

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

Guideline Details:

Guideline Reference: 9/2014
Guideline Subject: Pre-qualification of works
Date of commencement: 26th September 2014

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

Guideline Subject: Pre-qualification of Providers for Works

Under Section 97 of the PPDA Act, 2003 the Authority is mandated to issue guidelines for the better carrying out the objectives of and functions under the PPDA Act. In accordance with the Regulation, the Authority hereby issues the following guidance to PDEs on pre qualification of providers for procurement of works:

1. Use of pre-qualification

- i. Subject to paragraph (1)(iv) below, a Procuring and Disposing Entity may use pre-qualification under open domestic or open international bidding methods to obtain a shortlist of bidders.
- ii. The Procurement and Disposal Unit shall make a submission to the Contracts Committee to use pre-qualification using Form 6 in the Public Procurement and Disposal of Public Assets (Rules and Methods for Procurement of Supplies, Works and Non-Consultancy Services) Regulations, 2014.
- iii. The list of pre-qualified bidders shall be developed using the criteria for evaluation for evaluation prescribed by the procuring and disposing entity.
- iv. Prequalification shall be used under this Guideline where:
 - a) The works are highly complex, specialized or require detailed design or methodology;
 - b) The costs of preparing a detailed bid would discourage competition;
 - c) The evaluation is particularly detailed and the evaluation of a large number of bids would require excessive time and resources from a procuring and disposing entity; or
 - d) The bidding is for a group of similar contracts, for the purposes of facilitating the preparation of a shortlist.
- v. The Procuring and Disposing Entity shall display the list of pre-qualified bidders on the notice board of the Entity for at least ten working days.
- vi. A Procuring and Disposing Entity shall after the pre-qualification process, at the request of a bidder, debrief the bidder.

2. Pre-qualification notices and documents

- i. A Procuring and Disposing Entity shall by public advertisement of a pre-qualification notice, invite potential bidders to obtain the pre-qualification documents from the Procuring and Disposing Entity.
- ii. A pre-qualification notice shall be published in at least one newspaper of wide circulation.
- iii. A Procuring and Disposing Entity shall for a pre-qualification exercise, use-

- a) the standard format of the pre-qualification notice issued by the Authority; and
 - b) the pre-qualification documents issued by the Authority.
- iv. A pre-qualification notice shall contain-
 - a) A summary of the scope of the procurement;
 - b) Any key requirements and criteria for assessment of pre-qualification applications;
 - c) Instructions on obtaining the pre-qualification document;
 - d) The deadline for submission of pre-qualification applications; and
 - e) The physical address for submission of documents.
- v. Pre-qualification documents shall contain-
 - a) Details of the scope of the procurement;
 - b) A statement of the requirements and criteria for assessment of pre-qualification applications;
 - c) A statement of the information required from a provider;
 - d) Instructions on the location and deadline for submission of pre-qualification applications; and
 - e) Instructions on the sealing and labeling of pre-qualification applications.
- vi. The information required from the provider under paragraph (3) (v) above shall be the minimum information required to make a judgment on the suitability of the provider and not to discourage a provider from applying for pre-qualification.
- vii. The Contracts Committee shall approve all pre-qualification notices and documents before they are issued.

3. Bidding periods in pre-qualification

- i. The bidding period for pre-qualification shall start from the date of first publication of the pre-qualification notice or the date of availability of the pre-qualification documents, whichever is later, and end on the deadline for submission of pre-qualification applications.
- ii. In determining the bidding period for pre-qualification, a Procuring and Disposing Entity shall take into account the factors in regulation 46 of the PPDA (Rules and Methods for procurement of supplies, works and non-consultancy services) Regulations, 2014.
- iii. The minimum bidding period for pre-qualification under–

- a) Domestic bidding, shall be fifteen working days; and
- b) Open international bidding, shall be twenty working days.

4. Criteria for assessment of pre-qualification applications

- i. The evaluation for pre-qualification shall be based on the capability and resources of a bidder, taking into account-
 - a) Experience in executing similar contracts;
 - b) Performance on similar contracts;
 - c) Capabilities with respect to equipment and manufacturing facilities;
 - d) The qualifications and experience of the personnel of the bidder;
 - e) Financial capability of the bidder to perform the proposed contract;
 - f) Facilities or representation at or near the location for performance of the contract;
 - g) The available capacity to undertake the assignment; and
 - h) Any other relevant criteria.
- ii. The criteria for the evaluation for pre-qualification shall be limited to that necessary for performance of the intended contract and shall not be unduly restrictive.
- iii. The assessment of pre-qualification application shall be in accordance with the requirements and criteria stated in the pre-qualification document and shall be recorded using Form 7 in the Schedule to the PPDA (Rules and Methods for procurement of supplies, works and non-consultancy services) Regulations, 2014.

5. Assessment periods

- i. Assessment of prequalification applications for specific complex contracts shall be concluded within 40 days from the date of opening applications while evaluation for a group of contracts shall be concluded within 20 days from the date of opening applications; and
- ii. Where the Evaluation Committee is not able to complete an evaluation exercise within the time specified in (a) above, the evaluation committee shall in writing explain to the Accounting Officer the reasons for this and request for extension of the time period for evaluation.

6. Pre-qualification for a group of contracts

- i. The pre-qualification process for a group of contracts shall follow the process stated in paragraph 2-4.

- ii. The pre-qualification notice and document, shall contain an estimate of the period of time to be covered by the pre-qualification and an estimate of the number of contracts to be awarded and their respective value.
 - iii. The list of pre-qualified providers shall be updated periodically, where pre-qualification is for a group of contracts.
 - iv. The pre-qualification information submitted by a provider shall be verified before a contract is awarded.
7. Pre-qualified providers shall not be required at the bidding stage to submit the same information that was submitted to the Entity at pre-qualification. However, the bidder shall be required to provide a statement in their bid that this information is still valid as at the time of bidding or where the information has changed, the bidder shall provide the updated information in their bid. Documents that have a validity period such as the Trading Licence, Register of Providers Certificate should be updated.

Signed:


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Chairman of the Board of Directors


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Executive Director of the Authority

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS AUTHORITY