including strong and weak points of each bid and reasons for any large differences in scores between evaluators. State how many bids reached the minimum qualifying mark and how many failed to reach it].

The strengths and weaknesses of each proposal are highlighted below:

Number	**Name of consultant**	**Strengths**	**Weaknesses**
1.			
2.			
3.			

A summary of the technical scores is given in Table 2, indicating which bids reached the minimum qualifying mark. The score sheets for each bid, showing the scores given by each evaluator against each of the criterion and the average scores are also included as Table 2A and the individual evaluators' score sheets as Table 2B.

11. **Recommendation** {amend as appropriate}

Based on the detailed evaluation criteria and the minimum technical qualifying mark of [minimum qualifying mark] stated in the invitation, it is recommended that the financial bids of the following [number] bidders be opened:

Bid number	Name of bidder	Technical score

12. **Signed by the Evaluation Committee:**

I confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

13. **SIGNATURE OF PROCUREMENT COMMITTEE:**

Secretary to Procurement Committee
Secretary's advice if need be

Comments Justification

Name:

Position: Secretary to PC

Signature:

Date:

The signing and conclusions by the
Procurement Committee (PC)

Procurement Committee - Majority Consensus Approved Not Approved

Recommendations

VOTE AND JUSTIFICATION (where no consensus reached)

Vote (Approved/Not Approved) Justification

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:
Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Annexes: {amend as appropriate}

Form 7 - Record of sale or issue of bidding documents
Form 9 - Record of minutes of pre-bid meeting
Form 10 - Record of bids received

Table 1: Preliminary examination
Table 2: Summary of detailed technical evaluation
Table 2A: Detailed technical evaluation of bid (one in respect of each bidder)
Table 2B: Score sheet for technical evaluation (one for each evaluator)
Minutes of the meeting of the evaluation committee

Documents available from the Procurement: {amend as appropriate}

Copy of the bid document.

Copy of all technical bids.

TABLE 1 – PRELIMINARY EXAMINATION AND ASSESSMENT OF ELIGIBILITY

1	2	3	4	5
Name of Bidder				
Eligibility criteria				
{Complete criteria as per bidding document}	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
Administrative compliance criteria				
{Complete criteria as per bidding document}	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC
Conclusion	**C/NC**	**C/NC**	**C/NC**	**C/NC**

TABLE 2 – SUMMARY OF DETAILED TECHNICAL EVALUATION

Evaluation criteria Maximum { Enter the average scores using Table 2A}

		score					
{Complete criteria and maximum scores as listed in bid document}		**Bidder 1**	**Bidder 2**	**Bidder 3**	**Bidder 4**	**Bidder 5**	**Bidder 6**
A	**Main criteria**						
A1	Sub-criteria						
A2							
A3							
A4							
B	**Main criteria**						
B1	Sub-criteria						
B2							
B3							
B4							
C	**Main criteria**						
C1	Sub-criteria						
C2							
C3							
C4							
D	**Main criteria**						

D1 Sub-criteria

D2

D3

D4

E Main criteria

E1 Sub-criteria

E2

E3

E4

Totals 100

Minimum qualifying mark Pass/Fail Pass/Fail Pass/Fail Pass/Fail Pass/Fail Pass/Fail

TABLE 2A – COMBINED DETAILED TECHNICAL EVALUATION OF PROPOSAL

NAME OF Bidder: …… Date:……sign:……

Evaluation Criteria	**Maximum score**	**{Enter the scores awarded by each evaluator using Table 2B}**				
{Complete criteria and maximum scores as listed in the bid document}		**Evaluator 1**	**Evaluator 2**	**Evaluator 3**	**Evaluator 4**	**Evaluator 5**
						Average

A	**Main criteria**
A1	Sub-criteria
A2	
A3	
A4	
B	**Main criteria**
B1	Sub-criteria
B2	
B3	
B4	
C	**Main criteria**
C1	Sub-criteria
C2	
C3	
C4	
D	**Main criteria**
D1	Sub-criteria
D2	
D3	
D4	

E Main Criteria

E1 Sub-criteria

E2

E3

E4

Totals

TABLE 2B – EVALUATOR'S SCORE SHEET FOR DETAILED TECHNICAL EVALUATION

Name of Evaluator: ……

Evaluation Criteria	**Max Score**					
{Complete criteria and maximum scores as listed in bid document}	**Bidder 1**	**Bidder 2**	**Bidder 3**	**Bidder 4**	**Bidder 5**	**Bidder 6**
A Main criteria						
A1 Sub-criteria						
A2						
A3						
A4						
B Main criteria						
B1 Sub-criteria						

B2

B3

B4

C **Main criteria**

C1 Sub-criteria

C2

C3

C4

D **Main criteria**

D1 Sub-criteria

D2

D3

D4

E **Main criteria**

E1 Sub-criteria

E2

E3

E4

Totals

Italic text in { } brackets indicates either an instruction for preparing the report, which should be deleted from the final report or a section included for a possible

option, where the whole section should be deleted if not appropriate.

Normal text in [ ] brackets indicates data which should be completed for each evaluation.

FORM 14

RECORD OF FINANCIAL BID OPENING

Procurement reference number

Code of Procuring entity | Consultancy services | Financial year | Sequence number

Particulars of Procurement

Subject of procurement: | Date and time of bid opening | Location of bid Opening:

PART 1: Record of bids opened and details read out

No | Name and address of the bidder | Currency and price of financial bid | Remarks

All bids were received on time in response to the bid documents and were opened, read out and recorded:

Name: ……Chairperson: ……

Signature: ……Date: ……

Name: …… Secretary:……

Signature: ……Date: ……

RECORD OF ATTENDANCE

No | Name and address | Title | Company or Department | Date | Signature

FORM 15

COMBINED (TECHNICAL AND FINANCIAL) EVALUATION REPORT UNDER QUALITY AND COST BASED EVALUATION METHOD

****Please read the guidance notes for preparing evaluation report at the end of this Form**

Procurement reference number

Code of Procuring entity | Consultancy services | Financial year | Sequence number

Procurement Unit evaluation Coordination information

Responsible office's Name | Title | Start Date | Signature

1. **Introduction**

(1) On..... (date), the Procurement committee approved the technical evaluation report :

(2) A copy of the technical evaluation is attached.

FINANCIAL COMPARISON

2. **Details of financial bid opening**

(1) A public opening of financial bids was held at [location]…… …….. on [date] at [time]……

(2) The financial bids were opened, stamped and signed by the Chairperson and the price and technical score read out.

(3) The record of financial bid opening was recorded using Form 14 which is attached.

{For quality and cost based selection}

3. **Financial comparison**

[Describe the correction of any arithmetic errors, application of any discounts, adjustments made for any nonmaterial, nonconformities, errors or omissions, conversion to a common currency and application of any margin of preference.] The bid with the lowest evaluated price was given a score of 100 and the other bids were given financial scores that were inversely proportional to the lowest priced proposal.

{Or describe other methodology for allocating financial scores, in accordance with the invitation.}

Refer to Table 1 which summarises the financial comparison.

4. **Total technical and financial score**

(1) A total score was obtained by weighting the technical and financial scores, using the weights stated in the invitation, and adding them together.

(2) The technical weight was [technical weight] % and the financial weight was [financial weight] %.

(3) The bids were ranked according to total score, with the highest total score being ranked first.

Refer to Table 2 which summarises the technical and financial scores and weightings and the total scores and rankings.

5. **Post-qualification** (if required)

(1) [Name of bidder]…….. was evaluated against the qualification criteria stated in the bidding document.

(2) [Brief narrative on the result of the post-qualification evaluation and justification with reasons if the bidder was found not qualified against any criteria.]

(3) Based on the qualification criteria stated, [name of bidder] …… ……..is qualified/not qualified {delete as applicable}.

See record that summarises the post-qualification evaluation.

6. **Recommendations** {amend as appropriate}

Based on the evaluation methodology and criteria stated in the invitation, it is recommended that -

(1) the best evaluated bid for the procurement of [procurement subject] is from [name of bidder] with a total evaluated price of [currency and amount].

(2) the total proposed contract price is [currency and amount].

(3) the total acquisition cost for the requirement is estimated to be [currency and amount], including [state all incidental costs included in the estimate].

7. **Signed by the Evaluation Committee:**

I confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:
Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

9. **SIGNATURE OF PROCUREMENT COMMITTEE:**

Secretary to Procurement Committee
Secretary's advice if need be

Comments Justification

Name:

Position: Secretary to PC

Signature:

Date:

The signing and conclusions by the Procurement Committee (PC)

Procurement Committee - Majority Consensus Approved Not Approved

Recommendations

VOTE AND JUSTIFICATION (where no consensus reached)

Vote (Approved/Not Approved) Justification

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Annexes:

Technical evaluation report under quality and cost based evaluation method.

Form 14: Record of financial bid opening

Table 1: Summary of financial comparison

Table 2: Technical and financial evaluation summary

Minutes of the meeting of the evaluation committee

Documents available from the Procurement : {amend as appropriate}

Copy of all financial bid

FORM 16

EVALUATION REPORT FOR EXPRESSIONS OF INTEREST FOR CONSULTANCY SERVICES

Procurement reference number

Code of Procuring entity | Consultancy services | Financial year | Sequence number

Procurement Unit evaluation Coordination information

Responsible office's Name | Title | Start Date | Signature

1. **Introduction**
{For expression of interest}

(i) The requirement is for [subject of procurement]……
……

(ii) The procurement method used and approved by the Procurement Committee was through publication of a notice inviting expression of interest and developing a shortlist.

2. **Details of invitation**
{For expression of interest}

(a) The expression of interest notice was approved by the Procurement Committee on [date]……
……..

(b) The expression of interest notice was advertised on the [date]…
…… in [name of publication]……
……..

(c) The list of consultants requesting the expression of interest document was recorded using Form 7 which is attached.

3. **Details of expression of interest**

(a) Submission of expressions of interest applications closed on [date]……..at [time]…… at [location]……

(b) The receipt of expressions of interest applications was recorded using Form 9 which is attached .

4. **Details of expression of interest**

A public opening was held at [location]…….. on [date]…… at [time]…… The expression of interest opening and attendance was recorded using Form 10 which is attached.

5. **Details of Evaluation Committee**

The evaluation committee approved by the Chief Accounting Officer on [date]…….. comprised:

NAME	DEPARTMENT	DESIGNATION

6. D**etails of the evaluation**
{For expression of interest}

(1) All expressions of interest submissions received were evaluated against the criteria stated in the expression of interest notice. [Brief narrative on the result of the evaluation and justification with reasons why an expression of interest, if any, was declared non responsive.]

(2) Based on of the expression of interest criteria stated, [number]…….. consultants are shortlisted and [number]…….. are not shortlisted.

See the attached table 1., which summarises the evaluation.

7. **Recommendation**
{For expression of interest }

It is recommended that the following consultants be invited to submit proposals:

(i) ……

(ii) ……..

(iii) ……..

8. **Recommendation**

It is recommended that [number – maximum five]…… consultants be retained on file as shortlisted and shall be used in the future for [subject of procurement or similar nature of procurement]……

9. **Signed by the Evaluation Committee:**

I confirm that this expression of interest/ pre-qualification evaluation report gives a complete and accurate report of the expression of interest conducted:

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

9. **SIGNATURE OF PROCUREMENT COMMITTEE:**

Secretary to Procurement Committee
Secretary's advice if need be

Comments Justification

Name:

Position: Secretary to PC

Signature:

Date:

The signing and conclusions by the Procurement Committee (PC)

Procurement Committee - Majority Consensus Approved Not Approved

Recommendations

VOTE AND JUSTIFICATION (where no consensus reached)

Vote (Approved/Not Approved) Justification

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Annexes: {amend as appropriate}

Form 7 - Record of issue of expression of interest/request for proposals/addenda
Form 9- Record of receipt of expression of interest/proposals
Form 10 - Record of opening of expression of interest
Summary of expression of interest evaluation

Documents available from the Procurement Unit: {amend as appropriate}

Copy of the expression of interest notice.
Copy of all expression of interest submissions.
Copy of the expression of interest document.
Copy of all expression of interest applications.

Table 1: SUMMARY OF EXPRESSION OF INTEREST EVALUATION

Consultant's name	**1**	**2**	**3**	**4**	**5**	**6**
Expression of interest criteria {List all criteria in accordance with the expression of interest notice. Criteria shown are examples only}.						
Experience/performance on similar contracts in the country/region/internationally	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ
Qualifications and experience of personnel	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ
Local facilities or representation	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ

Available capacity	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ	Q/NQ
Recommendation	**Q/NQ**	**Q/NQ**	**Q/NQ**	**Q/NQ**	**Q/NQ**	**Q/NQ**

KEY: Q = Qualified NQ = Not Qualified

As a result of this expression of interest evaluation, …….. consultants were declared qualified and …….. consultants were declared not qualified.

Name: ……Representative: ……

Signature: ……Date: ……

Name: ……Coordinator:……

Signature: ……Date: ……

On behalf of the Evaluation Committee

FORM 18

TECHNICAL EVALUATION REPORT FOR CONSULTANCY SERVICES

Procurement reference number

Code of Procuring entity | Consultancy services | Financial year | Sequence number

Procurement Unit evaluation Coordination information

Responsible office's Name | Title | Start Date | Signature

****Please read the guidance notes for preparing evaluation report at end of this Form.**

BACKGROUND

1. **Introduction**

(1) The requirement is for the provision of [subject of procurement]……

(2) The procurement/ selection method used and approved by the Procurement Committee was ……

2. **Details for development of a shortlist with publication of a notice inviting expression of interest/invitation**

(1) The expression interest was approved by Procurement Committee on [date]……

(2) The notice for expression interest was advertised on the [date]…… in [name of publications]……

(3) The list of bidders who were issued with the expression of interest documents was recorded using Form 7 which is attached.

(4) The evaluation of expressions of interest and shortlist were

approved by the Procurement Committee on [date]……
……

2**A. Details of Request for proposal**

(1) The bid document /RFP was approved by the Procurement Committee on [date]……

(2) The publication of request for proposal was on the [date]……
……(if applicable)

(3) The invitation and issue of RFP was on the [date]……
…… to the following shortlisted……
……

(4) The bidders who were issued with the bid documents/RFP was recorded using Form 7 which is attached..……
……..

2**B. Details for development of a shortlist without publication of a notice inviting expression of interest/invitation**

(1) The request for proposals (RFP) document and shortlist were approved by the Procurement Committee on [date] ……
……..

(2) The consultants who were issued with the proposal documents/ request for proposals were recorded using Form77 which is attached.

2**C. Details for invitation of a single source consultant**

(1) The proposal document and proposed single/sole consultant were approved by the Procurement Committe on [date] ……
……..

(2) The consultants who were issued with the proposal documents/ request for proposals were recorded using Form77 which is attached.

3. **Addenda to bid document**
{For addenda}

(1) [Number] addendum/addenda was/were approved by the Procurement Committee on [date(s)] ……
…….and issued.

(2) The issue of the addendum/addenda was recorded using Form 8 which is attached.

4. **Pre-bid meeting** {if applicable}

(1) A pre-bid meeting was held at [location] ……
……..on [date……

(2) The meeting was recorded using Form 9 which is attached.

5. **Deadline for submission of proposals**
{For open bidding, restricted bidding and quotation method}

(1) Bidding was closed on [date]……
…….at [time] ……at
[location] ……..

(2) The receipt of bids was recorded using Form 9 which is attached. (if applicable)

{For single source procurement}
The sealed bid was received on [date] ……

6. **Details of bid opening**

(1) A public bid opening was held at [location] ……
……on [date] ……
…….at [time] ……

(2) The outer envelopes were opened, and checks were made to ensure that the envelopes contained two separately sealed envelopes of technical and financial bids.

(3) Only the technical bids were opened, stamped and signed by the Chairperson.

(4) The financial bids were not opened, however, financial envelops stamped and put into secure storage.

(5) The bid opening and attendance was recorded using Form 10 which is attached.

7. **Details of Evaluation Committee**

The Evaluation Committee approved by the Chief Accounting Officer on [date] ……comprised:

COMPOSITION OF EVALUATION COMMITTEE

NAME	**DEPARTMENT**	**DESIGNATION**

{For quality and cost based selection}

8**A. Details of evaluation method**

The evaluation method being used is the quality and cost based selection method which involves the following procedure:

(i) preliminary examination on a pass/fail basis to determine the eligibility of the consultants and assess their administrative compliance to the Invitation. Non eligible and non compliant proposals were eliminated from further evaluation.

(ii) detailed evaluation to assess the technical quality of proposals against the criteria in the Terms of Reference in the invitation and determine their total technical score using a merit point system. Each proposal was compared to the minimum technical qualifying mark stated in the invitation and those not meeting the minimum mark were eliminated from further evaluation.

(iii) financial proposals of those consultants who were sub-

stantially responsive and met the minimum qualifying mark will be opened and a financial comparison carried out to examine financial proposals and determine the financial score of each proposal; and

(iv) technical and financial scores will be combined, using the weightings given in the invitation, to give a total score for each proposal. The consultant with the highest total score will be ranked first and recommended for contract award, subject to any negotiations required.

9**A. Preliminary examination**

[Brief narrative on the result of the preliminary examination and justification with reasons why any proposals were declared non eligible or non compliant]. See Table 1, which summarises the preliminary examination.

10**A. Technical evaluation (of the eligible, compliant proposals)**

[Brief narrative on the results of the technical evaluation, including strong and weak points of each proposal and reasons for any large differences in scores between evaluators. State how many proposals reached the minimum qualifying mark and how many failed to reach it].
The strengths and weaknesses of each proposal are highlighted below in the Table below:

No. Name of consultant Strengths Weaknesses

A summary of the technical scores is given in Table 2, indicating which proposals reached the minimum qualifying mark. The score sheets for each proposal, showing the scores given by each evaluator against each of the criterion and the average scores are also included as Table 2A and the individual evaluators' score sheets as Table 2B.

11**A. Recommendation** {amend as appropriate}

Based on the technical evaluation criteria and the minimum technical qualifying mark of [minimum qualifying mark] stated in the invitation, it is recommended that the financial proposals of the following …… [number] consultants in the Table below be opened:

Proposal number	Name of consultant	Technical score

{For quality based selection}

8**B. Details of evaluation method**

The evaluation method being used is quality based selection method, using a one-stage, two-envelope submission method, which involves the following procedure:

(a) Preliminary examination on a pass/fail basis to determine the eligibility of the consultants and assess their administrative compliance to the Invitation. Non eligible and non compliant proposals were eliminated from further evaluation;

(b) Detailed evaluation to assess the technical quality of proposals against the criteria in the Terms of Reference in the invitation and determine their total technical score using a merit point system. Proposals that were substantially responsive were ranked according to technical score; and

(c) The financial proposal of the consultant with the highest technical mark will be opened and a financial comparison carried out to examine the financial proposal. The consultant will be recommended for contract award subject to any negotiations required.

9**B. Preliminary examination**

[Brief narrative on the result of the preliminary examination and justification with reasons why any proposals were declared non eligible or non compliant.] See Table 1, which summarises the preliminary examination.

10**B. Detailed technical evaluation (of the eligible, compliant proposals)**

[Brief narrative on the results of the technical evaluation, including strong and weak points of each proposal and reasons for any large differences in scores between evaluators. State which proposal obtained the highest technical score.]

The strengths and weaknesses of each proposal are highlighted in the Table below:

No.	Name of consultant	Strengths	Weaknesses

A summary of the technical scores is given in Table 2, indicating which proposals reached the minimum qualifying mark. The score sheets for each proposal, showing the scores given by each evaluator against each of the criterion and the average scores are also included as Table 2A and the individual evaluators' score sheets as Table 2B.

11**B. Recommendation** {amend as appropriate}

Based on the detailed evaluation criteria stated in the invitation, it is recommended that the financial proposal of [name of consultant] be opened and preparations be made for negotiations.

{For least cost selection}

8**C. Details of evaluation method**

The evaluation method being used is least cost selection, which involves the following procedure:

(a) Preliminary examination on a pass/fail basis to determine the eligibility of the consultants and assess their administrative compliance to the Invitation. Non eligible and non compliant proposals were eliminated from further evaluation;

(b) Detailed evaluation to assess the technical quality of proposals against the criteria in the Terms of Reference in the invitation and determine their total technical score using a merit point system. Each proposal was compared to the minimum technical qualifying mark stated in the invitation and those not meeting the minimum mark were eliminated from further evaluation; and

(c) Financial proposals of those consultants who were substantially responsive and met the minimum qualifying mark will be opened and a financial comparison carried out to examine financial proposals and rank the proposals according to price. The consultant submitting the lowest priced proposal will be ranked first and recommended for contract award, subject to any negotiations required.

9**C. Preliminary examination**

[Brief narrative on the result of the preliminary examination and justification with reasons why any proposals were declared non eligible or non compliant.] See Table 1, which summarises the preliminary examination.

10**C. Detailed technical evaluation (of the eligible, compliant proposals)**

No. Name of consultant Strengths Weaknesses

[Brief narrative on the results of the technical evaluation, including strong and weak points of each proposal and reasons for any large differences in scores between evaluators. State how many proposals reached the minimum qualifying mark and how many failed to reach it.]
The strengths and weaknesses of each proposal are highlighted in the Table below:

A summary of the technical scores is given in Table 2, indicating which proposals reached the minimum qualifying mark. The score sheets for each proposal, showing the scores given by each evaluator against each of the criterion and the average scores are also included as Table 2A and the individual evaluators' score sheets as Table 2B.

11**C. Recommendation** {amend as appropriate}

Based on the detailed evaluation criteria and the minimum technical qualifying mark of [minimum qualifying mark] stated in the invitation, it is recommended that the financial proposals of the following …… [number] consultants in the Table below be opened:

Proposal number Name of consultant Technical score

{For fixed budget selection}
8**D. Details of evaluation method**

The evaluation method being used is fixed budget selection which involves the following procedure:

(a) preliminary examination on a pass/fail basis to determine the eligibility of the consultants and assess their administrative com-

pliance to the Invitation. Non eligible and non compliant proposals were eliminated from further evaluation;

(b) detailed evaluation to assess the technical quality of proposals against the criteria in the Terms of Reference in the invitation and determine their total technical score using a merit point system. Each proposal was compared to the minimum technical qualifying mark stated in the invitation and those not meeting the minimum mark were eliminated from further evaluation; and

(c) financial proposals of those consultants who were substantially responsive and met the minimum qualifying mark will be opened and a financial comparison carried out to examine financial proposals and reject any proposals which exceed the budget (+/- 15%). The consultant submitting the highest ranked technical proposal among those within the budget will be recommended for contract award, subject to any negotiations required.

9**D. Preliminary examination**

[Brief narrative on the result of the preliminary examination and justification with reasons why any proposals were declared non eligible or non compliant.] Refer to Table 1, which summarises the preliminary examination.

10**D. Detailed technical evaluation (of the eligible, compliant proposals)**

[A brief narrative on the results of the detailed technical evaluation, including strong and weak points of each proposal and reasons for any large differences in scores between evaluators. State how many proposals reached the minimum qualifying mark and how many failed to reach it].

The strengths and weaknesses of each proposal are highlighted below:

Number Name of consultant Strengths Weaknesses

A summary of the technical scores is given in Table 2, indicating which proposals reached the minimum qualifying mark. The score sheets for each proposal, showing the scores given by each evaluator against each of the criterion and the average scores are also included as Table 2A and the individual evaluators' score sheets as Table 2B.

11**D. Recommendation** {amend as appropriate}

Based on the detailed evaluation criteria and the minimum technical qualifying mark of [minimum qualifying mark] stated in the invitation, it is recommended that the financial proposals of the following _____ [number] consultants be opened:

{For single consultants and sole source consultants}

8**E. Details of evaluation method.**

The evaluation of the single proposal involves the following procedure:

(a) preliminary examination to determine administrative compliance to the request for proposals;

(b) detailed evaluation to assess the technical quality of the proposal against the criteria in the Terms of Reference in the RFP and determine its technical score using a merit point system; and

(c) financial comparison to examine the financial aspects of the proposal and determine its total price.

9**E. Preliminary examination**

[Brief narrative on the result of the preliminary examination. Where the proposal is non compliant, detailed justification must be provided and the Evaluation Committee should amend later sections of this report to make appropriate recommendations.]
Refer to Table 1, which summarises the preliminary examination.

10**E. Detailed technical evaluation**

[Brief narrative on the results of the detailed evaluation
Where the proposal is non responsive, detailed justification must be provided and the Evaluation Committee should amend later sections of this report to make appropriate recommendations. Include details of any nonmaterial nonconformities, errors or omissions waived or rectified by the evaluation committee. Include details of all clarifications requested and received from the consultant.]

The strengths and weaknesses of each proposal are highlighted in the Table below:

No.	Name of consultant	Strengths	Weaknesses

The technical scores are given in Table 3, showing the scores given by each evaluator against each of the criterion and the average score.

11**E. Recommendations** {amend as appropriate}

Based on the evaluation methodology and criteria stated in the request for proposals, it is recommended that -

(a) the best evaluated proposal for the procurement of [list all items the recommendation relates to] is from [name of consultant] with a total evaluated price of [currency and amount];

(b) negotiations are/are not required;

(c) the total proposed contract price is [currency and amount]; and the total acquisition cost for the requirement is estimated to be [currency and amount], including [state all incidental costs included in the estimate].

(d) the total acquisition cost for the requirement is estimated to be [currency and amount], including [state all incidental costs included in the estimate].

12. **Signed by the Evaluation Committee:**

I confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

13. **SIGNATURE OF PROCUREMENT COMMITTEE:**

Secretary to Procurement Committee
Secretary's advice if need be

Comments Justification

Name:

Position: Secretary to PC

Signature:

Date:

The signing and conclusions by the
Procurement Committee (PC)

Procurement Committee - Majority Consensus Approved Not Approved

Recommendations

VOTE AND JUSTIFICATION (where no consensus reached)

Vote (Approved/Not Approved) Justification

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Member of PC
Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:
Position: Member of PC

Signature:

Date:

Annexes: {amend as appropriate}

Form 6 - Record of issue of expression of interest/request for proposals/addenda

Form 8- Record of minutes of pre-proposal meeting

Form 8- Record of proposals

Form 9- Record of opening of expression of interest /technical proposals

Table 1: Preliminary examination

Table 2: Summary of detailed technical evaluation

Table 2A: Detailed technical evaluation of proposal (one in respect of each consultant)

Table 2B: Score sheet for technical evaluation (one for each evaluator)

Table 3: Negotiation Plan

Documents available from the Procurement Unit: {amend as appropriate}

Copy of the proposal document.
Copy of all technical proposals.

TABLE 1 – PRELIMINARY EXAMINATION AND ASSESSMENT OF ELIGIBILITY

	1	2	3	4	5
Name of consultant					
Eligibility criteria					
{Complete criteria as per proposal document}	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
Administrative compliance criteria					
{Complete criteria as per proposal document}	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC

	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC
Conclusion	**C/NC**	**C/NC**	**C/NC**	**C/NC**	**C/NC**

TABLE 2 – SUMMARY OF DETAILED TECHNICAL EVALUATION

Evaluation criteria	**Maximum score**	**{ Enter the average scores using Table 2A}**				
{Complete criteria and maximum scores as listed in proposal document}	Consultant 1	Consultant 2	Consultant 3	Consultant 4	Consultant 5	Consultant 6
A	**Main criteria**					
A1	Sub-criteria					
A2						
A3						
B	**Main criteria**					
B1	Sub-criteria					
B2						
B3						

C	**Main criteria**
C1	Sub-criteria
C2	
C3	
D	**Main criteria**
D1	Sub-criteria
D2	
D3	
E	**Main criteria**
E1	Sub-criteria
E2	
E3	
Totals	**100**

Minimum qualifying mark	**Pass/Fail**	**Pass/Fail**	**Pass/Fail**	**Pass/Fail**	**Pass/Fail**	**Pass/Fail**	**Pass/Fail**

TABLE 2A – DETAILED TECHNICAL EVALUATION OF PROPOSAL
NAME OF EVALUATOR _____

Evaluation Criteria	**Maximum score**	**{Enter the scores awarded by each evaluator using Table 2B}**				
{Complete criteria and maximum cores as listed in the proposal document}	**Evaluator 1**	**Evaluator 2**	**Evaluator 3**	**Evaluator 4**	**Evaluator 5**	**Average**
A	**Main criteria**					
A1	Sub-criteria					
A2						
A3						
B	**Main criteria**					
B1	Sub-criteria					
B2						

B3	
C	**Main criteria**
C1	Sub-criteria
C2	
C3	
D	**Main criteria**
D1	Sub-criteria
D2	
D3	
E	**Main criteria**
E1	Sub-criteria
E2	
E3	

Totals 100

TABLE 2B – EVALUATOR'S SCORE SHEET FOR DETAILED TECHNICAL EVALUATION

Evaluation Criteria		**Max Score**					
{Complete criteria and maximum scores as listed in the proposal document}		**Consultant 1**	**Consultant 2**	**Consultant 3**	**Consultant 4**	**Consultant 5**	**Consultant 6**
A	**Main criteria**						
A1	Sub-criteria						
A2							
A3							
B	**Main criteria**						
B1	Sub-criteria						
B2							
B3							

C	**Main criteria**
C1	Sub-criteria
C2	
C3	
D	**Main criteria**
D1	Sub-criteria
D2	
D3	
E	**Main criteria**
E1	Sub-criteria
E2	
E3	
Totals	**100**

TABLE 3 – NEGOTIATION PLAN

Subject of procurement:

Name of consultant:

ISSUE	**OBJECTIVES**	**NEGOTIATION PARAMETERS**

** This form shall be used by the Evaluation Committee to prepare an evaluation report for consultancy services. It is appropriate for all the methods of procurement for consultancy services. The content should be amended as appropriate. Italic text in {} brackets indicates either an instruction for preparing the report, which should be deleted from the final report or a section included for a possible option, where the whole section should be deleted if not appropriate. Normal text in [ ] brackets indicates data which should be completed for each evaluation.

FORM 17

CONTRACT MANAGEMENT PLAN

PART I - SUPPLIES

Procurement Reference Number

Code of Procuring Entity	**Supplies**	**Financial year**	**Sequence number**

Subject of Procurement	**Supplier**	**Contract Value**

1. Contract start date

2. Delivery date

3. Contract expected completion date.

Deliverables

Item	**Quantity**

Contract Start-up/Mobilization and Guarantees (if applicable)

Letter of credit issued, if applicable

Performance guarantee	Amount :
	Latest date for receipt:
Date of release of bid security	
Advance payment guarantee	Amount :
	Latest date for receipt:

Release of guarantees

Inspection (if applicable)

Point of inspection

Inspection agency

Point of delivery

Acceptance/handover

Contract Progress

Installation and commissioning (if applicable)

Installation date

Commissioning date

Interim or stage payments See attached sheet

Acceptance

Provisional Acceptance date

Final Acceptance date

Contract Completion

Liquidated damages due if any

Final Payment Amount
Date

Warranty/Guarantee (if applicable)

Warranty/Guarantee start date

Warranty/Guarantee expiry date

Contract Implementation Plan prepared by: Procurement Unit

Name:……Designation……

Signature ……Date ……

Schedule of Deliverables and Stage Payment Certificates for Multi Deliverable Contracts

Deliverable	Expected date	Actual date	Interest due	Expected Amount	Actual Amount	Approval Date	Remarks Y/N
Date of Invoice	Date of Payment						

Advance payment?

Letter of Credit?

Contract management plan prepared by:

Name:……Designation……

Signature ……Date ……

FORM 17

Part II – Works

Procurement Reference Number

Code of Procuring Entity	Works	Financial year	Sequence number

Subject of Procurement	**Contractor**	**Contract Value**

Contract start date

Contract end date (Start Date + Time for completion)

Site possession date to contractor

Supervisor or the engineer

Guarantees (if applicable)

Performance guarantee	Amount : Latest date for receipt:
Advance payment guarantee	Amount : Latest date for receipt:
Date of release of bid security	

Date of release of advance payment guarantee

Milestone

Description Expected date Actual date

Contract Progress

Interim or Stage payments See attached sheet

Contract Completion

Date of taking over certificate (Release of % of Retention if applicable)
Extension of time, if any

Delay, if any

Liquidated damages due, if any

Date of performance certificate (date of taking over certificate+ defects notification period and release of remaining % of retention)
Return of performance security

Final Payment Amount
Date

Retentions (if applicable)

The proportion of payments to be retained ……[insert percent] percent.

Defects Liability Period (if applicable)

Defects liability period

Contractual Date of Performance Certificate (contract completion date + defects notification period)

Contract management plan prepared by: Contract manager.

Name:……Designation……

Signature ……Date ……

FORM 17

Schedule of Interim Payment Certificates

No Expected Actual Expected Actual Date of Date of Date of Interest Remarks
Date date Amount Amount Certification Invoice Payment due Y/N
Submitted

Advance payment?

Letter of Credit?

First Return of % of Retention

Return of Remaining % of Retention

Contract management plan prepared by:

Name:……Designation……
……

Signature ……Date ……

FORM 17

Part III - Consultancy Services

Procurement reference number

Code of Procuring entity	Consultancy services	Financial year	Sequence number

Subject of Procurement	**Consultant**	**Contract Value**

Contract Duration

Duration

Contract start date

Contract Completion date

Guarantees (if applicable)

Professional liabilities Amount

Latest date receipts

Times and Deliverables

No.	**Deliverable**	**Date expected**	**Actual date delivered**

Payment Schedule (if applicable)

Percentage payment	**Deliverable**	**Amount to be paid**	**Amount out-standing on contract**

Contract type

Lumpsum **Time based**

Name:……Designation……

Signature ……Date ……

FORM 17

Part IV- Non Consultancy Services

Procurement reference number

Code of Procuring entity	Non Consultancy services	Financial year	Sequence number

Subject of Procurement	**Service Provider**	**Contract Value**

Contract Duration

Duration

Contract start date

Contract Completion date

Deliverables/Key Performance Indicators

No.	**Deliverable**	**Dates/Time expected**	**Remarks**

Guarantees (if applicable)

Performance guarantee	Amount : Latest date for receipt:
Date of release of Bid Security	
Advance payment guarantee	Amount : Latest date for receipt:

Installation and commissioning (if applicable)

Installation date

Commissioning date

Payment Schedule

Interim/stage payments Milestones

Contract type

Lumpsum Time based

Contract completion

Liquidated damages due if any

Final Payment Amount
Date

Contract management plan prepared by:

Name:……Designation……

Signature ……Date ……

FORM 17

TABLE 1/Form

Contract Management and Administration

(For internal use only)

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

Details of the contract

Subject of Procurement	Contractor/supplier/Consultants	Contract Value	Contract completion date

Contract activities

Contract Manager **Procurement Unit Coordination**

Timelines	Deliverable	Tasks	Obligations	Department/Experts	Date

FORM 17

Table 1 A

Request for authority to a variation by Contract Manager

Procurement Reference Number

Code of Procuring Entity	Supplies/Works/ Services	Financial year	Sequence number

Table 2A

Request for variation form

Variation request submission by the Contract Manager

Date of submission:

Date of contract signing:

Variation reference requisition number:

Location of Project /Assignment and area of recommended variation:

Contractor/Sub-contractor:

TIN:

Reasons and details of the variation

Shall the requested variation violate one of the clauses of the signed contract?

Who initiated the variation? (contractor/ Contract manager)

Can non approval of requested variation inhibit contract implementation according to the current agreement?

Variation cost (amount if applicable)

What is the current situation and perceived project future challenge/s?

Where does the perceived cost on the project overall amount.

What could be perceived challenge/s emanate, Designer, Quantity surveyor, contractor or other (name it)?

Recommended Justification Percentage Cumulative Any other variation/s cost on the Percentage relevant and perceived challenge inform- overall project ation impact on the contract infrastructure amount or other matters? from

earlier

approved

variation

(if any)

Declaration by Contract Manager

The information contained in this form under variation request, reasons and details of the variation and the attached documents is complete, true and accurate and in accordance with the Public Procurement Act.

Name:

Position: Contract Manager

Signature:

Date:

SECRETARY TO PROCUREMENT COMMITTEE

May Advise/comments and reasons

Advice/Comment Reasons

Name:

Position: Head of PU/Secretary of PC

Signature:

Date:

Procurement Committee (PC) and Contract Manager

Date of Procurement Committee meeting:

Recommendations Majority Consensus Approved Not Approved

DECLARATION OF CONFLICT OF INTEREST	**VOTE AND JUSTIFICATION** (where no consensus reached)	
Declaration by Procurement Committee	Vote (Approved/Not Approved)	Justification
The information contained in this form under procurement		

committee is a true and accurate record of the decision of the Procurement Committee meeting held on the above date.

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

Name:

Position: Member of PC

Signature:

Date:

FORM 17

Table 2 B

Contractor's comments or perspectives of the requested variation

(where necessary)

Variation request comments by the Contractor

Date of submission:

Date of contract signing:

Variation reference requisition number:

Location of Project /Assignment and area of recommended variation:

Contractor/Sub-contractor:

TIN:

Reasons and details of the variation

Shall the requested variation violate one of the clauses of the signed contract?

Who initiated the variation? (contractor/Contract manager)

Can non approval of requested variation inhibit contract implementation according to the current agreement?

Variation cost (amount if applicable)

What is the current situation and perceived future challenge/s?	Where does the perceived challenge/s emanate, Designer, Quantity surveyor, contractor or	What could be the perceived challenge percentage overall impact on the	Concur on Recommended variation/s?	Justification	Any other relevant information

other (name it)?	infrastru-cture or other matters?

The information contained in this form on variation request, and is complete, true and accurate viewpoint of our company.

Name:……Designation……

Signature ……Date ……

FORM 19

CLARIFICATIONS TO PROCUREMENT UNIT ON INCONSISTENCIES OF PROCUREMENT TRANSACTIONS ON THRESHOLD AMOUNT BELOW SCHEDULE 2 OF THE ACT.

Name of the Procuring Entity

Procurement Reference Number

Code of Procuring entity Supplies/Works/ services Financial year Sequence number

Contracted supplier/Contractor/Consultant

Nature of Procurement Name of company Physical Address TIN

Nature of Contracting

Issued purchase order Face to Face Verbal Instruction Phone call Instructions Date and time of contracting

Nature of agreed work/service/supplies (details of the Contract)

Specification and price per unit Key performance indicators/Deliverables Timelines Contract end date

Contract performance/execution

Delivery Price Place of delivery Date of and time delivery

Objectives and Acceptance

Level of actual delivery Number of objectives achieved End user/Beneficiary Signed delivery note

Total amount due/invoice amount

Number of deliverables Unit Price Amount Total Amount due (as per attachment)

Reasons/Justification for the inconsistencies

Required Procedure Impediment Cause/reasons for impediments Future remedies

Beneficiary/End User department

Contracting officer/person – Name

Source of Instructions and form (verbal or written) Name Designation Form of instruction

By signing this form is the acknowledgement that all information filled in above in this form and the attachments are true and the supplier/contractor/Consultant be paid the amount reflected on the invoice submitted and declare no conflict of interest in accordance with the Public Procurement Act.
Name

Designation

Signature

Date

To be filled by Head Procurement Unit

Acquisition reference Number

Department involved/benefited	Supplies/Works/ services	Financial year	Sequence Number

Comments and suggestions

Is justification adequate?	What are future remedies?	Is this a habit by responsible bodies (beneficiary or end user department)	Is the internal investigations started?

By signing this form is the acknowledgement of receipt of clarification on inconsistences to the procurement laws in purchasing of the above acquisition reference number items for submission for investigations, payment purposes and suggestion for future remedies.

Name	Designation	Signature	Date

Chief Accounting Officer

Recommendations	Signature	Date

FORM 20

CLARIFICATIONS TO PROCUREMENT COMMITTEE ON INCONSISTENCIES OF PROCUREMENT TRANSACTIONS ON AMOUNT IN SCHEDULE 2 AND ABOVE OF THE ACT

Name of the Procuring Entity

Procurement Reference Number

Code of Procuring entity	Supplies/Works/ services	Financial year	Sequence number

Contracted supplier/Contractor/Consultant

Nature of Procurement	Name of company	Physical Address	TIN

Nature of Contracting

Issued purchase order	Face to Face Verbal Instruction	Phone call Instructions	Date and time of contracting

Nature of agreed work/service/supplies (details of the Contract)

Specification and price per unit	Key performance indicators/Deliverables	Timelines	Contract end date

Contract performance/execution

Delivery Price Place of delivery Date of and time delivery

Objectives and Acceptance

Level of actual delivery Number of objectives achieved End user/Beneficiary Signed delivery note

Total amount due/invoice amount

Number of deliverables Unit Price Amount Total Amount due (as per attachment)

Reasons/Justification for the inconsistencies

Required Procedure (according to the law) Impediment Cause/reasons for impediments Future remedies

Procuring Entity beneficiary and Responsible Officer/Person

Beneficiary/End User department

Contracting officer/person – Name

Source of Instructions and form (verbal or written) Name Designation Form of instruction

By signing this form is the acknowledgement that all information filled in above in this form and the attachments are true and the supplier/contractor/Consultant be paid the amount reflected on the invoice submitted and declare no conflict of

interest in accordance with the Public Procurement Act.
Name

Designation

Signature

Date

To be filled by Secretary to Procurement Committee

Acquisition reference Number

Department involved/benefited Supplies/Works/ services Financial year Sequence Number

Comments and suggestions

Is justification adequate?	What are future remedies?	Is this a habit by responsible bodies (beneficiary or end user department)	Is the internal investigations started?

By signing this form is the acknowledgement of receipt of clarification on inconsistences to the procurement laws in purchasing of the above acquisition reference number items for submission for investigations, payment purposes and suggestion for future remedies.

Majority

Name:

Position: Chairperson of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

Name:

Position: Members of PC

Signature:

Date:

FORM 21

REQUISITION FORM FOR DISPOSAL BY ADMINISTRATIVE DEPARTMENT/RELEVENT DEPARTMENT

Disposal Reference Number

Code of Procuring Entity Financial year Sequence number

Particulars of Disposal

Subject of disposal Disposal Plan Reference Location/site of asset

Details relating to the asset for disposal

Item No.	Description of asset (Attach a detailed list or Board of Survey report)	Reference number from Asset Register	Brief Reasons for disposal /Conditions

Categorisation of Assets to be disposed of and Survey Requirement

No.	**Item**	**Category**		**Recommended department/expertise**				**Designation**
	IT	**OE**	**OF**	**FT**	**FLT**	**ES**	**SP**	**Other**
1								
2								
3								
4								

The Administration Office seeks to recommend a disposal of the above listed items and appointment of officers from the above mentions department/unit to form a board of survey.

Where: IT – information technology; OE- office equipment; OF- office furniture; FT-fixtures & fittings; FLT- Fleet/Pant heavy duty machineries; ES- estate buildings; SP- site property

Request for Disposal	**Approval to disposal**
(Originating Administrative Officer)	(Head of Administrative department)

Name:

Signature:

Designation:

Date:

THE CHIEF ACCOUNTING OFFICER

NAME: ……SIGN: ……DATE: ……

RECOMMENDED/NOT RECOMMENDED

FORM 22

BOARD OF SURVEY DISPOSAL REPORT FORM

Particulars of Disposal

(Procuring entity)

Subject of disposal: Disposal Plan Reference: Location/site of asset:

The survey information and recommendation report

Procurement Unit Board of survey PU and Board

No.	**Item**	**Coordinator and Secretary to the Board**	**Surveyor Board's Conclusion**		**Disposal Method**	
				Recommendation		**Justification**
Reference number from Asset Register		Initial Procurement Reference number (if applicable)	Initial Price (if applicable)	**Name**	**Designation**	**Recommendation** **Dispose** **justification for decision**
1						
2						
3						

Comments (if any)

……
……
……
……
……
……

……
……
……
……

Signed by the Board of Survey members:

I confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Name: ……Signature: ……Date: ……

Procurement (Coordinator and Secretary)

Name: ……Designation……Signature: ……
Date: ……

THE CHIEF ACCOUNTING OFFICER

NAME: ……SIGN: ……DATE: ……

RECOMMENDED/NOT RECOMMENDED

FORM 23

ASSET VALUATION FORM FOR DISPOSAL

Savingram reference number:……dated:……..

Disposal Reference Number

Code of Procuring Entity Financial year Sequence number

Particulars of Disposal

Subject of disposal Disposal Plan Reference Location/site of asset

Requesting Procuring Entity filled in information **Ministry of finance**

(Fill in column)

Details relating to the asset for disposal **Asset Management Valuation**

Item No.	Description of asset (Attach a detailed list or Board of Survey report)	Initial Procurement Reference number (if applicable)	Reference number from Asset Register	Initial Price (if applicable)	Brief description of Current Condition	Reserve Price

Processing for Disposal
(Valuating Officer – Asset Management)

Name:

Signature:

Designation:

Date:

Approval to disposal
(Head of Asset Management)

ACCOUNTANT GENERAL

NAME: ……SIGN: ……DATE: ……

RECOMMENDED/NOT RECOMMENDED

FORM 24

AGREEMENT FOR THE TRANSFER OR DONATION OF AN ASSET TO ANOTHER PROCURING ENTITY OR OTHER INSTITUTION OF INTEREST

Disposal Reference Number

Code of Procuring Entity Financial year Sequence number

Particulars of Disposal

Subject of disposal Disposal Plan Reference

Details of the transfer/donating

Transferring Procuring Entity

Recipient Procuring Entity/ Proposed recipient(s) of the asset(s) **Transfer** **Donation**

Description of asset(s) to be transferred/ Donated | Assets (description) | Asset reference numbers | Quantity

Cost to be paid by recipient for transfer if any

Date of transfer

Date and method of payment if applicable Transfer Donation

Documentation to be provided by transferring/ donating e.g. manual, handbook, registration certificate, licence etc

Any items or accessories linked or excluded from transfer

Additional information or terms

Signed by the two parties:

I hereby certify the release of the asset(s) for transfer/donation on the terms and conditions described above.:

The issuing Institution

Name:……Institution:……Designation:……

Signature:…….Date: ……

The receiving Institution

Name:……Institution:……Designation:……

Signature:…….Date: ……

FORM 25

DISPOSAL EVALUATION REPORT
(EVALUATION BASED ON PRICE AND OTHER FACTORS)

Disposal Reference Number

Code of Procuring entity Financial year Sequence Number

**** Please read the guidance notes for preparing evaluation report at the end of this Form**

1. **Introduction**

(1) The asset(s) being disposed of is/are [description of asset and number in asset register] ……

(2) The disposal method used and approved by the Chief Accounting Officer was [public bidding/donation/transfer/direct negotiations/public auction] ……

2. **Details of invitation**
{For public bidding}

(1) The bidding document was approved by the Chief Accounting Officer on [date] ……

(2) The bid notice was advertised on the [date] …… ……in [name of publications] …… ……

(3) The list of persons issued with the bidding documents was recorded using Form 6 which is attached.

{For direct negotiations}

(1) The bidding document and proposed bidder were approved by the Chief Accounting Officer on [date] ……

…...

(2) The bidding document was issued on [date] ……
……..

3. **Inspection of assets**

Potential bidders were given the opportunity to inspect the assets at [location] ……on [date(s)] ……
……

4. **Details of bid closing**

{For public bidding and direct negotiations}

(1) Bidding was closed on [date] ……
…at [time] ……at [location] ……
……

(2) The receipt of bids was recorded using Form which is attached.

{For direct negotiation}

The sealed bid was received on [date]……..

5. **Details of bid opening**

(1) A public bid opening was held at [location] ……
……on [date] ……
……at [time] ……

(2) The bid opening and attendance was recorded using Form which is attached.

6. **Details of Evaluation Committee**

The evaluation committee approved by the Chief Accounting Officer on [date] …….. comprised of the following:

[Name] ……[Designation and department]……

[Name] ……[Designation and department] ……

[Name] …… [Designation and department] ……

{For evaluation based on price only}

7. **Details of evaluation**

(1) The evaluation was based on price only.
Refer to Table 1, which summarises the bid prices.

(2) The highest bid received was [price of highest bid]……
……..

(3) The official valuation/reserve price was [valuation or reserve price]……..

{For evaluation based on price and other factors}

8. **Details of evaluation methodology**

The evaluation was based on price and other factors, using the following three stage methodology. {amend as appropriate}.

(a) preliminary examination on a pass/fail basis to determine the eligibility of the bidders. Non eligible bidders were eliminated from further evaluation;

(b) application of other evaluation criteria in the manner stated in the bidding document. The technically non compliant bids were eliminated from further evaluation/bids were awarded scores according to merit; and

(c) financial evaluation to correct any errors in calculations, convert to a common evaluation currency and rank the bids according to price or score. The bids were compared to the official valuation/reserve price.

9. **Preliminary examination**

[Brief narrative on the result of the preliminary examination and detailed justification with reasons why any bidders were declared not eligible].
Refer Table 2, which summarises the preliminary examination.

10. **Other evaluation criteria (if any)**

[Brief narrative on the application of any other evaluation criteria and detailed justification with reasons why any bids were declared non compliant or for the scores awarded].
Refer to Table 3, which summarises the technical evaluation.

11. **Financial evaluation**

[Describe any errors in calculation and corrections made and the conversion to a common currency if necessary.]

[Describe the ranking of bids according to price or scores].
Refer to Table 4, which summarises the price evaluation.

(1) The best evaluated bid was [name of bidder] at a total bid price of [price of bid].

(2) The official valuation/reserve price was [valuation or reserve price, if any].

12. **Recommendation** {amend as appropriate}

{Where the highest bid is equal to or higher than the valuation or reserve price, if any}

Based on evaluation on price only, it is recommended that the award be made to [name of bidder] for a total contract value of [currency and amount] for [list all items that the award relates to].
{Repeat recommendation for multiple contracts (lots).}

{Where the highest bid is lower than the valuation or reserve price}

(1) The best evaluated bid is less than the valuation/reserve price

and it is therefore recommended that no contract award be made.

(2) It is further recommended that the asset(s) be revalued/disposed of by [method of disposal].

{or} [State other appropriate recommendation.] ……
……..

13. **Signed by the Evaluation Committee:**

We confirm that this evaluation report gives a complete and accurate report of the evaluation conducted:

Name:……Signature:……Date:……

Name……Signature:……Date: ……

Name:……Signature:……Date: ……

Annexes: {amend as appropriate}

Form 6: Record of issue of bidding documents/ addenda
Form 8: Record of receipt of bids/bid closing
Form 9: Record of bid opening
Table 1: Summary of bid prices
Table 2: Summary of preliminary examination and assessment of eligibility
Table 3: Summary of application of other evaluation criteria
Table 4: Summary of financial evaluation

Documents available from the Administrative Department: {amend as appropriate}

Copy of the bidding document.
Copy of all bids.

TABLE 1: Summary of bid prices

Item/Lot number: _____

Evaluation Currency: _____

Asset Register Number: _____

Valuation/Reserve Price: _____

No.	**Name of bidder**	**Bid currency**	**Bid total read out**	**Evaluated total**	**Rank**

(The highest price should be ranked as number 1. Attach a separate table for each item or lot)

TABLE 2 – PRELIMINARY EXAMINATION AND ASSESSMENT OF ELIGIBILITY

Disposal Reference Number

Code of Procuring entity	Financial year	Sequence number

Name of bidder	**1**	**2**	**3**	**4**	**5**	**6**
Eligibility criteria						
{Complete criteria as per bidding document}	C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
Administrative compliance criteria						
{Complete criteria as per bidding document}	C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
	C/NC	C/NC	C/NC	C/NC	C/NC	C/NC

	C/NC	C/NC	C/NC	C/NC	C/NC	C/NC
Conclusion	**C/NC**	**C/NC**	**C/NC**	**C/NC**	**C/NC**	**C/NC**

KEY: C = Compliant NC = Non Compliant {delete that which is not applicable from the table above}
This preliminary examination eliminated [number] bidders, [Names of bidders]

TABLE 3 – SUMMARY OF APPLICATION OF OTHER EVALUATION CRITERIA

Disposal Reference Number

Code of Procuring entity	Financial year	Sequence number

	1	**2**	**3**	**4**	**5**	**6**
Bidder Name						
Other evaluation criteria						
	{Enter compliant/non compliant or score}					
{Complete criteria as listed in bidding document}						
Conclusion						

This examination eliminated [number] _____bidders, [Names of Bidders] _____.

TABLE 4 – SUMMARY OF FINANCIAL EVALUATION

Disposal Reference Number

Code of Procuring entity	Financial year	Sequence number

Item/Lot number: _____

Evaluation Currency: _____

Asset Register Number: _____

Valuation/Reserve Price: _____

No	**Name of bidder**	**Bid currency**	**Bid Total as read out**	**Evaluated total**	**Rank**

{The highest price should be ranked as number 1. Attach a separate table for each item or lot}.

** This form provides an outline format to assist evaluation committees in drafting evaluation reports for disposal where the evaluation is based on price only. The content should be amended as appropriate.

Italic text in {} brackets indicates either a drafting instruction, which should be deleted from the final report or a section included for a possible option, where the whole section should be deleted if not appropriate. Normal text in [] brackets indicates data which should be completed for each individual evaluation.

FORM 26

RECORD OF PUBLIC AUCTION

Details of auctioneer

Name of auctioneer	**Address of auctioneer**	**TIN of auctioneer**

Date	**Place of auction**	**Starting Time**	**Completion Time**

No	Disposal reference number	Subject of disposal	Reference number from asset register	Name of successful bidder	Reserve price	Contract value

Grand Total:

I hereby certify that the above is a true and accurate record of the auction:

Name of auctioneer: ……

Signature: ……Date: ……

FORM 27

DISPOSAL BIDDING REPORT

Disposal Reference Number

Code of Procuring entity	Financial year	Sequence number

Particulars of Disposal

Subject of disposal	Disposal Plan Reference	Location/site of asset	Cost of the bidding documents if any

No	Assets disposed of	Reference number from asset register	Name of successful bidder	Reserve price	Contract value
1					
2					
3					
4					

Details relating to submission and decision by the Administrative Department

Asset valuation, Inspection, composition of evaluation committee, bidding, and transfer

Ministry of finance asset valuation period.	Submission date
	Completion date

2.	Arrangements for inspection of assets by bidders (venue, dates and time)	
3.	Names of persons recommended to constitute the evaluation committee and justification (Names and positions)	1. 2. 3.
4.	Bidding Date	
5.	Transfer of ownership date	
6.	Any other information	

Name……Signature:……Date: ……

Documents attached:

1. Requisition for Disposal Form
2. Bidding document

ANNEXURE 2

SAMPLE PRICE ADJUSTMENT FORMULA

Prices payable to the contracted body, as stated in the Contract, shall be subject to adjustment during performance of the Contract to reflect changes in the cost of labour and material components in accordance with the formula:

$$\Delta P = P_0 \left(a + b \frac{L_1}{L_0} + c \frac{M_1}{M_0} \right) - P_0$$

in which:

ΔP	=	adjustment amount payable to the Contractor, supplier, or consultant.
P_0	=	Contract Price (base price).
a	=	fixed element representing profits and overheads included in the Contract Price.
b	=	estimated percentage of labour component in the Contract Price.
c	=	estimated percentage of material component in the Contract Price.
L_0, L_1	=	labour indices applicable to the appropriate industry in the country of origin on the base date and date for adjustment, respectively.
M_0, M_1	=	material indices for the major raw material on the base date and date for adjustment, respectively, in the country of origin.

The coefficients a, b, and c shall be specified by the procuring entity in the bidding documents. The sum of the three coefficients should be one (1) in every application of the formula.

The bidder shall indicate the source of the indices and the base date indices in his bid.

Base date = thirty (30) days prior to the deadline for submission of the bids.

Date of adjustment = …… weeks prior to date of shipment (representing the mid-point of the period of manufacture).

The above price adjustment formula shall be invoked by either party subject to the following further conditions:

(a) Price adjustment will be applied only if the resulting increase or decrease is more than 2% percent of the Contract Price.

(b) No price adjustment shall be allowed beyond the original delivery dates unless specifically stated in the extension letter. As a rule, no price adjustment shall be allowed for periods of delay for which the contracted body is entirely responsible. The procuring entity will however be entitled to any decrease in the prices of the supplies and services subject to adjustment.

(c) The total adjustment under this clause shall be subject to a plus or minus indicated percent of the contract price.

(d) If the currency in which the contract price P_0 is expressed is different from the currency of origin of the labour and material indices, a correction factor will be applied to avoid incorrect adjustments of the contract price. The correction factor shall correspond to the ratio of exchange rates between the two currencies on the base date and the date for adjustment as defined above.

No price adjustment shall be payable on the portion of the contract price paid to the supplier, contractor, or consultant as advance payment.

ANNEXURE 3

WORKS
PROCEDURES AND STANDARDS

1. Processes

(a) Initiation shall be prompted by end user, which shall be procuring entity where a letter of general intention is written to appropriate and mandated procuring entity to carry out such a procurement of works;

(b) ender user project responsible officer, who shall be -

(i) appointed by the chief accounting officer;

(ii) expected to provide with at least one of the following -

- User certificate;

- Brief – shopping list of the infrastructure and the dimensions (where applicable) – accommodation schedule;

(c) mandated procuring entity shall decide whether to use its procurement entity procurement arrangements or the end user procurement units and its procurement committee.

(d) feasibility study -

(i) end user procuring entity and mandated procuring entity shall together have a site visit of proposed project construction areas;

(ii) end user procurement entity outsource relevant engineering expertise approved by the relevant bodies and receive approved report for a go ahead;

(iii) mandated procuring entity shall use table 1 to determine field of engineering expertise required and make appro-

priate recommendations; and

(iv) responsible officer and shall produce a report after feasibility study.

(e) mandated procuring entity through its architectural and QS departments shall provide budget estimate of the project to the end user procuring entity;

(f) mandated procuring entity, end user procuring entity's economic planner and responsible officer shall submit proposed project documentation entailing at least Feasibility study report, preliminary drawings, and Budget estimates to capital project appraisal body.

(g) Execution -

(i) Design development

(ii) Detailed design

(h) Documentation and Procurement

(i) TD-Discussion (Instruction, Criteria, by the two bodies)

(i) Construction and supervision

(i) Payment attachment.

(ii) Milestone payments.

(j) Commissioning and close-out (report with life span, required periodical maintenance and recommended mode of disposal.

Table 1

Pre - design services	**Authority Survey report** (e.g. National Environmental Services)	**Report's identified critical points/high concerns areas.**
	Construction green light	Construction Red-light
Land survey -Topography surveyor and Cadastral	—	—
EIA		
Geotech		

Table 2

Empirical models/ reference Examples	**Required expertise**	**Expertise availability**	
	Internal	**Short term Study training needs**	**Outsource**
Ministry of Education and works BDS – When challenges works called for rescue.			

ANNEXURE 4

DECLARATION FORM

1. Ethical Principles

Bidders and contracted bodies shall always -

(a) maintain integrity and independence in their professional judgement and conduct;

(b) comply with both the letter and the spirit of -

(i.) the laws of Lesotho; and

(ii.) any contract awarded.

(c) avoid associations with businesses and organisations which conflict with this code.

2. Standards

Bidders and contracted bodies shall -

(a) strive to provide works, services and supplies of high quality and accept full responsibility for all works, services or supplies provided; and

(b) comply with the professional standards of their industry or of any professional body of which they are members.

3. Conflict of Interest

Bidders and contracted bodies shall not accept contracts which would constitute a conflict of interest with, any prior or current contract with any procuring entity. Bidders and contracted bodies shall disclose to all concerned parties those conflicts of interest that cannot reasonably be avoided or escaped.

4. Confidentiality and Accuracy of Information

(l) Information given by bidders and contracted bodies in the course of procurement processes or the performance of contracts shall be true, fair and not designed to mislead.

(2) Public Officials shall respect the confidentiality of information received in the course of performance of a contract and shall not use such information for personal gain.

5. Gifts and Hospitality

Bidders and contracted bodies shall not offer gifts or hospitality directly or indirectly, to staff of a procuring entity that might be viewed by others as having an influence on a government procurement decision.

6. Inducements

(l) Bidders and contracted bodies shall not offer or give anything of value to influence the action of a public official in the procurement process or in contract execution.

(2) Bidders and contracted bodies shall not ask a public official to do anything which is inconsistent with the Act, Regulations or the Code of Ethics on Procurement Principles.

7. Fraudulent Practices

Bidders and contracted bodies shall not -

(a) collude with other businesses and organisations with the intention of depriving a procuring entity of the benefits of free and open competition;

(b) enter into business arrangements with anybody that might prevent the effective operation of fair competition;

(c) engage in deceptive financial practices, such as bribery, double billing or other improper financial practices;

(d) misrepresent or omit facts in order to influence a procurement process or the execution of a contract to the detriment of the Procuring entity; or utter false documents;

(e) unlawfully obtain information relating to a procurement process in order to influence the process or execution of a contract to the detriment of the Procuring Entity; and

(f) withholding information from the procuring entity during contract execution to the detriment of the procuring entity.

I ..... agree to comply with the above code of ethical conduct in business.

……..	……..
Authorised signatory	Name of Tenderer
……	……
Date	National ID

ANNEXURE 5

CODE OF CONDUCT / ETHICAL BUSINESS PRINCIPLES

1. Conflict of Interest.

Staff must declare any personal interest which might impinge or might reasonably be deemed by others to impinge on their impartiality in any matter relevant to their duties.

2. Confidentiality an accuracy of information.

The confidentiality of information received in the course of duty must be respected and must never be used for personal gain. Information given in the course of duty must be true and fair and never designed to mislead.

3. Competition.

Any arrangement which might in the long term, prevent the effective operation of fair competition, must be avoided absolutely.

4. Business gifts.

Business gifts, other than items of very small intrinsic value, such as business diaries or calendars, must not be accepted.

5. Hospitality.

Modest hospitality is an accepted courtesy of a business relationship. However, the recipient must not allow a position to be reached whereby such hospitality could influence the business decision, or where others might reasonably believe that it could have done so.

6. Inducement.

Bidders and supplier, contractor or consultant shall not offer or give anything of value to influence the decision of a public official in public procurement process or contract execution.

Bidders or supplier, contractor or consultant shall not ask public officials to do

anything which is in inconsistent with the Procurement Act, Procurement Regulations, guidelines, or code of ethical practices.

7. Guilty of unethical practices.

Any individual or company that will be found to have contravened any, or all of the above-mentioned codes of conduct, is guilty. Hence, will be subject to necessary and relevant action based to the laws of Lesotho.

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