

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2023 No. 101.

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC
ASSETS (PROCUREMENT OF CONSULTANCY SERVICES)
REGULATIONS, 2023.**

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STATUTORY INSTRUMENTS

2023 No. 101.

The Public Procurement and Disposal of Public Assets (Procurement of Consultancy Services) Regulations, 2023.

*(Made under sections 96(1) and 96A of the Public Procurement and
Disposal of Public Assets Act, 2003)*

IN EXERCISE of the powers conferred upon the Minister responsible for finance by sections 96(1) and 96A of the Public Procurement and Disposal of Public Assets Act, 2003, in consultation with the Minister responsible for the Kampala Capital City Authority and the Minister responsible for local governments, and on the recommendation of the Authority, these Regulations are made, this 26th day of September, 2023.

PART I—PRELIMINARY

1. Title and commencement.

(1) These Regulations may be cited as the Public Procurement and Disposal of Public Assets (Procurement of Consultancy Services) Regulations, 2023.

(2) These Regulations shall come into force on the 5th day of February, 2024.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Public Procurement and Disposal of Public Assets Act, 2003;

“consultancy service” means a service of an intellectual or advisory nature, provided by a consultancy or consulting firm skilled and qualified in a particular field of profession; and includes, but is not limited to, engineering design or supervision, accountancy, auditing, financial services, procurement services, training and capacity building

services, management advice, policy studies and advice and assistance with institutional reform;

“consultant” means an individual who provides consultancy services to a procuring and disposing entity;

“consultants qualifications selection method” means the method of selecting consultants and consulting firms where a procuring and disposing entity—

- (a) prepares the terms of reference to request expressions of interest and information on the experience of consultants or consulting firms, in order to develop a short list;
- (b) selects a consultant or consulting firm with the most appropriate qualifications;
- (c) requests the consultant or consulting firm with the most appropriate qualifications to submit a combined technical and financial proposal;
- (d) evaluates the combined technical and financial proposal; and
- (e) invites the consultant or consulting firm for negotiations;

“consulting firm” means a company, corporation, organisation or partnership that provides consultancy services to a procuring and disposing entity;

“fixed budget selection method” means a method of selecting consultants or consulting firms with the best technical proposal that is within the budget;

“least cost selection method” refers to the method of selecting consultants or consulting firms where the lowest priced proposal meeting the minimum qualifying score of the technical proposal is selected;

“quality based selection method” means the method of selecting consultants or consulting firms, that uses quality as the

primary factor and the technical proposal of the consultants or consulting firms are evaluated and only the financial proposal of the best evaluated consultant or consulting firm is opened and negotiated upon;

“quality cost based selection method” means the method of selecting consultants or consulting firms which takes into account the quality of the proposal and the cost of the services in the selection of the consultant or consulting firm.

PART II—INITIATION OF PROCUREMENT REQUIREMENTS

3. Initiation of procurement requirement and confirmation of funding.

(1) A procurement requirement shall be initiated using Part I of Form 18 in the Schedule.

(2) Initiation of a procurement requirement shall include—

- (a) the terms of reference for the procurement;
- (b) the estimated value of the consultancy services;
- (c) confirmation of availability of funds to support the procurement; and
- (d) approval of the procurement requirement as required under subregulation (5).

(3) In estimating the value of the consultancy services required and confirming the availability of funds required under subregulation (2) (c), a procuring and disposing entity shall—

- (a) base the estimate on an assessment of the market price;
- (b) seek technical advice, where required; and
- (c) ascertain that the confirmation of availability of funding takes into account the total cost of acquiring the consultancy services.

(4) A specific reference number shall be allocated to each procurement requirement at the initiation stage, using the numbering system specified in guidelines issued by the Authority.

(5) The approval of a procurement requirement required under subregulation (2) shall be evidenced by the signature of the Accounting Officer.

4. Availability of funds.

(1) A procuring and disposing entity shall not initiate any procurement for which funds are not available or adequate in the budget of the procuring and disposing entity except where—

- (a) the delivery of the consultancy services and the consequent payments to a provider are to be effected from subsequent financial years;
- (b) in the case of framework contracts, the procuring and disposing entity shall commit funds at the time of issue of each specific call off order for consultancy services; or
- (c) the Secretary to the Treasury confirms in writing that the required funding shall be made available.

(2) The availability of funds shall be evidenced by budgeted or supplementary funds for the current financial year or an allocation for subsequent years.

(3) The Accounting Officer shall confirm the availability of funds.

(4) Procurement may be initiated, in accordance with this regulation, before the receipt of funds, but a contract shall not be signed before the commitment of funds.

5. Assessment of market price.

The market price of a procurement requirement shall be determined using the prices specified for similar consultancy services in guidelines on prices issued by the Authority.

PART III—METHODS OF PROCUREMENT

6. Choice of procurement method.

(1) A procuring and disposing entity shall use the procurement methods specified in Part VI of the Act for the procurement of consultancy services.

(2) The choice of a procurement method for the procurement of consultancy services shall be in accordance with these Regulations and guidelines issued by the Authority.

(3) The choice of procurement method shall be determined by—

- (a) the estimated value of the consultancy services; and
- (b) the circumstances relating to the requirement.

(4) The choice of procurement method shall be in accordance with the thresholds specified in guidelines issued by the Authority.

Circumstances relating to a procurement

7. Emergency situations.

(1) An emergency situation may be used to determine the procurement method to be used notwithstanding the estimated value of the required consultancy services.

(2) The Procurement and Disposal Unit shall make a recommendation to use an emergency situation as the criterion for determining the choice of procurement method to be used.

(3) The recommendation under subregulation (2) shall include a comprehensive justification for the choice of the procurement method and the reasons giving rise to the emergency situation.

(4) Where an emergency situation is used as the criterion for determining the choice of a procurement method, competition shall

not be excluded from the procurement process solely on the basis of the emergency situation.

(5) A procuring and disposing entity shall obtain maximum competition to the extent practicable in procurement under an emergency situation.

(6) Where the value of a procurement requirement requires the use of open bidding method, a procuring and disposing entity shall in descending order, consider to use—

- (a) the restricted bidding method;
- (b) the quotation method; or
- (c) the direct procurement method,

with the following appropriate modifications, as may be applicable—

- (i) a bidding period which is less than the minimum bidding period specified in these Regulations;
- (ii) a shortlist of at least two bidders;
- (iii) simplified documentation including the bid submission method and evaluation methodology; and
- (vi) any other modification which would make the use of the competitive method possible.

8. Limited number of providers.

(1) The choice of procurement method may be determined by the availability of the consultancy services from only a limited number of providers or a sole provider, regardless of the estimated value of the requirement.

(2) The number of providers may be limited by—

- (a) the existence of intellectual property rights, patent or proprietary rights;

- (b) the existence of a monopoly;
- (c) existing laws;
- (c) an existing standardisation policy;
- (d) the need for compatibility or interchangeability with existing consultancy services; or
- (e) any other justified circumstances.

(3) Where there is a limited number of providers, the Procurement and Disposal Unit shall make a recommendation to procure the consultancy services, from a limited number of providers as the criterion for determining the choice of a procurement method and the recommendation shall include—

- (a) full details of the circumstances in subregulation (2) which are applicable to the procurement;
- (c) a clear statement as to why other sources cannot be used to procure the requirement using a competitive procurement method; and
- (d) an analysis of the statement of requirements, with justification for any parts of the statement of requirements that restricts the number of the potential providers.

9. Compatibility and continuity.

(1) A procuring and disposing entity may use direct procurement for compatibility with the consultancy services or for continuity with an existing provider.

(2) Where compatibility or continuity are used as the basis for direct procurement method, the Procurement and Disposal Unit shall in the recommendation to use the direct procurement method on grounds of compatibility or continuity include a comprehensive justification of the need for compatibility or continuity.

(3) The recommendation to use the direct procurement method on grounds of compatibility or continuity shall contain—

- (a) an analysis of the statement of requirements explaining the need for or the benefits of compatibility or continuity, which may include—
 - (i) technical reasons;
 - (ii) legal reasons, including continued liability or preservation of warranties;
 - (iii) measures taken to achieve efficiency and value for money; and
 - (iv) any other reasons, including the use of experience acquired or savings in mobilisation costs; and
- (b) a clear statement as to why other items or providers cannot reasonably be used to subject the procurement requirement to a competitive procurement method.

(4) Convenience or the lack of an adequate statement of requirements shall not be used as the reason for recommending compatibility or continuity as the basis for the recommendation to the use of the direct procurement method.

10. Splitting of requirements.

(1) A procuring and disposing entity shall not split a procurement requirement where the consultancy services may be procured under a single contract.

(2) Notwithstanding subregulation (1), a procuring and disposing entity may split a procurement requirement, where the split offers a clear and calculable social, economic or technical advantage.

11. Division into lots.

(1) A procuring and disposing entity may, at the commencement of a procurement process, divide the procurement

requirements for consultancy services into separate lots, where it is anticipated that the award of several separate contracts shall result in optimum value for the procuring and disposing entity.

(2) Where a procurement requirement is divided into lots, which may result in separate contracts, the choice of procurement method shall not be determined by the estimated value of each lot but by the total value of all the lots.

(3) Where a number of lots are to be procured under the same procurement process, the bidding documents shall clearly state—

- (a) the number of lots included in the procurement process;
- (b) the nature of each lot;
- (c) the number of lots for which a bidder may bid; and
- (d) the method of evaluating each lot or multiple lots.

Rules and conditions for use of procurement methods

12. Rules and conditions for using specific procurement method.

The rules in regulations 13 to 25, respectively, shall apply for the methods of procurement, as may be specified.

13. Rules for open domestic bidding.

(1) Procurement using the open domestic bidding method shall be open to all bidders and shall be by public advertisement of a bid notice in at least one newspaper of nation-wide circulation.

(2) Notwithstanding subregulation (1), a bidder may be selected through a pre-qualification process, following publication of a pre-qualification notice in at least one newspaper of nation-wide circulation.

(3) The Procurement and Disposal Unit shall make a submission to the Contracts Committee in respect of procurement under the open domestic bidding method using Part II of Form 18 in the Schedule.

(4) For the avoidance of doubt, the pre-qualification process referred to in subregulation (2) is not the pre-qualification process referred to in regulation 31.

14. Conditions for open domestic bidding.

(1) Bidding documents may be issued to prospective bidders at a fee.

(2) The cost of bidding documents shall be approved by the Contracts Committee.

15. Rules for open international bidding.

(1) Procurement using the open international bidding shall be open to all consultants and consulting firms and shall be by public advertisement of a bid notice in at least one publication of wide international circulation.

(2) Notwithstanding subregulation (1), a bidder may be selected through a pre-qualification process, following publication of a pre-qualification notice in at least one publication of wide international circulation.

(3) The Procurement and Disposal Unit shall make a submission to the Contracts Committee in respect of procurement under open international bidding using Part II of Form 18 in the Schedule.

(4) For the avoidance of doubt, the pre-qualification process referred to in subregulation (2) is not the pre-qualification process referred to in regulation 31.

16. Conditions for open international bidding.

(1) Open international bidding may be used instead of open domestic bidding where competition may not be effective without foreign consultants or consulting firms or where involvement of foreign consultants or consulting firms in the bidding process may increase value for money.

(2) A consultant or consulting firm that is resident in Uganda may participate in a bid advertised under open international bidding.

(3) Bidding documents may be issued to prospective consultants or consulting firms at a fee.

(4) The cost of bidding documents shall be approved by the Contracts Committee.

17. Rules for restricted domestic bidding and restricted international bidding.

(1) Procurement using the restricted domestic bidding or restricted international bidding method shall be by selection of a consultant or consulting firm using a shortlist.

(2) Where the restricted domestic bidding or restricted international bidding method is used on the ground that the consultancy services are available only from a limited number of consultants or consulting firms, the procuring and disposing entity shall—

- (a) include all the potential consultants or consulting firms on the shortlist; and
- (b) before issuing the bidding documents, publish a notice of restricted bidding on the website of the procuring and disposing entity indicating—
 - (i) the subject matter of the procurement;
 - (ii) that restricted bidding is to be used on the ground that the consultancy services are available from a limited number of consultants or consulting firms;
 - (iii) the proposed shortlist; and
 - (iv) that any other consultants or consulting firms that are able to offer the required consultancy services may write to the procuring and disposing entity requesting to participate.

(3) The invitation letters for restricted bidding shall be prepared using the notices in the standard bidding documents issued by the Authority.

(4) The Procurement and Disposal Unit shall make a submission to the Contracts Committee in respect of procurement under restricted domestic bidding or restricted international bidding, respectively, using Part II of Form 18 in the Schedule.

18. Conditions for restricted international bidding

(1) Restricted international bidding may, in descending order, be used where—

- (a) the consultancy services are available only from a limited number of consultants or consulting firms;
- (b) the estimated value of the procurement does not exceed the threshold stated in the procurement guidelines; and
- (c) there is insufficient time for an open bidding procedure in an emergency situation.

(2) The procurement process under restricted international bidding shall be in accordance with the following requirements—

- (a) the invitation to bid shall be addressed to a limited number of potential consultants or consulting firms without advertising the opportunity;
- (b) the selection of consultants or consulting firms shall be in accordance with these Regulations; and
- (c) a public bid opening shall be held in accordance with these Regulations.

19. Conditions for restricted domestic bidding.

(1) Restricted domestic bidding may be used where—

- (a) the consultancy services are available only from a limited number of consultants or consulting firms;

- (b) there is insufficient time for an open bidding method in an emergency situation; or
- (c) the estimated value of the procurement does not exceed the threshold stated in the procurement guidelines issued under the Act.

(2) The procurement process under restricted domestic bidding shall be in accordance with the following requirements—

- (a) the invitation to bid shall be addressed to a limited number of potential consultants or consulting firms without advertising the opportunity;
- (b) the selection of consultants or consulting firms shall be in accordance with the procedure prescribed under these Regulations; and
- (c) a public bid opening shall be held in accordance with these Regulations.

20. Rules for the quotation method.

(1) Procurement using the quotation method shall be by selection of consultants or consulting firms using a shortlist which shall have at least six providers.

(2) A procurement process under the quotation method shall not require the opening of the quotations or proposals to be held at a public bid opening session.

(3) The Procurement and Disposal Unit shall make a submission to the contracts committee in respect of procurement under the quotation method using Part II of Form 18 in the Schedule.

21. Conditions for use of the quotation method.

(1) The quotation method may, in descending order of priority, be used where—

- (a) the estimated value of the procurement does not exceed the threshold specified in the procurement guidelines made under the Act; or

- (b) there is insufficient time for the open or restricted bidding procedure such as in an emergency situation.

(2) The process under quotation procurement shall be as follows—

- (a) the request for proposals document shall be addressed to a limited number of potential consultants or consulting firms without advertising;
- (b) the selection of the consultants and consulting firms shall be in accordance with these Regulations; and
- (c) the bid opening process shall not be open to the public and shall be held in accordance with these Regulations.

22. Rules for micro procurement.

(1) A micro procurement process shall not require—

- (a) the issuance of bidding documents;
- (b) the submission of bids;
- (c) a public bid opening session;
- (d) the use of an Evaluation Committee;
- (e) the issuance of a notice of best evaluated bidder; and
- (f) adjudication by the Contracts Committee.

(2) A procuring and disposing entity may delegate to a user department, the authority to undertake micro procurement of the value specified in the guidelines or the limit set by the Contracts Committee, which shall be lower than the value in the guidelines.

23. Conditions for micro procurement.

(1) A procuring and disposing entity may engage in micro procurement for consultancy services where the value of the consultancy services is below the threshold stated in guidelines made under the Act.

(2) Where a procuring and disposing entity engages in micro procurement—

- (a) the original invoice or receipt evidencing the consultancy services procured and the price paid shall be obtained and signed by the official procuring the consultancy services; and
- (b) the Accounting Officer shall ensure that value for money is obtained to the extent practical under the procurement procedure.

24. Rules for direct procurement.

(1) A procuring and disposing entity shall use the appropriate documents from the standard documentation, with the necessary modifications, for the requirements of the procurement using the direct procurement method.

(2) The Procurement and Disposal Unit shall make a submission to the Contracts Committee in respect of procurement using the direct procurement method using Part II of Form 18 in the Schedule.

(3) A bid for direct procurement shall be in writing.

25. Conditions for use of the direct procurement method.

(1) Direct procurement may be used where—

- (a) there is insufficient time for any other procedure such as in an emergency situation;
- (b) the consultancy services are available from only one consultant or consulting firm;
- (c) a contract may be extended for additional consultancy services of a similar nature and no advantage may be obtained by further competition, if the prices on the extended contract are reasonable;
- (d) additional consultancy services are required to be compatible with existing services and it is advantageous or necessary to purchase the additional services from the

original consultant or consulting firm, provided the prices of the additional services are reasonable; or

- (e) it is essential or preferable to procure additional consultancy services from the previous consultant or consulting firm to ensure continuity for downstream work, including continuity in technical approach, use of experience acquired or continued professional liability, if the prices of the additional services are reasonable.

(2) Where the direct procurement method is used in the circumstances set out in subregulation (1) (c), (d) or (e), the value of the additional consultancy services shall not exceed fifteen percent of the value of the contract.

(3) Where the direct procurement method is used more than once in the circumstances set out in subregulation (2), the cumulative value of the additional services shall not exceed twenty five percent of the value of the contract.

PART IV—RULES AND PROCESSES FOR THE PROCUREMENT OF CONSULTANCY SERVICES

26. Procurement of consultancy services by publishing notice of expression of interest.

(1) A procuring and disposing entity may procure consultancy services by publishing a notice of expression of interest under open domestic bidding or open international bidding, to obtain a shortlist of bidders where—

- (a) the consultancy services are specialised or require detailed design or methodology;
- (b) the cost of preparing a detailed bid would discourage competition;
- (c) the evaluation is particularly detailed and the evaluation of a large number of bids would require excessive time and resources from a procuring and disposing entity;

- (d) the bidding is for groups of procurements which are similar, for the purpose of preparing a shortlist.

27. Notices and documents for expression of interest.

(1) A procuring and disposing entity shall invite consultants or consulting firms to provide consultancy services by publishing a notice to interested consultants or consulting firms to submit expressions of interest.

(2) A procuring and disposing entity shall publish the notice inviting expressions of interest in at least one newspaper of wide circulation in Uganda.

(3) The notice inviting expressions of interest may in addition to being published in a newspaper, be published in the relevant professional publication.

(4) Where a procuring and disposing entity does not expect the required consultancy services to be available from at least six consultants or consulting firms in Uganda, the notice inviting expressions of interest shall be published in a publication of wide international circulation.

(5) 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 and disposal notice board of the procuring and disposing entity and where available, on the website of the procuring and disposing entity, and shall remain on display up to the date of closing of submission of expressions of interest.

(6) A procuring and disposing entity may publish an abridged version of the notice inviting expressions of interest and where the procuring and disposing entity publishes an abridged version—

- (a) the abridged notice shall indicate the website address where the full notice may be viewed; and

(b) the full notice shall be displayed on the website of the Authority and where available, of the procuring and disposing entity.

(7) A notice inviting expressions of interest shall indicate—

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

(b) a summary of the scope of the assignment and a brief description of the required consultancy services;

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

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

(e) details of the information required in the expression of interest, including any information or documentation required to verify the eligibility or qualifications of a consultant or consulting firm;

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

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

(8) A procuring and disposing entity shall use the standard notice inviting expressions of interest issued by the Authority, to prepare a notice inviting expressions of interest.

(9) A request to publish a notice shall be made by the Procurement and Disposal Unit to the Contracts Committee using Part II of Form 18 in the Schedule.

28. Period for expressions of interest.

(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 be determined taking into consideration—
 - (a) the level of detail required in the expression of interest;
 - (b) whether the consultants or consulting firms are required to submit authenticated legal documents or similar documents as part of the proposals and the time required to obtain these documents; and
 - (c) the location of the consultants or consulting firms and the time required to deliver the expression of interest to the procuring and disposing entity.
- (3) The minimum period for expressions of interest shall be—
 - (a) ten working days, where the notice is only published in Uganda; and
 - (b) fifteen working days, where the notice is published internationally.

29. Short listing of consultants and consulting firms after expression of interest.

(1) The Evaluation Committee shall, using the evaluation criteria in the expressions of interest, prepare a shortlist of consultants or consulting firms that meet the requirements of the procuring and disposing entity.

- (2) The evaluation of expressions of interest shall determine—
 - (a) the capacity of a consultant or consulting firm to perform the assignment successfully; and
 - (b) the eligibility of a consultant or consulting firm.

(3) In determining the capacity of the consultant or consulting firm to perform an assignment successfully, the Evaluation Committee shall establish—

- (a) the experience of the consultant or consulting firm in assignments of a similar nature;

- (b) the experience of the consultant or consulting firm in countries with conditions similar to the conditions in Uganda;
 - (c) the skills of the consultant or consulting firm that are relevant to the assignment; and
 - (d) any other criteria that is relevant to the capacity of the consultant or consulting firm to perform the assignment.
- (4) In determining the eligibility of the consultant or consulting firm, the Evaluation Committee shall establish whether—
- (a) the consultant or consulting firm has the legal capacity to enter into a contract with the procuring and disposing entity;
 - (b) the consultant is not bankrupt or the consulting firm is not insolvent, in receivership, bankrupt or being wound up, as the case may be;
 - (c) the business activities of the consultant or consulting firm are not suspended;
 - (d) the consultant or consulting firm is not the subject of legal proceedings for any of the circumstances mentioned in paragraph (b);
 - (e) the consultant or consulting firm fulfilled the obligations to pay taxes and where applicable, made social security contributions in Uganda;
 - (f) the consultant or consulting firm does not have a conflict of interest in relation to the subject of the procurement;
 - (g) the consultant or consulting firm is not suspended by the Authority; and
 - (h) the consultant is not a member of the procuring and disposing entity as defined in section 91U of the Act.

(5) For the purpose of subregulation (4), the consultant or the consulting firm, as the case may be, shall be required to submit the following documents, with the expression of interest—

- (a) a copy of the trading licence or its equivalent;
- (b) a copy of the certificate of registration or its equivalent;
- (c) a signed statement indicating that the consultant or consulting firm does not have a conflict of interest in the subject of the procurement; and
- (d) any other relevant documents or statements as may be stated in the notice inviting expression of interest.

(6) Subregulation (5) (a) and (b) shall not apply to a consultant or consulting firm that is registered by the Authority on the register of providers.

(7) Where the business of a consultant or consulting firm is not registered in Uganda and a document required in subregulation (5) is not available in the country of the consultant or consulting firm, the consultant or consulting firm shall submit an alternative document or a statement affirming that the document is not available in the country of the consultant or consulting firm.

(8) A procuring and disposing entity shall verify the accuracy, validity and authenticity of the documents submitted by a consultant or consulting firm under subregulation (5) or (7).

(9) For the purpose of subregulation (3), in case of a consultant, the consultant shall be required to submit a curriculum vitae, with the expression of interest.

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

(11) A shortlist shall to the extent possible, have six consultants or consulting firms.

(12) The evaluation of expressions of interest shall be recorded using Form 19 in the Schedule.

30. Debriefing of consultants and consulting firms not shortlisted.

(1) The procuring and disposing entity shall, on the day the request for proposals is issued, notify the consultant or consulting firm that is not shortlisted.

(2) A procuring and disposing entity shall where requested by a consultant or consulting firm that is not shortlisted, provide the consultant or consulting firm with a debrief stating the reasons for the failure of the expression of interest of that consultant or consulting firm as the case may be.

(3) The debrief shall—

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

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

(4) The debrief shall be unique to a consultant or consulting firm, as the case may be, and shall not provide details of any other expression of interest except the information specified under subregulation (3) or information which is available publicly.

(5) A procuring and disposing entity shall provide the debrief within two working days of receipt of a request.

31. Pre-qualification for groups of similar procurements.

(1) Where the pre-qualification process is for a group of procurements which are similar, the procuring and disposing entity shall apply regulations 28, 29 and 30 of these Regulations.

(2) The pre-qualification notice and document, shall specify the period of time for which the pre-qualification is to be used.

(3) The list of pre-qualified providers for groups of procurements which are similar shall be updated periodically.

(4) The procuring and disposing entity shall verify the information submitted by a provider under this regulation, before that provider is shortlisted.

Single and sole source consultants

32. Procurement of single or sole source consultant.

(1) Where exceptional circumstances prevent the use of competitive bidding and where the conditions for using the direct procurement method in regulation 25 are satisfied, a procuring and disposing entity may invite a consultant who has the capacity to perform the required assignment to submit a proposal.

(2) For the purposes of subregulation (1)—

(a) a single consultant shall be identified from a number of consultants who are able to provide the consultancy service; or

(b) a sole source consultant shall be identified where only one consultant is able to provide the consultancy service, due to the unique skills or knowledge of that consultant or where there is need for continuity in the delivery of the consultancy service.

(3) A procuring and disposing entity shall use the prequalified list of providers of the procuring and disposing entity to identify a single consultant or a sole source consultant for a consultancy service and

where the procuring and disposing entity does not have a prequalified list of providers, the procuring and disposing entity shall use—

- (a) the register of providers of the Authority;
- (b) the recommendations of a competent authority; or
- (c) the pre-qualified providers of another procuring and disposing entity.

(4) For each consultancy service, the consultants who are eligible for selection as single consultants shall, be procured on a rotational basis.

(5) The Procurement and Disposal Unit shall, prior to making a recommendation for procurement as a single or sole source consultant to the Contracts Committee, confirm that the consultant is eligible and qualified.

(6) Where a consultant is to be procured as a sole source consultant, the Procurement and Disposal Unit shall, prior to making a recommendation to the Contracts Committee, verify that only that consultant is able to meet the requirements of the required consultancy service, due to the unique skills or knowledge of the consultant and that the consultant is eligible and qualified.

(7) The Procurement and Disposal Unit shall submit the name of the recommended single consultant or sole source consultant to the Contracts Committee, for approval of the request for proposals, using Part II of Form 18 in the Schedule.

(8) The name of the single consultant or sole source consultant, who is approved by the Contracts Committee shall on the day the request for proposals is issued, be displayed on the procurement and disposal notice board of the procuring and disposing entity, and remain on display for the duration of the period for submission of proposals.

33. Procurement of services of a consultant.

(1) A procuring and disposing entity shall procure the services of a consultant where—

- (a) the procuring and disposing entity does not require the services of a consulting firm to provide the consultancy services;
- (b) additional professional support is not required; or
- (c) the experience and qualifications of the consultant are the important requirement.

(2) A notice inviting expression of interest from consultants shall in addition to the requirements in regulation 8, 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, the fee rate of the consultants 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 take into account references and use interviews to assess the skills, qualifications and experience of the consultant.

(3) 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 shall 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.

(4) 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.

(5) A procuring and disposing entity shall use the standard notice inviting consultants issued by the Authority to prepare a notice inviting consultants.

Request for proposals

34. Drafting request for proposals.

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

(2) A request for proposals shall be approved by the Contracts Committee.

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

(4) The Procurement and Disposal Unit shall—

- (a) effect any necessary changes to the instructions to the consultants or consulting firms 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 or consulting firm;
 - (b) state clearly the selection method to be used which shall be appropriate to the requirements of the procuring and disposing entity;
 - (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 all appropriate factors and weighting and method of application of the appropriate factors;
 - (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 or consulting firms 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;
 - (iv) state the details for labelling the envelopes and that the proposals are to be submitted in a securely sealed plain outer envelope;
 - (v) contain instructions that a consultant may, at any time before the deadline for submission of proposals, withdraw the proposal and submit another or modify part of a proposal and the procedure for this;
 - (vi) state that a consultant or consulting firm may seek clarification on the request for proposal and the date by which clarification may be sought;
 - (vii) state that the original copy of the technical proposal and of the financial proposal shall be marked, “ORIGINAL” and specify the number of copies of the technical proposal and of the financial proposal to be submitted, which shall be marked, “COPY”;
 - (viii) state the currency in which a proposal is to be submitted;
 - (ix) state the proposal submission method, including instructions for the submission of the technical and financial proposals, separately, where applicable;
 - (x) state the selection method and evaluation criteria to be used; and
 - (xi) state the procedure for conversion of prices to a single currency for evaluation purposes, including the source and date of the exchange rates to be used;
- (b) in respect of the statement of requirements for the consultancy services, include—

- (i) the terms of reference and the expected input of the key personnel;
 - (ii) the duration and timing of the inputs and the completion schedule;
 - (iii) the inputs and facilities to be provided by the procuring and disposing entity; and
 - (iv) the required deliverables or outputs and the arrangements for approval or acceptance of the deliverables or outputs;
- (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.

(7) For the purposes of subregulation (6) (a) (iv) and (vi), the consultants or consulting firms shall indicate on the envelopes—

- (a) the procurement reference number;
- (b) the name of the consultant or consulting firm; and
- (c) the following words—
 - (i) “TECHNICAL” or “FINANCIAL”, as may be necessary;

- (ii) “WITHDRAWAL”, “MODIFICATION” or “REPLACEMENT”, as may be necessary; and
- (iii) “NOT TO BE OPENED BEFORE DATE AND TIME OF PROPOSAL OPENING”.

(8) The request for proposals may require a consultant or consulting firm to comment on the terms of reference.

35. Changes to proposal details.

(1) The request for proposals shall state that a consultant shall not seek to make a change to the substance of a proposal submitted and shall not be permitted to effect any change, after the deadline for submission of proposals.

(2) The request for proposals shall state that the proposal of a consultant who attempts to make a change to the proposal, after the deadline for submission of proposals, shall be rejected.

36. Terms of reference in request for proposals.

(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 or consulting firm;
- (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 or consulting firm, to the procuring and disposing 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; and
- (h) the required key personnel and their minimum qualifications.

37. Details to be included in request for proposals.

- (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;
- (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.

38. Evaluation criteria to be included in request for proposals.

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

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

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

	<i>Criteria</i>	<i>Range of points</i>
(a)	Specific experience	5 to 10 points
(b)	Methodology proposed	20 to 50 points
(c)	Key personnel	30 to 60 points
(d)	Transfer of knowledge	0 to 10 points
(e)	Participation by nationals	0 to 10 points
	Total	100 points

(5) Where an evaluation is complex or where a detailed evaluation by sub criteria is required, each criterion shall be scored out of one hundred points and the scores of each criterion weighted to obtain a maximum total of one hundred points.

39. Availability of staff.

(1) A procuring and disposing entity shall, where appropriate, in the request for proposals request a consulting firm to—

- (a) confirm the availability of the key professional staff, whose curriculum vitae are to be included in the proposal and which shall be evaluated; and
- (b) provide signed statements of availability from the key professional staff.

(2) A procuring and disposing entity may, where necessary, allow a consulting firm to substitute the key professional staff of the consulting firm and where the procuring and disposing entity allows this, the substitute staff shall have equivalent or superior qualifications and experience.

40. Considerations in respect to taxes.

A request for proposals shall state the taxes to be included in the proposal.

41. Insurance and indemnity for consultancy services.

(1) A procuring and disposing entity shall in the request for proposal require the consultants or consulting firms —

- (a) to indemnify or cause to be indemnified, the procurement requirements for the consultancy services—
 - (i) against damage, loss or injury to person or property arising from the services provided; and
 - (ii) against any actions, suits, claims, demands, costs and expenses occasioned by negligent or breach of statutory duty by a consultant or consulting firm; and
- (b) to have and maintain adequate professional liability and insurance coverage against negligent performance.

(2) A procuring and disposing entity shall state the insurance and indemnity required for the procurement of consultancy services in the request for proposals and shall require the consultants or the consulting firms to include in the proposal, the costs of the insurance and indemnity.

42. Period for preparation of proposals for consultancy services.

(1) The period for preparation of proposals for consultancy services shall start on the date the consultants or consulting firms are invited to submit proposals and end on the date of the deadline for submission of proposals.

(2) A procuring and disposing entity shall determine the period in subregulation (1), taking into consideration the following factors—

- (a) the time necessary for the consultants or consulting firm to prepare the proposals, taking into account the level of detail required and the complexity of proposals and the requirement to authenticate the legal documents, where these are required;
- (b) the location of consultants or consulting firms invited to submit proposals and the time required to deliver the request for proposals to the procuring and disposing entity; and
- (c) the anticipated duration of the procurement process.

(3) The minimum bidding period shall be—

- (a) ten working days in the case of consultants; and
- (b) fifteen working days, in the case of consulting firms.

(4) Subregulation (3) shall not apply in an emergency situation or where a consultant or consulting firm, as the case may be, is invited under the direct procurement method.

PART V—BIDDING

43. Issue of request for proposals.

(1) A request for proposals shall be issued to all the consultants and consulting firms that are invited to submit proposals, on the same day.

(2) A procuring and disposing entity shall obtain a signed receipt or other form of confirmation of receipt of the request for proposal from the consultant or consulting firm that is issued with a request for proposal.

(3) A procuring and disposing entity shall only receive proposals from consultants and consulting firms that are invited to submit proposals.

(4) A procuring and disposing entity shall record the issuance of the request for proposals using Form 20 in the Schedule.

44. Clarification and amendment of request for proposals.

(1) Where a consultant or a consulting firm makes a request for clarification, the procuring and disposing entity shall in writing, provide the clarification and send a copy of the clarification to all the consultants and consulting firms that are invited to submit proposals.

(2) The clarification shall describe the request made, but shall not identify the consultant or consulting firm that makes the request.

(3) At any time, prior to the deadline for submission of proposals, a procuring and disposing entity may, at its own initiative or in response to a request for clarification from a consultant or consulting firm, amend the request for proposals by issuing an addendum.

(4) Where a procuring and disposing entity amends the request for proposals by issuing an addendum, the procuring and disposing entity may where necessary, extend the period for preparation of proposals, as may be appropriate.

(5) The addendum and the extension to the period of submission of proposals, shall be issued to all the consultants or consulting firms, as the case may be, that are invited to submit proposals.

(6) An addendum to a request for proposals shall be approved by the Contracts Committee prior to its issuance to the consultants and consulting firms.

(7) The clarifications and amendments to the request for proposals issued under this regulation shall be binding on the consultants and consulting firms.

45. Pre-proposal meetings.

(1) A procuring and disposing entity may hold a pre-proposal meeting to allow the consultants and consulting firms that are issued

with the request for proposals to seek clarification on the requirements of the procuring and disposing entity.

(2) A pre-proposal meeting shall be managed by the Procurement and Disposal Unit and a person nominated by the user department shall attend the meeting.

(3) To allow the consultants or consulting firms, as the case may be, to take into account any additional information in the preparation of the proposals, the pre-proposal meeting shall be held within sufficient time before the deadline for submission of proposals.

(4) A procuring and disposing entity shall give the consultants or consulting firm sufficient notice of the meeting.

(5) The minutes of a pre-proposal meeting shall be recorded using Form 21 in the Schedule and copies of the minutes shall be provided to all the consultants who are issued the request for proposals.

46. Period of validity of proposals and extension of period of validity.

(1) The period of validity of a proposal shall start from the date of closing of submission of the proposal and end on the last day of the period of validity of the proposal.

(2) A procuring and disposing entity shall determine the period of validity of a proposal taking into consideration the following—

- (a) the time needed by the procuring and disposing entity to undertake the technical and financial evaluation and negotiations, as appropriate;
- (b) the time needed by the Contracts Committee to adjudicate the award of contract recommendation; and
- (c) the time needed by the Procurement and Disposal Unit to prepare the contract and to obtain the required approvals.

(3) Where it is necessary, for purposes of completing the requirements specified in subregulation (2), to extend the period of validity of a proposal, the consultant or the consulting firm, as the case may be, shall be requested in writing, before the expiry of the validity of the proposal of the consultant or the consulting firm, to extend the period of validity of the proposal.

(4) A consultant or consulting firm shall not, in extending the period of validity of a proposal, change the price or any other item of the proposal.

(5) A consultant or a consulting firm may refuse to extend the period of validity of the proposal and where the consultant or consulting firm refuses, the proposal securing declaration shall not be executed.

47. Proposal securing declaration.

(1) A procuring and disposing entity may require a consultant or a consulting firm to provide a proposal securing declaration in respect of the proposal submitted.

(2) A proposal securing declaration shall be—

(a) in a format provided in the request for proposals; and

(b) valid until the date prescribed in the request for proposals.

(3) Where a consultant or consulting firm breaches the proposal securing declaration, the procuring and disposing entity shall immediately notify the Authority.

(4) The Authority may in accordance with Section 94 of the Act, suspend a consultant or consulting firm who breaches a proposal securing declaration.

48. Methods for submission of proposals.

(1) A procuring and disposing entity shall use one of the following methods of submission of proposals—

- (a) the one stage-two envelope method where the proposal is submitted in an outer sealed envelope containing two separately sealed envelopes labelled “technical proposal” and “financial proposal”, respectively;
- (b) the one stage-single envelope method where a proposal is submitted in one sealed envelope; or
- (c) two stage method where, at the first stage only the technical proposal is submitted and at the second stage, a revised technical proposal and a financial proposal are submitted.

(2) The method of submission of proposals shall be used for the respective methods of procurement and shall be based on the following—

- (a) the one stage-two envelope method shall be used where, the quality and cost based selection method, the quality based selection method, the least cost selection method or the fixed budget selection method is used and may be used for the quality based selection method;
- (b) the one stage-single envelope method shall be used for the direct procurement method or the consultants’ qualifications selection method; and
- (c) the two stage method shall be used for the quality based selection method.

49. Withdrawal, modification and replacement of proposals.

(1) A consultant or a consulting firm shall withdraw or modify a proposal by writing a letter, notifying the procuring and disposing entity of the withdrawal or modification, as the case may be.

(2) The letter to withdraw a proposal shall be contained in an envelope clearly marked, “WITHDRAWAL” and shall be submitted in the same way as a proposal.

(3) A consultant or consulting firm that withdraws a proposal may submit a replacement proposal which shall be submitted in an envelope clearly marked “REPLACEMENT”.

(4) A consultant or consulting firm may modify part of a proposal by submitting another proposal in respect of the part to be modified with a covering letter in an envelope clearly marked, “MODIFICATION”.

(5) The proposal submitted under subregulation (4) and the covering letter shall indicate the part of the proposal to which the modification relates.

Receipt and opening of proposals

50. Methods of receipt of proposals.

(1) A proposal shall be received by a procuring and disposing entity where—

(a) the proposal is received by a member of the Procurement and Disposal Unit; or

(b) the proposal is deposited in the proposal box.

(2) A procuring and disposing entity shall not be held liable for risk of loss or delay in delivery of a proposal delivered by courier.

51. Receipt of proposals in person and closing of submission of proposals.

(1) A member of the Procurement and Disposal Unit shall be available at the location for submission of proposals, for a reasonable period of time before the deadline for submission, to receive proposals and to issue receipts.

(2) The Procurement and Disposal Unit shall issue a receipt for each proposal received, stating the date and time the proposal is received.

(3) A procuring and disposing entity shall maintain a record of the proposals received using Form 22 in the Schedule which shall indicate the name of the consultant or consulting firm, the date and time the proposal is received and name of the member of staff of the Procurement and Disposal Unit who receives the proposal.

(4) The process of submission of proposals shall be closed at the deadline for submitting proposals.

(5) A proposal that is brought to the location of submission of proposals after the deadline for submission shall not be accepted or received by the procuring and disposing entity.

(6) A proposal that is submitted after the deadline for submission of proposals shall be labelled "LATE", and shall be returned unopened to the consultant or the consulting firm or shall be destroyed where the proposal is not labelled with the name of the consultant or the consulting firm.

(7) The closure of the process of submission of proposals shall be managed by at least one member of the Procurement and Disposal Unit and shall be witnessed by a member of the Contracts Committee or a person nominated by the user department.

(8) The persons referred to in subregulation (7) shall fill and sign Form 22 in the Schedule to confirm that selection closed at the deadline for submission of proposals.

(9) Immediately after the closure of the process of submission of proposals, the proposals received shall be moved to the location where the proposals are to be opened.

52. Receipt of proposals by box and closing of submission of proposals.

(1) A Procurement and Disposal Unit shall provide a box for submission of proposals which shall be accessible to a consultant or consulting firms during working hours, until the deadline for submission of proposals.

(2) A Procurement and Disposal Unit may issue a receipt for each proposal received, stating the date and time the proposal was received, before it is placed in the box and record the receipt of the proposal using Form 22 in the Schedule.

(3) Where a proposal is too large to be placed in the box, a member of the Procurement and Disposal Unit shall receive the proposal and issue a receipt.

(4) The process of submission of proposals shall be closed at the deadline for submission of proposals, by sealing the box.

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

(6) The closure of the process of submission of proposals shall be managed by at least one member of the Procurement and Disposal Unit and shall be witnessed by a member of the Contracts Committee or a person nominated by the user department.

(7) The persons referred to in subregulation (6) shall sign Form 22 in the Schedule to confirm that selection was closed at the deadline for submission of proposals.

(8) Immediately after the closure of the process of submission of proposals, the proposals received shall be moved to the location where the proposals are to be opened.

53. Representation of consultants and consulting firms at public opening.

(1) A consultant or a consulting firm or a representative of the consultant or consulting firm may attend the public opening session.

(2) A consultant or a consulting firm or a representative of the consultant or consulting firm shall be requested to confirm that the

proposal is as it was submitted but shall not be permitted to make any addition, deletion or modification to the exterior or the contents of the proposal.

(3) A consultant or a consulting firm or a representative of the consultant or consulting firm may ask questions after the proposals are opened but a procuring and disposing entity shall not enter into a discussion with the consultant or a consulting firm or a representative of the consultant or consulting firm, on the specific details of any proposal.

54. Information to be read out at technical opening session.

The Procurement and Disposal Unit shall at the technical opening session notify the consultants or consulting firms, as the case may be, of—

- (a) the consultants or consulting firms that submit proposals;
- (b) a consultant or consulting firm that did not submit a proposal securing declaration, where this was requested for;
- (c) the consultant or consulting firm that submitted separately sealed financial proposals, where this was required; and
- (d) any other information that is required to be stated at the public opening as indicated in the request for proposals.

55. Procedure for public opening of technical proposals.

(1) The public opening of the technical proposals shall be managed by the Procurement and Disposal Unit and shall be witnessed by a member of the Contracts Committee or a person nominated by the User Department.

(2) At the public opening, the Procurement and Disposal Unit shall first manage the envelopes marked “WITHDRAWAL” by reading out the names of the consultants or consulting firms, as the case may be, as indicated on the envelopes and returning the sealed envelopes to the consultants or consulting firms.

(3) A proposal shall be accepted as withdrawn where the withdrawal notice is in accordance with the instructions for withdrawal of proposals stated in the request for proposals.

(4) The Procurement and Disposal Unit shall open all the other envelopes including the envelopes marked “REPLACEMENT” and “MODIFICATION” and read out the information that is required by the request for proposal to be read out at the public opening session.

(5) The financial proposals shall not be opened at the public opening session.

(6) A replacement proposal shall be recorded as such in the record of the proposal opening session.

(7) The signed pages of the technical proposal and any other pages as may be determined by the person who chairs the public opening session to be the important pages of the technical proposals shall be endorsed with the stamp of the procuring and disposing entity and signed or initialled by that person.

(8) The procuring and disposing entity shall, in the record of the proposal opening session, note the proposal securing declarations received.

(9) A copy of the record of the opening session shall be made available to a consultant or consulting firm or a representative of the consultant or consulting firm, upon request.

(10) A copy of the record shall be posted on the procurement and disposal notice board of the procuring and disposing entity, three working days after the public opening session is held and shall be displayed for a minimum of one week.

(11) The public opening of the technical proposals and expressions of interest shall be recorded using Form 23 in the Schedule.

*Selection of consultants and consulting firms and
evaluation of proposals*

56. Methods of selection of consultants and consulting firms.

(1) The evaluation of proposals by consultants and consulting firms shall be made using any of the following selection methods—

- (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) the consultants qualifications selection method.

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

(3) A procuring and disposing entity shall for the procurement of consultancy services, use the quality and cost based selection method to select consultants or consulting firms, except for the circumstances specified in subregulation (4), where other selection methods may be used.

(4) A procuring and disposing entity may for the following circumstances use other selection methods—

- (a) the quality based selection method, for—
 - (i) highly specialised assignments, where it is difficult to develop precise terms of reference or to determine the required input and for which a procuring and disposing entity expects consultants or consulting firms 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 or consulting firms; 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, for assignments that are simple, can be precisely defined, and where the budget is fixed;
 - (c) the least cost based selection method, for consultancy services that are of a standard or routine nature and where well established practices and standards exist; and
 - (d) the consultant qualification's selection method, for low value assignments for which the need for preparing and evaluating competitive proposals is not justifiable.
- (5) The Procurement and Disposal Unit shall, for purposes of subregulation (4)—
- (i) prepare the terms of reference and request for applications from consultants or consulting firms; and
 - (ii) develop a short list of consultants or consulting firms and select the consultant or consulting firm with the most appropriate qualifications and references.

57. Evaluation of proposals.

(1) An Evaluation Committee shall evaluate the proposals for provision of consultancy services using the method and criteria stated in the request for proposals.

(2) The technical proposals shall be evaluated within twenty working days from the date of the opening of the technical proposals.

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

58. Request for clarification of proposals.

(1) Notwithstanding regulation 35, an Evaluation Committee may at any stage of the evaluation, request a consultant or consulting firm to clarify the information provided in the proposal or to submit additional documentation to clarify the information provided.

(2) An Evaluation Committee shall make a request under subregulation (1) where there is nonconformity or an omission in the proposal, which is not a material deviation as specified in regulation 59 (3).

(3) A request for clarification or submission shall not be made with the intention of—

- (a) altering or amending the price of the proposal;
- (b) changing the substance of the terms and conditions of the proposal; or
- (c) substantially altering anything which forms a crucial or deciding factor in the evaluation of the proposal.

(4) A consultant or consulting firm shall not be permitted to make a clarification or submission which—

- (a) alters or amends the price of a proposal;
- (b) changes the substance of the terms and conditions of the proposal; or
- (c) substantially alters anything which forms a crucial or deciding factor in the evaluation of the proposal.

(5) A request to a consultant or consulting firm shall be signed by the chairperson of the Evaluation Committee.

(6) Where a consultant or consulting firm does not respond to a request, the Evaluation Committee may disqualify the consultant or consulting firm.

(7) A request to clarify the information provided in the proposal or to submit additional documentation shall not become negotiations.

PART VI—EVALUATION

Evaluation of technical proposals

59. Preliminary examination.

(1) An Evaluation Committee shall at the preliminary examination determine whether the proposal is administratively compliant.

(2) A proposal shall be administratively compliant where the proposal conforms to the instructions, requirements and the terms and conditions of the request for proposals without any non-conformity or omission.

(3) A proposal shall be administratively compliant where—

- (a) the proposal is submitted in the required format;
- (b) the financial proposal is submitted separately;
- (c) the signature and authorisation to submit proposals is in accordance with the instructions in the request for proposals;
- (d) a proposal securing declaration, if required, is submitted in the correct format;
- (e) the validity of the proposal is correct; and
- (f) the additional documentation that is required is submitted.

(4) The preliminary examination shall be conducted on a pass or fail basis and a proposal that is not administratively compliant and responsive to the request for proposals, shall be rejected at the preliminary examination stage of evaluation.

(5) Notwithstanding subregulation (4), where a proposal is not administratively compliant but the non-compliance does not constitute a material deviation the Evaluation Committee may waive, clarify or correct the deviation.

60. Detailed evaluation.

(1) An Evaluation Committee shall using 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 achieve the minimum score required in the request for proposal shall be rejected at the detailed evaluation stage.

61. Procedure for conducting merit point evaluation.

(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 sub-criteria and the relative importance of each criteria and sub-criteria;
- (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 at its meeting compile the scores awarded by each member of the Evaluation Committee, to produce a score sheet for each proposal,

from which the average score for each proposal shall be calculated and where a weighted score is used, the weightings shall be applied prior to calculating the average score;

- (d) the members of the Evaluation Committee shall compare the scores of each member of the Evaluation Committee for each proposal to determine whether there was 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 discussed and each member of the Evaluation Committee, 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 of the 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.

(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) An adjustment shall not be made where it is not permitted by the Evaluation Committee.

(5) 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.

(6) The Evaluation Committee shall, in the evaluation report, indicate the strengths and weaknesses of each proposal.

62. Technical evaluation report.

(1) The Procurement and Disposal Unit shall submit the technical evaluation report to the Contracts Committee, for approval, before the financial proposals are opened.

(2) The technical 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 not signing the report.

(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 consulting firm 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 24 in the Schedule.

63. Notification to consultants and consulting firms not recommended for financial evaluation.

(1) After the approval of the technical evaluation report by the Contracts Committee and before the financial proposals are open, the consultants or consulting firms whose proposals are disqualified at the technical evaluation stage and which are not recommended for financial evaluation shall be informed.

(2) The procuring and disposing entity shall, on request, provide a consultant or consulting firm whose proposal is disqualified at the technical evaluation stage and which is not recommended for financial evaluation with a debrief 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 or consulting firm who makes a request and shall not provide details on any other proposal, other than the information that is otherwise publicly available.

(4) The debrief shall be provided within two working days of a request by a consultant or consulting firm.

(5) A financial proposal that is not evaluated shall be returned to the consultant or consulting firm, unopened, after the contract is awarded.

64. Evaluation of proposals of single consultants and sole source consultants.

(1) The Evaluation Committee shall make a recommendation for award of contract, to a single consultant or sole source consultant where the proposal of the consultant achieves the minimum technical score.

(2) Where the technical proposal of a single consultant or a sole source consultant is not administratively compliant or does not achieve the minimum technical score, the Evaluation Committee shall recommend to the Contracts Committee to reject the proposal and to invite another consultant to submit a proposal.

(3) The Procurement and Disposal Unit shall submit the report of the Evaluation Committee to the Contracts Committee for approval.

- (4) 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;
 - (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.

(5) 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 not signing the report.

(6) The evaluation report shall be prepared using Form 24 in the Schedule.

Evaluation of financial proposals

65. Notification of public opening of financial proposals.

(1) A procuring and disposing entity shall notify the consultants whose technical proposals qualify for financial comparison and invite the consultants to the session for opening the financial proposals.

- (2) The notification shall indicate—
 - (a) the date and time of the opening of the financial proposals, which date shall be three days after the notification;
 - (b) the location of the opening session; and
 - (c) the information to be read out and recorded at the opening session.

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

66. Procedure for opening of financial proposals.

(1) The opening of the financial proposals shall be managed by the Procurement and Disposal Unit and shall be witnessed by a member of the Contracts Committee or a person nominated by the user department.

(2) The Procurement and Disposal Unit shall open all the financial proposals and read out the information that is required by the request for proposals, to be read out at the public opening session.

(3) The Procurement and Disposal Unit shall at the financial proposal opening session notify the consultants or consulting firms, as the case may be—

- (a) of the consultants or consulting firms that submitted proposals;
- (b) of the technical score obtained by each consultant or consulting firm;
- (c) of the total price of each financial proposal, including the currency and the amount; and
- (d) of any other information that is required to be stated at the public opening, as indicated in the request for proposals.

(4) The important pages of the financial proposals shall be endorsed with the stamp of the procuring and disposing entity and signed or initialled by the person who chairs the public opening session.

(5) For purposes of subregulation (4), the important pages of a financial proposal shall be the signed pages of the financial proposal, the proposal submission sheet and all the pages containing financial information.

(6) The procuring and disposing entity shall, in the record of the proposal opening session, note any inconsistencies or omissions in the proposals submitted.

(7) A copy of the record of the proposal opening session shall be posted on the procurement and disposal notice board of the procuring and disposing entity, a day after the public opening session is held and shall be displayed for a minimum of four weeks.

(8) The public opening of the financial proposals shall be recorded using Form 25 in the Schedule.

67. Representation of consultants and consulting firms at opening session of financial proposals.

(1) A procuring and disposing entity shall allow a consultant or a consulting firm or a representative of the consultant or consulting firm, whose financial proposal is to be opened, to attend the public opening session but the consultant or consulting firm or a representative of the consultant or consulting firm shall not participate in the opening of the proposals.

(2) A consultant or a consulting firm or a representative of the consultant or consulting firm shall be requested to confirm that the proposal is as it was submitted but shall not be permitted to make any addition, deletion or modification to the exterior or the contents of the proposal.

68. Financial comparison.

(1) An Evaluation Committee shall conduct a financial comparison of the proposals by examining and comparing the financial proposals and determining the best evaluated proposal.

(2) A financial proposal shall be evaluated using the selection method specified in the request for proposals and in regulation 56.

(3) An Evaluation Committee shall evaluate the financial proposals of the corresponding technical proposals that attained the minimum qualifying score under the detailed evaluation of the technical proposals.

(4) The financial proposals shall be opened and the financial evaluation conducted, after approval of the technical evaluation report by the Contracts Committee.

(5) The financial comparison shall only be conducted on the proposals that are opened at the session for opening financial proposal.

(6) The financial comparison shall—

- (a) assess whether a proposal conforms to the terms and conditions of the request for proposals, without material deviation;
- (b) determine the proposal price;
- (c) determine whether a financial proposal is complete and where a proposal is not complete, disqualify the proposal from the evaluation process;
- (d) convert the currencies of the proposals into a single currency for purposes of comparison, where required;
- (e) apply any margin of preference in accordance with the procedure specified in the request for proposals;

- (f) determine the total evaluated price of each proposal;
- (g) award a financial score to each proposal or rank the proposals, in accordance with the requirements of the selection method used; and
- (h) determine the best evaluated proposal using the method and criteria specified in the request for proposals.

(7) A financial proposal shall be determined to be complete where the price of the inputs and items required is indicated and included in the technical proposal.

(8) For the avoidance of doubt, an Evaluation Committee shall not correct any arithmetical error and a bid that has an arithmetical error shall be disqualified from the evaluation process.

69. Costs to be included in financial comparison.

The costs to be taken into account in the financial comparison shall be provided in the proposal document and may include—

- (a) fee rates, based on either a fixed or estimated total input quantity;
- (b) reimbursable costs, such as costs for travel, translation, printing and dispatching report, communication and secretarial services;
- (c) costs for office accommodation, investigations and surveys;
- (d) costs of rental and freight for any equipment to be provided by the consultant or consulting firm;
- (e) taxes; and
- (f) contingencies.

70. Evaluation of financial proposals under the quality and cost based evaluation method and determining the best evaluated proposal.

(1) The financial proposal with the lowest evaluated price shall be given a financial score of 100 and the other proposals shall each be given a financial score that is inversely proportional to the lowest evaluated price.

(2) Notwithstanding subregulation (1), financial scores may be allocated using another method, where this is provided in the request for proposals.

(3) For the purposes of determining the best evaluated proposal—

- (a) the score of the technical and financial proposals shall be weighted, using the weights stated in the request for proposals; and
- (b) the total score of a proposal shall be obtained by adding the weighted score of the technical and financial proposals.

(4) The consultant or consulting firm who obtains the highest total score under subregulation (3) shall, be recommended for award of contract.

(5) The Evaluation Committee shall prepare an evaluation report which shall indicate—

- (a) the total price of the proposal of each consultant or consulting firm and technical score of each consultant or consulting firm 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) the recommendation to award the contract to the consultant or consulting firm who obtains the highest total score under subregulation (3).

(6) The Procurement and Disposal Unit shall submit the report of the Evaluation Committee to the Contracts Committee for approval.

(7) The evaluation report shall be prepared using Form 26 in the Schedule.

71. Evaluation of financial proposals under quality based evaluation method.

(1) The consultant or consulting firm who obtains the highest qualifying score under the detailed evaluation shall be recommended for award of contract.

(2) The Evaluation Committee shall prepare an evaluation report which shall indicate—

- (a) the price of the financial proposal of the consultant or consulting firm, following any adjustments to the price and the technical score of the consultant or consulting firm as read out at the public opening of the financial proposals;
- (b) the results of the administrative compliance of the proposal to the terms and conditions of the request for proposals; and

- (c) the recommendation to award the contract to the consultant or consulting firm who obtained the highest qualifying score under the detailed evaluation.

(3) The evaluation report shall be signed by all the members of the Evaluation Committee and shall be submitted to the Procurement and Disposal Unit.

(4) The Procurement and Disposal Unit shall not make any changes to the report submitted under subregulation (3) and shall submit the report to the Contracts Committee for consideration.

(5) The evaluation report shall be prepared using Form 26 in the Schedule.

72. Evaluation of financial proposals under fixed budget evaluation method.

(1) A proposal which exceeds the budget indicated in the request for proposals shall be rejected.

(2) The proposals that are within the budget of the procuring and disposing entity shall be ranked according to their technical scores and the consultant or consulting firm who submitted the highest ranked, of the technical proposals that are within the budget, shall be recommended for award of contract.

(3) The Evaluation Committee shall prepare an evaluation report which shall indicate—

- (a) the total price of the proposal of each consultant or consulting firm and technical score of each consultant or consulting firm 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 adjustments to the price and the conversion to a single currency;
- (d) the proposals that were rejected for exceeding the budget;
- (e) the ranking of the proposals that are within the budget, using the score of the technical proposals;
- (f) a recommendation to award the contract to the consultant or consulting firm who obtains the highest technical score, that is within the budget; and
- (g) where appropriate, a recommendation for negotiation and the issues for negotiations.

(4) The evaluation report shall be signed by all the members of the Evaluation Committee and shall be submitted to the Procurement and Disposal Unit.

(5) The Procurement and Disposal Unit shall not make any changes to the report submitted under subregulation (3) and shall submit the report to the Contracts Committee for consideration.

(6) The evaluation report shall be prepared using Form 26 in the Schedule.

73. Evaluation of financial proposals under least cost evaluation method.

(1) The financial proposals under the least cost evaluation method shall be ranked according to the total prices.

(2) The consultant or consulting firm who submits the lowest priced proposal, which meets the minimum qualifying score under the detailed evaluation shall be recommended for award of contract.

(3) The Evaluation Committee shall prepare an evaluation report which shall indicate—

- (a) the total price of each proposal and the technical score of each proposal 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 ranking of the proposals, according to their total proposal price;
- (e) a recommendation to award the contract to the consultant or consulting firm with the lowest proposal price, which meets the minimum qualifying technical mark; and
- (f) where appropriate, a recommendation for negotiation and the issues for negotiations.

(4) The evaluation report shall be signed by all the members of the Evaluation Committee and shall be submitted to the Procurement and Disposal Unit.

(5) The Procurement and Disposal Unit shall not make any changes to the report submitted under subregulation (3) and shall submit the report to the Contracts Committee for consideration.

(6) The evaluation report shall be prepared using Form 24 in the Schedule.

Selection of consultants and consulting firms

74. Selection of consultants and consulting firms.

(1) An Evaluation Committee shall select the consultant or consulting firm with the best evaluated proposal.

(2) The selection shall be conducted using the criteria stated in the request for proposals.

(3) The Evaluation Committee shall during the selection—

(a) verify that a consultant or consulting firm meets the eligibility criteria stated in the notice;

(b) assess the skills, qualifications and experience of a consultant or consulting firm in relation to the requirements of the terms of reference and criteria stated in the request for proposal;

(c) reject a consultant or consulting firm who does not substantially meet the requirements of the procuring and disposing entity, as defined in the terms of reference; and

(d) rank the consultants or consulting firms that meet the requirements of the procuring and disposing entity according to the technical scores of their proposals.

(4) Where it is stated in the request for proposal, the evaluation shall—

(a) take into account references; or

(b) use interviews to assess the skills, qualifications and experience of a consultant or consulting firm.

(5) Where an interview is to be conducted, it shall be after the evaluation of the other criteria with the consultant or consulting firm with the best proposal.

(6) An interview may be conducted by telephone or other appropriate means of communication.

(7) An interview shall be conducted by at least three members of the Evaluation Committee who shall prepare a plan for the interview, for the approval of the Contracts Committee, prior to the interview.

(8) The minutes of the interview shall form part of the evaluation report.

(9) Subject to the requirement for an interview in this regulation, the Evaluation Committee shall recommend to the Contracts Committee to award the contract to the consultant or consulting firm with the best proposal.

(10) The evaluation report shall contain—

- (a) the results of the assessment of responsiveness to the request for proposal;
- (b) the score for the proposal, awarded by each member of the Evaluation Committee;
- (c) the total score for the proposal;
- (d) the evaluated price of the proposal;
- (e) a recommendation to award the contract to the consultant or consulting firm with the best evaluated proposal; and
- (f) a recommendation for negotiations, where necessary.

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

(12) The evaluation report shall be submitted to the Contracts Committee for approval.

(13) The evaluation report shall be prepared using Form 26 in the Schedule.

PART VII—CONTRACTS

75. Types of contracts for consultancy services.

(1) A procuring and disposing entity shall use the following types of contracts as shall be necessary—

- (a) a lump sum contract shall be used where the content of the required consultancy service, the duration of the consultancy service, and the required output are clearly defined and are all in the control of the consultant or consulting firm;
- (b) a time-based contract shall be used where it is difficult to define the scope and duration of the required consultancy service, where the consultancy service is related to an activity performed by another consultant or consulting firm for which the completion period may vary or where the input required to attain the objectives is difficult to assess;
- (c) a framework contract shall be used—
 - (i) for regularly required professional services or technical advice, such as audit services, legal advice or advice on procurement matters;
 - (ii) where there is a need to have consultancy services “on call” and the extent and timing of the requirement cannot be defined in advance; or
 - (iii) for requirements which are needed repeatedly or continuously over a period of time and having the requirement available on a “call off” basis would reduce procurement costs or reduce lead times;
- (d) a percentage based contract shall be used where it is appropriate to relate the fee to be paid directly to the estimated or actual cost of the subject of the contract, such as the construction cost of the project or the cost of goods procured, auctioned or inspected such as architectural services, third party procurement, auctions or inspection services; and
- (e) a retainer contract shall be used where a procuring and disposing entity intends to retain a specialised consultant

or consulting firm over a prescribed period of time, but where the level and amount of services required cannot be defined or where advisers are to be retained for the implementation of a complex project or for technical troubleshooting.

(2) The Public Procurement and Disposal of Public Assets (Contracts) Regulations, 2023 shall, with the necessary modifications, apply to the contracts for the procurement of consultancy services entered into under these Regulations.

76. Evaluated price and contract price.

(1) The price of the best evaluated proposal shall be used only as a basis for evaluating a proposal and shall not necessarily be the price of the resulting contract.

(2) The following elements of a financial evaluation shall not be included in the proposed contract price—

- (a) any margin of preference that is allocated to the consultant or consulting firm during evaluation;
- (b) any conversion to a common currency; and
- (c) any weightings applied to the financial proposals.

(3) For the avoidance of doubt, the amount of the taxes, duties and levies originally included in the proposal price shall be included in the components of the proposed contract price.

77. Negotiations with consultants and consulting firms.

(1) A procuring and disposing entity may, before award of contract, conduct negotiations with a consultant or a consulting firm for whom or for which an award decision is made by the Contracts Committee.

(2) The negotiations shall be in accordance with the Public Procurement and Disposal of Public Assets (Negotiations) Regulations, 2023.

PART VIII—REVOCATION

78. Revocation and transition.

(1) The Public Procurement and Disposal of Public Assets (Procurement of Consultancy Services) Regulations, 2014, are revoked.

(2) A procurement process that had commenced under the Public Procurement and Disposal of Public Assets (Procurement of Consultancy Services) Regulations, 2014 and the Local Governments (Public Procurement and Disposal of Public Assets) Regulations, 2006 shall be continued and completed under these Regulations.

FORM 18

*Regulation 3(1), 13(3), 17(4),
20(3), 24(2) 27(10), 32(7)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

REQUEST FOR APPROVAL OF PROCUREMENT

PART I: REQUEST BY USER DEPARTMENT FOR APPROVAL OF PROCUREMENT

Procurement Reference Number		
Code of Procuring and Disposing Entity	Consultancy Services	Financial year
		Sequence number

Particulars of Procurement	
Subject of Procurement	
Procurement Plan Reference	
Location for Delivery	
Date Required	

Item No.	Description <i>(Attach terms of reference)</i>	Market Price of the Procurement
Estimated Total Cost: _____ Currency: _____		

(1) Request for Procurement
(Member of user department)

Signature: _____

Name: _____

Title: _____

Date: _____

(2) Confirmation of Request
(Head of user department)

Signature: _____

Name: _____

Title: _____

Date: _____

Availability of funds to be confirmed prior to approval by Accounting Officer

Vote/head No	Programme	Sub-programme	Item	Balance Remaining

Signature is required below to certify that the funds are available/budgeted for the requirement and that approval for the procurement is granted.

(3) Confirmation of Funding and Approval to Procure
(Accounting Officer)

Name: _____
 Title: _____
 Signature: _____
 Date: _____

PART II: REQUEST BY PROCUREMENT AND DISPOSAL UNIT FOR APPROVAL OF PROCUREMENT METHOD-

	Submission by the Procurement and Disposal Unit	Decision of the Contracts Committee	Conditions/ Justification for Decision
	Date of Submission to Contracts Committee:	Date/Reference of Contracts Committee Meeting	
1.	Recommended method of procurement and justification		
2.	Names of shortlisted consultants/ sole or single consultant where applicable and justification for selection		
3.	Request for Proposal Document/ Expression of Interest Notice. Persons involved in preparation of Request for Proposal Document/ Expression of Interest Notice (<i>Names and positions</i>)		
4.	Names of persons recommended to constitute the Evaluation Committee and the justification (<i>Names and positions</i>)		
5.	Cost of the bidding document, if any		
6.	Any other information		

Documents attached:

1. Request for Proposal Document/ Expression of Interest Notice
2. Bidding document

Declaration by Procurement and Disposal Unit

The information contained in this form and the attached documents is complete, true and accurate and in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

Signature: _____
Name: _____
Position: _____
Date: _____

Declaration by Contracts Committee

The information contained in this form is a true and accurate record of the decision of the Contracts Committee meeting held on the above date.

Signature: _____
Name: _____
Position: **Chairperson Contracts Committee**
Date: _____

Signature: _____
Name: _____
Position: **Secretary Contracts Committee**
Date: _____

FORM 19

Regulation 29(12)

THE PUBLIC PROCUREMENT AND DISPOSAL OF
PUBLIC ASSETS ACT, 2003

EVALUATION REPORT FOR EXPRESSIONS OF INTEREST FOR CONSULTANCY SERVICES

Procurement Reference Number		
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year
		Sequence Number

1. Introduction

(1) *{For expression of interest}*

(a) The requirement is for [subject of procurement].

(b) The procurement method used and approved by the Contracts Committee was through publication of a notice inviting expression of interest and developing a shortlist.

(2) *{For pre-qualification}*

The pre-qualification is for [subject of procurement].

2. Details of invitation

{For expression of interest}

(1) The expression of interest notice was approved by the Contracts Committee on [date].

(2) The expression of interest notice was advertised on the [date] in [name of publication].

{For pre-qualification}

- (1) The pre-qualification notice and document was approved by the Contracts Committee on [date].
- (2) The pre-qualification notice was advertised on the [date] in [*name of publication*].
- (3) The list of consultants requesting the pre-qualification document was recorded using Form 20 which is attached.

3. Details of expression of interest/pre-qualification closing

- (1) Submission of expressions of interest/ pre-qualification applications closed on [date] at [time] at [location].
- (2) The receipt of expressions of interest/ pre-qualification applications was recorded using Form 22 which is attached

4. Details of expression of interest/pre-qualification opening

A public opening was held at [location] on [date] at [time]. The expression of interest/pre-qualification opening and attendance was recorded using Form 23 which is attached.

5. Details of Evaluation Committee

The evaluation committee approved by the Contracts Committee on [date] comprised:

- [Name] [*Title and department*]
[Name] [*Title and department*]
[Name] [*Title and department*]

6. Details 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 detailed justification with reasons why an expression of interest, if any, was declared non responsive.*]

- (2) On the basis of the expression of interest criteria stated, [number] consultants are pre-qualified and [number] are not pre-qualified.
See the attached table, which summarises the evaluation.

7. Recommendation

(1) *{For expression of interest for single requirements}*

It is recommended that the following consultants be invited to submit proposals:

- (i)
- (ii)
- (iii)

(2) *{For pre-qualification}*

- (1) All pre-qualification applications received were evaluated against the criteria stated in the pre-qualification document.
[Brief narrative on the result of the evaluation and detailed justification with reasons why an application, if any, was declared non responsive.]
- (2) On the basis of the pre-qualification criteria stated, [number] consultants are pre-qualified and [number] are not pre-qualified.

See the attached table, which summarises the evaluation.

8. Recommendation

It is recommended that [number] consultants be retained on file as pre-qualified and used on future shortlists for *[subject of procurement]*.

9. Disagreement by the Evaluation Committee *{delete if not applicable}*

The Evaluation Committee could not reach a unanimous decision on the expression of interest/ pre-qualification and this report details the view of the majority of the team.

[Give details of the issues where the team disagreed, the discussions held, the alternative views and the names of those with alternative views].

10. Signed by the Evaluation Committee:

We 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: _____

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Annexes: {amend as appropriate}

Form 20 - Record of issue of expression of interest/request for proposals/addenda

Form 22- Record of receipt of expression of interest/proposals

Form 23 - Record of opening of expression of interest

Summary of expression of interest evaluation

Documents available from the Procurement and Disposal Unit: {amend as appropriate}

Copy of the expression of interest notice.

Copy of all expression of interest submissions.

Copy of the pre-qualification document.

Copy of all pre-qualification applications.

SUMMARY OF EXPRESSION OF INTEREST EVALUATION

Consultant's Name	1	2	3	4	5	6
Expression of interest criteria <i>{List all criteria in accordance with the expression of interest notice. Criteria shown are examples only}</i> .						
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 *{delete that which is not applicable in the table above}*

As a result of this expression of interest evaluation, _____ consultants were declared qualified and _____ consultants were declared not qualified.

Name: _____ Position: _____

Signature: _____ Date: _____

On behalf of the Evaluation Committee

SUMMARY OF PRE-QUALIFICATION EVALUATION

Consultant's Name	1	2	3	4	5	6
Expression of interest criteria <i>{List all criteria in accordance with the document. Criteria shown are examples only}</i> .						
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 *{delete that which is not applicable in the table above}*

As a result of this pre-qualification evaluation, _____ consultants were declared qualified and _____ consultants were declared not qualified.

Name: _____ Position: _____

Signature: _____ Date: _____

On behalf of the Evaluation Committee

FORM 20

Regulation 43(4)

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

RECORD OF ISSUE OF REQUEST FOR PROPOSALS OR ADDENDA

Procurement Reference Number			
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year	Sequence Number

Particulars of Procurement	
Subject of Procurement	
Date of publication of invitation to bid	
Date request for proposal or addenda is available	
Addendum number	

Particulars of Request for Proposals or Addenda

No.	Name and Address of Consultant or Consulting firm	Date of Application for the Document	Fee Paid	Date and Time of Issue of Document	Name and Address of Person issued with the Document	Signature of Person issued with Document	Name and Signature of Officer Issuing Document

I hereby certify that the above is a true and accurate record of the issue of bidding documents:

Name: _____ Position: _____

Signature: _____ Date: _____

FORM 21

Regulation 45(5)

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

RECORD OF MINUTES OF PRE-PROPOSAL MEETING

Procurement Reference Number			
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year	Sequence Number

Particulars of Procurement	
Subject of Procurement	
Location of Pre-proposal Meeting	
Date and Time of Meeting	

RECORD OF PRE-PROPOSAL MEETING MINUTES	
Question Asked	Response Given

Certification of minutes as a true record of the proceedings of the meeting:

Name: _____

Position: **Chairperson of the meeting**

Signature: _____

Date: _____

RECORD OF ATTENDANCE				
No	Name and Address	Title	Company or Department	Signature

FORM 22

Regulations 51(3), (8), 52(2), (7)

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

RECORD OF RECEIPT OF EXPRESSION OF INTEREST/ PRE-QUALIFICATION APPLICATIONS / PROPOSALS

Procurement Reference Number			
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year	Sequence Number

Particulars of Procurement	
Subject of Procurement	
Deadline for Bid Submission [<i>Date and Time</i>]	
Location for Closing	

No.	Name and Address of Consultant or Consulting Firm	Date of Receipt	Time of Receipt	No of Envelopes	Method of Receipt: Person/bid Box	Name of Officer Receiving Proposals	Signature of Officer Receiving Bid Proposals

Name: _____ Position: _____

Signature: _____ Date: _____

Name: _____ Position: _____

Signature: _____ Date: _____

FORM 23

Regulation 55(11)

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

RECORD OF OPENING OF TECHNICAL PROPOSALS

Procurement Reference Number			
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year	Sequence Number

Particulars of Procurement	
Subject of Procurement:	
Date and Time of Proposal Opening	
Location for Proposal Opening	

Particulars of Proposal Opening				
RECORD OF PROPOSALS OPENED AND DETAILS READ OUT (amend details recorded as appropriate)				
No.	Name and Address of the Consultant or Consulting Firm	Proposal Securing Declaration Received (Y/N)	Number of Copies of Proposals (including Original)	Power of Attorney

All proposals received on time were opened, read out and recorded:

Name: _____ Title: _____

Signature: _____ Date: _____

Name: _____ Title: _____

Signature: _____ Date: _____

RECORD OF ATTENDANCE

No	Name and Address of Person	Title	Company or Department	Signature

FORM 24

Regulations 62(4), 64(6)

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003
TECHNICAL EVALUATION REPORT FOR CONSULTANCY SERVICES**

Procurement Reference Number			
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year	Sequence Number

****Please read the guidance notes for preparing evaluation report at end of this Form.**

BACKGROUND AND TECHNICAL EVALUATION

1. Introduction

- (1) The requirement is for the provision of consultancy services for [subject of procurement].
- (2) The procurement method used and approved by the Contracts Committee was [open domestic bidding/ open international bidding/ restricted domestic bidding/ restricted international bidding/ quotation method/ direct procurement or open domestic or international bidding with publication of a notice inviting expression of interest]

2A. Details for Open Domestic Bidding or Open International Bidding or Open domestic or international bidding with publication of a notice inviting expression of interest

- (1) The Request for Proposals or expression of interest notice was approved by the Contracts Committee on [date] _____

- (2) The notice was advertised on the [date] _____ in _____ [name] _____ of publication].
- (3) The request for proposals [RFP], evaluation of expressions of interest and shortlist were approved by the Contracts Committee on [date] _____.
- (4) The list of consultants who were issued with the proposal documents was recorded using Form 20 which is attached.

2B. Details for Restricted Domestic or Restricted International Bidding or Quotation Method

- (a) The request for proposals (RFP) document and shortlist were approved by the Contracts Committee on [date] _____.
- (b) The consultants who were issued with the proposal documents/ request for proposals were recorded using Form 20 which is attached.

2C. Details for Direct Procurement

- (1) The proposal document and proposed single/sole consultant were approved by the Contracts Committee on [date] _____.
- (2) The proposal document was issued on [date] _____.

3A. Addenda to proposal document

{For addenda}

- (a) [Number] addendum/addenda was/were approved by the Contracts Committee on [date(s)] _____ and issued.
- (b) The issue of the addendum/addenda was recorded using Form 20: which is attached.

3B. Where there is no addenda

No addenda to the proposal document were required or issued.

4. **Pre-proposal meeting** *{delete if not applicable}*
- (1) A pre-proposal meeting was held at [location] on [date] _____.
 - (2) The meeting was recorded using Form 21 which is attached.
5. **Deadline for submission of proposals**
- {For publication of a notice inviting expression of interest and developing a shortlist and for development of a shortlist without publication of a notice inviting expression of interest}*
- Bidding was closed on [date] _____ at [time] _____. The receipt of proposals was recorded using Form 22 which is attached.
- {For invitation of a single or sole consultant}*
- The sealed proposal was received on [date].
6. **Details of proposal opening**
- (1) A public proposal 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 proposals.
 - (3) Only the technical proposals only were opened, stamped and signed by the Chairperson.
 - (4) The financial proposals were not opened and were put into secure storage. The proposal opening and attendance was recorded using Form 23 which is attached.

7. Details of Evaluation Committee

The Evaluation Committee approved by the Contracts Committee on [date] _____ comprised:

[Name] _____ [designation and department] _____

[Name] _____ [designation and department] _____

[Name] _____ [designation and department] _____

{For quality and cost based selection}

8A. 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 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.
- (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 determine the financial score of each proposal; and
- (d) 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.

9A. Preliminary examination

[Brief narrative on the result of the preliminary examination and detailed justification with reasons why any proposals were declared non eligible or non compliant].
See Table 1, which summarises the preliminary examination.

10A. Detailed technical evaluation (of the eligible, compliant proposals)

[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 in the Table below:

Number	Name of Consultant or Consulting Firm	Strengths	Weaknesses
1.			
2.			
3.			

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.

11A. Recommendation *{amend as appropriate}*

On the basis of 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 or Consulting Firm	Technical Score

{For quality based selection}

8B. 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.

9B. Preliminary examination

[Brief narrative on the result of the preliminary examination and detailed justification with reasons why any proposals were declared non eligible or non compliant.]
See Table 1, which summarises the preliminary examination.

10B. Detailed technical evaluation (of the eligible, compliant proposals)

[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 which proposal obtained the highest technical score.]

The strengths and weaknesses of each proposal are highlighted in the Table below:

Serial number	Name of consultant or consulting firm	Strengths	Weaknesses
1.			
2.			
3.			

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.

11B. Recommendation *{amend as appropriate}*

On the basis of 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}

8C. 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.

9C. Preliminary examination

[Brief narrative on the result of the preliminary examination and detailed justification with reasons why any proposals were declared non eligible or non compliant.]

See Table 1, which summarises the preliminary examination.

10C. Detailed technical evaluation (of the eligible, compliant proposals)

[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 in the Table below:

Number	Name of Consultant	Strengths	Weaknesses
1.			
2.			
3.			

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.

11C. Recommendation *{amend as appropriate}*

On the basis of 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}

8D.

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 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 reject any proposals which exceed the budget. The consultant submitting the highest ranked technical proposal among those within the budget will be recommended for contract award, subject to any negotiations required.

9D. Preliminary examination

[Brief narrative on the result of the preliminary examination and detailed justification with reasons why any proposals were declared non eligible or non compliant.]
 Refer to Table 1, which summarises the preliminary examination.

10D. 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
1.			
2.			
3.			

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.

11D. Recommendation *{amend as appropriate}*

On the basis of 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}

8E. 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.

9E. 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.

10E. 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:

Number	Name of Consultant	Strengths	Weaknesses
1.			
2.			

The technical scores are given in Table 3, showing the scores given by each evaluator against each of the criterion and the average score.

11E. Recommendations *{amend as appropriate}*

On the basis of 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

(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. Proposed negotiations *{delete if not applicable}*

Negotiations are required because [justification for negotiations in line with the Public Procurement and Disposal of Public Assets Act].

The proposed negotiations plan is outlined in Table 3.

The proposed negotiations team is comprised of the following officials:

[Name] _____ [position and department] _____ (*Chairperson of the negotiations team*)

[Name] _____ [position and department] _____

[Name] _____ [position and department] _____

13. Disagreement by the Evaluation Committee *{delete if not applicable}*

The Evaluation Committee could not reach a unanimous decision on the evaluation and this evaluation report details the view of the majority of the team.

[Give details of the issues where the team disagreed, the discussions held, the alternative views and the names of those with alternative views].

14. 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: _____

Annexes: {amend as appropriate}

Form 20 - Record of issue of expression of interest/request for proposals/addenda

Form 21- Record of minutes of pre-proposal meeting

Form 22- Record of proposals

Form 23- 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 and Disposal 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					
<i>{Complete criteria as per proposal document}</i>	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					
<i>{Complete criteria as per proposal document}</i>	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	<i>{ Enter the average scores using Table 2.A }</i>					
<i>{Complete criteria and maximum scores as listed in proposal document}</i>			Consultant 1	Consultant 2	Consultant 3	Consultant 4	Consultant 5	Consultant 6
A	Main Criteria							
A	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	<i>{Enter the scores awarded by each evaluator using Table 2B}</i>					Average
<i>{Complete criteria and maximum scores as listed in the proposal document}</i>		Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	
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						

TABLE 2B – EVALUATOR’S SCORE SHEET FOR DETAILED TECHNICAL EVALUATION

Evaluation Criteria	Max Score						
<i>{Complete criteria and maximum scores as listed in the proposal document}</i>							
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							

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 25

Regulation 66(8)

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

RECORD OF FINANCIAL PROPOSAL OPENING

Procurement Reference Number			
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year	Sequence Number

Particulars of Procurement	
Subject of Procurement	
Date and Time of Proposal Opening	
Location of Proposal Opening	

PART 1: Record of Proposals opened and details read out			
<i>No</i>	<i>Name and Address of the Consultant or Consulting Firm</i>	<i>Currency and Price of Financial Proposal</i>	<i>Remarks</i>

All proposals were received on time in response to the proposal documents and were opened, read out and recorded:

Name: _____ Title: _____
 Signature: _____ Date: _____
 Name: _____ Title: _____
 Signature: _____ Date: _____

Record of Attendance				
No	Name and Address of Person	Title	Company or Department	Signature

FORM 26

Regulations 72(6), 73(6), 74(13)

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

EVALUATION REPORT FOR CONSULTANCY SERVICES

Procurement Reference Number		
Code of Procuring and Disposing Entity	Consultancy Services	Financial Year
		Sequence Number

****Please read the guidance notes for preparing evaluation report at the end of this Form**

FINANCIAL COMPARISON

1. Introduction

(1) On..... [date], the Contracts Committee approved the technical evaluation report and the opening of financial bids of the following consultant(s):

S/No.	Name of Consultant or Consulting Firms	Technical Score

(2) A copy of the technical evaluation report is attached.

2. Details of financial proposal opening

- (1) A public opening of financial proposals was held at [location] on [date] at [time].
- (2) The financial proposal was opened, stamped and signed by the Chairperson.
- (3) The price and technical score were read out.
- (4) The proposal opening and attendance was recorded using Form 25 which is attached.

{For quality and cost based selection}

3A. 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 proposal with the lowest evaluated price was given a score of 100 and the other proposals 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.

3B. 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 proposals 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.

{For quality based selection}

4A. Financial comparison

[Describe the correction of any arithmetic errors.]

Refer to Table 1 which summarises the financial comparison.

{For least cost selection}

5A. 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 proposals were ranked, with the lowest priced being ranked first.

Refer to Table 1 which summarises the financial comparison.

{For fixed budget selection}

6A. 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, application of any margin of preference and the rejection of any proposals exceeding the budget.]

All proposals that were within the budget were ranked according to their technical score, with the highest technical score being ranked first.

Refer to Table 1 which summarises the financial comparison.

7. Recommendations *{amend as appropriate}*

On the basis of the evaluation methodology and criteria stated in the invitation, it is recommended that-

- (1) 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]*.
- (2) negotiations are/are not required, where required, the negotiation plan is attached as Table 3 for approval.

- (3) the total proposed contract price is [currency and amount].
- (4) the total acquisition cost for the requirement is estimated to be [currency and amount], including [state all incidental costs included in the estimate].

8. Disagreement by the Evaluation Committee *{delete if not applicable}*

The Evaluation Committee could not reach a unanimous decision on the evaluation and this evaluation report details the view of the majority of the team.
[Give details of the issues where the team disagreed, the discussions held, the alternative views and the names of those with alternative views].

9. 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}

- Technical evaluation report
- Form 25: Record of financial proposal opening
- Table 1: Summary of financial comparison
- Table 2: Technical and financial evaluation summary
- Table 3: Negotiation Plan

Documents available from the Procurement and Disposal Unit: {amend as appropriate}

Copy of all financial proposals.

TABLE 1— SUMMARY OF FINANCIAL COMPARISON

CURRENCY: _____

No	Name of consultant or consulting firm	Proposal currency	Proposal total	Corrections made	Discounts	Adjustments made	Corrected amount	Exchange rate	Converted total	Margin of preference	Evaluated total	Financial score*

*{*A score of 100 should be awarded to the lowest priced proposal.
 Other proposals should be given a financial score inversely proportional to the lowest priced proposal, using the following calculation:
 Lowest price , proposal price x 100 = financial score.
 Replace with other methodology for allocating financial scores if alternative methodology stated in the invitation.
 {This table may be replaced with a spreadsheet with automatic calculations}.*

TABLE 2– SUMMARY OF THE TECHNICAL AND FINANCIAL EVALUATION {FOR QUALITY AND COST BASED SELECTION}

No	Name of consultant or consulting firm	Technical score Max 100	Technical weighting _____ %	Weighted technical score (WTS)	Financial score Max 100	Financial weighting _____ %	Weighted financial score (WFS)	Total score WTS + WFS Max 100 100	Rank

TABLE 3 – NEGOTIATIONS 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.