

PUBLIC PROCUREMENT OPERATIONS MANUAL



PPRA

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Acronyms and Abbreviations Table

This section explains the acronyms and abbreviations used in this document.

Abbreviation	Full Term
AO	Accounting Officer
BAFO	Best and Final Offer
BOM	Bill of Materials
CEO	Chief Executive Officer
EOI	Expression of Interest
<i>Gazette</i>	<i>Botswana Government Gazette</i>
ICT	Information and communication technology
IGN	Implementation Guidance Note
IPMS	Integrated Procurement Management System
PE	Procuring Entity
POU	Procurement Oversight Unit
PP	Public Procurement
PPA	Public Procurement Act
PPADA	Public Procurement and Asset Disposal Act (Repealed)
PPADB	Public Procurement and Asset Disposal Board
PPM	Public Procurement Operations Manual
PPR	Public Procurement Regulations
PPRA	Public Procurement Regulatory Authority
PU	Procurement Unit
RFP	Request for Proposal
RFQ	Request for Quote
SOW	Statement of Work
ToR	Terms of Reference
UD	User Department
VfM	Value for Money

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Definitions Table – Procurement Terms

This section defines common terms used in this document.

Note to Reader: For ease of reading, the definitions below are replicated throughout the Public Procurement Operations Manual.

Term	Definition
Accounting Officer	A Permanent Secretary, or the Head of the District Administration, who is accountable for all procuring activities of the procuring entity. The Accounting Officer may delegate some authority to other person(s), such as a Procurement Specialist or Procurement Unit.
Appeal	An appeal, in the context of the Public Procurement Tribunal, refers to a written petition seeking the alteration of a previously finalised official judgement. It encompasses any choice, issue, action, or neglect stemming from procurement practices handled by a procuring organisation or the PPRA. The appeals process enables a challenge to such determinations.
Applicant	See “Complainant.”
Authority	Authority means the Public Procurement Regulatory Authority.
Award	A decision made by either the Accounting Officer or another designated individual within a procurement organisation, who has been granted authority to adjudicate and award tenders within specific financial limits, to determine the successful bidder.
Best and Final Offer (BAFO)	A revision of an offer submitted after a negotiation of a tender is completed that contains the bidder’s most favourable terms for price, service, and supplies to be delivered. Commonly called BAFO.
Best Practice	In accordance with industry standards.
Bid	A written offer in the form determined by an instruction, in response to an invitation for the procurement of works, services, or supplies to submit an offer, including an unsolicited bid.
Bidder	A contractor who responds to an invitation to bid by submitting an offer in procurement proceedings.
Bidding Package	Comprises solicitation documents, a statement of requirements, or any other materials inviting bidders to take part in procurement processes. This includes documents inviting potential bidders for prequalification.
Call-off Order	An order placed by a procuring entity under general terms and pricing on a range of supplies under a framework contract, without having to negotiate the terms every time.
Citizen Contractor	A natural person or an incorporated company that is wholly owned and controlled by persons who are citizens of Botswana.
Common Use Items	Works, services, or supplies that are usable by a procuring entity regardless of type or category and items as may be prescribed.
Complainant	An entity / individual who submits a complaint to a procuring entity and / or Public Procurement Tribunal.
Consultancy Services	Activities of an intellectual and advisory nature that do not lead to a measurable physical output that include design, supervision, training, advisory, auditing, software development, and other similar services.

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Term	Definition
Contract	An agreement between a procuring entity and a contractor resulting from the application of the appropriate and approved procurement procedures and proceedings, concluding in pursuit of a bid award decision.
Contract Amendment	A change to the terms or conditions of an awarded contract.
Contract Variation	A change to the price, completion date, or statement of requirements of a contract to facilitate adaptation to any event or change in such requirements.
Contractor	A natural person or an incorporated body that is licensed by a competent authority to undertake works, services, supplies, or any combination thereof.
Cooling-off Period	The 10 days beginning from the publication of an award decision to a bidder.
Costs	Any amount of money reasonably incurred in relation to a complaint or appeal or in defence of a complaint or appeal.
De-listing	A bidder is removed from the Register of Contractors for a specified period and must re-apply for registration after this period.
Department	A public entity, extra ministerial body, or a subdivision of the central Government, including state-owned entities, local authorities, Land Boards, parastatals, schools, and hospitals, that derive their regular funding from the Consolidated Fund.
Deviation	A departure from a procurement process, procurement method, or document provided in the Public Procurement Act.
Direct Procurement Method	A sole-source procurement method for a procurement requirement where there are exceptional circumstances that prevent the use of competition.
Dual Envelope Method	A one-stage, two-envelope method in which a bid is submitted in an outer-sealed envelope or package containing two separately sealed and labelled envelopes or packages, marked and containing separate technical and financial proposals, which are opened on different dates, in separate bid openings.
Dual Package Method	See “Dual Envelope Method.”
Emergency Procurement	A procurement process carried out under circumstances which are urgent, unforeseeable, and not caused by any dilatory conduct of a procuring entity.
eProcurement	The process of procurement via a digital platform.
Expression of Interest	A qualification process wherein a bidder is invited to express an interest in providing works, services, or supplies.
Evaluation Committee	A committee set up by the Accounting Officer to review and evaluate proposals submitted in response to an invitation to bid and make selection recommendations.
Franchise	An arrangement where the franchisor gives a franchisee the right to associate with the franchisor’s name or brand.

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Term	Definition
Framework Contract	A contractual agreement which allows a procuring entity to procure works, services, and supplies that are needed continuously or repeatedly at an agreed price over an agreed period of time through placement of orders as and when the need arises.
Hire-purchase	An arrangement in which the buyer pays a down payment and pays instalments over a period of time. This arrangement is also called rent to own.
Industry Standards	Best practices, including practices and standards which: <ul style="list-style-type: none"> a) Are safe and environmentally friendly; b) Are innovative and increase efficiency; c) Save time and costs; d) Relate to materials, processes, methods, designs, equipment, products, services, and practices; and e) Are defined and coded by internationally recognised contractors' associations and professional bodies in the concerned fields.
Integrity Agreement	An agreement between a procuring entity and contractor which regulates ethical behaviour and integrity during a bidding process and execution of a contract.
International Contractor	A bidder who is not registered as a contractor in accordance with the laws of Botswana and whose operations are not based in Botswana.
Lease	A contract under which the lessor permits a lessee the use of a supply or service for a period of time.
Least Cost Selection	A method of evaluation that recommends the lowest price of a bid which meets a technical requirement and a commercial requirement.
Licence	A contract under which the licensor grants a licensee a right for a period of time. The right can be the use of a supply or service or the ability to perform an action that would otherwise be unlawful.
Local Authority	A city council, town council, township authority, district council, sub-district council, or an administrative authority.
Local Contractor	A contractor whose operation is based in Botswana, irrespective of the contractor's nationality or domicile.
Micro Procurement	The acquisition of standard and low value works, services, or supplies.
Model Structure	A structure provided by the PPRA for standardisation to ensure that: <ul style="list-style-type: none"> a) A procuring entity has the appropriate structure according to its capacity and matters it handles; and b) Proper segregation of duties is in place.
National eProcurement System	An end-to-end electronic procurement system established under the Public Procurement Act.
Open Domestic Bidding	A procurement method that is open to participation on equal terms by all service providers domiciled in Botswana.

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Term	Definition
Open International Bidding	A procurement method that is open to competition and participation by all service providers through advertisement of a procurement opportunity which seeks to include an international contractor.
Procurement	The acquisition in the public interests by any means, including purchase, rental, lease, hire-purchase, licence, tenancy, franchise, auction, reverse auction, public-private partnership, of any type of works, services, or supplies of any combination thereof, however classified, and includes management, maintenance, testing, training, and commissioning.
Procurement Practitioner	Any person or a procurement personnel who provides input in whatsoever form or contribution, in part or in full, or has been or will be involved in the process of public procurement, directly or indirectly.
Procurement Process	The successive stages in the procurement cycle, including any stage of the procurement process from planning to contract management.
Procuring Entity	Any Ministry or Department duly authorised to engage in public procurement, and includes: <ul style="list-style-type: none"> a) All entities of the central and local Government, and local authority which are involved in public procurement, whether they are located abroad or within Botswana; b) Every public body, unless specifically exempted from the application of the PPA; and c) Any other body or entity that is the recipient of public funds and uses said funds for public procurement purposes.
Public Body	Any office, organisation, establishment, or body created by or under any enactment or under powers conferred by any enactment; or any organisation, trust, company, or body where public moneys are used, including: <ul style="list-style-type: none"> a) Any Ministry or Department; b) A local authority; c) Land Board; d) Statutory body; and e) A company registered under the Companies Act being a company in which the Government or an agency of the Government, through holding of shares or otherwise, is in a position to direct the operations of that company.
Public Funds	Monetary resources appropriated to a procuring entity through budgetary processes, and includes the Consolidated Fund provided under the Public Finance Management Act, grant, loan, and credit put at the disposal of the procuring entity by a local or foreign donor, and revenue generated by such procuring entity.

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Public-Private Partnership	<p>A commercial transaction between a public body and a private party in terms of which the private party:</p> <ul style="list-style-type: none"> a) For commercial purposes, performs a public function or undertakes the establishment, maintenance, or management of public property, whether on behalf of the entity or for its own account; b) Assumes substantial financial, technical, or operational risk; and c) receives a benefit for the performance of the function or for the establishment, maintenance, or management of the public property. Benefits may be in the form of: <ul style="list-style-type: none"> i. Consideration paid by the entity from its funds, ii. Charges or fees collected by the private party from customers for the provision of the public function or for the establishment, maintenance or management of the public property, or iii. A combination of such consideration, charges, or fees.
Purchase	A buy / sell arrangement by which the purchaser acquires ownership over a supply, service, or physical work.
Quality and Cost Based Selection Evaluation	An evaluation method that takes into account the quality and cost of a bid in a process under which a technical bid is evaluated without access to a financial bid.
Records	<p>Any documents or information relating to any stage of a procurement process, including:</p> <ul style="list-style-type: none"> a) An electronic and manual archive containing the document or information relating to a procurement process; or b) A record received or kept by a public body, in the exercise of its functions.
Rental	An arrangement by which a renter pays the owner of a supply or service for the right to use the supply or service. This is often used for equipment, whereas a lease is usually used for land.
Request for Quotations	A simplified procurement method which compares price quotations or proposals obtained from a number of providers.
Respondent	An entity or person against whom a complaint is lodged.
Responsive Bid	A bid which conforms to all the terms, conditions, and requirements of a solicitation document without any material deviation, reservation, or omission from the terms, conditions, and requirements of the solicitation document.
Restricted Domestic Bidding	The direct solicitation from a limited number of service providers domiciled in Botswana for the procurement of works, services, and supplies.
Restricted International Bidding	The direct solicitation from a limited number of service providers domiciled in Botswana or outside Botswana for the procurement of works, services, or supplies.
Reverse Auction	A purchasing technique utilised by a procuring entity to select a successful submission, which involves the presentation by a supplier or contractor of a successively lowered bid during a scheduled period of time and the evaluation of the bids.
Sensitive Procurement	Procurement of highly sensitive works, services, supplies, and properties, or any combination thereof, however classified, which may require confidentiality or secrecy.

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Term	Definition
Service Provider	See “Contractor.”
Services	All services, other than works and supplies, including banking services, insurance coverage services, travel services, cleaning services; includes consultancy services, management, maintenance, and commissioning.
Single Envelope Method	A one stage, single envelope method in which a bid is submitted in a single envelope, which is opened on the specified date and time in a single bid opening.
Single Package Method	See “Single Envelope Method.”
Specifications	The national standards specifications, including: <ul style="list-style-type: none"> a) A generic or functional description of the qualities required of a procurement item; b) The relevant industry standards of approaching and executing the assignment in question; and c) The appropriate good practice tests that are to be used to verify the specified quality and performance of the procured item before delivery, on delivery, during installation, and in the course of operation as applicable and the use of which shall be mandatory in all bidding packages.
Statement of Requirement	A document prepared by a procuring entity that provides a correct and competitive description of the subject of the procurement for the purposes of creating a fair and open competition.
Supplies	Goods, raw materials, products, equipment, or objects of any kind and description in solid, liquid, or gaseous form, and in the form of electricity, as well as services incidental to the provision of such supplies.
Suspension	A bidder is ineligible to participate in public tenders for a specified period of time. A suspended bidder is barred from registering a newly incorporated entity during the suspension period.
Tenancy	An arrangement by which a tenant pays a landlord for the right to occupy a physical space for a period of time.
Tender Notice	Any invitation to eligible contractors to submit written offers to provide works, services, and supplies, or any combination thereof, however classified.
Unsolicited Bid	A proposal that demonstrates substantial technical or financial innovation, or meets an unidentified need submitted to a procuring entity for consideration in the absence of an invitation by the procuring entity.
User	A procuring entity, system administrator, auditor, civil society organisation, and any other user as may be approved by the PPRA.
Works	Any work associated with the construction, reconstruction, demolition, repair, or renovation of a building or structure, on the surface or underground, on or under water, and includes the preparation, excavation, erection, assembly, installation, testing, and commissioning of any plant, equipment or materials, decoration, and finishing, as well as services incidental to or independent of the foregoing works such as drilling, mapping, satellite photography, seismic investigations, similar services, and any combination thereof, however classified, provided pursuant to a contract.

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Purpose, Objectives, and Principles

1) Purpose and Objectives

- 2) This Public Procurement Operations Manual (PPM) draws on the Public Procurement Act, 2021 (PPA), Public Procurement Regulations, 2023 (PPR), and relevant guidelines and circulars issued by the Public Procurement Regulatory Authority (PPRA). The PPM aims to:
 - a) Guide procurement capacity building at public institutions at all levels of public procurement in Botswana;
 - b) Serve as a reference guide for procurement officials; and
 - c) Distil, but not replace, relevant portions of the PPA and PPR for ease of compliance.
- 3) **Note to Reader:** The PPM has been developed as an administrative tool to implement the PPA and the PPR. If there is a discrepancy between the PPM and the PPA or PPR, the PPA and PPR prevail. In line with the PPA, the PPRA will continue to issue guidelines and circulars to clarify any issues as it deems necessary.
- 4) The PPRA was established under the PPA (Act No. 24 of 2021, Published 26 November 2021), followed by the PPR. Throughout the PPM, “Sections” (along with “Subsections”) of the PPA will be referenced as “PPA S.#.#” while Regulations will be referenced as “PP Reg. #.”

5) Principles

- 6) Procurement in Botswana is guided by the PPA and associated PPR, as enforced and practised by the PPRA and procuring entities (PEs) throughout the country. Procurement is guided by a number of principles,¹ which are defined in the table below.

Principle	Definition
Fairness	The principle of fairness refers to (i) equal opportunity and treatment for bidders and consultants; (ii) equitable distribution of rights and obligations between PEs and suppliers, bidders, consultants, and contractors; and (iii) credible mechanisms for addressing procurement-related complaints and providing recourse.
Equity	Equity is defined in terms of two basic principles. The first is equal opportunities: that a person’s life achievements should be determined primarily by his or her talents and efforts, rather than by pre-determined circumstances such as race, gender, social or family background. The second principle is the avoidance of deprivation in outcomes, particularly in health, education and consumption levels.
Competition	The economic scenario in which different economic participants are in contention to obtain a limited good or goods. In the procurement context, competition guards against fraud, excessive costs, and inefficiency, and promotes the PE’s ability to obtain quality services, supplies, and works at the best possible price.

¹ The principles have been customised and are composited from a variety of sources and reference materials, including World Bank and PPRA documents.

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Principle	Definition
Transparency	The principle of transparency requires (i) that relevant procurement information be made publicly available to all interested parties, consistently and in a timely manner, through readily accessible and widely available sources at reasonable or no cost; (ii) appropriate reporting of procurement activities; and (iii) the use of confidentiality provisions in contracts only where justified.
Accountability	Participants in a procurement process must (i) take ownership of all responsibilities and commitments that have been allocated to them; (ii) deliver outputs within the prescribed time and cost, and according to the required quality standards; and (iii) operate in compliance regulatory frameworks.
Efficiency	The principle of efficiency requires that the time, effort, and costs of procurement are proportional to the value and risks of the underlying project activities. Procurement arrangements are generally time-sensitive and strive to avoid delays.
Non-discrimination	The avoidance of any prejudicial activities based on protected categories, i.e. race.
Honesty	The avoidance of any form of lying, never deceiving others, never withholding information and always pursuing the truth.
Value for Money	The effective, efficient, and economic use of resources, which requires an evaluation of relevant costs and benefits, along with an assessment of risks, and non-price attributes and / or lifecycle costs, as appropriate. Price alone may not necessarily represent value for money.
Public Confidence	The public's confidence in a specific entity is established and upheld by maintaining the preceding principles, indicating the entity's integrity.
Sustainability	The principle of sustainability requires that procurement be measured and reasonable as it relates to economic, environmental, and social factors.
Standardisation	The principle of standardisation requires that procurement items and activities are made uniform to ensure cost reduction, ease of maintenance, and technological effectiveness.


Table 1. Procurement Principles


- 7) These principles work in concert to ensure that entities that engage in public procurement – Ministries, Departments, public bodies, parastatals, and statutory bodies – conduct lawful, efficient, and cost-effective procurement activities that serve value to these entities and the citizens of Botswana. In promoting fair and transparent procurement, the PPRA and PEs will fight against corruption and wasteful spending.

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Section 1: Introduction

- 1) **Note to Reader:** The PPM references Schedules 1, 2, and 3 and Forms A through Y. These Forms can be found on the PPRA website and at point of sale. The PPM also references Forms from the Public Procurement (Tribunal) Regulations, 2023 and the PPRA’s standardised bidding package. Any reference to a Form in the PPM is noted by a “Form” icon.


- 2) **Note to Reader:** The PPM references Implementation Guidance Notes (IGNs), which are documents that provide background and best practices on specific procurement-related topics.² The table below lists the IGNs. Any reference to the IGNs in the PPM is noted by an “IGN” icon.



Implementation Guidance Notes
Category Management and Spend Analysis
Competitive Dialogue
Contract and Supplier Management
Internationally Accepted Standard Forms of Contracts
Negotiation Methods and Strategies
Rated Criteria
Strategic Planning and Sourcing
Value-Based Procurement / Sustainable Procurement Policies

Table 2. Implementation Guidance Notes

- 3) Additionally, the PPM contains boxes that provide tailored information for various aspects of the procurement process. Each box contains an icon that denotes the type of information that is conveyed. The table below shows each icon and what it signifies.

² IGN’s can be found in the PPRA document titled, “Public Procurement Operations Implementation Guidance Notes.”

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Icon	Definition
	In-depth guidance on various topics including delegation, market research, and procurement methods.
	Detailed procedures that guide the reader through a process from beginning to end.
	Best practices that, when implemented, serve to improve aspects of the procurement process and facilitate positive procurement outcomes.
	Key insights to assist the reader to gain an understanding of a specific topic.

Table 3. Icons Used Throughout the Public Procurement Operations Manual

Section 1.1: History of Procurement in Botswana

- 1) Botswana's journey in public procurement began in 1963 with Supplies Regulations and Procedures. In 1998, the Central Tender Board and related Supplies Regulations were formed under the then-Ministry of Finance and Development Planning. The Central Tender Board was a response to the need to adapt to changing conditions and implemented reforms to address:
 - a) The surge in procurement volume;
 - b) The growing complexity of procurement;
 - c) The absence of effective citizen engagement; and
 - d) The need for greater transparency, accountability, and efficiency in the procurement process.
- 2) A significant milestone in procurement reform occurred in 2002 with the enactment of the Public Procurement and Asset Disposal Act (PPADA). This act replaced the Central Tender Board with the Public Procurement and Asset Disposal Board (PPADB), an autonomous parastatal organisation responsible for overseeing public procurement. Reporting to the Minister of Finance, the PPADB coordinated and managed the procurement of works, supplies, and services for the central government, as well as the disposal of assets.
- 3) The PPADB centralised all public procurement activities. Later laws and regulations, listed below, further defined the legal framework for public procurement:
 - a) Public Procurement and Asset Disposal Regulations (dated February 24, 2006);
 - b) Independent Complaints Review Committee Regulations (dated March 31, 2006);
 - c) Local Authorities Procurement and Asset Disposal Act (dated August 28, 2008); and
 - d) Local Authorities Procurement and Asset Disposal Regulations (dated July 10, 2009).
- 4) The PPADB was replaced by the Public Procurement Regulatory Authority (PPRA) on April 14, 2022, as established by the Public Procurement Act (PPA) of November 26, 2021 (see Section 2 for more information). The PPRA sets standards and practices for the public procurement system and monitors the performance of procuring entities (PEs). From 2022 to 2023, the PPRA accomplished several significant milestones, including the development of updated procurement Regulations.

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- 5) The PPRA is mandated to promote training and capacity building of procurement individuals and is partnered with agencies of the Government of Botswana and international donors to support its training accounting and procurement officers in the central government, district councils, and parastatals.
- 6) The PPM provides a comprehensive overview of the methodologies employed to align with the principles and practices outlined in the PPA and PPR, with the goal of achieving optimal outcomes in procurement endeavours. It serves as a valuable resource for navigating the intricacies of public procurement with integrity, efficiency, and an unwavering commitment to sustainability.

Section 1.2: Legal Interpretation

- 1) The PPA authorises the Ministry of Finance to enact Regulations that have the same legal force as the PPA itself. Note that where Regulations conflict with the PPA, the PPA takes precedence. These Regulations cover various aspects of public procurement, including:
 - a) The composition and functions of PEs;
 - b) Detailed rules, methods, and procedures for procurement;
 - c) Rules for lodging complaints; and
 - d) Rules and procedures for the registration, discipline, and de-listing of contractors.
- 2) The figure below illustrates the legal framework of the PPA.

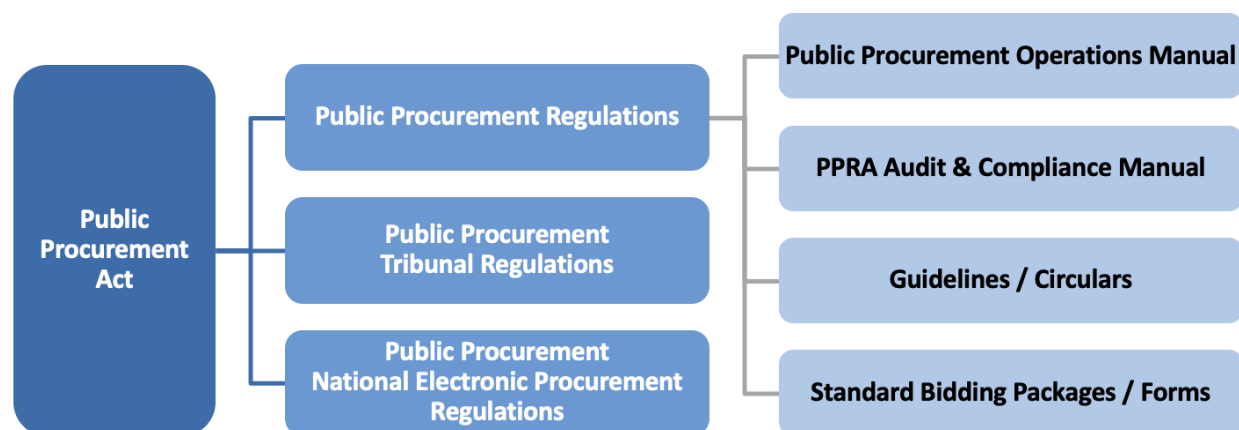


Figure 1. Legal Framework of the Public Procurement Act, 2021

- 3) Existing legal or administrative proceedings, agreements, and procurement activities initiated before the PPA came into effect continue, but the PPRA replaces the PPADB as a party. The PPA and subsequent Regulations supersede pre-PPA procurement legislation.
- 4) Except for the authority for procurement, which shifts from the PPRA to PEs, the PPA and PPR are largely in line with previous legislation and Regulations, including the PPADA. The most significant change between prior legislation and the PPA is where authority for procurement lies. Therefore, it is crucial to train PEs on procurement best practices to guarantee efficient and cost-effective public procurement.
- 5) Unless they conflict with the PPA, previously existing procurement regulations remain in force (PPA S.152).

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Section 1.3: Exemption from Provisions of Public Procurement Act, 2021

- 1) A PE, person, or procurement activity can be exempted from provisions of the PPA by order of the Minister of Finance (PPA S.143). The order must be published in the *Botswana Government Gazette (Gazette)*.

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Section 2: Public Procurement Act, 2021 and the Public Procurement Regulatory Authority

- 1) The PPRA was established by PPA S.6.1. The PPRA is governed by a board and a Chief Executive Officer (CEO), both of which are appointed by the Minister of Finance.
- 2) The PPA provides 12 principles of procurement that guide the PPRA, which are captured in the figure below.



Figure 2. Procurement Principles of the Public Procurement Act, 2021

- 3) The PPRA's objectives include the following:
 - a) Setting standards and practices for public procurement in Botswana;
 - b) Monitoring and enforcing compliance with the PPA; and
 - c) Providing support and capacity-building to PEs and stakeholders in public procurement in Botswana.
- 4) These objectives are captured in the figure below.



Figure 3. Objectives of the Public Procurement Regulatory Authority

- 5) The PPRA fulfils its objectives through its functions. In terms of providing support and capacity building to PEs throughout Botswana, the PPRA:
 - a) Publishes standardised bidding documents;

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- b) Issues a model structure for PEs;
 - c) Conducts procurement audits;
 - d) Registers, monitors, and disciplines contractors;
 - e) Undertakes research and conducts surveys; and
 - f) Conducts training of procurement officials across Ministries, Departments, and public entities.
- 6) The PPA explicitly provides the objectives of the PPA (PPA S.7), which are outlined below.
- a) Set standards and practices for the public procurement system;
 - b) Regulate and control the public procurement system;
 - c) Ensure the application of fair, equitable, competitive, transparent, accountable, efficient, non-discriminatory, honest, value for money (VfM), and public confidence in procurement standards and practices;
 - d) Monitor and enforce compliance with the PPA and any relevant laws by PEs;
 - e) Monitor the performance of PEs related to procurement activity; and
 - f) Provide and support capacity building for all PEs and stakeholders in the procurement system.

Section 2.1: Application of the Public Procurement Act, 2021

- 1) The figure below lists the entities to which the PPA applies (PPA S.3). The PPA applies to efforts by these entities to acquire works, services, and supplies.



Figure 4. Entities to Which the Public Procurement Act, 2021 Applies

Section 2.1.1: Types of Procurement

- 1) In 2023, the Government of Botswana established Regulations governing the PPRA and the Procurement Tribunal. These Regulations provide a framework for public entities to procure works, services, and supplies, inclusive of procurement of sensitive works, services, and supplies or any combination thereof however classified. The table below lists the various types of procurements available to entities, along with their respective definitions. These types of procurements are designed to ensure transparency, accountability, and VfM in public spending.

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Type of Procurement	Definition
Purchase	A buy / sell arrangement by which the purchaser acquires ownership over a supply, service, or physical work.
Rental	An arrangement by which a renter pays the owner of a supply or service for the right to use the supply or service. This is often used for equipment, whereas a lease is usually used for land.
Lease	A contract under which the lessor permits a lessee the use of a supply or service for a period of time.
Hire-purchase	An arrangement in which the buyer pays a down payment and pays instalments over a period of time. This arrangement is also called rent to own.
Licence	A contract under which the licensor grants a licensee a right for a period of time. The right can be the use of a supply or service or the ability to perform an action that would otherwise be unlawful.
Tenancy	An arrangement by which a tenant pays a landlord for the right to occupy a physical space for a period of time.
Franchise	An arrangement where the franchisor gives a franchisee the right to associate with the franchisor's name or brand.

Table 4. Types of Procurement

Section 2.2: Public Procurement Regulatory Authority Powers

- As illustrated in the figure below, the PPA grants the PPRA certain powers that affect PEs (PPA S.10).

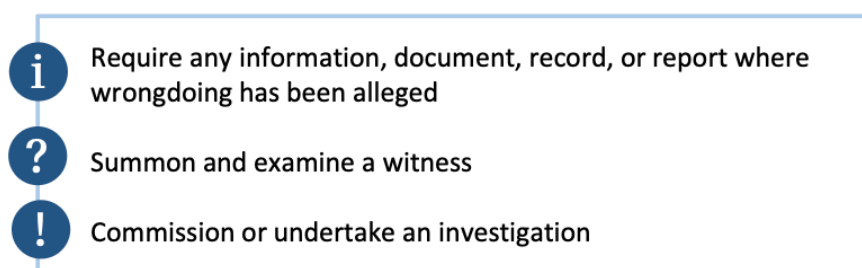


Figure 5. Public Procurement Regulatory Authority Powers That Impact Procuring Entities

- The PPRA is authorised to investigate procurement activity based on (PP Reg. 134):
 - Information from a report, audit finding, and inspection under the PPR;
 - Referral of any matter by a Public Oversight Agency; or
 - Any other information received by the PPRA.
- If the PPRA determines that any individual is able to assist in its investigation, it may require information and documents from the individual. After conducting its investigation, the PPRA must produce a written report that includes the findings of its investigation. The report will be submitted to the Accounting Officer (AO) of the relevant PE. Within 14 days of receipt, the AO will respond, in writing, indicating any actions to be taken in response to the report.

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- 4) During or after the completion of its investigation, the PPRA may cooperate with a Public Oversight Agency to establish a mechanism for the sharing of information relating to the investigation (PP Reg. 135).

Section 2.3: Ethical Obligations

Section 2.3.1: Disclosing Conflicts of Interest

- 1) Employees of PEs, members of an Independent Review Panel, and members of a co-opted advisory panel must declare any potential conflicts of interest that they may have with bidders seeking to work with a PE. Employees of PEs must declare any conflicts by completing Schedule 1, Form O (Declaration of Interest) for each procurement transaction (PP Reg. 9, 122, 178).
- 2) Employees of PEs and of the PPRA, members of the PPRA Board, any co-opted person, and any other person involved in public procurement are required to sign and adhere to the PPRA Code of Ethics (PPA S.86).



Section 2.3.2: Confidentiality

- 1) Employees of PEs are obligated to maintain the confidentiality of any information related to it (PP Reg. 123). This information must be protected and not disclosed to any individual or bidder who is not directly involved in the process.
- 2) To ensure the protection of sensitive business information, all individuals who may have access to a bidder's confidential business data are required to sign a non-disclosure agreement as outlined in Schedule 1, Form P (Confidentiality Related to Procurement Process). Individuals are required to sign Form P once, rather than for each procurement transaction.



Section 2.3.3: Publication of Decisions

- 1) The PPA requires that PEs publish their procurement decisions for the purposes of transparency, impartiality, and fairness. A PE must publish certain information by Notice in the *Gazette*, in a newspaper of national circulation, electronic media, or the e-Procurement online platform, within three (3) days following an AO's decision. A PE may consider other means of publication to reach a wider or targeted audience, as may be necessary. This information is detailed in the table below (PPA S.125).

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Procuring Entity Decisions that Require Publication
Any decision arising from a complaint and challenges dealt with by the PE.
Any record of a bid opening including any detail relating to the bid.
Any adjudication decision regarding a procurement activity except on procurement of highly sensitive works, services, supplies, or any combination thereof, however classified.
Any other decision or information as may be determined by the PPRA.

Table 5. Procuring Entity Decisions that Require Publication

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Section 3: Procuring Entities

- 1) Per the PPA, a PE is defined as *“any Ministry or Department duly authorised to engage in public procurement, and includes:*
 - a) *All entities of the central and local Government, and local authority which are involved in public procurement, whether they are located abroad or within Botswana;*
 - b) *Every public body, unless specifically exempted from the application of this Act by the Minister, under section 3; and*
 - c) *Any other body or entity that is the recipient of public funds and uses the said funds for public procurement purposes.”*
- 2) The figure below lists entities that are considered as PEs.

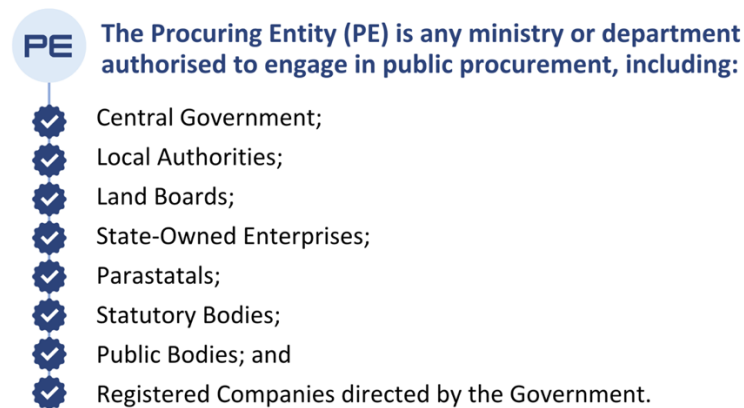


Figure 6. Entities That Are Considered as Procuring Entities

- 3) PEs direct all procurement activities. The table below captures the responsibilities of PEs.

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Procurement Entity Responsibilities	Description
Procurement Planning	The process of identifying and consolidating requirements and determining timeframes and method of procurement. It involves the creation of a set of guidelines that outline the procurement activity.
Preparing Statement of Requirements	A statement of requirements clearly lays out the works, services, and / or supplies that the procurer wishes to acquire.
Prepare Tender	A tender constitutes an invitation to bid for a procurement activity. The PE must prepare a tender for dissemination to prospective bidders.
Maintain List of Suppliers	The PE and PPRA will maintain a list of suppliers for works, services, and supplies to facilitate bidder outreach.
Evaluate and Manage Bid	The PE conduct the evaluation of a bid to determine the most compliant bidder. The Procurement Unit is responsible managing the entire tender process
Prepare and Issue Contract	The PE ensures all necessary legal clauses and forms are included in the contract, with guidance and approval from the needed authority. Once completed, the PE issues the contract to the selected supplier.
Administer and Manage Contract	Throughout the duration of the contracting period, the PE ensures suppliers are compliant to the contract and manage any amendments, changes or additions.
Pay Contractor(s)	The PE ensures suppliers are paid for services delivered as directed in the contract.

Table 6. Procuring Entity Responsibilities

- 4) PEs are responsible for the management of a procurement activity and the evaluation and monitoring of contract performance in accordance with the PPA. PEs are also responsible for sustainable procurement, which has three categories as captured in the table below.

Category	Description
Environment	Procurement of works, services, and supplies, taking into consideration the ideal of “Reduce, Re-use, Recycle”, and the reduction of carbon footprint.
Social	Support and adherence to empowerment schemes for citizens and targeted citizens.
Economic	Promote innovation, development of local technology, and the creation of jobs, capacity building, and skills transfer.

Table 7. Categories of Sustainable Procurement

- 5) The figure below provides an overview of the structure of a PE and the roles and entities that are directly responsible for managing, evaluating, and overseeing a procurement activity and any resulting contracts. Each role and entity is described in the subsections below.

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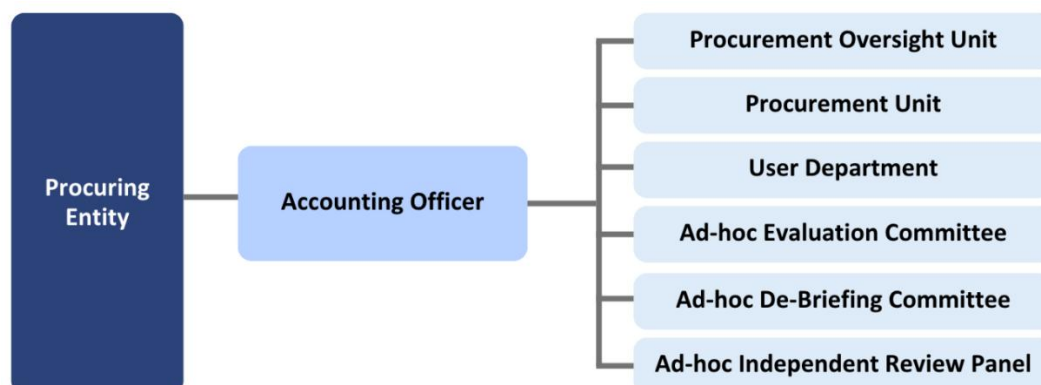


Figure 7. Procuring Entity Structure

Section 3.1: Procuring Entity Organisational Structure

A PE consists of the roles, units, Departments, and Committees that are described in the following subsections.

Section 3.1.1: Accounting Officer

- 1) The AO has overall responsibility for the execution of procurement within the PE, including (PPA S.41):
 - a) Establishment of appropriate structures;
 - b) Adjudication and award of contracts;
 - c) Cancellation of tenders;
 - d) Handling of complaints;
 - e) Submission of reports to the PPRA (including the procurement plan, list of awarded tenders, and complaints reports);
 - f) Overseeing contract management; and
 - g) Ensuring full compliance to the PPA.
- 2) The AO may delegate a procurement function to a subdivision of the PE, another PE, or a procurement agent or procurement service provider (PPA S.43). Upon delegation of the procurement function, the AO remains responsible and accountable for any decision made under delegation. Guidance on delegation is provided in Section 3.4 of the PPM.

Section 3.1.2: User Department

- 1) The UD is the core entity that requires the works, services, and supplies being procured. As such, the UD is responsible for:
 - a) Formulation of requirements for works, services, and supplies;
 - b) Preparation and implementation of a procurement plan;
 - c) Preparation of budget estimates;
 - d) Provision of technical advice to the PE;
 - e) Provision of technical inputs to the statement of requirements;
 - f) Participation in evaluation committees;
 - g) Assisting the PU's management of contracts; and
 - h) Preparation of reports.

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Section 3.1.3: Procurement Unit

- 1) The term “Procurement Unit” (PU) refers to the team within a PE or UD that is directly responsible for managing and executing the entity / Department’s procurement activities related to works, services, and supplies.

Section 3.1.4: Procurement Oversight Unit

- 1) A Procurement Oversight Unit (POU) consists of qualified personnel appointed by the AO. The POU serves as the principal advisor to the AO on procurement and ensures that PEs comply with the PPA. The POU is also responsible for pre-adjudication, adjudication, and recommendation of an award, including rejection and cancellation.

Section 3.1.5: Ad-hoc Evaluation Committee

- 1) AOs may establish an Ad-hoc Evaluation Committee to evaluate bids. The Committee submits its recommendations to the PU at large. The committee consists of at least three members, each of whom is appointed by the AO. The Committee’s Chairperson and secretary are appointed by the AO, while the Vice Chairperson is elected by members. The secretary must be a member of the PU. The figure below details the evaluation process that is undertaken by the Committee as prescribed by the PPA.



Figure 8. Ad-hoc Evaluation Committee Evaluation Process

- 2) For each evaluation, the committee produces a report as outlined in Schedule 1, Form A (Evaluation Report).



Section 3.1.6: Ad-hoc De-briefing Committee

- 1) For each procurement, an AO is required to establish an Ad-hoc De-briefing Committee to de-brief or provide feedback to bidders. The committee consists of at least three members, including:
 - a) A member from an Evaluation Committee;
 - b) A representative from a POU;
 - c) A representative from a UD; or
 - d) An additional member, who may be a representative from a PU.
- 2) After a bidder has been informed of the bid outcome, the Committee convenes a meeting that is attended by all Committee members and the bidder. The de-briefing must be conducted upon request by a bidder, following publication of the AO’s decision. In the case of a dual envelope submission, de-briefing is conducted in two phases: (i) after approval of the technical evaluation and (ii) after a decision by the AO on the financial evaluation. Under a single envelope submission, the de-briefing is conducted after decision by the AO. During this meeting, the Committee and bidder will discuss the

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bid. Prior to commencing the meeting, the Committee will designate, by agreement, a secretary. The secretary will be responsible for recording minutes of the Committee's meetings. The minutes will be signed by all meeting attendants and availed to the bidder upon request.

- 3) The de-brief meeting is not intended to address complaints or debate the merits of the award decision. Any complaints must be submitted, in writing, directly to the AO per PP Reg. 58.

Section 3.1.7: Ad-hoc Independent Review Panel

- 1) Within 10 days of receiving a complaint, an AO can appoint an independent review panel to review the complaint and advise the AO on the relevant action to be taken. Prior to appointing members to an independent review panel, the AO should ensure that prospective members are not involved in the procurement process related to the review proceedings. The AO should also consider the relevant qualifications and experience of prospective members (PP Reg. 177).

Section 3.2: Procuring Entity Roles and Responsibilities

- 1) The table below lays out the responsibilities of the AO, units, Departments, and Committees within the procurement process. Entities with primary responsibility initiate, monitor, and operate their assigned procurement step. Entities with secondary responsibility provide support and guidance when requested by the primarily responsible entity.

Step	User Department (UD)	Procurement Unit (PU)	Procurement Oversight Unit (POU)	Accounting Officer (AO)	Evaluation Committee	De-Briefing Committee
Procurement Planning	Identifies procurement needs. Develops own procurement plans. Monitors implementation of own procurement plans.	Supports the development of the annual procurement plan for the PE. Guides UD's on procurement planning. Publication of procurement plan.	Advises the AO.	Approves the procurement plan. Required to submit an annual procurement plan to the PPRA. Ensures publication of the procurement plan.	Not applicable.	Not applicable.
Preparing Statement of Requirements	Provides technical inputs to the statement of requirements.	Develops the statement of requirements for works, services, and supplies.	Not applicable.	Not applicable.	Not applicable.	Not applicable.

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Step	User Department (UD)	Procurement Unit (PU)	Procurement Oversight Unit (POU)	Accounting Officer (AO)	Evaluation Committee	De-Briefing Committee
Preparing the Tender Document	Provides technical inputs to the statement of requirements.	Develops the tender for advertisement to prospective bidders.	Analyses and provides guidance or advice to the Accounting Office on the draft tender documents.	Approves the tender document.	Not applicable.	Not applicable.
Maintaining a List of Suppliers	Advises the PU on available service providers where applicable.	Maintains a list of relevant suppliers.	Not applicable.	Not applicable.	Not applicable.	Not applicable.
Bid Evaluation	Participates in the evaluation as members.	Considers the Evaluation Committee's report. Provides secretarial services.	Conducts pre-adjudication and submit to the AO.	Makes decisions on the evaluation report.	Evaluates the compliance, technical, and financial aspects of a tender or proposal and submits report to the PU.	Not applicable.
Bid Award	Not applicable.	Communicates adjudication decisions to bidders.	Advises the AO as needed and ensures compliance with the PPA. Communicates decision of the AO to the PU. Publishes decisions.	Makes the award decision, thereby ensuring that all necessary evaluation steps have been executed and that the PE's priorities are protected.	Makes recommendation on the outcome of an evaluation but does not make the award decision.	Once the PU has informed the bidder of the bid outcome, the Committee will brief the said bidder of the decision. Complaints cannot be raised in such de-briefing meetings.
Contract Preparation	Provides input in drafting contract documents.	Prepares contract documents.	Advises the AO as needed and ensures compliance with the PPRA.	Approves the contract.	Not applicable.	Not applicable.

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Step	User Department (UD)	Procurement Unit (PU)	Procurement Oversight Unit (POU)	Accounting Officer (AO)	Evaluation Committee	De-Briefing Committee
Contract Management	The UD is consulted to ensure that contract performance is proceeding as expected.	Manages all contracts except where the UD has been delegated.	Advises the AO as needed and ensures compliance with the PPA during contract execution.	Oversees the management of contract.	Not applicable.	Not applicable.
Contractor Payment	Where delegated, the Contract Manager role facilitates all payments. Provides information or confirmation on claims.	Responsible for ensuring timely and accurate payment.	Advises the AO on variation payment.	Authorises contractor payment and variations.	Not applicable.	Not applicable.

Table 8. Procurement Responsibilities by Entity

Section 3.3: Accounting Officer Delegation

- 1) The PPA and PPR permit delegation of certain authorities and responsibilities to increase efficiency and improve operational capacity and competency. The AO may delegate functions of a:
 - a) POU and PU to a UD within a PE; and
 - b) PU and UD to another PE, or to a procurement agent, or a procurement service provider.
- 2) The following guidance provides additional details on delegation.

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Guidance on Delegation (PPA S.43, 44; PP Reg. 4, 5, 6)

1) Appointment

- 2) An AO may appoint a procurement agent or procurement service provider to carry out functions on behalf of the AO. Regardless of appointment and delegation, the AO will remain responsible for those delegated procurement functions. The appointed individual shall not be involved in any activity of the POU or PU while exercising the delegated functions to avoid conflicts of interest.

3) Delegation Procedure

- 4) To delegate functions, the AO must complete a Delegation & Appointment Form (see Appendix 2).
 - a) The AO completes and signs a Delegation & Appointment Form.
 - b) The Form is sent to the POU.
 - c) The POU internally designates a member of the unit to serve as the point of contact on delegation and appointment.
 - d) The POU member determines whether the delegation and appointment is proper. If there are no objections or concerns, the POU member countersigns the Delegation & Appointment Form.
 - e) Throughout the lifetime of the delegation, the POU member is responsible for monitoring the delegation. Monitoring includes ensuring that the appointee does not exceed the terms of the delegation. If the appointee does exceed the terms of the delegation, the POU member should bring the issue before the full POU membership.



5) General Principles

- 6) An AO may delegate procurement functions where:
 - a) The PE has a substantial procurement workload which would be effectively managed by the Department;
 - b) The PE has a specialised procurement which would be effectively managed by the Department;
 - c) The Department is not within the geographical location of a POU or PU and a delegation would reduce costs and reduce practical and logistical challenges;
 - d) The Department operates as an independent Department and would effectively manage the delegated procurement function;
 - e) It is cost-effective to delegate; or
 - f) There are other reasonable circumstances.

7) Functions of POU and PU

- 8) A delegated POU and PU are expected to:
 - a) Carry out delegated procurement functions as per the PPA;
 - b) Be responsible for those functions and any decisions made;
 - c) Submit consolidated reports on procurement activities to the PE;
 - d) Liaise with the Authority on behalf of the PE;
 - e) Advise the PE on procurement matters;
 - f) Submit required reports to the POU;
 - g) Provide minutes of all meetings to the POU;

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	<ul style="list-style-type: none"> h) Seek advice on public procurement matters from the POU or PU; and i) Request the POU or PU to act on its behalf for liaising with the Authority.
	<p>9) Revocation of Delegation</p>
	<p>10) An AO may revoke any delegation where:</p> <ul style="list-style-type: none"> a) The entity to which functions were delegated failed to comply with the terms and conditions of the delegation or the provisions of the PPA; b) The circumstances of the delegation have changed; c) A malpractice is suspected, alleged, or proved; or d) There are other reasonable circumstances.
	<p>11) Functions That May Not Be Delegated</p>
	<p>12) An AO may not delegate any of the following functions:</p> <ul style="list-style-type: none"> a) The preparation of a report required for submission to a POU or AO; b) The provisions of overall guidance on the development of procurement within the PE; c) Any recommendation to an AO with respect to a delegation of a procurement function; d) The coordination of any procurement process for all Departments of the PE; e) The maintenance of a list or register of all awarded contracts; and f) The planning and management of all procurement activities or processes of the PE. g) The establishment of a POU or PU cannot be delegated.

Box 1. Guidance on Delegation

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Section 4: Procurement Process

- 1) In accordance with the PPA, PEs are responsible for adhering to procurement principles and practices throughout the public procurement process. Within the broader sphere of procurement practices in Botswana, a five-stage process has been established for effective management of the procurement lifecycle, including (i) planning, (ii) sourcing, (iii) contracting, (iv) contract management, and (v) process evaluation. This structured framework, shown in the figure below, is designed to facilitate efficient procurement practices. In the following sections, each stage will be examined in detail, highlighting its importance and outlining optimal implementation strategies within the Botswana procurement landscape.

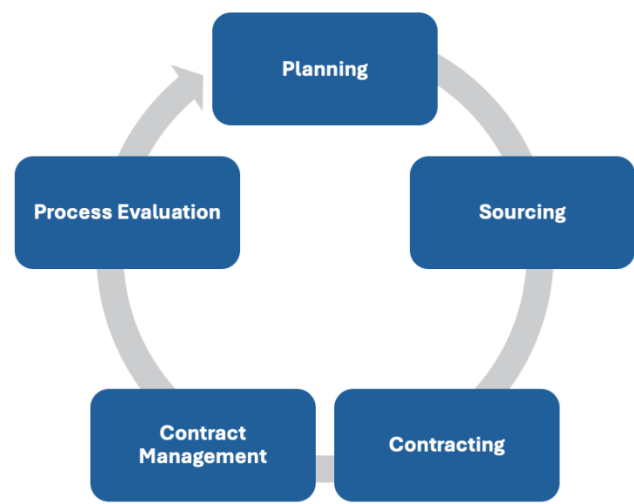


Figure 9. Botswana’s Five-Stage Procurement Process

- 2) The table below outlines the general scope for each of the five stages of the public procurement process as prescribed by the Government of Botswana.

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Procurement Stage	Description
Planning	Preparing for the procurement process.
Sourcing	The process of advertising a tender and evaluating bids.
Contracting	Entering into an agreement with the selected contractor so that they may provide the required works, services, and supplies.
Contract Management	Monitoring contractor performance to ensure the procured works, services, and supplies are acquired and that all terms of the contract are adhered to.
Process Evaluation	Systematically assessing and analysing the efficiency, effectiveness, and compliance of procurement activities to identify areas for improvement and ensure alignment with organisational goals and standards.

Table 9. Procurement Stage Definitions

Section 4.1: Procurement Planning

Section 4.1.1: Introduction

- 1) Procurement planning plays a crucial role in driving socioeconomic development and efficient resource allocation. By strategically outlining procurement needs and aligning them with budgetary allocations, procurement planning ensures that public funds are utilised effectively and transparently. Additionally, it enables governments and any purchasing entities to streamline processes, minimise risks, and foster competition among suppliers, ultimately leading to cost savings and improved VfM.
- 2) Procurement planning serves immediate economic objectives and plays a pivotal role in promoting sustainability and environmental stewardship within a country. Through strategic procurement planning, governments can prioritise the procurement of environmentally friendly supplies and services, fostering the adoption of sustainable practices across various sectors. Effective procurement planning enhances governance and accountability and contributes to the overall well-being and prosperity of a nation. For more information see the IGN entitled “Value-Based Procurement / Sustainable Procurement Policies.”
- 3) Moreover, procurement practitioners need to be cognisant of the national legal and regulatory framework, Vision 2036, Economic inclusion Act 2021, and other legislation that promote sustainable goals that are achievable via procurement.
- 4) The planning stage of Botswana’s procurement process consists of four primary activities as shown in the figure below.



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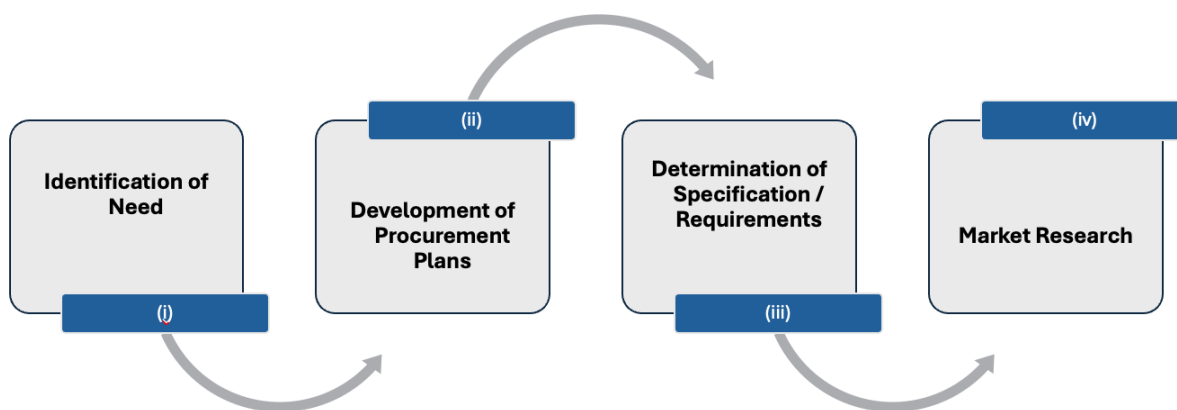




Figure 10. Activities in the Planning Stage of Botswana's Procurement Process

Section 4.1.2: Annual Procurement Plan Overview

- 1) Effective procurement planning plays a pivotal role in strategic procurement management, particularly regarding budgeting considerations. As stipulated by PP Reg. 33.1, all PEs are tasked with proposing annual or periodic procurement plans. This plan will explain and support the PE's approved procurement budget for the financial year. The annual procurement plan should be submitted by an AO to the PPRA using Schedule 1, Form C (Annual Procurement Plan). The annual procurement plan must be published at the beginning of each financial year, either in the *Gazette*, a newspaper, electronic media, or Government portal (PPA S.71). 
- 2) Given the evolving nature of procurement needs and organisational priorities, it is imperative that procurement plans are continuously updated to reflect any major changes and ensure alignment with strategic objectives and fiscal constraints. A PE should revise or update procurement plans as necessary after the approval of a budget for a financial year, and must monitor and evaluate the plans on a quarterly basis. Any addition or revision to the procurement plans must be approved by the AO prior to implementation. Procurement plans can provide critical input to build the needed budget.
- 3) If a PE intends to use any of the additional methods of procurement, such as reverse auction, hackathon, competitive dialogue, community participation and others, for procurement activities, such procurements must be aligned with and included in the annual procurement plan (PP Reg. 29). For more information see the guidance on the additional procurement methods in Section 4.2.7.2 of the PPM.

Section 4.1.3: Best Practices for Procurement Planning



- 1) Procurement planning is crucial for ensuring the success of the procurement process and enables the foundation for Botswana's budget development. It is therefore imperative that PEs produce a full and detailed procurement plan every fiscal year and use the approved procurement plan as a guidance for the fiscal year's procurement to ensure budgetary, project timeline, strategic, and sustainability measures. PEs should use Schedule 1, Form C (Annual Procurement Plan) to ensure adequate planning for the upcoming fiscal year. 

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- 2) To prevent delivery and project implementation delays, procurement activities should be planned before budget approvals and must be submitted by the AO to the Authority within the specified deadline. Procurement plans are to be finalised by January for the following fiscal year. Inadequate procurement planning can negatively impact the organisation's objectives. Frequent emergency procurements or waivers due to poor planning may result in punitive action by the AO. A well-documented procurement plan accounts for both recurring and non-recurring expenses and enhances transparency and accountability, making it easier to track procurement activities, decisions, and outcomes.
- 3) The box below describes the procedure that PEs should follow for procurement planning.

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Procurement Planning Procedure

- 1) The PU, in consultation with each respective User Department (UD), will develop a consolidated annual procurement plan and prioritise needs, ensuring that stock levels are managed to avoid shortages, overstocks, and emergency procurements.
- 2) Each UD will outline their procurement needs for the upcoming year, detailing the requirements, method of procurement, and budget and report the procurement plan to the PU (PP Reg. 10.1.b). 
- 3) While preparing the annual procurement plan, UD's are encouraged to conduct comprehensive market research to ensure the most economic and efficient procurement is achieved by leveraging tools and guidelines provided by the PPRA as well as other national, regional, and international standards.
- 4) PEs are required to use the Schedule 1, Form C (Annual Procurement Plan) to document all procurement forecasted for the coming fiscal year.
- 5) Within the annual procurement plan, PEs are required to categorise procurement activities within three categories – works, services, or supplies, or any combination of the three categories.
- 6) Within the annual procurement plans, PEs are required to aggregate procurement as determined fit, considering budget, timelines and logistics as factors. Each UD should determine opportunities for aggregation to ensure value for money while building their annual procurement plan. 
- 7) PEs are required to plan all relevant details for each procurement and document the information below within the annual procurement plan.
 - a) Project Description
 - b) Budget Amount (BWP)
 - c) Estimated Cost (BWP)
 - d) Method of Procurement
 - e) Preparation of Invitation to Tender (including Terms of Reference (ToR) and market research)
 - f) Submission of Invitation to Tender to Procurement Oversight Unit for Vetting
 - g) Date of Intended Publication of Tender (when applicable)
 - h) Issuing of Invitation Tender
 - i) Closing Date for Tender
 - j) Evaluation Completion Date
 - k) Submission for Adjudication Date
 - l) Award Decision Date
 - m) Project Commencement Date
 - n) Project Completion Date
 - o) End of Activity Report Date
- 8) Once the Annual Procurement Plans are completed by the PE, it must be submitted to the PPRA by the AO. All submissions must be made within the deadline communicated by the PPRA.

Box 2. Procurement Planning Procedure


- 4) PEs are encouraged to use the table below as a guideline while drafting annual procurement plans to ensure the required level of detail is captured.

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Planning Area	Details
Needs Identification	<ul style="list-style-type: none"> Breakdown of all works, services, and supplies needed, including priority, across all divisions. Identify items for single package aggregation versus lot procurement.
Schedule and Timeline	<ul style="list-style-type: none"> Define delivery / implementation schedule for each line. Define estimated dates for each stage of the projected procurement.
Cost Estimation and Budgeting	<ul style="list-style-type: none"> Estimate the cost for each work, service, and supply using the PPRA Price Reference Guides issued for the procuring fiscal year. Clarify budget amount and project code.
Applicable Rules	<ul style="list-style-type: none"> Specify rules for non-standard Act procurements.
Procurement Method and Timing	<ul style="list-style-type: none"> Indicate anticipated procurement method, including need for pre-qualification. Indicate anticipated time for procurement completion, projecting time for approval process, and Ministry post-approval.

Table 10. Planning Areas for Annual Procurement Plan

- 5) PEs should also utilise the following procedure for implementation and monitoring of procurement plans.



Procurement Plan Implementation and Monitoring Procedure

- Once the budget is approved, the total allocated funds might not cover all the procurement activities listed in the annual procurement plan. Therefore, it may be necessary to reprioritise the annual list.
- Due to changing circumstances and to avoid any procurement delays, the annual procurement plan should be reviewed quarterly throughout the year. PEs are required to submit Procurement Plan Implementation and Monitoring Reports on a quarterly basis to their AOs. The AO is responsible for submitting these quarterly reports to the PPRA as per the deadline specified by the PPRA.
- While the annual procurement plan outlines the targeted expenditure for the fiscal year, changes in priority due to evolving circumstances should be clearly communicated and recorded as deviations, with efforts made to minimise these changes through careful planning. These changes must be submitted to the PPRA as an amendment to the original procurement plan as soon as possible.
- Lack of compliance to approved annual procurement plans must be flagged and brought to the attention of the AO for immediate review and resolution. Such non-compliance may flag the PE for an audit.

Box 3. Procurement Plan Implementation and Monitoring Procedure

Section 4.1.4: Aggregation of Procurement

- To maximise resource utilisation and enhance the efficiency of procurement activities, PEs are encouraged to consider aggregating procurement requirements. This approach can simplify the

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procurement process and significantly boost cost-effectiveness by leveraging larger volumes. Aggregation involves combining similar procurement needs into a single contract, thereby attracting more competitive bids and optimising the overall procurement process.

- 2) The following guidelines are suggested to assist PEs in deciding when and how to aggregate their requirements effectively:
 - a) **Similarity of Items:** Identify items that are of a similar nature which are likely to attract the same bidders. This uniformity can streamline the bidding process and increase the efficiency of procurement activities.
 - b) **Synchronisation of Timelines:** Consider items that will be ready for bidding simultaneously, along with aligned requirements for delivery, implementation, or completion.
 - c) **Contract Size and Type:** Determine the optimal size and type of contract that will attract the most responsive and competitive bids, considering the current market structure for the required items.
 - d) **Support for Local and Targeted Suppliers:** Assess the need to apply reservations or preferences to promote participation from local suppliers, manufacturers, or targeted demographic groups to support local economic growth.
 - e) **Uniform Bidding Requirements:** Ensure that items considered for aggregation will adhere to the same bidding conditions and contract terms.
 - f) **Cost Efficiency and Management:** Evaluate the potential for the procurement to realise savings, reduce transaction costs, or facilitate contract management.
 - g) **Economic Empowerment Initiatives:** Consider any preferential and reservation schemes that aim to promote economic empowerment and support locally manufactured or produced works, services, and supplies.
 - h) **Bidder's Capability:** Consider the capacity and robustness of potential bidders to meet procurement demands effectively.
 - i) **Supplier Development:** Focus on developing suppliers, particularly local manufacturers or producers, or targeted groups to enhance and strengthen market competition.
 - j) **Supply Chain and Inventory Strategies:** Adapt different supply chain and inventory management strategies to support local businesses and manage costs effectively.
 - k) **International Accessibility:** When necessary, for items that are not available locally, consider accessing international manufacturers, preferred suppliers, procurement agents, supranational organisations, development partners, or engage in pooled procurement.

Section 4.1.5: Division of Procurement into Lots

- 1) To achieve the best overall value, in some cases, a PE might find it advantageous to split an aggregated procurement requirement into several smaller lots.
 - a) The process of dividing procurement into lots must be approved by the AO, which allows multiple contracts to be tendered together.
 - b) This strategy can be particularly effective when it is anticipated that awarding several separate contracts will result in more competitive bids and better value for the PE.
- 2) **When to Consider Dividing into Lots:**
 - a) **Increase Competitive Bidding:** Splitting the procurement into lots may attract a wider array of bidders, thereby increasing the competitiveness and potentially lowering costs.

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b) **Approval Requirement:** Any decision to divide a procurement requirement into lots requires the approval of the AO. This approval is contingent on the expectation of increased bid responsiveness and overall value.

3) **When Not to Divide into Lots:**

- a) While dividing procurement into lots can be beneficial, there are situations where it should be avoided to prevent potential issues, including:
 - i) **Compatibility Concerns:** Do not divide a procurement into lots if it will result in compatibility or interchangeability issues among items purchased from different contracts.
 - ii) **Warranty and Liability Risks:** Avoid splitting procurement into lots if it affects the validity of supplier warranties or limits liability in a way that is unfavourable to the PE.
 - iii) **Increased Maintenance Costs:** Refrain from dividing a procurement into lots if doing so increases costs associated with servicing, maintenance, or similar ongoing requirements.
 - iv) **Monetary Threshold Level:** It is not acceptable for PEs to divide procurement into lots to move below the monetary threshold level. Small orders should be aggregated into a public tender.

Section 4.1.6: Market Research to Guide Procurement Planning

- 1) Conducting market research is a crucial aspect of procurement planning. It involves identifying, collecting, analysing, and synthesising data about the market environment, including economic indicators, market needs, market size, and competition. This comprehensive understanding helps inform procurement strategies and decision-making processes, ensuring that procurement activities are aligned with current market conditions and trends.
- 2) PEs are encouraged to reference the Market Research and Management of Donation in Public Procurement Guidelines to execute proper and full market research. The box below shows a five-step process for conducting effective market research for procurement as prescribed in the Market Research and Management of Donation in Public Procurement Guidelines.

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Five-Step Market Research Guidance (Market Research and Management of Donation in Public Procurement Guidelines)	
<ol style="list-style-type: none"> 1) Define the Requirement <ol style="list-style-type: none"> a) Communicate requirements clearly between Government and Industry personnel. b) Work directly with the end-user to ensure realistic and definable requirements. c) If unable to specify, request the market to submit existing viable solutions. 2) Gather Historical Information <ol style="list-style-type: none"> a) Review historical procurement files and databases for follow-on procurements. b) Update and use information from previous market research reports. 3) Conduct Market Research Activities <ol style="list-style-type: none"> a) Define the objective of the market research. b) Determine the research method (e.g., surveys, focus groups, industry panels, pre-bid conferences). c) Identify and choose a sample for data collection. d) Identify the types of data needed and structure questions accordingly. e) Decide on the data collection method (e.g., telephone, one-on-one meetings, email, internet). f) Design and prepare the questionnaire. g) Administer and collect data. h) Analyse data. i) Document and communicate results. 4) Prepare Market Research Report <ol style="list-style-type: none"> a) Document market research activities and findings. b) Ensure the report supports the procurement strategy. c) Share the report with relevant authorities, if required. 5) Archive the Market Research Report <ol style="list-style-type: none"> a) Store the report in the contract file. b) Upload a copy to the market research database for future reference and data sharing. 	

Box 4. Five-Step Market Research Guidance

Specifications must be robust, equitable, and designed to meet precise needs while maximising procurement value.

Section 4.2: Sourcing

- 1) The second stage of Botswana's five-step procurement process is sourcing. This stage drives the approved procurement plan into action. The PPRA emphasises the principle of conducting procurement via open domestic bidding, unless specific exceptions are prescribed. In instances where deviation from open domestic bidding is necessary, the PPA mandates that PEs seek approval from an AO and provide sound justification for the alternative procurement method that is being considered.
- 2) The subsection below provides a guideline for preparing proper specifications, acquiring the needed approvals, selecting the appropriate procurement method, and how to apply it for the procurement of works, services, and supplies. The IGN entitled "Strategic Planning and Sourcing" provides additional detail on sourcing for works, services, and supplies and related practical advice.



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Section 4.2.1: Procurement Specifications

- 1) Procurement specifications serve as the foundation for effective procurement processes, providing clear guidelines and requirements for acquisition. Procurements within Botswana are required to be categorised as works, services, or supplies, or any combination of the three categories. This categorisation provides the specific attributes, functionalities, and performance criteria that a procured work, service, or supply must meet to fulfil the needs of the PE. These categories are further subcategorised as guided by the PPRA Price Guides.
- 2) Definitions of the three categories of procurement as defined by PPA S.2 are listed below:
 - a) **Works** means any work associated with the construction, reconstruction, demolition, repair or renovation of a building or structure, on the surface or underground, on or under water, and includes the preparation, excavation, erection, assembly, installation, testing and commissioning of any plant, equipment or materials, decoration and finishing, as well as services incidental to or independent of the foregoing works such as drilling, mapping, satellite photography, seismic investigations, similar services, and any combination thereof, however classified, provided pursuant to a contract;
 - b) **Services** means all services other than works and supplies, such as banking, insurance coverage, travel, cleaning, consultancy, management, maintenance, and commissioning services; and
 - c) **Supplies** means goods, raw materials, products, equipment or objects of any kind and description in solid, liquid or gaseous form, and in the form of electricity, as well as services incidental to the provision of such supplies.


Section 4.2.1.1: Specification Testing Criteria

- 1) Specifications need to be compliant with Botswana's laws and regulations. PEs are encouraged to use the relevant standards for work, service or supply prescribed by the Authority. If national standards are not available, it is advised that PEs conduct market research and use the relevant regional or international standards, upon approval of the Authority. To test the quality and standards of specifications, standardised bidding documents must outline criteria to test against specifications, as listed below.
 - a) A generic or functional description of the quality required of a procured work, service, or supply;
 - b) The relevant industry standards of approaching and executing the assignment in question for works and services delivered; and
 - c) The appropriate supply practice tests to be used to verify the specified quality and performance of the procured item before delivery, on delivery, during installation, and during operation.
- 2) An effort should also be made to demonstrate the market's capacity to meet sustainability requirements. It can be useful to conduct market analysis and consult with suppliers. Prior experience with probable bidders can also provide valuable insights. Sustainability priorities should be transparently and effectively communicated to potential suppliers in the specifications. These actions will improve the possibility that the PE will receive compliant bids / proposals. For more information see the IGN entitled "Value-Based Procurement / Sustainable Procurement Policies."
- 3) Guidelines for drafting procurement specifications are listed below:
 - a) **General Specifications Without Brand References:** Draft specifications neutrally, without referencing specific brands, trademarks, patents, designs, types, origins, producers,



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manufacturers, or catalogue items. This encourages broader participation and fosters competitive pricing. However, there are exceptions when there may be a need for procuring specific items, for example, replacement of a part for a specific vendor's equipment. Justification for such requirements must be clearly defined and detailed.

- b) **Use of Specific References for Unique Requirements:** If it is necessary to reference a specific brand or model to adequately describe procurement needs, include the term "or equivalent," if feasible. This allows bidders to offer comparable alternatives that meet the functional and quality benchmarks set during the evaluation process.
 - c) **Adherence to National Standards:** Specifications should conform to the national standards specifications issued by the Authority. These standards ensure that procurements meet the highest quality and regulatory compliance standards.
 - d) **Interim Standards Use:** In cases where the Authority has not issued definitive national standards, it will specify the country or institution whose standards are to be used by the PE in their bidding packages, after consulting relevant stakeholders.
 - e) **Conformity with Industry Standards:** Specifications must align with industry standards in terms of dimensions, symbols, terminology, language, packaging, marking, and labelling. If national or international standards are available, they should be used; otherwise, the relevant industry standards prescribed under the Act are applicable.
 - f) **Derogation from Standards:** In exceptional circumstances, a PE may apply to the Authority for derogation from the national standards specifications. Such applications must be formally made in the prescribed format and be accompanied by necessary supporting documentation and justifications. PEs must fill out and submit Schedule 1, Form K (Application to Use Alternative Procurement Process). The Authority will permit variations if the PE provides satisfactory justification for the need to deviate from standard specifications. 
 - g) **Infrastructure-Specific Requirements:** For procurements intended to integrate with or enhance existing infrastructure, specifications should be specifically tailored to meet the needs of the existing setup, ensuring seamless integration and enhancement of functionality.
- 4) PEs are encouraged to implement the best practices for defining and drafting specifications that are captured below.

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Best Practices for Defining and Drafting Specifications



- 1) When developing procurement specifications, it is important to ensure clarity, inclusivity, and compliance with established standards to facilitate an effective and transparent bidding process. The PE is encouraged to collaborate across organisational units to define accurate specifications.
- 2) The Authority is responsible for issuing national standards specifications that PEs must use in their procurement activities. If these standards are not yet issued, the Authority will consult with relevant stakeholders and temporarily adopt standards from other national and international sources. A PE can request a deviation from these standards; however, they must submit detailed justification to the Authority. This application must be properly formatted and include necessary supporting documents and justifications. If the documentation and reasons are satisfactory, the Authority may allow the requested variation.
- 3) Best practices for drafting specifications include:
 - a) If a procurement is technical or requires domain knowledge, it is required that PEs **seek guidance from relevant experts** while building out specifications.
 - b) The specifications must be comprehensive, allowing for competitive bidding and ensuring that works, services, and supplies meet the organisation's operational requirements.
 - c) The specifications must be clear in the manner that they do not leave any gaps or questions to bidders.

Box 5. Best Practices for Defining and Drafting Specifications

- 5) The example in the table below illustrates specifications that meet standards (acceptable) and those that do not (unacceptable).

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<div>  Acceptable Specification </div>	<u>Office Printer</u> <ul style="list-style-type: none"> • Multifunctional capabilities including printing, scanning, and copying with wireless connectivity options. • Minimum of 30 pages per minute for black and white; 20 pages per minute for colour. • Minimum 600 x 600 dpi for black and white; 1200 x 1200 dpi for colour. • Supports A4, A5, Letter, and Legal sizes. • Ethernet and Wi-Fi capable, supporting at least 802.11b/g/n standards. • Must meet or exceed ENERGY STAR® qualifications. • Conforms to ISO/IEC 17050-1:2010 for general requirements on the safety of office equipment. • Must integrate with Windows, MacOS, and Linux-based systems without additional upgrades.
	<div>  Unacceptable Specification </div> <u>Epson SureColor SC-T3100 Office Printer</u> <ul style="list-style-type: none"> • Must be specific to the Epson SureColor SC-T3100 with no substitutions. • Exclusive use of Epson Micro Piezo TFP technology. • Must be exactly 2400 x 1200 dpi. • Original Epson UltraChrome XD2 ink cartridges are to be used. • Must strictly be 24 inches. • Must connect to the network via Ethernet and Wi-Fi.

Table 11. Example of Acceptable and Unacceptable Specifications

Section 4.2.2: Procurement Initiation Process

- 1) Once the PE produces the specifications for the works, services, and supplies detailed in the procurement plan, the procurement needs to be initiated, as outlined in the procedure below.

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Procurement Initiation Procedure



- 1) To initiate a procurement, PEs must complete Schedule 1, Form D (Procurement Requisition).
- 2) This form requires the PE to provide specific details, including a clear statement of the procurement need, an estimate of the value of the required works, services, or supplies, and a breakdown of the budgeted funds, including any future allocations for multi-year contracts or donor contributions.
- 3) As stated in the section above, it is important for a PE to seek technical advice during the preparation of the procurement requisition.
- 4) When estimating the value of works, services, or supplies, PEs should ensure that it is realistic and based on current economic and market conditions. PEs are required to refer to the PPRA Price Guides that are issued for the procuring fiscal year where applicable when generating estimates.



Box 6. Procurement Initiation Procedure

Section 4.2.3: Approval of Procurement Requisition

- 1) An essential aspect of the procurement process involves the approval of requisitions by the AO. This approval confirms both the necessity of the listed items and the availability of funds. Once approved, the requisition is forwarded to the PE to commence the procurement process. Key considerations regarding the approval of requisitions are listed below.
 - a) Prior to initiating a procurement, the PE must ensure adequate budgeting, encompassing all associated costs such as publication of notices, contingencies, delivery expenses, facility provision costs, linked contracts, and other justifiable expenses.
 - b) For multi-year or framework contracts, budgeting considerations extend to both the current and future financial years to ensure sustained funding availability.
 - c) To further ensure financial preparedness, a PE must confirm funds availability using Schedule 1, Form E (Availability of Funds), before initiating the procurement process.
 - d) For scheduled or routine activities where fund availability is certain, there is an exception for allowing for the commencement of the procurement process despite prior confirmation. These measures collectively ensure fiscal prudence and adherence to budgetary constraints throughout the procurement process (PP Reg. 38).



Section 4.2.4: Procurement Standardisation

- 1) Standardisation of items is a procurement best practice that can be essential for reducing costs, simplifying maintenance, and enhancing technological effectiveness. This approach ultimately leads to more efficient operations and better resource management. Several benefits of procurement standardisation include:
 - a) By standardising certain items, PEs can benefit from bulk purchasing discounts and lower inventory costs;
 - b) Maintenance becomes easier to manage as standardised parts and services streamline repair processes and reduce downtime; and

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- c) Technological effectiveness is improved through the consistent use of compatible and interoperable components, ensuring seamless integration and optimal performance of systems and equipment.



- 1) PEs should review all annual procurement plans to ensure that standardisation efforts are implemented to achieve economies of scale and cost reductions where applicable.

Box 7. Procurement Standardisation Key Insight

Section 4.2.4.1: Procurement Standardisation Process

- 1) To continue to create an effective, efficient and valuable procurement process, a PE can submit a proposal for the standardisation of works, services, or supplies to the Authority for approval. Standardization may be considered as a result of historical purchasing patterns, a growing supplier relationship, an initiative to support local supplier capacity building or others. The process for procurement standardisation is captured below.
 - a) The PE is required to include the below listed Information in the proposal for standardisation.
 - i) **Technical, Economic, and Logistical Justification:** Explain why standardisation is necessary (PP Reg. 40.2.a).
 - ii) **Justification for Choice:** Provide reasons for choosing the specific standardisation (PP Reg. 40.2.b).
 - iii) **Future Procurement Projection:** Outline expected future procurement needs (PP Reg. 40.2.c).
 - iv) **Transparency and VfM Plan:** Detail how transparency and VfM will be ensured (PP Reg. 40.2.d).
 - b) The Authority is required to review and provide approval for the standardisation of the proposed works, services or supplies for a determined period.
 - c) After the approved period lapses, the PE must review the standardised works, services, or supplies and apply for further continuation of the standardisation approval period.
 - d) If continuing with the standardised works, services, or supplies, the PE must submit a continuation proposal within 14 days of the previous approvals ending, including:
 - i) **Updated Technical, Economic, and Logistical Justification:** Indicate any changes.
 - ii) **Updated Justification for Choice:** Highlight advantages and any changes since initial standardisation.
 - iii) **Original and Actual Procurement Data:** Provide original projections, actual procurement volume, value during the validity period, and future procurement plans.
 - iv) **Transparency and VfM Plan:** Reiterate plans to ensure transparency and VfM.
 - v) **Additional Relevant Information:** Include any other pertinent details.
 - e) The Authority reviews the submitted proposal, decides to approve or reject the proposal, and provides written grounds for the decision.

Section 4.2.5: Procurement Categorisation

- 1) PEs must categorise works, services, or supplies to streamline procurement processes, with the aim of enhancing efficiency and facilitating citizen participation. Understanding the distinct needs and market dynamics of each category allows for the development of effective sourcing strategies that maximise value. The below procedure should be referenced to ensure proper procurement categorisation.

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Procurement Categorisation Procedure




- 1) PEs should first determine which category the procurement will fit into (works, services, or supplies).
- 2) Once the broad category is determined, PEs should use the REGISTRATION CODES FOR SERVICES, SUPPLIES, CONSULTANTS AND WORKS, issued by the PPRA, to determine further **sub-categorisation** of the procurement.
 - a) Procurements can be grouped into similar or related categories, with the guidance of the above-mentioned categorisation guide, without causing unreasonable delays in the procurement process.
 - b) When categorising a procurement into sub-categories, PEs should incorporate the use of innovation to minimise waste, such as improved packaging, production, and take-back schemes.
- 3) **Unbundle the categorisation** of works, services, or supplies to enhance participation of targeted citizens, in accordance with the Economic Inclusion Act (Act No. 26 of 2021) (PP Reg. 41.5).
 - a) Do not divide procurement into separate tenders to avoid domestic or international competitive bidding, except when unbundling is allowed to enable citizen participation.
 - b) When unbundling procurement, a cost-effective delivery method that promotes the best VfM should also be considered.

Box 8. Procurement Categorisation Procedure

- 2) Clear categorisation helps organise procurement activities, making it easier to manage and track different types of purchases. This process also helps to ensure that each category adheres to specific standards and specifications leading to higher quality outcomes with the procured works, services, and supplies. Clear categorisation also ensures that procurement activities meet relevant regulatory and organisational compliance requirements.
- 3) The box below contains best practices for procurement categorisation.

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Procurement Categorisation Best Practices

- 1) Allocating budgets based on categorised needs ensures that funds are appropriately distributed to the most critical areas. Categorisation can further provide data on spend within each category that can help identify opportunities for cost savings and more effective financial planning.
- 2) Categorising procurement allows for the development of tailored processes and procedures for each category, improving overall efficiency. By understanding the specific needs within each category, organisations can develop stronger, more strategic relationships with suppliers.
- 3) Assigning responsibility for different categories improves accountability and performance tracking within procurement teams. Categorising further helps allocate resources more effectively, ensuring that the right expertise and tools are applied to each type of procurement.

Box 9. Procurement Categorisation Best Practices

Section 4.2.6: Supply Chain Management

- 1) To optimise procurement outcomes, PEs should develop supply chain management strategies that focus on long-term value delivery by ensuring that acquisition and delivery of works, services, or supplies is effective, responsive, and cost-effective (PP Reg. 41.6). This includes the delivery of innovate solutions and the incorporation of technology to minimise waste. The following items should be considered as part of an overall supply chain management strategy (PP Reg. 41.8).
 - a) PEs must consider category management to categorise works, services, and supplies by defining acquisition processes, ensuring cost-effective delivery, and promoting best VfM.
 - b) Regular analysis of spend categories, user needs, and supply markets is essential to improving total cost ownership by considering quality, innovation, supply safety, and risk management.
 - c) Proactive category strategy development and the assignment of responsibilities for its implementation and stakeholder involvement are also critical components to consider as PEs define their supply chain management strategy.
- 2) The table below captures best practices for strategy development by supply chain management strategic area.

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Supply Chain Management Strategic Areas	Best Practices for Strategy Development
Demand Forecasting	Accurately predict future demand to ensure the supply chain is responsive and aligned with market needs.
Supplier Selection and Management	Carefully select reliable, quality suppliers and establish strong relationships for consistent performance.
Inventory Management	Optimise inventory levels to balance holding costs with the need for timely availability of materials.
Risk Management	Identify and mitigate potential supply chain risks, such as disruptions and delays.
Logistics and Transportation	Efficiently manage logistics and transportation to reduce costs and improve delivery times.
Technology and Innovation	Leverage advanced technologies to enhance visibility, efficiency, and responsiveness in the supply chain.
Sustainability and Compliance	Adhere to environmental regulations, ethical standards, and sustainability goals to promote social responsibility.
Cost Management	Focus on cost reduction and control throughout the supply chain to improve profitability.
Performance Measurement and Analytics	Implement metrics and analytics to monitor efficiency and identify improvement areas.
Collaboration and Communication	Foster strong collaboration and communication among all supply chain stakeholders for seamless operations.

Table 12. Best Practices for Strategy Development by Supply Chain Management Strategic Area

- 3) For additional information on category management and spend analysis, see the IGN entitled “Category Management and Spend Analysis.”



Section 4.2.7: Procurement Method Selection

- 1) Choosing the right procurement method is essential for ensuring the efficiency, effectiveness, and fairness of the procurement process. The selected method should align with the organisation's goals, the complexity of the requirements, and applicable legal and regulatory frameworks.
- 2) By additionally assessing factors such as market conditions, project timelines, budget constraints, and risk levels, organisations can select a procurement method that maximises VfM, encourages competition, and reduces potential risks, ultimately leading to successful procurement outcomes.

Section 4.2.7.1: Procurement Method Selection Process

- 1) The process for procurement method selection is list below.
 - a) As a rule, PEs are required to conduct procurement through open domestic bidding, unless otherwise prescribed (PPA S.53.1). This method is preferred to ensure transparency and competitive bidding within the domestic market.

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- b) There may be circumstances where an alternative procurement method is more suitable. In such cases, the PE must determine the best method based on the criteria outlined in Section 4.2.7.2 of the PPM.
- c) Once the method of procurement is determined, the PE must obtain approval from the AO and provide a clear justification for any deviation from open domestic bidding. This ensures that all decisions are well-documented and align with the regulatory framework and strategic procurement objectives (PPA S.53.3).
- d) For threshold-based procurement methods such as Micro Procurement and Request for Quotation (RFQ), PEs do not need to obtain approval, given that there is full documentation, and all threshold criteria are compliant with the thresholds issued by the Authority.
- e) PEs should use the decision map, captured in the figure below, and the key considerations table, captured in Section 4.2.7.2 of the PPM, as guidelines for determining the best procurement method based on key considerations relating to procured works, services, and supplies.

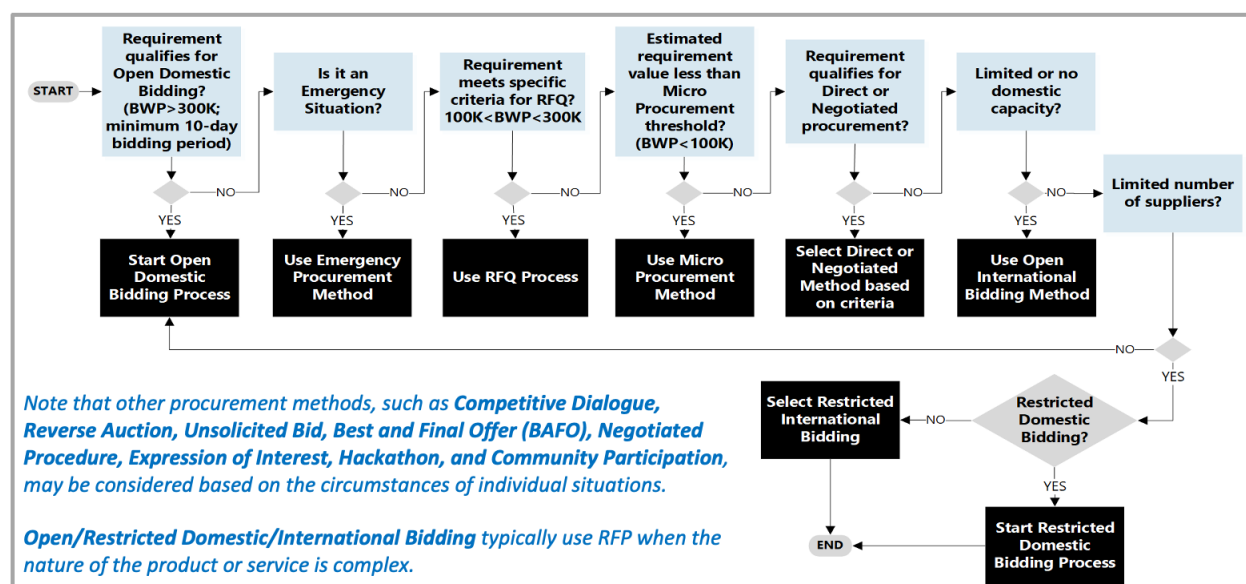


Figure 11. Procurement Method Selection Decision Map

Section 4.2.7.2: Procurement Methods

- 1) Due to the complexity of the procurement method selection process, it is recommended that PEs use the table below as a guide when selecting the best procurement method for their circumstances. The table provides guidelines for PEs regarding minimum bidding period, publishing requirements, if any, and other key considerations to be aware of during the selection a specific procurement method.
- 2) When selecting the procurement method, PEs are encouraged to think about the intended outcome of the procurement, supplier engagement before, during and after the delivery of the work, service or supply and the need for negotiation during the contracting stage to drive value for money. These key considerations may require PEs to deviate from the advised open bidding method, however, adequate justification must be provided to attain AO approval.

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Procurement Method	Minimum Bidding Period	Publishing Requirements	Key Considerations
Open Domestic Bidding	10 Days	Notice in the <i>Gazette</i> , national newspaper, electronic media, government portal.	Open to all bidders, primarily focuses on domestic capacity; contract threshold over P300,000.
Open International Bidding	20 Days	Notice in the <i>Gazette</i> , national newspaper, electronic media, government portal, international publications.	Same procedure as Open Domestic Bidding with international participation, VfM, and technical complexity; AO approval required.
Direct Procurement	5 Days	Publish the name of a contractor approved for direct procurement in the <i>Gazette</i> , national newspaper, electronic media, government portal (except for sensitive / classified procurements).	Used when procuring directly from a specific supplier due to urgency, compatibility, or continuity requirements; least favoured method; AO approval required.
Request for Quotation (RFQ)	3 Days	Limited publication to a select number of bidders.	Used for lower value procurements, requires obtaining at least five (5) quotations; contracts within the P100,000 to P300,000 threshold.
Micro Procurement	None Specified	Not required.	For very small-scale procurements, often with a sole supplier, VfM important; contracts under P100,000.
Restricted Domestic Bidding	5 Days	Limited number of bidders; list of shortlisted bidders published unless the procurement is sensitive / classified.	Limited number of service providers, exceptional circumstances justifying departure from open bidding; AO approval required.
Restricted International Bidding	5 Days	Limited number of bidders; list of shortlisted bidders published unless the procurement is sensitive / classified.	Same as restricted domestic bidding but with international scope, used when international capabilities are necessary or beneficial; AO approval required.
Request for Proposals with Competitive Negotiations	10 Days	Notice in the <i>Gazette</i> , national newspaper, electronic media, government portal.	Similar to open domestic bidding; negotiate terms after initial proposals, focused on achieving best final offers.
Competitive Dialogue	10 Days	Notice in the <i>Gazette</i> , national newspaper, electronic media, government portal.	Used for complex procurements where dialogue is needed to clarify project needs before final bidding.
Reverse Auction	10 Days	Invitation to tender must be published.	Used when detailed specifications can be clearly defined and there is a competitive market.

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Unsolicited Bid	10 Days	Swiss challenge system may be applied.	Used for innovative projects initiated by a bidder, with protections for intellectual property and investment in proposal preparation.
Best and Final Offer	10 days	Not required.	Used when initial proposals are not satisfactory in terms of pricing, terms and conditions. Can be added as a final step to other procurement methods as a deviation, where allowed by the PPA.
Negotiated Procedure	10 days	Not required to publish, except indication of possible future negotiation given at project outset.	Used in specific, limited circumstances such as lack of competition, unique procurement needs, or emergencies.
Expression of Interest	10 days	Notice in the <i>Gazette</i> , national newspaper, electronic media, government portal, international publication.	Pre-qualification for complex or large contracts, followed by direct invitation to shortlisted contractors.
Hackathon	Depends on Hackathon Rules	As applicable, depends on the hackathon rules.	Used for technology development, recruitment, and problem solving in a competitive and collaborative environment.
Community Participation	10 days	Not required.	Involves direct or organised community participation in projects with socioeconomic benefits.
Emergency Procurement	As Required by the Situation	May deviate from standard publishing due to urgency.	Used in urgent, unforeseeable situations like disasters or severe supply risks; emphasis on reducing fraud and managing risks associated with emergency conditions.

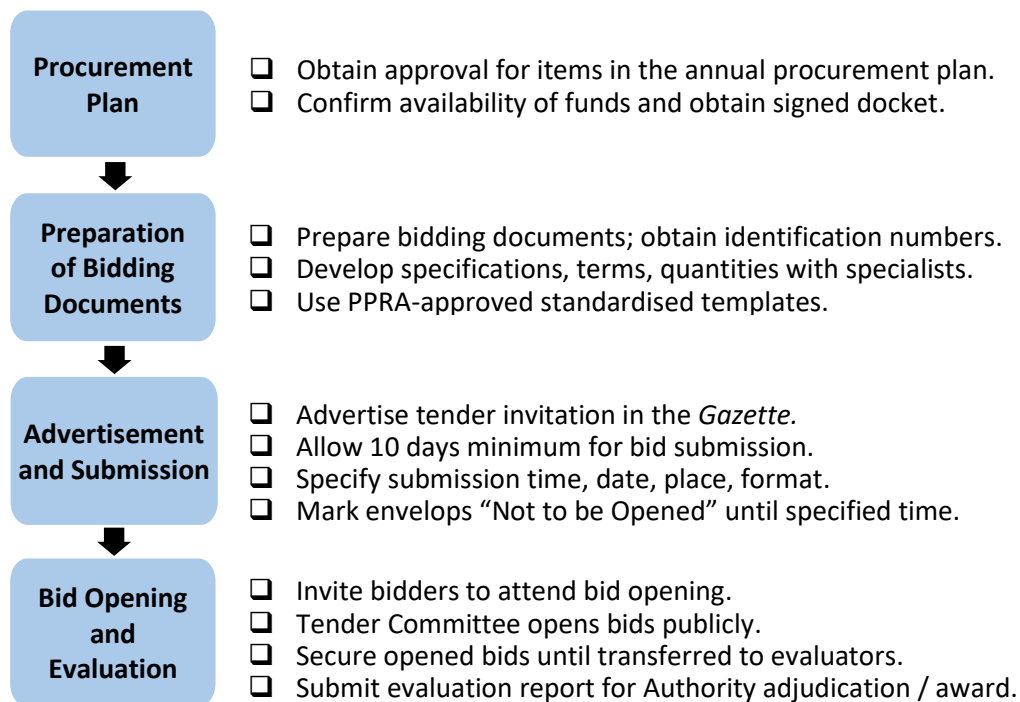
Table 13. Key Aspects of Procurement Methods

- 3) The remainder of this section captures details for each procurement method. A subset of commonly used or discussed procurement methods is explored in depth while guidance is provided for advanced, infrequently implemented procurement methods.

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Open Domestic Bidding Method
(PP Reg. 14)

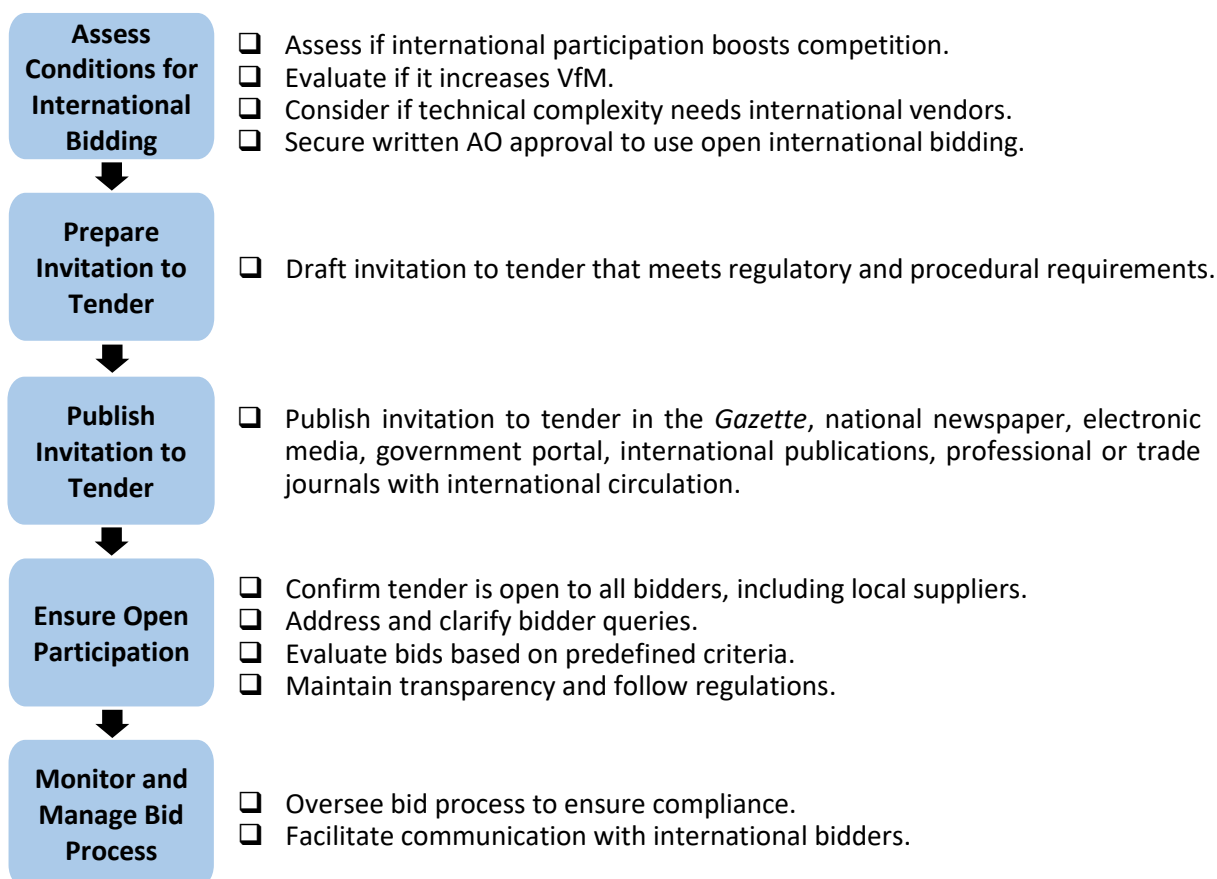
- 1) PEs are advised to **prioritise the open domestic bidding process as the primary method** for acquiring works, services, and supplies. By broadly advertising procurement opportunities and adhering to established procedural guidelines, PEs can foster a competitive bidding environment, securing the best possible offers and enhancing efficiency and accountability in the use of public funds. This also promotes local supplier participation, supporting and stimulating the national economy. Any alternative method of procurement will require approval from the AO or delegated Officer.
- 2) **Publication Requirement:** Notice in the *Gazette*, in a newspaper of national circulation, electronic media, or government portal.
- 3) **Minimum Bidding Period:** 10 days.
- 4) **Contract Value Threshold:** Over P300,000.
- 5) **Key Steps and Actions:**



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Open International Bidding Method (PP Reg. 15)

- 1) PEs should use the open international bidding procurement method when domestic capacity is limited, when international participation can enhance VfM, or when the technical complexity of a project requires global expertise. With written approval from the AO, PEs must draft and widely publicise an invitation to tender to include foreign bidders in business journals of wider international circulation or / and Botswana foreign mission websites. This approach ensures broad participation and competitive bids, while also allowing local contractors to compete. The entire process must be managed in strict compliance with all relevant guidelines to ensure the highest quality and effectiveness of procurement outcomes.
- 2) **Publication Requirement:** Notice in the *Gazette*, national newspapers, electronic media, government portals, international publications, and professional or trade journals.
- 3) **Minimum Bidding Period:** 20 days.
- 4) **Contract Value Threshold:** Over P300,000.
- 5) **Key Steps and Actions:**

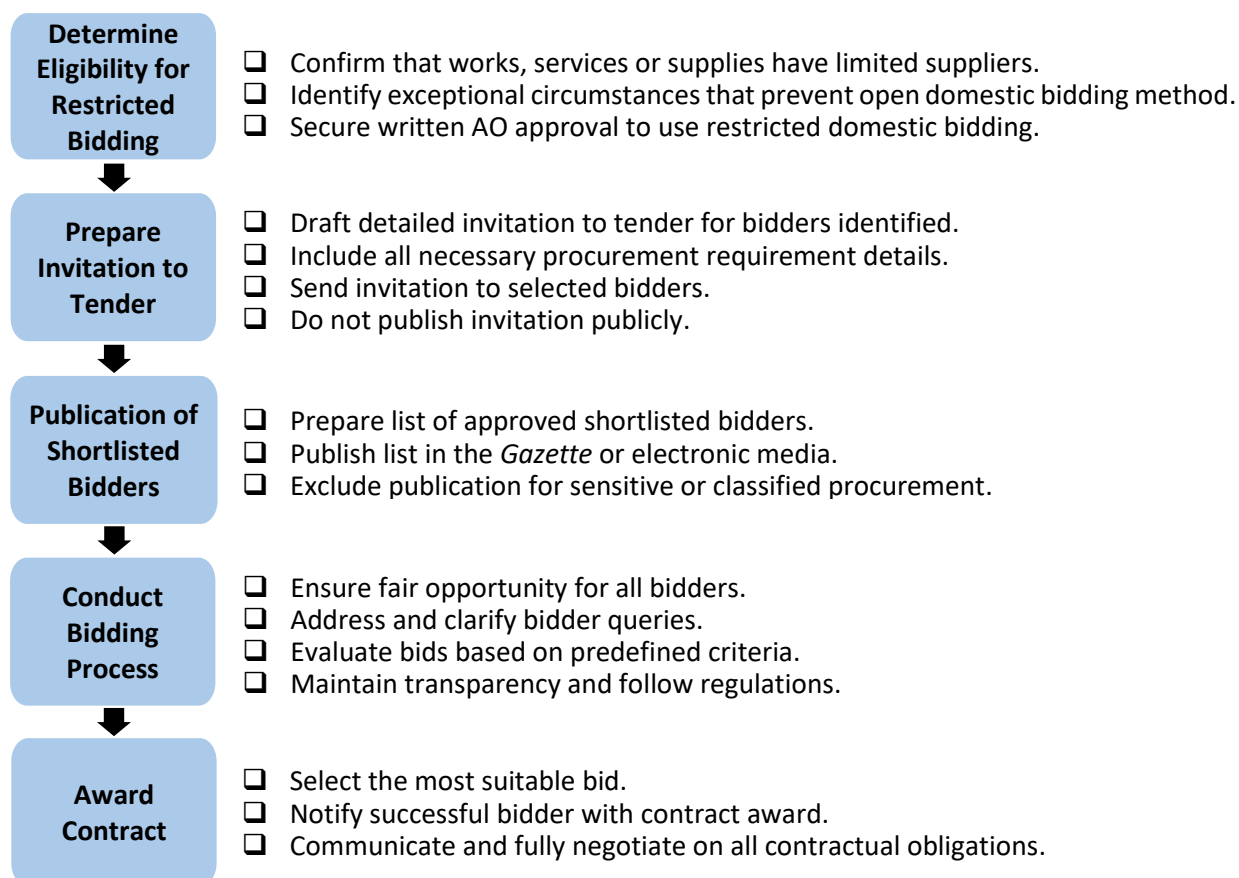


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Restricted Domestic Bidding Method (PP Reg. 16)

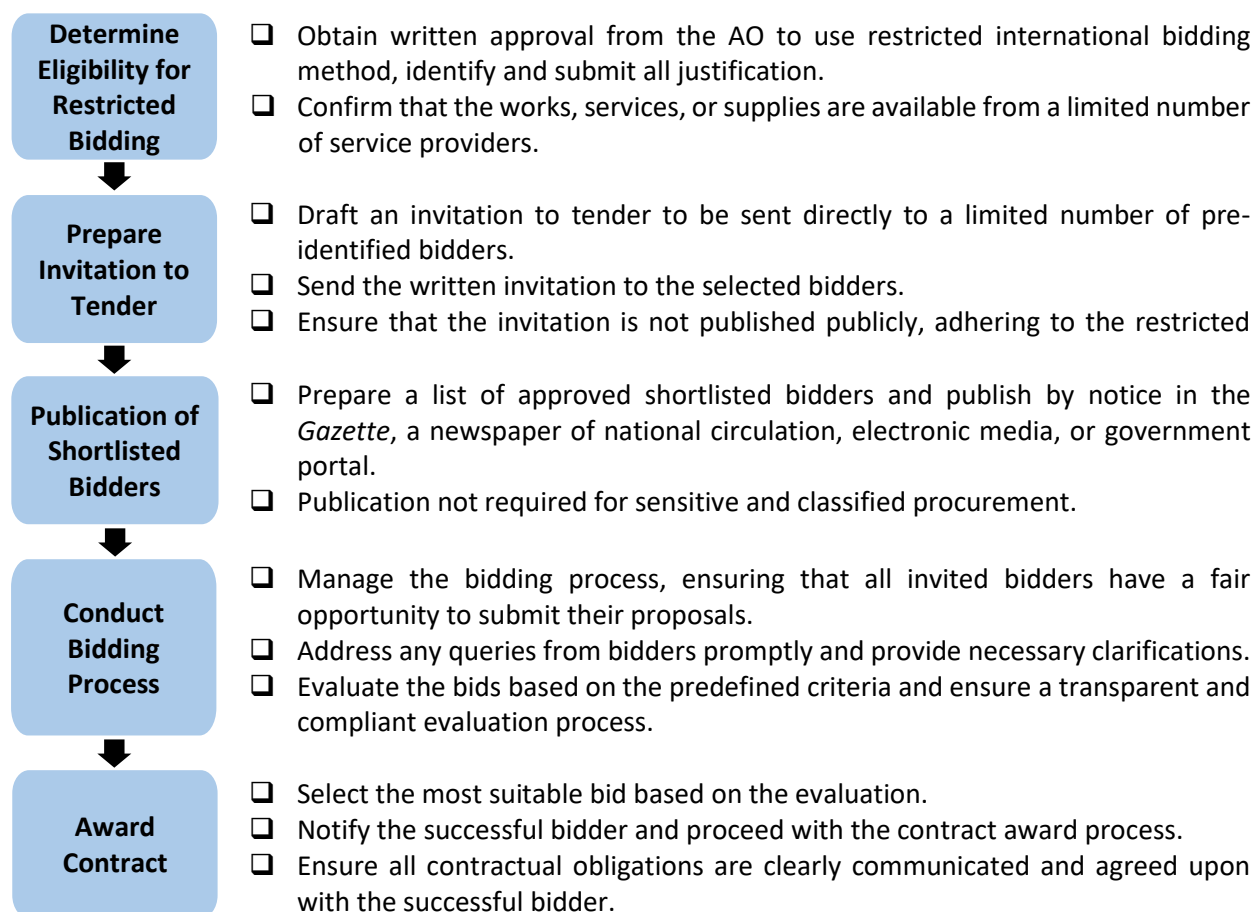
- 1) PEs should select restricted domestic bidding when the required works, services, or supplies are available from a limited number of providers or when exceptional circumstances demand it. This method is ideal for specialised or sensitive procurements. In contrast, open domestic bidding is used to enhance competition and achieve the best value for money by inviting bids from a wide range of domestic contractors.
- 2) **Publication Requirement:** List of shortlisted bidders to be published. Not required for sensitive or classified procurement.
- 3) **Minimum Bidding Period:** 5 days.
- 4) **Contract Value Threshold:** Over P300,000.
- 5) **Key Steps and Actions:**



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Restricted International Bidding Method (PP Reg. 17)

- 1) A PE should choose the restricted international bidding process when the works, services, or supplies are available from a limited number of service providers or when exceptional circumstances justify not using the open international bidding method. This approach is ideal when the market is highly specialised or when there are security or confidentiality concerns that necessitate a more controlled bidding environment. In contrast, the open international bidding process should be used when there is a need to enhance competition, ensure broader participation, and maximise VfM by inviting bids from a wide range of international contractors.
- 2) **Publication Requirement:** List of shortlisted bidders to be published by notice in the *Gazette*, a newspaper of national circulation, electronic media, or government portal. Not required for sensitive or classified procurement.
- 3) **Minimum Bidding Period:** 5 days.
- 4) **Contract Value Threshold:** Over P300,000.
- 5) **Key Steps and Actions:**

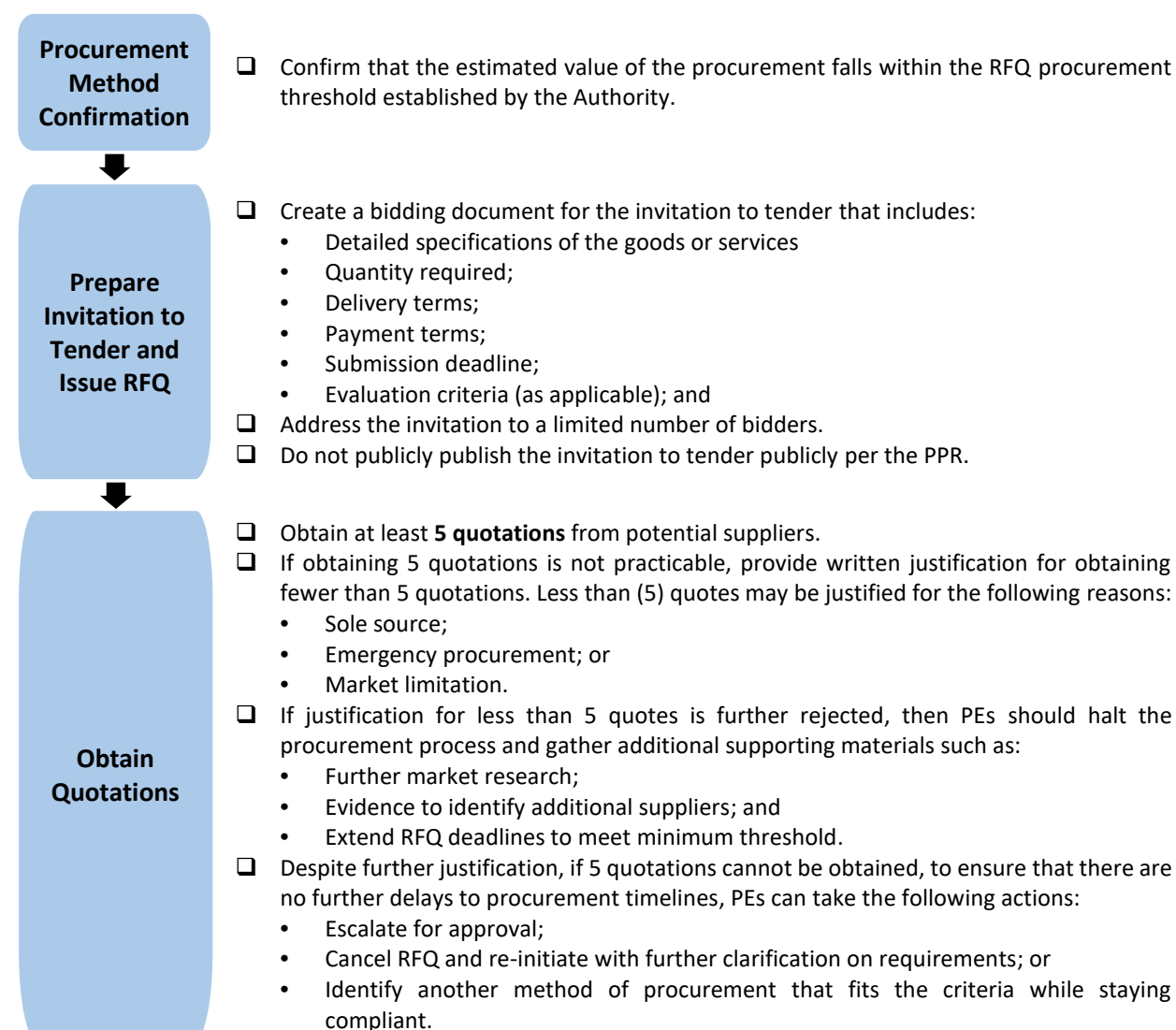


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Request for Quotation (RFQ) Method (PP Reg. 18)

- 1) The RFQ method involves soliciting price quotes from a limited number of suppliers for works, services, and supplies, typically when the estimated value of the procurement is below a specified threshold. This method is best used for straightforward purchases with clearly defined requirements, allowing for a quick and efficient procurement process. The RFQ method is ideal when there is a need to obtain competitive pricing without the complexities of a formal tendering process, making it suitable for routine or low-value procurements.
- 2) **Publication Requirement:** Limited publication to a select number of bidders.
- 3) **Minimum Bidding Period:** 3 days.
- 4) **Contract Value Threshold:** Between P100,000 and P300,000.
- 5) **Key Steps and Actions:**



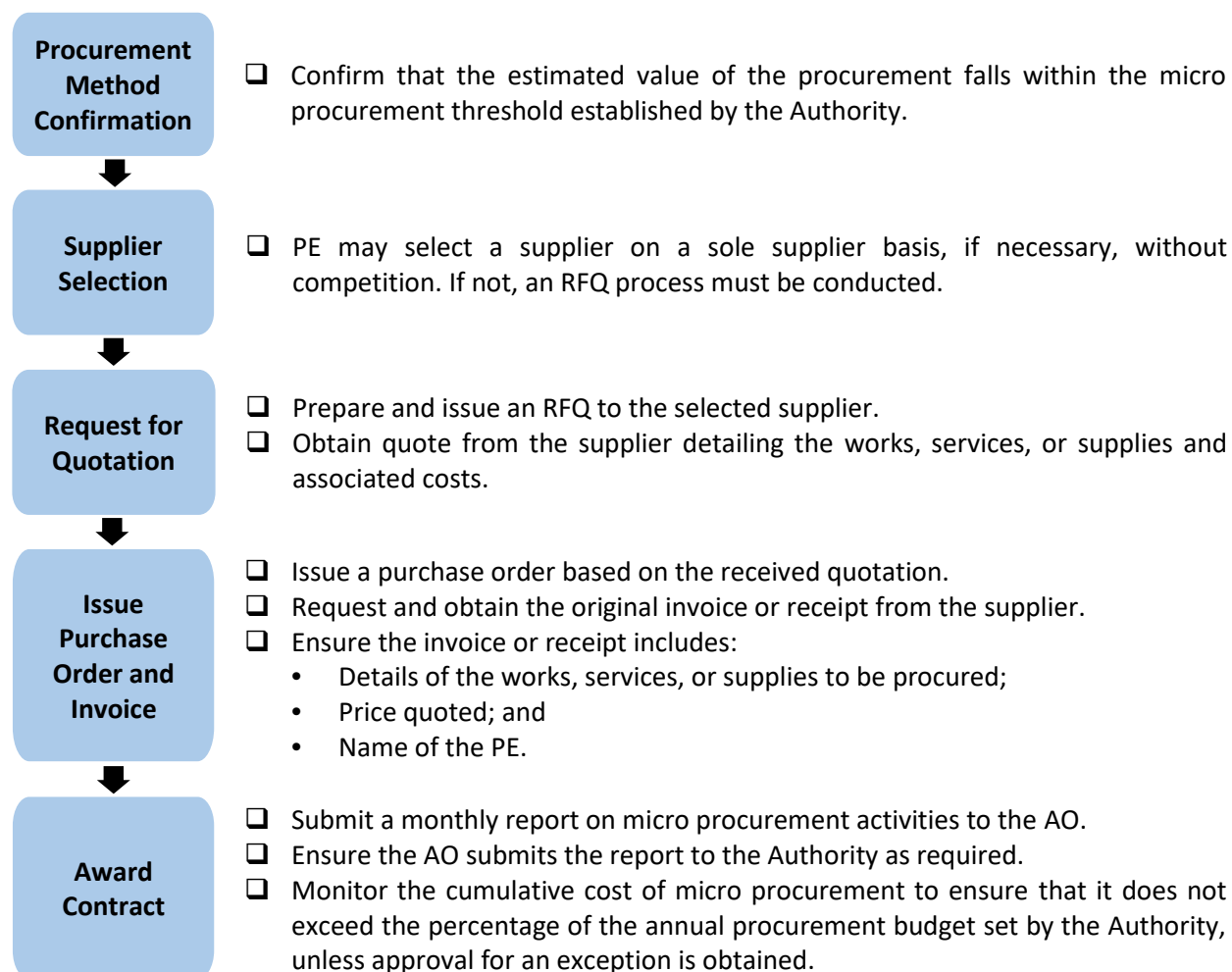
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Micro Procurement Method

(PP Reg. 19)

- 1) Micro procurement refers to the acquisition of works, services and supplies of relatively low value, below the specified threshold issued by PPRA. This streamlined procurement method is designed for efficiency, allowing for quicker, less formal procurement processes. It is ideal for meeting immediate, small-scale needs without the need for extensive bidding or complex approval processes. This method allows the selection of a supplier on a sole source basis without competition, requiring a request for quotation, a quotation, and a purchase order. Micro procurement ensures that necessary items can be procured rapidly to support day-to-day operational requirements.
- 2) **Publication Requirement:** Not required if sole source.
- 3) **Minimum Bidding Period:** Not applicable if sole source; if not sole source, see RFQ method.
- 4) **Contract Value Threshold:** Under P100,000.
- 5) **Key Steps and Actions:**

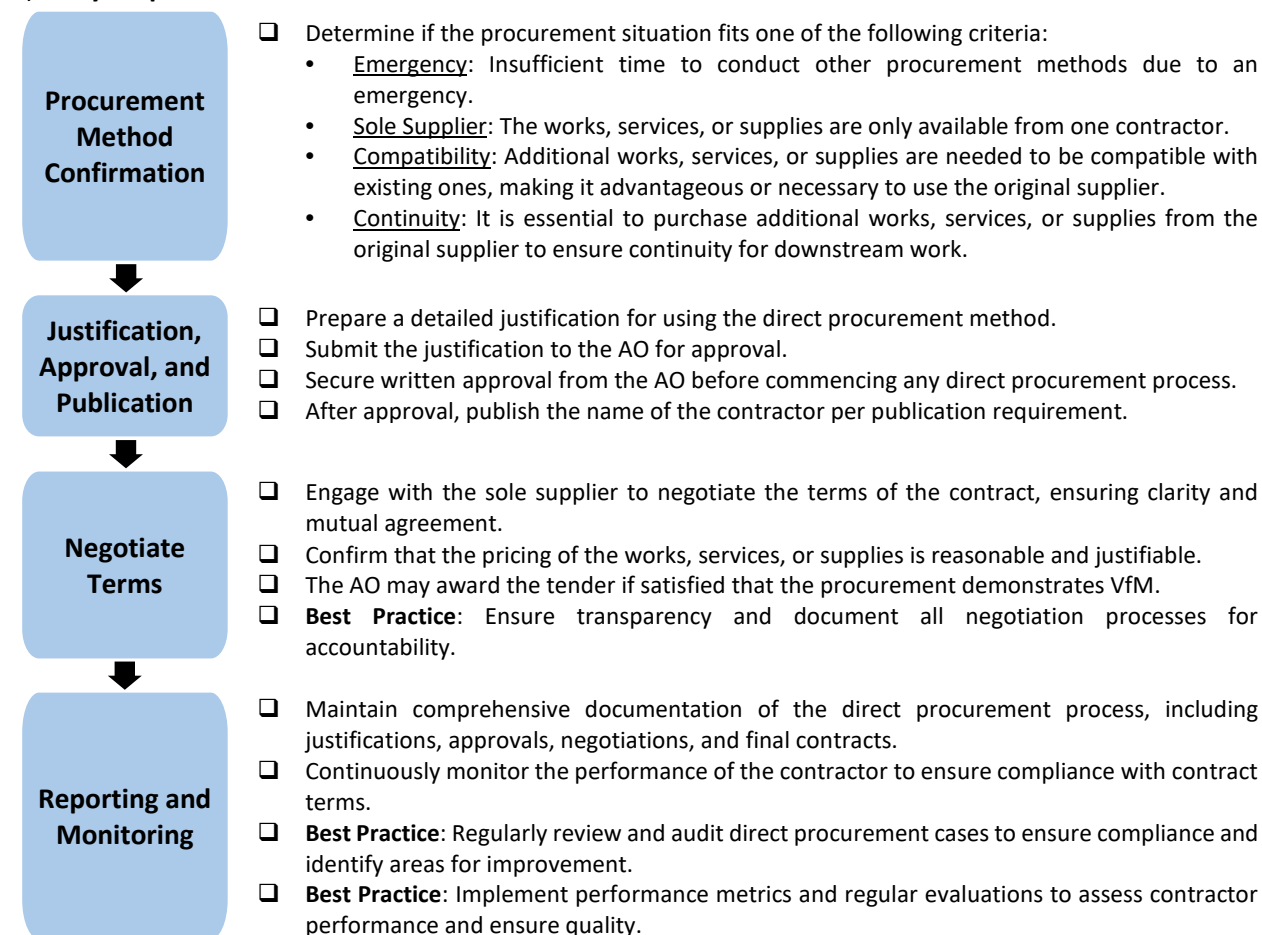


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Direct Procurement Method (PP Reg. 20)

- 1) PEs should use the direct procurement method when specific conditions require a sole supplier approach without competition. This method is appropriate in (i) emergencies, (ii) when only one supplier is available, (iii) when compatibility with existing works is needed, or (iv) when continuity of service is essential. Justification and written approval from the AO are mandatory before proceeding. Approved contractors' names should be published, except in sensitive or classified cases. An Invitation to Tender or other tender must be issued to the approved bidder. The tender must be evaluated to determine responsiveness and VfM. Where a bidder fails to meet tender requirements, an award should not be made. This ensures the direct procurement method is used appropriately, maintaining transparency, accountability, and VfM.
- 2) **Publication Requirement:** Name of the contractor approved for direct procurement by notice in the *Gazette*, national newspapers, electronic media, government portals, international publications, and professional or trade journals. Not required for sensitive or classified procurement.
- 3) **Minimum Bidding Period:** 5 days.
- 4) **Contract Value Threshold:** Not applicable.
- 5) **Key Steps and Actions:**

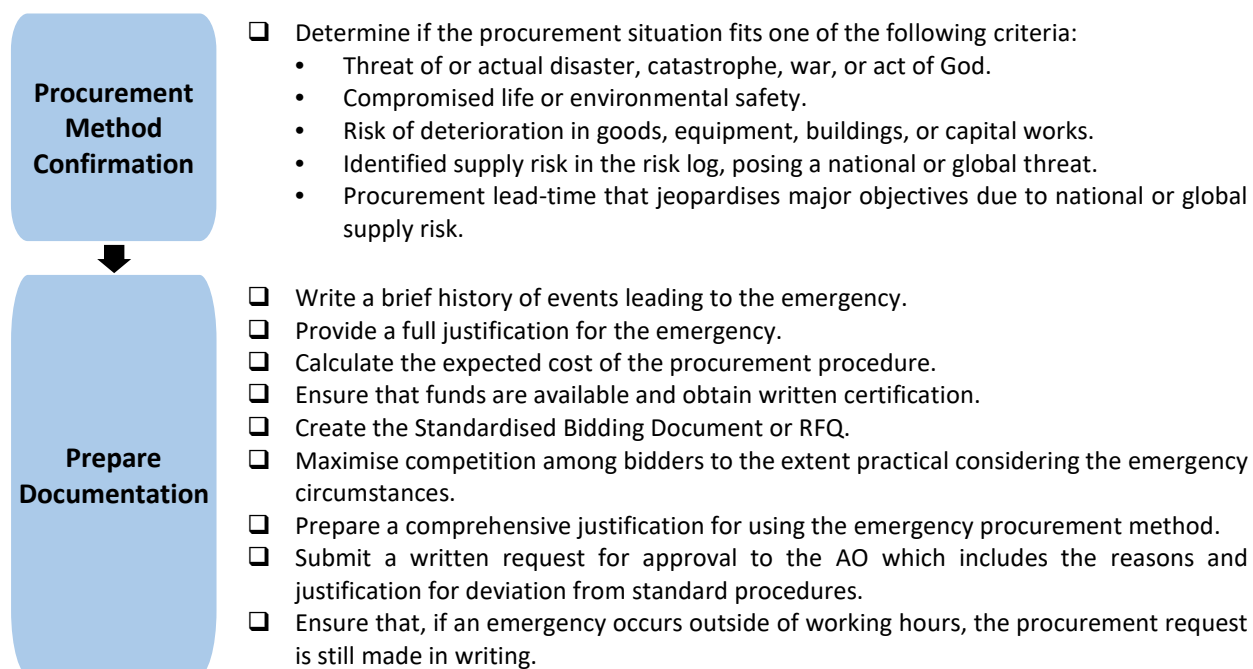


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Emergency Procurement Method (PP Reg. 30)

- 1) To determine if circumstances permit the use of an emergency procurement method, see the below two scenarios. Ensure that the emergency was not foreseeable and not due to negligence. Approval from the AO with comprehensive justification is required.
 - a) **Standard Emergency Procurement**
 - i) This category pertains to moderately urgent scenarios, such as sudden stock shortages or the requirement for works, services, or supplies not listed in the annual procurement plan. Immediate action is necessary to prevent stock depletion with procurement finalised within one week to one month. Authorisation from the AO is necessary in accordance with PP Reg. 30.1. Limited quantities may be acquired to temporarily bolster stock levels, and a comprehensive explanation of the emergency must accompany the procurement request. This category underscores the importance of proper management and enforces accountability for those who misuse emergency procurement procedures.
 - b) **Critical Emergency Procurement**
 - i) This category is designated for grave emergencies such as unavoidable accidents, disasters, outbreaks, epidemics, endemics, or national crises where prompt intervention is essential to avert further severe issues. In these instances, standard procurement procedures are skipped to accelerate the process. Payments are processed retrospectively as approved and sanctioned disbursements. The PPRA must be informed immediately and be available to sign necessary documents, ensuring a swift response and resolution.
- 2) **Publication Requirement:** May deviate from standard publication requirements due to urgency.
- 3) **Minimum Bidding Period:** As required by the situation.
- 4) **Contract Value Threshold:** Not applicable.
- 5) **Key Steps and Actions:**



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Post-Approval Actions



Record Keeping and Reporting



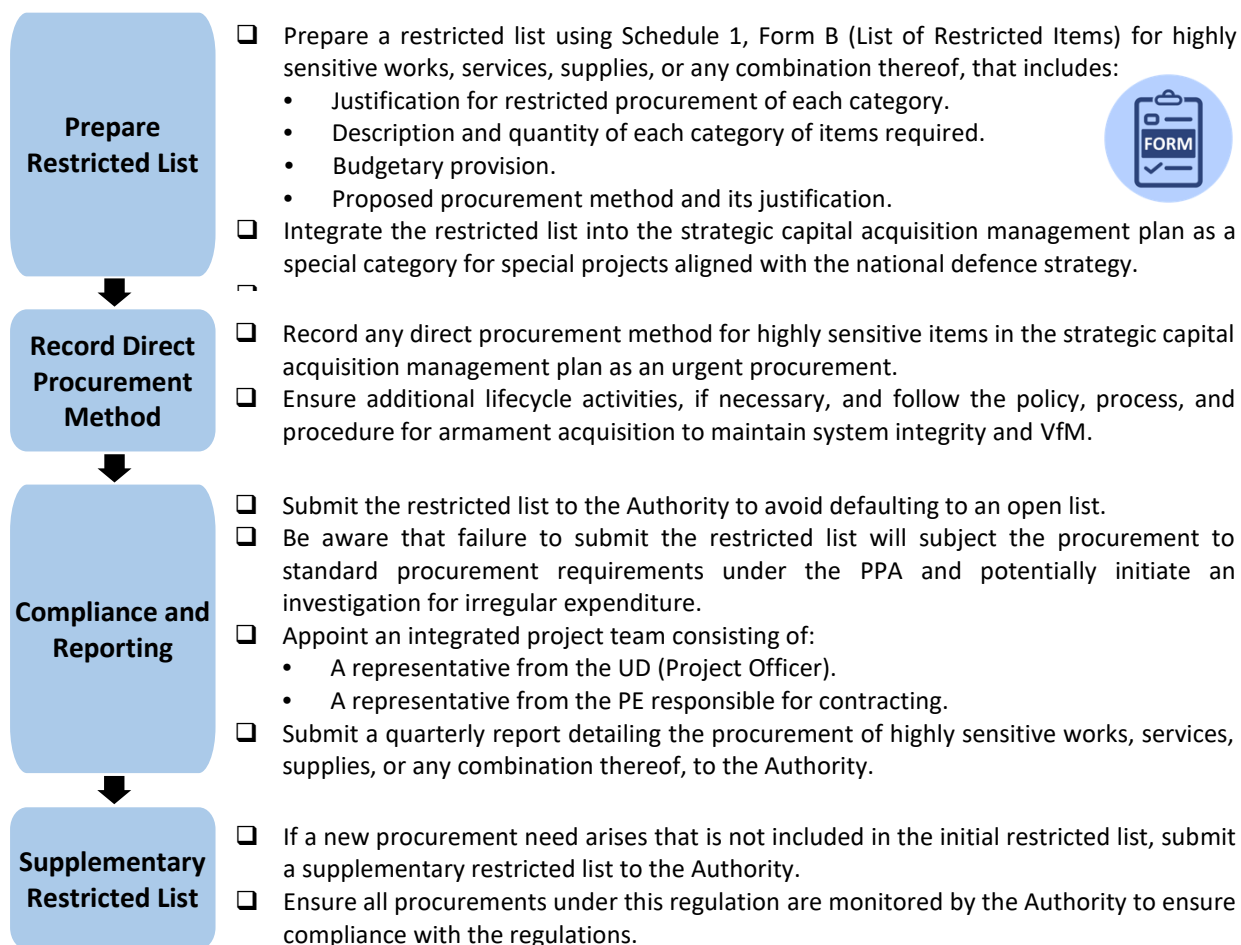
Risk Management

- ☐ Develop a plan to prevent similar emergencies in the future and inform the Authority.
- ☐ Prepare any necessary supporting documents for the procurement and submit them to the AO for approval.
- ☐ Maintain a log of every procurement made under the emergency method.
- ☐ Submit the log to the Authority.
- ☐ Make quarterly submissions to the AO within each financial year.
- ☐ Ensure measures are in place to mitigate risks of fraud, inflated prices, conflicts of interest, unfairness, corruption, or any other potential risks in emergency procurement.

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Procurement of Highly Sensitive Works, Services or Supplies (PP Reg. 31)

- 1) The procurement process for highly sensitive works, services, or supplies is designed to ensure security, regulatory compliance, and optimal value. This involves submitting a detailed restricted list to the Authority, which includes justifications, item descriptions, quantities, budget allocations, and proposed procurement methods. This stringent oversight ensures that all procurements align with national defence objectives, mitigate risks of irregular expenditures, and adhere to established regulations.
- 2) **Publication Requirement:** Not applicable.
- 3) **Minimum Bidding Period:** 10 days.
- 4) **Key Steps and Actions:**

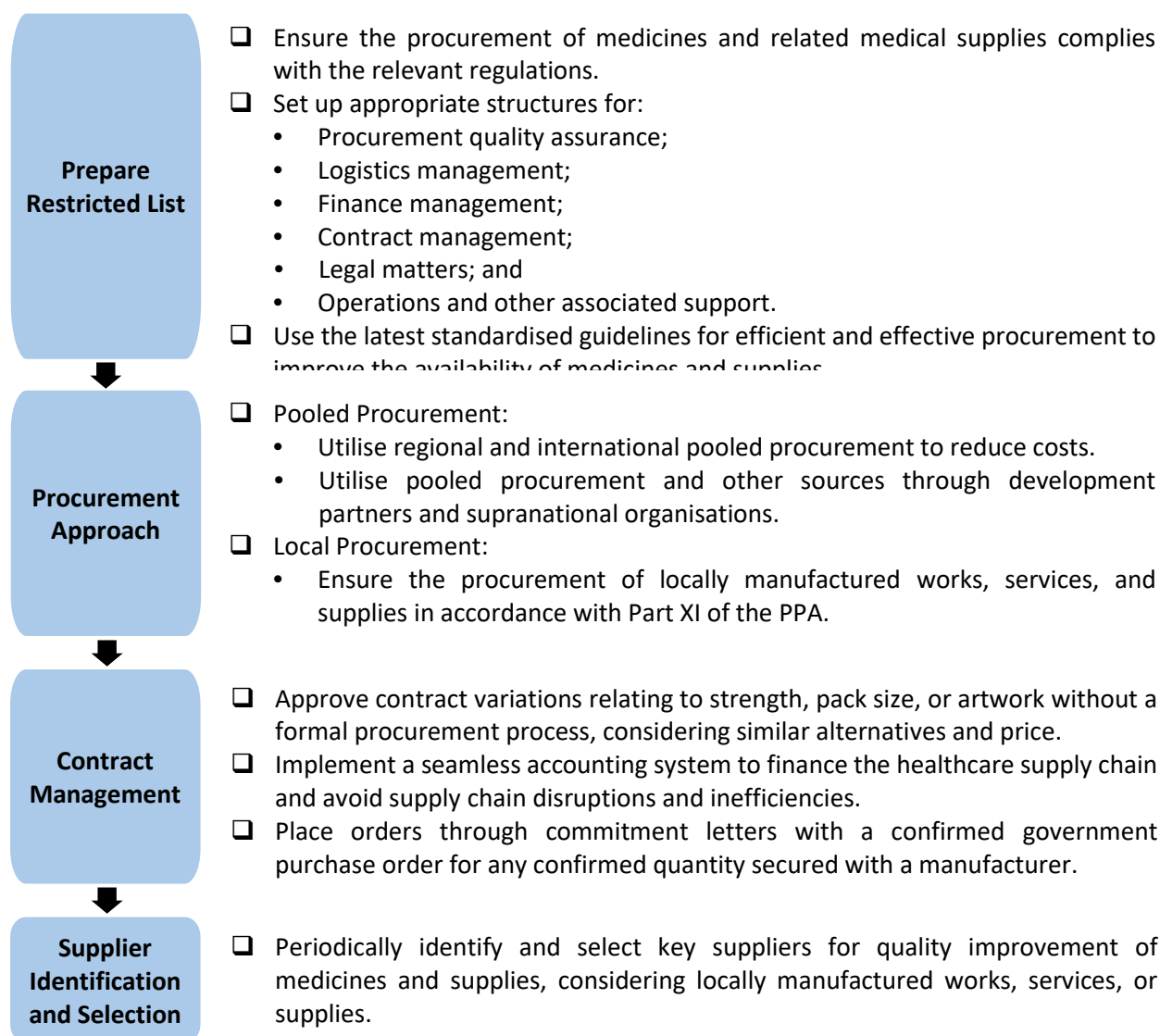


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Procurement of Medicines and Related Medical Supplies
(PP Reg. 32)

- 1) The procurement of medicines and medical supplies should ensure regulatory compliance, efficient logistics, and financial accountability. Organisations must use standardised guidelines and pooled procurement to improve availability and reduce costs, while prioritising locally manufactured products. Establishing robust support structures and seamless accounting systems is crucial for a reliable supply chain and regular collaboration with key suppliers and development partners enhances quality and sustainability.

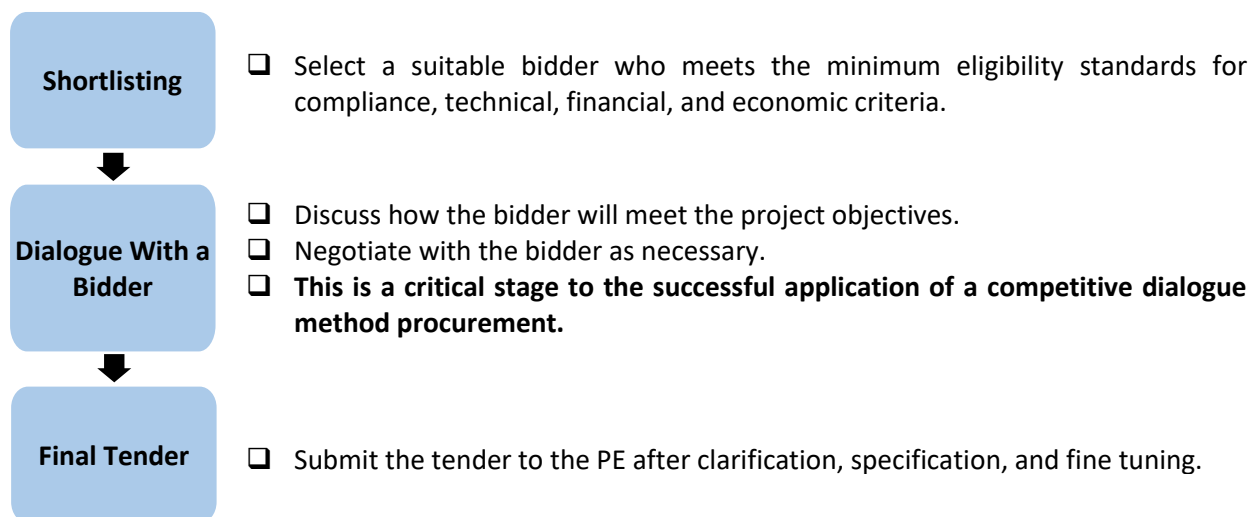
2) **Key Steps and Actions:**



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Competitive Dialogue Method (PP Reg. 22)

- 1) Competitive dialogue is an interactive, multistage procurement method that allows for dynamic engagement between PEs and bidders. It is a highly effective procurement process for complex, high-value and / or innovative contracts. Competitive dialogue is most suitable for undertaking procurements where:³
 - a) Several alternative solutions that satisfy requirements may be possible, and the detailed technical and commercial arrangements required to support those solutions require discussion and development between the PE and the supplier; or
 - b) Due to the nature and complexity of the procurement, the PE is not objectively able to:
 - i) Adequately define the technical or performance specifications and scope to satisfy its requirements; or
 - ii) Adequately specify the legal and / or financial arrangements of the contract.
- 2) **Publication Requirement:** Notice in the *Gazette*, in a newspaper of national circulation, electronic media or government portal.
- 3) **Minimum Bidding Period:** 10 days.
- 4) **Contract Value Threshold:** Not applicable.
- 5) **Key Steps and Actions:**




- 6) Additional guidance and best practices regarding the competitive dialogue procurement method can be found in the IGN entitled “Competitive Dialogue.”




³ Source – World Bank Group. Competitive Dialogue – How to Undertake a Competitive Dialogue Procurement Process. 2017.

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	Guidance on Community Participation Method (PP Reg. 29)
	<ol style="list-style-type: none"> 1) Community participation in procurement should stimulate the local economy by creating jobs and boosting local businesses. It must ensure VfM and enhance the project's long-term sustainability. Additionally, the project should support socio-economic goals, such as improving living standards and empowering the community. 2) Approaches to Community Participation: <ol style="list-style-type: none"> a) <u>Direct Participation</u>: The community directly participates in delivering services. b) <u>Organised Participation</u>: A community-based service provider is appointed to coordinate the community's involvement. 3) Project Requirements for Community Participation: <ol style="list-style-type: none"> a) The project must align with the PE's mandate and strategic procurement plan. b) The project should have clear socio-economic benefits for the community. c) The success and continuation of the project should require community participation. d) The project must be part of the entity's annual procurement plan. e) Prepare a proposal outlining: <ol style="list-style-type: none"> i) Key areas and the specific roles and contributions of the beneficiary community; ii) Set clear objectives; iii) Set an estimated budget; and iv) Provide detail around the community involvement. f) Adhere to guidelines issued by the Authority for community participation in procurement; to ensure this is regulated, the AO should appoint a project supervisor who may be: <ol style="list-style-type: none"> i) The head of a UD; ii) A procurement agent; or iii) A procurement service provider (if the entity lacks supervision capacity).

Box 10. Guidance on Community Participation Method

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Guidance on Hackathon Method

(PP Reg. 28)

- 1) The hackathon procurement method allows PEs to achieve specific objectives through technology, recruit top talent, solve problems quickly, and / or foster business growth. This innovative approach leverages the collaborative and competitive nature of hackathons to generate high-quality solutions and services.
- 2) Preconditions for Using the Hackathon Method: Before implementing the hackathon procurement method, the PE must ensure the following:
 - a) Motivation for Participation: There should be a paying customer or another form of motivation to encourage participation in the bid.
 - b) Team Willingness: There must be a team or contractors ready to engage in the hackathon.
 - c) Problem Identification: The PE should have a clearly defined problem to solve.
 - d) Rules of Engagement: Agreed-upon rules between the PE and the contractors must be established.
 - e) Platform Availability: A suitable platform for the hackathon, whether electronic or in-person, must be in place.
- 3) Procurement Process Using the Hackathon Method:
 - a) Registration Requirements: Ensure all participants comply with the registration requirements specific to the hackathon.
 - b) Technical Evaluation: Conduct technical evaluations throughout the duration of the hackathon to assess the quality and feasibility of the proposed solutions.


Box 11. Guidance on Hackathon Method

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	Guidance on Best and Final Offer Method (PP Reg. 25)
	<ol style="list-style-type: none"> 1) The Best and Final (BAFO) procurement method is used when a PE believes that a bidder's initial proposal could be improved. It is commonly used for: <ol style="list-style-type: none"> a) Large or complex projects; b) Initial proposals do not meet the PE's needs; c) Initial proposals are unclear; or d) Proposals are priced too high. 2) BAFO allows bidders to submit revised offers but can only be used once in the procurement process. This method aims to ensure the achievement of the best possible value by giving bidders a chance to refine their proposals to better align with the PE's requirements. 3) Use BAFO Only as Needed: Only use the BAFO method when absolutely necessary, as it can only be applied once during the procurement process. Ensure that all potential improvements are addressed in this single iteration. 4) Procurement Process Using the Best and Final Offer Method: <ol style="list-style-type: none"> a) Evaluate: Review initial proposals to identify deficiencies or cost concerns. Decide if the BAFO method is needed and document all justification. b) Notify Shortlisted Bidders: Inform shortlisted bidders of the BAFO process, clearly outlining the areas for improvement. Request revised proposals with a firm deadline. c) BAFO Bid Evaluation: Collect the best and final offers and conduct a final evaluation. d) Select and Finalise: Choose the best offer, document the decision, finalise the contract, and close the BAFO process. 5) Despite conducting a BAFO process, if the proposals still not meet the PE's criteria, to ensure no further delays to procurement timelines, PE's can take the following actions: <ol style="list-style-type: none"> a) Reassess procurement requirements; b) Cancel the bid and re-initiate with further clarification on requirements; c) Identify another method of procurement that fits the criteria while staying compliant; and / or d) Request approval from authorities to engage in further negotiations.


Box 12. Guidance on Best and Final Offer Method

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	Guidance on Unsolicited Bid Method (PP Reg. 24)
	<ol style="list-style-type: none"> 1) The unsolicited bid procurement method is used when a contractor or supplier submits a proposal to a PE without being invited or prompted. This method is applicable when the proposal offers significant technical or financial innovation or addresses a need that the PE has not previously identified. The unsolicited bid provides a unique solution that was not anticipated or requested by the PE. 2) Procurement Process Using the Unsolicited Bid Method: <ol style="list-style-type: none"> a) <u>Classification of Unsolicited Bid</u>: Utilise the unsolicited bid method when a project concept offers significant technical or financial innovation not identified by the PE. b) <u>Key Considerations When Using Unsolicited Bid Method</u>: <ol style="list-style-type: none"> i) <u>Intellectual Property</u>: Ensure clarity on the ownership of intellectual property rights related to the project concept. ii) <u>Mutual Interests</u>: Consider the interests of both the PE and the bidder in the project concept. iii) <u>Cost-Effectiveness</u>: Evaluate the cost-effectiveness of the project through sole-source negotiation. iv) <u>Transparency and Fairness</u>: Ensure the procurement process is transparent and competitive. c) <u>Swiss Challenge System</u>: If applicable, implement a Swiss challenge system, which allows competing bids for a qualifying unsolicited proposal. The original proponent is given the opportunity to match the best offer to secure the contract. d) <u>Ensure Compliance</u>: Throughout the process, ensure that every unsolicited bid is managed within a transparent and competitive framework to maintain fairness. 3) The bidder is responsible for all costs associated with project preparation, including pre-feasibility and feasibility studies, design specifications, and any other related assessments.


Box 13. Guidance on Unsolicited Bid Method

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	Guidance on Reverse Auction Method (PP Reg. 23)
	<ol style="list-style-type: none"> 1) The reverse auction procurement method can be used if the PE obtains approval from the AO. This method is suitable for works, services, or supplies with standard specifications, where bids can be evaluated quantitatively in monetary terms. 2) Reverse auction is often employed as a step before awarding a tender, particularly in cases of tied offers or in framework contracts requiring second-stage competition. If the lowest bidder declines the award, the tender is offered to the next lowest bidder, subject to meeting a reserve price. 3) Procurement Process Using the Reverse Auction Method: <ol style="list-style-type: none"> a) <u>Obtain AO Approval</u>: Request approval from an AO to initiate the reverse auction procurement method. <ol style="list-style-type: none"> i) Conduct reverse auctions for awarding contracts in a framework agreement with second-stage competition. ii) Reverse auction method can be used for works, services, and supplies with standard and comprehensive specifications. b) <u>Market Evaluation</u>: Confirm that there is a competitive market of qualified suppliers or contractors capable of participating in the reverse auction. c) <u>Set Criteria</u>: Determine quantifiable criteria that can be expressed in monetary terms for evaluating submissions. Use the reverse auction as a stage before awarding the tender, especially in cases where there are tied offers. d) <u>Completion of Bidding</u>: Make sure that the bidding process is completed within the time frame specified in the invitation to tender. e) <u>Submit Report</u>: After the auction, submit a report on the procurement process to the PU for a professional opinion. f) <u>Award Tender</u>: Upon receiving the PU's recommendation, submit the report to the AO for the award of the tender. <ol style="list-style-type: none"> iii) <u>Next Lowest Bidder</u>: If the successful bidder declines the offer, the next lowest bidder should be offered the tender, subject to meeting the reserve price.


Box 14. Guidance on Reverse Auction Method

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	Guidance on Request for Proposals with Competitive Negotiations Method (PP Reg. 21)
	<ol style="list-style-type: none"> 1) The Request for Proposal (RFP) with Competitive Negotiations method should be used by PEs to negotiate and secure the best possible contract terms (including pricing, terms, and conditions) through a combination of competitive bidding and negotiation. 2) Procurement Process Using the RFP with Competitive Negotiations Method: <ol style="list-style-type: none"> a) <u>Obtain Approval</u>: Before using the RFP with competitive negotiations method, the PE must first seek approval from the AO. This ensures that the process is justified, and conducting competitive negotiations is deemed the most effective procurement approach. b) <u>Invite Bidders for Negotiations</u>: Once the AO provides approval, relevant bidders are invited to submit their proposals for the competitive negotiations. The selected bidders typically have prior experience or relevant qualifications to meet procurement requirements. c) <u>Engage the Evaluation Committee</u>: The Evaluation Committee plays a central role in this procurement method as they have the following responsibilities: <ol style="list-style-type: none"> i) <u>Negotiation</u>: The Evaluation Committee negotiates with bidders on behalf of the PE to secure favourable terms. ii) <u>Evaluation</u>: The Evaluation Committee evaluates the bids based on the negotiations and any changes submitted during the process. iii) <u>Reporting</u>: After negotiations, the Evaluation Committee prepares a detailed report outlining the outcome of the negotiations. This report is submitted to the AO and forms part of the record. 3) <u>Submission of Best and Final Offer (BAFO)</u>: Upon completion of the negotiations, the AO requests identified bidders to submit their BAFO within seven (7) days. This ensures that the bidder refines their proposal to align with the negotiated terms, offering their most competitive offer without compromising on quality or specifications. This must be submitted within seven (7) days of the request for BAFO being made. 4) It is important to note that any price adjustments that result from the negotiations must not reduce the quality or deviate from the specifications outlined in the original tender. The focus must be on achieving cost-effectiveness while maintaining high standards.


Box 15. Guidance on Request for Proposals with Competitive Negotiations Method

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	Guidance on Expression of Interest Method (PP Reg. 27)
	<p>1) The Expression of Interest (EOI) procurement method is a process used by a PE to gather information from potential suppliers or contractors to pre-qualify them for a specific project or contract. It is typically used for large, complex contracts or when developing a supplier database. The EOI serves as a preliminary step to identify capable bidders who can meet the project's requirements.</p> <p>2) Procurement Process Using the Expression of Interest Method:</p> <ol style="list-style-type: none"> <u>Publish EOI Notice</u>: Announce the EOI in various media, including by notice in the <i>Gazette</i>, in a newspaper of national circulation, electronic media or Government portal, international publication, or professional or trade journal with international circulation. The notice should include: <ol style="list-style-type: none"> Brief outline of the assignment; Requirements; Guidance on what the interested contractor(s) must submit; and Duration of the project. <u>Receive Submissions</u>: Collect submissions from interested contractors or suppliers who respond to the EOI notice. These submissions typically include qualifications, experience, and other relevant information. <u>Evaluate and Shortlist</u>: Review the submissions and evaluate them against the specified criteria. Shortlist the most qualified contractors or suppliers who meet the requirements. <u>Invite Detailed Proposals</u>: Directly invite the shortlisted candidates to submit detailed proposals, including a request for proposal (RFP) and terms of reference (TOR) for the project.

Box 16. Guidance on Expression of Interest Method

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	Guidance on Negotiated Procedure Method (PP Reg. 26)
	<p>1) A negotiated procedure is a procurement method where a PE negotiates directly with one or more suppliers to establish the terms of a contract without publishing an invitation to tender. This method is applied in specific situations as outlined in the list below:</p> <ul style="list-style-type: none"> a) No suitable bids are received through open or restricted procedures; b) The tender process is not suitable or is irrelevant to a contract; c) Contractor is excluded under the grounds for exclusion or does not meet the selection criteria; d) Only a particular contractor can provide the required works or services (e.g., for technical reasons, intellectual property rights, or unique artistic works); or e) Emergencies that prevent adhering to typical competitive processes. <p>2) A negotiated procedure can also be applicable to instances including (i) certain public supply contracts, (ii) additional deliveries by the original supplier, or (iii) purchases from a liquidator in insolvency cases.</p> <p>3) Procurement Process Using the Negotiated Method:</p> <ul style="list-style-type: none"> a) PE's are encouraged to refer to the IGN entitled "Negotiation Methods and Strategies" for further guidance. However, PE's can negotiate many different elements that form part of the bid / proposal and that make up the final contract, such as: <ul style="list-style-type: none"> i) Price and payment terms; ii) Schedule and delivery including delivery timetable and methodology; iii) Environmental, social, health, and safety aspects; iv) Technical aspects such as design, material quality, and innovation; and v) Risk elements such as key areas for risk, which party is responsible for managing risks, and where the impact of a risk that materialise lies. b) Prior to starting the negotiation, PE's are encouraged to follow this six (6) step planning process, which is further outlined in the IGN referenced above: <ul style="list-style-type: none"> i) Set Objectives. ii) Set Negotiation Parameters. iii) Identify Issues and Priorities. iv) Set Targets. v) Calculate the Cost of Concessions. vi) Identify the Best Alternative to a Negotiated Agreement. c) Once the negotiation planning steps have been completed, the outputs should be used to produce a detailed negotiation plan and strategy, which should be shared with all members of the PE's negotiation team. Refer to the IGN referenced above to ensure a proper negotiation team is in place. d) Negotiations should occur in a four (4) phase approach as captured below. Refer to the IGN referenced above for full details on each phase: <ul style="list-style-type: none"> i) Phase I: Opening ii) Phase II: Testing iii) Phase III: Moving iv) Phase IV: Agreeing



Box 17. Guidance on Negotiated Procedure Method

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Section 4.2.8: Deviation from Standard Procurement Method

- 1) Deviations from a procurement process involve departing from the standard procedures, methods, or documentation outlined in the PPR. These deviations may be necessary in exceptional circumstances, such as emergencies, when specific procurement needs cannot be met through traditional methods. Such deviations require thorough justification and formal approval to ensure that they remain transparent, accountable, and provide VfM while addressing the unique needs of the situation.
- 2) A PE must use the Schedule 1, Form J (Application for Deviation from Use of a Procurement Method), to apply to the Authority for permission to deviate from standard procurement methods, processes, rules, or documents (PP Reg. 80.1). The application must outline the proposed procurement approach and provide justification for the deviation. It should also detail how the proposed alternative differs from standard practices, specify whether the deviation applies to a single or multiple procurement requirements, and include any other relevant information required by the Authority (PP Reg. 80.2). 
- 3) PEs can reference the below list of items to include in the justification for deviation to ensure that it is fully outlined in the application:
 - a) Statement of the procurement method, process, rule, or bidding document to be used;
 - b) Justification for deviation, including exceptional requirements, market conditions, or international standards / practices regulating the procurement;
 - c) Justification for the proposed alternative method, including differences from the standard method;
 - d) Statement on whether the deviation is for a single procurement requirement or multiple requirements, and the applicable period; and
 - e) Any additional relevant information required by the Authority.
- 4) The Authority reviews applications within 10 days, and can approve, modify, or reject them, stating the reasons for any rejection. Approval specifics, including duration and applicability, are clearly stated, and renewals can be sought using the same application process (PP Reg. 80.3).
 - a) If approved, confirm whether the approval is for a single procurement requirement or multiple requirements of the same class.
 - b) If needed, prepare and apply for renewal of the deviation in accordance with the initial application process.

Section 4.2.9: Pre-Qualification

- 1) The pre-qualification process is not mandatory for all procurements, however, it should be used in special cases as determined by the PE. PEs can use the below guidance to determine when and how to use the pre-qualification process.

Section 4.2.9.1: When to Use Pre-Qualification

- 1) A PE may choose to use a pre-qualification process under specific conditions as outlined in the list and in the figure below.
 - a) **Complex Needs:** For procurement of highly complex or specialised works, services, or supplies that require intricate designs or methodologies.
 - b) **Large Evaluations:** When facing a high volume of bids that necessitate detailed evaluations, consuming excessive time and resources.

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- c) **Quality and Performance:** Where quality, performance, or reliable support and maintenance services are critical.
- d) **Creating Shortlists:** To establish a list of capable bidders for competitive bidding.

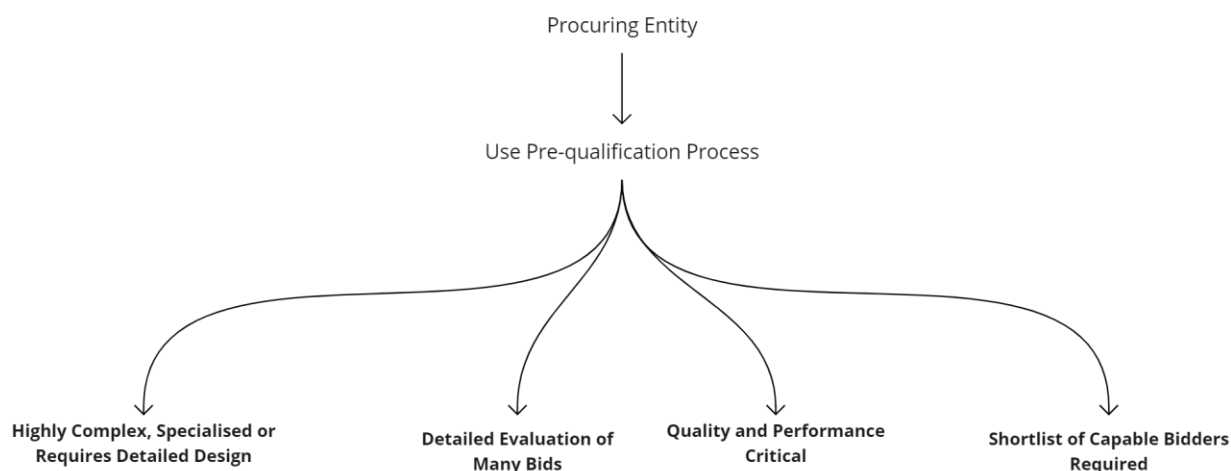


Figure 12. Criteria for Utilising the Pre-Qualification Process

Section 4.2.9.2: Publishing Pre-Qualification Information

- 1) Prior to publishing the pre-qualification documents, it is necessary for an AO to review and approve them.
- 2) Once approved, an AO must publicly announce pre-qualification details through various platforms such as the *Gazette*, national newspapers, electronic media, or government portals. The announcement should include:
 - a) **Procuring Entity Details:** Name and address of the entity.
 - b) **Project Description:** Nature, quantity, and location of the works, services, or supplies.
 - c) **Schedules and Timelines:** Completion dates for works, service provision timelines, or supply delivery schedules.
 - d) **Evaluation Criteria:** Methods and criteria for assessing bidder qualifications.
 - e) **Pre-Qualification Document:** Pricing, currency, payment terms, and how to obtain these documents.
 - f) **Language and Submission:** Available languages for the documents and submission guidelines including place, manner, and deadlines.
 - g) **Additional Information:** Any other relevant details deemed necessary by the AO.

Section 4.2.9.3: Pre-Qualification Bid Assessment

- 1) When a pre-qualification is used for a procurement, the PE must thoroughly evaluate the qualifications of bidders to ensure compliance and that technical requirements can be met.
- 2) The below is a general procedure that can be used to evaluate a bidder's application; however, a more thorough check must be done based on the criteria for each specific procurement.

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Pre-Qualification Procedure



- 1) Verify the completeness of the application form.
- 2) Check for all required supporting documents.
- 3) Review the applicant's portfolio of previous projects.
- 4) Confirm references and feedback from past clients.
- 5) Confirm knowledge of labour laws and compliance:
 - a) Ensure that the applicant has provided documentation of compliance with labour laws.
 - b) Verify any certifications or training in labour law regulations.
 - c) Assess the qualifications and experience of key personnel.
 - d) Inspect the quality and adequacy of equipment listed.
 - e) Evaluate the suitability and capacity of manufacturing or construction facilities.
- 6) Verify financial standing and compliance:
 - a) Analyse recent financial statements for stability and liquidity.
 - b) Check for any significant financial risks or pending litigation.
 - c) Review the applicant's statements on commitment to project timelines and standards.
 - d) Confirm availability for the duration of the project, including applicant's commitment to other projects and expected workloads.
 - e) Check for a clean legal record.
 - f) Verify compliance with all sector-specific regulations and, if applicable, access to relevant machinery.
 - g) Match application details against the specified pre-qualification criteria.
 - h) Score and document each criterion based on the provided evidence.
- 7) Documentation and Approval
 - a) Summarise the overall suitability of the applicant for the tender.
 - b) Recommend whether to proceed with inviting the applicant to bid.
 - c) Compile a detailed evaluation report.
 - d) Obtain necessary approvals from supervising authorities.

Box 18. Pre-Qualification Procedure

Section 4.2.10: Bidding Document Preparation

- 1) Once the appropriate method of procurement is determined, along with the determination of any pre-qualification requirements, the PE will prepare the bidding document. When outlining procurement needs for works, services, or supplies, PEs must use the standardised bidding package that is issued by the PPRA for works, services, or supplies.
- 2) The standardised bidding package is a detailed document, within which PEs must describe requirements and the specifics of what is being procured, such as the type, value, and complexity as instructed. This is a crucial document as it enables the PE to relay key requirements, and its procurement needs to all potential bidders.
- 3) The PPRA-issued standardised bidding package is an extensive package that includes numerous forms and guidelines. It is critical that for each procurement, PEs fully read and complete the standardised bidding package with the specific details that will enable potential contractors to fully understand all

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procurement requirements, as well as any legal and contractual requirements and restrictions. The standardised bidding package can be found on the PPRA's website.

Section 4.2.11: Standardised Bidding Package

- 1) PEs must clearly state their procurement requirements for works, services, or supplies, in writing, using the standardised bidding package and contract issued by the Authority. These requirements should align with the type, value, and complexity of the procurement need, ensuring transparency and precision in the procurement process.
- 2) The standardised bidding document issued by the Authority should include the following components:
 - a) Returnable form;
 - b) General conditions of the contract;
 - c) Specify any special conditions of the contract;
 - d) Integrity agreement as outlined in the Schedule 1, Form F (Integrity Agreement);
 - e) Detailed statement of procurement requirements or scope of work, Terms of Reference (ToR), or bill of quantities;
 - f) Procurement schedule and a price schedule;
 - g) Statement of what qualification documentation bidders need to provide;
 - h) Inclusion of the appropriate contract form or order document;
 - i) Detailed requirements for securities, guarantees, or other security documents, if necessary; and
 - j) Instructions for bidders to indicate any information that they wish to keep confidential from third-party disclosure.



Section 4.2.11.1: Selection of a Standardised Bidding Package

- 1) When conducting a procurement, it is important that PEs select the appropriate bidding package as it facilitates effective contract management by including clear terms and conditions, ensuring compliance with procurement laws and regulations. Tailoring the standardised bidding package to the specific needs of the project addresses unique requirements, leading to better outcomes. Overall, this enhances the efficiency, effectiveness, and transparency of the procurement process, contributing to successful project delivery and optimal use of resources. The IGN entitled "Internationally Accepted Standard Forms of Contracts" has useful guidance on common contract types that are used in public procurement.
- 2) When conducting a procurement, PEs must follow the below guidelines to select the most appropriate standardised bidding package and contract:
 - a) **Assessment of Procurement Requirements**
 - i) **Nature, Value, and Complexity:** Evaluate the specific characteristics and complexities of the procurement requirement to ensure the selected package is suitable.
 - ii) **Equitable Contracting:** Ensure that contract terms are fair and offer equal opportunities to all bidders to foster effective competition.
 - iii) **VfM and Risk Minimisation:** Aim to maximise VfM while minimising potential risks to the PE.
 - iv) **Contract Variation:** Anticipate potential delays or unforeseen circumstances that might require contract variations.
 - v) **Contract Management and Cost Control:** Assess the need for effective management and control of contract costs.



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- vi) **Resource Availability:** Confirm that sufficient resources are available for monitoring and managing the contract.
- b) **Recommendation by POU**
 - i) The POU must recommend the most suitable type of standardised bidding package and contract from those issued by the Authority.
 - ii) The recommendation should be based on a thorough analysis of the procurement requirements and the factors listed above, ensuring alignment with best practices and regulatory standards.
- 3) By adhering to these guidelines, PEs can ensure the selection of the most appropriate standardised bidding package and contract, leading to effective competition, VfM, and successful procurement outcomes.

Section 4.2.11.2: Language and Communication Method of Bids

- 1) For all procurement processes, English should be used as the official language for communications unless specified otherwise by the Authority or detailed in a bidding package or Tender Notice. All documents, notifications, decisions, and other communications must be in written form as required by the PPA. However, PEs have the flexibility to use alternative communication methods, such as electronic means, for various procurement activities including the publication of bid invitations, transmission of bidding documents, bid submissions, contract conclusions, and payment processing (PP Reg. 62.3).

Section 4.2.11.3: Bid Currency

- 1) While compiling the standardised bidding document, PEs must clarify the currency that is acceptable for the bids. As guided by the PPRA, for evaluation and comparison purposes, if different currencies are used for tender prices, they should be converted to Botswana Pula using the Bank of Botswana's exchange rate on the tender closing date and time as specified in clause 2.26 of the Tender Data section of the standardised bidding document.

Section 4.2.11.4: Tender Notice and Invitation to Tender

- 1) The first section of the standardised bidding package provides essential, high-level information crucial for the bidders. PEs must ensure that the information presented here is complete and accurate, as it offers potential bidders a clear understanding of the bidding qualifications.
- 2) The Tender Notice and Invitation to Tender includes details such as the category of procurement (works, services, or supplies), the method of procurement, registration requirements, and specific instructions for bid submissions, including submission deadlines and locations.
- 3) Providing detailed and clear information in the Tender Notice and Invitation for Tender is essential to facilitating a transparent and efficient bidding process, helping bidders know exactly what is expected and how to comply. PEs can use the below list to ensure that the minimum information requirements are included.
 - a) Include preparation and submission instructions for a bid;
 - b) Specify the date, time, and address for receipt of bids;
 - c) Detail the place and time for bid opening;
 - d) Mention any non-refundable costs associated with submitting bid documents;
 - e) Indicate if a pre-bid meeting or site visit is necessary;

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- f) Describe any applicable reservation schemes;
- g) List registration requirements;
- h) Provide a designated contact person; and
- i) Include any other relevant information necessary for bidders.

Section 4.2.11.5: *Tender Data*

- 1) The next section of the standardised bidding package, Tender Data, delves deeper into the specifics of the tender. It includes detailed information on the evaluation methods and the criteria used for awarding the tender. It is crucial for the PE to have predetermined evaluation criteria for each stage of the evaluation process. This section must clearly outline these requirements and criteria to ensure that they are fully understood by bidders. By providing this detailed guidance, the PE helps bidders prepare their submissions in alignment with the expectations and standards set forth for the tender, ensuring a clear and structured evaluation process. The evaluation process will include three stages, as listed below. The guidance on performing these evaluations will be addressed in a later section of the PPM.
 - a) Stage I: Preliminary Examination / Compliance;
 - b) Stage II: Technical Evaluation; and
 - c) Stage III: Cost Evaluation.

Section 4.2.12: *Standardised Conditions for Tender*

- 1) It is the responsibility of the PE to ensure the inclusion of all relevant standard clauses (such as assurance, warranty, bond, and insurance) and penalty clauses in the bidding package. All items in the Tender Data must be inclusive of the standard conditions of the tender.
- 2) The PE must apply penalties for contractor non-performance, adhere to good practice provisions, hold parties liable for negligent conduct, and avoid exposing the government to unnecessary commercial risk and liability. The standardised bidding package should already cover these areas; however, the PE must do their due diligence to ensure inclusion of this content. Best practices to ensure inclusion include:
 - a) Ensure the bidding package contains all relevant standard clauses, including those related to assurance, warranty, bond, and insurance;
 - b) Include relevant penalty clauses for non-performance by a contractor in the bidding package;
 - c) Apply these penalty clauses as necessary;
 - d) Do not waive provisions that relate to good practice;
 - e) Ensure that no party is exempt from liability for negligent conduct; and
 - f) Avoid exposing the government to unnecessary commercial risk and liability.

Section 4.2.13: *Method of Bid Submission*

- 1) Within the tender document, it is critical to specify the method of bid submission. The recommended method of bid submission for work, service and supplies are defined by the PPRA within each standardised bidding package. The PPR provides for the following:
 - a) **Single Envelope / Package Submission:** The bidder must place both the financial and technical offers together in one sealed envelope or package.
 - b) **Dual Envelope / Package Submission:** The technical offer should be placed in one sealed envelope or package marked “technical offer,” while the financial offer should be in a separate sealed envelope or package marked “financial offer.”

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- c) Any other submission method as may be determined by the Authority.
- 2) As specified in the bid submission requirements, bidders are required to submit one original copy of the bid document for the evaluation committee and two duplicate copies—one for the POU and one to be photocopied for use by an evaluator. This ensures that all relevant parties have access to the necessary documentation for a thorough evaluation process.
- 3) Additionally, each envelope or package must be clearly labelled with specific details:
 - a) Procurement reference number and a brief description of the tender;
 - b) Bidder's name, telephone number, and postal address;
 - c) Indication of whether the contents include technical or financial information;
 - d) One (1) original tender document marked "ORIGINAL;" and
 - e) Two (2) copies of the tender document, each marked "COPY."
- 4) Each bid must be securely bound and sealed in such a way that the envelope or package cannot be easily opened and resealed. PEs are responsible for determining the method and requiring all suppliers to use the same method, ensuring that it meets the security requirements specified in the bidding documents.
- 5) During the bid opening, any envelope or package that is not sealed as required or any envelope or package that has been tampered with must be rejected by the PE to ensure the integrity of the bid process (PP Reg. 49.4).

Section 4.2.14: Cost and Validity of Bidding Document

- 1) Along with the bidding package, PEs need to also clarify the validity and cost of a bidding document.
- 2) **Tender Validity (PP Reg. 46)**
- 3) Within the Tender Data section of the standardised bidding package, the PE must clearly state the tender validity period.
 - a) Ensure the bid validity period is long enough to cover evaluation, post-qualification, negotiation, adjudication, award, bidder challenges, and contract preparation.
 - b) If more time is required to complete the procurement process, before the bid validity expires, the PE must seek written approval from the AO to request a bid validity extension. The AO will consider factors such as the time elapsed, procurement nature, public interest, procurement stage, and potential bidder prejudice before approving an extension for the minimum period required to complete the process.
 - c) A bidder can also extend the validity of the bid before a decision is made by the PE. However, the bidder cannot change the bid price or details during the extension. If a bidder refuses to extend or revalidate the bid upon the PE's request, their bid is disqualified from further evaluation, without forfeiting bid security.
- 4) **Tender Cost**
- 5) The Minister must announce the cost of bidding documents through a notice, which can be published in the *Gazette*, a widely read newspaper, on electronic media, or on the government portal, making sure it is accessible to anyone interested in placing a bid.

Section 4.2.15: Pre-Bid Meetings and Site Visits

- 1) There are two potential meetings that can take place during the tendering process:

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- a) **Pre-Bid Meeting:** Allows the bidders an opportunity to clarify requirements.
 - b) **Site Visit:** Allows the bidders access to a project site.
- 2) Regarding these meetings:
- a) It is important to provide bidders with sufficient notice within the tender floating period and extend this period if necessary to ensure full participation.
 - b) Sessions should be long enough to allow bidders to acquire all the essential information they require and any requests for additional time should be considered carefully and communicated to all participants.
 - c) It is essential to meticulously record accurate minutes of these meetings and site visits and distribute them to all bidders who have received a bidding document to ensure transparency and equitable access to information.
 - d) The PE must manage these activities effectively and efficiently, promoting a well-informed and competitive bidding environment.
- 3) The Tender Notice within the standardised bidding package must detail if either of these meetings are compulsory or optional, including the details of the meeting site (which may be virtual, digital, electronic, or in person), date, and time.

Section 4.2.16: **Announcement of Bidding Document Cost**

- 1) The Minister is responsible for ensuring that the cost of bidding documents is transparently communicated to all potential bidders. To achieve this, a detailed schedule of the costs will be published across multiple platforms, including the *Gazette*, a newspaper with national circulation to reach a broad audience, various electronic media platforms for easy online access, and the relevant government portal for official digital communication. This comprehensive approach ensures that prospective bidders are well informed about the financial requirements of participating in the bidding process, promoting fairness and openness in procurement activities.

Section 4.2.17: **Reservation and Preferential Treatment**

- 1) To achieve its economic and social objectives, the government can put in place preferential procurement systems and reservation programs that focus on citizen contractors and citizens. The PPA provides that citizens or citizen contractors may be eligible for reservations or a preferential procurement scheme. An eligible citizen contractor is an entity that is wholly owned or controlled by citizens.
 - a) These schemes are designed to be consistent with the government's broader commitment to a stable, market-oriented macroeconomic environment, and its international obligations.
 - b) The Minister has the authority to prescribe specific procurement reservation and preference schemes including clear evaluation criteria within the standardised bidding packages and communicating them through various channels, including the *Gazette*, newspapers of national circulation, electronic media, and government portals.
 - c) It is the responsibility of the AO to ensure that all bids are prepared and evaluated in compliance with the statutory provisions concerning the reservation and preference schemes.
 - d) A bid document that does not explicitly incorporate the prescribed reservation or preference schemes, where applicable, will be considered invalid.

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- 1) A citizen or citizen contractor is entitled to ***only one reservation or preference scheme per procurement process*** (PP Reg. 91). When evaluating bids that involve these schemes, the evaluation should ***apply the highest benefit available to the bidder*** to ensure they do not receive multiple benefits simultaneously.

Box 19. Reservation and Preferential Treatment Key Insight

- 2) The table below provides an overview of reservation and preference schemes.

Subject	Reservation Scheme	Preference Scheme
Objective	To develop businesses owned by citizens or local contractors by reserving procurement opportunities exclusively for them.	To develop businesses owned by citizens or local contractors by providing a competitive advantage during the bidding process, often through price adjustments.
Eligibility and Application	Eligibility for participation is stated in tender documents and pre-qualification notices. Procurements are specifically reserved for eligible contractors.	Eligibility criteria include ownership, location, source of labour or materials, extent of subcontracting with citizens, etc., and are stated in bidding packages. Preferences are given by applying a margin during the financial bid evaluation.
Publication of Details	The Authority, in consultation with the Economic Empowerment Office, publishes estimated costs for reserved procurements in official communications like the <i>Gazette</i> or government portals.	Details about the margin of preference, including its percentage and application method, are provided in tender documents.
Reporting Requirements	An AO may report on the unavailability of locally manufactured goods, services, or supplies needed for the procurement.	Not directly applicable, but the scheme's impact may be reviewed and adjusted by the Minister in consultation with relevant authorities.
Development Focus	Generally, focuses on reserving entire procurements to enhance the capacity of local businesses.	Focuses on giving local products or services a pricing edge over competitors to boost their chances of winning bids, often aimed at developing specific industries like manufacturing.

Table 14. Reservation and Preference Scheme Details

- 3) The subsections below describe reservation and preference schemes in greater detail.

Section 4.2.17.1: Reservation Scheme

- 1) A reservation scheme is designed to aid the growth of enterprises operated by citizens, citizen contractors, or local contractors by allocating procurement opportunities exclusively to them. To support the development of local businesses and comply with specific agreements that require subcontracting to local entities, a PE may restrict participation in certain procurement processes to specific categories of contractors.

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- a) This limitation should be clearly indicated in either the tender document, the pre-qualification notice, or both.
- b) It is the responsibility of the Authority to also work together with the Economic Empowerment Office and the procuring entity to announce reservation schemes, through the *Gazette*, national newspapers, electronic media, or government portals, the estimated costs for procurements that are reserved for citizens or local contractors.
- c) PEs and their AOs are required by the PPA to comply with reservations when preparing bidding packages and when evaluating a bid proposal.

2) The table below lists the categories of reservation schemes envisioned in the PPA.

Reservation Category
A procurement activity offered by 100% citizen-owned micro-, small-, or medium-sized enterprise
Goods manufactured locally by a citizen contractor
Services provided by a citizen or citizen contractor
A citizen contractor located in a specific locality, district, or region relevant to the PE
A targeted business sector
A procurement activity intended to promote innovation, local technology, and the commercialisation of the procurement activity
The creation of jobs, capacity building, and skills transfer

Table 15. Procurement Reservation Schemes

Section 4.2.17.2: Preference Scheme

- 1) A preference scheme also aims to develop businesses owned by citizens, citizen contractors, or local contractors by giving those businesses a competitive advantage in deducting a margin from an evaluated price of an eligible bidder.
 - a) A citizen or citizen contractor is allowed to receive only one reservation or preference scheme per procurement process (PP Reg. 91.1).
 - b) During bid evaluation, the scheme that offers the highest benefit to the bidder should be applied, ensuring that the bidder does not receive multiple benefits simultaneously (PP Reg. 91.2).
- 2) The category and ownership of a particular bidder will dictate the level of preference the bid package receives. The table below lists preference by type of bidder, with 1 being most preferred and 4 being least relatively preferred.

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Level	Type of Bidder
1	Joint venture between citizen contractors
2	Sole citizen contractor
3	Joint venture between citizen and local contractors, with majority shares held by citizen contractors
4	Association arrangement between citizen subcontractors and local contractors

Table 16. Bidder Preference Levels



If a reservation or preference scheme applies to a procurement activity, the AO is required to bring that reservation or scheme to the attention of potential bidders. The officer complies with this regulation by publishing a notice in the *Gazette*, in a newspaper of national circulation, or in the eProcurement online platform.

Box 20. Reservation and Preference Scheme Key Insight

Section 4.2.17.3: Monitoring and Evaluating Scheme Implementation

- 1) To ensure that the reservation and preference scheme implementation is compliant, the Authority will require PEs to submit reports detailing how these schemes are being applied.

Section 4.2.18: External Obligations

- 1) Agreements and treaties that Botswana has signed can affect public procurement, particularly reservation and preference schemes. The provisions in these treaties and agreements that demand specific actions from Botswana are considered external obligations.
- 2) External obligations may promote citizens or contractors, or foreign entities. In either instance, procurement activities must abide by these external obligations (PPA S.140).
- 3) In instances where an external commitment benefits a foreign entity (PPA S.141):
 - a) Contractors registered in Botswana must still handle procurement.
 - b) Insurance must be obtained from companies registered in Botswana.
 - c) Supplies must be transported by Botswanan carriers.

Section 4.2.19: Derogation from External Obligations

- 1) A PE may apply to the PPRA to obtain a derogation from an external obligation. Essentially, a derogation serves as an exemption from the application (PPA S.142). The PE must submit to the Authority for approval the justification and supporting documentation of any such derogation.

Section 4.2.20: Fostering Innovation

- 1) Encouraging innovation in the field of procurement is of paramount importance, as it has far-reaching positive implications including:
 - a) It acts as a catalyst for economic growth, facilitating sustainable practices, job opportunities, and enhancing global competitiveness; and
 - b) It promotes the development of local industries and serves as a catalyst for investment in research and development endeavours.

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- 2) In accordance with the guidelines issued by the Authority, the PE is tasked with fostering innovation and promoting the procurement of local technology during procurement activities. This is specifically targeted at procuring innovative products that serve the public interest.
- 3) Contractors can demonstrate the innovation of a product by providing the PE with the following clarity:
 - a) **Proof of Concept:** There must be evidence supporting the concept and supply of the innovative product; and
 - b) **Development Support:** The procurement should also aim to develop a support system for the innovative product.
- 4) If an innovative product, previously designated under these guidelines, fails to continue meeting the standards set by an AO, its designation may be revoked by the Authority. This ensures that only products that maintain high standards of innovation and usefulness remain recognised.

Section 4.3: Bid Opening

Section 4.3.1: Receipt of Bid and Bid Opening

- 1) It is important to maintain transparency during the receipt and opening of bids to help maintain fairness and accountability in the procurement process. It is the PEs responsibility to ensure that best practices are enforced:
 - a) It is important to ensure that the closing date for bids falls on a working day; and
 - b) If a closing date happens to fall on a Saturday, Sunday, or public holiday, bids should be submitted on the next working day at the original time indicated in the Tender Notice.
 - c) It is important to clearly define the location and process for bid submission, when a physical submission is required.
 - d) To ensure bidders, who have arrived before the bid submission deadline, are not impacted by delays caused by administrative procedures, the PE must ensure there is a method of acknowledgement (stamp, tickets, etc.) in place that allows those bidders to submit their bids. All other bidders who arrive at the location after the bid submission deadline must be immediately rejected entry by appropriate facilitators.

Section 4.3.2: Handling Late Submissions

- 1) Bid documents received after the closing date and time are **not acceptable** and the PE should take the right measures to ensure these bids are immediately returned to the bidder, unopened. The action of returning the bids should take place on the date and at the time of bid opening if for any reason bids are received after the deadline. These should be clearly marked as “Late bid document” and include the date and time the bid was received (PP Reg. Section 50.3). However, it is best practice to avoid accepting late bids, and avoid holding on to late bids until the bid opening, to minimise any future conflicts.
- 2) The return of bids is also applicable to envelopes and packages that are not sealed per the guidance provided in the tender (PP Reg. 49.4). Any bid that is submitted unsealed or tampered with must be immediately rejected and handed back to the bidder.

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Section 4.3.3: Extending Submission Deadlines

- 1) A PE may extend a bid submission deadline if there is a valid reason, for which justifiable evidence must be presented to an AO, who has the authority to accept or reject the extension.
- 2) A bid submission deadline can also be extended if there is enough time to publish an amendment notice before the original closing time.

Section 4.3.4: Bid Opening Procedure

- 1) The bid opening procedure is crucial for ensuring transparency, fairness, and accountability in the procurement process. It allows bidders and the public to witness the opening of bids, fostering trust and reducing the risk of tampering. This procedure ensures all bids are treated equally, providing bidders with assurance that their submissions are correctly received and evaluated, while also ensuring compliance with procurement regulations.
- 2) The table below contains two recommended procedures for opening bids per PP Reg. 50.

Opening Type	Description	Requirements
Public Opening	Bids are opened publicly, and the event can be attended by bidders, either physically or virtually. Live streaming of the event is an option as determined by the PE.	Open to bidder representatives; option for live streaming.
Private Opening	Bids are opened privately, away from public or bidder attendance. PP Reg. 50.6 provides for attendance by a representative from interested bidders and the general public.	Minimum of three staff members, including one from the POU.

Table 17. Recommended Procedures for Opening Bids

- 3) Regardless of the bid opening procedure selected, representatives of bidders and the general public are allowed to attend all bid openings if they are interested (PP Reg. 50.6).

Section 4.3.5: Bid Opening Record

- 1) The PE is responsible for maintaining accurate records of each bid opening. To facilitate the recording of the bid opening process, PEs are required to use the Record of Bid Opening forms, issued by the PPRA, as relevant to the bid submission method used for the procurement.
- 2) The PPRA has issued three templates, listed below, that can be used by the bid opening panel, based on the bid submission method used, to guide the bid opening procedure.
 - a) Openings of single-envelope bids – Schedule 1, Form G (Record of Bid Opening – Single Envelope or Package).
 - b) Openings of technical offers in dual-envelope submissions – Schedule 1, Form H (Record of Technical Proposal Opening – Dual Envelope or Package).
 - c) Openings of financial offers in dual-envelope submissions – Schedule 1, Form I (Record of Financial Opening – Dual Envelope or Package).



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- 3) The PE, along with the bid opening panel, will use the designated form to guide their bid receipt and bid opening procedure.
- 4) It is important that all bids that have been received within the closing date are captured in these forms, listing out key information such as bid number, name of bidder, and the number of copies of the original and the copy documents requested as per the bid submission method.
- 5) Once all bids are opened and recorded in the appropriate Record of Bid Opening form, the form must be signed by all members present during the bid opening procedure to certify that all bids were received prior to the closing date and that all the received bids were opened in the presence of a panel.



During the time of contract awarding, it is important that the record of bid opening is available.

Box 21. Bid Opening Key Insight

Section 4.3.6: Withdrawal of Bids

- 1) Suppliers must be informed, through the bidding document, that bidders have the option to withdraw, modify, or replace their bid at any time before the bid closing date (PP Reg. 51.1).
 - a) Any of these actions requires the approval of the AO.
 - b) To undertake any of these actions, a bidder must provide written notice and submit it in the same manner as the original bid submission.
 - c) The documents for these changes should be clearly marked on the envelope or package as "WITHDRAWAL," "MODIFICATION," or "REPLACEMENT," depending on the action being taken.
 - d) If a supplier is resubmitting a bid, the outer envelope or package must be clearly labelled as "REPLACEMENT BID" or "SUPPLEMENTARY BID."
- 2) All withdrawals, modifications, or replacements must be opened, read, and recorded at the bid opening, following the specific guidelines issued by the Authority.

Section 4.4: Bid Evaluation

Section 4.4.1: Evaluation Committee

- 1) Per the PPA, an Evaluation Committee is an ad-hoc Committee set up by the AO to review and evaluate proposals submitted in response to an invitation to bid. Establishing an Evaluation Committee is essential to guarantee an unbiased, transparent, and informed assessment of bids. It allows for a structured approach to help maximise VfM and maintain the integrity of the procurement process. P
- 2) The Evaluation Committee is formed under the guidance of an AO and must include:
 - a) At least three (3) members.
 - b) These members can be external experts if their expertise is required (see the Outsourcing Evaluation Committee section below).
 - c) The Evaluation Committee may also include members from a UD or those involved in preparing the bidding documents if this is advantageous given the procurement's complexity and type.
 - d) The size and expertise of the Evaluation Committee are determined by the procurement's value and complexity.
- 3) The Evaluation Committee is expected to be made up of the following roles at the minimum:

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- a) The **Chairperson** of the Committee is appointed from among the members by the AO;
- b) The **Vice Chairperson** is elected by the Committee members; and
- c) A **Secretary**, who is not a member of the committee, is appointed from the PU The Secretary's role includes providing technical compliance guidance, liaising with the Chairperson, maintaining records and minutes of meetings, ensuring the security of records, facilitating communication with bidders, and providing logistical support to the committee.

Section 4.4.1.1: Outsourcing of the Evaluation Committee

- 1) The work of an Evaluation Committee can also be outsourced. Outsourcing the evaluation of bids can be a practical solution when there is a lack of internal expertise or the need for an impartial assessment. However, it is crucial to ensure that the process is transparent, ethical, and in compliance with relevant regulations.
- 2) When outsourcing Committee member(s), ensure that they have relevant expertise in the subject matter of the procurement, including technical, financial, and legal knowledge. Outsourcing of the Evaluation Committee can take two forms:
 - a) Outsourcing of the entire evaluation process to a reputed firm; or
 - b) Outsourcing of a component of the membership of the Evaluation Committee to a highly skilled individual that can serve as an expert in one of the following areas:
 - i) **Technical:** Professionals with deep knowledge of the works, services, and supplies being procured to evaluate the technical aspects of the bids.
 - ii) **Financial:** Experts who can assess the financial stability of bidders, the cost-effectiveness of their proposals, and overall financial risks.
 - iii) **Legal:** Individuals who understand procurement laws and regulations to ensure the process adheres to all legal requirements.
 - iv) **Procurement Specialists:** These members should be experienced in public procurement processes, evaluation criteria, and methodologies.
 - v) **Ethics Officer:** To oversee the process and ensure that ethical standards are maintained throughout the evaluation.
- 3) Other factors to consider when outsourcing member(s) of the Evaluation Committee include:
 - a) **Reputation and Experience:** Choose an established and reputable firm or individuals with proven experience in evaluating bids for similar projects.
 - b) **Independence:** The outsourced members should not have any prior relationships with bidders or potential conflicts of interest.
- 4) When outsourcing any part of the Evaluation Committee, special care must be given to ethical issues. The following should be considered.
 - a) **Conflict of Interest:** Outsourced Committee members must declare any potential conflicts of interest. They should not have any financial or personal ties with the bidders. If a conflict arises, the member should be removed from the Committee.
 - b) **Confidentiality:** Ensure that all Committee members sign a confidentiality agreement to protect sensitive information about the bids and the evaluation process.
 - c) **Transparency:** The selection of the outsourced Committee should be done through a transparent process, possibly with competitive bidding to avoid favoritism.
 - d) **Accountability:** Establish clear accountability mechanisms, including detailed reporting and documentation of the evaluation process. The outsourced Committee should answer to the PE.


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- e) **Fairness:** Ensure that all bids are evaluated based on the same criteria and that no bidder is given undue advantage. The process should be free from bias, and all decisions should be justifiable and well-documented.

Section 4.4.1.2: Evaluation Committee Formation Procedure

- 1) It is pertinent that the Evaluation Committee is well informed of the evaluation criteria so they can conduct a fair and unbiased evaluation of the bids submitted during the Invitation to Tender. To ensure this, all members of the Evaluation Committee must be provided the following documents prior to the evaluation to ensure a wholesome understanding of the scope:
 - a) **Tender Aims and Objectives:** Clearly define the purpose and goals of the tender.
 - b) **Specifications and Instructions:** Provide detailed specifications, the Bill of Materials (BOM), TOR, and Statement of Work (SOW).
 - c) **Evaluation Methodology:** Outline how points will be assessed and awarded based on evaluation criteria.
 - d) **Confidentiality and Conflict of Interest:** Include instructions on maintaining confidentiality and declaring any conflicts of interest.
- 2) The procedure for Evaluation Committee formation is included in the box below.

Evaluation Committee Formation Procedure



- 1) Ensure that members of the PU are not members of the Evaluation Committee. In smaller organisations, if necessary, allow the representative of the PE to become a Committee member.
- 2) Select ad-hoc members / experts to ensure a random or revolving membership.
- 3) Include a rotating membership from other Departments within the organisation.
- 4) Ensure that the Committee has at least 3 members with the required technical expertise suitable for evaluating specific tenders.
- 5) Select members based on their expertise; use the below areas of expertise and relevant skills as a guideline:
 - a) Technical areas
 - b) Procurement
 - c) Contracting
 - d) Accounting
 - e) Financial Management
 - f) Analytical Skills
 - g) Law
- 6) Include subject matter experts in the Committee if needed.
- 7) Maintain an odd number of Committee members.
- 8) Ensure members have skills in any of the following areas:
 - a) Relevant technical expertise and knowledge;
 - b) End user representation;
 - c) Procurement and contracting skills;
 - d) Financial management or analysis skills; or
 - e) Legal expertise (when possible).

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- 9) Ensure that Evaluation Committee members are not involved the approval of contract awards.
- 10) An employee of a PE who took part in the preparation of a bidding document may participate in the evaluation of a bid where the employee's expertise is required.
- 11) The PE will recommend members for the Evaluation Committee to the AO.
- 12) The AO will either approve all nominations or elect alternative members, if necessary.
- 13) The AO will sign the approved Evaluation Committee membership list.

Box 22. Evaluation Committee Formation Procedure

Section 4.4.2: Preliminary and Compliance Evaluation

- 1) The preliminary and compliance evaluation of bids is a crucial step in the procurement bid evaluation process. It ensures that all submitted bids meet the basic eligibility criteria and adhere to mandatory requirements, thereby safeguarding the integrity and fairness of the procurement.
- 2) By identifying and eliminating incomplete, invalid, or substantially non-responsive bids early on, the preliminary evaluation step helps to streamline the subsequent stages of the procurement process, ensuring that only qualified and compliant bids are considered for further evaluation. This not only enhances the efficiency of the procurement process but also ensures that the final selection is based on merit and adherence to specified criteria.
- 3) PEs should use the below procedure to conduct a preliminary and compliance evaluation of all submitted bids.

Procedure for Preliminary and Compliance Evaluation of Bids



- 1) Verify that the bidder falls within the classification of bidders eligible to bid.
- 2) Confirm that the items to be supplied by the bidder are from countries eligible to participate in the bid.
- 3) Verify that the bid form and any other required forms have been signed.
- 4) Ensure that the bidder's business is registered.
- 5) Verify that the bidder's taxes have been paid.
- 6) Confirm that the appropriate bid security is furnished (if required) and in conformity with the bidding document requirements.
- 7) Ensure that all items have been quoted, especially when the procurement is in the form of packages, categories, or lots.
- 8) If the bid is missing required documents or information, allow bidders five (5) days to submit all missing documents and information.

Box 23. Procedure for Preliminary and Compliance Evaluation of Bids

Section 4.4.3: Technical Evaluation

- 1) Technical evaluations in a procurement process involve assessing bids against predefined technical criteria to determine their responsiveness and suitability for the project. This evaluation focuses on verifying that the proposed solutions meet the required specifications, standards, and performance expectations outlined in the bidding documents.

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- 2) The goal of the technical evaluation is to ensure that the selected bid not only complies with the formal requirements but also provides the highest quality and most practical solution to meet the project's needs. By conducting thorough technical evaluations, PEs can identify the bids that offer the best value, functionality, and potential for successful implementation.
- 3) Technical evaluation criteria and the scoring format must be clearly outlined within the standardised bidding document. The Evaluation Committee must have access to those criteria prior to conducting the evaluation.
- 4) In addition to the technical scoring and criteria defined in the standardised bidding document, rated criteria may be considered for use in circumstances which may include the following:
 - a) Where price cannot or should not be the sole determining factor for award (e.g., the assessment of the balance between cost and quality is desired to achieve VfM).
 - b) When the scope of the contract is complex (e.g., information and communication technology (ICT), textbooks, custom-designed equipment or plant, or sophisticated infrastructure such as water supply tunnels, elevated railways, or desalination plants);
 - c) To enable the ranking of technical proposals (e.g., for the purpose of comparing and identifying the differences between technical proposals);
 - d) When there is a need to evaluate solutions that exceed the requirements or when alternative or innovative solutions are allowed.
 - e) When certain aspects of proposals are not quantifiable or cannot be expressed in monetary terms;
 - f) When the PE has identified value-add in using rated criteria over a lowest priced proposal evaluation method; and
 - g) For certain non-routine, non-consulting services (e.g., delivery of health care services that are best procured through a procedure like the quality-and cost-based selection procedure typically used for the recruitment of consulting firms).
- 5) For more information on rated criteria see the IGN entitled “Rated Criteria.”
- 6) The box below details the technical evaluation procedure.



Technical Evaluation Procedure

- 1) Clearly state the technical evaluation criteria, their weights, and the minimum qualifying mark in the bidding document.
- 2) Evaluate each bid against the technical requirements specified in the bidding document.
- 3) Determine the responsiveness of each bid to the technical standards defined in the bidding document.
- 4) Confirm that bids conform to specifications, standards, drawings, or ToR without material deviation or reservation.
- 5) Verify that the bidder demonstrates a satisfactory understanding of the assignment through the methodology or design.
- 6) Check for suitable staffing, equipment, machinery capacity, or arrangements for supervision or management of the assignment.

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- 7) Consider any other criteria that is directly related to contract performance and timely delivery of procurement.
- 8) Reject non-responsive bids:
 - a) Exclude any bids with material deviations from further financial evaluation and comparison.
 - b) Allow and correct non-material deviations.
 - c) Permit alternative bids only if specifically indicated in the bidding documents.
 - d) Ensure that alternative bids meet the objectives or performance requirements prescribed in the description of requirements.
 - e) Confirm that alternative bids are substantially within delivery or completion schedules, budget, and other performance parameters.
 - f) Clearly state the benefits of the alternative bid in terms of technical performance, price, operating costs, or other advantages.
 - g) Evaluate alternative bids in the same way as standard bids, focusing on objectives or performance requirements.
 - h) Ensure that the evaluation does not consider any requirements not included in the bidding documents.
- 9) Prepare the Technical Evaluation Report:
 - a) Substantiate the results of the evaluation.
 - b) Describe the strengths and weaknesses of each bid.
 - c) Indicate which bid is recommended to proceed to the cost evaluation.
- 10) Obtain approval of the Technical Evaluation Report by the AO prior to the cost evaluation.

Box 24. Technical Evaluation Procedure

- 7) In contrast to other evaluation stages, it is crucial to ensure that technical requirements are accurately met, and that the technical evaluation process is stringent. The table below captures best practices that can help Evaluation Committees address common areas of concern regard bid evaluation.

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Areas of Concern	Description	Best Practice
Non-Responsive Bids	Bids that do not meet the specified technical requirements.	<ul style="list-style-type: none"> Clearly define and communicate all technical requirements in the bidding documents. Conduct a preliminary check to identify and eliminate non-responsive bids.
Incomplete Documentation	Missing or incomplete information in bid submissions.	<ul style="list-style-type: none"> Provide a detailed checklist of required documents and ensure that bidders acknowledge it. Conduct a thorough review of all submitted documents during the initial evaluation phase.
Material Deviations	Significant deviations from specified standards or specifications.	<ul style="list-style-type: none"> Establish clear criteria for material deviations and communicate these to bidders. Ensure that the evaluation team consistently applies these criteria.
Subjectivity in Evaluation	Inconsistencies due to subjective interpretations of criteria.	<ul style="list-style-type: none"> Use the standardised evaluation and scoring guidelines outlined in the standardised bidding document to clarify any subjective interpretation.
Alternative Bids	Challenges in evaluating bids that meet objectives in different ways.	<ul style="list-style-type: none"> Specify in bidding documents if alternative bids are allowed and how they will be evaluated. Establish clear criteria for assessing alternative solutions.
Technical Complexity	Difficulty in assessing highly technical aspects of bids.	<ul style="list-style-type: none"> Include subject matter experts in the evaluation team. Provide additional training or resources to understand complex technical details.
Compliance with Procedures	Ensuring all steps comply with procedures and regulations.	<ul style="list-style-type: none"> Develop a detailed evaluation plan outlining all steps and procedures. Regularly review and update the plan to ensure compliance with current regulations.
Resource Constraints	Limited availability of skilled evaluators or insufficient time.	<ul style="list-style-type: none"> Plan the evaluation schedule in advance and allocate sufficient resources. Consider using external experts or consultants if internal resources are limited.
Legal and Regulatory Challenges	Potential legal issues from the interpretation of laws.	<ul style="list-style-type: none"> Ensure all evaluation processes are transparent and well-documented. Consult with legal experts to ensure compliance with procurement laws and address potential legal issues proactively.

Table 18. Best Practices for Addressing Common Areas of Concern Regarding Bid Evaluation

Section 4.4.4: Cost Evaluation

- 1) During the evaluation phase, the Evaluation Committee assumes the responsibility for thoroughly assessing bid prices to make sure that they represent a cost-effective and advantageous proposition for the organisation. This includes comparing bid prices to those previously obtained from similar procurements or analysing the breakdown of current costs, which might include base items, freight, and insurance. The Evaluation Committee must consider the circumstances and overall value of the procurement involved. In determining the preferred bidder, the Evaluation Committee considers several pricing-related factors including:

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- a) **Reasonableness of the Bid Price:** Evaluating whether the bid price is reasonable within the context of the market and the specific procurement needs.
- b) **Total Cost of Ownership:** Where applicable, considering the total cost of ownership, which includes purchase price, maintenance, operational costs, and any potential disposal costs.
- c) **Price Adjustment:** Assessing bids based on their compliance with the specified price adjustment formulas and their willingness to accept fixed price conditions without demanding unauthorised price adjustments.

Section 4.4.4.1: Currency

- 1) When a bid is expressed in multiple currencies, the Evaluation Committee must convert all prices into Botswana Pula using the exchange rates provided by the Bank of Botswana at the time of the tender's closing date. This standardisation allows for an equitable comparison of all bids.

Section 4.4.4.2: Rejection Based on Pricing Issues

- 1) Bids may be rejected for material deviations related to pricing terms and conditions. These include:
 - a) Failure to accept price adjustment formulas as detailed in the tender document;
 - b) Refusal to correct arithmetic errors in line with tender document stipulations; and
 - c) Demands for price adjustments in tenders that explicitly request a fixed price.

Section 4.4.5: Clarification of Bids

- 1) The Evaluation Committee may formally request a bidder to clarify specific aspects of a bid that has been submitted. This request must be made, in writing, and the bidder is required to respond, in writing, to the Evaluation Committee. It is crucial for the integrity of the procurement process that any clarifications are documented and handled formally. All interactions between the Evaluation Committee and bidders must be conducted in writing. The Evaluation Committee is strictly prohibited from engaging in any informal communications, meetings, or other contacts with bidders outside of the official communication channels established by the PE. This ensures that all communications are properly documented, and that the procurement process upholds its standards of fairness and impartiality.
- 2) After a clarification has been requested and provided, amending of the substance of a bid, including any changes to the bid price, is not permitted. This ensures that all bidders are treated equally, and that the evaluation is based on the information originally submitted or clarified per the formal request.

Section 4.4.6: Change of Bid Details

- 1) As a rule, changes to a bid, including changes to the price, are not permitted after the closing date for the bid submission. However, the Evaluation Committee is permitted to correct arithmetical errors and minor mistakes or oversights as long as the corrections do not change the substance of the bid. Examples of permitted corrections are captured in the table below.

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Type of Error	Correction Policy	Precedence Rule
Discrepancy between unit price and total price	Total price can be corrected based on unit price.	Unit price prevails.
Discrepancy between amount spelled out in words and figures	Amount can be corrected to match the amount spelled out in words.	Amount spelled out in words prevails.
Application of reservation or preference scheme.	Price can be adjusted to apply to the scheme.	Corrected price is used.

Table 19. Examples of Acceptable Errors and Correction Policy

- 2) It is important for the bidding document to clearly detail the procedures for correcting any arithmetic errors to maintain transparency. All arithmetic corrections must be accurately recorded and considered during the bid evaluation.
- 3) Once corrections are made, the Evaluation Committee must promptly notify the affected bidder(s). If a bidder disagrees with the correction and does not accept it, their bid will be disqualified. This ensures fairness and upholds the integrity of the bid evaluation process.

Section 4.4.7: Evaluation of Bid Packages and Adjudication Procedure

- 1) The Evaluation Committee is responsible for evaluating bid packages based on the tender document, but it must also consider the complexity of a procurement project and the nature of procurement of works, services, or supplies (PP Reg. 59).
- 2) Strict compliance with the established criteria for the selected evaluation method is imperative to uphold transparency and fairness during the bid evaluation process. If there are any considerations to employ an evaluation method that is not specified by the PPA or PPRA, formal approval from the designated Authority is necessary prior to implementation.
- 3) The table below contains various methods for bid evaluation along with the evaluation criteria and award recommendations for each method. PEs are encouraged to use the least cost selection evaluation method for works and supplies; however, PEs can request approval from the AO to justify the need for deviation using the criteria defined in the table below.

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Evaluation Method	Description	Evaluation Criteria	Cost Evaluation	Award Recommendation
Quality- and Cost-Based Selection	Evaluate both the quality and cost of bids using a dual envelope system where technical and financial bids are submitted and reviewed separately.	Technical bids are scored against set criteria and must meet a minimum qualifying mark.	Financial bids of technically qualified bidders are opened publicly and scored inversely proportional to cost.	The bidder with the highest combined technical and financial score is recommended for contract award.
Quality-Based Selection	Focuses primarily on the quality of technical bids to determine the best solution without initially considering the financial bid.	Technical bids are evaluated against a stringent set of criteria to determine the best technical solution.	Cost evaluation is only conducted for the technically superior bid to ensure VfM.	The contract is awarded to the bidder with the best technical bid after cost considerations.
Fixed Budget Selection	Bidders are required to offer their best technical and financial proposals within a predefined budget limit.	Technical bids are evaluated first to determine compliance with the project's requirements within the stated budget.	Financial bids of technically qualified bids are evaluated to ensure that they do not exceed the stated budget.	The highest ranked technical bid within the budget is recommended for contract award.
Least Cost Selection (Works and Supplies)	Identifies the lowest priced bid that meets all technical and commercial requirements.	Bids are assessed for technical compliance and responsiveness to the tender document before evaluating cost.	The cost evaluation focuses on identifying the lowest reasonable price for bids that meet the technical requirements.	The tender is awarded to the bidder with the lowest price that meets all technical specifications.
Least Cost Selection (Services)	Similar to works and supplies, but specifically tailored to service contracts.	Evaluates technical bids against criteria to find the lowest priced bid that meets all service requirements.	After technical evaluation, the financial bids of qualified bidders are considered to determine the lowest-priced compliant service offering.	The contract is awarded to the service provider offering the lowest price with an acceptable service offering.
Qualification Selection	Used for simple and small assignments, focusing on the qualifications and experience of bidders rather than competitive bidding.	Evaluation is based on the qualifications and experience relevant to the assignment, without initial reference to price.	Price negotiations are conducted only after selection of a bidder based on qualifications.	The contract is negotiated with the bidder who has the most suitable qualifications and experience.

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Table 20. Evaluation Methods, Evaluation Criteria, and Award Recommendations

4) Details of each evaluation method are captured in the subsections below.

Section 4.4.7.1: Quality- and Cost-Based Selection

- 1) For the quality- and cost-based selection evaluation method, the standard procedure for bid submission is the dual envelope or package submission method. To effectively apply the quality- and cost-based selection evaluation method, the PE must take the following actions:
 - a) **Preliminary Examination:** The Evaluation Committee initially assesses each bid to determine whether the bid is qualified and responsive.
 - b) **Bid Elimination:** Any bid that is non-responsive or not qualified is eliminated from further consideration.
 - c) **Technical Evaluation:** Bids that pass the preliminary examination undergo a detailed evaluation against the set technical criteria. It is worth noting the strengths and weaknesses of each bidder to further account for those factors as the evaluation proceeds into further stages.
 - d) **Technical Elimination:** Bidders failing to achieve the minimum qualifying score in the technical evaluation are excluded from further evaluation.
 - e) **Technical Evaluation Report:** The Evaluation Committee prepares a technical report covering each bid that reaches this stage. The report will:
 - i) Substantiate the results of the evaluation;
 - ii) Describe the strength and weaknesses of each bid;
 - iii) Indicate which bids are recommended to proceed to cost evaluation; and
 - iv) Be approved by the AO.
 - f) **Notification of Financial Bid Opening:** Bidders who meet the technical requirements are notified, in writing, about the date and time for the opening of their financial bids.
 - g) **Cost Evaluation:** The Evaluation Committee corrects any arithmetic errors, converts bids into a single specified currency, and assesses the reasonableness and completeness of each bid's pricing.
 - h) **Financial Evaluation Report:** The Evaluation Committee prepares a report of all financial bids that were evaluated and indicates which bidder is recommended for award.
- 2) Ultimately, the tender is awarded to the bidder whose bid is both of sufficient quality and reasonable cost, which translates into the highest combined score as set forth by the relative weight of each component in the tender documents.

Section 4.4.7.2: Quality-Based Selection

- 1) For quality-based selection evaluation method, the standard procedure for bid submission is the dual envelope or package submission method. To effectively apply the quality-based selection evaluation method, the PE must take the following actions:
 - a) **Preliminary Examination:** The Evaluation Committee initially assesses each bid to determine whether the bid is qualified and responsive.
 - b) **Bid Elimination:** Any bid that is non-responsive or not qualified is eliminated from further consideration.
 - c) **Technical Evaluation:** Bids that pass the preliminary examination undergo a detailed evaluation against the set technical criteria.
 - d) **Technical Elimination:** Bidders failing to achieve the minimum qualifying score in the technical evaluation are excluded from further evaluation.

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- e) **Technical Evaluation Report:** The Evaluation Committee prepares a technical report covering each bid that reaches this stage. The report will:
 - i) Substantiate the results of the evaluation;
 - ii) Describe the strength and weaknesses of each bid;
 - iii) Indicate which bid is recommended to proceed to cost evaluation; and
 - iv) Be approved by the AO.
 - f) **Cost Evaluation:** The Evaluation Committee will evaluate cost only for the best evaluated technical bid.
 - g) **Financial Bid Negotiation:** The financial bid is negotiated between the bidder and the PE.
 - h) **Financial Evaluation Report:** The Evaluation Committee prepares a report of the financial bid evaluated and indicates whether the bidder is recommended for award.
- 2) Ultimately, the tender is awarded to the bidder whose bid is of the highest technical quality and negotiated at a reasonable cost.

Section 4.4.7.3: Fixed-Budget Selection

- 1) For fixed-budget selection evaluation method, the standard procedure for bid submission is the separate envelope or package submission method. To effectively apply the fixed budget selection evaluation method, the PE must take the following actions:
 - a) **Preliminary Examination:** The Evaluation Committee initially assesses each bid to determine whether the bid is qualified and responsive.
 - b) **Bid Elimination:** Any bid that is non-responsive or not qualified is eliminated from further consideration.
 - c) **Technical Evaluation:** Bids that pass the preliminary examination undergo a detailed evaluation against the set technical criteria.
 - d) **Technical Elimination:** Bidders failing to achieve the minimum qualifying score in the technical evaluation are excluded from further evaluation.
 - e) **Technical Evaluation Report:** The committee prepares a technical report covering each bid that reaches this stage. The report will:
 - a) Substantiate the results of the evaluation;
 - b) Describe the strength and weaknesses of each bid;
 - c) Indicate which bids are recommended to proceed to cost evaluation; and
 - d) Be approved by the AO.
 - f) **Cost Evaluation:** The Evaluation Committee will eliminate any bid that exceeds the budget.
 - g) **Negotiation:** Subject to negotiation, the bidder with the highest ranked technical bid within budget will be awarded the tender.
- 2) Ultimately, the tender is awarded to the bidder whose bid is of the highest technical quality and within budget.

Section 4.4.7.4: Least Cost Selection – Works and Supplies

- 1) As a means of standardisation, the PPRA suggests that the least cost selection evaluation method for works and supplies be used to identify the most economical bid that meets both technical and commercial requirements (per the standardised bidding document).
- 2) For procurements that are categorised as works or supplies, the standard procedure for bid submission, unless specified otherwise in the tender document, is the single envelope or package

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method. To effectively apply the least cost selection evaluation method to bids for works or supplies, the PE must take the following actions:

- a) **Initial Review:** The Evaluation Committee conducts a preliminary examination to verify that bidders meet eligibility criteria and if bids respond adequately to the tender requirements.
 - b) **Bid Elimination:** Bids that fail to meet preliminary qualifications or responsiveness are eliminated from further evaluation.
 - c) **Technical Evaluation:** For bids that pass the initial review, a detailed technical evaluation is conducted to ensure compliance with the specifications or scope of works outlined in the tender document. Bids that fail to meet technical requirements are eliminated from further consideration.
 - d) **Cost Evaluation:** Bids that meet technical standards undergo a cost evaluation to correct any arithmetic errors, convert bid prices into the local currency (if necessary), assess any deviations from technical specifications, evaluate the reasonableness of the bid price, and apply preferential treatment (if applicable).
 - e) **Final Selection:** The Evaluation Committee prepares a comprehensive evaluation report that includes the outcomes of the evaluations, reasons for bid rejections, and recommendations for awarding the tender.
- 3) Ultimately, the tender is awarded to the bidder that is technically compliant and offers the lowest reasonable price.

Section 4.4.7.5: Least Cost Selection – Services

- 1) For procurements that are categorised as services, the standard procedure for bid submission, unless specified otherwise in the tender document, is either a single envelope or package method. To effectively apply the least cost selection evaluation method to bids for services, the PE must take the following actions:
 - a) **Preliminary Examination:** The Evaluation Committee initially assesses each bid to determine whether the bidder qualifies based on the selection criteria and whether the bid responds appropriately to the requirements specified in the bidding document.
 - b) **Bid Elimination:** Any bid that does not meet the initial qualifications or fails to be responsive to the bidding requirements is eliminated from further consideration.
 - c) **Technical Evaluation:** Bids that pass the preliminary examination undergo a detailed evaluation against the set technical criteria.
 - d) **Technical Elimination:** Bidders that fail to achieve the minimum qualifying score in the technical evaluation are excluded from further evaluation.
 - e) **Notification of Financial Bid Opening:** Bidders who meet the technical requirements are notified, in writing, about the date and time for the opening of their financial bids.
 - f) **Public Opening of Financial Bids:** The financial bids are opened in a public session where the names of bidders, their technical scores, and the prices of their bids are read aloud.
 - g) **Cost Evaluation:** The Evaluation Committee corrects any arithmetic errors, converts bids into a single specified currency (if necessary), and assesses the reasonableness and completeness of each bid's pricing.
 - h) **Award Recommendation:** Subject to any negotiations, the bidder that offers the lowest price among those meeting the qualification criteria is recommended for the award.
 - i) **Evaluation Report:** A detailed evaluation report is prepared by the Evaluation Committee; the report must be approved by the AO.

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- 2) Ultimately, the tender is awarded to the bidder that is technically compliant and offers the lowest reasonable price.


Section 4.4.7.6: Qualification Selection

- 1) The qualification selection evaluation method can be used for small assignments where a PE determines that the preparation and evaluation of a competitive bid is not justified. To effectively apply the qualification selection evaluation method, the PE must ensure the following actions are taken:
 - a) **Solicitation of Interest:** The PE shall prepare a ToR and request that bidder(s) supply an expression of interest (EOI), including a description of the bidder's experience and competence.
 - b) **Short List:** The PE compiles a short list of bidders that submitted an EOI.
 - c) **Evaluation of Interest:** The Evaluation Committee prepares a Technical Evaluation Report for each EOI and submits it the AO.
 - d) **AO Approval:** The AO approves the Technical Evaluation Report and the selection of the bidder.
 - e) **Negotiation:** The PE and selected bidder negotiate the terms of a contract for the provision of services.
- 2) Ultimately, the tender is awarded to a bidder based exclusively on the quality of their proposal without reference to price.

Section 4.4.7.7: Evaluation During a Tie Scenario

- 1) The box below captures the procedure that should be followed for further evaluation during a tie scenario.

Procedure for Further Evaluation During a Tie Scenario



- 1) Ensure that all tied bids fully meet the eligibility criteria without any discrepancies.
- 2) Verify that all necessary documents and information are complete and conform to the tender requirements.
- 3) Conduct a more detailed technical review to identify any minor differences in compliance with the specifications or scope of work.
- 4) Assess the potential performance and quality of the proposed solutions, focusing on aspects such as durability, reliability, and compatibility with existing systems.
- 5) Re-check all calculations for any arithmetic errors that may have been initially overlooked.
- 6) Break down the bid prices into individual cost components to identify any hidden or overlooked costs.
- 7) Ensure that the costs are reasonable and justified for the proposed scope of work.
- 8) If applicable, apply any preferential treatment for local content or other criteria specified in the tender documents.
- 9) Review past performance:
 - a) Review the historical performance and reliability of the bidders during the completion of similar projects.

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- b) Check references and feedback from previous clients to gauge bidder reliability and quality of work.
- 10) Conduct a risk assessment:
 - a) Conduct a risk analysis to determine the potential risks associated with each bid and each bidder's ability to manage those risks.
 - b) Evaluate the contingency plans provided by the bidders for handling unforeseen circumstances.
 - c) If necessary, conduct interviews with the bidders to seek clarifications and gain more insight into their proposals.
 - d) Issue formal requests for clarification to the bidders to resolve any ambiguities in their submissions.
 - e) Facilitate discussions within the Evaluation Committee to reach a consensus on the best bid based on all reviewed factors.
 - f) Document the decision-making process and the reasons for selecting the final bid in the evaluation report.
- 11) Give Final Approval
 - a) Submit the comprehensive evaluation report to the Accounting Officer (AO) for final approval.
 - b) Communicate the decision transparently to all stakeholders, including the bidders.
- 12) If negotiations continue to fail despite the above process implementation, the following course of actions should be taken:
 - a) Reassess the evaluation criteria to ensure all aspects were considered correctly and thoroughly.
 - b) Conduct a secondary evaluation in addition to the primary evaluation method to evaluate the quality of works, services, or supplies, delivery schedule, and the supplier's past performance.
 - c) Request approval from Authorities to engage in further negotiations.
 - d) If the tie persists after exhausting all options, the PE may use a reverse auction (PP Reg. 23.3) to determine an award.

Box 25. Procedure for Further Evaluation During a Tie Scenario

Section 4.4.8: Use of Industry Standards in Evaluation and Adjudication

- 1) In the evaluation and adjudication of bids, PEs must strictly adhere to the national standards and the procedures specified in the bidding package, considering external factors only if there is a compelling reason to use an industry standard. An industry standard can be used as an alternative or supplement to the specified evaluation method if justified (PPA S.58).
- 2) If industry standards are being considered, the PE must inform bidders in advance, in writing, about the use of an industry standard, specifying the standard, the criteria and their weights, and the percentage of total points that it will account for. If a conflict arises between an industry standard and any provision of the PPA, it must be reported immediately, in writing, to the Authority, which will determine the applicable standard.

Section 4.4.9: Alterations to Awarded Bids

- 1) A PE may alter the terms of an awarded bid prior to or during implementation. The alteration requires written approval from the AO and must (PPA S.65):
 - a) Be likely to impact the evaluation and adjudication ranking of the awarded bid and the choice of contractor; and

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- b) Amend the nature of the awarded bid in terms of contract cost, implementation schedule, components, aggregation, or splitting.

Section 4.4.10: Changes in Bidder's Circumstances

- 1) If a bidder experiences a change in circumstances that would materially affect the bidder's capacity to deliver required project outputs, the bidder must immediately notify the AO or PE of the change (PPA S.66.1).
- 2) In response to such a change, the AO or PE may take any action as necessary to ensure successful delivery of the required project outputs (PPA S.66.2).

Section 4.4.11: Ad-hoc De-briefing Committee

- 1) For each procurement, an AO is required to establish an Ad-hoc De-briefing Committee to de-brief or provide feedback to bidders. The committee consists of at least three members, including:
 - a) A member from an Evaluation Committee;
 - b) A representative from a POU;
 - c) A representative from a UD; or
 - d) An additional member, who may be a representative from a PU.
- 2) It is recommended that the De-briefing Committee is made up of individuals involved in the procurement.
- 3) The De-briefing Committee is headed by a designee by the AO and informs the decision making of the committee.
- 4) After a bidder has been informed of the bid outcome, the Committee convenes a meeting that is attended by all Committee members and the bidder. The de-briefing must be conducted upon request by a bidder, following publication of the AO's decision. In the case of a dual envelope submission, de-briefing is conducted in two phases: (i) after approval of the technical evaluation and (ii) after a decision by the AO on the financial evaluation. Under a single envelope submission, the de-briefing is conducted after the decision by the AO. During this meeting, the Committee and bidder will discuss the bid. Prior to commencing the meeting, the Committee will designate, by agreement, a secretary. The secretary will be responsible for recording minutes of the Committee's meetings. The minutes will be signed by all meeting attendants and availed to the bidder upon request.
- 5) The de-brief meeting is not intended to address complaints or debate the merits of the award decision. Any complaints must be submitted, in writing, directly to the AO (PP Reg. 58).

Section 4.4.12: Tender Cancellation

- 1) To maintain the integrity and structured nature of procurement processes, a PE is not permitted to cancel a tender without obtaining prior approval from an AO. This measure ensures that all cancellations are considered and justified at the appropriate levels of authority.

Section 4.4.12.1: Tender Cancellation Criteria

- 1) A PE should avoid cancelling a tender. Cancellation should only be considered under specific circumstances, such as:
 - a) Significant change to or cessation of the procurement need;
 - b) Insufficient funding due to unforeseen circumstances;

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- c) Major changes in scope, requirements, or conditions of the tender;
- d) Receipt of non-responsive bids;
- e) Evidence of collusion among bidders or corrupt practices;
- f) Actions that are in the public interest or involve breaches of tender conditions; or
- g) Any other compelling circumstances that necessitate cancellation.

Section 4.4.12.2: Submit Cancellation Request

- 1) Once it is determined that the cancellation of a tender is justified per the Tender Cancellation Criteria section of the PPM, the PE must formally submit a written request to an AO to initiate the process of cancelling a procurement process. The content of this request must include:
 - a) **Reason for Cancellation:** A clear explanation of why the PE wishes to cancel the tender;
 - b) **Status of Procurement Process:** Current progress and stage of the tender that is being considered for cancellation; and
 - c) **Recommendation for New Procurement Process:** If the PE is proposing a new procurement, the PE must provide justification for this recommendation.

Section 4.4.12.3: Public Announcement of Tender Cancellation

- 1) Upon receiving approval from an AO for the cancellation of a tender, the PE is required to publicly announce this cancellation. This announcement should be made through one or more of the below listed platforms to ensure transparency and to inform all stakeholders of the change in status of the procurement process.
 - a) The *Gazette*;
 - b) A newspaper of national circulation;
 - c) Electronic media; and / or
 - d) Government portal.

Section 4.4.12.4: Post-Cancellation Best Practices

- 1) In situations where a tender is cancelled before bid opening, the PE is required to return all bids unopened to the bidders, preserving the confidentiality and integrity of the bidding process.
- 2) If a tender's cancellation is the result of an omission by the PE, the PE must refund any costs incurred by the bidder for purchasing bidding documents. Additionally, the bidder should be allowed to participate in any subsequent re-tendering process at no extra cost, as a gesture of goodwill and to maintain fairness in the procurement process.

Section 4.5: Contracting

- 1) The contracting stage of the procurement process is a critical phase that ensures the successful acquisition of the works, services, and supplies that are necessary for organisational operations. This stage encompasses a series of structured activities, including the negotiation with potential suppliers, the finalisation of contract terms, and implementation of all contracts. The objective is to establish clear, legally binding agreements that outline the expectations, deliverables, and responsibilities of both the PE and the supplier.
- 2) Effective contracting not only secures the best value for the organisation but also mitigates risks and lays the foundation for a successful partnership. This section of the PPM provides comprehensive

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guidance on navigating the contracting phase, ensuring compliance, transparency, and strategic alignment with organisational goals.

Section 4.5.1: Pre-Award Negotiation

- 1) Before awarding a tender, the PE is required to immediately invite the preferred bidder to engage in negotiations. The negotiation is used to clarify and finalise details that are crucial for the successful execution of the contract.
- 2) To ensure that all critical elements are addressed before finalising the agreement, in the invitation for negotiation, the PE must specify all aspects of the bidder's proposal that require further clarification and discussion. Negotiations may cover several key topics, including but not limited to:
 - a) **Scope of Services:** Discussions on comments made by the bidder regarding the scope outlined in the tender, including milestones and delivery dates;
 - b) **Manpower and Human Capital:** Review of the human resources that the bidder intends to allocate to the project;
 - c) **Work Programme:** Consideration of the work plan proposed by the procurement agent or service provider; and
 - d) **Risks:** Evaluation of any risks inherent to the contract that may affect its execution.

Section 4.5.2: Negotiation Best Practices

- 1) When engaging in negotiations with bidders, the PE should consider the best practices outlined in the table below.

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Documenting Negotiation Outcomes	Discussions should not lead to substantial alterations of the original ToR or the fundamental requirements of the contract. However, any final terms agreed upon during negotiations will be incorporated into the contract, specifically within the “Description of Services” section, ensuring that they become an integral part of the contractual obligations.
Replacement of Key Employees Proposed	If there is a need to replace an initially proposed key employee, the newly proposed employee must possess qualifications and experience that are equal to or exceed those of the originally proposed individual. This ensures that the quality and capability of the workforce remain consistent.
Limitations on Financial Negotiations	Financial negotiations are to be confined to aspects such as the contractor’s withholding of tax liabilities or other tax-related issues that may not have been clearly addressed in the bid. This limitation helps focus the negotiations on substantial financial matters that affect contract execution.
Negotiations Leading to Bid Termination	Should negotiations fail to result in an acceptable contract, the PE has the authority to either terminate or cancel the procurement process or negotiations. This should be used as a last resort, and only when acceptable contract terms cannot be established. In cases where the procurement process or negotiations are terminated, the PE must clearly communicate the reasons for this decision to the contractor. Transparency in communicating the reasons for termination is crucial for maintaining the integrity of the procurement process and for the professional handling of all involved parties.

Table 21. Best Practices for Pre-Award Negotiation with Bidders

- 2) PEs are encouraged to refer to the IGN entitled “Negotiation Methods and Strategies” for further guidance on negotiations.



Section 4.5.3: Tender Award Notification

- 1) The standardised bidding documents for works, services, and supplies clearly outline the procedures for awarding a tender, detailing the steps and evaluation criteria involved in the selection process. Below is a timeline that PEs can use to ensure proper implementation of the PPRA tender award guidelines.

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Timeline (Days)	Action	Description
Within 3 Days of Outcome	Communication of Decision	Send a letter to both successful and unsuccessful bidders that indicates the outcome and reason. The letter to the successful bidder should indicate that they are preferred bidder(s), not an intent to contract.
Within 3 Days of Outcome	Publication of an Award Decision	Award decision should be published. Where a certain procurement method does not require publication, follow the relevant process.
10 Days	Initiate Cooling-off Period	PE to observe a cooling-off period of 10 days when contractors may submit a complaint. Where a certain procurement method does not require a cooling-off period, follow the relevant process.
After Cooling-off Period and Resolution of Complaints	Issuance of Acceptance letter	Acceptance letter should be issued only after the cooling-off period and resolution of complaints.
Before Validity Period Expiration (as Specified in Tender Document)	Complete Form of Offer and Acceptance	Notify successful tenderer by completing and returning one copy of the Form of Offer and Acceptance (contained in the PPRA standardised bidding package).
As Requested	De-briefing	PE should provide de-briefings when requested.
As per PPRA Contract Data	Insurance Provided by PE	PE to provide the proposed successful tenderer the policies and / or certificates of insurance.

Table 22. Tender Award General Timeline

Section 4.5.4: Publication of Award Decision

- 1) **Publication Approval Required:** Before award decisions are publicly announced, the announcement communication must be approved by an AO.
- 2) **Announcement:** Within three (3) days of receiving approval from the successful bidder, the tender award decision must be published via the *Gazette*, national newspapers, electronic media, or a government portal (PP Reg. 68.6).

Section 4.5.5: Award Decision Briefing

- 1) **Notification by AO:** The AO must then sign and send notification letters to both successful and unsuccessful bidders, outlining the outcomes and reasons for the award decision.
- 2) **Debriefing for Bidders:** On request, a PE must provide a de-briefing to bidders to explain the decision-making details relevant to their bids.

Section 4.5.6: Preparation of Contract Documents

- 1) When PEs are preparing the contract documents, in addition to the contract, PEs should also ensure that the following additions and revisions are captured (per the standardised bidding document):
 - a) Addenda issued during the tender period;

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- b) Inclusion of some of the Returnable Documents;
- c) Other revisions agreed to by the PE and the successful tenderer; and
- d) Schedule of Deviations attached to the Form of Offer and Acceptance.

Section 4.5.7: Contract Signing

- 1) If a complaint is lodged during the cooling-off period, PEs are encouraged to see the guidelines outlined in the Complaints section of the PPM. However, if no complaints are lodged during this period, or once the lodged complaints have been resolved, the PE can proceed to finalise the contract with the successful bidder per the actions below.
 - a) **Contract Signing:** The PE must prepare and issue the final draft of contract documents to the successful tenderer for acceptance as soon as possible after the date of the execution of the Form of Offer and Acceptance (including the Schedule of Deviations).
 - i) A PE must sign a contract with the awarded bidder within 21 days after the cooling-off period, provided no complaint has been lodged with the AO (PP Reg. 68.3).
 - ii) If a contractor lodges a complaint during the cooling-off period, the AO must resolve the complaint within 14 days of receipt before proceeding with the procurement process (PP Reg. 68.11).
 - iii) Within 20 days after the review proceedings, the AO must create a written decision regarding the complaint, indicating (i) whether the complaint is upheld in whole or in part, or is rejected or dismissed, (ii) the reasons or grounds for the decision, and (iii) any corrective measures that may be taken (PP Reg. 175.1).
 - iv) An AO may constitute an independent review panel from within the PE or another PE to review a complaint and advise on the relevant action within a prescribed period, based on the nature of the complaint (PP Reg. 110).
 - b) **Award Withdrawal:** If the successful bidder fails to sign the contract or provide the required security for performance, the PE may withdraw the award with approval from an AO.
 - c) **Award Finalisation:** After completion and signing of the Form of Offer and Acceptance, the PE must provide copies of the fully signed contract to the awarded bidder. The number of copies to be provided is stated in the PPRA Tender Data.

Section 4.5.8: Contract Types

- 1) The PPRA and PPA maintain a list of contract types that are authorised for use by PEs. In accordance with these guidelines, a PE must utilise the contract document included within the standardised bidding package for works, services, and supplies. Within the standardised bidding package, the PE must ensure that the type of contract being used and the key terms applicable to the procurement are defined.
- 2) Contract documents should include general conditions or a statement on which general conditions apply, special conditions which take precedence over general conditions, and detailed descriptions of the works, services, or supplies being procured. Additionally, the technical requirements, quantities, and delivery or completion schedules that align with the requirements that are stated in the bidding document should be included. Any modifications agreed upon by both the PE and the supplier should also be stated.

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- 3) The contract should define the total contract price and conditions that may affect the price adjustments or modifications. Payment conditions should be specified, including payment periods, schedules, currency, and required documentation.
- 4) The contract should also outline any requirements for securities, dispute resolution procedures, and other critical terms required by the bidding document such as warranties, insurances, subcontracts, inspection and acceptance criteria, handling of delays or non-performance, provisions for force majeure, and conditions under which the contract may be varied, modified, or terminated. Additionally, the contract should contain information regarding government policies on fraud and corruption, including resulting actions such as the suspension of bidders.
- 5) The table below provides details for PPRA-authorized contract types.

Contract Type	Usage Criteria	Payment Terms	Special Provisions
Lump Sum Contracts	Used for works, services, or supplies where content, duration, and output are well defined.	Fixed total price irrespective of actual quantity, time, or work required.	Payments depend on specified outputs like delivery, installation, milestones, acceptance of works / services / supplies, completion of documents, software programs, or training programs.
Time-based or Measured Works Contracts	Time-based for services with undefined scope / duration; measured works for likely variable works.	Payment based on actual quantity delivered / performed using fixed unit price; for services, payment includes agreed upon fee rates and reimbursable items.	Includes a maximum contract amount with contingency for unforeseen work; closely monitored to ensure appropriate progress and payment claims.
Rate Contracts	Used when items are needed on a "call off" basis without predefined quantity / time, or to reduce cost / lead time for frequently purchased items.	Payment for actual quantity delivered / performed during the contract period at a fixed unit price.	May include estimated quantities or values but does not commit to purchase them; specifies arrangements for "call off" basis or purchase orders.
Framework Contracts	Similar to rate contracts, for items needed on a "call off" basis or to reduce procurement costs and lead times, operates over an agreed upon period.	Payment for actual quantity delivered / performed at a fixed unit price during the contract period.	May commit to a minimum quantity / value; specifies arrangements for obtaining specific requirements using purchase orders during the contract period.
Percentage-Based Contracts	Applicable to works and services where fees are a	Defines a total cost from which the percentage fee is calculated.	May include fixed target cost, minimum / maximum fees, sliding

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Contract Type	Usage Criteria	Payment Terms	Special Provisions
	percentage of estimated or actual costs.		scale of fees, or a hybrid of these elements.
Cost Reimbursable and Target Price Contracts	Used for emergency works / services or high-risk works where it is more economical for the PE to bear the price variation risk than contracting it out.	Payment for actual costs of works / services as indicated by receipts and documents, plus a specified fee or profit.	None specified.
Retainer and Success Fee Contracts	Used for preparing the sale / merger of companies, especially in privatisation. Used by procurement agents or service providers.	Includes a retainer fee and a success fee, the latter of which is expressed as a percentage of the sale price.	None specified.
Indefinite Delivery Contract or Price Agreement	Used for “on call” specialised services where the extent and timing are undefined, or to retain advisors for complex projects for 12 months or more.	Payment made on a unit rate basis for time used by advisors, experts, or institutions.	None specified.

Table 23. List of PPRA-Authorised Contract Types

Section 4.5.9: Subcontracting


- 1) Entities involved in procurement are recommended to permit subcontracting in situations where it is practical to execute the process. This approach aids in skills development and enhances the contracting capacity of 100% citizen-owned micro-, small-, and medium-sized enterprises. When a PE decides to permit subcontracting, a public announcement of the decision must be made that specifies that successful bidders are required to meet a minimum subcontracting threshold, which is determined by the Minister. This announcement should be made through official channels such as the *Gazette*, national newspapers, electronic media, or government portals.
- 2) A primary contractor is then required to subcontract a specified percentage of the total contract value to citizen contractors or local contractors. This percentage is set to ensure local businesses benefit from large contracts. The below list describes subcontracting methods:
 - a) **Domestic Subcontracting:** The primary bidder selects a subcontractor to participate in the contract.
 - b) **Nominated Subcontracting:** The PE undertakes a competitive process to select a subcontractor and directs the primary bidder to engage this subcontractor.
 - c) **Selected Subcontracting:** The PE, in consultation with the primary contractor, selects a subcontractor based on the specific requirements of the contract.

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Section 4.5.10: Qualifications and Restrictions of Preference and Reservation Scheme

- 1) To qualify for a reservation or preference scheme, contractors must include certification or proof of eligibility from the appropriate issuing authority in their bidding package.
- 2) To ensure fairness and equity in the procurement process, a citizen or citizen contractor is entitled to benefit from only one reservation or preference scheme at a time during a procurement process. When evaluating bids that involve these schemes, the method used will ensure that each bidder can receive the highest possible benefit from a single scheme, preventing any bidder from gaining multiple advantages simultaneously.
- 3) In addition, security for tender and performance bonds are not required for 100% citizen-owned micro-, small-, and medium-sized enterprises participating in a procurement process with reservation scheme.

Section 4.5.11: Beneficial Owners

- 1) PEs are responsible for verifying beneficial owners and for all contracts subject to the reservation and preference scheme with the relevant authority by completing the PPRA-issued Schedule 1, Form M (Declaration of Beneficial Owners). This declaration must be signed by all contractors tendering for such contracts. A beneficial owner is only permitted to submit one bid in the same tender process to maintain fairness and transparency. 
- 2) According to Schedule 1, Form M (Declaration of Beneficial Owners), a beneficial owner is defined as a natural person who, either directly or indirectly through any contract, arrangement, or relationship, holds significant control or ownership over an entity. This includes someone who:
 - a) For corporations, owns significant shares, has controlling ownership, exercises ultimate control, or is the ultimate beneficiary of securities;
 - b) For trusts or other legal arrangements, acts as a settlor, trustee, or ultimate beneficiary. This person may have the authority to manage or alter the trust, add or remove beneficiaries, appoint or dismiss trustees, or influence decisions regarding the trust's management;
 - c) Is the ultimate beneficiary of life insurance proceeds or similar investment services when a policy event occurs; or
 - d) Conducts transactions on behalf of another person.

Section 4.5.11.1: Changes to Beneficial Owners

- 1) If there is any change in the beneficial ownership, the PE must be notified within two (2) days of the change to ensure ongoing compliance with tender conditions. Additionally, no changes in beneficial ownership are allowed six (6) months before a tender is issued or within 12 months after a contract starts, unless required by law.
- 2) To safeguard the PE from any abuse of beneficial ownership, PEs must ensure all contracts are in place prior to engagement, and the PE must escalate any evidence that may lead to suspicion of such fraud.

Section 4.6: Contract Pricing

- 1) On an annual basis, in accordance with the PPA, the PPRA issues guidance on pricing standards for any procurement, ensuring that pricing approaches are aligned with globally accepted norms. PEs are required to use the PPRA Price Guides to ensure contract pricing is in alignment with pricing approved

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by the PPRA. The latest Price Guides and the instructions on the use of the price guides can be accessed at all times on the PPRA's website and the Integrated Procurement Management System (IPMS). Key aspects of contract pricing include:

- a) When a PE issues a contract for a project that will be completed within 12 months from the start date, the contract should be set at a fixed price, as outlined in the tender document.
 - b) If the project is expected to last longer than 12 months, the contract may include a provision for price adjustments to accommodate changes over time.
 - c) For contracts that exceed 12 months, PP Reg. 107 provides guidance on the process for properly adjusting contract prices.
 - d) Price adjustments are allowed in contracts where the PE finds economic benefit in accepting inflation risks directly. The conditions allowing for price adjustments and the specifics of these adjustments must be detailed in the contract and reflected clearly in the bidding documents.
 - e) Formula for Price Adjustment: A predefined formula should be used to calculate price adjustments. This formula breaks down the total price into components where adjustments are made according to specific price indices including:
 - i) Labor;
 - ii) Equipment;
 - iii) Materials; and
 - iv) Fuel.
- 2) When payment currencies differ from the source of input indices, a correction factor must be applied to ensure accuracy. The formula, price indices, correction factors, and the base date for their application must be explicitly stated in the bidding documents and the final contract.

Section 4.6.1: Payment Terms

- 1) All bidding documents and associated contracts must explicitly define the payment terms that are applicable to the contract. The payment terms should define the following elements:
 - a) **Method of Payment:** Specify how payments will be processed. The method of payment for any contract must be acceptable to the Bank of Botswana to ensure that all transactions comply with national banking standards.
 - b) **Payment Structure:** Detail how the total payment is to be distributed over the contract duration.
 - c) **Payment Document:** Identify the required documents to be used for processing payments.
 - d) **Period of Payment:** Indicate the timeline for payment submissions.
 - e) **Currency:** Indicate the currency in which payments will be made.

Section 4.6.2: Payment Structure and Implementation Guideline

- 1) PEs are required to clearly specify the payment structure within the bidding document and the associated contract. The payment structure and the total amount to be paid for each procurement must be determined based on industry best practices and with the guidance of the PPRA-issued Price Guides. The table below provides an overview of the various types of approved payment types and conditions under which each payment type is to be used.

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Payment Type	General Guidelines	Specific Conditions
Advance Payments	Not typically encouraged unless dictated by best practices and compliant with the Public Finance Management Act.	<ul style="list-style-type: none"> Must be secured if required and specified in the bidding document. Can be used for mobilisation, start-up costs, or special circumstances. Requires AO's approval if no security is provided.
Recovery of Advance Payments	Advance payments must be recovered from subsequent payments to the contractor.	<ul style="list-style-type: none"> Recovery is made in equal instalments over a period not exceeding 50% of the contract duration.
Interim or Phased Payments	Permitted where best practices support such arrangements.	<ul style="list-style-type: none"> Linked to specific, verifiable deliverables or contract events. Amounts must not exceed the value of the linked deliverable. Payment security may be required depending on risk.
Retained Payments	Used when appropriate to ensure contract fulfilment.	<ul style="list-style-type: none"> Specifies a retained percentage or amount. Details when and how retention is released. Requires documentation for release verification. Security payment may substitute for retained payment.

Table 24. Payment Types and Guideline for Use

Section 4.6.3: Payment Security

- 1) Payments to contractors for works, services, or supplies should be made only after the deliverables agreed to in the contract have been received. If there is a need to make a payment before receiving the deliverables, that payment must be secured with a payment security. The need for a payment security is outlined in the table entitled "Payment Types and Guideline for Use" in the preceding section of the PPM.
- 2) The format, issuing institution, and the validity period of a payment security is to be clearly stated in the standardised bidding documents. This ensures that the security meets the required standards and remains effective until after the contract's final transactions or deliverables are completed.

Section 4.6.4: Payment Security Exceptions

- 1) Unless otherwise instructed by the Minister, a PE should not require a payment security from a contractor that is a 100% citizen-owned micro-, small-, and medium-sized enterprise participating in a procurement process with a reservation scheme.

Section 4.6.5: Payment Document

- 1) Within the standardised bidding package, PEs must clearly outline the acceptable payment documents that are required from contractors. The purpose of these documents is to certify and ensure compliance with contract terms. The various forms of payment documents accepted include:
 - a) **Proof of Delivery or Receipt:** Confirms that the services or supplies have been delivered and received in accordance with the delivery terms;
 - b) **Itemised Delivery List:** Detailed listing of all items within any delivered package;
 - c) **Insurance Coverage:** Evidence of insurance coverage for the delivered items;

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- d) **Successful Inspection:** Certification of successful inspection of the delivered items;
- e) **Origin or Eligibility:** Documentation proving the origin or eligibility of the delivered items;
- f) **Proof of Payment:** Proof of payment for any duties, levies, or taxes that are the responsibility of the contractor;
- g) **Installation or Commissioning Acceptance:** Confirmation of the acceptance of any installation or commissioning by the end-user;
- h) **Documentation Delivery:** Receipt of any required reports, manuals, guides, or other documentation as stipulated in the contract;
- i) **Completion of Works or Services:** Evidence that all works or services that are outlined in the contract have been satisfactorily completed; or
- j) **Subcontractor Payments:** Proof of payment to any subcontractors involved in the contract.

Section 4.6.6: Payment Period

- 1) PEs must ensure that payments to contractors are processed within 30 days after a payment request has been officially approved. The same 30-day timeline applies from the day an invoice is certified, unless specified differently in the tender document. Additionally, any transfer of payment obligations to another party is not permitted without clear approval from an AO. This guideline is designed to promote timely payments and maintain strict control over financial transactions in the procurement process.

Section 4.6.7: Payment Delays and Resolving Discrepancies

- 1) Timely payment of a contracted work is a key success measure of a procurement process. A PE is responsible for ensuring that payment requests for contracts are processed promptly within the designated payment period stated in the contract.
- 2) Strict guidelines for contractors on submitting their invoices is outlined in the contract terms. However, if an invoice has any errors, discrepancies, contains incorrect or incomplete documentation, or if it does not fully comply with the contract terms, the invoice will not be deemed acceptable, and payment will not be issued. If an invoice is rejected, it must be returned to the contractor within five days, with a clear explanation of why it cannot be certified for payment. The contractor then has the right to submit an amended or new invoice.
- 3) It is important to note that any delays in the payment process will incur interest, the rate of which will be determined by the Minister. Additionally, any disputes over parts of an invoice should not hold up the payment of the undisputed portions, which ensures that contractors receive timely payments for their undisputed work.

Section 4.6.8: Bidding and Payment Currency and Currency Fluctuations

- 1) Defining the currency used for both bidding and payment in the standardised bidding document is critical. If the currency is not stated in the bidding documents, the default currency for transactions involving works, services, and supplies within Botswana is the Botswana Pula. However, for transactions involving works, services, or supplies that originate outside of Botswana, a convertible currency is required as stated in PP Reg. 117.
- 2) If a contractor in Botswana needs to remit part of the payment abroad, the amount paid will be adjusted according to exchange rate movements as detailed in the contractor's invoice. These adjustments account for fluctuations from the time of the bid conversion to Botswana's currency to

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the invoice date (which should not exceed 10 days post-delivery or shipment) and any further fluctuations exceeding 5% between the invoice date and the actual remittance date, provided the remittance is made within 10 days of the contract or purchase order.

- 3) For claims related to exchange rate movements, contractors must provide specific documentation, including the invoice, bank remittance advice, contract or purchase order, stamped import documents, and any other information requested by the PE. Failure to provide these documents can delay or invalidate the claim. Additionally, if a contractor does not meet the contractual requirements that impact the validity of their claim, they will be responsible for bearing the costs associated with the exchange rate movement.

Section 4.6.9: Performance Security

- 1) A PE should require contractors to provide a performance security or professional indemnity. A performance security guarantees that contractors fulfil their contractual obligations in line with the agreements made in the contract. There are exemptions, however, to micro-, small-, and medium-sized enterprises to facilitate their participation in the procurement process.
- 2) The specifications of the performance security should be outlined in the tender document and should include details regarding the issuer, nature, form, amount, and other principal terms. Once a contract is awarded, the contractor is required to submit the performance security in the agreed upon format within the timeframe stated in the tender document.
- 3) If the contract undergoes an amendment that increases the contract price by more than 10%, the contractor must provide an additional performance security to cover the increased amount. The performance security should be held by the PE until the contract is fully executed and is only released following the issuance of a certificate of completion or a final report, assuming that there are no outstanding claims against the contractor or guarantor.

Section 4.7: Contract Management

- 1) Once the contract is awarded, the PU needs to ensure that there are proper resources and processes in place to manage the contract. The AO is responsible for (i) appointing a skilled and experienced employee within the PU as the contract manager for any awarded contract and (ii) establishing the protocols for proper contract management. The IGN entitled “Contract and Supplier Management” provides additional detail on key aspects and issues that need to be addressed by a PE and AO for effective contract management.
- 2) In general, contract management includes the monitoring and coordination of the following:
 - a) Timely completion of works, services, and supplies as per contract terms;
 - b) Proper management of any contract deviations, including the execution of amendments or variations under regulations;
 - c) Fulfilment of all contractual obligations in accordance with the contractual agreements;
 - d) Monthly submission, review, and analysis of contract progress reports and other related reports by the project team, along with a quarterly performance review; and
 - e) Reporting of all analyses and reviews to the AO.
- 3) If a PE cannot remedy an irregularity in the performance of a contractor through mutual agreement, the PE must inform the contractor and may invoke dispute resolution proceedings as stipulated in the



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contract. In instances where a contractor fails to deliver works, services, or supplies as agreed upon, the PE may withhold payments, call upon the performance security, or terminate the contract.

Section 4.7.1: Contract Manager

- 1) The contract manager's duties include (PP Reg. 99.2):
 - a) Monitoring contractor performance to ensure delivery and performance obligations are met;
 - b) Ensuring timely submission of required documents by the contractor;
 - c) Overseeing the PEs fulfilment of payment and other obligations under the contract;
 - d) Managing cost, quality, and schedule to ensure alignment with the project goals;
 - e) Preparing contract variations and amendments post-approval by an AO;
 - f) Overseeing handover or acceptance procedures;
 - g) Recommending contract termination where necessary;
 - h) Preparing and maintaining periodic contractor review progress reports and a project risk register;
 - i) Ensuring completeness of the contract before closing the contract file and preparing Schedule 1, Form N (End of Activity Report);
 - j) Keeping and maintaining records for contract management and ensuring compliance with the contract and legal provisions;
 - k) Providing updates on the status and progress of the contract; and
 - l) Managing the drafting and generation of contracts.
- 2) The contract manager is also required to periodically hold review meetings to assess contract performance, deliberate on future actions, and prepare necessary reports. These reviews should consider the contract's timeline, cost, quality performance, risk analysis, operational effectiveness, delivery procedures, and any other relevant factors to ensure comprehensive oversight and successful contract execution.



Section 4.7.2: Inspection of Works, Services, and Supplies

- 1) Effective inspection of works, services, and supplies is a cornerstone of robust procurement management. Inspections ensure that all deliverables align with the specified quality standards and contractual agreements, safeguarding the PE's investments. They also serve to detect and correct any discrepancies or defects early on, which helps in maintaining adherence to project schedules and budgets.
- 2) PEs have the right to inspect all aspects of contracted works, services, or supplies to verify compliance and quality at any of the below stated stages of procurement:
 - a) During the manufacturing or construction phases;
 - b) Before shipment of supplies;
 - c) Upon delivery of supplies or completion of works or services; and
 - d) Before the final acceptance of any work or product.
- 3) If there are subcontractors involved in the delivery of a contracted works, services, or supplies, it is crucial that the primary contractor extends the PE's inspection rights to any subcontractors. This ensures uniform compliance and quality control.
- 4) It is important that PEs communicate with the suppliers the various expectations of inspections of works, services and supplies during the contracting stage to ensure a smooth and effective inspection process.

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Section 4.7.3: Methods for Conducting Inspection

- 1) Choosing the appropriate method of procurement inspection is important for a PE as it ensures that all works, services, or supplies meet specified quality standards and contractual requirements. The appropriate inspection method helps manage risks such as potential delays, cost overruns, and non-compliance with industry standards, allowing for timely identification and resolution of issues. The choice of inspection method can also significantly affect the relationship between the PE and its contractors or suppliers. A balanced and fair inspection approach, possibly incorporating third-party inspections, can maintain good working relationships and ensure compliance without being overly intrusive.
- 2) The PPA advises that PEs can employ any of the below listed inspection methods:
 - a) **Observation of Supplier Tests:** Attend and review supplier or subcontractor's quality control tests;
 - b) **Direct Inspections:** Perform inspections through appointed personnel or designated inspectors; or
 - c) **Third-Party Inspections:** Use independent agencies for technical inspections of complex or high-stakes contracts.
- 3) Once the selected inspection method is employed, the PE must verify the accuracy and completeness of an inspection. Prior to authorising any interim or completion certificates, supplies receipt notes, or any other related documentation, a PE is required to perform the following activities:

Activity	Actions
Pre-Acceptance Checks	<ul style="list-style-type: none"> • Verify correct quantity or input received as per contract. • Ensure compliance with technical standards. • Confirm timeliness of delivery or completion. • Check submission of required deliverables. • Ensure receipt of necessary manuals or documents.
Inspection, Sampling, and Testing	<ul style="list-style-type: none"> • Inspect, sample, and test delivered works, services, or supplies. • Formally reject non-compliant items, in writing, per contract terms.

Table 25. Inspection Activities for Procuring Entities

- 4) In the case of non-compliance, the contractor bears the cost for rejection of non-compliant works, services, or supplies. The contractor must collect rejected supplies from the premises of the PE within contract-specified time.

Section 4.7.4: Export and Import License Support for Contractors

- 1) Unless specified differently in a bidding document, it is the contractor's responsibility to secure any required export or import licences for a procurement contract. In the case of an export licence, the PE is expected to provide the necessary assistance to help the contractor apply for this licence. Similarly, for an import licence, the PE must provide any necessary certifications to aid the contractor in the application process.

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Section 4.7.5: Insurance or Indemnity

- 1) To safeguard both the PE and all other stakeholders, a PE must ensure that each procurement is protected by an appropriate insurance or indemnity. The relevant information must be detailed in the bidding document and the contract. When necessary, this insurance or indemnity must be arranged through an insurance company that is registered in Botswana, ensuring that all legal and regulatory standards are met.

Section 4.7.6: Termination of Contracts

- 1) It is essential to ensure that each contract explicitly details the grounds for termination, the procedural steps required for initiating and processing a termination, and the consequences of terminating the contract. This clarity helps both the PE and the supplier to understand their rights and obligations and prepares them for the proper course of action should termination become necessary. The initiation of termination must also be clearly defined to streamline the process and avoid legal complications.
- 2) If a situation arises where a contract might need to be terminated, the contract manager, after consulting with the legal office of the PE, initiates the process by proposing the termination of a contract to the AO. This recommendation should detail the reasons for termination, any efforts made to prevent it, and potential costs that the PE may incur as a result. The contract manager should follow the following procedure to initiate the termination process.
 - a) Draft a termination recommendation.
 - b) Consult with the legal office.
 - c) Detail specific reasons for proposing the termination.
 - d) Document attempts made to resolve issues to avoid termination.
 - e) Outline potential costs for which the PE might be liable post-termination.
- 3) Once the recommendation for termination is submitted to the AO, the AO has the authority to either approve or reject the recommendation. If the termination recommendation is approved, the termination must proceed in line with the contract terms. The contractor must be formally informed of the decision to terminate the contract.
- 4) The AO is also responsible for ensuring that the contractor is paid for the value of work, services, or supplies provided up until the termination notice, accounting for any advance payments received, per PP Reg. 102.6.
- 5) If a decision is made to terminate a contract, the PE, contract manager, and AO must ensure that all contractual terminations are conducted transparently, with appropriate approvals, and that contractors are treated fairly, preserving the integrity of procurement practices.

Section 4.7.7: Termination of Convenience

- 1) A PE can terminate a contract without the contractor being at fault, which is referred to as a termination of convenience. Such termination requires the prior approval of an AO to ensure it adheres to governance standards. Upon the approval of a termination for convenience, the PE must fulfil its financial obligations by paying the contractor for any undisputed amounts that are due under the contract. This ensures that the contractor is compensated for the work that has been completed up to the termination point, maintaining fairness and adhering to the contractual agreements. This

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protocol is designed to protect the interests of both the PE and the contractor, ensuring that the termination process is conducted transparently and equitably.

Section 4.7.8: Contract Amendment

- 1) Contract amendments associated with changes in circumstances that affect either party can be initiated by either the PE or the contractor. The process begins with the PU preparing a draft of the amendment in consultation with the legal office. This draft amendment is then submitted to an AO for approval, who will confirm that the amendment aligns with organisational and budgetary policies.
- 2) Once the draft amendment is approved by the AO, the contract amendment must be issued in accordance with the same procedural guidelines as the original contract to ensure consistency. Below are some points for a PU to consider while drafting contractual amendments:
 - a) If the amendment requires financial changes, it is critical to secure the full financial commitment for the amended contract amount for the required period before the issuance of any amendment.
 - b) If the amendment involves additional quantities of the same item(s) as was contained in the original contract, the unit price should generally remain the same unless there has been a price increase during the contract's term, in which case the new price may be adjusted accordingly.
 - c) The total cost of any amendment or cumulative amendments may only incrementally increase the amended contract up to 25% of the original contract price. Such increases must receive prior approval from an AO. This policy helps to maintain financial control and ensures that contract modifications are managed within a framework that upholds the integrity and objectives of the original agreement.

Section 4.7.9: Variation of Contracts

- 1) A PE can make changes to a contract with the approval of an AO. It is important for the PE to employ a method that ensures that all contract modifications are handled in a clear and accountable manner in keeping with organisational policies and the terms of the original agreement. Any changes or variations are allowed if they stay within the limits set by a contingency element in the contract or other limits as defined by the AO.
 - a) If a change exceeds the set contingency limits, it can only increase the original contract price by up to 25% to maintain financial control and adhere to the budget.
 - b) Changes should be made for specific reasons, such as compensation events, and must be in line with the terms set out in the contract to ensure that all modifications are properly justified and recorded.
 - c) Any contingency funds included in the total contract value can be used to manage cost variations based on a formula in the contract or to fund any necessary extra work or services that the PE deems necessary.
- 2) All contract variations must strictly adhere to the terms and conditions of the existing contract and require authorisation from an AO.

Section 4.7.10: Managing Contractor Changes

- 1) There may be instances when a contractor is not able to carry out their contractual obligations. In this case, the PE must understand the protocol for managing changes. The subsections below provide a set of scenarios and the expected protocols for the PE to follow. For each of these scenarios, the

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contractor is required to notify the PE within the timeframe specified in the contract, or within five (5) days if the contract does not specify a timeframe.

Section 4.7.10.1: Scenario 1: Financial Instability

- 1) **Situation:** The contractor notifies the PE of financial instability that is impacting their ability to continue with the contract, within a specified timeframe.
- 2) **Correct Course of Action:**
 - a) **Assessment:** The PE collaborates with the PU to evaluate the impact of the financial instability.
 - b) **Recommendation:** Develop and document a recommendation that addresses potential adjustments to the contract or support mechanisms.
 - c) **Submission and Decision:** Submit the recommendation and the contractor's notification to the AO for a decision.
 - d) **Implementation:** Implement the decision made by the AO, adjusting contract terms as necessary.

Section 4.7.10.2: Scenario 2: Loss of Key Personnel

- 1) **Situation:** The contractor reports the loss of key personnel who are critical to the project's completion and fails to replace them within the contractually agreed upon timeframe.
- 2) **Correct Course of Action:**
 - a) **Review:** Confirm that the contractor's notification was received within the contractual timeframe.
 - b) **Evaluation:** Assess the impact of the loss on project timelines and quality.
 - c) **Recommendation:** Prepare a recommendation for how to proceed, potentially including extending deadlines or seeking other personnel solutions.
 - d) **Submission and Decision:** Forward the evaluation and recommendation to the AO.
 - e) **Implementation:** Implement the AO's decision, ensuring compliance with adjusted contract terms as necessary.

Section 4.7.10.3: Scenario 3: Contractor Undergoing Liquidation

- 1) **Situation:** The contractor files for liquidation or is declared insolvent, affecting their operational capabilities.
- 2) **Correct Course of Action:**
 - a) **Immediate Action:** Upon notification or discovery of the contractor's liquidation, assess the immediate impacts on service delivery or project continuation.
 - b) **Termination Preparation:** Prepare documentation to terminate the contract if continuation is untenable.
 - c) **Risk Mitigation:** Begin steps to mitigate risks, such as seeking alternative contractors or adjusting project timelines.
 - d) **Contract Closure:** Proceed with contract termination and document all actions taken for recordkeeping and compliance.

Section 4.7.10.4: Other Scenarios

- 1) Other situations may also arise that may necessitate the immediate termination of a contract. These include the contractor's business ceasing operations, being placed under judicial management, or being declared insolvent. Other grounds for termination include significant changes such as ownership transfer, mergers or acquisitions, loss of key personnel without appropriate replacement, or any


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issues that are severe in nature that could prevent the contractor from fulfilling its contractual obligations. In such events, the PE is advised to act decisively, either to resolve the issue in accordance with the contractual terms or to consider terminating the contract to mitigate risks.


Section 4.7.11: Retroactive Approval

- 1) In general, an AO cannot approve any retroactive invitation to tender or bid except where a retroactive approval is necessary due to an urgent requirement or emergency arising from special circumstances (PPA S.68). The box below details the procedure for retroactive approval (PP Reg. 83).

Retroactive Approval Procedure



- 1) The UD completes Schedule 1, Form L (Request for Retroactive Approval) to request approval from the AO for a retroactive procurement process, including for procurements within the micro procurement threshold.
- 2) The PU should:
 - a) Analyse the request from the UD to determine its reasonableness prior to the Form submitting to the AO.
 - b) Submit a request to the AO within seven (7) days from the date of receipt.
- 3) The AO assesses the request to determine:
 - a) If the procurement was due to an urgent requirement or emergency arising from special circumstances provided under the Regulations; and
 - b) If the PE has already received the benefit of the works, services, or supplies.
- 4) The AO evaluates the request on its own merit before approval; requests should be considered based on urgency or emergency circumstances where there are:
 - a) Urgent matters involving public safety or security to protect life or the environment; and
 - b) Incidents of health hazards.
- 5) Additionally, the PU should:
 - a) Conform that the works, services, or supplies procured were not in stock or under any existing framework contract or similar arrangement.
 - b) Prepare a brief report within seven (7) days of the occurrence of the procurement process, including detailed information on the requirement.
 - c) Submit any invoices and other related documents.
- 6) The AO should report any authorised retroactive procurement to the Authority within 14 days.



Box 26. Retroactive Approval Process

- 2) In the case that a retroactive procurement request is not approved:
 - a) Determine the contractual liability of the PE; and
 - b) Take appropriate action against the official who caused the retroactive procurement (PPA S.68.3).


Section 4.8: Deviations from Standard Procurement Processes, Methods, and Documents

- 1) When a PE needs to deviate from standard procurement, processes, methods, rules, or bidding documents, the PE must submit Schedule 1, Form J (Application for Deviation from Use of a Procurement Method) to the Authority. The procedure below provides guidance on how to complete this form.



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Procedure for Applying Deviation from Standard Procurement Process, Method and Documents

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31) While completing Schedule 1, Form J, a PE needs to complete the following process.

 - a) **Nature of Requested Deviation:** Describe the specific procurement method, process, rule, or bidding document from which a deviation is sought.
 - b) **Explain Deviation and Provide Justification:** Explain the reasons for deviating, including any exceptional requirements, market conditions, or international standards that regulate the procurement requirement. Provide justification for any proposed alternative methods, processes, rules, or documents, including how they differ from standard practices.
 - c) **Scope and Duration of Deviation:** Indicate whether the deviation is required for a single procurement requirement or multiple requirements of the same class.
 - d) **Additional Information:** Include any other relevant information required by the Authority, including any previous exemptions to the current procurement.
 - e) Where applicable, a PE must submit supporting documentation with the request.

32) Once this form is completed and submitted by the PE, the Authority will review these applications and make a decision within 10 days of receipt.

 - a) The Authority may approve the application as submitted, with modifications, or with specific conditions, or they may reject it and provide reasons for the rejection.
 - b) If approved, the Authority will specify whether the approval applies to a single procurement requirement or to multiple requirements of the same class.

33) For ongoing needs, a PE may apply for the renewal of a deviation by following the same procedure outlined above.



Box 27. Process for Applying for a Deviation from Standard Procurement Process, Method and Documents

- 2) In certain circumstances, deviations from the standard procurement processes, methods, and documents may be necessary to address specific needs and challenges. These deviations ensure that the procurement activities remain efficient, effective, and responsive to urgent or unique requirements.
- 3) The table below presents examples of when such deviations might be needed, along with the rationale for each situation.

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Scenario	Example	Rationale
Urgent and Unforeseen Circumstances	A natural disaster requires immediate procurement of relief supplies.	The usual lengthy competitive bidding process is impractical in emergency situations.
Sole Source Availability	Specialised equipment or technology is only available from a single supplier.	Standard competitive methods are not feasible when only one supplier exists.
Innovative Solutions	Procuring cutting-edge technology for a new project.	Traditional specifications may not capture the innovative nature of the solutions required.
Emergency Repairs	Critical infrastructure suffers unexpected damage, requiring immediate repair.	Bypassing normal processes prevents further harm or disruption.
Pilot Projects	Implementing a pilot project for a new service.	Tailored procurement documents and methods accommodate unique requirements of the pilot phase.
Compliance with Donor Requirements	Project is funded by an international donor mandating specific procurement procedures.	Aligning with donor-specific procedures ensures compliance and secures funding.
Confidential Projects	Security-sensitive projects require confidentiality.	Protecting national security interests requires deviation from standard open processes.
Market Conditions	Sudden spike in prices or supply chain disruptions.	Prompt procurement secures necessary supplies or services amidst fluctuating market conditions.
Collaboration with International Entities	Joint ventures with international organisations requiring alignment with international standards.	Ensuring compatibility and compliance with international partners' procurement practices.
Regulatory Changes	New legislation or regulatory changes.	Immediate adaptation ensures compliance with updated laws and regulations.

Table 26. Examples of Potential Scenarios Requiring a Process Deviation

Section 4.8.1: Deviation Tracking and Monitoring

- 1) As a way of ensuring accountability and transparency in procurement practices, allowing for effective oversight and management of deviations from standard procedures, the Authority is responsible for maintaining a comprehensive register of all approved deviations, which can also serve as a mechanism for reviewing, analysing, and adjusting any outcomes of the deviation.
- 2) The benefits of monitoring deviations from standard procurement processes are captured in the figure below.

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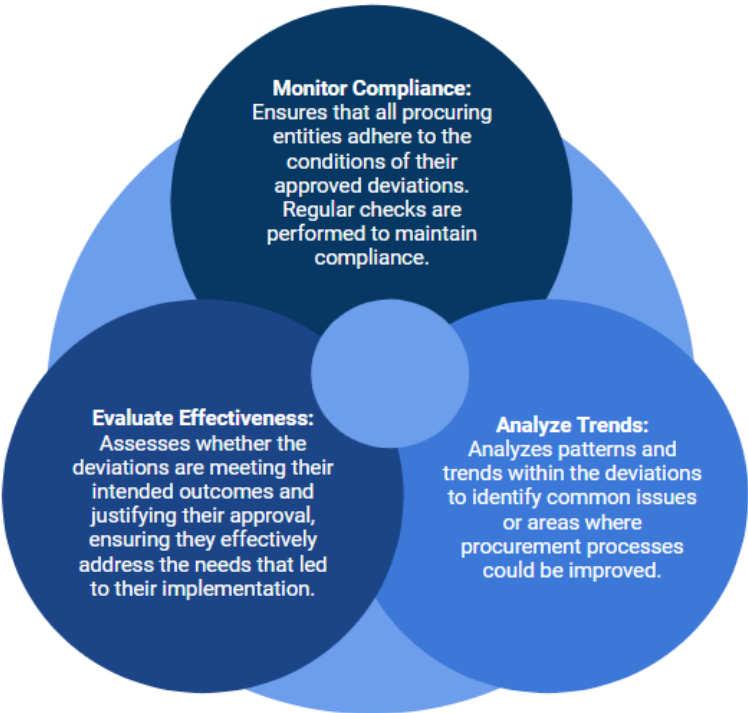


Figure 13. Benefits of Monitoring Deviations from Procurement Processes

- 3) When a PE does not adhere to the conditions of an approved deviation, the Authority is mandated to enforce compliance per the figure below.

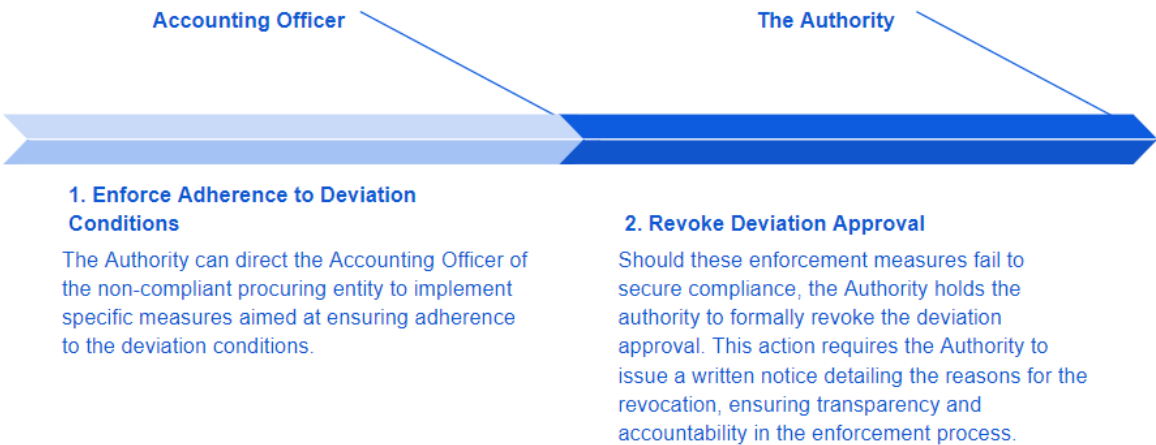


Figure 14. Enforcement of Compliance with an Approved Deviation

Section 4.8.2: Process Improvement from Deviation Monitoring

- 1) The Authority is dedicated to the ongoing analysis of trends in deviations as recorded in the register. This continuous evaluation helps enhance the effectiveness and responsiveness of procurement processes via the following:

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- a) **Review of Tender Documents:** Leveraging insights from trend analysis, the Authority may modify or update existing tender documents. The objective is to refine these documents to better align with the evolving needs and challenges faced by PEs.
- b) **Issuance of Additional Guidance:** In cases where trend analysis reveals recurrent issues or emerging challenges, the Authority will issue additional guidelines and circulars that aim to clarify procedures, address common questions, and ensure consistency across procurement practices.
- c) **Development of New Tender Documents:** To specifically address gaps not covered by current documentation, the Authority will develop new tender documents. This initiative targets the creation of resources that meet the specific identified needs of PEs, thereby facilitating smoother and more efficient procurement processes.

Section 4.8.3: Alternative Procurement Process Relating to External Obligations

- 1) When a PE is mandated by external obligations or international agreements to adopt an alternative procurement process, it must apply for approval using the PPRA-issued Schedule 1, Form K (Application to Use Alternative Procurement Process). The application must include a detailed justification for using the alternative process and supporting information accompanied by copies of the relevant external obligations or international agreements.
- 2) Once all the required forms and documents are submitted, the Authority is responsible for reviewing such applications and is required to make a decision within 10 days of receipt, ensuring that the PE adheres to necessary compliance standards while efficiently continuing its procurement activities within the established external or international frameworks.



Section 4.9: Process Evaluation

- 1) The last stage of the procurement process is process evaluation. Accountability and transparency are core procurement principles that protect against corrupt practices and inefficient, ineffective procurement.
- 2) The PPA requires that PEs consider accountability and transparency in the management of public procurement in order to promote ownership of a procurement process and minimise challenges that may be in the procurement process. Diligent recordkeeping and adherence to ethical responsibilities are crucial to maintain accountability and transparency.

Section 4.9.1: Recordkeeping

- 1) To ensure accountability and transparency, PEs are required to maintain detailed records of their processes and procurement activities. The PPA provides that AOs are responsible for recordkeeping through the PU. The table below lists the types of records that PEs must maintain by procurement activity.

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Procurement Activity	Record Type
Initiation	<ul style="list-style-type: none"> Request to initiate procurement proceedings.
Approval	<ul style="list-style-type: none"> Any decision of an AO related to a procurement, including: <ul style="list-style-type: none"> The choice of procurement procedure; The approval of bidding documents; The approval of an evaluation report; The contract award; The approval of contract documents and contract amendments; Any other record relating to procurement; and Any decision to suspend or cancel procurement proceedings.
Advertisement	<ul style="list-style-type: none"> Copy of any published advertisement or shortlist.
Pre-Qualification and Bidding	<ul style="list-style-type: none"> Pre-qualification and bidding document, and any amendment or clarification to the prequalification and bidding document.
Bid Opening	<ul style="list-style-type: none"> Record of a bid opening.
Evaluation	<ul style="list-style-type: none"> Copy of a record of an evaluated bid and a response on any clarification requested. Evaluation report.
Submission	<ul style="list-style-type: none"> Any submission to an AO.
Meetings and Negotiations	<ul style="list-style-type: none"> Minutes of meetings related to any procurement, including negotiations.
Correspondence	<ul style="list-style-type: none"> Any correspondence between a PE and a bidder.
Contract Award and Management	<ul style="list-style-type: none"> Contract. Any document related to contract management, including contract payment and contract performance, warranty, bank guarantee, and any claim.

Table 27. Types of Procurement Records to be Maintained

- 2) The PE must also maintain records related to procurement contracts, including:
 - a) The signed contract and any amendments;
 - b) Any variation;
 - c) Any post-contract documentation relating to the fulfilment of obligations;
 - d) The minutes of any meeting related to contract management;
 - e) Any document with proof of delivery of supplies or completion certificates;
 - f) Any copy of any invoice for works, services, or supplies;
 - g) Any copy of cumulative payment worksheets;
 - h) Any copy of any claim made by a contracts manager;
 - i) Any correspondence between the PE and contractor; and
 - j) Any submission and decision on any approval related to contract management.
- 3) In addition to these records, it is emphasized that PU's document thorough details of any deviations and capture meeting minutes of key conversation with both internal and external stakeholders.

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Section 4.9.2: Procurement, Contract, and Performance Audit Process

- 1) The Authority has the liberty to select specific projects or contracts to be audited based on internal determination mechanisms. However, before an audit is started, the Authority must notify the PE and must clarify the objectives, scope, and the criteria that will be used during the audit. The PE must then promptly provide any documents or records needed for the audit.
- 2) Once the audit is completed, the Authority will share preliminary findings with the PE in writing. The PE then has 14 days to respond to these findings. The Authority will then prepare a final audit report based on the findings and the response. This report, along with any recommendations, is then submitted to both the PE and the Ministry responsible for finance. The audit report is also made available to the public for a fee as specified in the PPA.

Section 4.9.3: Compliance Enforcement

- 1) As a measure of understanding public procurement trends and shaping effective procurement processes and procedures, the Authority is responsible for formulating, gathering, and analysing statistics on contracts. Ensuring all actions comply with the PPA, the Authority defines how these statistics should be reported and requests the necessary information from PEs.
- 2) The PEs must follow the below guidance to ensure that the Authority is provided with the requested information in a timely manner (PP Reg. 133):
 - a) PEs must provide the requested data within 14 days.
 - b) The POU must also prepare reports on each tender awarded.
 - c) These reports are submitted to an AO.
 - d) The AO has 14 days to forward the reports to the Authority.
- 3) If needed, the Authority can ask the AO for further reports or information on any procurements that may have breached the PPA, with a response required within 14 days.

Section 4.9.4: Compliance Reporting to the Public Procurement Regulatory Authority

- 1) PEs must be prepared to provide reports to the Authority upon request, in a timely manner, and in accordance with issued guidance. It is also compulsory that these reports and other standard documents are maintained, even if they are not requested by the Authority, for audit purposes. A full list of documents that are required to be maintained can be found in the Recordkeeping section of the PPM.
- 2) The table below contains a listing of standard reports that may be requested from PEs during audit and compliance checks or throughout the financial year by the Authority. It is required that PEs compile and submit to the Authority monthly reports via the Consolidated Procurement Reporting Tool, which can be accessed through the Authority's website.

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Report	Request Frequency	Description
Annual Procurement Plan	Annually	Details of planned procurement activities for the year must be submitted at the beginning of every financial year.
Consolidated Procurement Report	Monthly	Compile and submit monthly using the Consolidated Procurement Reporting Tool issued by the Authority
Procurement Plan Adherence	Immediately Upon Completion	Assessment of compliance with the annual procurement plan.
Awarded Contract Implementation	Immediately Upon Completion	Information on contracts awarded and their execution.
Implementation of Reservation and Preference Schemes	Immediately Upon Completion	Overview of how reservation and preference schemes have been applied.
Complaints and Outcomes	Upon Completion of Hearings	Details of any complaints received and the outcomes of hearings.
End of Activity Report	Upon Completion of Procurement	A final report that is generated upon the completion of a procurement activity.
Retroactive Approval	Immediately Upon Completion	Information on any approvals granted after the fact.
Other Required Reports	As Required	Any additional reports that the Authority may require.

Table 28. Standard Reports That May be Requested by the Authority During Audit and Compliance Checks

Section 4.9.5: Investigations by the Public Procurement Regulatory Authority

- Investigations into procurement activities can be carried out by the Authority at any given time. The activities below can trigger an investigation.
 - Reports, audit findings, or inspections according to the regulations;
 - Referrals from any Public Oversight Agency; and
 - Any other information received by the Authority that warrants scrutiny.
- Under the provisions of the PPA, the Authority can request information and documents from any public body employee or other individuals who might assist in the investigation. Such individuals must provide the required information and documents within seven (7) days of the request. Once the investigation is conducted, the Authority will compile a report detailing their findings and any directives issued as a result. This report is submitted to the relevant AO, who must respond, in writing, within 14 days, outlining the actions to be taken in response to the directives. A follow-up report on the implementation status must then be submitted to the Authority within three (3) months.
- During or after an investigation, the Authority may collaborate with any Public Oversight Agency or other relevant authority to ensure effective oversight. This cooperation includes establishing mechanisms for sharing information that is pertinent to the investigations. If a Public Oversight Agency investigates, it is required to cooperate with the Authority and share relevant information through the established sharing mechanisms.

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Section 5: Complaints and Appeals

Section 5.1: Introduction

- 1) A **dispute** is any disagreement between entities. A dispute is the basis for a **complaint**, which is a written document that details the dispute. The entity or individual who submits a complaint is called the **complainant**. The complaint is to be submitted to the relevant AO. The AO then follows the process described in this section to assess the complaint and render a decision. If the complainant is unsatisfied with the AO's decision, they may **appeal** the decision by making a formal request that the decision be changed.
- 2) The PPA provides the overall framework by which a contractor may file a procurement-related complaint or dispute. The table below lists the types of disputes that can give rise to a complaint.
- 3) **Note to Reader:** The descriptions below are illustrative and other situations not described below may be properly addressed through the complaints and appeals procedure. A complaint must adequately allege a breach of the PPA or PPR to properly fall within the complaints and appeals procedure (see Schedule 1, Form Y [Lodging of Complaints], Section 4).



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Type of Dispute / Complaint	Description
Dispute concerning the procurement process	Following an AO's award decision, one of the losing bidders may challenge the decision by submitting to the AO a complaint that alleges that there was a defect or unfair practice in the AO's decision process.
Dispute concerning the registration or disciplinary process	A bidder argues that it was unfairly disciplined in relation to past conduct.
Dispute concerning the interpretation of the PPA	A bidder argues that the PE has not followed the PPA. The dispute focuses on the interpretation of the text of a PPA section.
Dispute between the PPRA and a PE	While auditing a PE, the PPRA identifies irregularities that are believed to be the result of corruption. The PPRA submits a complaint requesting that the irregularities be investigated and explained.
The breach, termination, or interpretation of a procurement contract	A PE terminates a procurement contract. The contractor then submits a complaint disputing the grounds for termination.
Petition from the public	A news article is published concerning alleged improprieties in a procurement. A public petition is submitted to the PE requesting that the improprieties be investigated and explained.

Table 29. Permitted Disputes and Complaints

Section 5.2: Complaint Dispute Resolution Process⁴

- 1) There are three phases in the complaint dispute resolution process as captured and shown in the figure below.
 - a) Step 1 – the complainant submits a complaint.
 - b) Step 2 – the PE / AO assesses the complaint.
 - c) Step 3 – the PE / AO renders a decision regarding the complaint.

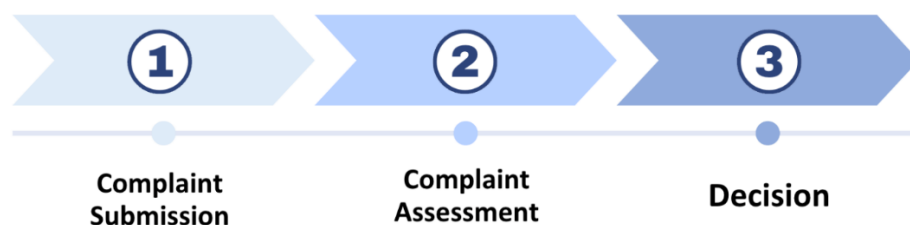


Figure 15. Complaint Dispute Resolution Process

- 2) The subsections below describe each step in the process.

⁴ Public Procurement Act 2021, Part XIV (PPA S.104-113); Public Procurement Regulations 2023, Part XVIII (PP Reg. 171-179).

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Section 5.2.1: Complaint Submission

1) **Who can submit a complaint?**

- a) In order to submit a complaint to the AO, an entity or individual must (PPA S.104):
 - i) Have an interest in the dispute underlying the complaint;
 - ii) Allege that they are aggrieved from a breach of a provision of the PPA; or
 - iii) Have suffered or is likely to suffer loss or damages due to a breach of a duty imposed on a PE.
- b) The table below lists the requirements for an entity or individual to have legal standing to submit a complaint.

Standing Category	Description
An interest in the dispute	If the resolution of a dispute or a complaint decision is likely to affect an entity or individual, then that entity or individual has sufficient standing under this category. For example, an entity or individual may allege that a breach in the PPA has or will impact their bid for a procurement.
Suffered or likely to suffer loss or damages due to a breach of a duty imposed by a PE	If the entity or individual is able to demonstrate loss or damages, or likelihood thereof, then that entity or individual has sufficient standing under this category.

Table 30. Requirements to Have Legal Standing to Submit a Complaint

2) **What does a complaint look like?**

- a) The PPA requires that the entity or individual complainant submit their complaint, in writing, to the AO as laid out in Schedule 1, Form Y (Lodging of Complaints) (PP Reg. 171). Where the complainant submits a complaint in writing that does not meet standards, the complainant is to be advised to complete Schedule 1, Form Y and the complaint will be deemed to have been lodged on the initial date of submission. Schedule 1, Form Y requires that the complaint contain specific information, as listed in the table below.



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Type of Information Required	Description
Details of the Complainant	Identifying information, including name, address, telephone number, and e-mail address.
Details of Respondent (PE / PPRA)	Identifying information, including name of the PE, address, and information on the procurement at issue, including tender number, title, and bid value.
Timelines	If applicable, the date of contract award and / or date of the decision in question.
Description of Complaint	A general description of the complaint, including the provisions of the PPA and / or PPR that were allegedly breached and details as to how the PPA and / or PPR were allegedly breached.
Loss or Injury to be / Likely to be Suffered	A description of the alleged harm to the complainant, experienced or anticipated.
Remedies Sought	A description of the proper solutions that the complainant seeks.
Suggested Reasonable Solution	A statement of the complainant's preferred, proper solution.
Documents in Support	The complainant should attach any records that support their argument.

Table 31. Information Required Within a Complaint

3) When can a complaint be submitted?

- a) The complainant must submit their complaint within the cooling-off period (PPA S.106). The cooling-off period is defined as the 10 working days following publication of an award decision by the AO. The cooling-off period serves to provide an opportunity for interested parties to submit a complaint to the relevant AO. The opportunity to submit a complaint ensures that procurements are fair, honest, and transparent.
- b) During the cooling-off period, the PE shall not enter into any contracts under the relevant award decision and contractors may submit a complaint, in writing, to the relevant AO (PPA S.104). In the case of direct procurements, there will be a 10-day cooling-off period following an award decision. While direct procurements operate on shorter timelines and have fewer interested parties as compared to other methods of procurement, the cooling-off period is still necessary to ensure fairness.
- c) **Note to Reader:** The cooling-off period does not apply to micro procurements or emergency procurements. An AO may not suspend an emergency procurement, unless the preliminary assessment of the merits of the complaint is valid (PPA S.107).
- d) **Note to Reader:** Some complaints may be submitted outside the cooling-off period. These complaints may be adjudicated using the same complaints and appeals process.

4) What are the rights of the complainant?

- a) A complainant who submits a complaint has a right to participate in review proceedings; if a complainant fails to participate in review proceedings, they are barred from lodging the same complaint at a later date; however, if they are able to provide good cause for such failure to attend

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the review proceedings, the AO may allow an application for the condonation of failure to participate (PPA S.104). Additionally, any contractor whose interest is or could be affected by the review proceedings has the same right to participate (PP Reg. 171).

- b) The right to participate for the complainant and other contractors is detailed in the table below.

Entity	Components of Participation
Complainant	<ul style="list-style-type: none"> • Notification of complaint receipt. • Submission of the complaint and related information. • Submission of evidence requested by the AO. • Notification of procurement process suspension. • Notification of complaint dismissal / withdrawal. • Notification of review hearing. • Attendance of review hearing in-person (without legal representation). • Notification of AO decision.
Other Contractors	<ul style="list-style-type: none"> • Notification of complaint submission. • Notification of procurement process suspension. • Notification of complaint dismissal / withdrawal. • Notification of review hearing. • Notification of AO decision.

Table 32. Right to Participate in Complaint Proceedings

Section 5.2.2: Complaint Assessment

Section 5.2.2.1: Preliminary Review – Complaint Dismissal

- 1) The AO's first step is to make a preliminary assessment of the complaint. The preliminary assessment is necessary to ensure that the AO has jurisdiction over the complaint and to determine if the complaint is with merit.
- 2) The AO can dismiss a complaint if (PPA S.105-106):
 - a) The complaint is submitted outside the cooling-off period;
 - b) The contract is already in place; or
 - c) The complaint is frivolous or vexatious.
- 3) A frivolous or vexatious complaint is one (PPA S.105):
 - a) That lacks arguable bases in law or fact, or in its contention is baseless and intended to cause delays or frustrate the procurement process;
 - b) Where the complainant appears to have no interest in the complaint to which the grievance relates (in other words, does not have standing); or
 - c) Where there was an agreed upon complaint resolution process, and neither the person who filed the complaint nor the person responding to it followed all the steps in that process.
- 4) For internal purposes, the AO should memorialise the dismissal by drafting a memorandum that notes the dates of the award decision, the required cooling-off period, the contract's commencement (if applicable), and the date of receipt of the complaint. The AO should notify, in writing, all interested parties, including the complainant, of the decision to dismiss the complaint (PPA S.108).

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Section 5.2.2.2: Notice

- 1) Within five (5) days after the receipt of a timely and substantive complaint, the AO will notify any other contractors participating in the procurement of the nature of the complaint. Any contractor whose interest is or could be affected by the complaint assessment process will have the right to participate in the review proceedings (PP Reg. 171).
- 2) **Note to Reader:** The AO should determine whether dismissal is warranted within five (5) days after receipt of the complaint. This will prevent the AO from notifying other entities of a complaint that is then dismissed.

Section 5.2.2.3: Procurement Suspension

- 1) The AO will conduct a preliminary assessment of the complaint's merits and determine whether the procurement process should be suspended pending resolution of the complaint. The suspension period may not exceed 20 days (PP Reg. 172). The AO must notify the complainant and any other contractors participating in the procurement process of the suspension. If the suspension exceeds 20 days, the complainant may refer the complaint directly to the Tribunal (PP Reg. 172).
- 2) The AO may lift the suspension in response to the withdrawal of a complaint (PP Reg. 179).

Section 5.2.2.4: Fair Hearing

- 1) If the AO is contemplating the revocation of an award, or the cancellation or re-evaluation of a tender, the AO must hold a review hearing with the recipient bidder (PP Reg. 174). At the review hearing, the AO will inform the recipient bidder of the circumstances and the possibility of an error, if any, in awarding the tender.
- 2) The recipient bidder will have three (3) days following the review hearing to submit a response to the AO's findings that details why an award should not be revoked, or a tender cancelled or re-evaluated, or why any other decision should not be made.

Section 5.2.2.5: Preliminary Assessment – Complaint Withdrawal

- 1) A complainant may, at any time prior to the AO rendering a decision, withdraw the complaint. The withdrawal may not be conditional and may be submitted to the AO at any time before the AO renders a decision on the complaint. If an AO deems the complaint to be withdrawn, the AO shall inform the complainant and any other participating contractors of the withdrawal as soon as possible (PP Reg. 179).
- 2) When multiple contractors (two or more) lodge complaints in reference to the same tender or procurement process, the AO may consider the complaints simultaneously (PP Reg. 173).

Section 5.2.3: Decision

Section 5.2.3.1: Accounting Officer Considerations for Complaints

- 1) The AO must consider relevant evidence, including the evidence requested of and provided by the complainant, and information related to the complaint maintained by the PE (PP Reg. 173). The AO may retain an expert to assist in the review proceedings. The expert's opinion is not binding on the AO (PP Reg. 173).
- 2) **Note to Reader:** Evidentiary laws do not apply to the review proceedings (PP Reg. 173).

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Section 5.2.3.2: Independent Review Panel

- 1) The AO may constitute an independent review panel which will review the complaint and advise the AO. Panel members must complete Schedule 1, Form O (Declaration of Interest). The AO must take into consideration the required qualification and experience of the panel members, which must be relevant to the procurement process related to the review proceedings (PP Reg. 177).
- 2) The panel must submit recommendations to the AO within 10 days of the panel's receipt of the complaint. The panel may not be composed of individuals who are otherwise involved or related to the complaint and procurement process at issue (PPA S.110; PP Reg. 177).



Section 5.2.3.3: Accounting Officer Decision

- 1) The AO is required to submit a final written decision within 30 days of receipt of the complaint or, in the event of a review hearing, within 20 days after the review hearing. The AO's written decision will indicate whether (PPA S.109):
 - a) The complaint is upheld in whole or in part, or is rejected or dismissed;
 - b) The reasons or grounds for the decision; and
 - c) Any corrective measure that may be taken.
- 2) Remedies / corrective measures include, but are not limited to (PP Reg. 176):
 - a) Annulment in whole or in part of the act complained of;
 - b) The forwarding of the complaint to a POU;
 - c) The re-evaluation of procurement at issue; or
 - d) An order that the procurement process be terminated.
- 3) The AO's decision is binding on the complainant and any other contractor who participated in the procurement process review (PP Reg. 175). The AO will transmit the decision to all complainants and contractors who participated in the review proceedings. The PE will also publish a decision in the interest of transparency, impartiality, and fairness.

Section 5.2.4: Complaint Process Flowchart

- 1) The figure below details the complaint process flowchart. The flowchart includes timing for certain steps / actions.

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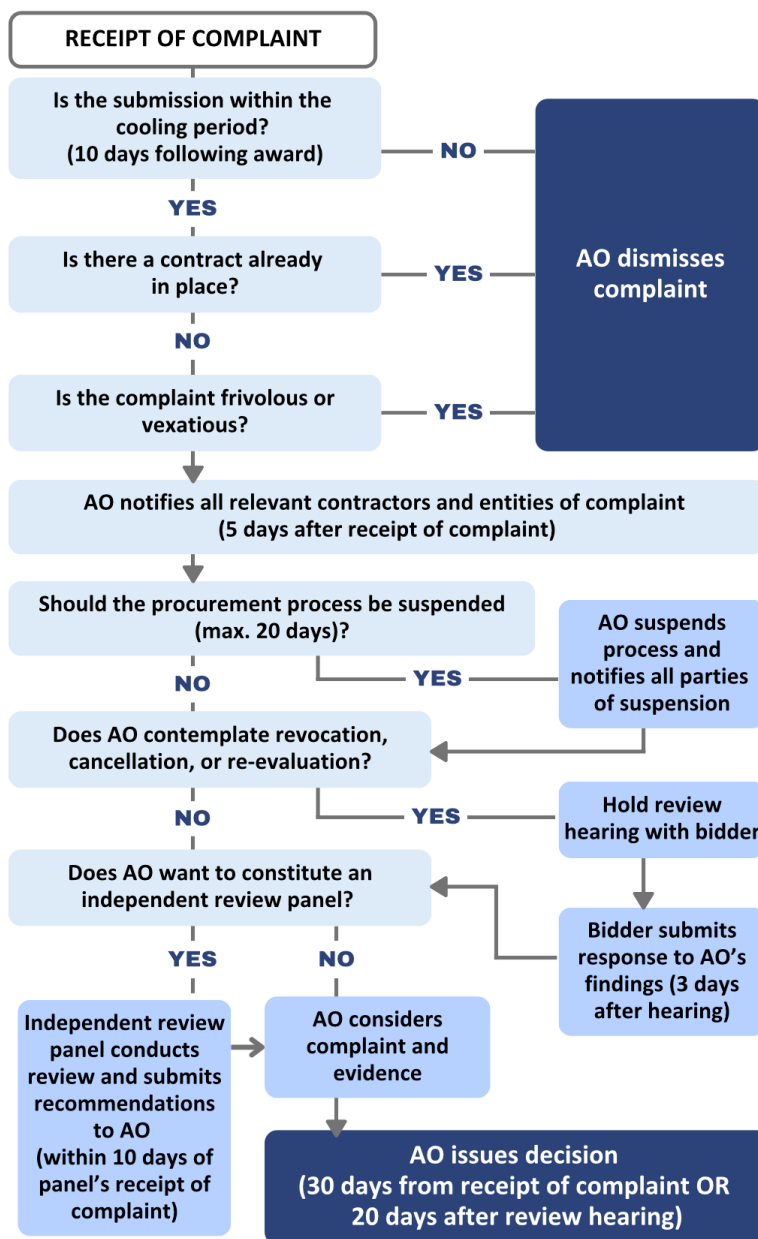


Figure 16. Complaint Process Flowchart

Section 5.3: Appeal⁵

1) The figure below presents the five phases of the appeal process.

⁵ For more information see PPA Part XV (PPA S.114-138); Public Procurement (Tribunal) Regulations, 2023.

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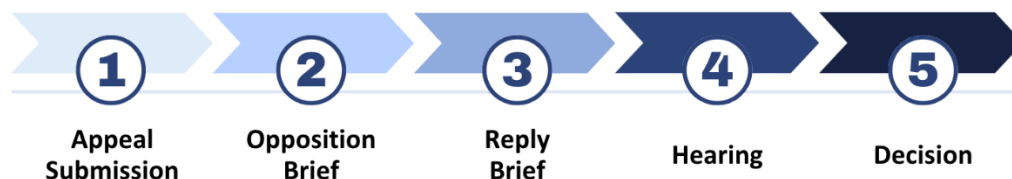


Figure 17. Appeal Process

2) Each step in the appeal process is discussed in the subsections below.

Section 5.3.1: Appeal Submission

1) *Who can bring an appeal?*

- If a complainant is aggrieved by the decision of an AO, they have the right to appeal the AO's decision. A complainant that files an appeal is called an appellant.
- The appellant must also submit a filing / lodging fee of P500 and a complaint fee that is calculated based on the value of the procurement at issue per the table below.

Bid Value	Fee as a Percentage of Bid Value
Less than P10,000,000	0.50%
P10,000,000 to P50,000,000	0.75%
More than P50,000,000	1.00%

Table 33. Complaint Fee Calculation

2) *When can an appeal be submitted?*

- An appeal must be brought within 14 days of the AO's decision, in writing, to the Tribunal. An appeal may be brought outside of this time period if the Tribunal is satisfied that there is reasonable cause for the failure to appeal within 14 days of the AO's decision (PPA S.112).
- The Tribunal must acknowledge receipt of the appeal within two (2) days of receipt.
- An appellant can submit an appeal even if a contract involving the complaint has already entered into force.

Section 5.3.1.1: Procurement Suspension

- If the Tribunal has received an appeal concerning a contract that has not been concluded, the Tribunal may (PPA S.112):
 - Suspend the procurement process pending determination of the appeal where the Tribunal determines that it has grounds to suspend the procurement process; or
 - Suspend the performance of the contract pending determination of the appeal.
- If the Tribunal has received an appeal where the AO has not made an award or a contract under the procurement at issue has not commenced, it may suspend the procurement process for a maximum of 30 days (Public Procurement Tribunal Regulations S.15.(1)).
- If the Tribunal has received an appeal where the contract has been concluded by the PE, the contract cannot be changed and must be completed without interruption (PPA S.112).

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Section 5.3.1.2: *Withdrawal or Alternative Resolution*

- 1) Prior to the Tribunal's decision, the appellant may withdraw the appeal, or the parties may come to an agreement and settle the matter.

Section 5.3.1.3: *Summons Service*

- 1) The appellant must serve a summons on the respondent within seven (7) days of Tribunal's acknowledgement of receipt. The appellant must use Form B (Summons) from the Public Procurement (Tribunal) Regulations, 2023, to effect service. Service can be made via personal delivery or registered mail (Public Procurement (Tribunal) Regulations, 2023 Regulation 5).



Section 5.3.2: *Intention to Defend*

- 1) Within 14 days of receipt of a summons, the respondent must file the following with the Tribunal:
 - a) Form C (Intention to Defend) from Public Procurement (Tribunal) Regulations, 2023; and
 - b) A written defence brief.
- 2) The respondent must affect the service of these filings on the appellant.
- 3) The brief must be divided into numbered paragraphs and contain a substantive denial or an admission to every allegation.
- 4) If the respondent fails to present a defence, the Tribunal will proceed with the required hearing *ex parte* and deem the respondent to have waived their right to appear and participate in proceedings (Public Procurement (Tribunal) Regulations, 2023 Regulation 6).



Section 5.3.3: *Reply Brief*

- 1) Within seven (7) days of receipt of the respondent's defence, the appellant is permitted to submit a reply.
- 2) **Note to Reader:** A party may, upon showing sufficient cause, amend an appeal, defence, or reply, so long as the amendment occurs within 14 days prior to the hearing.

Section 5.3.4: *Hearing*

- 1) Prior to the hearing, the Tribunal will issue a summons to each party. The parties will (i) appear in person and not by means of legal representation, (ii) take an oath or affirmation, and (iii) produce evidence as requested by the Tribunal (PPA S.135).
- 2) During the hearing, the Tribunal may require:
 - a) Any person to produce any information the Tribunal considers relevant;
 - b) The attendance of any person to give evidence; and
 - c) Any person to produce any document that may be in his or her custody.
- 3) Persons submitting evidence before the Tribunal shall do so under oath or affirmation.
- 4) If a party does not have a lawful excuse for its failure to attend the hearing, the Tribunal can reschedule the hearing, dismiss the appeal, enter a final judgement, and / or order the non-compliant party to pay the other party's costs.

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Section 5.3.5: Decision

- 1) The Tribunal must issue its decision within 21 days after the conclusion of the hearing. The decision may:
 - a) Uphold a decision of the AO;
 - b) Set aside the AO's decision and order the PE to:
 - i) Remit the proceedings to the PE to be re-heard;
 - ii) Suspend the procurement process; or
 - iii) Cancel the procurement process.
 - c) Provide for any other relief as it deems reasonable and necessary.
- 2) Notwithstanding the above, the Tribunal may suspend, then revoke or terminate the execution of a contract if the Tribunal finds sufficient evidence that the execution of the contract may cause a substantial loss to the public revenue or prejudicially affect public interest (PPA S.112).
- 3) A Tribunal's decision shall have the same force and effect as a judgement or order of a court of competent jurisdiction and shall be enforceable as such judgments or orders (PPA S.136).

Section 5.3.6: Further Appeal

- 1) A party aggrieved by the Tribunal decision may appeal to the High Court (PPA S.137). An appeal to the High Court is permitted only after the administrative complaint process is exhausted (PPA S.113).

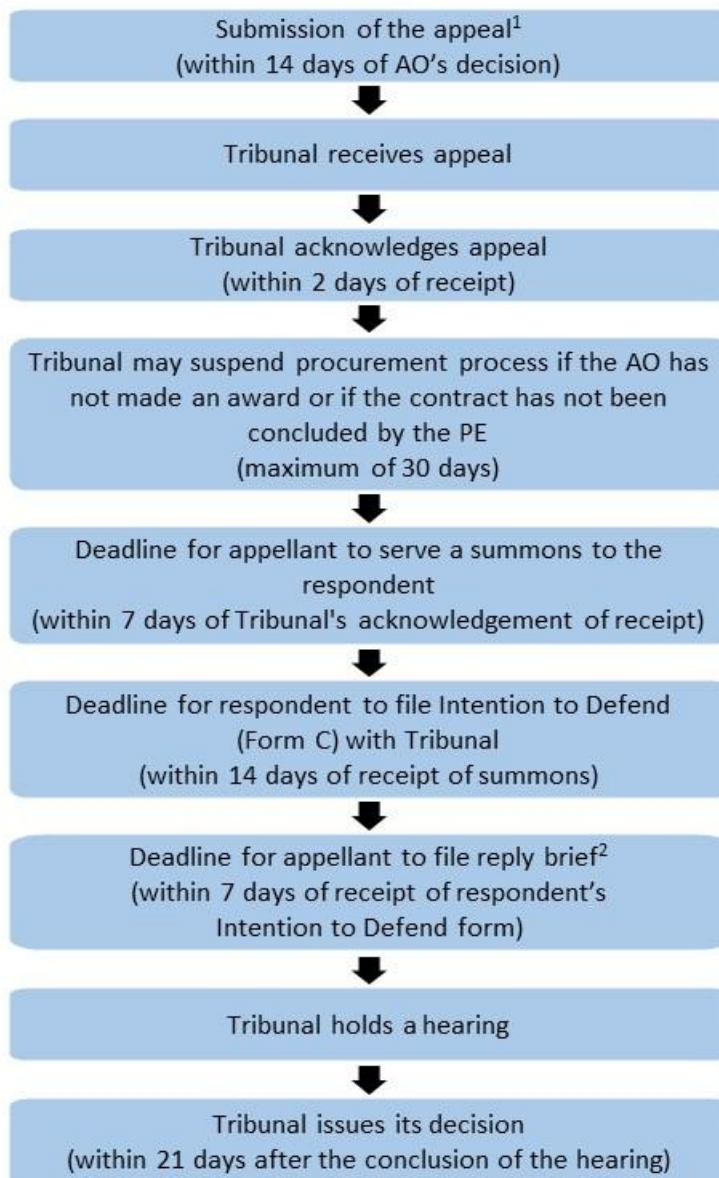
Section 5.3.7: Public Access

- 1) All filings can be requested by the public for a fee.

Section 5.4: Appeal Process

- 1) The figure below captures the appeal process flowchart. The flowchart includes timing for certain steps / actions.

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Notes

- 1) The Tribunal may allow an appeal to be submitted outside of the 14-day time period if it determines that there is reasonable cause for the failure to appeal within 14 days of the AO's decision.
- 2) A party may, upon showing sufficient cause, amend an appeal, defence, or reply, so long as the amendment occurs within 14 days prior to the hearing.

Figure 18. Appeal Process Flowchart

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Section 6: Contractor Registration

- 1) Pursuant to the PPA, the PPRA has established a Contractors' Register, a Code of Conduct, and a process for suspending and de-listing contractors (PPA S.98). The PPRA is responsible for maintaining the Contractors' Register, which is a comprehensive and current record of all contractors registered with the PPRA and is categorised based on capacity and capability.

Section 6.1: Contractors' Register

Section 6.1.1: What is the Purpose of the Contractors' Register?

- 1) The Contractors' Register provides an up-to-date accounting of contractors who may bid on tenders for works, services, or supplies. The Contractors' Register categorises contractors according to their capacity and capability. Note that registration does not pre-qualify contractors for tenders. Registered contractors must also meet any pre-qualification conditions as set forth by the PE.
- 2) Information in the Contractors' Register includes (PP Reg. 137):
 - a) In the case of an entity, the name and qualification of a director, partner, key staff, or employee who is technically qualified in the relevant category;
 - b) In the case of an individual, the individual's qualifications, skill, and experience;
 - c) Duration and type of registration; and
 - d) Any other information as required by the PPRA.
- 3) Benefits of the Contractors' Register are captured in the table below.

Benefit	Explanation
Assists PEs in determining the most appropriate procurement method and approach	A PE can review the Contractors' Register to determine whether there is a critical mass of potential domestic bidders such that open domestic bidding is warranted (as opposed to open international bidding).
Facilitates the application of preference and reservation schemes	A PE can review the Contractors' Register to determine whether there is a critical mass of potential bidders that would satisfy proposed preference / reservation schemes in the procurement process.
Facilitates application of the Code of Conduct	The Contractors' Register maintains current information on contractors, including contact details, that will facilitate monitoring contractors and ensuring compliance with the Code of Conduct.
Levels the playing field to ensure that only similarly capable contractors compete	The PE can limit bidding to contractors with specific grades / codes / subcodes, thereby ensuring that only similarly situated and competent contractors submit bids.

Table 34. Benefits of the Contractors' Register

- 4) **Note to Reader:** A PE can, with written approval from the PPRA, engage an unregistered contractor in relation to (PP Reg. 147):
 - a) Micro procurement activities;
 - b) Informal sector procurements;
 - c) International bidders not domiciled in Botswana;




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- d) A government policy, as determined by the PPRA; and
- e) Any other determination made by the PPRA (e.g., a waiver).

Section 6.1.2: Who Can Register?

- 1) Entities and individuals who wish to register must meet the minimum registration requirements for the contractor category to which they belong (PP Reg. 138). These requirements can include proof of ownership, staff identification documents, and bank account detail. The PPRA maintains and updates category requirements.
- 2) Registration is mandatory for contractors domiciled in Botswana who want to bid on public procurements. Non-registered contractors are usually disqualified from tendering, subject to any exceptions as provided by the tender and PPA.

Section 6.1.3: How to Apply for Registration

- 1) An entity or individual wishing to apply for registration must submit an application to the PPRA using Schedule 1, Form R (Application for Registration in Contractors' Register) and submit the required fee (PP Reg. 139). 
- 2) Schedule 1, Form R requires the following information regarding the entity / individual:
 - a) Legal name;
 - b) Unique Identification Number (UIN);
 - c) Directors (if applicable);
 - d) Shareholders (if applicable);
 - e) Phone number;
 - f) E-mail address;
 - g) Disciplines; and
 - h) List of codes / subcodes, as applicable.
- 3) In addition to Schedule 1, Form R, the applicant must also submit (PP Reg. 139):
 - a) A certified copy of a certificate or similar documentation proving the applicant's qualifications;
 - b) Proof that the applicant holds the minimum technical qualifications, skills, and experience for the class / category of works, services, or supplies for which the applicant is registering; and
 - c) Any other information that the PPRA requires.
- 4) If a contractor needs to update their information in the Contractors' Register, it may submit Schedule 1, Form Q (Request for Change of Particulars of Contractor in Contractors' Register) in writing, notifying the PPRA of the change and requesting that it be reflected in the Contractors' Register. 
- 5) If a contractor has earned new or different certifications or competencies, it may apply to upgrade its codes or subcodes in the Contractors' Register by submitting Schedule 1, Form S (Application for Upgrade of Contractor) to the PPRA. Conversely, the contractor may apply to downgrade their codes or subcodes in the Contractors' Register by submitting Schedule 1, Form T (Application for Downgrade of Contractor) to the PPRA. 

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Section 6.1.4: Contractor Categorisation and Codes

- 1) The Contractors' Register categorises contractors according to their capacity and capability. The table below lists the categories by which contractors are classified in the Contractors' Register.

Category	Description
Offering	Works, services, or supplies.
Grades / Codes	Denotes the scale and complexity of procurement activity that the contractor is equipped to handle.
Ownership / Control	Indicates whether the contractor is eligible for reservation or preference schemes.

Table 35. Registered Contractor Classifications

- 2) Certain requirements also dictate whether a contractor is assigned codes (e.g., proof of equipment is necessary for a contractor to be assigned Code 01 – Building Construction and Maintenance). The table below lists examples of codes and subcodes.

Offering	Works	Services	Supplies
Grade	01 – Building Construction and Maintenance	100 – Security Services	200 – Agriculture Products and Related Equipment
Subcode	01 – Building Construction	01 – Security Guard Services	01 – Stock Feeds and Supplements
	02 – Structural Steel Work	02 – Specialist Security Service	02 – Veterinary Drugs and Remedies

Table 36. Examples of Codes and Subcodes

Section 6.2: Registration Renewal


- 1) The PPRA will review the Contractors' Register every five (5) years. If a contractor fails to renew their registration, the PPRA will remove the contractor from the Contractors' Register.
- 2) A contractor becomes eligible for renewal three (3) months prior to the expiration of their registration. A contractor renews their registration by applying for renewal using Schedule 1, Form V (Application for Renewal of Certificate of Registration) and paying the required fee (PP Reg. 154).





Section 6.3: Suspension and De-listing

- 1) The PPRA is authorised to establish a committee that reviews suspension and de-listing of contractors from the Contractors' Register (PP Reg. 156). While PEs are not responsible for suspension and de-listing, a PE may recommend to the Authority the suspension or de-listing of a contractor for:
 - a) Contravening the Code of Conduct for contractors;
 - b) Failing to comply with the terms of a contract; or

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- c) When the contractor's conduct is not consistent with set practices.
- 2) Note that any entity, including a contractor or PE, may submit Schedule 1, Form W (Submission of Allegations to Authority) to the PPRA to allege that a contractor has contravened the Code of Conduct. 
 - 3) The PPRA, through the suspension and de-listing committee, will investigate and may summon a contractor to hear evidence or inspect relevant documents. The PPRA is also authorised to appoint an investigation officer to carry out the investigation on its behalf. The PPRA is required to issue a decision on suspension or de-listing within 30 days of receipt of a recommendation from the committee or the investigation officer, if one is appointed. A contractor that is suspended or de-listed may appeal the decision to the Procurement Tribunal (PP Reg. 170).
 - 4) Upon the receipt of a recommendation of the investigation officer (PP Reg. 164), the PPRA will make a decision and communicate, in writing, its decision to the contractor. The decision may include any of the following orders (PP Reg. 165):
 - a) Caution or reprimand the contractor in writing;
 - b) Suspend the contractor for a period of time from participation in procurement processes;
 - c) Suspend the contractor conditionally on any terms, pending the fulfilment by the contractor of the conditions of suspension;
 - d) Issue a remedial order where the contractor must comply with a remedial measure within a specified time, failure of which will lead to the contractor being suspended; or
 - e) De-list and remove the contractor from the Contractors' Register; or
 - f) Dismiss the complaint.
 - 5) A suspended or de-listed contractor is still liable to fulfil their obligations under any contract entered into with a PE prior to suspension or de-listing (PP Reg. 166).
 - 6) A PE may, with the approval of the PPRA, terminate or continue with a contract entered into with a contractor that has been de-listed and removed from the Contractors' Register (PP Reg. 167).

Section 6.4: Contractor Restoration

- 1) The PPRA will maintain a register of suspended or de-listed contractors (PP Reg. 168). The register shall include the name and particulars of the contractor.
- 2) A contractor may be restored to the Contractors' Register once the period of suspension or de-listing lapses and / or the conditions for registration renewal are met (PP Reg. 169). Once the period lapses or the conditions are met, the contractor may apply for removal from the register of suspended or de-listed contractors using Schedule 1, Form X (Application to be Removed from Register of Suspended or De-listed Contractors). The PPRA will remove the contractor from the register within 15 days of receipt of a contractor's completed Schedule 1, Form X. 
- 3) Once the contractor has been removed from the register of suspended or de-listed contractors, the contractor may apply to be restored to the Contractors' Register by submitting Schedule 1, Form U (Application for Restoration of Contractor's Name in the Contractors' Register) to the PPRA. 

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Section 7: General Provisions

Section 7.1: Discrimination and Underpricing

- 1) There are two circumstances under which the PPRA must submit recommendations to the Minister of Finance to compensate for discrimination or underpricing. These circumstances involve finding evidence that:
 - a) A foreign entity has discriminated against a Botswana citizen or contractor in connection with a procurement activity; or
 - b) A foreign entity causes a Botswana entity to underprice its offerings in connection with a procurement activity.
- 2) If a PE discovers evidence that supports an allegation of underpricing or discrimination, it is incumbent upon the PE to contact the appropriate PPRA representative and submit a report detailing the evidence. The report must (i) identify the relevant procurement process, (ii) list evidence that supports a finding of discrimination or underpricing, and (iii) detail in narrative form the process by which the evidence was uncovered.
- 3) In formulating its recommendations, the PPRA must consult with the Competition and Consumer Protection Authority.

Section 7.2: Offences and Penalties

- 1) The PPA provides that an individual or entity who contravenes any of its provisions has committed an offence. If a corporate entity or unincorporated body is convicted of an offence under the PPA, a director or manager, who knowingly authorises or permits an act or omission. If a contractor contravenes the PPA and the contravention is proven to have been committed with the consent of a contractor employee, then both the contractor and the employee have committed an offence.
- 2) A corporate entity or unincorporated body that commits an offence is liable for a fine not exceeding P1,500,000. In the event the offending party is an individual, the individual is subject to a fine not exceeding P500,000 or imprisonment not exceeding five years, or both.

Section 7.3: Immunity

- 1) Employees of the PPRA, members of the PPRA Board, any employee or member of the Tribunal, and any official of a PE have immunity for any act or omission, unless the act or omission was conducted in bad faith (PPA S.149).

Section 7.4: End of Activity Report

- 1) For every procurement activity, the PE must submit to the PPRA an end of activity report prior to the final payment to a contractor. The table below lists the general requirements of the report (PPA S.70).

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End of Activity Report Components
Contractor details
Contract award information
Contract original description
Contract final description
Cost details, including variations, if any, and reasons thereof
Final cost
Planned and actual contract timeline
Performance details, including reasons for any deviation from stipulated contract performance indicators
Other comments as deemed necessary by the PE

Table 37. End of Activity Report Components

- 2) Schedule 1, Form N (End of Activity Report) contains the End of Activity Report; this Form will also be used for interim activity reports on projects, as requested by the PPRA.



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Appendix 1: Schedules and Forms

- 1) **Note to Reader:** The PPM references Schedules 1, 2, and 3 and Forms A through Y. These Forms can be found at the PPRA's website. The Delegation & Appointment Form can be found in Appendix 2. Any reference to these Forms in the PPM is noted by a "Form" icon.



Schedule 1 – Forms
Form A – Evaluation Report
Form B – List of Restricted Items
Form C – Annual Procurement Plan
Form D – Procurement Requisition
Form E – Availability of Funds
Form F – Integrity Agreement
Form G – Record of Bid Opening – Single Envelope or Package
Form H – Record of Technical Proposal Opening – Dual Envelope or Package
Form I – Record of Financial Opening – Dual Envelope or Package
Form J – Application for Deviation from Use of a Procurement Method
Form K – Application to Use Alternative Procurement Process
Form L – Request for Retroactive Approval
Form M – Declaration of Beneficial Owners
Form N – End of Activity Report
Form O – Declaration of Interest
Form P – Confidentiality Related to Procurement Process
Form Q – Request for Change of Particulars of Contractor in Contractors' Register
Form R – Application for Registration in Contractors' Register
Form S – Application for Upgrade of Contractor
Form T – Application for Downgrade of Contractor
Form U – Application for Restoration of Contractor's Name in the Contractors' Register
Form V – Application for Renewal of Certificate of Registration
Form W – Submission of Allegations to Authority
Form X – Application to be Removed from Register of Suspended or De-listed Contractors
Form Y – Lodging of Complaints
Schedule 2 – Fees (Contractor Registration Fees, Works Assessment Fees)
Schedule 3 – Code of Conduct of Contractors
Delegation and Appointment Form

Appendix 2: Delegation & Appointment Form

- 1) The Delegation & Appointment Form is below.

Delegation & Appointment Form
(PPA S. 43, 44; PP Reg. 4, 5, 6)

Name of Procuring Entity:

Name of the Accounting Officer:

Name of the Individual/Entity Receiving Delegation:

Description of Delegation:

Accounting Officer Signature

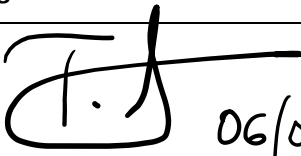
Date: _____

Procurement Oversight Unit Point of Contact Signature

Date: _____

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This Operations Manual was approved by

Designation	Name	Signature
PPRA Chief Executive Officer	Ms. Tumelo Motsumi	 <div>06/03/2025</div>