

Draft Guidelines for Procurement in e-Government



Ministry of Transport and Communications
Republic of the Union of Myanmar

List of Abbreviations

Term	Description
AMC	Annual Maintenance Contract
BCP	Business Continuity Plan
CapEx	Capital Expenditure
CBS	Cost Based Selection
COTS	Commercial Off-The-Shelf
DR	Disaster Recovery
EMD	Earnest Money Deposit
EOI	Expression of Interest
FBS	Fixed Budget Selection
ICT	Information and Communication Technology
OEM	Original Equipment Manufacturer
OpEx	Operational Expenditure
PQ	Pre-Qualification
QBS	Quality Based Selection
QCBS	Quality Cum Cost Based Selection
RFI	Request for Information
RFP	Request for Proposal
RFQ	Request for Quotation
RFT	Request for Tender

VFM

Value for Money

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1 Introduction

1.1 Background

The Government of Myanmar is keen to use ICT to deliver e-Government services to its constituents, enhance competitiveness and attract investors, and for making the Government more accountable, responsive and transparent.

In view of this mission, the Government would be allocating sizable amount of its budget for procuring e-Government related systems and services like hardware, software, Implementation agency, System Integrator, AMC services to maintain and manage these systems, etc.

Some of the typical challenges faced in procurement processes are mentioned below:

- Lack of transparency - Often vendors complain about the asymmetric information in procurement process
- Lack of competition - Most of the times, only few bidders participate in the procurement process, and hence the fair price is not realized
- Arbitrariness - Absence of standardized method of procurement brings ambiguity in the whole process
- Delays in procurement - as the processes are not streamlined the procurements are not completed within expected time limit

If the procurements are made following a uniform, systematic, efficient and cost effective procedure, in accordance with the relevant rules and regulations of the Government, would result in significant savings. It is essential to understand nuances of procurement related to eGovernance leading to efficient procurement processes.

The need of the hour is to prepare e Government Procurement Guidelines that would provide guidance to the officials involved in procurement of e Government systems and services and enable them to take an informed decisions during the procurement processes.

1.2 Objective

The primary objective of the eGovernment Procurement Guidelines is to standardize the procurement procedures for eGovernment Projects in terms of modes of purchase, pre-qualification and technical evaluation criteria, bid evaluation method, tendering process till award of contract and thereby optimally use the allocated budgetary resources.

1.3 Envisaged Benefits

The Procurement Guidelines is intended to bring uniformity in procurement done by Ministries and other Government Agencies and achieve the below mentioned envisaged key benefits:

- Ensuring accountability through bringing more transparency and fairness in the procurement activities
- Proper utilization of fund through elimination of asymmetric information
- Providing equal opportunities to all participating entities
- Improving economy and efficiency by procuring goods and services at their true worth
- Improving effectiveness of the initiatives/projects by providing the goods and services as per the requirement on time

2 Modes of Procurement

Depending on the nature of e-Governance goods and services, the quantity / nature of services involved, value involved, time period of supply / services required, suitable mode of procurement has to be decided by the respective Ministry or Government Agency. The various modes of procurement / purchase is explained briefly in the below section.

2.1 Direct Purchase

If the product or service can be provided only from a sole source / vendor, then the Government Agency can enter into direct contract and procure the product / service.

2.2 Purchase without quotation

If the estimated value of the purchase is less than a certain limit¹, then competent authority within the Government Agency can decide on purchasing without inviting quotation/tender.

2.3 Purchase by committee

Local purchase committee² constituted by the Ministry or Government Agency can conduct purchase up-to certain estimated value. Prior to recommending the purchase, the committee will be surveying the market to ascertain the reasonableness of rate, quality and specifications and identify the appropriate vendor.

¹ The limit may be decided by a Ministry responsible for government wide procurement e.g. Ministry of Planning and Finance. Alternatively, Ministry of Transport and Communications may suggest a limit for eGovernment related procurement.

² The committee may consist of minimum 3 members from different sections of the Ministry / Government Agency

2.4 Rate contract purchase

The Central Purchase Agency will finalize rate contracts with the suppliers, for eGovernance goods and items of standards types which are identified as common user items and are needed on recurring basis (e.g. desktops, webcams, laser printers, printer cartridges, keyboards, mouse, etc.) by various government agencies. The specifications, contracted rates, validity of the rates and other key details of rate contracted items should be made available to all the Ministries and Government Agencies.

The purchasing Government Agency has to enter into agreement with the rate contracted supplier and make its own arrangement for inspection and testing of such eGovernance goods.

2.5 Purchase for externally aided project

The procurement procedures for the projects financed by International agencies like World Bank, Asian Development Bank has to be according to the terms and references stipulated in the loan/grant borrowing agreement.

2.6 Purchase through Tendering process

The eGovernance goods and services procurement can be initiated by the Ministry or Government Agency through the process of obtaining tenders. The key aspects of tendering process are explained in next chapter.

3 Purchase through Tendering process

Depending upon the estimated value of procurement of e-Government goods and services and the presence of prospective vendors in the country, one of the following methods of tendering process may be adopted by the Government Agency:

- National Competitive Tender - Tender response will be invited from National level bidders
- International / Global Competitive Tender - There will be no restrictions in participating tendering process, foreign bidders could also participate in bidding process.
- Limited Tender - Tender response will be invited from selected bidders as decided by the competent authority.

Some of the commonly used procurement terms in the tendering process is described briefly in the table below.

Terms	Brief Description
Request for Information (RFI)	The purchaser has insufficient information to document detailed requirement and hence seeks more information and understanding from the potential vendors. Further, the purchaser is not necessarily committed to buying.
Request for Tender (RFT)	It provides an opportunity for potential vendors to submit their offer to provide goods or services in response to a detailed tender. The purchaser has clearly articulated the requirements / specifications and is generally committed to buying. The potential vendors may be evaluated on qualitative factors and also on price.
Request for Quotation	It provides an opportunity for potential vendors

Terms	Brief Description
(RFQ)	to submit their offer to provide goods or services in response to a detailed tender. The purchaser has clearly articulated the requirements / specifications and is generally committed to buying. The potential vendors is evaluated solely on price.
Request for Proposal (RFP)	It is a business requirements-based request for specific solutions from potential vendors. The purchaser may possibly not have clear specifications. This provides opportunity to vendors to demonstrate their creativity and innovation and distinguish one from another. The potential vendors may be evaluated on qualitative factors and also on price.

Key aspects of the purchase through tendering processes are explained below sections.

3.1 Defining the Bidding Stages

Considering the nature of goods and services to be procured, the Ministry / Government Agency should define in the tender document the type of bids / proposals that should be submitted by the bidders. Following are key types of bid submission:

Types	Description
Single Stage Bidding	This type of bidding can be adopted in cases where it

Types	Description
(Single Bid)	<p>involves simple procurement of a product / good / service.</p> <p>In this process, the bid / proposal contains the response and the price in a single envelope.</p> <p>The tender is awarded to the lowest bidder that meets all the tender requirements.</p>
Single Stage Bidding (Two Bids)	<p>This type of bidding is adopted where it involves procurement of complex products or services. The bidder is requested to submit two bids – Technical Bid and Financial Bid. Under single stage bidding, both the bids are submitted at the same time but in separate sealed envelopes.</p> <p>The technical bids are to be opened first and will be scrutinized and evaluated with reference to the parameters specified in the tender document. Thereafter, the financial bids of only technically acceptable bidders are opened for further scrutiny, evaluation, ranking and placement of contract.</p> <p><i>Sometimes, a minor variation to this is also done wherein bidders are required to submitted 3 bids, namely, ‘Pre-Qualification Bid’, ‘Technical Bid’ and ‘Financial Bid’ in separate sealed envelopes.</i></p> <p><i>Here, the Pre-Qualification bid is opened first and evaluated with reference to the eligibility criteria</i></p>

Types	Description
	<p><i>mentioned in the tender document. Thereafter, the technical bids are opened of only the Eligible / Pre-Qualified bidders for further scrutiny and evaluation. Finally, the financial bids of only technically acceptable bidders are opened for scrutiny, evaluation, ranking and placement of contract.</i></p>
Two Stage Bidding	<p>Under this, bids are obtained in two stages with submission of financial bids after the submission and evaluation of technical bids.</p> <p>This type of two stage bidding is generally done if</p> <ul style="list-style-type: none"> • It is not possible to formulate detailed specifications for the goods or services being procured without receiving inputs regarding the technical aspects from bidders; or • The goods being procured is subject to rapid technological advances or market fluctuations or both; or • The bidder is expected to carry out a detailed survey or investigation and undertake a comprehensive assessment of risks, costs and obligations associated with the particular procurement. <p>In the first stage, the Ministry / Government Agency will invite technical bids without a price bid. The bids</p>

Types	Description
	<p>which are eligible will be evaluated by Tender Evaluation Committee. The Committee may hold discussions with the bidders and if any such discussion is held, equal opportunity will be given to all bidders to participate in the discussions. The Ministry / Government Agency may add, modify or omit any specification of the subject matter of procurement or criterion for evaluation but would not modify the fundamental nature of procurement itself.</p> <p>In the second stage, the Ministry / Government Agency will invite bids from all those bidders whose bids in the first stage were not rejected, to submit the final bid with bid prices in response to the revised set of specifications, terms and conditions of the procurement. Any bidder, invited to bid, but not in a position to supply due to change in the specifications or terms and conditions, may withdraw from the bidding proceedings without forfeiting any bid security and providing adequate justification for withdrawal.</p>

3.2 Request for Expression of Interest (EOI)

In situations such as, when scope of work needs more clarity, more than one solutions are possible, procuring Ministry / Government Agency is not clear on the technology or solution, there is a need to conduct a market assessment for

possible vendors, solutions and technologies. This assessment is undertaken through a process of Request for Expression of Interest.

The EOI document would typically consist of the following

- Brief details of the procurement requirements / high-level scope of work
- Contact Person and Address of the purchasing Ministry / Government Agency
- Eligibility Criteria for the bidders
- Bidder's capability, experience, competency, understanding of the requirement, etc. details that need to be submitted as EOI response
- Last date of submission of EOI response
- Mode of submission of EOI response

In order to promote wider participation in the procurement process, the purchasing Ministry / Government Agency should post the invite notice for EOI on its website. This notice should also be published / advertised in at least 2 newspapers that have wider circulation in the country. In case the Ministry is looking for suitable bidders from outside the country, the notice may be sent to Myanmar Embassies abroad as well as foreign Embassies in the country. The selection of embassies will depend on the possibility of availability of the required goods in such countries.

The objective of issuance of EOI document is to shortlist a potential list of bidders who have the basic competency, capacity and understanding of the solution required. After shortlisting the potential list of bidders, basis the eligibility criteria, this process helps in refining the requirement and scope through discussions with prospective bidders.

Subsequent to this stage, the procuring Ministry / Government Agency would prepare a tender document specifying the detailed requirements and scope of

services expected from the bidder. This tender document is shared with shortlisted bidders. Then the normal tendering process from 'Sale of Tender document' is to be followed.

In cases where the procurement needs, scope of work, technology solution, etc. can be clearly specified, presence of prospective bidders in the market, the Ministry / Government Agency can skip this stage of EOI and directly initiate the tendering process from 'Publishing the Tender Notice'.

3.3 Publishing of Tender Notice

In order to promote wider participation in the procurement process, the purchasing Ministry / Government Agency should post the tender notice on its website. This notice should also be published / advertised in at least 2 newspapers that have wider circulation in the country.

In case the Ministry is looking for suitable bidders from outside the country, the tender notice may be sent to Myanmar Embassies abroad as well as foreign Embassies in the country. The selection of embassies will depend on the possibility of availability of the required goods in such countries.

The Tender Notice should provide the key details of requirement. Generally, it should include

- Brief details of the procurement requirements
- Contact Person and Address of the purchasing Government Agency
- Process of getting the Tender document
- Last date of submission of bid response
- Mode of submission of bid response

3.4 Price of Tender Document

The prospective bidders pay the price of the Tender document to participate in the bidding process. The price should be fixed in such a way that it covers the cost of preparation and delivery of the tender document only. To some extent, this also discourages non-serious bidders from participating in the bidding process. The price should not be too high that it will discourage the prospective bidders to purchase the document.

The purchasing Ministry / Government Agency may waive off this price for other government agencies willing to participate in the bid or if it intends to encourage more participation from local bidders.

3.5 Sale of Tender document

The purchasing Government Agency may publish the complete tender document in the website and permit the prospective bidders to download, if it is a priced then instructions should be provided for the bidders to make the payment during bid submission. If the tender documents are distributed from office locations, then should be sold at least up to the last date of bid submission.

3.6 Formation of Tender Evaluation Committee

The purchasing Ministry / Government Agency should constitute a Tender Evaluation Committee comprising of the internal and / or external representatives. This Committee would be responsible to independently evaluate the bids / proposals submitted in response to tender and recommend suitable bidder(s) for the proposed project in the tender.

3.7 Pre-Bid Meeting

Pre-bid meetings are generally conducted to provide clarifications to the query or issues regarding the published tender document. The pre-bid should be

conducted well ahead of the tender closing date. In case the pre-bid results in an issuance of a corrigendum/amendment/modification, appropriate extension of the bid submission date should be provided to the bidders.

3.8 Bid Security/Earnest Money Deposit (EMD)

Bid security also known as Earnest Money Deposit (EMD) may be collected from bidders' to safeguard against withdrawal of the bids during the bid validity period. Depending on the estimated value of the contract / purchase order, the amount of the EMD³ should be decided by the purchasing Ministry / Government Agency and indicated in the tender document. The acceptable forms of EMD should be mentioned in the tender document. The EMD should remain valid for a certain period of days beyond the bid validity period.

EMD of the bidder should be forfeited if the bidder withdraws its bid or impairs or deviates from the tender in any respect within the bid validity period. Further, if the successful bidder does not submit the required performance security within the specified period, its EMD should be forfeited.

EMD furnished by the unsuccessful bidders should be returned to them without any interest after completion of the tender process. EMD of the successful bidder should be returned, without any interest, after receiving the performance security as specified in the tender document.

3.9 Performance Security

Performance Security is collected from the successful bidder as the safeguard for anticipated risk of performance variation during project execution. The Tender

³ Generally, the amount of EMD could be in the range of 1% to 5% of the total estimated value of the contract. This range may be appropriately decided in consultation with the Ministry responsible for government wide procurement.

document should specify the acceptable forms of Performance Security, the amount of Performance Security⁴. It should remain valid for a certain period of days beyond the date of completion of all contractual obligations of the bidder including warranty obligations.

Performance security could be forfeited and credited to the purchasing Ministry / Government Agency in the event of breach of contract by the bidder, in terms of the contract.

Performance security should be refunded after the successful completion of the contract.

3.10 Pre-Qualification Criterion

Pre-qualification (PQ) criterion also termed as eligibility criteria is to weed out the non-genuine bidders from the selection process and provide opportunity to genuine and eligible contenders. The key points to be considered while preparing the eligibility criteria are

- PQs have direct relevance to the intended scope of work, project's financial worth and risk
- PQs are to assess the capability, competency and experience of the bidder
- PQs would be different for different products/services (software OEM's and hardware OEM's should be considered separately) as many points requiring support, spare parts, presence of service centers, etc. will be different

Some of the typical eligibility criterion considered as under

⁴ Generally, the amount of Performance Security could be in the range of 5% to 10% of the total value of the contract. This range may be appropriately decided in consultation with the Ministry responsible for government wide procurement.

- Scope of work related business turnover or revenue: It is to ensure that any of the shortlisted bidders have the ability to execute the project.
- Sales Turnover: It is to ensure that the bidder is financially strong and in case of large value projects, the shortlisted bidder can make initial financial investments and sufficient cash flows needed to operate them.
- Net-worth Requirements: This may be useful for large CapEx and OpEx projects and de-risk from choosing a bidder who might default.
- Project Experience: It is to ensure that the bidder has necessary experience relevant to the requirements defined in the tender document.
- Certifications: The requirement of any certification should be considered when it is relevant to the Scope of Work. These certifications would affect the quality of the deliverables / project execution by the bidder.
- Legal registration: It is to ensure that the bidder is a legal entity registered with relevant Registration authorities.

It should be noted that PQ criterion should be avoided if it does not add any incremental value to the profile of bidders and may restrict competition.

3.11 Technical Evaluation Criteria

Technical evaluation criteria are the parameters on which the bidders will be evaluated based on their responses and to assess the technical score for each qualified bidder.

The criteria should be as objective as possible. It should have substantial linkage to the scope of work. The scoring / weightage scheme should be relevant to project. The weightage scheme should be disclosed in the tender document. In case of a software solution, evaluate the coverage of functional and technical

requirements by the solution. It is suggested to have scoring for each component of the solution / service rather than an overall score for the solution / service.

In order to evaluate the bid responses, the tender document should seek information required from the bidders such as bidder details, response to the requirements, etc. Also, inform the bidders about any additional steps that would form part of evaluation process such as interview, presentation, site visits, proof of concept, etc.

3.12 Bid Evaluation Method

Evaluation of bids / proposals is one of the most significant areas of procurement and the process must be transparent. Method to be adopted for evaluation of technical and financial bids, the techniques for determining the most responsive bid for placement of contract should be incorporated in the tender document in clear and unambiguous manner. The following are the few commonly used evaluation methods.

Evaluation Method	Brief Description
Cost Based Selection (CBS)	<p>This method can be adopted when the project is simple and can be defined precisely. The tender document should indicate the available budget. The scope of work should be well prepared to make sure that the budget is sufficient for the implementing partner to perform the required tasks.</p> <p>The method is suitable for</p> <ul style="list-style-type: none"> • System implementation Agency can deliver the

Evaluation Method	Brief Description
	<p>services without specific expertise</p> <ul style="list-style-type: none"> Projects where there is high level of clarity on the technology and the solutions (like implementation of COTS solution)
Quality Cum Cost Based Selection (QCBS)	<p>This uses a competitive process among the bidders that takes into account the expertise of the bidder reflected through quality of the proposal and the cost of the services in the selection of the successful bidder. Cost, as a factor of selection, is to be used sensibly. The relative weightage to be given to the quality and cost will be determined for each case, depending on the nature of the project. Generally, the weightage ratio Technical : Financial which may be used in 70:30.</p> <p>The bidder who has the maximum combined score of Technical and Financial scores will be declared as the most responsive bidder for the award of the tender.</p> <p>The method is suitable for projects where there is an inadequate clarity on the required solution.</p>
Fixed Budget Selection (FBS)	<p>This method can be adopted when the project is simple and can be defined precisely. The tender document should indicate the available budget. The bidders have to provide the technical and financial proposals separately. Evaluation of all technical</p>

Evaluation Method	Brief Description
	<p>proposals shall be carried out first as in the QCBS method.</p> <p>Proposals that exceed the indicated budget shall be rejected. The bidder who has submitted the highest ranked technical proposal among the rest shall be selected and invited to negotiate a contract.</p>
Quality Based Selection (QBS)	<p>QBS is suitable for the following types of projects:</p> <ul style="list-style-type: none"> • complex or highly specialized projects for which it is difficult to define precise requirements / specifications and the required input from the bidders, and for which the client expects the bidders to demonstrate innovation in their proposals (for example, country economic or sector studies, multi-sector feasibility studies, etc.); • projects that have a high downstream impact and in which the objective is to have the best experts (for example, feasibility and structural engineering design of such major infrastructure as large dams, policy studies of national significance, etc.); and • projects that can be carried out in substantially different ways, such that proposals will not be comparable (for example, management advice, and sector and policy studies in which the value of

Evaluation Method	Brief Description
	<p>the services depends on the quality of the analysis).</p> <p>Under QBS method, the bidder who has secured first rank in technical evaluation alone shall be called for further negotiation after opening and evaluation of its financial proposals. The financial proposals of other bidders are not opened. The QBS method is not to be used under normal circumstances. However, this should be preferred before going for 'Nomination' based procurement decision and vendor selection.</p>
Value for Money (VFM)	<p>In this method the thrust is on the total cost/benefit. The technical and financial are opened simultaneously and evaluated. This should be used in large and complex projects and where the exact budget is yet to be finalized. All the bids will be evaluated strictly on the basis of the terms & conditions incorporated in the tender document. The following key questions assists to assess value for money:</p> <ul style="list-style-type: none"> • Which option will contribute the most to advancing particular Government priorities? • What non-cost factors can benefit the Government and affect value for money? • What is the real cost of the e-Government goods

Evaluation Method	Brief Description
	<p>and/or services versus that being offered?</p> <p>The points as mentioned in QCBS, are applicable in this case also.</p>
Swiss Challenge	<p>Swiss challenge is a form of public procurement which entails a private sector enterprise in identifying a project and then submitting the proposal to the government. The purchasing Ministry / Government Agency has to evaluate the proposal thoroughly before proceeding further</p> <ul style="list-style-type: none"> ▪ Whether the proposal is as per Ministry / Government Agency's development plan ▪ Whether 'public need' is established ▪ Whether there is any ongoing project, that is addressing the same public need ▪ Whether the project is innovative ▪ Social and Environmental impact ▪ Cost Benefit analysis ▪ Financial analysis ▪ Bidding parameters <p>An open bidding shall be done by the concerned authority inviting bids from various organizations and contract awarded to the bidder providing the best financial offer. However, the project proponent shall</p>

Evaluation Method	Brief Description
	be given an opportunity to match the counter proposal received by the lowest bidder.

3.13 eGovernment Project Requirements / Specifications

While formulating the project requirements / specifications and other technical parameters of eGovernment procurement, the following key aspects should be considered:

- The specifications should meet the actual and essential requirements of the user because over-specification will increase the cost and may reduce competition
- Avoid procurement of obsolete products / goods and services. Specifications should be procuring latest but stable and proven technology
- Specifications should include factors like processing speed, memory, information security, scalability, reliability, efficiency, interoperability, performance, ease of implementation, economical maintenance cost, etc.
- Specifications should be able to attract participation of reasonable number of bidders. Avoid too restrictive specifications.
- Specifications should take care and meet the statutory regulations, if any, applicable for the eGovernance systems / goods being purchased.

The tender document should also cover technical particulars such as

- Scope of supply including quantity required and also end use of the required eGovernance goods
- Technical architecture drawings

- Specifications, technical parameters, and product requirements expressing a detailed functional and non-functional requirements
- Requirements Acceptability criterion, if any
- Other requirements such as information security, training, technical support, after sales service, annual maintenance contract, warranty requirements, etc.
- Aspects as End of Life, End of Support, etc.

To realize true benefit, an eGovernment system has to be inter-operable with multiple external systems and internal back-office systems. It is also suggested that governments establish mechanisms to handle system disruptions by defining Business Continuity Plan (BCP) and Disaster Recovery (DR). These should be adequately addressed in the tender document.

3.14 Service Levels

Apart from clearly articulating the scope and the business requirements, it is essential to define the service levels required in the project and should be highlighted in the tender document. The tender document should further mention the penalties for non-compliance to the defined service levels. The service levels should be in alignment to the business requirements. Stringent service levels should be avoided as it is likely to raise the project cost.

3.15 Bid preparation

The tender document should clearly specify format of bid submission, viz., physical document, soft copy or both. Further, the tender document should also mention

- In case of physical bid submission, the total number of bid sets (e.g., in duplicate or in triplicate, etc.) required to be submitted. The bidder has to seal

the original and each copy of the bid / proposal in separate envelopes, duly marking the same as “original”, “duplicate” and so on.

- In case of soft copy of bid, the details such as media (CD, Pen Drive, etc.), document type (PDF, MS Word, etc.),

The bid may include payment of price of tender document, Pre-qualification, Technical Bid, Commercial Bid, Bid Security or EMD, etc. as prescribed in the tender document.

3.16 Submission of Bid

Bid document / Proposal shall mean a formal offer submitted by the Bidder, in response to the Tender Document, to fulfil the specified requirements of the Purchaser at quoted price. The proposals should be submitted in the formats prescribed in the tender document.

Tender document should clearly mention that the bids / proposals submitted in the format and mode, other than that mentioned in the tender document, could be rejected during the bid evaluation process. Any rejection of bids / proposals should be decided in consultation with the Tender Evaluation Committee and then intimated to the respective bidder accordingly.

3.17 Receipt of Bid

Receipt of bid should be done in a transparent manner and should be kept in safe custody. The bids are received by hand or by post. The information about the officers nominated to receive the bid should be displayed at the entrance / reception of the premises where bids are to be deposited. A register should be maintained for keeping records of the bids received by hand or by post.

The bids received should be kept in safe custody by the designated officers till the date and time of bid opening and handed over to the bid opening team.

The Tender document should clearly specify that the bids received after the mentioned last date and time for receipt of bids would not be considered. Any rejection of bids / proposals should be decided in consultation with the Tender Evaluation Committee and then intimated to the respective bidder accordingly.

3.18 Bid opening

All the bids received on time shall be opened at the prescribed time, date and place. The authorized representatives of the bidders, who intend to attend the bid opening, have to bring with them letters of authority from the corresponding bidders. At least two duly authorized officials of the purchasing Ministry / Government Agency should jointly open the bids.

The bid opening officials would check every bid opened and mention the availability of the documents / envelopes (e.g. Pre-qualification, Technical Bid, Commercial Bid, Bid Security or EMD, etc.) as prescribed in the tender document in presence of all the authorized representatives of the bidders. In case, any gaps is found should be noted by the bid opening officials at this stage.

The bid opening officials should prepare a list of the representatives attending the tender opening and obtain their signatures on the same. The authority letters brought by the representatives will be attached with this list. This list will be signed by all the bid opening officials with date and time.

The bid documents should be kept with the officials in safe custody and then the requisite bid documents would be shared with the Tender Evaluation Committee.

3.19 Initial Scrutiny

All the bids received should be first scrutinized to see whether the bids meet the basic requirements as mentioned in the tender document. The bids who do not meet the basic requirements, are to be treated as unresponsive and ignored. The

following are the key aspects that may be observed at any stage of the evaluation of bids, for which the bid may be declared as unresponsive and to be ignored, during the initial scrutiny:

- Bidder is not eligible
- The bid is unsigned
- Required EMD has not been provided
- The bid does not contain information under the forms prescribed in the tender
- Bidder has not agreed to give the required performance security
- The products / goods / technology proposed does not meet the required specifications, etc.
- The bidder has not provided solution / goods for the entire requirement as specified in the tender
- The bidder has not agreed to some essential conditions mentioned in the tender e.g. defined service levels, warranty clauses, etc.

3.20 Evaluation and Ranking

After ignoring the non-responsive bids, the responsive bids are to be evaluated and ranked as per the procedure mentioned in the tender document. After completing the entire evaluation process, the bidders are ranked to identify the most responsive bid.

3.21 Extension of Bid Validity Period

The complete process of scrutiny and evaluation of bids, preparation of ranking, and notification of award must be done within the bid validity period. Having unreasonably long bid validity period entails the risk of getting higher prices from the bidders. If however, the Ministry / Government Agency is unable to decide

placement of the contract within the bid validity period, it should request all the responsive bidders to extend their bids up to a specified period without any changes in terms, conditions in their original bid / proposal. The bidders may also be requested to extend the validity of the EMD for the corresponding additional period. Bidders not agreeing to such request would result to forfeiture of its EMD.

3.22 Award of Contract

Prior to the expiry of the bid validity period, the purchasing Ministry / Government Agency should notify the successful bidder in writing that its bid / proposal has been accepted. In the same communication, the successful bidder is to be instructed to submit Performance Security within a specified time period. After this communication, the Ministry / Government Agency should share the contract with the successful bidder asking to send their acceptance of the contract within a specified period of days.

It should be informed to the bidders that non-submission of performance security within the agreed time period or non-acceptance to sign the contract within the agreed time period could led to forfeiture of its EMD.