

**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. 103.**

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

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# STATUTORY INSTRUMENTS

2023 No. 103.

## **The Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2023.**

*(Made under sections 96(1) and 96A of the Public Procurement and Disposal of Public Assets Act, 2003, Act No 1 of 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 26<sup>th</sup> 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 (Evaluation) Regulations, 2023.

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

### PART II—EVALUATION COMMITTEE

#### **2. Evaluation Committee.**

(1) A person appointed member of an Evaluation Committee shall have the technical skills and experience relevant for the evaluation of the procurement requirement.

(2) An Evaluation Committee shall have among its members—

(a) a person representing the user department; and

(b) a member of the Procurement and Disposal Unit.

(3) A member of a Contracts Committee of a Procuring and Disposing Entity shall not be a member of an Evaluation Committee of the procuring and disposing entity.

(4) A member of an Evaluation Committee shall declare that he or she does not have a conflict of interest in the procurement or disposal requirement, as the case may be, by signing Form 13 in the Schedule to these Regulations.

**3. Chairperson of Evaluation Committee.**

(1) The members of an Evaluation Committee shall select a chairperson, from amongst themselves.

(2) The chairperson of the Evaluation Committee shall be responsible for—

- (a) chairing all the meetings of the Evaluation Committee;
- (b) conducting the evaluation in accordance with the bidding document;
- (c) the security of the bids and the other documentation before the Evaluation Committee;
- (d) submitting the report of the Evaluation Committee to the Procurement and Disposal Unit within the time prescribed in regulation 4; and
- (e) communication between the Evaluation Committee and a bidder or any other person.

**4. Meetings of Evaluation Committee.**

(1) An evaluation shall be concluded within the time period specified in this regulation, for the type of procurement—

- (a) ten working days from the date of the opening of the bids, for the procurement of supplies or non-consultancy services;

- (b) fifteen working days from the date of the opening of the bids, for the evaluation of bids for the procurement of works;
- (c) twenty working days from the date of the opening of the bids, for technical evaluation of consultancy services; and
- (d) three working days from the date of the opening of the bids, for financial evaluation of consultancy services.

(2) Where an Evaluation Committee is not able to complete an evaluation exercise within the time specified in subregulation (1), the Evaluation Committee shall, in writing, explain to the Accounting Officer the reasons for this and request for extension of the time period for the evaluation exercise.

(3) A meeting of an Evaluation Committee shall not be held unless all the members of the Evaluation Committee are present.

(4) Notwithstanding subregulation (3), a meeting of the Evaluation Committee may be held where a member who is absent agrees to the holding of the meeting in his or her absence or where it is not possible or practical for all the members to be present at the meeting.

(5) A member who is absent from a meeting shall be informed of the proceedings and decisions of the meeting.

(6) Where a member who is absent from a meeting, does not agree with a decision taken at the meeting, the member shall inform the chairperson of the Evaluation Committee, who shall call a meeting to reconsider the decisions of the meeting.

(7) The evaluation of bids shall be conducted by the members of the Evaluation Committee, jointly, during a meeting of the Evaluation Committee.

(8) Notwithstanding subregulation (7), where an evaluation is complex or lengthy, the members of the Evaluation Committee may—

- (a) conduct the evaluation or part of the evaluation individually after which the Evaluation Committee, at its meeting, shall discuss the results of each member; or
- (b) request two or more members of the Evaluation Committee to carry out the evaluation and prepare recommendations, which shall be reviewed by the Evaluation Committee and adopted as the evaluation of the Evaluation Committee.

(9) A decision of an Evaluation Committee shall be unanimous except where the evaluation methodology requires individual scores or marks.

(10) Notwithstanding subregulation (9), where the Evaluation Committee is unable to reach a decision unanimously, the decision of the majority shall be the decision of the Evaluation Committee and shall be stated as such in the evaluation report.

(11) The minutes of a meeting of the Evaluation Committee shall be signed by all the members of the Evaluation Committee and shall form part of the records of the procurement for which the evaluation is conducted.

(12) The minutes of a meeting of the Evaluation Committee shall be an annex to the evaluation report.

(13) The evaluation report shall state the disagreements of the members, if any, including the reasons for the disagreement, the discussions held on the issue in disagreement and the views of the members of the Evaluation Committee on the matter.

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

(15) Where a member of the Evaluation Committee does not or is not able to sign the report, the member shall, in writing, give reasons why he or she did not or was not able to sign the report.

PART III—GENERAL PROVISIONS FOR EVALUATION  
OF BIDS USING TECHNICAL COMPLIANCE AND QUALITY  
AND COST BASED EVALUATION METHODS

**5. Evaluation criteria to be applied.**

(1) The evaluation of bids shall be conducted in accordance with the evaluation criteria specified in the bidding documents.

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

**6. Request for information.**

(1) An Evaluation Committee may at any stage of the evaluation, request a bidder to clarify the information provided in the bid or to submit additional information or documents within a period, which shall be indicated in the request, which shall be information or documents that were valid at the date of the deadline for bid submission.

(2) An Evaluation Committee shall only make a request for clarification of information or submission of documents under subregulation (1) where there is a nonconformity or an omission in the bid, which is not a material deviation as specified in regulation 7 (4).

(3) A request for clarification or submission shall not be made where the request—

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

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

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

(5) A request to a bidder shall be signed by the chairperson of the Evaluation Committee and may be communicated by a member of the Procurement and Disposal Unit who is not a member of the Evaluation Committee.

(6) A request to a bidder under subregulation (5) may be submitted electronically.

(7) Where a bidder does not respond to a request or respond within the time specified under subregulation (1), the Evaluation Committee shall disqualify the bidder.

(8) For the avoidance of doubt, a request for information made to a bidder under this regulation shall not be or considered to be negotiations.

## **7. Correction of non-conformities and omissions.**

(1) An Evaluation Committee may correct a non-conformity or an omission in a bid that does not constitute a material deviation.

(2) For the purposes of subregulation (1), an Evaluation Committee shall—

- (a) request the bidder to clarify the non-conformity or omission in accordance with regulation 6;
- (b) correct the non-conformity or omission using subregulation (3);
- (c) waive the non-conformity.



(3) For purposes of making a correction under sub regulation (2)(b), a non-conformity or an omission shall be quantified and expressed in monetary terms and the bid price shall, for evaluation purposes only, be adjusted, to reflect the price of the non-conforming or omitted item or component.

(4) For the purposes of this regulation a “material deviation” is a deviation that—

- (a) affects in a substantial way, the scope or quality of the supplies or services or the performance of the works to be procured;
- (b) affects the ability of the bidder to perform the proposed contract;
- (c) impacts the key factors of a procurement including cost, risk, time and quality and causes—
  - (i) unacceptable time schedules, where it is stated in the bidding document that time is of the essence;
  - (ii) unacceptable alternative technical details, such as design, materials, workmanship, specifications, standards or methodologies; or
  - (iii) unacceptable counter-bids with respect to key contract terms and conditions, such as payment terms, price adjustment, liquidated damages, sub-contracting or warranty.

## **8. Evaluation of alternative technical bids.**

(1) An alternative bid shall be evaluated using the methodology and criteria used to evaluate the main bid to which the alternative bid relates.

(2) For the purposes of evaluating an alternative bid, the detailed evaluation shall only take into account the objectives or performance requirements prescribed in the statement of requirements and shall not be required to conform precisely to the statement of requirements.

(3) An alternative bid shall be evaluated by the Evaluation Committee that evaluates the main bid and the skills required for the evaluation of the alternative bid shall be taken into account when proposing the membership of the Evaluation Committee.

(4) The Evaluation Committee may seek additional advice or assistance where required in order to conduct a fair and comprehensive evaluation of an alternative bid.

## **9. Discounts.**

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

## **10. Cross discounts.**

(1) Where a bidder offers a cross discount that is conditional on the simultaneous award of a contract for another lot, the cross discount shall only be considered at the financial comparison of the bids.

(2) A cross discount shall be included in a further financial comparison, using the methodology specified in the bidding document, once the ranking of each lot, which incorporates any individual discount, is determined.

(3) In evaluating a cross discount, the Evaluation Committee shall seek to obtain the best overall value for money for the procuring and disposing entity.

## **11. Post qualification evaluation.**

(1) An Evaluation Committee shall undertake a post qualification evaluation before award decision, to confirm whether the best evaluated bidder has the capacity and the resources to effectively execute the procurement.

(2) A post qualification evaluation shall be undertaken to determine—

- (a) the experience and performance of the bidder, with regard to similar assignments;
- (b) the capacity of the bidder with respect to equipment and facilities;
- (c) the qualifications and experience of the personnel of the bidder;
- (d) for a bid to procure non-consultancy services or works, that the bidder has the capacity to supervise or manage the performance of the non-consultancy services or works, as the case may be, based on the qualifications of the supervisory or management staff of the bidder and the number and deployment of the staff;
- (e) the financial capability of the bidder to execute the assignment;
- (f) the facilities or representation, at or near the location to be used for the performance of the assignment; and
- (g) any other relevant criteria.

(3) For the purpose of subregulation (2), the Evaluation Committee shall—

- (a) consider any material changes in the circumstances of the bidder after the submission of the information for pre-qualification; and
- (b) consider any information that becomes available after the pre-qualification which affects, materially, the capacity of the bidder to perform.

(4) The criteria used for post qualification evaluation shall be in accordance with the criteria in the bidding document.

(5) Where the best evaluated bidder does not meet the post qualification evaluation criteria, the Evaluation Committee shall record this in the evaluation report and the exercise shall be undertaken for the next best evaluated bidder.

(6) Where the Evaluation Committee determines that the best evaluated bidder no longer meets the pre-qualification requirements, it may recommend that the contract is not awarded to the best evaluated bidder.

(7) For purposes of post qualification evaluation, an Evaluation Committee may request a bidder for independent references and the results from the references may be used to determine the award decision.

## **12. Evaluation report.**

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

- (a) the total price of the bid of each bidder and the technical score of each bidder as read out at the public opening of the financial bids;
- (b) the results of the administrative compliance of the bids to the terms and conditions of the bidding documents and the reasons for the rejection of the bids that are rejected;
- (c) the evaluated price of each bid, following any corrections or adjustments to the price and the conversion to a single currency;
- (d) the score of each financial bid;
- (e) the weighting of the technical and financial scores; and
- (f) the total score for each bid.

(2) The evaluation report shall contain the following recommendations—

- (a) the best evaluated bidder and the evaluated price of the best evaluated bidder;
- (b) where necessary, that the procuring and disposing entity may carry out negotiations with the best evaluated bidder and the issues for which negotiations should be carried out with the best evaluated bidder; or

(c) where necessary—

- (i) the cancellation of the procurement process; or
- (ii) the cancellation and recommencement of the procurement process.

(3) Every page of an evaluation report shall be signed by all the members of the Evaluation Committee.

(4) The Procurement and Disposal Unit may make comments on the evaluation report and shall submit the report within three working days of receipt.

(5) The evaluation report for the technical compliance evaluation method shall be prepared using Form 14 and for the quality and cost based evaluation method using Form 15 in the Schedule to these Regulations.

### **13. Evaluated price and contract price.**

(1) The evaluated price of the best evaluated bid may not be the contract price of the contract.

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

- (a) the cost of any items that were missing from the bid and are added during evaluation;
- (b) the costs of adjustments made for deviations that are not material deviations;
- (c) the price of the margin of preference that is allocated to a bidder during evaluation; and
- (d) the gains of conversion of the currencies used in the bids to a common currency.

PART IV—EVALUATION OF BIDS USING THE TECHNICAL  
COMPLIANCE EVALUATION METHOD

**14. Application of Part.**

This Part shall apply to the evaluation of bids for the procurement of supplies, works and non-consultancy services.

**15. Stages of evaluation using technical compliance evaluation method.**

The evaluation of bids using the technical compliance evaluation method shall be conducted under the following four stages—

- (a) a preliminary examination to determine the eligibility of the bidders and the administrative compliance of the bids received;
- (b) a detailed evaluation of the bids that are responsive under paragraph (a) to determine the technical responsiveness of those bids;
- (c) a comparison of the financial bids that are responsive under paragraph (b); and
- (d) post qualification evaluation in accordance with regulation 11, to determine that the best evaluated bidder has the capacity and the resources to effectively execute the contract.

**16. Preliminary examination.**

(1) A preliminary examination shall be conducted to determine whether—

- (a) the bidder is eligible under regulation 17 and as specified in the bidding document; and
- (b) the bid is administratively compliant with the basic instructions and requirements specified in regulation 18 and in the bidding document.

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

**17. Eligibility of bidders.**

(1) For the preliminary examination, the Evaluation Committee shall verify the accuracy, validity and authenticity of the documents submitted by a bidder.

(2) A bidder shall be eligible where—

- (a) the bidder has the legal capacity to enter into a contract with the procuring and disposing entity;
- (b) the bidder is not insolvent, in receivership, bankrupt or being wound up or a subject of legal proceedings for any of these circumstances;
- (c) the business activities of the bidder are not suspended under section 94 of the Act;
- (d) the bidder fulfilled the tax and social security obligations applicable in Uganda;
- (e) the bidder does not have a conflict of interest in relation to the subject of the procurement; and
- (f) the bidder is not a member of the procuring and disposing entity as defined in section 91U of the Act.

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

- (a) a copy of the trading licence of the bidder or its equivalent;
- (b) a copy of the certificate of registration of the bidder or its equivalent;

- (c) a signed statement indicating that the bidder does not have a conflict of interest in the subject of the procurement; and
- (d) any other documents or statements as may be stated in the bidding documents.

(4) Subregulations (3) (a) and (b) shall not apply to a bidder who is registered by the Authority on the register of providers or where the eligibility of the provider was verified at the pre-qualification stage.

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

(6) Where a bidder does not submit a document required under subregulation (3) the Evaluation Committee shall in accordance with regulation 6, request the bidder to submit the document and the bidder shall submit the document within two days from the date of the request.

(7) The document submitted under subregulation (6) shall be a document that was valid at the date of the deadline for bid submission.

## **18. Administrative compliance.**

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

- (2) A bidder shall be administratively compliant where—
  - (a) the bidder submits a bid security, where this is required, in the correct form and amount and where the bid security is authentic;
  - (b) the bidder submits a bid securing declaration, where this is required, in the correct form;



- (c) the bidder submits the bid in the required format;
- (d) the authorisation and signature of the bids is in accordance with the instructions in the bidding document;
- (e) the bid validity is correct; and
- (f) the bidder submits additional documents or samples as may be required.

(3) The administrative compliance of a bid with the instructions in the bidding document and its responsiveness to the requirements of the procuring and disposing entity shall be determined based on the contents of the bid.

(4) A bid that is not administratively compliant to the bidding document, shall be rejected at the preliminary stage.

(5) Where a bid is administratively compliant, the Evaluation Committee shall waive any non-conformity or omission in the bid that does not constitute a material deviation.

## **19. Detailed evaluation.**

(1) An Evaluation Committee shall conduct a detailed evaluation of a bid that passes the preliminary examination to assess—

- (a) the responsiveness of the bid to the terms and conditions of the bidding document; and
- (b) the technical responsiveness of the bid to the statement of requirements.

(2) The detailed evaluation shall compare the details of a bid with the criteria stated in the bidding document.

(3) The detailed evaluation shall—

- (a) determine whether a bid conforms to the terms and conditions of the bidding document, without any material deviation;

- (b) determine whether a bid conforms to the statement of requirements without any material deviation;
- (c) for a bid for supplies, determine whether the bid complies with the minimum technical specification stated in the bidding document;
- (d) for a bid for works, determine whether—
  - (i) the bid adheres to the technical specifications and standards;
  - (ii) the proposed work plan and the completion schedule are adequate;
  - (iii) the work methods, including the safety precautions and measures proposed are adequate;
  - (iv) the documents submitted, including drawings, charts, calculations and data sheets are adequate; and
  - (v) the methods proposed for handling materials and the schedules and sources of the materials and equipment are suitable.

(4) A bid which is not substantially responsive to the minimum requirement of the detailed evaluation shall be rejected at the detailed evaluation stage.

## **20. Product demonstration.**

(1) Where it is necessary to assess the technical characteristics of supplies, a procuring and disposing entity may, as part of the detailed evaluation process, request for a demonstration of the product by the provider.

(2) The Evaluation Committee shall give a bidder who is requested to demonstrate a product, sufficient notice of the date, time and location of the demonstration.

(3) The Evaluation Committee shall prior to the demonstration of a product, agree on the requirements of the demonstration and the manner in which the demonstration is to be assessed and recorded.

(4) At least three members of the Evaluation Committee shall attend a demonstration of a product and the members who attend shall prepare a report of the demonstration.

(5) The report in subregulation (4) shall be part of the evaluation report.

## **21. Comparison of financial bids.**

(1) The financial bids, of the corresponding technical bids that are responsive under regulation 19 shall be examined and compared, to determine the best evaluated bid.

(2) In conducting a financial comparison of the bids, the Evaluation Committee shall—

- (a) apply any non-conditional discounts offered in a bid, using regulation 9;
- (b) determine whether the financial bids are complete;
- (c) make adjustments for any deviation that is not a material deviation, using regulation 7;
- (d) where required for purpose of comparison, convert all bids to a single currency;
- (e) where required, apply a margin of preference using the procedure specified in the bidding document;
- (f) determine the total evaluated price of each bid;
- (g) rank the bids using the total evaluated price; and
- (h) determine the best evaluated bid.

(3) Where a cross discount is offered, it shall be incorporated in accordance with regulation 10, in a further financial comparison prior to determining the best evaluated bid.

(4) A financial bid shall be determined to be complete if the prices of all the items required and included in the corresponding technical bid, are indicated in the financial bid.

(5) The best evaluated bid shall be the lowest priced bid which is eligible and administratively compliant to the technical requirements specified in the bidding document.

(6) An Evaluation Committee shall, for the best evaluated bid for works, assess whether the level of payment projected for the different stages of the assignment exceed the progress of the works and where the Evaluation Committee determines that the level of payment projected for the different stages of the assignment exceed the progress of the works, the bidder shall be requested to—

- (a) provide a detailed analysis of the price of any of the items of the bid, to demonstrate that the price is consistent with the construction methods and work schedules proposed in the bid; or
- (b) increase the amount of the performance security provided, where this is necessary to protect the procuring and disposing entity against default.

PART V—EVALUATION OF BIDS USING THE QUALITY  
AND COST BASED EVALUATION METHOD.

**22. Application of Part.**

This Part shall, notwithstanding regulation 14, apply to the evaluation of bids for the procurement of text books, information technology systems and for the evaluation of bids for design and build contracts.

### **23. Preliminary examination.**

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

(2) A bid shall be administratively compliant where the bid conforms to the instructions, requirements and the terms and conditions of the bidding documents without any non-conformity, or omission.

(3) A bid shall be administratively compliant where—

(a) the bid is submitted in the required format;

(b) the financial bid is submitted separately;

(c) the signature and authorisation to submit bids is in accordance with the instructions in the bidding documents;

(d) a bid securing declaration, if required, is submitted in the correct format;

(e) the validity of the bid is correct; and

(f) the additional documentation that is requested for, is submitted.

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

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

### **24. Detailed evaluation.**

(1) An Evaluation Committee shall using the evaluation criteria in the bidding documents and based on the contents of a bid, conduct a detailed evaluation of a bid that passes the preliminary examination

(2) The detailed evaluation shall compare the details of the bid using a merit point evaluation system, as shall be specified in the bidding documents.

(3) A bid which does not achieve the minimum score required in the bidding document shall be rejected at the detailed evaluation stage.

**25. Procedure for conducting merit point evaluation.**

(1) The merit point evaluation shall be conducted using the procedure in this subregulation—

- (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 evaluate each bid and award a score for the set criterion and record the score in the score sheet;
- (c) the chairperson of the Evaluation Committee shall at a meeting of the Evaluation Committee collect the score sheets of the members and the scores awarded by each member of the evaluation team shall be compiled during the meeting, to produce a score sheet for each bid, from which the average score for each bid shall be calculated;
- (d) the members of the Evaluation Committee shall compare the scores of each member of the evaluation team, for each bid, to verify that there has been a consistency of approach to the evaluation and a common understanding of the criteria and of each bid, 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 team shall, where required, explain and justify the scores awarded; and

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

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

(3) For the purposes of sub regulation (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 bid.

(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 separate score sheet.

## **26. Technical evaluation report.**

(1) The Evaluation Committee shall, using Form 16 in the Schedule to these Regulations prepare a technical evaluation report which shall indicate the strengths and weaknesses of each bid.

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

(3) The Procurement and Disposal Unit shall not make any change to the technical evaluation report but may make comments in respect of the report and shall submit the technical evaluation report

to the Contracts Committee for approval, before the opening of the financial bids.

**27. Notification to bidders not recommended for financial evaluation.**

(1) After approval of the technical evaluation report by the Contracts Committee and before the opening of the financial bids, the bidders whose bids are disqualified at the technical evaluation stage and which are not recommended for financial evaluation shall be accordingly informed.

(2) The procuring and disposing entity shall, on request, provide a bidder whose bid 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 bid at the technical evaluation, the reasons for the disqualification of the bid and the shortcomings of the bid against the evaluation criteria.

(3) The debrief under this regulation shall be unique to the bidder who makes a request and shall not provide details on any other bid, other than the information that is otherwise publicly available.

(4) The scores for the technical bids shall be displayed on the procurement and disposal notice board of the procuring and disposing entity.

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

(6) A financial bid that is not evaluated shall be returned to the bidder, unopened, after the contract is signed.

**28. Public opening of financial bids.**

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



- (2) The notification shall indicate—
  - (a) the date and time of the opening of the financial bids, which date shall be three working 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 bids shall be open to the public.

(4) The procuring and disposing entity shall make a record of the opening session and shall in the record, note any inconsistencies or omissions in the bids submitted.

(5) A copy of the record shall be posted on the procurement and disposal notice board of the procuring and disposing entity or where available, the website 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.

(6) The financial bids shall be opened within three working days after approval of the technical evaluation report by the Contracts Committee.

(7) The public opening of the financial bids shall be recorded using Form 17 in Schedule 1 to these Regulations.

## **29. Procedure for opening of financial bids.**

(1) The opening of the financial bids 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 bids and read out the information that is required to be read out, as specified in the bidding document, to be read out at the public opening session.

(3) The Procurement and Disposal Unit shall at the financial bid opening session notify the bidders—

- (a) of the bidders who submitted bids;
- (b) of the technical score obtained by each bidder;
- (c) of the total price of each financial bid, 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 bidding documents.

(4) All the important pages of the financial bids which include; the signed pages of the financial bid, the bid submission sheet and all the pages containing the financial information, 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.

**30. Representation of bidders at opening session of financial bids.**

(1) A procuring and disposing entity shall allow a bidder or a representative of the bidder whose financial bid is to be opened, to attend the public opening session.

(2) At a public opening session, a bidder or a representative of the bidder—

- (a) shall be requested to confirm that the bid is as it was submitted;
- (b) shall not be permitted to make any addition, deletion or modification to the exterior or the contents of the bid;
- (c) may ask questions after the bids are opened but a procuring and disposing entity shall not enter into a discussion with the bidder or the representative of the bidder, on the specific details of any bid.

### **31. Financial comparison.**

(1) For the purposes of evaluating financial bids of the corresponding technical bids that adhered to the minimum qualifying score under the detailed technical evaluation of the technical bids, an Evaluation Committee shall conduct a financial comparison of the bids by examining and comparing the financial bids and determining the best evaluated bid.

- (2) The financial comparison shall—
  - (a) assess whether a bid conforms to the terms and conditions of the bidding documents, without material deviation;
  - (b) determine the bid price;
  - (c) determine whether a financial bid is complete and where a financial bid is not complete, disqualify the bid;
  - (e) make adjustments for a non-conformity or an omission in a bid that does not constitute a material deviation in accordance with subregulation (3);
  - (f) convert the currencies of the bids into a single currency for purposes of comparison, where required;
  - (g) apply any margin of preference in accordance with the procedure specified in the bidding documents;
  - (h) determine the total evaluated price of each bid; and
  - (i) award a financial score to each bid or rank the bids, in accordance with the requirements of the selection method used.

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

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

- (b) where the quantification of an input or item in the financial bid is different from the quantification in the technical bid the Evaluation Committee shall—
  - (i) where a time-based contract is to be used, correct the quantification in the financial bid to make it consistent with the quantification in the technical bid by applying the relevant unit price to the corrected quantity and correcting the total financial price; and
  - (ii) shall not make any adjustment to the financial bid where a lump sum contract is used.

(4) A financial bid shall be complete where the inputs and items indicated in the technical bid are priced in the financial bid.

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

(6) Notwithstanding sub regulation (1), another method, where this is provided in the bidding documents, may be used to allocate scores for the cost.

### **32. Determination of best evaluated bid.**

- (1) For the purposes of determining the best evaluated bid—
  - (a) the score of the technical and financial bids shall be weighted, using the weights stated in the bidding documents; and
  - (b) the total score of a bid shall be obtained by adding the weighted score of the technical and financial bids.

(2) The bidder who obtains the highest total score under paragraph (b) shall be recommended for award of contract.

## PART VI—REVOCATION AND TRANSITION

### **33. Revocation and transition.**

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

(2) An evaluation process that had commenced under the Public Procurement and Disposal of Public Assets (Evaluation) Regulations, 2014 and the Local Governments (Public Procurement and Disposal of Public Assets) Regulations, 2006 shall be continued and completed under these Regulations.

**FORM 13**

*Regulation 2(4)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**DECLARATION TO ABIDE BY THE CODE OF ETHICAL  
CONDUCT IN BUSINESS**

<b>Procurement Reference Number</b>			
Code of Procuring and Disposing Entity	Supplies/Works/ Non-consultancy Services	Financial Year	Sequence Number

Date	
Subject of Procurement	

I hereby declare that I have read the Code of Ethical Conduct in Business in Schedule 5 to the Public Procurement and Disposal of Public Assets Act, 2003 and that I will execute my responsibilities of a member of the Evaluation Committee in accordance with the Code and I have no personal interest that may impinge or might reasonably be deemed by others to impinge upon the execution of my duties in evaluation of the bids for the procurement/disposal.

No	Name	Title and Department	Position on Evaluation Committee <i>Chairperson/Member/Secretary</i>	Signature

**FORM 14**

*Regulation 12(5)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**EVALUATION REPORT UNDER THE TECHNICAL  
COMPLIANCE EVALUATION METHOD**

Procurement Reference Number			
Code of Procuring and Disposing Entity	Supplies/Works/ Non-consultancy Services	Financial Year	Sequence Number

**1. Introduction**

- (1) The requirement is for the [supply, delivery/installation/commissioning] \_\_\_\_\_ of [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/quotations/direct procurement]



## 2. Details of invitation

*{For open bidding without pre-qualification}*

- (1) The bidding document was approved by the Contracts Committee on [date]\_\_\_\_\_.
- (2) The bid notice was advertised on the [date]\_\_\_\_\_ in [name of publications]\_\_\_\_\_.
- (3) The list of bidders issued with the bidding document was recorded using Form 8 which is attached.

*{For open bidding with pre-qualification}*

- (1) The invitation to bid, pre-qualification evaluation and shortlist were approved by the Contracts Committee on [date]\_\_\_\_\_.
- (2) The list of bidders who were issued with the bidding documents/Request for quotation was recorded using Form 8 which is attached.

*{For restricted bidding or quotation procurement method}*

- (1) The invitation to bid/request for quotations document and the shortlist were approved by the Contracts Committee on [date]\_\_\_\_\_.
- (2) The bidders who were issued with the bidding documents/ request for quotations were recorded using Form 8 which is attached.

*{For direct procurement}*

- (1) The bidding document and proposed bidder were approved by the Contracts Committee on [date] \_\_\_\_\_.
- (2) The bidding document was issued on [date] \_\_\_\_\_.

**3. Addenda to bidding document**

*{For addenda}*

- (1) [Number] \_\_\_\_\_ addendum/addenda was/were approved by the Contracts Committee on [date(s)] \_\_\_\_\_ and issued.
- (2) The issue of the addendum/addenda was recorded using Form 8 which is attached.

*{For no addenda}*

- (1) No addenda to the bidding document were required or issued.

**4. Pre-bid meeting *{delete if not applicable}***

- (1) A pre-bid meeting was held at [location] \_\_\_\_\_ on [date] \_\_\_\_\_.
- (2) The minutes were recorded using Form 10 which is attached.

**5. Details of bid closing**

*{For open bidding, restricted bidding and quotation procurement}*

- (1) Bidding was closed on [date] \_\_\_\_\_ at [time] \_\_\_\_\_ at [location] \_\_\_\_\_.
- (2) The receipt of bids was recorded using Form 11 which is attached.

*{For direct procurement}*

The sealed bid was received on [date].

**6. Details of bid opening**

- (1) A public bid opening was held at [location] \_\_\_\_\_ on [date] \_\_\_\_\_ at [time] \_\_\_\_\_.
- (2) The bid opening session and the attendance was recorded using Form 12 which is attached.

**7. Details of membership of the 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] \_\_\_\_\_

## **8. Details of evaluation methodology**

The evaluation methodology used was technical compliance evaluation method, which involved the following four stage procedure:

- a. Preliminary examination on a pass/fail basis to determine the eligibility of the bidders and assess their administrative compliance to the Invitation. Non eligible and non compliant bids were eliminated from further evaluation.
- b. Detailed evaluation to determine the technical responsiveness of eligible, compliant bids to the technical specification and terms and conditions in the invitation. Bids that were not substantially responsive were eliminated from further evaluation.
- c. Financial comparison to examine and rank financial bids. The lowest price eligible, compliant, substantially responsive bid was ranked first and declared the best evaluated bid.
- d. Post qualification evaluation to determine whether the best evaluated bidder has the capacity and the resources to effectively execute the procurement for the procuring and disposing entity.

## **9. Preliminary examination**

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

Refer Table 1 which summarises the preliminary examination.

## **10. Detailed evaluation**

*[Brief narrative on the results of the detailed evaluation and detailed justification with reasons why any bids were declared non responsive. Include details of any nonmaterial nonconformities, errors or*

*omissions waived or rectified by the evaluation committee and the way in which they were quantified for inclusion in the financial comparison. Include details of all clarifications requested and received from bidders].*

Refer to Table 2 which summarises the detailed evaluation.

#### **11. Financial comparison**

*[Describe the correction of any arithmetic errors, application of any discounts, adjustments made for any nonmaterial nonconformities, errors or omissions, conversion to a common currency and application of any margin of preference].*

All bids that were eligible, compliant and substantially responsive were ranked, with the lowest priced being ranked first.

Refer Table 3 which summarises the financial comparison.

#### **12. Evaluation of multiple lots {delete if not applicable}**

A second stage of the financial comparison was undertaken to apply discounts, which were conditional on the simultaneous award of more than one lot.

See the attached spreadsheet which details the application of the conditional discounts.

**13. Post-qualification** *(if required)*

[*Name of bidder*] was evaluated against the post-qualification criteria stated in the bidding document. [Brief narrative on the result of the post-qualification evaluation and detailed justification with reasons if the bidder was found not qualified against any criteria.]

On the basis of the post-qualification criteria stated, [name of bidder] \_\_\_\_\_ is qualified/not qualified *{delete as applicable}*.

See record that summarises the post-qualification evaluation.

**14. Recommendations** *{to be amended as appropriate}*

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

- (1) the best evaluated bid for the procurement of [*list all items the recommendation relates to*] is from [*name of bidder*] with a total evaluated price of [*currency and amount*] \_\_\_\_\_.
- (2) negotiations are/are not required.
- (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*]

*{Repeat these recommendations for split awards or multiple lots}*

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

The Evaluation Committee did 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].

**16. 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: \_\_\_\_\_

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**Annexes: {amend as appropriate}**

Form 8: Record of sale or issue of bidding documents

Form 10: Record of minutes of pre-bid meeting

Form 11: Record of bids received

Form 12: Record of bid opening

Table 1: Preliminary examination

Table 2: Summary of detailed evaluation

Table 3: Summary of financial comparison

Spreadsheets detailing line-item comparisons for partial or split awards

Spreadsheets showing the application of conditional discounts

Minutes of the meeting of the evaluation committee

**Documents available from the Procurement and Disposal Unit: {to be amended as appropriate}**

Copy of the bidding document.

Copy of all bids.



**TABLE 1 – PRELIMINARY EXAMINATION AND ASSESSMENT OF ELIGIBILITY**

	1	2	3	4	5
<b>Name of Bidder</b>					
<b>Eligibility criteria</b>					
<i>{Complete criteria as per bidding 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
<b>Administrative compliance criteria</b>					
<i>{Complete criteria as per bidding 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
<b>Conclusion</b>	C/NC	C/NC	C/NC	C/NC	C/NC

**KEY: C = Compliant NC = Non-Compliant** *{delete that which is not applicable in the table above}*

This preliminary examination eliminated *[number]* bidders, *[names of bidders]*.

**TABLE 2 – SUMMARY OF DETAILED TECHNICAL EVALUATION  
(ONLY BIDS THAT ARE ELIGIBLE AND COMPLIANT)**

<b>Procurement Reference Number</b>				
<b>Code of Procuring and Disposing Entity</b>	<b>Supplies/Works/Non-consultancy Services</b>	<b>Financial Year</b>	<b>Sequence Number</b>	
<b>No.</b>	<b>Name of Bidder</b>	<b>Technical Responsiveness</b>	<b>Reasons for the responsiveness/non responsiveness. State any nonmaterial nonconformities, errors and omissions accepted and the way in which they were quantified</b>	
		R/NR		
		R/NR		
		R/NR		
		R/NR		

**KEY: R = Responsive NR = Non-Responsive** {delete that which is not applicable in the table above}

This examination eliminated [number] bidders, [Names of bidders].

**TABLE 3 – SUMMARY OF FINANCIAL COMPARISON  
(ONLY BIDS THAT ARE ELIGIBLE, COMPLIANT AND SUBSTANTIALLY RESPONSIVE)**

Procurement Reference Number			
Code of Procuring and Disposing Entity	Supplies/Works/Non-consultancy Services	Financial Year	Sequence Number

**EVALUATION CURRENCY:** \_\_\_\_\_

No.	Name of Bidder	Bid Currency	Bid Total	Corrections made	Discounts	Adjustments made	Corrected Amount	Exchange Rate	Converted Total	Margin of Preference	Evaluated Total	Rank

No.	Name of Bidder	Bid Currency	Bid Total	Corrections made	Discounts	Adjustments made	Corrected Amount	Exchange Rate	Converted Total	Margin of Preference	Evaluated Total	Rank

*{Attach working spreadsheets detailing line-item comparisons for partial or split awards or detailing the application of conditional discounts for multiple lots}.*

**FORM 15**

*Regulations 12(5)*

THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003

**COMBINED TECHNICAL AND FINANCIAL EVALUATION REPORT UNDER QUALITY AND COST BASED EVALUATION METHOD**

PROCUREMENT REFERENCE NUMBER			
Code of Procuring and Disposing Entity	Supplies/Works/Non-consultancy Services	Financial Year	Sequence Number

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

**1. Introduction**

(1) On..... (Date), the Contracts Committee approved the technical evaluation report and the opening of financial bids of the following bidders:

S/No.	Name of Bidder	Technical Score

(2) A copy of the technical evaluation report is attached as Annex 1.

## FINANCIAL COMPARISON

### 2. Details of financial bid opening

- (1) A public opening of financial bids was held at [location] on [date] at [time].
- (2) The financial bid was opened, stamped and signed by the Chairperson. The price and technical score read out.
- (3) The bid opening and attendance was recorded using Form 17: Record of financial bid opening which is attached.

*{For quality and cost based selection}*

### 3. Financial comparison

*{Describe the correction of any arithmetic errors, application of any discounts, adjustments made for any nonmaterial nonconformities, errors or omissions, conversion to a common currency and application of any margin of preference.}*

The bid with the lowest evaluated price was given a score of 100 and the other bids were given financial scores that were inversely proportional to the lowest priced proposal.

*{Or describe other methodology for allocating financial scores, in accordance with the invitation.}*

Refer to Table 1, which summarises the financial comparison.

### 4. Total technical and financial score

- (1) A total score was obtained by weighting the technical and financial scores, using the weights stated in the invitation, and adding them together.
- (2) The technical weight was [technical weight] % and the financial weight was [financial weight] %.

(3) The bids were ranked according to total score, with the highest total score being ranked first. Refer to Table 2, which summarises the technical and financial scores and weightings and the total scores and rankings.

**5. Post-qualification (if required)**

- (1) [Name of bidder] was evaluated against the qualification criteria stated in the bidding document.
- (2) [Brief narrative on the result of the post-qualification evaluation and detailed justification with reasons if the bidder was found not qualified against any criteria.]
- (3) On the basis of the qualification criteria stated, [name of bidder] is qualified/not qualified {delete as applicable}.

See record that summarises the post-qualification evaluation.

**6. Recommendations {amend as appropriate}**

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

- (1) the best evaluated bid for the procurement of [list all items the recommendation relates to] is from [name of bidder] with a total evaluated price of [currency and amount].
- (2) negotiations are/are not required.
- (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].

7. **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].

8. **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:**

- Technical evaluation report under quality and cost based evaluation method
- Form 17: Record of financial bid opening
- Table 1: Summary of financial comparison
- Table 2: Technical and financial evaluation summary
- Minutes of the meeting of the evaluation committee

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

Copy of all financial bids.







**FORM 16**

*Regulation 26(1)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**TECHNICAL EVALUATION REPORT UNDER QUALITY AND COST  
BASED EVALUATION METHOD**

<b>Procurement Reference Number</b>			
Code of Procuring and Disposing Entity	Supplies/Works/ Non-consultancy Services	Financial Year	Sequence Number

**\*\*Please Read the Guidance notes for preparing evaluation report at the end of this Form**

**BACKGROUND**

**1. Introduction**

- (1) The requirement is for the provision of [*subject of procurement*].
- (2) The procurement method used and approved by the Contracts Committee was [*open domestic bidding/open international bidding/restricted domestic bidding/restricted international bidding/quotation/direct procurement*].

**2. Details of invitation**

*{For open bidding without pre-qualification}*

- (1) The bid document/request for quotations (RFQ) was approved by the Contracts Committee on [date] \_\_\_\_\_.
- (2) The bid notice was advertised on the [date] \_\_\_\_\_ in [name of publications].
- (3) The list of bidders who purchased or were issued with the bid documents was recorded using Form 8 which is attached.

*{For open bidding with pre-qualification}*

- (1) The invitation to bid/request for quotations (RFQ), evaluation of expressions of interest and shortlist were approved by the Contracts Committee on [date] \_\_\_\_\_.
- (2) The list of bidders who were issued with the bid documents was recorded using Form 8 which is attached.

*{For restricted bidding or proposals procurement}*

- (1) The invitation to bid/request for quotations (RFQ) document and shortlist were approved by the Contracts Committee on [date] \_\_\_\_\_.
- (2) The bidders who were issued with the bid documents/RFP was recorded using Form 8 which is attached.

*{For Direct procurement}*

- (1) The bidding document and proposed bidder were approved by the Contracts Committee on [date] \_\_\_\_\_.
- (2) The bidding document was issued on [date] \_\_\_\_\_.

**3. Addenda to bidding document**

*{For addenda}*

- (1) [Number] addendum/addenda was/were approved by the Contracts Committee on [date(s)] \_\_\_\_\_ and issued.
- (2) The issue of the addendum/addenda was recorded using Form 8 which is attached.

*{For no addenda}*

No addenda to the bidding document were required or issued.

**4. Pre-bid meeting *{delete if not applicable}***

- (1) A pre-bid meeting was held at [location] \_\_\_\_\_ on [date] \_\_\_\_\_.
- (2) The meeting was recorded using Form 10 which is attached.

**5. Deadline for submission of proposals**

*{For open bidding, restricted bidding and quotation method}*

- (1) Bidding was closed on [date] \_\_\_\_\_ at [time] \_\_\_\_\_ at [location] \_\_\_\_\_.
- (2) The receipt of bids was recorded using Form 11 which is attached.

*{For direct procurement}*

The sealed bid was received on [date] \_\_\_\_\_.

**6. Details of bid opening**

- (1) A public bid opening was held at [*location*] \_\_\_\_\_ on [*date*] \_\_\_\_\_ at [*time*] \_\_\_\_\_.
- (2) The outer envelopes were opened and checks were made to ensure that the envelopes contained two separately sealed envelopes of technical and financial bids.
- (3) Only the technical bids only were opened, stamped and signed by the Chairperson.
- (4) The financial bids were not opened and were put into secure storage.
- (5) The bid opening and attendance was recorded using Form 12 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*] \_\_\_\_\_
- [*Name*] \_\_\_\_\_ [*designation and department*] \_\_\_\_\_

## **PART 1: TECHNICAL EVALUATION**

### **8. Details of evaluation method.**

The evaluation method being used is the quality and cost based selection method which involves the following procedure:

- (a) preliminary examination on a pass/fail basis to determine the eligibility of the bidders and assess their administrative compliance to the Invitation. Non eligible and non compliant bids were eliminated from further evaluation;
- (b) detailed evaluation to assess the technical quality of bids against the criteria in the Terms of Reference in the invitation and determine their total technical score using a merit point system. Each bid was compared to the minimum technical qualifying mark stated in the invitation and those not meeting the minimum mark were eliminated from further evaluation;
- (c) Financial bids of those bidders who were substantially responsive and met the minimum qualifying mark will be opened and a financial comparison carried out to examine financial bids and determine the financial score of each bid;
- (d) Technical and financial scores will be combined, using the weightings given in the invitation, to give a total score for each bid. The bidder with the highest total score will be ranked first and recommended for contract award, subject to any negotiations required.

### **9. Preliminary examination**

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

Refer to Table 1, which summarises the preliminary examination.

**10. 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 bid and reasons for any large differences in scores between evaluators. State how many bids reached the minimum qualifying mark and how many failed to reach it].*

The strengths and weaknesses of each proposal are highlighted below:

<b>Number</b>	<b>Name of Consultant</b>	<b>Strengths</b>	<b>Weaknesses</b>
1.			
2.			
3.			

A summary of the technical scores is given in Table 2, indicating which bids reached the minimum qualifying mark. The score sheets for each bid, showing the scores given by each evaluator against each of the criterion and the average scores are also included as Table 2A and the individual evaluators' score sheets as Table 2B.



**11. Recommendation** *{amend as appropriate}*

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 bids of the following *[number]* bidders be opened:

Bid Number	Name of Bidder	Technical Score

**12. 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].

**13. 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 8 - Record of sale or issue of bidding documents

Form 10 - Record of minutes of pre-bid meeting

Form 11 - Record of bids received

Form 12 - Record of opening of technical bids

Table 1: Preliminary examination

Table 2: Summary of detailed technical evaluation

Table 2A: Detailed technical evaluation of bid (one in respect of each bidder)

Table 2B: Score sheet for technical evaluation (one for each evaluator)

Minutes of the meeting of the evaluation committee

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

Copy of the bidding document.

Copy of all technical bids.



**TABLE 2 – SUMMARY OF DETAILED TECHNICAL EVALUATION**

Evaluation criteria	Maximum score	<i>{ Enter the average scores using Table 2A }</i>					
<i>{Complete criteria and maximum scores as listed in bidding document}</i>	<i>as listed</i>	Bidder 1	Bidder 2	Bidder 3	Bidder 4	Bidder 5	Bidder 6
<b>A</b> Main Criteria							
A Sub-criteria							
A2							
A3							
A4							
<b>B</b> Main Criteria							
B1 Sub-criteria							
B2							
B3							
B4							
<b>C</b> Main Criteria							
C1 Sub-criteria							
C2							



**TABLE 2A – DETAILED TECHNICAL EVALUATION OF PROPOSAL**

**NAME OF BIDDER:** \_\_\_\_\_

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 bidding document}</i>			Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	
<b>A</b>	<b>Main Criteria</b>							
	Sub-criteria							
	A1							
	A2							
	A3							
	A4							
<b>B</b>	<b>Main Criteria</b>							
	Sub-criteria							
	B1							
	B2							
	B3							
	B4							
<b>C</b>	<b>Main Criteria</b>							



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

NAME OF EVALUATOR: \_\_\_\_\_

Evaluation Criteria		M a x Score						
<i>{Complete criteria and maximum scores as listed in the bidding document}</i>			Bidder 1	Bidder 2	Bidder 3	Bidder 4	Bidder 5	Bidder 6
<b>A</b>	<b>Main Criteria</b>							
A1	Sub-criteria							
A2								
A3								
A4								
<b>B</b>	<b>Main Criteria</b>							
B1	Sub-criteria							
B2								
B3								
B4								
<b>C</b>	<b>Main Criteria</b>							
C1	Sub-criteria							
C2								
C3								





**FORM 17**

*Regulation 28(7)*

**THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS ACT, 2003**

**RECORD OF FINANCIAL BID OPENING**

<b>Procurement Reference Number</b>			
Code of Procuring and Disposing Entity	Supplies/Works/Non-consultancy Services	Financial Year	Sequence Number

<b>Particulars of Procurement</b>	
Subject of Procurement	
Date and Time of Bid Opening	

Location of Bid Opening
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**PART 1: Record of Bids Opened and Details Read Out**

No	<i>Name and Address of the Bidder</i>	<i>Technical Score</i>	<i>Currency and Price of Financial Bid</i>	<i>Remarks</i>

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RECORD OF ATTENDANCE**

<b>No</b>	<b>Name and Address</b>	<b>Position/Title</b>	<b>Bidder/ Staff</b>	<b>Signature</b>

**MATIA KASAIJA,**  
*Minister of Finance, Planning and Economic Development.*