

User Guide

**For Selective and Direct Bidding; and Purchase Order documents for the
Procurement of Management Services for Public Vehicle Parking Areas (PARKS)**

REPUBLIC OF UGANDA

User Guide

for

**Selective and Direct Bidding; and
Purchase Order documents for the
Procurement of Management
Services for Public Vehicle Parking
Areas (PARKS)**

2013

**Local Government User Guide for the procurement of Management Services for Public Vehicle Parking Areas
(PARKS) issued by PPDA 2013**

User Guide

For Selective and Direct Bidding; and Purchase Order documents for the Procurement of Management Services for Public Vehicle Parking Areas (PARKS)

The 2013 versions of this User Guide and the Standard Bidding Document are the authorized versions issued by the Public Procurement and Disposal Authority. The documents were based on documents issued by the donors and Development Banks, but adapted to reflect the requirements of the Local government (Amendment) Act 2006, the Local Governments (Public Procurement and Disposal of Public Assets) Regulations, the Public Procurement and Disposal of Public Assets Act and Regulations, 2003, Guidelines for procurement of management services for the public vehicle parking areas (parks) in local governments, May 2012 and best international procurement practices.

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

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Acronyms

Act	Public Procurement and Disposal of Public Assets Act
CAO	Chief Administrative Officer/Town Clerk
GCC	General Conditions of Contract
Guideline	Guidelines for Procurement of Management Services for the Public Vehicle Parking Areas (PARKS) in Local Governments, May 2012
PARK	Public Vehicle Parking Areas
PDE	Procuring and Disposing Entity
PDU	Procurement and Disposal Unit
PO	Purchase Order
PPDA	Public Procurement and Disposal (of Public Assets) Authority
Regulations	Local Government (Public Procurement and Disposal of Public Assets) Regulations
SBD	Standard Bidding Document
SCC	Special Conditions of Contract
SOR	Statement of Requirements
TOR	Terms of Reference

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Introduction

Purpose of the Standard Bidding Document and PO Documents

Although it is not named “Bidding Document”, this Standard Bidding Document and PO documents form part of the suite of Standard Documents issued by the PPDA.

The purpose of the SBDs is to provide PDEs with standardised documents to be used as models for preparing invitation and contract documents for management of PARKS. They contain basic contractual provisions and procedural instructions which are required by the Government of Uganda in the management of PARKS through public procurement and which assist PDEs to comply with the Act, Regulations and the Guidelines.

The standard Bidding Document and Purchase Order Document for the PARK management services have been designed to:

- (i) To simplify the drafting process of the solicitation and contracting documents;
- (ii) To minimise the time required to internal approves of the solicitation and contracting documents prior to their release;
- (iii) To guide the Park Operators Cooperative Societies in the preparation of Bids; and
- (iv) To facilitate and simplify the evaluation and comparison of bids and Contract award; by the Local Government PDEs.

A key feature of this Bidding Document and PO document is that they have been designed for use together, so that the basic information on the pre-printed Purchase Order can be supplemented by attaching or copying relevant parts of the Selective Bidding Document or successful Bidder’s bid. They have also been designed so that they can be prepared with minimum input, enabling the procurement to be conducted quickly and efficiently, while still ensuring adherence to the Act and Regulations and ensuring adequate contractual protection for the PDE.

This Bidding Document contains guidance notes for Bidders only. This User Guide contains all the explanations and notes necessary for PDEs to use the standard documents.

It is important that LG PDEs always use the original master document to commence drafting this Bidding Document or PO document for each new procurement requirement. The original document should be copied and saved under a new file name, before commencing drafting.

Purpose of the User Guide

This User Guide has been prepared to provide guidance to public officials in the correct use of the standard Selective and Direct Bidding Document and Purchase Order (PO) documents for PARK management services.

Users should ensure that the correct User Guide is referred to. Different User Guides have been produced for each standard document, including those for all Standard Bidding Documents (SBD) and for the Selective Bidding Document and PO documents for non-consultancy services, supplies and works. Users should refer to the header and footer of each page of the User Guide to check that the correct guide is being referred to.

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The information in this User Guide is not legally binding, but Local Government Procuring and Disposing Entities (PDE) must comply at all times with the Public Procurement and Disposal of Public Assets Act and Regulations; and the Guidelines.

This User Guide is not intended for use by Bidders. Notes intended for Bidders are included in the Bidding Document itself. These notes are in italics and should not be deleted when drafting the Bidding Document.

When to Use the Bidding Document and PO documents for PARK management services

The Bidding Document and PO documents for PARK management services are suitable for use under the Selective Bidding Procurement method. They may also be used for procurement under the Direct Procurement method with appropriate modifications to the documents.

Availability of Electronic Documents

The standard Bidding Document and PO documents, along with all other SBDs, are provided in electronic form in Microsoft Word 97 by the Public Procurement and Disposal of Assets Authority (PPDA).

- The Bidding Document for PARK management services is named LGparksSB.doc.
- The Purchase Order document for PARK management services is named LGparksPO.doc.
- This User Guide is named LGparksUsrGd.doc.

Customising and Drafting Documents

The PPDA issues SBDs to all PDEs. On receipt of these SBDs, each PDE is permitted to customise the SBDs for its own use, to add identification details such as the PDE's name, address and logo. **No customisation is required** for this Bidding Document, as the relevant PDE is identified through the use of its own letterhead paper for the first page of the bidding document.

The one page Purchase Order document should be used as a template to prepare books of pre-printed Purchase Orders, each with a unique pre-printed serial number and duplicate copies. The information contained in curly brackets e.g. {Name of Procuring and Disposing Entity} should be completed with the relevant details before printing the PO books.

With the exception of using its own letterhead or preparing pre-printed books, PDEs must not alter or amend the content or substance of the standard documentation, including the style and format of the documents, without the prior written approval of the Authority. However, certain changes can be made to the document in order to draft individual Bidding Document and PO documents. This User Guide outlines the changes which are permitted and how those changes should be made.

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This User Guide outlines the changes which are permitted during drafting of individual documents and how those changes should be made.

In drafting individual documents, Users should not:

1. Delete any Section or page breaks,
2. Make any changes to the headers of the documents,
3. Make any changes to the footers of the documents.

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

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

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Summary of the Procurement Process

The Act, Regulations and the Guidelines detail the procurement methods and the full procurement process and rules for each method. Procuring and Disposing Entities must comply with the Act and Regulations at all times.

The relevant parts of the procurement process for the Bids Procurement method are summarised here as follows:

1. Selection of Bidders;
2. Preparation and Issue of Selective Bidding Document;
3. Bidding Period and Receipt of Bids;
4. Opening of Bids;
5. Evaluation; and
6. Contract Award and placement.

1. Selection of Bidders

Under Selective Bidding Procurement Method, the bidders invited to submit bids will be those included on the shortlist. The shortlist must be developed in accordance with the Guideline. The shortlist must be approved by the Contracts Committee before issue of the Selective Bidding Document.

There is no need to publish a bid notice, although the approved shortlist must be displayed on the PDE's notice board.

2. Preparation and Issue of Bidding Document

The Procurement and Disposal Unit is responsible for the preparation and issue of the Bidding Document and must use the appropriate standard document issued by the PPDA, as this is a mandatory requirement for contracts managing Government of Uganda property.

In deciding the deadline for submission of bids, the PDE should allow Bidders sufficient time for studying the Bidding Document, preparing a responsive bid and submitting the bid. PDEs are required to comply with the minimum bidding periods given in the Regulations.

The Bidding Document must be issued to all shortlisted bidders at the same time and must be issued early enough to ensure compliance with the minimum bidding period given in the Regulations. A record must be kept of the issue of documents.

3. Bidding Period and Receipt of Bids

The Bidder is responsible for preparation and submission of its bid. During the bidding period, the PDE shall;

- a) Hold a pre-bid meeting and issue minutes promptly;
- b) Promptly respond to requests for clarifications from bidders;
- c) Amend the Bidding Document if necessary (only with the Contracts Committee's prior approval)
- d) Receive and record sealed bids from Bidders or make a Bid box available up to the deadline for bid submission s required by the Regulations;

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- e) Close bidding at the precise date and time of the deadline and secure that no late bids are received;
- f) Keep all bids received secure until the time for bid opening.

4. Opening of Bids

Public opening of bids will be mandatory. The Procuring and Disposing Entity is responsible for the Bid Opening, which is a critical event in the bidding process. The Procuring and Disposing Entity shall appoint experienced Procurement and Disposal Unit staff (accompanied by a Contracts Committee member to witness proceedings) to conduct the Bid Opening. Procuring and Disposing Entity staff must be aware that inappropriate procedures at Bid Opening are usually irreversible and may require cancellation of the Bidding Process with the consequent delays and waste of time and resources. The Bid Opening must follow the rules and procedures given in the Regulations.

Best Bid-Opening Practices to Observe

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

1. Conduct the Bid Opening strictly following the procedures specified under Regulations 70 and 71 for all bids received on or prior to the date and time of the bid submission deadline. The term "Bid Opening" can be misleading because a bid for which a Bid Withdrawal or Replacement notice was received on time shall not be opened, but returned unopened to the Bidder. The sequence in which bids are handled and opened is crucial.
2. Ensure that all bids that were received on time **are accounted for, before starting** the Bid Opening, as bids that are not opened and read out at Bid Opening shall not be further considered.
3. Not reject any bid at Bid Opening, except for late bids received after the date and time of bid submission deadline. Technically, late bids should not reach the Bid Opening.
4. Examine the bids at Bid Opening in accordance with Regulations 70 and 71. The Procuring and Disposing Entity shall, verify at the Bid Opening the existence of the eligibility documentation, that is (Power of Attorney, trading licence, income tax clearance certificate, Registration Certificate issued by the Registrar of Cooperatives under the Cooperative Societies Act Cap 112 or other acceptable equivalent document), confirming the validity of a bid withdrawal or bid replacement. A withdrawn bid shall not be opened and in consequence not read out and, therefore, they shall not be further considered by the Procuring and Disposing Entity. Similarly, a bid replacement shall be opened and read out to replace a bid that was received on time. This also applies to the financial bid opening.

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5 Evaluation

The Evaluation Committee is responsible for the evaluation of all bids received and the preparation of the evaluation reports. In appointing an Evaluation Committee, the Procuring and Disposing Entity must remember that mistakes committed at bid evaluation may later prompt complaints from Bidders, requiring re-evaluation of the bids, with the consequent delays and waste of time and resources. Chairpersons and members of the Evaluation Committees are encouraged to review the relevant sections of the Regulations relating to evaluation prior to commencing an evaluation.

The evaluation will be conducted in three stages, with eligibility criteria evaluated in the initial stage, the technical responsiveness evaluated in the second stage and the bid price evaluated in the third and last stage. Contracts Committee approval must be obtained for the entire evaluation report with results for all the three stages.

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

- a) Maintain the bid evaluation process strictly confidential
- b) Reject any attempts or pressures to distort the outcome of the evaluation, including fraud and corruption
- c) Strictly apply only and all of the evaluation and qualification criteria specified in the Bidding Documents to determine the bids which proceed to the financial evaluation and subsequently the Best Evaluated Bidder and to make a recommendation for award of contract to the Contracts Committee. (The Financial Evaluation Report may recommend also that post qualification and/or negotiations be held with the recommended Bidder).
- d) Conduct any post qualification or negotiations recommended in the Financial Evaluation Report.

It is important to note that the Contracts Committee's contract award decision is not a contract, but a decision to award a contract to the Best Evaluated Bidder.

5. Bid Acceptance and Contract Award and Placement

Bid acceptance and award and placement of a contract can be confusing for both parties if there is not a precise and specified procedure for award of contracts. The procedure specified in the Regulations provides a sequence of events based on the need to recognise Bidders' rights to appeal against the conduct of the evaluation and the need for a contract to be placed as soon as is practical after a decision to award has been approved. The following procedure is required under the Regulations:

- a) The Contracts Committee approves an Evaluation Report (and the result of any post-qualification and/or negotiations) and in doing so makes a contract award decision.

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- b) The Procurement and Disposal Unit drafts a Notice of Best Evaluated Bidder and displays this in accordance with the Regulations for the prescribed period of time.
 - c) Upon the expiry of the period of time for the Notice of Best Evaluated Bidder, if no appeal has been received by the Accounting Officer, a contract may be placed by:
 - (i) issuing a Letter of Bid Acceptance followed (and confirmed by a Contract Document), or
 - (ii) issuing a PO without a Letter of Bid Acceptance having been issued first.

NB: Contract formation occurs either at the issue of a Letter of Bid Acceptance described in sub paragraph (i) above, or the issue of a PO described in sub paragraph (ii) above.

Depending on the size of the PARK, there may be no need to issue a Letter of Bid Acceptance, as the Purchase Order document itself is simple and can be quickly completed and issued. The Procurement and Disposal Unit must complete a Purchase Order, attaching relevant supporting documentation, and obtain the Contracts Committee's approval prior to issuing it. The issue of the Purchase Order to the successful Bidder will normally constitute contract award and formation.

The Contract Document includes the Agreement form contained in Part 3 of the Bidding Document and it is at the stage of contract award that the Special Condition of Contract can be completed with details of the successful Bidder.

PDEs should note that the Letter of Bid Acceptance or the PO should not contain any provisions or conditions which vary from those in the Bidding Document, or the Bidder's Bid, or any subsequent clarifications or negotiations. Any such modifications should be agreed by the Bidder in writing before a contract award decision is made.

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Guidance Notes on the Bidding Document

Structure of the Bidding Document

The standard Bidding Document consists of the following parts, all of which must be used when drafting an individual Bidding Document:

Invitation to Bid letter	
Part 1	Bidding Procedures
Part 2	Statement of Requirements
Part 3	Contract

Guidance notes on the Invitation to Bid letter are found below. Guidance notes on the other three parts are found on the following pages, complete with examples, showing how to complete the forms and information.

The Invitation to Bid Letter

The Invitation to Bid letter is simply a letter with standard wording, informing Bidders that they are being requested to submit a bid. The standard wording summarises the structure of the Bidding Document and what they are being requested to do. Details which need to be completed by the PDE are indicated **[in bold in square brackets]**.

A separate letter should be prepared for each shortlisted Bidder, but each letter should be identical except for the name and address of the Bidder.

The Invitation to Bid letter should be drafted on the PDE's letterhead, using the standard wording provided, but completing the following details:

- (a) The name and address of the Bidder (one letter for each Bidder);
- (b) The procurement reference number;
- (c) The date of issue of the Bidding Document;
- (d) The applicable law i.e. Government of Uganda's Local Government (Public Procurement and Disposal of Public Assets) Regulations, 2006 and Guidelines for Procurement of Management Services for the Public Vehicle Parking Areas (PARKS) in Local Governments, May 2012
- (e) The subject of the procurement, which should be a brief description e.g. "management services of bus or taxi park";
- (f) The contact name for any queries, which is likely to be an official in the PDU;
- (g) Bid purchase price. This fee, to defray printing and mailing/shipping costs, should be nominal. Insert method of payment, for example, cashier's check, direct deposit to specified account no., etc
- (h) The name and position of the person signing the letter.

Each copy of the Invitation to Bid letter should be signed by the authorised signatory for the PDE.

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Part 1 Bidding Procedures

Bidding Procedures

The Bidding Procedures section informs Bidders of the procedures that will regulate the procurement process and gives them instructions on preparing their bid. The Bidding Procedures section **will not form a part of the Contract**.

The Bidding Document includes standard text outlining the procedures and instructions normally used, but the details relevant to each individual procurement process must be specified in the relevant spaces e.g. the date and time of the deadline for submission of bids. **No clause should be left blank.**

The bidding procedures should be provided for using the standard wording provided, but completing the following details:

- (a) The procurement reference number;
- (b) The required forms i.e. bid submission sheet, list of services and price schedule; and documents evidencing eligibility;
- (c) The bid validity period;
- (d) The pre-bid meeting date, time and venue/place;
- (e) The amount of bid security should be stated as a fixed amount;
- (f) These contracts will be subjected to a reservation scheme that would further restrict eligibility to a particular group of Bidders. It should be mentioned in this paragraph;
- (g) The date, time and venue/place for bid submission and opening. The venue/place of bid opening may not necessarily be the same as that for bid submission. If they differ, each address must appear. Only one place and its address may be specified for submission, and it should be near the place where bids will be opened.
- (h) Evaluation methodology;
- (i) Eligibility criteria and documents evidencing eligibility;
- (j) Nationality of targeted bidders;
- (k) Acceptable currency
- (l) Best evaluated bid notice
- (m) Award of contract
- (n) Right to reject.

In exceptional cases, the standard wording given in Part 1 may be amended or deleted, if it is not appropriate to the particular procurement requirement. However, procurement staff must ensure that any amendments comply with the Act and Regulations and should draw the attention of the Contracts Committee to the changes when seeking approval of the document. For example, where the procurement is being conducted in emergency circumstances and no notice of best evaluated bidder will be displayed, the relevant part of the standard wording should be deleted.

Part 1 Bid Procedures should be prepared by the PDU prior to the issue of the Bidding Document.

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This Guide provides information to the Procuring and Disposing Entity on how to enter all information required by the standard text in Part 1. A copy of Part 1 that summarises all information to be provided is included overleaf. Guidance notes on completion are shown **[in bold in square brackets]**.

Bid Submission Sheet

The Bid Submission Sheet provides a standard form for Bidders to complete and include as part of their bid.

All information required on the Bid Submission Sheet is to be completed by Bidders. The Procuring and Disposing Entity **is not required to input or change any information** in the Bid Submission Sheet and it is therefore not included in this User Guide.

Instructions to the Bidders on completing the form are given at the top of the form in italics and should not be deleted by the Procuring and Disposal Entity.

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[Input of Information to be completed by Procuring and Disposing Entity]

PART 2: BIDDING PROCEDURES

Procurement Reference Number: [Insert Procurement Reference Number, ensuring it is the same as on the Invitation to Bid letter]

Preparation of Bids: You are requested to bid the services by completing, signing and returning:

1. The Bid Submission Sheet in this Part;
2. The List of Services and Price Schedule in Part 2;
3. The documents evidencing your eligibility, as listed below;
4. [List any additional documents which are required with the bid e.g. a summary of the Bidder's previous experience in this type of contract. Delete any documents at 1-3, which are not required].

You are advised to carefully read the complete Bidding document, including the Special Conditions of Contract in Part 3: Contract, before preparing your bid. The standard forms in this Bidding Document may be retyped for completion but the Bidder is responsible for their accurate reproduction.

Validity of Bids: Bids must remain valid until [Insert the date until when bids shall remain valid].

Bid submission Format: The bids should be submitted using one stage-single envelope method, in which a bid is submitted in one sealed envelope, which is opened on the specified date and time in a single bid opening

Sealing and marking of Bids: Bids should be sealed in a single envelope, clearly marked with the Procurement Reference Number above. Envelopes should be sealed in such a manner that opening and resealing cannot be achieved undetected.

Submission of Bids: Bids should be submitted to the address below, no later than the date and time of the deadline below. Late bids will be rejected.

Date of deadline: [Insert date of deadline giving the day, month and year e.g. 31st August 2012] (day, month and year).

Time of deadline: [Insert time of deadline and identify a.m. or p.m. e.g. 11:00 a.m.] (local time).

Address: [Insert address for submission of bids. The address should be a physical address, not a PO Box address, as the PDE must be able to verify whether bids were received on time and reject any late bids].

Opening of Bids: Bids will be opened publicly by the Procuring and Disposing Entity on.

Date of Bid opening: [Insert date giving the day, month and year e.g. 31st August 2012] (day, month and year).

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Time of bid opening: **[Insert time and identify a.m. or p.m. e.g. 11:00 a.m.]** (Local time).

Address: **[Insert address for submission of bids. The address should be a physical address, not a P. O Box address, as the PDE must be able to verify whether bids were received on time and reject any late bids].**

Evaluation of Bids: The evaluation of bids will use the Technical Compliance Selection methodology as detailed below:

1. Preliminary examination should be determined on a pass or fail basis and a bid which is not eligible or substantially compliant shall be rejected.
2. Detailed evaluation should be determined on a pass or fail system against a minimum technical standard detailed in the statement of requirements to determine whether a bid is substantially responsive to the minimum standard required. The responsiveness may include but is not limited to;
 - (a) Understanding of the assignment as documented by comments on the terms of reference,
 - (b) Supervisory/ management capacity,
 - (c) Qualifications of supervisory or management staff.
3. A financial comparison should be conducted to examine and compare financial bids (submitted in the list of services and price schedule) and determine the best evaluated bid.

Bids failing any stage will be eliminated and not considered in subsequent stages.

Eligibility Criteria: You are required to meet the following criteria to be eligible to participate in public procurement:

1. Have the legal capacity to enter into a contract;
2. Eligible for the reservation scheme for the management of Parks.
3. Not be insolvent, in receivership, bankrupt or being wound up or subject to legal proceedings for any of these circumstances;
4. Not have had your business activities suspended;
5. Have fulfilled your obligations to pay taxes;
6. Not indebted to Council.
7. Have the nationality of an eligible country, as defined in the Special Conditions of Contract;
8. Not to have a conflict of interest in relation to this procurement requirement; and
9. Not to be subject to suspension by the Public Procurement and Disposal of Public Assets Authority.
10. Where eligibility has been verified during the certification process for reservation schemes by the Chief Executive of the Sub Counties, Town Councils, and Municipal Divisions where the parks is located.

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Documents Evidencing Eligibility: Bidders not registered with the Authority shall submit copies of the following documents as evidence of their eligibility and sign the declaration of the Bid Submission Sheet;

1. A copy of the Bidder's Trading licence or equivalent;
2. A certified copy of the Bidder's Registration Certificates issued by the Registrar of Cooperatives under the Cooperative Societies Act Cap 112.

Bidders will also be required to submit the following documents;

1. A copy of the Bidder's income tax clearance certificate or equivalent
A certified copy of the list of members of the association and their passport photographs.
3. A certified copy of the Society's bye laws.
4. A certified copy of the powers of Attorney to the signatory (ies) of the bidding process.
5. Original receipt for the purchase of Tender Documents must be submitted with the tender application.
6. A qualification form

[List any additional documents which are required as evidence of eligibility. If eligibility documents have already been checked as part of a verification process by the CAO, the clause may be amended to read "No documents are required as evidence of eligibility. However, Bidders must advise the Procuring and Disposing Entity of any change in respect of their eligibility status and submit updated documents where necessary."].

Nationality of Personnel and Origin of Services: All personnel employed under any resulting contract shall have the nationality of an eligible country as defined in the Special Conditions of Contract. Any related supplies or works purchased under any resulting contract shall have as their country of origin an eligible country, as defined in the Special Conditions of Contract.

Currency: Bids may be priced in Uganda Shillings or any other freely convertible currency. **[Amend if there are any limitations on the currency of bids e.g. if all bids are required to be in Uganda Shillings.]** The currency of evaluation will be **[Insert currency for evaluation e.g. Uganda Shillings]**. Bids in other currencies will be converted to this currency for evaluation purposes only, using the exchange rates published by the Bank of Uganda on the date of the submission deadline. **[Amend if there are any alternative rules on currency e.g. if the PDE requires all bids to be in Uganda Shillings only.]**

Prices: Prices quoted in the bid are to be inclusive of all costs for performing the services, including staff costs and the cost of any materials or supplies used in performance of the services. **[Amend if required e.g. if the operational cost are to be excluded. This clause must be consistent with SCC 22.2].**

Best Evaluated Bid: The best evaluated bid shall be the highest priced bid, which is eligible and substantially responsive to the commercial and technical requirements of the procuring and disposing entity and shall be recommended for award of contract. A Notice of Best

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Evaluated Bidder will be published on the Procuring and Disposing Entity's Notice Board for a period of 5 days prior to contract award and shall be copied to all Bidders.

Award of contract: Award of contract shall be by placement of a Purchase Order/Agreement in accordance with Part 3: Contract.

Such Purchase Document/Agreement or any other communication in any form conveying acceptance of a bid that binds the Entity to a contract with the provider shall not be issued until;

1. A decision by the contracts committee to award the contract;
2. Confirmation by the accounting officer that the contract price is not lower than the market price established prior to commencement of the procurement process;
3. Expiry of the standstill period following the notice of the best evaluated bidder;
4. Confirmation by the accounting officer that the procurement is not subject to any administrative review;

Right to review: Bidders may seek an Administrative Review by the Accounting Officer in accordance with the Public Procurement and Disposal of Assets Act 2003, if they are aggrieved with the decision of the Procuring and Disposing Entity.

Right to Reject: The Procuring and Disposing Entity reserves the right to accept or reject any bid or to cancel the bidding process and reject all bids at any time prior to contract award.

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Part 2 Statement of Requirements

The Statement of Requirements (SOR) gives Bidders details of the services the Procuring and Disposing Entity wishes to procure. **The Statement of Requirements will form part of the Contract.**

Part 2 Statement of Requirements should be prepared by the PDU, with assistance from the User Department, prior to the issue of the Bidding Document. Always assistance should be sought from the Commercial Officer or a relevant technical knowledge in preparing the SOR.

Contents of the Statement of Requirements

The Statement of Requirements normally consists of two parts:

1. the Terms of Reference;
2. Qualification Form; and
3. the List of Services and Price Schedule.

Terms of Reference

The PDE should insert the procurement reference number at the top of the page, ensuring that it is the same as on the Invitation to Bid letter. The Purchase Order Serial Number should be left blank, as it is for completion when attaching the SOR to a Purchase Order form.

Terms of Reference (TOR) should be prepared by the User Department, with guidance from the PDU as required. It is important that the recipient or manager of the services is involved in drafting or checking the TOR, as the TOR must reflect the requirements of the intended contract.

The TOR should provide sufficient information to enable Bidders to prepare bids that are realistic and competitive and which meet the PDE's needs. The TOR should be complete, precise, and clear. Incomplete, imprecise, or unclear TOR may prompt bidders to request clarifications from the Procuring and Disposing Entity or to submit conditional bids or bids that may be based on different understandings of the Procuring and Disposing Entity's requirements. Depending on the nature of the clarifications, the Procuring and Disposing Entity may need to amend the Bidding Document and eventually to extend the submission deadline. Conditional bids may have to be rejected. Bids that are not comparable could not be evaluated.

The content of Terms of Reference is determined by the individual assignment, but typically should include the following details:

1. The reservation price;
2. The purpose of the assignment and what it is expected to achieve for example; collection and remittance of revenues; assist in the maintenance of security, law and order in the park, maintenance of cleanliness and sanitation;

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3. A description of the scope of the services required;
4. The location or locations for performance of the services;
5. The role, qualifications and experience of any key staff required, such as supervisors, security personnel;
6. The duration of the contract or expected completion date;
7. The hours of work or hours when the Provider will have access to the site;
8. The size of the PARK, approximate of vehicles using the PARK, level of activity within the PARK number on daily basis;
9. Any facilities, services or resources to be provided by the Procuring and Disposing Entity;
10. Arrangements for reporting to the Procuring and Disposing Entity, including lines of communication and the contact point for management and administration of the assignment;
11. Any other details or requirements relevant to the assignment.

The Qualification Form; and List of Services and Price Schedule

1. The Procuring and Disposing Entity shall include in the Bidding Document all bidding forms that the Bidder shall fill out and include in its bid. As specified in Part 2 of the Bidding Document these Forms are;
2. The List of Services and Price Schedule; and
3. Qualification Form.

4. As the Bidder is required to complete these Forms, guidance notes are included in the forms in italics between square brackets in the SBD and these should therefore not be deleted by the Procuring and Disposing Entity prior to the issue of the Bidding Document. The Procuring and Disposing Entity **is not required to input or change any information** on the Forms.

5. This User Guide is not intended for Bidders as all information that the Bidder is required to provide should not be provided by the Procuring and Disposing Entity in the Bidding Document.
6. The Forms under Part 2 are completed with guidance notes and are not therefore included in this User Guide.

Part 3 Contract

The Contract section informs Bidders of the contract type and conditions that will apply to any resulting contract.

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Contract Agreement and General Conditions of Contract (GCC)

The purpose of the Contract Agreement and GCC section is to:

- (a) specify the form of contract for any resulting contract, which will be a purchase order; and
- (b) specify the General Conditions of Contract applicable to any resulting contract, which will be the Government of Uganda General Conditions of Contract for the Procurement of PARK management services.

As the Bidding Document is designed to be as straightforward and short as possible, copies of the purchase order and GCC are not included (as they are with the SBD). However, the statement of the contract form and GCC which will apply to the resulting contract is sufficient to apply them. PDEs must ensure that they have copies of the GCC available for distribution to Bidders if requested.

The GCC contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The GCC clearly identify the provisions that may normally need to be specified for a particular contract and require that such provisions be introduced through the SCC. The PDU should therefore **refer to the GCC when drafting the SCC**.

Special Conditions of Contract (SCC)

The Special Conditions of Contract (SCC) supplement the GCC by modifying conditions applicable to an individual contract, such as payment terms or the period for completion of the assignment. The SCC **will form a part of the Contract** and will prevail over the GCC.

The SCC should be prepared by the PDU prior to the issue of the Bidding Document. The Bidding Document includes standard text, with the most commonly used special conditions or standard wording to be completed with the relevant details. This standard text should be completed or modified as necessary. **No SCC Clause should be left blank**. Additional SCC can be added, where provided for in the GCC.

To facilitate the preparation of the SCC, its clauses are numbered with same numbers as the corresponding GCC clauses.

This Guide provides information to the PDE on how to enter all information required in the SCC. A copy of the SCC that summarises all information to be provided is included overleaf. Guidance notes on completion are shown **[in bold in square brackets]**.

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[Input of Information to be completed by Procuring and Disposing Entity]

PART 3: CONTRACT

Special Conditions of Contract

Procurement Reference Number: [Insert Procurement Reference Number, ensuring it is the same as on the Invitation to Bid letter]

Purchase Order Serial Number: _____
[Purchase Order Serial Number to be completed in the event of award of contract only]

[The Purchase Order Serial Number should be left blank, as it is for completion when attaching the SCC to a Purchase Order form.]

The clause numbers given in the first column correspond with the relevant clause number of the General Conditions of Contract.

GCC reference	clause	Special Conditions of Contract
Eligible Countries GCC 1.2 (e)		All countries are eligible, unless as a matter of law or official regulation, the Government of Uganda prohibits commercial relations with that country or by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government of Uganda prohibits any import of Supplies from that country or any payments to persons or entities in that country. [The eligible countries are those from which bidders and supplies may originate. The text above gives the eligible countries which will apply to most procurement. This should be amended if a reservation scheme applies the appropriate wording for the SCC can be found in the relevant Guideline.]
Authorised Representatives GCC 3.4		The Authorised Representatives are: for the Procuring and Disposing Entity: for the Provider: the person named on the first page of this Purchase Order. [Insert the relevant contact name for the PDE, which should normally be the CAO. The Provider's authorised representative is stated as the person named on the PO, to avoid having to make any changes at contract award stage. This clause can be amended if necessary.]
Governing Law GCC 4.1		The Contract shall be governed by the laws of Uganda. [This clause should not normally require any amendment].

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GCC reference	clause	Special Conditions of Contract
Language GCC 5.1		The language of the contract shall be English. [This clause should not normally require any amendment. PDEs should note that languages other than English are not permitted unless authorised in Guidelines].
Notices GCC 6.1		Any notice shall be sent to the addresses specified on the Purchase Order. [This wording is included as standard to avoid the need to insert any alternative addresses. It can be amended if necessary, such as if the contact address for the PDE is different to that included on the PO or if an office number needs to be specified].
Dispute Resolution GCC 17.2		The formal mechanism for dispute resolution shall be the Arbitration Law of Uganda. [This clause is included as standard and should not normally require any amendment].
Liquidation damages GCC 18.1		Liquidated damages of % per day for each day that the remittance date is later than the agreed remittance date. [usually liquidated damages are set between 0.05percent and 0.10 percent per day, and the total amount is not to exceed between 5 percent and 10 percent of the contract price. It may be seen that if the lower or upper limits of the rate and total amount are applied, the maximum liquidated damages are imposed after 100 days delay. If the rate of 0.05% and the total amount of 10% are assumed, then the maximum liquidated damages are imposed after 200 days delay.
Commencement GCC 19.1		The Provider shall commence the Services within [insert period within which services must commence after the date of the Purchase Order.
Completion Period GCC 20.1		The period for the completion of the Services shall be: [insert length of time permitted to complete the Services.
Payment Schedule GCC 22.3		The payment schedule shall be in advance. [insert acceptable period e.g. weekly/monthly/quarterly, together with required supporting documentation e.g. bank pay slip/cashier's receipt] Payment shall be made in Uganda Shillings on the following account: Account Name: Account Number: Bank:

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GCC clause reference	Special Conditions of Contract
	Branch: [Note: the payment schedule and mode should take into account the size of the PARK]
Payment Period GCC 24.3	Payment shall be made by the Provider in advance. [Note: Advance payments shall be mandatory to avoid non remittance.]
The Procuring and Disposing Entity's prior approval: GCC 25.4(b)	The Procuring and Disposing Entity's prior approval is also required for: [List other events that will require Procuring and Disposing Entity's prior approval or state "none" e.g. subcontracting to another provider, etc].
Eligibility: GCC 26	The Provider shall be a registered Cooperative Society certified by the Chief Executive within the particular Sub Counties, Town Councils and Municipal Divisions.
Total Liability: GCC 28.3	The total liability under the Contract shall be [Insert total liability that the Provider will be liable to pay in case of non performance.
Insurance to be taken out by the Provider GCC 29.1	The Provider shall take out and maintain the following insurance coverage: i. Employer's liability and workers' compensation: ii. Loss or damage to equipment and property: iii. Other: [Insert risks to be covered for each category or state if not required. Seek professional advice if required.]
Working hours: GCC 33.1	The working hours for the Provider shall be: [insert working hours e.g. Monday to Sunday, 08.00 to 17.00 hours. The PDE must take care to ensure that these hours coincide with access to the PARKS, where access is required for performance of the services].
Performance Security: GCC 35.1	A Performance Security [insert "shall"] be required. The amount and currency of the Performance Security is: [Insert currency and amount required]
Form of Performance Security: GCC 35.3	The forms of acceptable Performance Security are: [List the acceptable form of Performance Security for example; demand guarantee, irrevocable letter of credit or certified cheque.
Discharge of Performance Security: GCC	The Performance Security shall be discharged: [state how Performance Security will be discharged if different from GCC or state "as in the

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GCC reference	clause	Special Conditions of Contract
35.4		GCC”].

Guidance Notes on the Purchase Order Document

Structure of the PO Document

The standard **PO document** consists of a single page, designed to be used as a template for pre-printed books of Purchase Orders, with unique serial numbers.

However, it is important that the basic PO form is supplemented by attaching other relevant documentation, particularly the:

- Statement of Requirements;
- List of Services and Price Schedule; and
- Special Conditions of Contract

Very little work should be involved in drafting a Purchase Order, as the Statement of Requirements and Special Conditions of Contract should normally be the same as in the Bidding Document and the list of services and price schedule should be the same as the successful Bidder’s bid. In most cases, it should be possible to attach the relevant parts of the bid or Bidding Document, without any modification. This is explained further below.

The Purchase Order should be completed by the PDU and approved by the Contracts Committee prior to its issue. It is also important that the required funds for the PO are committed before it is issued.

Statement of Requirements

The Statement of Requirements (SOR) is used to specify precisely what the PDE is purchasing under the contract and normally consists of the Terms of Reference.

The SOR should be identical to the SOR included in the Bidding Document, unless any changes have been agreed with the successful Bidder.

If there have been no changes to the SOR, the SOR from the Bidding Document can simply be attached to the PO Agreement. However, the Purchase Order Serial Number at the top should be completed, with the unique serial number on the PO form. This is important, as it ensures that if any pages become detached from the PO, it is still possible to identify the SOR which corresponds to any PO form.

If there have been any changes to the SOR, a new SOR should be drafted, using the one issued with the Bidding Document as a starting point, and ensuring that it accurately captures all agreed amendments.

The SOR attached to the Purchase Order must not include any changes which have not been agreed with the Provider. All such changes should be confirmed in writing by the Provider and the confirmation letter(s) should be listed in the PO Agreement.

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{Name of Procuring and Disposing Entity}
{Address of Procuring and Disposing Entity}

Serial No: {pre-printed}

Purchase Order Agreement for Management services for PARKS

To: [insert name, address and contact name of provider on the lines provided]

The Procuring and Disposing Entity indicated above accepts your bid referenced below.

This agreement is a lump sum agreement and is subject to the Government of Uganda General Conditions of Contract for the Procurement of management services for PARKS (available on request). The attached Special Conditions of Contract (SCC) shall supplement the General Conditions of Contract (GCC). Whenever there is a conflict, the provisions in the SCC shall prevail over those in the GCC. All attached documents listed below shall form part of the Purchase Order.

You are requested to perform the services listed on the attached Statement of Requirements in accordance with the terms and conditions contained in this Purchase Order.

Date and Reference Number of Bid:	[insert the date and any reference number of the Provider's bid. These details are important as the Provider may have submitted bids for other requirements and accepting the correct one is essential]
Correspondence amending Bid:	[insert the dates of any clarification letters from the Provider. It is important that these are all specifically referred to, as they modify the bid which is being accepted]
Procurement Reference Number:	[insert the procurement reference number, which should be the same as that for the Selective Bidding Document, but with the addition of the contract number]
Subject of Procurement:	[insert the subject of the procurement, which should be a brief description e.g.

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	“management services of ABC taxi park” or “DEF bus park”
Date of Purchase Order:	[insert the date of the purchase order]
Contract Price:	[insert the total contract price, which must be exactly the same as the total given on the List of Services and Price Schedule attached to the PO]
Attached Documents:	[list any attached documents which form part of the PO Agreement e.g. the Statement of Requirements, the List of Services and Price Schedule and the Special Conditions of Contract]

Please confirm your receipt of this Purchase Order and that you are proceeding with performance of the services, in accordance with the terms and conditions of the Purchase Order.

Authorised by:

Signature:	[the PO Agreement should be signed by the authorised signatory for the PDE]
Name:	[insert the name of the authorised signatory]
Position:	[insert the position of the authorised signatory]

Performance Security

Performance Security is required and the form should be completed by the financial institution and returned to the Procuring and Disposing Entity, by the Provider with the signed Agreement. Therefore, the PDE is not required to input any information to this security form.

The security form must be for unconditional (or “on-demand”) security, which has the merit of simplicity and of being universally known and accepted by commercial banks, although the contracting community may object to this type of Security because the Guarantee can be called (or threatened to be called) by Procuring and Disposing Entities without justification. Procuring and Disposing Entity should recognise the contractual conditions governing nonperformance by a Provider and should normally act only on the advice of the Project Manager in calling a Performance Guarantee. Any unjustified calling of a Bank Guarantee, or unreasonable pressure exercised by an Procuring and Disposing Entity, would be regarded as contrary to the spirit and basic principles of international procurement. This type of Guarantee is called a “Bond” in a number of countries; however, it should be distinguished from the U.S.-style “Performance Bond”.

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As the Bidder would be required to complete these Forms in the event of a contract award, the guidance notes in italics between square brackets provide assistance to the Bidder or financial institution and should therefore not be deleted by the Procuring and Disposing Entity prior to the issue of the Bidding Document.

The Procuring and Disposing Entity **is not required to input or change any information** in the performance security form and it is therefore not included in this User Guide.