THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF FINANCE

Tender Evaluation Guidelines

Procurement of Goods or Works

Central Tender Board
P.O. Box 49
Dar Es Salaam
30th June, 2002
Tender Evaluation Guidelines

Procurement of Goods or Works
Preface

This Standard Tender Evaluation Form has been prepared by the Central Tender Board of the Ministry of Finance for use by public authorities and their implementing agencies in the evaluation of tenders, in accordance with the provisions of the Procurement of Goods and Works Regulations, 2001 - Government Notice No. 138 of 13th July, 2001 referred to hereafter as "the Regulations"

This document is intended specifically for assisting in the evaluation of tenders procured through International Competitive Tendering (ICT), as well as through Limited International Tendering (LIT). It should also prove useful, with appropriate modifications, to procuring entities for evaluation under National Competitive Tendering (NCT), International and National Shopping procedures.

Upon notification of contract award to the successful tenderer by the procuring entity, and in accordance with the Public Procurement Act No. 3 of 2001 and the Regulations, the tender boards are authorized to publish a description of the contract, the name and nationality of the contract awardee, and the contract price.

All users are invited to submit comments on their experience with this document to:

The Executive Secretary,
Central Tender Board,
Ministry of Finance,
P.O. Box 49,
Dar Es Salaam
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How to Use These Guidelines

1. The evaluation forms and guidelines contained in this document provide step-by-step procedures for the evaluation of tenders solicited through international competitive tendering. In all instances, the tendering and evaluation procedures described in the Instructions to Tenderers (ITT) of the actual tendering document used should be followed.

2. International competitive tendering is conducted using the Standard Tendering Documents (STDs)\(^1\) issued by the Central Tender Board of the Ministry of Finance and required for use by public authorities. The following STDs are currently available:
   
   a) Procurement of Goods (STDG), International Competitive Tendering
   
   b) Procurement of Works-Smaller Contracts (STDSW), International Competitive Tendering
   
   c) Procurement of Works [Smaller Works Contracts] National Competitive Tendering

   Others are issued as trial editions or are yet in preparation. Tender evaluation procedures for the trial editions follow the procedures for the STDG except for the STD for Supply and Installation of Plant and Equipment, which is more similar to the Standard Tendering Document, Procurement of Works - Larger Works. The STD for commodities is based on modified international competitive tendering in which tendering and evaluation procedures are based on one designated currency. The forms provided herein which deal with currency conversion may therefore be omitted.

3. Although each of the documents is different, their instructions to tenderers are very similar, particularly for the STDG, STDLW, and STDSW, the most widely used documents. The following standard forms and guide are based on those instructions to tenderers, as well as on the Tender Data Sheets (TDSs), which follow the instructions to tenderers and provide contract-specific information.

4. Readers should note that evaluation and the resulting report need not necessarily be lengthy. Procurement of off-the-shelf goods without domestic preference can usually be quickly and easily evaluated. In general, the complexity of evaluation lies with larger works and with the supply and installation of industrial plant and equipment. The forms should invariably accompany the evaluation report, but they may be adapted to suit specific requirements of the tendering documents. The report should include a number of attachments to explain details of tender evaluation or to show specific controversial wording or numbers in the tenders. Cross-referencing should be used extensively, as well as references to pertinent clauses in the tendering documents.

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\(^1\) See Regulations, Regulations101. When the relevant documents are not available, the use of other international documents may be acceptable to the Central Tender Board.
5. Special mention should be made of contracts that group together ("package") smaller contracts ("lots" -also called "slices" or "items"), which may be awarded as a package to one tenderer, or as sub-packages of one or more lots to several tenderers. In such instances the tender evaluation is to be done separately, including any allowances for domestic preference, for each lot, subject to any cross-discounting (see Annex III, para 17(b)). Only Tables 1, 2, and 3 will be common to all.

6. Procuring entities should study these evaluation forms and guidelines during project preparation, in order to properly assess the managerial and administrative conditions needed for tender evaluation. Central Tender Board staff are available to explain the procedures, including any modifications necessary for evaluation using tendering documents other than those STDs presently available. The Central Tender Board encourages the employment of experienced consultants or procurement management agents to help in the tender evaluations (see Regulation 21 of the Public Procurement (Selection and Employment of Consultants) Regulations, 2001 - Government Notice No. 137 of 13th July, 2001 and Regulation 68 of the Procurement of Goods and Works Regulations, 2001 - Government Notice No. 138 of 13th July, 2001).
Section 1. Tender Evaluation Standard Forms

a) Standard cover
b) Letter of transmittal
c) Identification
d) Tendering process
e) Tender submission and opening
f) Tender prices (as read out)
g) Preliminary examination
h) Corrections and, Unconditional Discounts
i) Exchange rates
j) Currency conversion (Multiple currencies)
k) Currency conversion (single currency)
l) Additions, Adjustments and Priced Deviations
m) Domestic Preference for Goods
n) Domestic Preference for Works
o) Proposed Contract Award.
Tender Evaluation Report
and
recommendation for Award of Contract

Name of Project: ______________________________________

Contract Name: ______________________________________

Identification Number: ________________________________

Date of Submission: ______________________________________
Letter of Transmittal

1. The tender evaluation report should be attached with a Letter of Transmittal from the procuring entity, ministry, department, or agency responsible for communication with the appropriate tender board. The letter should highlight conclusions and offer any additional information that would help to expedite approval by the appropriate tender board. In addition, any unresolved or potentially contentious issues should be highlighted. The evaluation report (in the required number of copies) together with the letter should be sent to the secretary of the appropriate tender board.

2. The evaluation report and recommendation for award of contract shall be forwarded to the appropriate tender board for approval before the procuring entity, ministry, department or agency seeks external clearance or invites the approved tenderer for contract finalization and signature. The report shall be accompanied by originals of all the tenders received.
<table>
<thead>
<tr>
<th>Table 1. Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Closing date</td>
</tr>
<tr>
<td>(a) original</td>
</tr>
<tr>
<td>(b) revised</td>
</tr>
<tr>
<td>1.2 Name of project</td>
</tr>
<tr>
<td>1.3 Purchaser (or Employer)</td>
</tr>
<tr>
<td>(a) name</td>
</tr>
<tr>
<td>(b) address</td>
</tr>
<tr>
<td>1.4 Contract number (identification)</td>
</tr>
<tr>
<td>1.5 Contract description</td>
</tr>
<tr>
<td>1.6 Cost estimate①</td>
</tr>
<tr>
<td>1.7 Method of procurement (check one)</td>
</tr>
<tr>
<td>ICT</td>
</tr>
<tr>
<td>LIT</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>1.8 Domestic preference allowed</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>1.9 Fixed price contract</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>1.10 Co-financing, if any:</td>
</tr>
<tr>
<td>(a) agency name</td>
</tr>
<tr>
<td>(b) percent financed by agency</td>
</tr>
</tbody>
</table>

① Cite source and date.
### Table 2. Tendering Process

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>General Procurement Notice</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) First issue date</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Latest update</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Pre-qualification, if required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) number of firms pre-qualified</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) date of tender board’s approval</td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>Specific procurement notice</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) name of national newspaper</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) issue date</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) name of international publication</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) issue date</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(e) number of firms notified</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Contract number (identification)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) title, publication date</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) date of tender board’s approval</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) date of issue to tenderers</td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>Number of firms issued documents</td>
<td></td>
</tr>
<tr>
<td>2.6</td>
<td>Amendments to documents, if any</td>
<td>1. _______  2. _______  3. _______</td>
</tr>
<tr>
<td></td>
<td>(a) list all issue dates</td>
<td>1. _______  2. _______  3. _______</td>
</tr>
<tr>
<td></td>
<td>(b) date(s) of tender board’s approval</td>
<td></td>
</tr>
<tr>
<td>2.7</td>
<td>Date of pre-tender conference, if any</td>
<td></td>
</tr>
<tr>
<td>2.8</td>
<td>Date minutes of conference sent to tenderers and tender board</td>
<td></td>
</tr>
</tbody>
</table>
### Table 3. Tender Submission and Opening

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Tender submission deadline</td>
<td></td>
</tr>
<tr>
<td>(a) original date, time</td>
<td></td>
</tr>
<tr>
<td>(b) extensions, if any</td>
<td></td>
</tr>
<tr>
<td>3.2 Tender opening date, time</td>
<td></td>
</tr>
<tr>
<td>3.3 Record of tender opening,</td>
<td></td>
</tr>
<tr>
<td>3.4 Number of tenders submitted</td>
<td></td>
</tr>
<tr>
<td>3.5 Tender validity period (days or weeks)</td>
<td></td>
</tr>
<tr>
<td>(a) originally specified</td>
<td></td>
</tr>
<tr>
<td>(b) extensions, if any date of tender board’s approval if required</td>
<td></td>
</tr>
</tbody>
</table>
Table 4. Tender Prices (as Read Out)

<table>
<thead>
<tr>
<th>Name (a)</th>
<th>City /state of province (b)</th>
<th>Country (c)</th>
<th>Currency(ies)(^1) (d)</th>
<th>Amount(s) or % (e)</th>
<th>Modifications or comments(^2) (f)</th>
<th>Tender Security (Currency and Amount) (g)</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) For single currency option (see Section VI, para 16(d)(ii), secondary currencies are expressed in column as a percentage of the total tender price.

\(^2\) Describe any modifications to the read-out tender, such as discounts offered, withdrawals and alternative tenders. Note also the absence of any required tender security or other critical items. Refer also to Section IV, para 12 herein.
Table 5A. Preliminary Examination
[Commercial Responsiveness]

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Verification(^3) [Indicate provision in tendering document] (b)</th>
<th>Eligibility [Provision in tendering document] (c)</th>
<th>Tender Security [Provision in tendering document] (d)</th>
<th>Completeness of tender [Provision in tendering document] (e)</th>
<th>Substantial commercial Responsiveness(^4) (f)</th>
<th>Acceptance for detailed examination (g)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** For explanations of headings, see Section IV, para. 15 herein. Additional columns may be needed, such as for responsiveness to technical conditions. See example in annex II.

\(^3\) List here all the conditions provided in the Tendering Documents which tenderers must comply for their tenders to be considered commercially responsive,

\(^4\) No major commercial deviations
### Table 5B. Preliminary Examination
[Technical Responsiveness]

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** For explanations of headings, see Section IV, para. 15 herein, Additional columns may be needed, such example in annex II.

---

5. List here all the conditions provided in the Tendering Documents which tenderers must comply for their tenders to be considered commercially responsive,

6. No major commercial deviation
Table 6. Corrections and Unconditional Discounts

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Read-out tender price(s)</th>
<th>Corrections</th>
<th>Corrected tender price(s)</th>
<th>Unconditional discounts</th>
<th>Corrected/discounted tender price(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Currency(ies)</td>
<td>Amount(s)</td>
<td>Computational errors(^1)</td>
<td>Provisional sums (^2)</td>
<td>(f)=(c)+(d)-(e)</td>
</tr>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Only tenders accepted for preliminary examination (Table 5, column g) should be included in this and subsequent tables. Column a, b, and c are from Table 4 (columns a, d, and e, respectively).

\(^1\) Corrections in column d may be positive or negative.

\(^2\) If the discount is offered as a percent, column h is normally the product of the amounts in columns f and g. Refer to paragraph 16(c). If the discount is provided as an amount, it is entered directly in column. A price increase is a negative discount.
Table 7. Exchange Rates

<table>
<thead>
<tr>
<th>Currency used for Tender Evaluation:</th>
<th>________________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date of Exchange Rate:</td>
<td>________________________________</td>
</tr>
<tr>
<td>Authority or Publication Specified for Exchange Rate:</td>
<td>________________________________</td>
</tr>
</tbody>
</table>

**Note:** Attach copy of exchange rates provided by specified authority or publication.
### Table 8 Currency Conversion (Multiple Currencies)

Specify Evaluation Currency: ____________________________

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Currency(ies) of tender</th>
<th>Corrected / discounted tender price(s)</th>
<th>Applicable exchange rate(s)(^1)</th>
<th>Evaluation Currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e) = (c) x (d)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(f)</td>
</tr>
</tbody>
</table>

Etc.

**Note:** This table is to be used for STDG and Option B of STDLW. Columns a, b and c are from Table 6, columns a, b and i.

\(^1\) Column d is from Table 7.

\(^2\) Column f is the sum of tender prices in column e for each tenderer.
### Table 9. Currency Conversion (Single Currency)

Specify Evaluation Currency: ________________

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Corrected / discounted tender price (in specified currency)</th>
<th>Payment composition</th>
<th>Exchange Rate used by tenderer(^1)</th>
<th>Amounts in currency of payment</th>
<th>Exchange rate for Evaluation(^2)</th>
<th>Evaluation currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)=(b)x(d)</td>
<td>(f)</td>
<td>(g)=(e)x(f)</td>
</tr>
<tr>
<td>(h)</td>
<td></td>
<td>(i)</td>
<td>(j)</td>
<td>(k)=(g)x(h)</td>
<td>(l)</td>
<td>(m)=(j)</td>
</tr>
</tbody>
</table>

**Note:** This table is used for STDSW and Option a of STDLW. Columns a and b are from Table 6, columns a and i.

\(^1\) Columns c, d, and f are provided in the STDLW Appendix to Tender and in the (form of ) Contractor’s Tender in the STDSW.

\(^2\) Column h is from Table 7

\(^3\) Column j is the sum of tender prices in column I for each tenderer.
Table 10. Additions, Adjustments, and Priced Deviations
Specify Evaluation currency: _____________________

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Corrected discounted tender price</th>
<th>Additions$^2$</th>
<th>Adjustments$^2$</th>
<th>Priced deviations$^2$</th>
<th>Total price</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)</td>
<td>(f) = (b) + (c) + (d) + (e)</td>
</tr>
</tbody>
</table>

Etc.

$^1$ Column b is from either Table 8, column for Table 9, column j

$^2$ Each insertion in columns c, d, or e should be footnoted and explained in adequate detail, accompanied by calculations. Refer to paragraphs 16(e), 16(f), and 16(g) respectively of Section IV
### Table 11. Domestic Preference for Goods

Specify Evaluation Currency: ____________________

<table>
<thead>
<tr>
<th>Tenderer (a)</th>
<th>Domestic preference group (b)</th>
<th>Total price (c)</th>
<th>Exclusions for preference (d)</th>
<th>Revised total (e) = (c) – (d)</th>
<th>Prevailing tariff (%)(f)</th>
<th>Domestic preference (%) (g)</th>
<th>Preference price (h)</th>
<th>Total comparison price (i) = (c) + (h)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

1. Column b refers to Groups A, B, C, as indicated by tenderer, subject to verification by procuring entity.
2. Column c is from Table 10, column f, if the lowest total price is from a Group A or Group B tenderer, it is the lowest evaluated tenderer, and the remainder of the table need not be filled out. Columns d through h need to be filled out only for Group C tenders.
3. Column d is the sum of costs in columns d and e from Table 10 plus other costs incurred within the United Republic of Tanzania. Footnotes should be provided to explain the significant components of column d.
4. Column f is the sum of duties and import taxes on the particular items or group of similar items as a percent of the CIF or CIP price. Refer to paragraph 17(a) of Section VI.
5. Column g will be the smaller of 15 percent or the prevailing tariff in column f.
6. Column h for Group a tenderers is zero. Group B tenders at this stage should no longer be compared. For Group c tenders, column h is the product of columns e and g.
Table 12. Domestic Preference for Works

Specify Evaluation Currency: ____________________________

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Domestic preference group</th>
<th>Total price</th>
<th>Exclusions for Preference</th>
<th>Revised Total</th>
<th>Preference</th>
<th>Total comparison price</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)</td>
<td>(f)</td>
<td>(g)</td>
</tr>
</tbody>
</table>

(a) (b) (c) (d) (e) = (c) – (d) (f) (g) = (c) + (f)

1 Column b refers to Group a (eligible domestic tenderers) or Group B (others) as indicated by tenderer, subject to verification by procuring entity

2 Column c is from Table 10 column f. If the lowest priced tender is from a Group A tenderer, it is the lowest evaluated tenderer, and the remainder of the table need not be filled out.

3 Column d is the sum of costs in columns d and e from Table 10. An attachment should be provided to explain the significant components of column d. Columns d and e may be left blank for Group A tenderers.

4 Column f for Group A tenders is zero. For Group B tenderers, column f is the specified percentage for percent of column e.
Section 11: Appointment of Committees Members

1. Committee

1.1 For each engagement of goods or works, the accounting officer or chief executive officer concerned shall appoint either of the following committees, as the case may determine, to act in accordance with the Regulations:-

a) tender opening committee (secretariat of the appropriate tender board)

b) evaluation committee

1.2 A person shall be appointed to only one committee and shall not be eligible for appointment to any other committee.

1.3 Every committee shall have an expert or a person qualified in the subject matter of the particular procurement.

1.4 A summary of the qualifications and abridged curriculum vitae of each of the evaluation committee members should be made part of the evaluation report and where appropriate the records of the procurement process

1.5 Each committee shall submit their report to the accounting officer or chief executive officer on completion of their assignment.

2. Committee composition

2.1 The committees set up under paragraph I shall each be headed by a chairperson and consist of at least three (3) committee members. Each committee shall comprise of not less than two government officials with the necessary qualifications and experience, one official from other public authorities who is a specialist or qualified person in the field of particular procurement to be called for and one procurement specialist who shall not be involved in the approval process. Subject to the prior written approval by the Central Tender Board, non-public officers may be appointed as committee members.

In the event that the chairperson is unable to perform the duties, the accounting officer or chief executive officer shall appoint another person with the necessary qualifications to act as the chairperson.
2.2 In the absence of the chairperson at any meeting, the other members present shall appoint one of them to act as chairperson. The acting chairperson shall report their deliberations or finding to the committee chairperson appointed by the public authority concerned for further action.

3. Quorum

3.1 The quorum for any meeting of the committee set up under paragraph I above shall be as follows:-

a) the tender opening committee shall not require any quorum

b) For the tender evaluation committee, the quorum shall be the total number of the members (including the chairperson)

4. Duties of the tender evaluation committee

4.1 The duties of the tender evaluation committee shall be:-

a) To establish and agree on the detailed evaluation criteria,

b) Study, analyses evaluate and rank all tenders,

c) Prepare and submit the number of copies of the report required by the accounting officer or chief executive officer or the approving authority or other authority.

5. Disclosure of the names of the tenderers to the committee

5.1 After the committees have been formed in accordance with paragraph 2 of these Guidelines, the names of the tenderers who have submitted the tenders shall be disclosed to the members at the appropriate time.

5.2 The committee members shall be given sufficient time to go through the list of the tenderers and each one of them will decide whether or not his/her participation in the process will have conflict of interest.

6. Disability of member of the committee on account of interest in contracts

If a member of a committee appointed in accordance with paragraph 2 has any pecuniary interest, direct or indirect in any of the tenderers/firms or in the contract, in contracts proposed contract or other matter, shall as soon as practicable, disclose the fact and shall not take
part in the opening of the tenders, evaluation, consideration or discussion on and question with respect to it.


6.3 In accordance with Regulation 123(2) of the Procurement of Goods and Works Regulations, 2001 - Government Notice No. 138 of 13th July, 2001 the accounting officer or chief executive officer or the Secretary of the appropriate tender board, as the case may be and the Secretary of the appropriate tender board shall cause to be recorded in a book or -other document to be kept for the purposes, particulars of any disclosure made under Regulation 121. The committee members shall also sign a declaration form.

Section III: Evaluation of tenders

7. Purposed

7.1 The objective of competitive tendering is to acquire the goods, or works at the most economic cost to the purchaser. Price is only one component of the real cost of a tender to the purchaser.

Other factors that can constitute significant elements of the cost to the purchaser include:-

a) Technical aspects of the offer;

b) Time of delivery; and

c) Commercial terms of the officer

7.2 The purpose or aim of tender evaluation is to determine the "cost" of each tender to the purchaser in a manner that will permit meaningful comparison among responsive and responsible tenders, on the basis of "evaluated" cost; thereby allowing the determination, of the "lowest evaluated tender". The lowest evaluated tender may or may not necessarily be the lowest priced tender.
8. Disclosure of criteria

8.1 In order to elicit responsive tenders and to ensure fairness to all tenderers, the evaluation of tenders must be consistent with the terms and conditions set forth in the tendering documents. Thus the evaluation criteria should be spelt out in the tender documents, as precisely as possible.

8.2 Use of criteria other than those specified in the tendering documents is strictly prohibited.

9. Evaluation Committee

9.1 Tender evaluation is a joint technical and commercial exercise. Therefore, it is essential for the purchaser to constitute a tender evaluation committee as stated under paragraph 1 and paragraph 2 above comprising technical, economic and financial experts to carry out the analysis.

10. Evaluation procedure

In determining the lowest evaluated tender accurately, efficiently and in a transparent manner, it is essential to follow a systematic procedure designed to cover all aspects of the evaluation process in a logical sequence. The logical steps to be followed in tender evaluation may be summarized as follows:-

10.1 Step 1: Basic Data

Before commencing the actual evaluation it is useful to complete a Basic Data Sheet for each tender so that all the key information on each tender is readily available and the evaluation process is kept in proper perspective.

10.2 Step 2: Record of tender opening

An official record of tender opening, identifying all the tenders received, the tender prices, alternative bids, and tender bond amounts announced at the public opening of tenders, should be formally prepared.

The next step is the examination of all tenders received, for substantive technical and commercial responsiveness. This exercise aims at eliminating tenders which are not responsive to technical specifications and important commercial requirements, to the extent that they are entirely unacceptable and merit no further consideration.

a) Aspects to consider in examination of tenders
i) are tenders complete and signed?

ii) Have all documents asked for in the tendering document been submitted?

iii) Have all documents been duly initialed and signed?

iv) Has tender security been furnished?

v) Is the tenderer responsive to eligibility conditions?

vi) Are the goods responsive to eligibility criteria?

vii) Any major deviations from commercial tender conditions?

viii) Any major deviations from technical specifications

b) For tenders to be considered responsive there should be:-

i) no major exceptions to the commercial tender conditions

ii) compliance with technical specifications: Tenders must meet the letter and intent of the specifications

c) Tenders meeting these conditions are declared to be substantially responsive.

d) Non- responsive tenders

Examples of non - conformance justifying rejection of a tender are as follows:-

i) failure to satisfy eligibility criteria

ii) failure to satisfy experience criteria

iii) failure to submit tender security
iv) failure to tender for the required scope of works

v) failure to meet major technical specifications

vi) inability to meet critical delivery criteria; and conditional tenders

e) Tenders which fail to conform to any of the major conditions are normally declared substantially non-responsive. They are rejected and not considered any further in the evaluation.

f) Rejection of all tenders if:-

i) All tenders are non-responsive

ii) Evidence of lack of competition

iii) Evidence of collusion among tenderers

iv) Lowest responsive tender unreasonably high

10.4 Step 4: Detailed evaluation and comparison of tenders

After the examination of substantive commercial and technical responsiveness, the tenders determined to be substantially responsive must be evaluated in detail and compared, in order to select the tender which is most advantageous to the purchaser.

Detailed evaluation involves scrutinizing the selected tenders systematically and critically to establish comparison on common basis:-

a) List all the important commercial conditions of tender, tender security amount, validity period, delivery date; terms of payment, liquidated damages, etc,

b) Set out the scope of supply and list all the important technical requirements of all major pieces of equipment (plant horsepower / capacity; speed; voltage pressure; operating
temperature) and their performance characteristics (plant efficiency; fuel consumption in the cost of the items

c) Scrutinize rigorously and compare tenders on this basis.

10.5  Step 5: Correction of arithmetical errors

All substantially responsive tenders must firstly be examined for arithmetic errors. All calculations should be checked, especially in the case of civil works tenders which have been invited on the basis of a bill of quantities. Any difference between the unit prices and the total must be corrected. The unit prices must rule.

10.6  Step 6: Currency of tender comparison

Since tenders would have been received from different countries, involving different currencies, it is essential to convert all tender prices to one currency as specified in the tendering documents for assessment purposes:-

a) Common currency Tanzania shillings, or other currency widely used for international trade,

b) Rate of exchange

(i) Selling rates published by an official source and applicable to similar transactions.

(ii) Date stipulated in the tendering document but not earlier than 15 days prior to date of tender opening; or

(iii) Date of decision to award contract or date of expiry of tender validity, whichever is earlier.

10.7  Step 7 – Financial adjustment of tender prices

Governing principle of tender comparison

The base tender price of all tenders, should be compared, excluding extraneous cost elements, such as escalation. The basis of comparison should be:-
1) For Goods:-

   a) The foreign tender, the offered price shall be the CIF price excluding import duties, consular duties and port taxes, to which will be added port handling charges and any local transport from the port or frontier to the project site;

   b) The domestic tender the offered price shall be the delivered price at the project site, with deduction for local sales, consumption and value added taxes incorporated in the cost of the items.

   c) For goods, tenders usually evaluated on one of the following basis:-

      i) supply of equipment only,

      ii) supply of equipment including transportation to project site

      iii) supply and installation of equipment

2) For works

   For tender comparison purposes only, in the case of works, contractors are responsible for all duties, taxes and other levies, and tenderers should take this into consideration in preparing their tenders.

3) Price escalation

   Tender document should preferably lay down the formula applicable to all tenderers (see s 'ample tendering documents) Ignore the effect of the price adjustment provisions since this will be speculative

10.8 Step 8 Award recommendation

   The tenderer with the lowest total is the lowest evaluated cost tenderer at this stage subject to:-
Section IV. Detailed Evaluation Guidelines

Tables 1, 2, and 3 provide for the filing of basic information on the procurement process. This information is necessary to monitor compliance with the regulations, and particularly Regulations 98 and 99 on advertising and notification of the Regulations.

12.1 All tenderers or their representatives are invited to attend the tender opening, where tenders are read out and recorded, along with a list of attendees. Copies should be sent to all tenderers. Tender opening procedures are described in the Instructions to Tenderers. To assist in carrying out the opening and preparation of the record, a checklist is provided in Annex 1. The checklist should preferably be filled out for each tender during the actual reading out at the meeting. The reading should be from the original version of each tender, and the actual amounts and other key details read out should be circled for later verification. If tenders are expressed in a single currency, other currency needs expressed as a percentage should be recorded. It may also be desirable to read out exchange rates used by tenderers (see paragraph 16(d)(ii) in this Annex).

12.2 Any envelopes containing substitutions, modifications, or withdrawals must be subject to the same level of scrutiny, including the reading out of critical details, such as price changes. Failure to read out such information and include it in the written record may

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result in denial of its inclusion in tender evaluation. If a tender has been withdrawn by cable, it should nonetheless be read out and should not be returned to the tenderer until the authenticity of the withdrawal notice has been confirmed.

12.3 As stated in the Instructions to Tenderers, no tenders should be rejected at the tender opening except those received after the deadline for receipt of tenders. Such tenders shall be returned unopened to the tenderer. A summary of the read-out tender prices should be provided in Table 4.

13. **Tender validity**

13.1 The duration of the validity of each tender should be the one specified in the Instructions to Tenderers and should, be confirmed in the signed (form of) tender. If exceptional circumstances occur in which award cannot be made within the validity period, extensions in writing should be requested of tenderers, in accordance with the Instructions to Tenderers, Procurement of Goods and Works Regulations 2001 - Government Notice No. 138 of 13th July, 2001, Regulation 105. Extensions to the validity of tender security should also be requested of tenderers, if necessary.² Note any extensions in Table 3.

14. **Principles of Evaluation**

After the public opening of tenders, information relating to the examination, clarification, and evaluation of tenders shall not be disclosed to tenderers or other persons not officially concerned with this process until the successful tenderer is notified of the award of contract, Procurement of Goods and Works Regulations 2001 - Government Notice No. 138 of 13th July, 2001, Regulation 116.

On occasion, the procuring entity may request clarifications of tenderers concerning ambiguities or inconsistencies in the tender. As required in the Instructions to Tenderers, such requests shall be in writing, and no change in the price or scope of the originally offered goods, works, or services shall be sought or accepted, except for the correction of

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² Particular care must be taken in cases where the deadline for submission (or for opening) of tenders can be extended, as the duration of bid security is frequently provided in terms of an expiration date. In contrast, tender validity is specified in terms of an interval after the deadline for receipt or the date of tender opening.
arithmetic errors. The responses from tenderers shall also be in writing (refer also to Procurement of Goods and Works Regulations 2001 - Government Notice No. 138 of 13th July, 2001, Regulation 108(10)). No circumstances shall justify meetings or conversations between the procuring entity (or its consultants) and tenderers during the tender evaluation process.

Tenderers frequently attempt to contact the procuring entity during tender evaluation, directly or indirectly, to query progress of evaluation, to offer unsolicited clarifications, or to provide criticisms of their competitors. Receipt of such information should be acknowledged as to receipt only.³ Procuring entities must evaluate tenders on the basis of the information provided in the respective tenders. However, additional information provided may be useful in improving the accuracy, speed, or fairness of the evaluation. Nonetheless, no changes in the tender price or substance are allowed.

15. Preliminary Examination of tenders

The evaluation process should begin immediately after tender opening. The purpose of preliminary examination is to identify and reject tenders that are incomplete, invalid, or substantially non-responsive to the tendering documents and therefore, are not to be considered further. The following checks should be applied:

(a) Verification: Attention should be directed towards deficiencies that, if accepted, would provide unfair advantages to the tenderer. Sound judgment must be used: for example, simple omissions or mistakes arguably occasioned by human error should not be grounds for rejection of the tender. Rarely is a tender perfect in all respects. However, the validity of the tender itself, for example, its signatures, must not be in question. If the tenderer is a joint venture, the joint venture agreement must be submitted; if the tenderer is an agent, an authorization from the supplier or manufacturer must be provided in addition to any documentation required of the supplier or manufacturer itself. All copies of the tender should be compared with the original and

³ On occasion, tenderers approach the tender boards with information
corrected accordingly, if necessary. Thereafter, the original should be kept in a safe location, and only copies should be used in evaluation.

(b) **Eligibility:** The tenderer must be a national or a juridic entity from an eligible source country. All partners to a joint venture shall be from an eligible source country, and the joint venture shall be registered in an eligible source country. All goods and services shall originate from eligible source countries. In the case of plant and equipment, this eligibility test is applied only to the finished product offered in the tender and to its major and clearly identifiable components. If pre-qualification has taken place, only tenders from pre-qualified tenderers can be considered.\(^4\)

The tenderer (including all members of a joint venture and subcontractors) may be disqualified if affiliated with a firm that has provided related consulting services on the project, or if the tenderer is a publicly owned enterprise from the United Republic of Tanzania, lacking legal and financial autonomy. (See the Instructions to Tenderers for details.)

(c) **Tender security:** The tendering document may require submission of a tender security. If so, the tender security must conform to the requirements of the Instructions to Tenderers, and it must accompany the tender. If the tender security is issued as a bank guarantee, it must be consistent with the wording of the tender security form provided in the tendering documents. Submission of a copy of the security or submission of a counter guarantee naming procuring entity's bank instead of the procuring entity is unacceptable. Furthermore, securities for an amount smaller or for a period shorter than the one specified in the Instructions to Tenderers are not acceptable. The security for a tender submitted by a joint venture should be in the names of all of the partners of the joint venture.

\(^4\) The juridic entities of the pre-qualified tenderers may not be modified in the submission of tenders.
(d) Completeness of tender: Unless the tendering documents have specifically allowed partial tenders - permitting tenderers to quote for only select items or for only partial quantities of a particular item - tenders not offering all of the required items or tenders inserting new items not specified or not required by the Tendering Documents should ordinarily be considered non-responsive. However, under works contracts, missing prices for occasional work items are considered to be included in prices for closely related items elsewhere. If any erasures, interlineations, additions, or other changes have been made, they should be initialed by the authorized representative of the tenderer. They may be acceptable if they are corrective, editorial, or explanatory. If they are not, they should be treated as deviations and should be analyzed as per paragraph 15(e) below. Missing pages in the original copy of the tender may be cause for rejection of the tender, as may contradictions in model numbers or other designations of critical supply items.

(e) Substantial responsiveness: Major deviations to the commercial requirements and technical specifications are a basis for the rejection of tenders. As a general rule, major deviations are those that, if accepted, would not fulfill the purposes for which the tender is requested, or would prevent a fair comparison with tenders that are properly compliant with the tendering documents. Examples of major deviations include:

(i) Stipulating price adjustment when fixed price tenders were called for;

(ii) Failing to respond to specifications by offering instead a different design or product that does not offer substantial equivalence in critical performance parameters or in other requirements;

(iii) Phasing of contract start-up, delivery, installation, or construction not
conforming to required critical dates or progress markers;

(iv) Subcontracting in a substantially different amount or manner than that permitted;

(v) Refusing to bear important responsibilities and liabilities allocated in the tendering documents, such as performance guarantees and insurance coverage;

(vi) Taking exception to critical provisions such as applicable law, taxes and duties, and dispute resolution procedures;

(vii) Those deviations that are specified in the Instructions to Tenderers as requiring rejection of the tender (such as, in the case of works, participating in the submission of another's tender other than as a subcontractor).

Tenders that offer deviations may be considered substantially responsive—at least as to the issue of fairness—if the deviations can be assigned a monetary value that would be added as a penalty during the detailed evaluation process and if such deviations would be acceptable in the eventual contract.

The results of preliminary examination should be presented in Table 5. If the tender fails preliminary acceptance, the reasons must be clearly explained in footnotes or in an attachment, as necessary. An example is shown in Annex 11. Procuring entities may find it useful to include additional tables for itemization of responsiveness to a list of technical or commercial specifications. These should be attached to Table 5.

16. **Detailed Examination of Tender**

Only those tenders surviving preliminary examination need to be examined in this phase.

(a) **Corrections for errors**: The methodology for correction of computational errors is described
in the Instructions to Tenderers. The read-out tender prices and their corrections should be noted in Table 6, column d. Tenderers should be informed about the arithmetic corrections carried out in their tenders and should be requested to confirm whether or not they accept such corrections. If the tenderer does not accept the corrected tender sum, its tender will be rejected and other appropriate actions may be taken by the procuring entity in accordance with the Instructions to Tenderers. The corrections are considered binding on the tenderer. Unusual or large corrections that could affect the comparative ranking of tenders should be explained in footnotes.

(b) **Corrections for provisional sums:** Tenders may contain provisional sums set by the procuring entity for contingencies or for nominated subcontractors, etc. As these sums are the same for all tenders, they should be subtracted from the read-out prices in Table 6, column e to allow for a proper comparison of tenders in subsequent steps. However, those provisional sums set aside for Dayworks,\(^5\) where priced competitively, should not be included in the deductions.

(c) **Modifications and discounts:** In accordance with the Instructions to Tenderers, tenderers are allowed to submit, prior to tender opening, modifications to their original tender. The impact of modifications should be fully reflected in the examination and evaluation of the tenders. These modifications may include either increases or discounts to the tender amounts that reflect last-minute business decisions. Accordingly, the original tender prices should be modified at this point in the evaluation. Discounts offered in accordance with the Instructions to Tenderers that are conditional on the simultaneous award of other contracts or lots of the contract package (cross-discounts) shall not be incorporated until the completion of all other evaluation

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5 Refers to unforeseen work. For details, see STDLW or STDSW 34
steps. The effect of unconditional discounts (or alternatively, increases) should be shown as in Table 6 (columns g and h). Any discount expressed in percent must be applied to the appropriate base specified in the tender (i.e., check to see if it applies to any provisional sums).

(d) Evaluation currency: The remaining tenders as corrected for computational errors and as adjusted for discounts should be converted to a common evaluation currency, as described in the Instructions to Tenderers. The exchange rates to be used in the calculations are to be listed in Table 7. If multiple exchange rates exist for a particular currency (for commercial, Government transactions, etc.), indicate which applies, with reasons for the choice. Where exchange rates for a particular currency are not available from the specified authority or publication, identify the secondary source, as well as any necessary conversion calculations.

There are two different currency options for tendering/payment, each requiring a different conversion methodology:

(i) The STDG and Option B of STDLW use the multiple currency option, in which the tender price is expressed in a number of currencies. For this procurement, use Table 8.

(ii) The STDSW and Option A of STDLW use the single currency option, in which the tender price is expressed entirely in a specific currency, usually in Tanzania Shillings, with other foreign currency requirements stated as percentages of the tender price, together with the exchange rates used by the tenderer to determine the percentages. For STDLW single currency tenders, sections of the Works may require payment in different

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6 Similarly, a tender offering a choice of different product models is evaluated on the basis of the lowest price offered by the tenderer from among the models meeting the requirements of the tendering document.
currencies and proportions. In such instances, the impact of any corrections found will require a lengthier analysis for each tender, based on the submitted Appendix to Tender. Table 9 is to be used for these calculations.

(e) **Additions:** Omissions to the tender should be compensated for by adding the estimated costs for remedying the deficiency. Where items missing in some tenders are present in others, an average or the highest of quoted prices could be used to compare competitors' tenders. Alternatively, external sources, such as published price lists, freight tariff schedules, etc., may be appropriate. The cost determined should be expressed in the evaluation currency and shown in Table 10, column c.

(f) **Adjustments:** The Instructions to Tenderers specifies which, if any, performance or service factors will be taken into account in the tender evaluation (see, for example, para. 27 of STDG). The methodology used in evaluation of these factors should be precisely described in the tender evaluation report and should be fully consistent with the Instructions to Tenderers provisions. Bonuses or additional credits that reduce the evaluated tender price will not be given in the tender evaluation for features that exceed the requirements stated in the tendering documents, unless specifically provided for in the Instructions to Tenderers. The value of adjustments will be expressed in terms of cost, for all works and most goods contracts, and should be shown in Table 10, column d and expressed in the evaluation currency.

(g) **Priced deviations:** As discussed under paragraph 15(e), tenders with minor deviations may be considered substantially responsive if their further consideration assigns a monetary cost or penalty to the tender for the purpose of tender comparison:
i) Requests for deviations that are expressed by the tenderer in vague terms, such as "we would like an increase in the amount of mobilization advance" or "we wish to discuss changes in the completion schedule" should ordinarily be ignored in tender evaluation. However, a categorical statement by the tenderers taking exception to a requirement in the tendering documents should be treated as a deviation.

ii) If a tenderer requires a faster payment stream than specified in the tendering documents, the penalty is based on the prospective benefit to the tenderer. This situation assumes use of a discounted cash flow using the prevailing commercial interest rates for the currencies of the tender, unless the Instructions to Tenderers foresees the eventuality and specifies a rate.

iii) If a tender provides for a delivery or completion period that is beyond the date specified in the tendering documents but that is nonetheless technically acceptable to the procuring entity, the time advantage given should be assessed a penalty specified in the Instructions to Tenderers or, if one is not provided, based on the rate of liquidated damages specified in the tendering documents.

The deviations should be priced in the evaluation currency in Table 10, column e.

In the comparison of tenders for works and for most goods, the corrected and discounted tender prices, together with adjustments for omissions, deviations, and specified evaluation factors, have been noted in Table 10. The tenderer with the lowest total is the lowest evaluated cost tenderer at this stage, subject to:
1) Application of domestic preference, if any is allowed;

2) Application of any discounts, contingent on the simultaneous award of multiple contracts or lots; and

3) Post-qualification evaluation, or, if pre-qualification has occurred, confirmation of pre-qualification information.

(a) Domestic preference: If domestic preference is allowed in tender evaluation, the Instructions to Tenderers will so state and provide detailed procedures to be used in determining the eligibility for preference and the amounts.

i) With respect to goods contracts, verification of the prevailing import duties and the related import taxes to a non-exempt importer must be made. If these duties and taxes are less than 15 percent of the CIF or CIP price,\(^7\) they are to be used as to the amount of preference. Also, the eligibility of goods for domestic preference must be examined according to the criteria described in the Instructions to Tenderers.

The calculations for determining the lowest evaluated tenderer are based on a two-step process. In the second step, if needed, the domestic preference is added (like a tariff) to the CIF or CIP tender prices of the goods offered from abroad.\(^8\) Care should be taken to separate these prices from the overall tender prices, which may include the costs of internal transportation and related freight insurance, installation, training, and other costs incurred within the United Republic of Tanzania. Such costs are not to be

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\(^7\) CIF is cost, insurance and freight for maritime transportation. CIP is cost, carriage and insurance in the case of multimodal transportation. For further definitions, refer to *INCOTERMS 1990*, International Chamber of Commerce, 38 Course Albert 1er, 75008 Paris, France.

\(^8\) This occurs if the apparent low tenderer from the first step is importing the goods
adjusted for the preference. The CIF or CIP tender prices used will reflect corrections for errors and discounts and will be adjusted for omissions pertaining to the CIF or CIP prices (such as insufficient spare parts). They will not reflect adjustments for deviations or specified evaluation factors. The preference tariff calculated will then be added to the corrected, discounted, and adjusted total prices tabulated in Table 11.

All calculations involved in assessing domestic preference should be clearly shown in Table 11, together with accompanying explanations as necessary. The lowest evaluated tenderer would be the tenderer with the lowest price total in column i, unless note 2 of Table 11 applies.

ii) Any domestic preference eligibility allowed under works contracts is dependent on ownership criteria and on the share of work to be undertaken. The domestic preference is provided by adding a specified percent of the preference to the corrected and discounted tender prices of tenderers not eligible for domestic preference. The Instructions to Tenderers excludes domestic preference application to any provisional sums, as well as to adjustments or priced deviations. The lowest evaluated tenderer is the tenderer with the lowest total in column g of Table 12.

(b) Cross-Discounts: These are conditional discounts offered in the event that more than one contract or lot will be awarded to the same tenderer. Tender evaluation in such cases can be quite complicated, particularly for goods contracts where domestic preference may

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9 This restriction may originate with pre-qualification.
10 The Annex in the Central Tender Board's Standard Pre-qualification Document is useful for post-qualification evaluations.
11 INCOTERMS 1990
apply. The sizes of cross-discounts offered by each tenderer may vary with the potential number of contracts awarded. The Instructions to Tenderers may also limit the number or total value of awards to a tenderer on the basis of its financial and technical capacity. Thus, a tenderer offering the lowest evaluated tender on a particular contract may be denied award because of such a restriction. The procuring entity shall select the optimum combination of awards on the basis of least overall cost of the total contract package, consistent with the qualification criteria. Presentations of the calculations should be made on an attachment to the report, which should include the tender evaluation(s) for the other contracts, if they have been evaluated separately.

(c) **Qualification:** If pre-qualification was conducted, the tenderer whose tender is the lowest evaluated should receive the award, unless the tenderer's qualifications have since materially deteriorated or the tenderer has since received additional work that over stresses its capacity. The procuring entity should satisfy itself fully on both accounts.

Where pre-qualification has not occurred, the prospective awardee should be subjected to post-qualification, the procedures for which are described in the Instructions to Tenderers. If the lowest evaluated tenderer fails post-qualification, its tender should be rejected, and the next ranked tenderer should then be subject to post-qualification examination. If successful, this tenderer should receive the award. If not, the process continues.

The rejection of a tender for reasons of qualification requires substantial justification, which should be clearly documented in attachments to the report. A history of poor performance may be considered a substantial justification.
(d) **Alternative tenders:** Instructions to Tenderers may request or allow the procuring entity to accept alternative tenders under the stipulation that only the alternative submitted by the lowest evaluated tenderer and conforming to the tendering documents will be considered.

(i) For works, the Instructions to Tenderers may allow alternative technical solutions and/or alternative times for completion.

(ii) For goods, the Instructions to Tenderers may allow for submission of an alternative payment schedule. The same Instructions to Tenderers (paragraphs 11.6(b)(ii) or (iii)) may also require tenderers to submit, in addition to any CIF or CIP tenders, similar tenders less transport or insurance, such as FCA or CFR. The procuring entity, if it is willing to accept the alternative tender offered by the lowest evaluated tenderer, should provide justification for doing so.

Calculations for the evaluation of alternatives should be provided in an attachment to the report.

(e) **Proposed award:** The amount of the proposed award shall be the tender price as submitted by the winning tenderer and adjusted as described in the Instructions to Tenderers for corrections, any discounts (including cross-discounts), and acceptance by the procuring entity of alternative offers from the lowest evaluated tenderer. Table 13 should be filled out to establish the actual amount of the contract award.

If (a) none of the tenders are found to be responsive, (b) tenders are unreasonably high in price compared with earlier estimates, or (c) none of the tenderers are qualified, the procuring entity may consider rejection of all tenders (prior tender board concurrence is required).
(f) **Report submission**

   i) The procuring entity must submit the completed tender evaluation report containing the required summary to the appropriate tender board as soon as possible after tender opening, preferably no later than three (3) weeks after the date of tender opening.

   ii) Procuring entities are encouraged to request assistance as needed from the Central Tender Board in explaining the evaluation procedures. However, the Central Tender Board will not participate in the evaluation itself.

(g) **Review by the tender board:** Upon receipt by the appropriate tender board, all contracts subject to prior review will be reviewed. Procuring entities may be requested to provide additional information and justification for the recommendations. The appropriate tender board will not contact tenderers. However, it may request the procuring entity to do so for necessary clarifications. When the appropriate tender board is satisfied with the evaluation of tenders and recommendations of award, an “approval” written communication will be issued by the secretary of that tender board. Each member of that tender board will sign an undertaking (Annex V) to declare whether or not that member has an pecuniary interest in any of the tenderers and an undertaking not to divulge confidential information to persons not concerned with the approval process of the tender under consideration.

(h) **Award of contract:** Tender securities of unsuccessful tenderers should be returned promptly after award has been made. However, if contract effectiveness is contingent on the receipt of a performance security or other condition, the procuring entity may consider seeking an appropriate extension of time for the
tender validity and the accompanying tender security of the next two lowest tenderers.

As mentioned in the Preface, upon confirmation by the procuring entity that the award has been made, the tender board is authorized to publish a description of the contract, the name and nationality of the contract awardee, and the contract price. Any further information on the tenders or on their evaluation, including the tender evaluation report, is held in confidence by the secretary of the appropriate tender board. Unsuccessful tenderers are allowed under the Regulations to seek a debriefing with the procuring entity, and, additionally, with the secretary of the appropriate tender board. In anticipation of this and/or any post reviews by the Central Tender Board, the Controller and Auditor General or other authorized institutions, the procuring entity should ensure that tendering documents and evaluations are securely stored.
Annex 1. Tender Opening Checklist
(To be filled out for each tender as it is read out)

Contract Reference: ___________________________________________________

Tender Opening Data: __________________________  Time: ___________________

Name of Tenderer: ___________________________________________________

a) Is outer envelope of tender sealed?
b) Is tender form completed and signed?
c) Expiration dated of tender:
d) Is documentary authority for signing enclosed?
e) Amount of tender security (if required): ________________ (state currency)
f) Describe any “Substitution,” “withdrawal”, or “Modification” submitted
g) Describe any alternative tender made:
h) Describe any discounts or modifications offered:
i) Additional comments;¹
j) Name of tender or representative present:
k) Total tender price: ________________ (list currencies and amounts or percentages)²

Signature of responsible officia.: __________________________  Date: _______________

¹ Read out and record model numbers of equipment.
² If tender is for a package of contracts, the price for each lot or item should be read out.
Annex II

Preliminary Examination

<table>
<thead>
<tr>
<th>Tender</th>
<th>Verification</th>
<th>Eligibility</th>
<th>Tender Security</th>
<th>Completeness of tender</th>
<th>Substantial responsiveness</th>
<th>Acceptance for detailed examination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenderer A</td>
<td>Yes</td>
<td>Yes³</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tenderer B</td>
<td>No²</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes³</td>
<td>No</td>
</tr>
<tr>
<td>Tenderer C</td>
<td>Yes³</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tenderer D</td>
<td>Yes</td>
<td>Yes</td>
<td>No⁵</td>
<td>No⁶</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Tenderer E</td>
<td>Yes</td>
<td>No⁵</td>
<td>No⁸</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Tenderer F</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tenderer G</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tenderer H</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes³</td>
<td>Yes</td>
</tr>
</tbody>
</table>

¹ Tenderer is partly owned (25 percent) by government (of Tanzania). It operates under commercial law and is financially and managerially independent of government.
² Joint venture agreement missing.
³ Requires 25 percent mobilization advance; Tender Document states maximum of 15 percent. Deviation is minor and can be quantified.
⁴ Tenderer pre-qualified as local agent; Tender is joint obligation with parent company. Tender deemed acceptable because increase in financial backing results
⁵ Tender security not in freely convertible currency
⁶ Does not include cost for required disposal of hazardous wastes found at the site.
⁷ Source of plant from non-eligible country
⁸ Required validity period of security not met (8 weeks instead of 12 weeks)
⁹ Contains several initialled changes substituting ISO standards in the specifications with DIN standards. This is acceptable to the Engineer-in-charge.
Annex 111. Tender Evaluation Summary Checklist

1. Attach tender opening record.

2. Explain any inconsistencies between prices and modifications to prices read out at tender opening (and written into the record) and presented in Table 4.

3. Check with direct reference to the tenders the compilation of the price quoted by each tenderer, as indicated in the read-out prices, evaluation sheet/ranking statement.

4. Check once again the tenders of the firms whose offers are proposed to be disqualified, to satisfy that the proposals to disqualify is/are in accordance with the rules.

5. With particular reference to those offers which have been proposed to be disqualified on the grounds of unsatisfactory past performance, check whether the assessment and decision to ignore is reasonable and valid.

6. With particular reference to those offers which have been proposed to be disqualified on the grounds of fraud or corruption check whether the assessment and decision to ignore is reasonable.

7. Provide details on eliminating any tender during preliminary examination (Table 5). Copy select pages from tenders, as desirable, to show examples objectionable features.

8. If provisional sums in Table 6 vary among tenderers, explain. Explain an, substantial corrections for computational errors that may affect the ranking of tenderers.

9. Provide a copy of the rates requested for Table 7 and used in Tables 8 or 9.

10. The additions, adjustments, and priced deviations in Table 10 require detailed explanations where they may affect the ranking of tenderers.

11. Eligibility for domestic preference as indicated in Tables 11 or 12 must be verified if the ranking of tenderers is affected. Provide details in an attachment Exclusions to the calculations for preference should be explained if similarly significant.

12. Explain any cross-discount (paragraph 17(b)) not read out and recorded at tender opening. In addition, attach copies of any evaluation reports for the other related contracts awarded to the same tenderer.

13. Provide detailed reasons to award a contract to a party other than the lowest evaluated tenderer (paragraph 17(c)).

14. A detailed examination of one or two higher offers in the vicinity of the one recommended should be made with a view to avoiding possible mistakes.
15. If an alternative tender is accepted, provide a detailed explanation of the reasons for its acceptance, addressing issues of timeliness, performance, and cost implications (paragraph 17(d)).

16. An attachment to Table 13 should explain adjustments to the price provided on line 10. Explain any changes to scope of tender and contract conditions.

17. Provide evidence of alternative insurance,

18. Attach copies of any correspondence from tenderers that raise objections to the tendering and evaluation process, together with detailed responses.

19. Attach copies of any letters to tenderers requesting clarifications. Provide copies of responses.

20. Check whether or not sufficient funds commensurate with the procurement proposals are available.

21. Submit tender evaluation report with separate evaluation report from consultant, if one was commissioned.

22. Ensure that the tender evaluation report is double-checked, paginated, and complete, and includes a Letter of Transmittal. The tender boards will only, review reports that are sent to them by the proper authorities.

23. Send by courier or by other swift means.
ANNEX TV: Personal Covenant to be signed by each Member of the Tender Evaluation Committee

THE PUBLIC PROCUREMENT ACT No. 3 OF 2001
PERSONAL COVENANT 1.

1. I ...................... (name) .......................... (designation) of .................... (name of institution) being a Member of the Tender Evaluation Committee for Tender No. .............. of ................... for the ................. constituted under Section ........... of the Public Procurement Act, 2001 DO HEREBY state as follows:-

   a) That, I do not have any interest, pecuniary or otherwise, directly or indirectly in any of the tenderers, associations or joint ventures that have submitted pre-qualification applications / tenders for the above mentioned tender; that is to say:-

      i) M/s ......................
      ii) M/s ......................
      iii) etc ......................

   b) That, all knowledge, reports or any other materials not within the public domain which I may acquire from the evaluation process, by virtue of the performance of my duties as a Member of the said Tender Evaluation Committee, shall for all time and for all purposes be regarded by me as strictly confidential and I shall not divulge them to persons not officially concerned with this evaluation process.

   c) That, as a Member of the Tender Evaluation Committee shall at all times adhere fully with the terms and conditions contained in the Public Procurement Act 2001 and the Procurement of Goods and Works Regulations, 2001 - Government Notice No. 138 of 13th July, 2001.

   d) That, the breach of this Covenant or any provisions of the Public Procurement Act, 2001 shall not preclude the institution of criminal proceedings pursuant to the Penal Code, the Prevention of Corruption Act, 1971 or any other written Law against me.

2. Signed by the said .......................... this .......................... day of .......................... 20.....
Annex V: Personal Covenant for each Member of the Tender Board

THE PUBLIC PROCUREMENT ACT No. 3 OF 2001
PERSONAL COVENANT 3.

3. I ...................... (name) ............................. (designation) of ............................. (name of institution) being a Member of the [Ministry / Regional/ District etc] Tender Board of the .............. constituted under Section ......... of the Public Procurement Act, 2001 DO HEREBY state as follows:-

a) That, I do not have any interest, pecuniary or otherwise, directly or indirectly in any of the contractors/Suppliers/ consultants, firms, associations or joint ventures that have submitted expressions of interest / proposals / tender for the above mentioned tender; that is to say:-

i) M/s ..........................
ii) M/s ..........................
iii) etc ..........................

b) That, all knowledge, reports or any other materials not within the public domain which I may acquire from the process, by virtue of the performance of my duties as a Member of the said Tender Board, shall for all time and for all purposes be regarded by me as strictly confidential and I shall not divulge them to persons not officially concerned with this adjudication process.

c) That, as a Member of the Tender Board shall at all times adhere fully with the terms and conditions contained in the Public Procurement Act 2001, the Public Procurement (Selection and Employment of Consultants) Regulations, 2001 - Government Notice No. 137 of 13th July, 2001 and the Procurement of Goods and Works Regulations, 2001 Government Notice No. 138 of 13th July, 2001.

d) That, the breach of this Covenant or any provisions of the Public Procurement Act, 2001 shall not preclude the institution of criminal proceedings pursuant to the Penal Code, the Prevention of Corruption Act, 1971 or any other written Law against me.

4. Signed by the said ............................. this ............................. day of ............................. 20.....