

## **Appendix 1: Review by ACBF of Procurement Decisions**

ACBF shall review the procurement arrangements and procurement processes undertaken by the Grant recipient for its conformity with the Grant Agreement and these Guidelines, and upon satisfactory review, ACBF will issue its “no objection”.

### **1. Prior Review**

The Grant recipient shall seek ACBF’s prior approval at the following stages of the procurement process, for those procurement estimated to cost above the threshold for prior review as defined in the Procurement Plan:

<b>Procurement of Goods</b>	<b>Selection of Consultants</b>	<b>Individual Consultants</b>
Initial Procurement Plan		
Revisions to Procurement Plan, as required by these Guidelines		
Draft Bidding Documents	Report on Short-list of firms	Report on the comparison of CVs
Modifications/Amendment to Draft Bidding Documents	Draft Request for Proposals (RFP)	Draft Negotiated Contract
Bid Evaluation Report (BER)	Modifications/Amendment to RFP	Modifications to Contract
	Technical Evaluation Report	
Extension of Bid Validity	Extension of the validity of proposals	In case of Single-Source selection, the justifications for Single-Source selection
Variation in the quantity of goods prior to contract signing	Modifications to Technical Evaluation Report as a result of analysis of Protests/Complaints	
Modifications to BER as a result of analysis of Protests/Complaints	Draft Negotiated Contract	
Rejection of all bids	Rejection of all proposals	
Modification to contract conditions Prior to contract signing	Modifications to Contract	
Modifications to Contract after signing	In case of Single-Source selection, the justifications for Single-Source selection	
In the case of Direct Contracting, the justifications for Direct Contracting		

The process of selection of External Auditors irrespective of estimated value of contracts shall be subject to ACBF's prior approval, as per the stages shown in the above Table for Selection of Consultants.

In the appointment of key Project Staff such as the Director, Coordinator, Finance Manager, Project Accountant or other Professional staff, the ACBF's prior approval shall be obtained by the Grant recipient irrespective of the contract amount.

## **2. Post Review**

The Grant recipient shall retain all documentation with respect to each contract not subject to prior review during Project implementation and up to two years after the closing date of the Grant Agreement. This documentation would include, but not be limited to, the signed original of the contract, the analysis of the respective proposals, and recommendations for award, for examination by ACBF or by its consultants. The Grant recipient shall also furnish such documentation to ACBF upon request. If ACBF determines that the goods or services were not procured in accordance with the agreed procedures, as reflected in the Grant Agreement and further detailed in the Procurement Plan approved by ACBF or that the contract itself is not consistent with such procedures, it may declare mis-procurement as per the provisions in Section I of the Guidelines. ACBF shall promptly inform the Grant recipient the reasons for such determination. On annual basis, Grant Recipient shall cause to be undertaken procurement audits by an independent person/firm on terms and conditions acceptable to ACBF. The results of such audit shall be submitted to ACBF not later than six months after end of fiscal year

## **Appendix 2: Guidance to Bidders/Consultants**

### **Purpose**

1. This Appendix provides guidance to potential bidders wishing to participate in ACBF-financed procurement.

### **Responsibility for Procurement**

2. The responsibility for the implementation of the project, and therefore for the payment of goods and services under the project, rests solely with the Grant recipient. It invites, receives, and evaluates bids, and awards the contract. The contract is between the Grant recipient and the supplier or consultant. ACBF is not a party to the contract.

### **ACBF's Role**

3. ACBF, for its part, is required by its Operations Manual to ensure that funds are paid from ACBF grant only as expenditures are incurred. ACBF reviews the procurement procedures, documents, bid/proposal evaluations, award recommendations, and the contract to ensure that the process is carried out in accordance with agreed procedures, as required in the Grant Agreement. If, at any time in the procurement process (even after the award of contract), ACBF concludes that the agreed procedures were not followed in any material respect or, if ACBF determines that corrupt or fraudulent practices were engaged in by representatives of the Grant recipient or of the bidder/consultant, ACBF may impose the appropriate actions as set forth in the Guidelines.

### **Bidder's/Consultant's Role**

4. Once a bidder/consultant receives bidding document/RFP, the bidder/consultant should study the documents carefully to decide if it can meet the technical, commercial, and contractual conditions, and if so, proceed to prepare its bid/proposal. The bidder/consultant should then critically review the documents to see if there is any ambiguity, omission, or internal contradiction, or any feature of specifications or other conditions which are unclear or appear discriminatory or restrictive; if so, it should seek clarification from the Grant recipient, in writing, within the time period specified in the bidding documents/RFP for seeking clarifications.
5. The criteria and methodology for selection of the successful bidder/consultant are outlined in the bidding documents/RFP, generally under Instructions to Bidders/Consultants and Specifications/ToRs. If these are not clear, clarification should be similarly sought from the Grant recipient.
6. In this connection it should be emphasized that the specific bidding documents/RFP issued by the Grant recipient shall govern each procurement. If a bidder feels that any of the provisions in the documents are inconsistent with the Guidelines, it should also raise this with the Grant recipient.

7. It is the responsibility of the bidder/consultant to raise any issue of ambiguity, contradiction, omission, etc., prior to the submission of its bid/proposal, to assure submission of a fully responsive and compliant bid/proposal, including all the supporting documents requested in the bidding documents/RFP. Noncompliance with critical (technical and commercial) requirements will result in rejection of the bid/proposal.

### **Confidentiality**

8. As stated in the Guidelines, the process of bid/proposal evaluation shall be confidential until the publication of contract award. This is essential to enable the Grant recipient and ACBF reviewers to avoid either the reality or perception of improper interference. If at this stage a bidder/consultant wishes to bring additional information to the notice of the Grant recipient, ACBF, or both, it should do so in writing.

### **Action by ACBF**

9. Bidders/Consultants are free to send copies of their communications on issues and questions with the Grant recipient to ACBF or to write to ACBF directly, when Recipients do not respond promptly, or the communication is a complaint against the Grant recipient. All such communications should be addressed to the Program Officer for the project, with a copy to the ACBF Finance Department. Names of Program Officers and Finance Department Manager are available on ACBF Web Site.
10. References received by ACBF from potential bidders/consultants, prior to the closing date for submission of the bid/proposals, will, if appropriate, be referred to the Grant recipient with ACBF's comments and advice, for action or response.
11. Communication received from bidders/consultants after the opening of the bid/proposals, will be handled as follows. In the case of contracts not subject to prior review by ACBF, the communication will be sent to the Grant recipient for due consideration and appropriate action, if any, and these will be reviewed during subsequent supervision of the project by ACBF staff. In the cases of contracts subject to the prior review process, the communication will be examined by ACBF, in consultation with the Grant recipient. If additional data is required to complete this process, these will be obtained from the Grant recipient. If additional information or clarification is required from the bidder/consultant, ACBF will ask the Grant recipient to obtain it and comment or incorporate it, as appropriate, in the evaluation report. ACBF's review will not be completed until the communication is fully examined and considered.
12. Except for acknowledgment, ACBF will not enter into discussion or correspondence with any bidder during the evaluation and review process of the procurement, until award of the contract is published.

## **Debriefing**

13. After notification of award, if a bidder/consultant wishes to ascertain the grounds on which its bid/proposal was not selected, it should address its request to the Grant recipient. If the bidder/consultant is not satisfied with the explanation given and wishes to seek a meeting with ACBF, it may do so by addressing the Program Officer, who will arrange a meeting at the appropriate level and with the relevant staff. In this discussion, only the bidder's/consultant's bid/proposal can be discussed and not the bid/proposals of competitors. The bidders/consultants will bear their own costs relating to the debri