

The Public Procurement and Disposal of Public Assets Guidelines

*Guidelines issued by the Public Procurement and Disposal of
Public Assets Authority under Section 97 of the Public
Procurement and Disposal of Public Assets Act, 2003.*

Details covered in this Guideline:

Guideline Subject: Pre-Bid and Pre-Proposal Meetings

Guideline Reference: 9/2014

Date of commencement: 3rd March 2014

Guidelines are distributed to all Accounting Officers who are responsible for distributing copies of this Guideline to the Contracts Committee and members of the Procurement and Disposal Unit of the Procuring and Disposing Entity.

Guideline Subject: Pre-Bid and Pre-Proposal Meetings

Procuring and disposing entities may hold pre-bid or pre-proposal meetings to allow potential bidders to seek clarification or access to project sites where applicable in accordance with Regulation 50 of the Public Procurement and Disposal of Public Assets (Rules and Methods for Procurement of Supplies, Works and Non-Consultancy Services) Regulations, 2014 and Regulation 29 of the Public Procurement and Disposal of Public Assets (Procurement of Consultancy Services) Regulations, 2014.

Requirements for pre-bid or pre-proposal meetings are identical, except where indicated below.

1. Solicitation documents

- 1.1 The details of the venue, time and procedures of the pre-bid meeting shall be included in the solicitation documents or sent to all the bidders who purchased or were issued with the solicitation documents.
- 1.2 The solicitation document should provide a clear and complete statement of requirements that provides a satisfactory basis for bidders or consultants to prepare their bids or proposals. The essential purpose of the pre-bid meeting is to provide an opportunity for clarification, and shall not be used to introduce new requirements that were not included in the solicitation document.

2. Criteria for pre-bid meetings

Procuring and disposing entities may hold pre-bid meetings for procurements involving high value and complex procurements or where the goods, services or works are not procured on a regular basis and/or are complex or likely to result in a large number of clarification requests.

3. Notification of bidders

- 3.1 Potential bidders shall be given sufficient notice of the pre-bid meeting to offer a reasonable opportunity for them to attend.
- 3.2 Sufficient time shall be allowed between the pre-bid meeting and the deadline for bidding to enable the bidder to take any additional information into account in preparing the bid.

4. Procedure for pre-bid meetings

- 4.1 A pre-bid meeting shall be managed by the procurement and disposal unit assisted by a staff of the user department.
- 4.2 A bidder's representative who attends the pre-bid meeting shall sign the register of attendance to confirm their attendance and shall indicate their names and the bidder they represent.
- 4.3 Minutes shall be recorded for all pre-bid meetings using Form 10 under the Public Procurement and Disposal of Public Assets (Rules and Method for Procurement of Supplies, Works and Non-Consultancy Services) Regulations, 2014 or Form 21 under the Public Procurement and Disposal of Public Assets (Procurement of Consultancy Services) Regulations 2014, as appropriate. Copies of the minutes shall be provided to all bidders who purchased or were issued the bidding documents.
- 4.4 Where bidders have been asked by the procuring and disposing entity to submit their questions for clarification in advance of the pre-bid meeting, written

responses to these questions shall be circulated to all bidders present at the pre-bid meeting as well as all those who were issued the solicitation document; and

- 4.5 Where the solicitation document provides for access or visits to a project site by the bidders, the procuring and disposing entity shall be responsible for ensuring the site is accessible to bidders and the procedure for pre-bid meetings shall apply to the site visits.

5. Response to clarifications at the pre -bid meeting

- 5.1 Where requests for clarification are submitted by bidders in advance of the pre-bid meeting, the procuring and disposing entity shall provide a response to the clarifications in writing at the pre-bid meeting or circulate a response in writing after the pre-bid meeting. In any case, the response shall be sent to all the bidders who were issued with the solicitation document.

- 5.2 At any time prior to the deadline for submission of bids, the procuring and disposing entity may, in response to a request for clarification from a bidder at a pre-bid meeting, amend the solicitation documents by issuing an addendum.

6. Review of the response of a procuring and disposing Entity

- 6.1 A bidder who is not satisfied with the response provided to a request for clarification at a pre-bid meeting, may refer the matter to the Accounting Officer.
- 6.2 A bidder may further refer the matter to the Authority as an administrative review, if the bidder is not satisfied with the decision of the Accounting Officer or is of the opinion that the procurement process is not being conducted in a fair and equitable manner.

7. Extension of bidding period

- 7.1 To give bidders reasonable time in which to take a response or addendum into account when preparing their bids, procuring and disposing entities shall, where less than one third of the bidding period remains, extend the deadline for the submission of bids by a reasonable period; where more than one third of the bidding period remains, the procuring and disposing entity may also, at its discretion, extend the deadline for the submission of bids.
- 7.2 Procuring and disposing entities shall also extend the bidding period where the response provided to a request for clarification provided is contested by a bidder and has been submitted to the Authority for review.

Signed:



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Chairman of the Board of Directors Executive Director