



Government of Samoa

TENDERS BOARD

GUIDELINES FOR GOVERNMENT PROCUREMENT BY PUBLIC TENDER

**Treasury Department
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Explanatory Notes

B4 Schedule

-refers to Treasury Instruction B.4..Authorities for Expenditure and Delegation Schedule and Purchasing Authorities Table.

FOB

-free on board

EXW

-ex work, ex factory or off-the-shelf.
The EXW price shall include all duties, sales and other taxes already paid or payable for the components and new materials used in the manufacture or assembly of the equipment or good offered in the bid.

* * *

I. INTRODUCTION

A. Purpose

1.01 The purpose of these guidelines is to inform Departments and Corporations of Government and potential suppliers and contractors of the general principles and procedures which, except as the Government Tenders Board may otherwise agree, shall be observed in carrying out procurement of goods and works for Government-financed projects through the budget, aid and loan, except that procurement under aid loan shall also observe donor-financier guidelines where necessary.

B. General Consideration

1.02 The Tenders Board has the obligation to ensure that public funds are used with due attention to considerations of economy and efficiency as mandated under the Public Finance Management Act 2001, Treasury Instructions and Operating Manuals, Cabinet Directives and the Cabinet approved B4 Schedule of Authorities. In this connection, the following basic principles underline procurement:

- a) Transparency is essential to achieve economy and efficiency and to combat fraud and corruption.
- b) To achieve open and fair competition and value for money, the Tenders Board requires all Departments and Corporations to obtain goods and works through public tender in accordance with the procedures stipulated under Treasury Regulations, Treasury Instructions and Operating Manuals and the B4 Schedule.
- c) To achieve transparency, all tenders are to be opened by the Tenders Board in the presence of bidders or their representatives.
- d) To ensure safety and well-being of all citizens and to ensure contractors bidding for major works possess the requisite professional technical and administrative requirements, all Contractors and sub-Contractors bidding for building, construction and civil works must be approved Contractors registered by the Ministry of Works.

C. Application of Guidelines

1.03 These Guidelines apply to any procurement of goods and works by public tender that a Department or Corporation is obliged to conduct under the Public Finance Management Act 2001, Treasury Regulations, Treasury Instructions and Operating Manuals, the B4 Schedule and Cabinet Directives. The Tenders Board procurement procedures must be followed in respect of any public tender procurement to ensure works are carried out with due diligence, efficiency, and in conformity with sound engineering or other appropriate professional practices.

II. THE BIDDING PROCESS

A. General

2.01 The purpose of the public bidding process is to give all prospective bidders adequate, fair, and equal opportunity to bid on all goods and works which are procured by the Government. To achieve this, the Tenders Board requires all Departments and Corporations to observe certain guidelines in preparing bidding and contract documents and to follow certain procedures in advertising bid invitations and in accepting, opening and evaluation of bids as stipulated in these Guidelines. In addition to this, the proposed awards of contract are subject to the approval of the Tenders Board, or Cabinet where appropriate.

Advertisement and Notification

2.02 All invitations to bid and procurement notices shall be advertised in a widely circulated newspaper, and internationally where required by a donor-financier. Invitations to bid and procurement notices are to be advertised in sufficient time to enable prospective bidders to prepare and submit bids. Bidders will generally, (but not necessarily) be given a minimum of 14 days from the date on which bids were invited in which to submit bids. The submission period is determined by the nature and complexity of the contract and Departments and Corporations will advise bidders in writing if a longer or shorter submission period is to apply. A copy of the invitation to bid shall be submitted to the Secretary of the Tenders Board.

2.03 All bids are to be addressed to the Secretary of the Tenders Board and must be deposited by the bidder in the Tender's Box specified for that Tender and located at the Treasury Department Office on Level 4 of the Central Bank Building.

2.04 Late tenders will not be accepted and will be returned unopened to the bidder.

Expression of Interest

2.05 For procurement where potential suppliers and contractors are limited or not known, Departments and Corporations may advertise for "expression of interest". The information requested in the advertisement seeking expression of interest shall be the minimum required to make a judgement on the firm's suitability and not to be so complex as to discourage suppliers or contractors from expressing interest. Sufficient time (not less than 14 days from the date of the first advertisement) shall be provided for responses, before preparation of the short list.

Prequalification of Bidders

2.06 Prequalification of bidders may be used for most civil works contracts, and contracts for the supply of expensive and technically complex equipment, to ensure that only technically and financially capable firms will be invited to submit bids. Prequalification is also a requirement of donor financiers for major civil works. Prequalification shall be based entirely upon the ability of the interested firm to perform the particular work satisfactorily, taking into account: (i) relevant experience and past performance; (ii) capabilities with respect to personnel, equipment, and plant; and (iii) financial position. All prequalified bidders are required to have initially registered under the Ministry of Works Contractors Register described under para. 2.09 to 2.11 of these Guidelines.

2.07 Invitations to prequalify shall be advertised and notified in accordance with the procedures described in para. 2.02 above. The scope of works, abbreviated

specifications and a clear statement of the requirements for Prequalification shall be provided to all those who have indicated their desire to be considered for Prequalification. There shall be no limit to the number of firms to be prequalified, and all firms found capable of performing the work satisfactorily in accordance with the approved Prequalification criteria shall be prequalified and invited to bid.

2.08 Where bidders have been prequalified, the invitations to bid and the bidding documents shall be transmitted directly to the prequalified bidders.

Contractor Registration

2.09 Contractors wishing to submit bids for all Government building and civil works procurement are required to be registered under the Ministry of Works Contractors Register. Applications for registration shall be assessed by the Ministry of Works and graded into categories according to their assessed capacity. Assessed capacity and grading of contractors takes into account: (i) relevant experience and past performance; (ii) capabilities with respect to personnel, equipment and plant; and (iii) financial position. Registration to be an approved contractor is open to all firms operating in the building and construction industry.

2.10 The Contractors Register shall be reviewed bi-annually and continuous listing on the Register is contingent upon performance in any awarded contract, and continued compliance with engineering and other relevant codes of practice for the building and construction industry.

2.11 Works are tendered in three categories which are graded according to the total cost of the works and its complexity. Only those contractors registered in the nominated grade or higher shall be eligible to bid for a contract in that category. Companies in the higher categories are not eligible to bid to works in the lower categories.

B. Bidding Documents

General

- 2.12 (a) Bidding documents shall contain provisions which give effect to the requirements of these Guidelines.
- (b) It is essential that all bidding documents provide all the information necessary for bidders to prepare responsive bids in a clear and unambiguous manner. Whilst the detail and complexity of these documents may vary depending upon the kind of goods to be procured and the size of the contract, they shall normally include the following: invitation to bid, instructions to bidders; bid form; conditions of contract, both general and special; technical specifications; bill of quantities and drawings; schedules of prices; and necessary appendices; proforma bid securities and performance bonds.
- (c) Departments shall use standard bidding documents where required by donor-financiers in respect of procurement financed by donor agencies.

Clarity of Bidding Documents

2.13 Bidding documents shall describe clearly and precisely the works to be done or the goods to be supplied, the place and period of delivery or installation, the warranty and maintenance requirements, and other pertinent terms. The technical requirements shall describe all the essential features of the item(s) to be

procured and shall state that any nonconformity to these essential features would render the bid as substantially non-responsive. Drawings shall be consistent with the text of the technical specifications. If alternative bids are acceptable, this shall be expressly stated. The bidding documents shall indicate the methods, terms and conditions of bid evaluation, as well as the factors to be taken into account in comparing bids.

2.14 Any additional information, clarification, correction of errors or alteration in bidding documents shall be provided to all those who have received the original documents. In the event of any substantive amendment to the bidding documents, adequate time shall be allowed for bidders to make necessary changes in their bids in response to such amendments. A period of 30 days is considered adequate for this purpose where the changes involved are substantial.

Bid Security

2.15 In conformity with the requirements of donor financiers, a bid security may be required to secure validity of the bid within the period specified in the invitation to bid. However, it shall not be set too high to discourage technically eligible bidders. The amount shall reflect the Department's or Corporation's reasonable assessment of the amount of loss it will suffer in the event of bid withdrawal or the bidder's refusal to execute the contract upon acceptance of their successful tender. Two percent of the bid price is generally considered as fair and reasonable. Unless expressly stated, the bid security, at the bidder's option, shall be in the form of a certified cheque, a letter of credit or a bank guarantee from a reputable bank. Bid securities shall be returned to the successful bidders as soon as the successful bidder has been selected.

Conditions of Contract

2.16 The contract shall contain general conditions which will cover, inter alia, the definition of the scope of work to be performed or the kind of goods to be supplied; the rights and obligations of the Government Department or Corporation in the administration of the contract; payment terms (including provision for securities; retention money; price adjustment clauses, insurance, and liquidated damages). In addition to the customary general conditions, special conditions appropriate to the nature of the goods or works or the project shall be included.

2.17 If particular standards to which equipment or materials must comply are cited, the specifications shall state that goods meeting other authoritative standards, which ensure an equal or higher quality standards mentioned, may also be accepted.

Use of Brand Names

2.18 Specifications shall be based on performance requirements and references to brand names, catalogue numbers or the like shall be avoided unless this is deemed necessary to ensure inclusion of certain essential features, in such a case, the reference shall be followed by the words "or equivalent" and the specifications shall permit offers of alternative goods which provide performance and quality at least equal to those specified.

Pricing

2.19 Unless otherwise specified, bids for goods shall be invited on the basis of FOB for all goods offered from abroad, and EXW for locally available or manufactured or assembled goods, including those previously imported.

2.20 Bidders for civil works contracts shall be required to quote unit price or lump sum prices for the performance of the works, and such prices shall include all duties, and taxes. Bidders shall be allowed to obtain all inputs from any eligible sources so that they may offer the most competitive bids.

Currency Provisions

2.21 Currency of Bid

The currency in which the bid price may be stated shall be indicated in the bidding documents. Bidding documents shall normally require bidders to state the bid price either in the bidders own currency or in local currency.

Currency of Bid Comparison

- a) For comparison of bids, each bid price shall be valued in terms of the Samoan Tala or other single currency stated in the bidding documents. The rates of exchange to be used in such valuation shall be the selling rates officially prescribed for similar transactions and prevailing on the date specified in the bidding documents. Where such official exchange rates are not available, the rates of exchange to be used shall be determined by the Department in consultation with the Tenders Board.
- b) The date to be specified in the bidding documents for the purpose of bid comparison in accordance with the provisions of subparagraph (a) above shall not be earlier than 30 days prior to the deadline for submission of bids, nor later than the original date for the expiry of bid validity.

Currency of Payment

Payments under the contract shall be made in the currency or currencies in which the invitation to tender specifies, except where a different arrangement agreed by the Government and the bidder.

Terms and Methods of Payment

2.24 Payment terms shall be in accordance with standard practices and procedures set down by the Treasury Department under the Public Finance Management Act 2001 and Treasury Instructions.

Price Adjustment Provisions

2.25 The bidding documents shall clearly indicate whether price adjustments are allowed in the event changes occur in the major cost components of the contract such as labour, equipment, and materials, over which the contractor has no control. Price adjustment provisions are not necessary for simple supply contract involving short delivery periods. However, for contracts with longer delivery periods (generally beyond 12 months), including major civil works contracts, price adjustment provisions shall be provided. Contracts which contain a large commodity component whose price may vary sharply in the short term shall contain a rise and fall clause which protects the Government and contracts from losses in case of any abrupt changes in price.

2.26 The amount of price adjustment shall be based on changes in the cost of the major components of the contract. The methods of adjustment, shall be according to the formula provided in the bidding documents, and may allow for adjustments to be made on the basis of documentary evidence provided by the

contractor or calculated by the use of a price adjustment formula for formulae. The comparison of bid prices shall be carried out on the basis of base price only.

Advance Payment

2.27 Advances may be made in construction contracts to cover mobilization expenses and the cost of materials delivered to the site for incorporation in the works. The bidding documents shall set out the basis for determining the amount of advance in each case, time and method of payment, the kind of security required, and the manner of repayment by the contractor. With respect to mobilization advances, the items subject to mobilization shall be described in the bill of quantities and the advance limited to these items.

Performance Security, Retention Money

2.28 Some form of security shall be required in the bidding documents to help ensure that the works will be carried to completion in the case of failure of the contract to perform under the contract. In civil works, a performance security in the form of a bank guarantee, or bank cheque shall be required of the contractor, the validity of which shall cover the contract period. The amount of the security will depend upon the type and magnitude of the works to be done. In addition a retention sum to ensure compliance by the contractor of its warranty or maintenance obligations may be retained for a specified period after the completion of the contract in an amount **not to exceed 10 percent** of the total contract price. Such retention sum will be withheld until the expiration of the warranty or maintenance period, the retention sum may be replaced with a suitable bank guarantee or other appropriate security.

Insurance and Transportation

2.29 The bidding documents shall state precisely the types of insurance to be provided by the successful bidder and shall indicate the kinds of risks insured against, the liabilities to be covered, and the duration of the insurance. In contracts for the supply of goods on CIF basis, cargo insurance and transportation are left to be arranged by the supplier as part of the contract.

Preparation of Bids

2.30 All bids in order to be accepted as conforming bids and eligible to be awarded the tender contract with:

- a) Be prepared using the technical specifications set out in the bidding documents; and
- b) Be presented in the format and listing all the information requested in the bidding documents; and
- c) Be clearly marked with the name of the company bidding (which in the case of civil works is the company which is registered for the category of the type of works tendered) whose details can be confirmed such as company registration; current business licence.
- d) Be received by the deadline set out in the bidding documents;
- e) Be submitted in the format required eg. Separate financial and technical proposals;
- f) Be submitted as separate bids and not in one envelope or package.

C. Bid Opening, Evaluation, and Award of Contract

Time Interval for Bid Invitation and Submission

2.31 The time allowed for preparation and submission of bids will depend to a large extent upon the magnitude and complexity of the contract. The particular circumstances of the project shall also be taken into account. Generally, a minimum period of 14 days will be allowed. Where international bidding is involved, however, a longer time period is allowed. Extension of the deadline for submission of bids may be allowed where an extension would result in greater competition. When the bidding period is extended, all those who have sent or provided with invitations to bid shall be advised. All bids are to be addressed to the Secretary of the Tenders Board and deposited in the Tender Box specified for such tender located at Level 4 Treasury Office at the Central Bank Building. Bidders shall be required to obtain a receipt upon deposit of the bid and to deposit the bid in the Tender Box stipulated for such tender. Bids delivered after the time stipulated for bid closing shall be returned unopened.

Bid Opening Procedures

2.32 The date, hour and place for the latest delivery of bids shall be stated in the invitation to bid. Unless otherwise advised by the Tenders Board, all bids are to close on a Monday, (when this does not fall on a public holiday,) at 1:30pm. The time for the opening of bids shall be promptly thereafter, or at 2:00pm unless otherwise advised by the Tenders board. The Secretary shall advise bidders of the time of the bid opening if there is any change in the time specified beforehand. The Secretary shall also advise bidders of the place where bids will be opened. The Tenders Board shall open all bids received at the stipulated time and place. Bids shall be opened in the presence of bidders or their representatives. The name of each bidder and the total amount of its bid, including alternative bids, if any, together with any discounts offered, shall be read aloud and recorded.

Extension of Bid Validity

2.33 Every effort shall be made to complete bid evaluation before the expiration of bid validity and the validity of bids shall not be extended, except in exceptional circumstances. When an extension is considered necessary, all those who submitted bids shall be asked to extend their bids. Bidders who are willing to extend the validity of their bids shall neither be required nor permitted to modify the substance of their bids.

Clarification of Alteration of Bids

2.34 No bidder shall be permitted to alter its bid after the bids have been opened, but clarifications not changing the substance of the bid may be accepted. The Tenders board may ask any bidder for the clarification of its bid but shall not ask any bidder to change the substance of its bid.

Confidentiality of Procedures

2.35 No information relating to the examination, clarification, and evaluation of bids and recommendations concerning awards shall be communicated after the public opening of bids to any person not officially concerned with these

procedures before announcement of the award of a contract to the successful bidder.

Initial Examination of Bids

- 2.36 Following the opening, an initial assessment shall be made as to; whether the bids are substantially responsive to the bidding documents, which shall include an assessment as to whether the required securities have been provided; whether the documents have been properly signed; whether all the information required to be submitted has been submitted. If a bid is not substantially responsive to the bidding documents or contains inadmissible reservations, it shall be rejected. A technical analysis shall then be made to evaluate responsive bids and to enable such bids to be compared.

Evaluation and Comparison of Bids

- 2.37 Bids which conform to the technical specifications and are substantially responsive to the bidding documents shall be compared on the basis of their evaluated costs and the bid with the lowest evaluated cost, which may not necessarily be the lowest priced bid, may be selected for award.
- 2.38 Bid evaluation must be consistent with the method, terms and conditions set forth in the bidding documents. Apart from the price, other relevant factors such as the efficiency of the equipment, including its operating costs, the time of completion of construction or delivery, and the availability of after-sales service and spare parts, shall be taken into account in determining the lowest evaluated bid to the extent and in the manner specified in the bidding documents. These factors shall, whenever possible, be expressed in monetary terms in the evaluation provisions of the bidding documents. Bids shall be compared on the basis of base price without taking into account the provisions for price adjustment.
- 2.39 For contract for which Prequalification is not required pursuant to para. 2.05, information concerning the bidder's experience, financial position, and technical staff shall be required in the bidding documents. Normally, the information will be considered during the initial examination of bids and the bid of any bidder who does not satisfactorily meet these requirements will not be considered for evaluation. In any case, the Tenders Board shall always ensure that the bidder whose bid has been evaluated as the lowest has the technical and financial capability to perform the contract satisfactorily and, if the bidder does not meet the requirements, its bid shall be rejected.

Two-Stage Bidding Procedure

- 2.40 In order to maximise competition and to facilitate bid evaluation with respect to large or complex contract where the problem of technically unequal bids is likely to be encountered, a two-stage bidding procedure may be adopted. Under this procedure, bidders shall be required to submit technical specifications and price proposals concurrently in separate envelopes. The technical proposals are opened first and reviewed to determine responsiveness to the specifications and whether modifications are necessary. After the technical review has been completed, the price envelopes of only those bids found to be technically responsive are then opened.

Rejection of All Bids and Rebidding

- 2.41 Bidding documents usually provide that the Department or Corporation (with prior approval of the Tenders Board) may reject all bids. Such rejection is justified when the bids submitted are not substantially responsive, or when there is evidence of lack of competition, or where all bid prices substantially exceed the cost estimates.
- 2.42 When all bids have been rejected, a rebidding may be called, and the Department or Corporation shall request for new bids from all who were supplied with bidding documents in the first stance. However, if there has been a sufficient number of bids in the initial bidding, the Department may consider inviting bids only from those who have previously submitted bids. If all bids have been rejected because of lack of competition or failure to meet the specifications, the Department shall examine the causes for rejection and consider, before calling for new bids, revision of the specifications or bidding conditions. Where all bid prices substantially exceed the cost estimates, the Department may, instead of calling of new bids, and after consultation with the Tenders Board, negotiate with the lowest evaluated bidder for a reduction of the bid price. If no satisfactory contract can be concluded and a rebidding is called, modification of the scope of the contract shall be considered.

Award of Contract

- 2.43 The full evaluation report and recommendation for award of contract shall be submitted to the Tenders Board for its approval or recommendation to Cabinet where appropriate, in accordance with the provisions of the B4 Schedule of Authorities.
- 2.44 The award of contract shall be made to the bidder whose bid has been determined to be the lowest evaluated substantially responsive bid and who meets the appropriate standards of capability and financial responsibility. Such bidder shall not be required, as a condition of award, to undertake responsibilities of work not stipulated in the specifications or to modify its bid. The Department or Corporation will notify unsuccessful bidders promptly in writing.

Declaration of Interest

- 2.45 All persons involved in assessing and/or evaluating and/or deciding on the award of a contract must declare any interest in any company or close family relationship to the principals of any company which has made a bid and shall be excluded from the evaluation and decision making process on that particular tender and shall not have access to any documents or information relating to that particular tender.

III. OTHER METHODS OF PROCUREMENT

A. Introduction

3.01 The Tenders Board reserves the right to determine the procurement method used and the particular requirements of each tender having regards to:

- the complexity or potential cost of the contract;
- any specific requirements of donor funded works or services;
- the unique or highly specialised nature of the works or services;
- the need to build local capacity to carry out the works or services urgently required.
- increasing the utilization of local know-how and materials.

3.02 As in open and competitive bidding, the principles of transparency, fairness, equal opportunity, and efficiency and economy, shall be taken into account. The other methods of procurement which are generally considered and the circumstances under which they may be adopted, may include:

B. Local and International Shopping

3.03 Shopping may be appropriate where the particular items needed are available only from a limited number of suppliers, or where early delivery is paramount importance in carrying out certain works.

3.04 Local and international shopping is subject to the following procedures:

- a) Reasonable Competition. The invitation to quote or bid shall be issued to a reasonable number of contractors or suppliers, as the case may be, which shall not be less than three, and shall, whenever practicable, be advertised in a newspaper of general circulation in the country. The bids or quotations received shall be opened publicly and compared and evaluated as in open and competitive bidding.
- b) Award of Contract. Promptly after each contract is awarded, the Board shall be furnished with a copy of a summary and evaluation of the bids or quotations received; a justification for making the award; and the contract as executed.

C. Direct Purchase/Negotiation or Single Tender

3.05 Direct Purchase/Negotiation or single tender involves dealing with a particular supplier or a limited number of suppliers and is allowed by the Board in any one of the following situations:

- a) when buying small or off-the-shell items generally valued at less than \$10,000;
- b) when standardization is important and equipment and spare parts required for expansion or repair of existing equipment must be procured from the original supplier or from a supplier of identical goods;
- c) when the equipment is proprietary in character and is obtainable from one supplier;
- d) when critical items are to be procured from specialist suppliers; and
- e) when the civil works to be undertaken are a natural extension of an earlier or ongoing job and it can be shown that the engagement of the same

contractor will be more economical and will ensure compatibility of results in terms of quality of work.

D. Limited Tendering or Repeat Order

3.06 Where, after the items originally envisaged for a project have been procured through open and competitive bidding, an additional quantity of the same items is urgently needed to meet the requirements of the project and funds are available under the budget for this purpose, the additional items may be procured through limited tendering where it can be shown clearly that no advantage could be gained by adoption open and competitive bidding. Under this procedure, bids may be invited only from those who had submitted responsive bids for the earlier order or, if there was a large number of responsive bidders, only from the three lowest responsive bidders. In exceptional cases where there was a small number of responsive bidders for the earlier order and the winning bid was clearly superior to the other bids not only in terms of price but also as regards reliability of equipment, availability of spare parts and after-sale service, and delivery period, the additional items required under the above-mentioned circumstances may be procured instead by placing a repeat order is not more than the original price. Usually, the repeat order shall follow the earlier order within 18 months while the additional quantities shall not exceed 30 percent of the original quantities.

E. Other

3.07 Any other procurement of tender method used must follow any guidelines and instructions issued by the Treasury under its Operating Manuals and/or Instructions and approved by the Board.

APPENDIX 1

GUIDANCE TO BIDDERS

Purpose

1. This Appendix provides guidance to potential bidders wishing to participate in Government-financed procurement.

Bidder's Role

2. Once a bidder receives the pre-qualification or bidding document, the bidder should study the documents carefully to decide if it can meet the technical, commercial, and contractual conditions, and if so, proceed to prepare the bid. The bidder should then critically review the documents to see if there is any ambiguity, omission, or internal contradiction, or any feature of specifications or other conditions which are unclear or appear discriminatory or restrictive, if so, it should seek clarification from the Department or corporation, in writing, within the time period specified in the bidding documents for seeking clarification.

3. The criteria and methodology for selection of the successful bidder are outlined in the bidding documents, generally under Instructions to Bidders and Specifications. If these are not clear, clarification should be similar sought from the Department or Corporation.

4. In this connection it should be emphasized that the specific bidding documents issued by the Department or Corporation govern each procurement. If the bidder feels that any of the provisions in the documents are inconsistent with the guidelines, it should also raise this with Department or Corporation.

5. It is the responsibility of the bidder to raise any issue of ambiguity, contradiction, omission, or other relevant matter, prior to the submission of its bids, to assure submission of a fully responsive and compliant bid, including all supporting documents requested in the bidding documents. Noncompliance with critical (technical and commercial) requirements will result in rejection of the bid. If a bidder wishes to propose an alternative solution is accepted. Once bids are received and opened, bidders will not be required or permitted to change the price or substance of a bid.

Confidentiality

6. As stated in paragraph 2.35, the process of bid evaluation shall be confidential until the award is notified. This is essential to enable the Department or Corporation and the Board to avoid either the reality or perception of improper interference. If at this stage a bidder wishes to bring additional information to the notice of the Department or Corporation, the Board, or both, it should do so in writing.

Action by the Board

7. Bidders are free to send copies of their communications on issues and questions with the Department or Corporation to the board or to write to the Board directly, when Department and corporations do not respond promptly, or the communication should be addressed to the Secretary of the Tenders Board, with a copy to the relevant Department or Corporation.

8. References received by the Board from potential bidders, prior to the closing date for submission of the bids, will, if appropriate, be referred to the Department or Corporation with the Board's comments and advice, for action or response.

9. Communication received from bidders after the opening of the bids, will be handled as follows. The communication will be sent to the Department or Corporation for due consideration and appropriate action, if any, and these will be reviewed by the Board, in consultation with the Department or Corporation.

10. Except for acknowledgement, the Board will not enter into discussion or correspondence with any bidder during the evaluation and review process of the procurement.

Debriefing

11. If, after notification of award, a bidder wishes to ascertain the grounds on which its bid was not selected, it should address its request to the Department or Corporation. If the bidder is not satisfied with the explanation given and wishes to seek a meeting with the Board, it may do so by addressing the Secretary of the Tenders Board, who will arrange a meeting. In this discussion, only the bidder's bid can be discussed and not the bids of competitors.