

Republic of Uganda

User Guide

for

**SHORT LISTING (PRE-
QUALIFICATION) OF PROVIDERS FOR
WORKS, SERVICES OR SUPPLIES**

September 2006

The September 2006 Version of this User Guide and the Standard Short Listing Document are the first version issued by Public Procurement and Disposal Authority. The documents were based on documents issued by the donors and Development Banks, but adapted to reflect the requirements of the Public Procurement and Disposal of Public Assets Act and Regulations, 2003 and best international procurement practices.

Any general or specific comments on either of these documents by users, which will assist in improving the documents, or correcting any errors, should be forwarded to the PPDA to ensure that amendments are included in subsequent revisions to the documents.

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Acronyms & Abbreviations

Act	Public Procurement and Disposal of Public Assets Act, 2003
ASS	Application Submission Sheet
ITA	Instructions to Applicants
JV	Joint Venture
PQ	Short Listing
Regulations	Public Procurement and Disposal of Public Assets Regulations, 2003
SBD	Standard Bidding Document
SD	Standard Short Listing Document

1. Guidance Notes on the use of the Standard Short Listing Document and the User Guide

Purpose of the Standard Short Listing Document

The Standard Short listing Document (SD) for Procurement of Works, Services and Supplies has been prepared in accordance with PPDA Regulation 142, which provides the legal authority for developing a shortlist of bidders. The short list is designed to:

- (i) simplify the Procuring and Disposing Entity's preparation of Short listing Document for Works, Services and Supplies;
- (ii) reduce the Applicants' preparation time and effort;
- (iii) facilitate and simplify the Procuring and Disposing Entity's evaluation of applications; and
- (iv) minimise the time required by the Contracts Committee in approving the SD.

A key feature of the SD is that it can be used with minimum changes, as it does not contain explanations, footnotes or examples that should not form part of the Short Listing Document. The SDs contain completion notes only for Applicants; these are primarily in the Application Forms. This User Guide contains all the explanations and notes necessary for PDEs to use the SBDs.

Short listing of bidders is different from pre-qualification in that the latter which is provided for under PPDA Regulation 120 is for works, services or supplies which are highly complex and specialised and require detailed design or methodology and is often used under the open bidding method.

PPDA Regulation 22 also provides for the establishment and maintenance of a register of works, services and supplies by the Authority whose purpose is to offer a procuring and disposing entity reliable and up-to-date information on the competences of existing providers in the market and a record of current and past contracts and performance by a provider.

Purpose of the User Guide

This User Guide has been prepared to provide guidance to public officials in the correct use of the Standard Short Listing Document (SD) as a model for preparing an individual Short Listing Document (SD).

The User Guide is not legally binding but Procuring and Disposing Entities (PDE) must comply at all times with the Public Procurement and Disposal of Public Assets Act and Regulations, 2003.

This User Guide provides guidance on drafting each section of a Short Listing Document (SD)

Guidance notes intended for Applicants are included in the SD. All such notes are found between square brackets in italics eg [*Italics*]. These guidance notes should not be deleted from the Short Listing Document when drafting.

This User Guide contains guidance notes for Procuring and Disposing Entities in the use of the SD and how to complete and issue the SDs. Such notes are shown between square brackets e.g. [insert deadline for submission of applications]. Where recommended or suggested wording or text is provided this is shown between inverted commas thus; e.g. Suggested wording “Documentation requirements are:… ..”To summarise:

Notes in the SDs are for Applicants.

Notes in the User Guide are for Procuring and Disposing Entities.

The User Guide is not intended for issue with the Short Listing Document, The User Guide is not part of the Short Listing Document.

When to Use the Standard Short Listing Document

This SD is suitable for short listing applicants for the provision of works, services or supplies of regular requirements of a routine nature.

Short listing is a pre-tender process that provides for a shortlist of bidders from which providers are obtained to bid under restricted bidding or request for proposal and quotations methods.

Following the Short Listing, the Procuring and Disposing Entity must use the appropriate SBD for the resulting procurement process.

Structure of the Standard Short Listing Document

The SBD is divided into six separate Sections and a Preface. Procuring and Disposing Entities are required to use all Sections of the SD to produce individual Short Listing Documents for issue to Applicants. The SD comprises:

Preface

Part 1 General

- 1.1 Scope of Application
- 1.2 Source of Funds
- 1.3 Corrupt Practices

Part 2 Instructions to Bidders

- 2.0 Introduction
- 2.1 Objectives
- 2.2 Eligible Applicants
- 2.3 Cost of Applying
- 2.4 Clarification of Short Listing Documents
- 2.5 Amendment of the Short Listing Document

Part 3 Preparation of Applications

- 3.1 Language of Application
- 3.2 Documents Establishing Applicant’s Eligibility and Qualifications
- 3.3 Format and Signing of Applications

Part 4 Submission of Applications

- 4.1 Sealing and Labelling of Applications
- 4.2 Deadline for Submission of Applications

4.3 Late Applications

Part 5 Opening and Evaluation of Applications

- 5.1 Opening of Applications
- 5.2 Evaluation of Applications
- 5.3 Clarification of Applications
- 5.4 Contacting the Procuring and Disposing Entity
- 5.5 Confidentiality

Part 6 Short listing

- 6.1 Notification to the Pre-qualified Applicants
- 6.2 Inspection
- 6.3 Currency
- 6.4 Changes in qualifications of Applicants

Appendices:

- A: Application Submission Sheet
- B: Statement of Requirements
- C: Evaluation Criteria

The structure is generally the same as that used in all PPDA Standard Bidding Documents, with the exception that, a Contract is not required for a Short Listing process.

Availability of electronic Standard Bidding Documents

All Standard Bidding Document are issued electronically by the PPDA on CD ROM.

Customising Standard Bidding and Short Listing Documents

The PPDA issues Standard Bidding Documents (including SDs) to all PDEs. On receipt of these SBDs, the PDE are permitted to customise the SBDs for use by each PDE. This customisation should be a one off function and to enter on each SBD or SD the following details prior to general issue and use within the PDE;

- the entry of the Procuring and Disposing Entity's contact details (e.g. name, address, telephone and fax numbers, email address etc) that will not change;
- the addition of any official logo or any other form of identification of the PDE.

The details to be entered during customisation are shown in curly brackets e.g. {Name of Procuring and Disposing Entity}.

When customising documents, a PDE shall not alter or amend the content or substance of the standard documentation, including the style and format of the documents, without the prior written approval of the Authority.

The customised standard documents shall be approved by the Contracts Committee for use by the Procuring and Disposing Entity.

The customised standard documents should be available from the Procurement and Disposal Unit.

The customised standard documents shall be used for drafting documents for individual procurement or disposal requirements.

For clarity and the avoidance of doubt-

customisation is the process of completing identification details in the standard documentation issued by the Authority to make it suitable for drafting by the Procuring and Disposing Entity;




drafting is the process of modifying customised standard documentation to make it suitable for a particular procurement or disposal requirement.

How to Draft an individual Short Listing Document

It is important that Procuring and Disposing Entities always use the original customised Standard Short Listing Document to commence drafting a new Short Listing Document for each new procurement requirement. Therefore, following customisation, **the original SD should not be amended** in any way.

When drafting an individual Short Listing Document, the first task therefore is to electronically copy the contents of the SD directory into a new electronic directory. It is recommended that the new directory is given a name including the unique five-digit number from the procurement reference number and a relevant description e.g.00593-MalariaDrugs. This new directory will be the working directory for the individual Short Listing Document and its files can be amended to suit the individual requirement. The User Guide does not need to be copied to the new directory, as it does not form part of the Short Listing Document.

An example of the directory structure is shown below:

-  00593-BankingSoftware
-  00594-TBDrugs
-  00595- AirNavigationSystem

Once the original SD has been copied to become the individual Short Listing Document, the relevant sections can be amended in accordance with the rules below and the guidance notes on each section contained in this User Guide.

Rules for drafting Short Listing Documents

The SDs have been designed to require the minimum of input or changes to the document so that a final Short Listing Document can be produced with minimum time and effort.

Most importantly the provisions in **Part II, “Instructions to Bidders”** **must be used with its text unchanged.**

Any data or information that Part I requires is to be included in **Appendix A “Application Submission Sheet”**.

Data and information contained in the remaining Sections should be modified as follows:

Appendix B “Statement of Requirements” This section should be completed with details of the works, services or supplies required by the Procuring and Disposing Entity.

Appendix C “Evaluation Criteria” This section should be completed with details of the evaluation criteria required by the Procuring and Disposing Entity.

This User Guide contains a section corresponding to each section of the SBD. It also includes an initial section on the Short Listing Notice.

In drafting Short Listing Documents using the SBDs, Users should not:

- delete any Section or page breaks,
- make any changes to the headers of the SBD,
- make any changes to the footers of the SBD.

In order to avoid deleting any section or page breaks, you should ensure that the “Show All” command is switched on, so that the section and page breaks can be seen on screen. The “Show All” command is shown by an icon with the following symbol: ¶.

If this icon does not appear on your screen, you can add it by using the following commands: click on Tools menu, click on Customise, select the Commands tab, select the View category and scroll to find the “Show All” command. Add the icon by dragging it onto your toolbar.

2. Why Short list?

Introduction

The successful performance of large contracts, particularly those that are complex or specialised with strict quality or registration requirements or that have to be designed or custom manufactured specially for the procuring and disposing entity, requires that contracts are awarded only to firms that are suitably experienced in designing, manufacturing or distributing the type of works, services or supplies required, have sufficient production and financial capacity to provide the required quantity within the required delivery period, have adequate quality assurance systems and are financially and managerially sound. The assessment by a procuring and disposing entity of the suitability of firms to carry out a particular contract **prior** to being invited to submit a bid is a process called **Short Listing**.

Short Listing can also be used where the same type of contracts need to be procured a number of times i.e. there will be a group of contracts. Conducting a Short Listing enables the PDE to obtain a list of firms that are qualified for that type of procurement and that list can then be used for preparing shortlists over a certain period of time. For example, a hospital could pre-qualify providers for its major pharmaceutical requirements for a period of a year. The existence of the pre-qualified list saves time and effort for both the PDE and Bidders, as a single Short Listing process can be used as the basis for a number of bidding or quotation processes. The PDE will also have a list of suitable firms to choose from in the event that it needs to select a single Bidder under the Direct Procurement method.

The Use of Short listing

The Regulations as per the provisions of PPDA Regulation 142, permit the Short Listing of firms for the provision of routine items followed by a limited competitive bidding procedure in which only those firms meeting specified Short Listing criteria are invited to submit a bid. It is a normal practice that all applicants meeting the specified criteria should be allowed to bid. Therefore, Short Listing should not normally be used for limiting competition to a predetermined number of potential Bidders, although this is permitted by the Regulations where appropriate.

Where a Short Listing is conducted for a group of contracts, and the subsequent contracts fall within the thresholds for Restricted Bidding or Quotations Procurement, the PDE should follow the normal rules applicable to those procurement methods in developing a shortlist e.g. a minimum of three Bidders for Quotations Procurement. However, PDEs should ensure that only pre-qualified firms are included on the shortlist and that, where there is a succession of shortlists for small requirements, there is a rotation of firms from the pre-qualified list, so that all pre-qualified Bidders have an opportunity to win contracts.

The decision whether to carry out Short Listing is a matter of professional judgment based upon a number of considerations about the contract or contracts themselves, and about the actual process of Short Listing. Contract considerations include size, number, complexity, limitations on completion time, the critical nature of the procurements, quality or registration requirements, special design or manufacturing requirements etc. Considerations regarding the process of Short Listing should weigh the potential benefits against the potential disadvantages, which are topics discussed below.

Benefits of Short listing

The Short Listing process may be of benefit to both Bidders and PDEs alike, in that:

- (a) it reduces the risk of late delivery, and consequent stock-outs, associated with Bidders who lack the production or financial capacity to meet the required production levels;
- (b) it reduces the risk of sub-standard works, services or supplies, associated with Bidders who lack appropriate quality assurance procedures and systems;
- (c) after Short Listing, well-qualified firms will price their bids with the knowledge that they are competing against other qualified Bidders meeting realistic minimum competence criteria; the assurance that inadequately qualified competitors will be excluded from submitting unrealistically low bids thus encourages leading providers to bid;
- (d) Short Listing enables Procuring and Disposing Entities to assess the interest from qualified firms generated by the contract and, in the event that only a limited number of applications are received, to make any necessary adjustments in the procurement process (including, in particular, the special conditions of contract, specifications, payment terms, liquidated damages, or delivery times, which may be perceived as onerous by potential Bidders);
- (e) it helps to expose potential conflicts of interest by identifying providers who may have a business association with consultants responsible for preparing the specifications;
- (f) it reduces the amount of work and time involved by Procuring and Disposing Entities in evaluating bids from unqualified providers;
- (g) it enables the Procuring and Disposing Entity to assess the likelihood of providers' eligibility for a margin of preference under any applicable preference scheme; and
- (h) it reduces significantly, if not eliminates, problems of rejection associated with low-priced bids submitted by Bidders of doubtful capability; and

- (i) it facilitates the preparation of shortlists and ensures that all qualified Bidders are given opportunities to bid, where there are a number of similar requirements;
- (j) it reduces the cost of advertising and conducting the Short Listing process for the PDE, where a single Short Listing can be used for a group of contracts.

Disadvantages of Short listing

On the negative side, Short Listing has some potential disadvantages:

- (a) it may increase procurement lead time, although this can be minimised by good procurement scheduling, e.g., undertaking the Short Listing process while bid documents are being prepared;
- (b) collusion (and the possibility of price-rigging) is easier among a limited number of identified Bidders, particularly if they are of the same nationality;
- (c) the element of subjective judgment required by evaluators when applying the Short Listing criteria to a number of Applicants, and the discretionary rights reserved to the Procuring and Disposing Entity, provide opportunities for externally influenced deviations from the expected high standards of ethics and impartiality in pre-qualifying applicants;
- (d) Short Listing information has to be verified prior to contract award, as the best evaluated Bidder's situation, particularly in terms of available capacity, may have changed, such as where they have been awarded other large contracts since the Short Listing process.

On balance, the benefits of Short Listing under transparent conditions for large or complex procurements or groups of similar contracts normally outweigh the potential disadvantages, for both PDEs and Bidders alike.

3. The Short listing Process

The Short Listing process includes four main phases:

- (i) Advertising;
- (ii) Preparation and Issue of the Short listing Document;
- (iii) Application Period and Receipt and Opening of Applications; and
- (iv) Evaluation and Short listing of Applicants.

Advertising

The Procuring and Disposing Entity must publish a Short Listing Notice in accordance with the Regulations i.e. in at least one publication of wide enough circulation to ensure effective competition. PDEs must use the standard notice format included in the Regulations. The advertising and application periods must give sufficient time for potential Applicants to respond with well-prepared applications and must comply with the minimum advertising and bidding periods given in the Regulations.

Preparation and Issue of the Short Listing Document

The PDE is responsible for the preparation and issue of the Short listing Document (SD) and must use the Standard Short listing Document issued by PPDA, as this is a mandatory requirement for contracts to be funded by the Government of Uganda.

Application Period and Receipt and Opening of Applications

The Applicant is responsible for the preparation and submission of its application. During this stage, the PDE should:

- Promptly respond to requests for clarifications from Applicants and amend, as needed, the SD;
- Amend the SD only with the Contracts Committee's prior approval;
- Receive and record sealed applications from Applicants or make a Bid Box available up to the deadline for submission of applications;
- Close bidding at the precise date and time of the deadline and ensure that no late applications are received.

There is no mandatory requirement for a public bid opening for Short Listing, but PDEs should ensure that all applications received are kept securely and conduct an internal bid opening.

Application Evaluation and Short listing

The Procuring and Disposing Entity is responsible for the evaluation of applications and the Short Listing of applicants. In appointing an Evaluation Committee, the PDE must remember that any mistakes made during the evaluation of applications may prompt complaints from Applicants, possibly requiring re-evaluation of the applications.

The Procuring and Disposing Entity, in observance of best practices shall:

- Maintain the application evaluation process confidential;
- Reject any attempts or pressures to distort the outcome of the evaluation, including fraud and corruption;
- Strictly apply the qualification criteria specified in the Short listing Document.
- Obtain Contracts Committee approval for the evaluation and list of pre-qualified applicants; and
- Ensure that the process complies with all relevant requirements of the Act and Regulations.

4. Guidance Notes on the preparation of Short Listing Notices

Short Listing Notices are designed to provide information that enables potential Applicants to decide whether to participate in a Short Listing process. Apart from the essential items listed in the draft below, the Short Listing Notice should also indicate any important or specialised Short Listing criteria or minimum requirements e.g. the application of a Preference or Reservation Scheme to the subsequent procurement process.

The Short Listing Notice is for publication purposes only and is not a part of the Short Listing Document. The Short Listing Notice must use the standard format in the Regulations, which is reproduced below:

Invitation to Pre-Qualify for [Subject of Procurement]

[Insert Procurement Reference number].

The **[insert name of Procuring and Disposing Entity]** has allocated/received funds **[if received state source]** and intends to apply part of the proceeds of these funds towards the cost of **[insert brief description of works, services or supplies to be procured].**

The **[insert name of Procuring and Disposing Entity]** now invites suitably qualified bidders to submit sealed Short Listing submissions for **[insert brief description of works, services or supplies to be procured].**

[Insert brief narrative of works, services or supplies required, normally four to six lines, including quantities, time period, location of project and other information necessary to enable potential bidders to decide whether to respond to the invitation. Where the Short Listing is for a group of contracts, state the time period and the estimated number and value of contracts]

[Insert details of the Short Listing criteria, including specific experience, capabilities, qualifications, facilities or capacity required etc.]

Short Listing submissions will be evaluated in accordance with the Public Procurement and Disposal of Public Assets Act, 2003 of the Government of Uganda. Short Listing is open to all eligible bidders. **[If there are any restrictions on eligibility, such as source countries, include these here. Also include any preference or reservation scheme that will apply.]**

Interested eligible bidders may obtain further information from **[insert name of Procuring and Disposing Entity]** and inspect the Short Listing documents at the address given below from **[insert office hours]**¹.

The Short Listing documents in **[insert language]** may be purchased by interested bidders on the submission of a written application to the address below and upon payment of a non-refundable fee of **[insert amount in local currency]**² or **[insert amount in specified convertible currency].**

The method of payment will be **[insert method of payment]**³. The document will be sent by **[insert delivery procedure]**⁴. No liability will be accepted for loss or late delivery.

Short Listing submissions must be delivered to the address below at or before **[insert time and date]**. Late submissions shall be rejected.

- (a) Address documents may be inspected at: **[Insert address and contact details]**⁵
- (b) Address documents will be issued from: **[Insert address and contact details]**⁵
- (c) Address Applications must be delivered to: **[Insert address and contact details]**⁵

Notes

1. For example: 09:00 to 12:00 hours.
2. The fee, to defray printing and mailing/shipping costs, should be nominal. If no fee is to be charged ensure that this is stated.
3. For example, cashier's cheque, direct deposit to specified account no., etc.
4. The delivery method is usually airmail for overseas delivery and surface mail or courier for local delivery. If urgency or security dictates, courier services may be required for overseas delivery.

5. The offices for inspection of documents, issue/purchase or documents and submission of applications may not necessarily be the same. If they differ, each address must appear at the end of the notice. Only one address may be specified for submission. Addresses should not be PO Boxes where physical submission or collection of a document is required.

5. Guidance Notes on the Preface Section

This part of the Standard Short Listing Document comprises 1 page summarising the Short listing document.

6. Guidance Notes on the General Part

The General part defines the scope of the application, source of funds and corrupt practices and is not to be changed.

7. Guidance Notes on the Instructions to Bidders

The Instructions to Bidders (ITB) specify the procedures that regulate the Short Listing process. The ITB contains standard provisions that have been designed to remain unchanged and **to be used without modifying their text**. The ITB clearly identifies the provisions that may normally need to be specified for a particular Short Listing process and require that such specification be introduced **through the Application Submission Sheet**.

8. Guidance Notes on the Preparation of Applications

This section contains the language of application, documents establishing applicant's eligibility and qualifications, format and signing of applications and is not to be changed.

9. Guidance Notes on Submission of Applications

This section contains the language of application, documents establishing applicant's eligibility and qualifications, format and signing of applications and is completed by the Procuring and Disposing Entity.

10. Guidance Notes on Opening and Evaluation of Applications

This section contains the details of opening of applications and specifies the criteria that the Procuring and Disposing Entity shall use to evaluate the applications and pre-qualify the Applicants.

11. Guidance Notes on Short Listing

This section contains the details on notification of successful applicants, physical inspection of premises and notification of changes in qualification of applicants if any.

12. Guidance Notes on the Application Submission Sheet

The Application Submission Sheet (ASS) contains information and provisions that are specific to a particular Short Listing process. The Procuring and Disposing Entity must specify in the ADS only the information that the ITB requests be specified in the ADS. All information shall be provided; **no clause shall be left blank.**

This Guide provides information to the Procuring and Disposing Entity on how to enter all required information, and includes an ADS format that summarises all information to be provided.

13. Guidance Notes on Application Forms

The Procuring and Disposing Entity shall include in the SD all application forms that Applicants must complete and submit together with their application. These forms are as specified in Appendix A of the Short Listing document.

As the Applicant is required to complete these Forms, guidance notes are included on the forms themselves in the SD. These notes are in italics between square brackets and should not be deleted by the Procuring and Disposing Entity prior to the issue of the Short Listing Document. The Procuring and Disposing Entity **is not required to input or change any information** in Appendix A.

This User Guide is not intended for Applicants as all information that the Applicant is required to provide should be detailed by the Procuring and Disposing Entity in the Short Listing Document. The Appendix A forms, complete with guidance notes, are not therefore included in this User Guide.

14. Guidance Notes on Statement of Requirements

The Statement of Requirements should contain sufficient information for an Applicant to decide whether or not it is able to provide the works, services or supplies and interested in competing for the contract.

1. List of Works, Services or Supplies

This section should be used to give details of the works; services or supplies required and specify the estimated quantity. The quantity may be changed in the Bidding Document, but the Procuring and Disposing Entity should seek to make the quantity as accurate as possible, as the quantity will affect an Applicant's interest in the contract and ability to qualify. The Unit of Measure must be specified by a recognised abbreviation, eg: g, kg, etc or "each" for complete items such as a vehicle or piece of machinery. Where appropriate detailed specifications should be attached.

2. Additional Information

Additional information not included in the list of works, services or supplies. Typically, the information might include any of the following:

- the delivery terms for the resulting contract, using Incoterms;
- the frequency of shipments required;
- the delivery points and any other distribution requirements;
- any special packaging or marking requirements;
- the contract validity period or the period the Short Listing will apply to for a group of contracts.

15. Guidance Notes on Evaluation Criteria

This section should contain the qualification criteria which the procuring and disposing entity shall use to evaluate the applications and pre-qualify the applicants. It also specifies the documentation that will be required as evidence that an applicant meets the qualification criteria. The Procuring and Disposing Entity must prepare the qualification criteria and include them as part of the Short listing Document.

Criteria should normally be assessed on a pass or fail basis. The criteria adopted must relate to characteristics that are essential to ensure satisfactory performance of the subject contract (or each individual contract where there are a number of lots), and they must be precisely stated. Basically, the criteria must be chosen so that only Applicants that are qualified to carry out the work are permitted to bid. The criteria must also be set so that they neither inhibit competition nor limit the number of eligible firms to be pre-qualified.

The four main areas for qualification are the following:

- Eligibility
- Experience
- Capacity
- Technical and Quality Requirements

The Procuring and Disposing Entity must decide on the most appropriate criteria for the particular works, services or supplies and complete, amend or delete the criteria provided. Additional criteria specific to the particular works, services or supplies can be added. The Procuring and Disposing Entities must ensure that they consider how a particular criterion is to be measured and what documentation will be required from applicants as evidence of meeting the criteria. Any additional explanation of the criteria should be provided and in particular, the following should be specified:

- where criteria apply individually to each party in a joint venture;
- where qualification will be evaluated on lot-by-lot basis, with applicants being required to meet the criteria cumulatively to qualify for more than one lot;

- information required from applicants who are not the primary manufacturer of (especially supplies) for which they wish to be pre-qualified.

Criteria relating to available capacity, such as production capacity, financial position and current commitments will need to be verified prior to contract award, in case the best evaluated bidder's capacity has changed since Short Listing. This may happen where the best evaluated bidder has been awarded other major contracts since the Short Listing process.