



SOLUTION: CASE STUDY, NORTH SESSION

No.	Question	Resolution	Reference to Regulation, Legislation and or best practice
1.	Identify the relevant sections of the Act that relate to the case study	Objects of the Act and other relevant sections.	<ol style="list-style-type: none"> 1. Objects of the Act – Section 5 <u>Fairness</u> - Even playing field where all bidders are treated equally <u>Transparency</u> – appropriate information is placed in the public domain <u>Integrity</u> – avoiding corruption and conflicts of interest (Definitions were obtained from the Comprehensive Handbook: Procurement, Retention & Disposal of Public Property) 2. Section 27 – a procuring entity shall no later than six weeks after the approval of the National Budget, publish on its website or in any other electronic format, information regarding all planned procurement activities for the following 12 months 3. Section 29 – Due diligence requirements 4. Section 33 - Cancellation of procurement 5. Section 35 – Acceptance of the successful submission and entry into force of the Procurement Contract (Standstill period) 6. Section 49 - Challenge Proceedings

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			<p>7. Section 50 - Application for review by the Office</p> <p>8. Section 51 - Rights of participants in challenge proceedings</p>
2.	<p>Is a 'Single Envelope System' appropriate for this type of procurement activity? Please give reasons for your answer.</p>	<p>A single envelope system is appropriate when the basis of the evaluation is lowest cost and the technical requirements can be clearly specified. Since OISTT can clearly define the specifications for the laptops to meet its requirements the Single Envelope System is appropriate. However, an Invitation to Bid (ITB) document should have been used instead of a request for proposal since the services required as part of this process are not intellectual or advisory in nature and the goods required can be clearly specified. With an ITB process the award would be made on the basis of lowest cost, technically compliant bid. Service requirements and warranty requirements can be clearly specified and treated as a compliance requirements. Following the compliance the commercial proposal of the technically compliant bids can be assessed to identify the lowest priced compliant bid.</p>	<p>UN Procurement Practitioner's Handbook "The essential characteristic of the ITB is that the technical requirement can be clearly and completely specified in a qualitative and quantitative manner, and the award is normally made on the basis of lowest cost, among commercially and technically compliant bids, lowest priced substantially compliant or similar criteria.</p> <p>Bids are normally submitted in a single envelope (or email)."</p> <p>UN Procurement Practitioner's Handbook "The essential characteristic of the RFP is that proposals are submitted against requirements that cannot be fully defined and/or quantified at the time of solicitation and where innovation and the specific expertise of the proposer is being sought, often in form of performance requirements."</p>
3.	<p>Should the evaluation team request discounted prices from the bidders in</p>	<p>Given that price is an element of the evaluation, discounts should be requested during the tender process and not after the receipt of bids.</p>	<p>UN Procurement Practitioner's Handbook Clarifications from suppliers during the evaluation "In complex cases where clarifications from the suppliers may be required in order to finalise the evaluation, discussions with potential suppliers</p>



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	<p>this particular procurement process? Please give reasons for your answer.</p> <p>I.e. Issuance of letter to all bidders requesting a discount</p>	<p>An indication of price discounts should have been stated in the solicitation document, therefore the suppliers would include such in their initial submission. Additionally the solicitation documents should specify the treatment of discounts should be treated and only discounts that are opened and read out at Bid opening shall be considered further in the evaluation.</p> <p>As such, at the bid opening the price and discounts offered would have been read out allowing for a transparent process and this should be included in your record of bid opening.</p> <p>Clarification requested during the evaluation process must not alter the substance of price of the offers and should not seek to make a non-compliant bid, compliant.</p>	<p>may take place. The key condition when seeking clarifications of offers from suppliers is that neither the substance nor the price of the offers should be allowed to be changed.</p> <p>Clarification requested during the evaluation process must not alter the substance of price of the offers and should not seek to make a non-compliant bid, compliant.”</p> <p>General Guideline: Evaluation of Bids and Award of Contract, Office of Procurement Regulation</p> <p>“The procuring entity may request clarifications of bidders concerning ambiguities or inconsistencies in the bid. 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 arithmetic error. The responses from bidders shall also be in writing. No circumstances shall justify unofficial meetings or conversations between the procuring entity and bidders during the bid evaluation process. Sanctioned meetings or conversations shall be electronically recorded, a summary of the proceedings shall be reduced to writing, and both the electronic and written record shall be included in the record of procurement proceedings.”</p>
4.	<p>Was the evaluation team, following best practice, in recommending an award to Workaholic</p>	<p>Based on the evaluation criteria specified in the solicitation documents, Curious should have been selected for award as the highest ranked technically compliant bidder. The selection of Workaholic was based on a modification of the bid price which was</p>	<p>UN Procurement Practitioner’s Handbook</p> <p>Lowest priced technically responsive/compliant acceptable offer method</p> <p>“When using this method as typically is the case for ITBs (and in a simpler form, also for RFQs), the award of a contract should be made to the supplier whose offer has been evaluated and determined as both:</p>



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	at its discounted price?	<p>allowed and accepted after the solicitation process was closed and as such the Evaluation Committee erred in accepting Workaholic as the successful bidder.</p> <p>Additionally, the submission by Details was quoted in USD and should not be assessed since it did not comply with the requirement for quotation in TTD as specified at section 8 (d) of the solicitation document.</p>	<ul style="list-style-type: none"> • Responsive/compliant/technically acceptable • Offering the lowest price/cost”
5.	Was the procurement process in keeping with the objects of the Act?	<p>No – The evaluation procedure used was not transparent and would not instil public confidence in the process. The procedure followed was not in keeping with that specified in the solicitation document or best practice. The evaluation process was not fair as the committee allowed a modification of prices after the solicitation process allowing an unfair advantage to Workaholic by allowing a price amendment and amending the scores after the discount was received after indicating that any discount given would not affect the outcome.</p> <p>It is important that throughout the evaluation process, transparency is maintained and seen to be maintained. A clear and documented audit trail must be provided. All decisions, and the reasons for them, should be clearly documented, signed by the responsible parties, and filed</p>	<p>1. Objects of the Act – Section 5</p> <p><u>Fairness</u> - Even playing field where all bidders are treated equally</p> <p><u>Transparency</u> – Appropriate information is placed in the public domain</p> <p><u>Integrity</u> – Avoiding corruption and conflicts of interest</p> <p><u>Public Confidence</u> - Trust</p> <p>(Definitions were obtained from the Comprehensive Handbook: Procurement, Retention & Disposal of Public Property)</p>



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		with the bid documents. General Guideline: Evaluation of Bids and Award of Contract, Office of Procurement Regulation	
6.	As the 'Named' Procurement Officer of OISTT, what would you have done differently if assigned to the said procurement activity?	<p>As the 'Named' Procurement Officer of OISTT, I would cancel the procurement process. According to Section 33 of the Act, a procuring entity may cancel a procurement at any time prior to the acceptance of the successful submission.</p> <p>The request for a discount during the evaluation process was not in keeping with good procurement practice, was unfair the procedures followed was not in keeping with the solicitation documents and the objects of the Act, this process should be cancelled.</p>	<p>UN Procurement Practitioner's Handbook Cancellation of Solicitation "The UN organization should include in the solicitation documents that it reserves the right to cancel a solicitation without recourse at any time during the solicitation and evaluation process and prior to contract award."</p>