

# Public Procurement Guidelines

August 2009



Government of Nepal  
Ministry of Health and Population

Government of Nepal  
Ministry of Health & Population  
NEPAL HEALTH SECTOR PROGRAMME

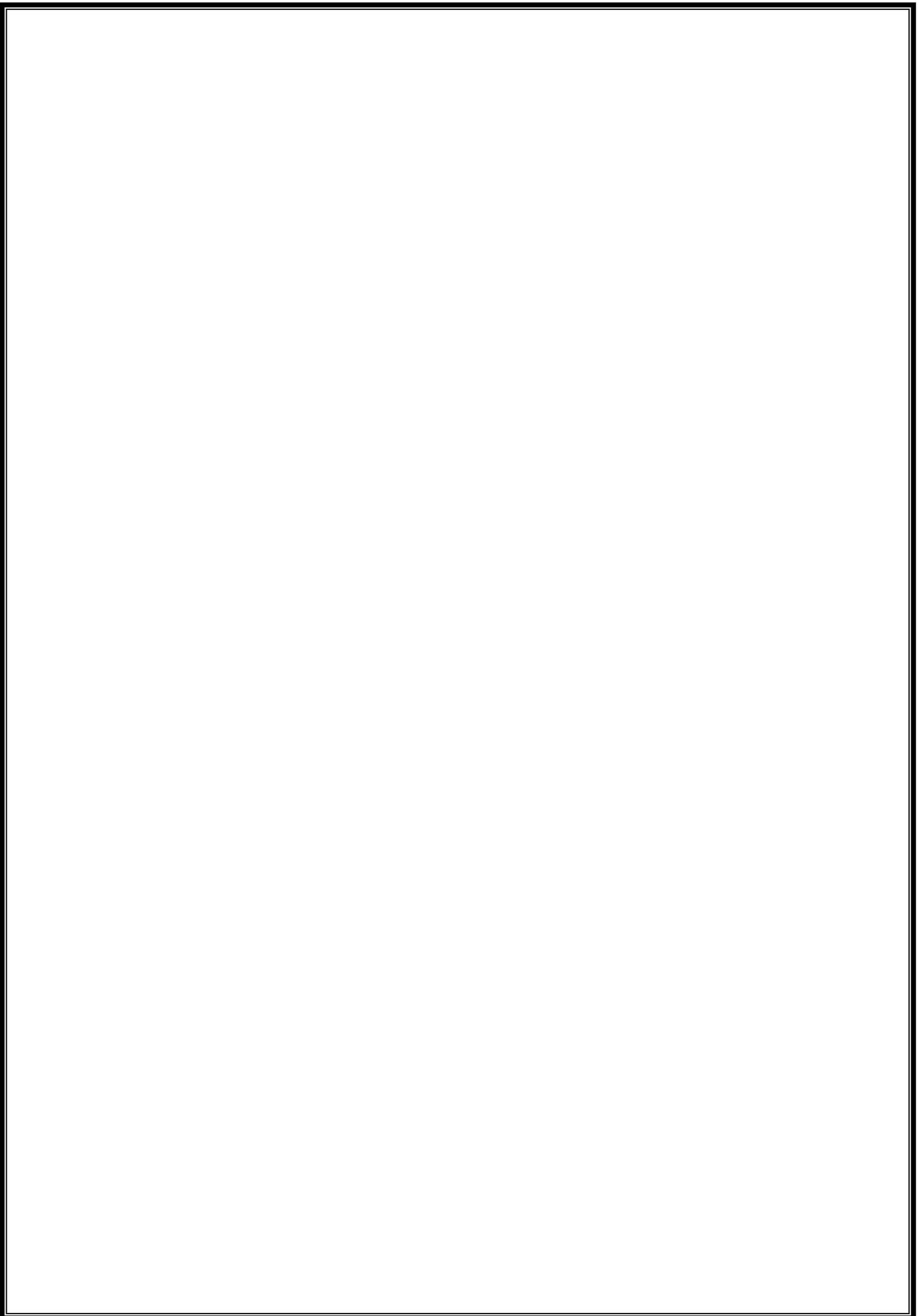
## **Public Procurement Guidelines**

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With technical support from HSRSP/RTI International

**August 2009**



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**Acronyms**

APP	Annual Procurement Plan
Eval	Evaluation
FBS	Fix Budget Selection
G/W/S	Goods/Works/Services
GMP	Good Manufacturing Practice
GoN	Government of Nepal
ICB	International Competitive Bidding
IDA	International Development Association, World Bank
LCS	Least Cost Selection
MoHP	Ministry of Health & Population
MPP	Master Procurement Plan
NCB	National Competitive Bidding
NHSP	Nepal Health Sector Programme
NRs.	Nepalese Rupees
O&M	Operation and Maintenance
PAN	Personal Account Number
PIC	Pharmaceutical Inspection Convention
PPA	Public Procurement Act 2006
PPMO	Public Procurement Monitoring Office
PPR	Public Procurement Rules 2007
PQ	Prequalification
QA	Quality Assurance
QBS	Quality Based Selection
QCBS	Quality and Cost Based Selection
RA	Regulating Authority
TOR	Terms of Reference
US\$	United States Dollar
VAT	Value Added Tax
WB	World Bank
WHO	World Health Organization



## **1. Introduction**

Procurement is one of several elements of the drug (and medical equipment/health infrastructure) management cycle. It is an important step in efficient health management and supply. A substantial portion of the national health budget in many developing countries (20 to 50 percent) is used for the purchase of pharmaceutical products/drugs.

Many health professionals have neither the time nor the penchant for perusing the plethora of legal articles and rules needed to acquaint themselves with the public procurement process, even though they are often compelled to be involved in the procurement process sometime or other during their professional career. This set of concise guidelines is meant to provide an overview of the procurement process and to provide specific insight into commonly applicable articles and rules in order to enable health professionals to ascertain if the process has been followed properly prior to reaching a decision.

The further purpose of these guidelines is to inform those concerned at the Ministry of Health and Population (MoHP) and the departments under its umbrella about the procedures that need to be followed in the course of procuring goods, services, and works in accordance with the Public Procurement Act (PPA) of 2006 and the Public Procurement Regulations (PPR) of 2007.

## **2. General Considerations**

This set of guidelines, being concise in content, does not cover all aspects or provisions of the procurement process exhaustively. In addition to perusing the relevant articles and rules of the PPA and PPR as indicated in the guidelines, the use of the guidelines needs to be supplemented by referring to the Standard Bidding Documents in practice at the Department of Health Services, Logistic Management Division and/or the Management Division/ Department of Urban Development and Building Construction, depending on the nature of the procurement work, in conjunction with such standard documents as issued by the Public Procurement Monitoring Office (PPMO) and the World Bank, for completeness.

In preparing the Guidelines, recourse has been taken to the presentations made by the officials of the Public Procurement Monitoring Office (PPMO) during the public procurement training held for MoHP officials at Nepal Staff College in June 2008, for which due appreciation and gratefulness is expressed.

### **3. Applicability of the Guidelines**

This Public Procurement Guidelines, in its concise form, is applicable primarily to health sector procurement, even though the articles within the PPA and the PPR are commonly applicable to all public sector procurement work. Public sector entities comprise all government entities, public sector hospitals, and government academic institutions for which the PPA and the PPR are applicable.

Each procurement process can be expected to be unique. Therefore, while preparing the procurement documents, the legal and regulatory provisions indicated here together with the provisions of the relevant standard bid documents need to be adapted to satisfy the particular procurement needs, as well as the appropriate technical specifications.

### **4. Organisation of the Guidelines**

The Guidelines are made up of 18 sections: Introduction, General Considerations, Applicability of the Guidelines, Background Information, Technical Specifications and Methods of Procurement, Public Procurement Procedure, Bid Evaluation and Recommendation, Procurement of Consulting Services, Provisions Relating to Procurement Contract, Blacklisting of Bidder etc., Provisions Relating to Review of Decision, Institutional Provisions, Miscellaneous, Main Provision Related to Development Financing Agreement between GoN and IDA, and Provisions Related to House/Land Renting and service Contract.

### **5. Background Information: Legal and Institutional Arrangement for Public procurement**

Procurement is the acquisition of goods, works, or services by public or private entities. Our concern at present is with public procurement. Public procurement in Nepal is governed by the Public Procurement Act (PPA) of 2006 and Public Procurement Regulations (PPR) of 2007. The Act provides institutional measures for public procurement. The government has established the Public Procurement Monitoring Office (PPMO), under the Office of the Prime Minister and the Cabinet, for the purpose of, among other things, offering the necessary advice, promulgating the necessary guidelines, facilitating public procurement by preparing standardized examples of bid/tender documents, monitoring the process of public procurement, and submitting an annual report. Every public entity is required to establish a Procurement Unit for the purpose of public procurement. The Act also provides for the following committees in respect to public procurement:

- Rate Fixation Committee: In every district, pursuant to Rule 148, under the Chair of the Chief District Officer for determining the rates of construction materials and labour rates
- Tender/Bid Evaluation Committee: This committee is to be constituted as necessary by the public entity for the examination and evaluation of pre-qualification proposals, tenders, letters of intent, or proposals for consultancy service or sealed quotations, pursuant to Article 71 and Rule 147.

The Evaluation Committee shall be comprised of the following:

- a. The Chief of the Public Entity or a Senior Officer designated by the Chief (a technical staff member, as far as practicable) – Chairperson
- b. Chief of the Financial Administration Section of the concerned Public Entity - Member
- c. Technical Expert concerned with the subject (Officer level, as far as possible) – Member
- d. Legal Officer of the concerned Public Entity (where such position exists) – Member
- e. Chief of the Procurement Unit – Secretary

The Evaluation Committee may, with the approval of the Chief of the Public Entity, invite to its meeting the subject Expert from the governmental or non-governmental sector. If the Evaluation Committee requires the assistance of a Consultant, the Public Entity may, subject to the approved programme and budget, appoint a Consultant by application of the procedure set forth in the Act and Regulations. The Committee may form a Sub-Committee for rendering assistance to it in the work of evaluation of quotation, bid or proposal. The secretary of the Evaluation Committee shall have to prepare and keep the *muchulka* (minutes) of the meeting and keep a file of all the agenda discussed in the meeting. The Evaluation Committee may determine its procedure by itself. It shall have to submit, as referred to in the Regulations, an evaluation report to the Chief of the Public Entity.

Public Procurement Review Committee constituted, pursuant to Article 48, in case of complaints filed for procurement exceeding NRs.30 million as per Rule 101.

### **5.1 Function of Procurement Unit (Sub-article 3, Article 7; Rule 16)**

- Preparing a procurement plan
- Preparing prequalification documents, tender documents and procurement contract related documents by making necessary alterations in the standard bidding documents, standard prequalification documents and standard contract documents prepared by the PPMO;
- Preparing documents relating to proposals for consultant services by making necessary alterations in the Standard Request for Proposals prepared by PPMO;

- Publishing a public notice concerning procurement;
- Tendering prequalification documents, tendering or forwarding documents on consultant service proposals;
- Obtaining and safely retaining prequalification proposals, tenders, or consultancy service proposals;
- Submitting the prequalification proposals, tenders, or consultancy service proposals to the evaluation committee for evaluation and submitting the evaluated tenders for acceptance;
- Giving notice of acceptance of the prequalification proposals, tenders, or consultancy service proposals;
- Receiving, examining, and safely retaining performance guarantees;
- Examining, or causing to be examined, the quality standards of the goods, construction works, or services that have been procured;
- Proving such information and documents as may be required by the PPMO;
- Coordinating the functions related to procurement proceedings;
- Collecting the procurement requisition and submitting it to the relevant authority for approval;
- Keeping records of Letters of Credit, as per Schedule-2 of the PPR

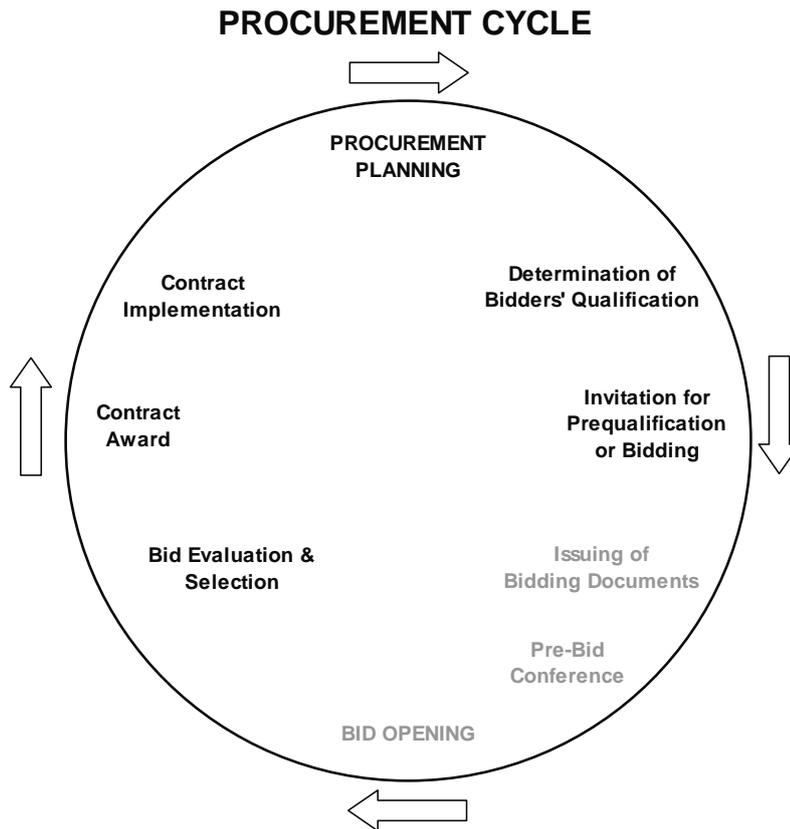
## **5.2 Principles/Aims of Public Procurement**

Public procurement should be based on the following principles/aims:

- To render the working procedures, process, and decisions related to procurement more open, transparent, and credible;
- To promote competition, clarity (non-discrimination), integrity, accountability, and credibility;
- To obtain the maximum output from public expenditure in a cost effective and judicious manner;
- To enhance the capacity for procurement management;
- To ensure that suppliers/procurement providers have equal opportunity for participation without discrimination;
- To make felt the dispensation of good governance;

### 5.3 Procurement Cycle, Procurement Stages and Steps, Public Procurement Procedure

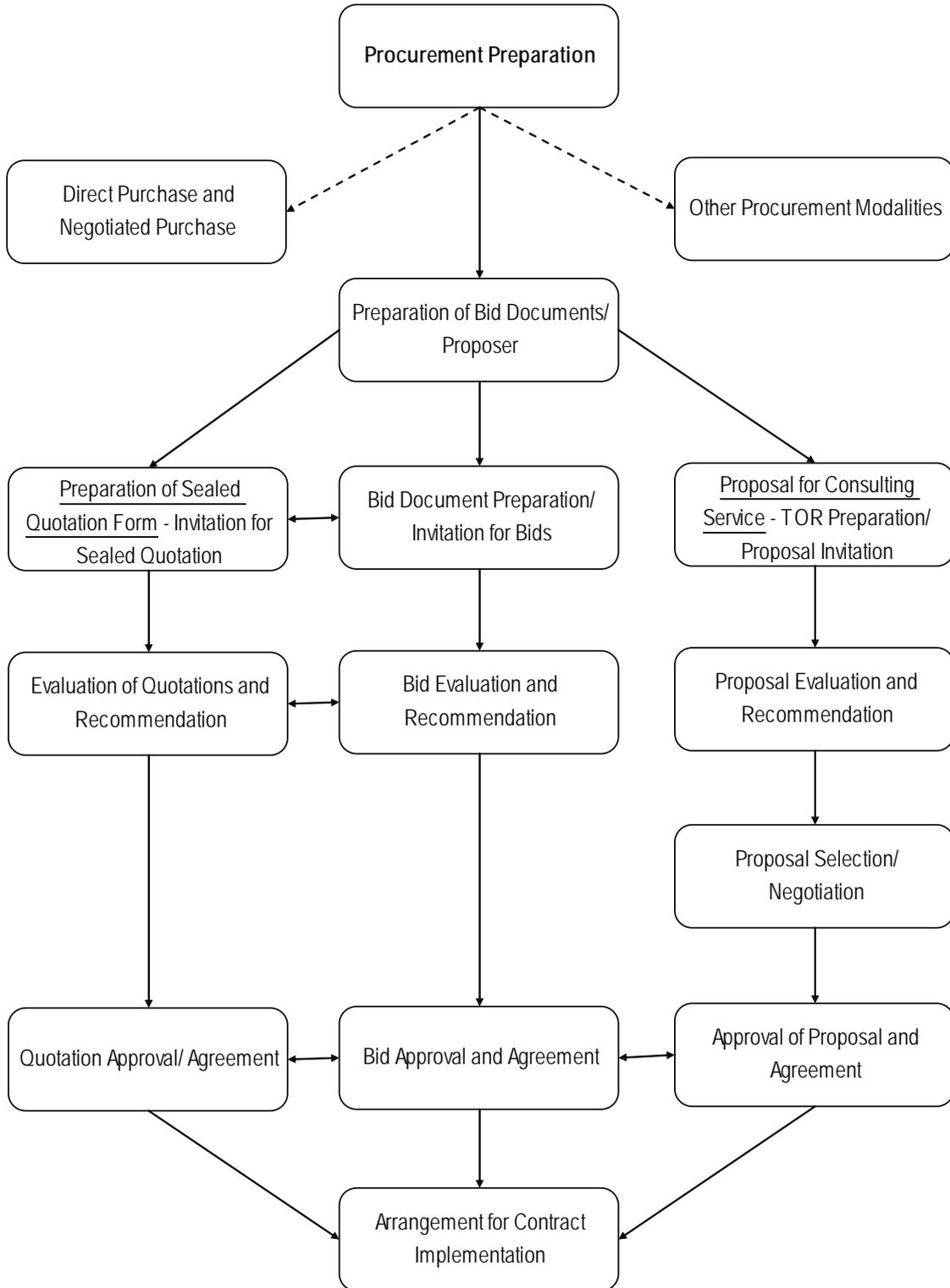
Procurement is conceived as a series of stages of activities in a logical sequence known as the procurement cycle, depicted below:



Procurement Stages and Steps	
PROCUREMENT CYCLE STEP	GOODS
Procurement Planning	Prepare preliminary equipment, drug or vaccine list, specifications, and cost estimates
	Prepare final equipment list, cost estimates, and broad technical specifications
	Prepare bidding documents
Determination of Bidders' Qualification	Determine qualifications based on the scale and nature of the work
Invitation for Prequalification or Bidding	Advertise
Issuing of Bidding Documents stage	Issue bidding documents
Pre-bid Conference	Conduct conference, if necessary
Bid Opening	Receive and open bids and select the lowest evaluated bid
Bid Evaluation and Selection	Evaluate bids and select the lowest substantially responsive bid
Contract Award	Award contract
Contract Implementation and Closing	Delivery at port or at site specified in Bidding Document
	Install and commission
	Training at site in O & M
	Conduct Project evaluation of goods

## Public Procurement Procedure

### Goods/ Other Services and Consulting Services



## **6. Procurement Preparation and Planning**

Procuring entities are required to prepare a Procurement Plan so that procurement is done within the available financial resources, within other applicable limitations, at the most favourable time, and by adopting bulking where feasible to achieve economies of scale. A Procurement Plan comprises, where applicable, a Master Procurement Plan and an Annual Procurement Plan.

### **6.1 Responsibility for Procurement Work (Article 7)**

A public entity shall establish a Procurement Unit or assign responsibilities thereof in order to carry out the following, among other responsibilities with the approval of the Head of the concerned public entity:

- Preparing a procurement plan;
- Preparing prequalification documents, tender documents, and procurement contract-related documents by making necessary alterations to the standard bidding documents, standard prequalification documents, and standard contract documents prepared by the Public Procurement Monitoring Office;
- Publicly publishing a notice concerning procurement;
- Submitting the prequalification proposals, tenders, or consultancy service proposals;
- Giving notice of acceptance of the prequalification proposals, tenders, or consultancy service proposals;
- Receiving, examining, and safely retaining performance guarantees;
- Examining, or causing to be examined, the quality, standards of the goods, construction works, or services that have been procured.

### **6.2 Preparation for Procurement Works**

Any public procurement work must be undertaken in accordance with the Public Procurement Act (PPA) and its Regulations (PPR).

- Preparation for Procurement – Rule 3; Preparing Procurement Details (Specifications, maps, designs, etc.) - Article 4
- Requisition request for procurement – Rule 4, 5
- Budgetary Provision – Rule 6
- Procurement Plan (Article 6)
- Procurement Master Plan, Annual Procurement Plan – Rule 7&8 ((Forms-1 & 2, Annex)

- Cost Estimation (Please refer to Section 7 below) – Rule 9 to 15
- Procurement to be done from Personal Account Number (PAN) and VAT registered Supplier – (Rule 19), except for:
  - Purchase of goods less than NRs. 5,000
  - Goods where VAT is not applicable
  - Consulting and other services such as rental/maintenance of vehicles and equipment from same individual amounting to less than NRs. 100,000 per Fiscal Year

### **6.3 Procurement Planning**

#### **6.3.1 Master Procurement Plan (MPP)**

A Master Procurement Plan should be prepared for every project exceeding a period of one year or having a procurement value exceeding NRs. 100 million, pursuant to Rule 7. It should indicate:

- Procurement type, quantity, and tentative estimated cost of procurement
- List of individual contract packages
- Method of procurement: International Competitive Bidding (ICB), National Competitive Bidding (NCB), etc.
- Use of pre-qualification for any package
- Use of slices and packaged lots for maximum competition
- Procurement Schedule for each package
- Identification of critical path and critical activities.

The Master Procurement Plan should be prepared and updated every year and approved by the Secretary of the concerned Ministry. The format for the MPP is depicted in Form-1 of the Annex.

#### **6.3.2 Annual Procurement Plan (APP)**

An Annual Procurement Plan, pursuant to Rule 8, should be prepared for procurement works exceeding NRs.1 million at the time of preparation of Annual Work Programme/Plan and Budget (AWPB). It should be based on the Master Procurement Plan, if one exists. It should also include the type of procurement, implementation schedule, type of contract, contract packaging, and pre-qualification requirements, and so forth. The format for the APP is exhibited in Form-2, Annex.

### 6.3.3 Cost Estimation

- Cost Estimate for Procurement – Article 5; Rule 9: A cost estimate shall be prepared for any procurement in excess of a maximum of NRs. 25,000.
- Cost Estimate for Goods (Rule 11)

While preparing the cost estimate of goods, the following matters shall be taken into account:

- The actual cost incurred for procurement of the same nature made in the current or previous years.
- Prevailing rate in the local market
- The rate issued by the Chamber of Industry and Commerce
- Cost Estimate of Construction Works (Rule 10); Schedule 1-IPR
- Cost Estimate of Consulting Services (Rule 12)
- Cost Estimate of Other Services (Rule 13)
- Approval/Updating of Cost Estimate for procurement of goods and services – Rule 14, 15:

S. No.	Procurement Type	Amount, in NRs.	Position of Approving Officer	Rank: Gazetted Class
<b>A. Estimate Approval - Goods and other services</b>				
1.	„ „	25,000 to 5,000,000	Office Chief	III
2.	„ „	Up to 10,000,000	„ „	II
3.	„ „	UP to 30,000,000	„ „	I
4.		Any Amount	Department Head	
<b>B. Estimate Approval – Consulting Services</b>				
1.	Estimate Approval - Consulting services	Up to 100,000	Office Chief	III
2.	„ „	Up to 500,000	„ „	II
3.	„ „	Up to 1,000,00	„ „	I
4.	„ „	Any Amount	Departmental Head	

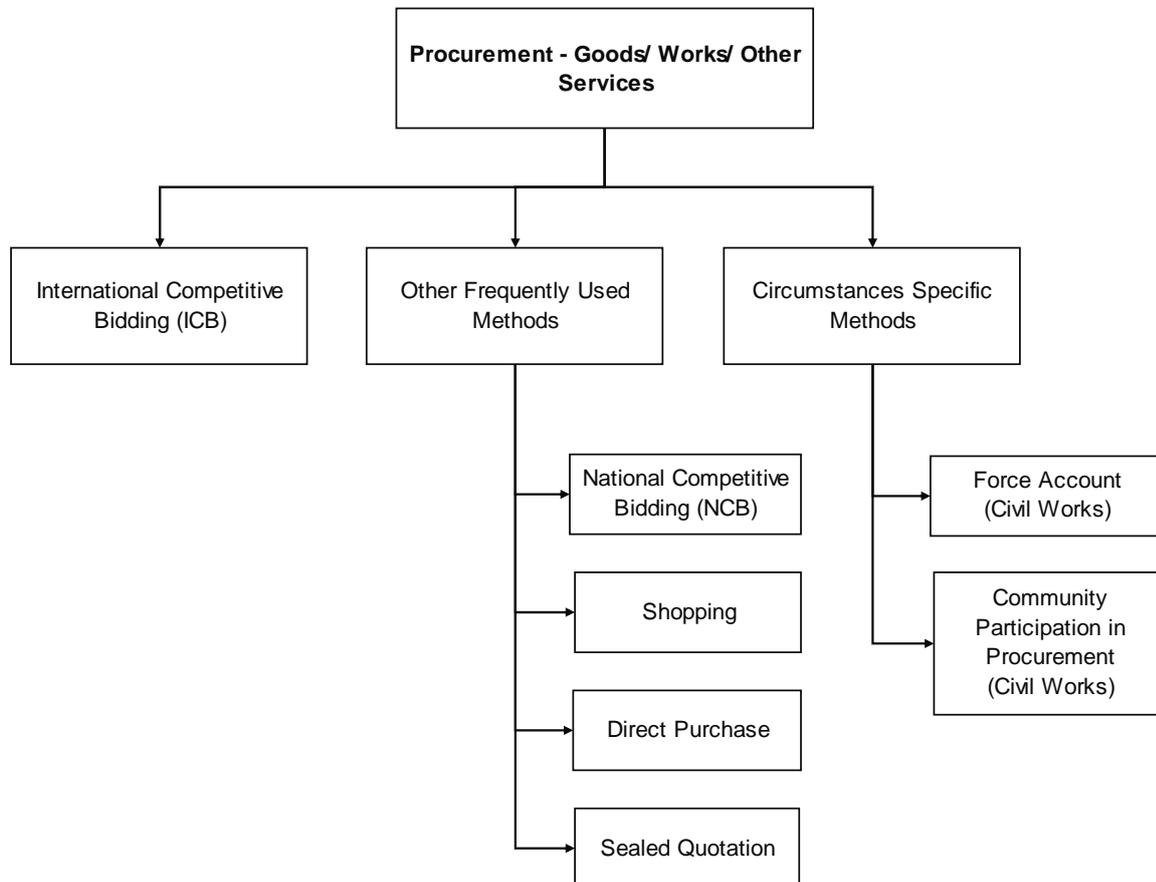
### **6.3.4 Technical Specifications**

- Matters to be stated in Technical specification of Goods (Rule 42)
- Matters to be stated in Technical Specifications of other services (Rule 44)
- Matters to be stated in Technical Specifications of Construction Works (Rule 43)

Technical Specifications should:

- Be a set of precise and clear specifications.
- Permit the widest possible competition.
- Present a clear statement of required standards of workmanship, materials, and performance of goods and services.
- Include the required performance characteristics, functional characteristics, and physical characteristics as relevant.
- Include required availability of spare parts and service during life of goods.
- Include description of anything required for final acceptance.
- Include type and quality of training to be provided by the supplier.
- Require that the goods be new, unused, and meet recent or current models and incorporates all recent improvements.
- Not refer to brand name or catalogue number as far as possible; or, if not possible, use the words “or at least equivalent”.

### 6.3.5 Selection of Procurement Method



#### (a) For Goods/Works/Other Services

- Open Competitive (Advertised) Bidding – Single Stage (Technical and Financial Proposals) – International Competitive Bidding (ICB)/ National Competitive Bidding (NCB)
- Open Competitive (Advertised) Bidding – Two Stage: Pre-Qualification Process (for complex works) – then Technical and Financial Proposals from shortlisted Bidders (ICB/NCB)
- Direct Procurement
  - When only one supplier of technical competence is available, or small value of procurement
- Community & End-Users' Participation for civil works
- Force Account (*Amanat*) for civil works

**(b) Consulting Services**

- Open Competitive Bidding (Through Short-listing and Standing List)
- Direct Purchase/Negotiation
- Selection of Procurement Method–Article 8

<b>S. No.</b>	<b>Description/Procurement Method</b>	<b>Limit of Procurement Amount</b>
<b>A.</b>	<b>Procurement of goods, works, and other services</b>	
1.	Open Tender (NCB or ICB) with or without Pre-qualification	More than NRs. 1 Million (Rule 31)
2.	Sealed Quotation	Up to NRs. 1 Million (Rule 84)
3.	Direct Purchase	Up to NRs. 150,000 (Rule 85)
4.	Procurement by other modes	Design Procurement through competition (Rule 87)
<b>B.</b>	<b>Procurement of Consulting Services</b>	
1a.	Invitation for competitive proposals: Shortlisting on the basis of open Letter of Intent/ Expression of Interest	>NRs. 1 Million (Rule 70)
1b.	Preparing a Standing List as per Rule 18	< NRs. 1 Million (Rule 72)
2.	Direct Purchase	Up to NRs. 150,000 (Rule 85)
3.	Direct Negotiation	Up to NRs. 100,000. For amount exceeding this approval from authority one step higher must be obtained (Rule 82)
4.	Other modes of procurement	Appointment based on Qualifications (Rule 83)
<b>C.</b>	<b>Circumstance Specific (Civil works)</b>	
1.	Force Account	
2.	Participation of Users' Committees or Beneficiary Groups	

- Procurement to be made by open tender (Article 9)

### 6.3.6 Selection of Procurement Contract

**Goods manufactured in Nepal (Rule 17):** A Public Entity shall have to procure Nepali goods even if the price of such goods produced in Nepal is higher by up to 10% than the foreign goods.

**Provision for Standing List (Rule 18):** For the preparation of a standing list, the public entity may invite, every year, an application from interested individuals, firms, companies or organizations, by posting on the notice board of its own office, the District Administration Office, District Development Committee, and the Treasury and Controller Office, or by publishing a notice in a newspaper of national circulation providing a fifteen days' period and containing the following matters:- (a) Classification of the supplier, construction entrepreneur, or service provider, (b) Classification of the list, (c) Procedure for updating the list, and (d) Validity period of the list.

#### Selection of Procurement Contract (Rule 20)

- A Public Entity shall select a procurement contract out of the contracts referred to in Rules 21 (Goods and other Services), 22 (Construction Works) & 23 (Consultative Services).
- If any terms and conditions in addition to those mentioned in the Rules require specification in respect of any procurement contract, the Public Entity may specify such terms and conditions in the Bidding documents or documents relating to proposal.

#### Procurement Contract and Type of Contract for Goods and other services– Rule 21 (Schedule 3)

- **Contract for supply of specific goods:** Purchase of specific items according to prescribed specifications and delivery period (commodities, raw materials, finished equipment, vaccines, drugs, pharmaceuticals, tools, etc.). These may include supply and erection/commissioning.
- **Framework/Rate contract:** One or more suppliers agree to supply the specific goods or services at the specified prices and other terms as, and when, a demand is placed. The maximum and minimum quantities of goods and services to be procured must be mentioned. Such agreement is generally not to exceed one year.
- **Multi-year contract:** Purchase of goods and services for more than one year but not more than five years, if public entity will substantially benefit; quantities do not change appreciably; design will not change over contract period; and there is no appreciable technical risk.
- **Contract for Design, Supply, and Erection:** Applies to large plants or complex works.

- **Turnkey Contract:** Supplier is responsible for design, procurement of all inputs, delivery and erection at site, testing, commissioning, and operation for an initial period.

#### **Contracts for Consulting Services Procurement (Rule 23, Schedule 5)**

- Lump Sum Contract
- Time-based Contract
- Performance-based contract
- Percentage-based Contract

#### **Contracts for Construction Works (Rule 22, Schedule 4)**

- Unit Rate contract
- Lump sum contract
- Cost-reimbursement contract
- Time and materials rate contract
- Design and build contract
- Indefinite service period contract

### **6.4 Determination of Qualification of Bidder/Proposer**

#### **6.4.1 Qualification of Bidder/Proposer (Article 10)**

A Bidder/Proposer shall have the following qualification in order to obtain a procurement contract:

- Meet the qualification criteria prescribed in the tender documents or the qualification criteria set forth in the prequalification documents where prequalification proceedings have been conducted; and
- Meet the qualification criteria set forth in the documents relating to proposals.

#### **6.4.2 Criteria for qualification of Bidder for Construction works (Rule 26)**

No qualification shall be determined for the procurement of a construction work for which the cost estimate is less than NRs. 6 Million.

#### **6.4.3 Qualification Criteria (Technical and Financial) for Bidders Supplying Goods (Rule 25)**

**Typical Qualification Criteria for Pharmaceuticals** [Points for consideration/To be finalized for each Tender under **Post-qualification Requirements** with the World Bank/Donor Agency in case of Pool Fund, as necessary for NCB/ICB]

Qualification requirements for bidders are:

Bidders should submit documentary evidence of their qualifications to perform the contract if their Bid is accepted as detailed below:

- i. That, in the case of a Bidder offering to supply Goods under the contract which the Bidder, Manufacturer or otherwise produces (using ingredients supplied by primary Manufacturers) that the Bidder:
  - a. is registered in the country of manufacture of the Goods;
  - b. has been licensed by the regulating authority (RA) in the country of manufacture to supply the Goods;
  - c. has manufactured and marketed the specific Goods covered in the Bidding document for at least, say, two years, and for similar Goods for at least, say, five years. (In support of this, data on past performance should be submitted);
  - d. has the necessary capability to meet the standards and quality control measures for supplies, as detailed in the technical specifications;
  - e. has received a satisfactory GMP inspection certificate in line with WHO certification moving in International Commerce from the regulating authority (RA) in the country of manufacture of the Goods (for the factory where the specific Goods are produced and are being offered for supply) or has been certified by a competent authority of a member country of the Pharmaceutical Inspection Convention (PIC), and has demonstrated compliance with the above quality standards during the past, say, two years prior to Bid submission;
  - f. provides the evidence that it has the financial, technical, and production capability necessary to perform the contract, including:
    - that it has successfully completed or substantially completed at least.....[the number depending on the size and complexity of the subject contract or so much value] similar contracts [Clarify similar contracts – similar magnitude in value or similar product, i. e. Tablets/Capsules/Vaccines etc.] for the supply of Goods within a period of ..... [say, at least five years];
    - that it has achieved an annual production rate of at least, say, three times, the quantities specified under the contract during the above period as specified above;
    - that it has generated an average annual turnover of at least .....[say, five times] the estimated contract value during the last five years;
  - g. provides proof of experience with and knowledge of modes of packing, distribution, and transportation of pharmaceuticals similar to those subject to

bidding under logistical and climatic conditions similar to those in the Purchaser's country:

- ii. The Bidder should provide names of countries to which it has supplied (including packaged, transported, and distributed) products worth at least the equivalent of US\$..... (NRs.....) or more, within the past three years.
- iii. When offering its Bid for more than one contract under a lot and package arrangement, the Bidder or the Manufacturer whose product is offered by the Bidder must provide evidence that it meets or exceeds the sum of all the individual requirements for the lots or packages being applied for in regard to:
  - Annual turnover, and
  - Particular experience, including key production rates.

In case the Bidder or the Manufacturer whose product is offered by the bidder fails to fully meet any of these criteria, it will be qualified only for those lots for which the Bidder meets the above requirement.

- iv. In the case of a Bidder offering to supply Goods under the contract that the Bidder does not manufacture, the Bidder shall be duly authorized by a Manufacturer of the Goods that meets the aforementioned criteria to supply the Goods in the Purchaser's country.
- v. The Bidder shall also furnish the following documents along with its Bid:
  - a. a copy of its manufacturing license and a statement of its manufacturing capacity;
  - b. copies of its audited financial statements from the past three fiscal years;
  - c. details of on-site quality control laboratory facilities and services including range of tests conducted;
  - d. list of major supply contracts executed, say, within the last five years;
  - e. an undertaking, in the case of Bids for vaccines, to be supplied from abroad that the vaccines comply with the provisions of the Drugs and Cosmetics Act;
  - f. a copy of the certificate of quality assurance (WHO-GMP or applicable equivalent) for manufacture of the required kits;
  - g. copies of original documents defining the constitution or legal status, place of registration, and principal place of business of the company, firm, or partnership, etc.

- 6.4.4 Qualification Criteria for Proposer of Consulting Services (Rule 27)**
- 6.4.5 Qualification Criteria for Joint Venture (Rule 28)**
- 6.4.6 Documents showing Economic and Financial Capability (Rule 29)**
- 6.4.7 Provision Concerning Sub-contracting Works (Rule 30)**
- 6.4.8 Matters to be Stated in the PQ documents (Rule 32)**
- 6.4.9 Pre-qualification Criteria to be approved by Departmental Head (Rule 33)**
- 6.4.10 Pre-qualification Documents to be Made Available (Rule 34)**
- 6.4.11 Selection of the Qualified Applicant (Rule 35)**
- 6.4.12 Evaluation Report of Pre-qualification to be submitted by Evaluation Committee (Rule 36)**
- 6.4.13 Discrimination not to be made (Rule 38)**
- 6.4.14 Details of local agent to be stated in case of foreign bidder (Rule 39)**
- 6.4.15 Criteria and Document relating to Bidder's eligibility to be stated (Rule 40)**
- 6.4.16 Language of Bid (Rule 41)**
- 6.4.17 Matters to be stated in Technical Specifications of goods (Rule 42)**
- 6.4.18 Matters to be stated in Technical Specifications of construction works (Rule 43)**
- 6.4.19 Matters to be stated in Specifications of other services (Rule 44)**
- 6.4.20 Documents to be included in Bidding documents (Rule 45)**
- 6.4.21 Instruction to Prepare and Submit the Bid (Rule 46)**
- 6.4.22 Bidding Documents to be approved by Chief of Public Entity (Rule 47)**
- 6.4.23 Fee for Bidding Documents (Rule 48)**
- 6.4.24 Period of Bid validity (Rule 54)**
  - Up to an estimated amount of NRs. 100 Million – 90 days
  - For estimated amounts above NRs. 100 Million – 120 days

**6.4.25 Details to be mentioned in Bid document (Rule 37, PPR)**

**6.4.26 Pre-bid Meeting/Conference (Rule 52)**

## **7. Provisions Relating to Tender/Bid**

**7.1 Process and stage of Tender (Article 11)**

**7.2 Determination of Prequalification (Article 12)**

**7.3 Preparation of Tender documents (Article 13)**

**7.4 Invitation for Tender/Pre-qualification (Article 14, Rule 50)**

**7.5 Tender/Bid Invitation upon preparation of Bid documents for procurement exceeding NRs. 1 Million (Article 15, Rule 31)**

**7.6 Time period for submitting Tender/Bid/Pre-qualification Proposal (Article 14-(4)) – minimum 30 days for National Competitive Bidding and 45 days for International Bidding**

**7.7 Conditions for Invitation for International Bidding (Article 15)**

**7.8 Information to be mentioned in the notice for invitation for Bid/tender/Pre-qualification (Article 14)**

**7.9 Requirement for Performance/Bid Bond/Ernest Money and Condition for its forfeiture (Article 20, 21 & Rule 53)**

**7.10 Fee for Tender/Bid Documents (Rule 48)**

- From NRs. 1 Million up to NRs. 6 Million – NRs. 1,000
- Above NRs. 6 Million up to 60 Million – NRs. 3,000
- Above NRs. 60 Million up to NRs. 100 Million – NRs. 5,000
- Above NRs. 100 Million up to NRs. 250 Million – NRs. 6,000
- Any amount above NRs.250 Million – NRs.10,000

- 7.11 Clarification of Tender or PQ documents in relation to any unclear matter (Article 16, )**
- 7.12 Deadline for submission of Tenders or PQ proposals (Article 17)**
- 7.13 Manner of submitting Tenders (Article 18)**
- 7.14 Return and amendment of Tender (Article 19)**
- 7.15 Period of validity of Tenders (Article 20)**
- 7.16 Bid Issuance/ Sales & Registration Book to be maintained and receipt to be given (Rule 56) – Form-4, Annex**
- 7.17 Security of Submitted Bid Documents (Rule 57)**
- 7.18 Return of Bid Document and Amendment (Article 19, Rule 58)**
- 7.19 Tender/Bid Security (Article 21)**
- 7.20 Opening of Tenders (Article 22)**
- 7.21 Examination of Tenders/Bids (Article 23)**
- 7.22 Non-acceptance of Tender (Article 24)**
- 7.23 Evaluation of Tenders (Article 25)**
- 7.24 Rejection of Tenders or cancellation of procurement proceedings (Article 26)**
- 7.25 Acceptance of Tender and Procurement (Article 27)**
- 7.26 Two-stage Tendering (Article 28)**
- 7.27 Domestic Preference may be given (Article 14.8)**
- 7.28 Details of local agent to be mentioned by Foreign Bidder (Article 14.10, Rule 39)**

## 8. Bid Evaluation and Recommendation

### 8.1 Opening of Bid (Article 22, Rule 59)

The attendance and recording Forms are given in Forms - 5A, 5B, Annex.

### 8.2 Examination/Inspection of Bid (Article 23, Rule 60)

Legal acceptability and examination of substantially responsiveness forms are given in Form- 6A, Annex and Form- 6B, Annex.

### 8.3 Non-Acceptance of Tender/Bid (Article 24):

If it is unsealed; not submitted within the deadline; returned back upon request; failed in legal acceptability and substantial responsiveness; submitted through collusion; disqualified or substantially not qualified upon pre-qualification.

### 8.4 Bid Evaluation (Article 25, Rule 61)

- a. Technical evaluation (Rule 62)
- b. Commercial aspects evaluation (Rule 63)
- c. Evaluation of Financial aspects (Rule 64)

### 8.5 Special Evaluation of Bids of Construction Works (Rule 65)

Comparative Chart format is given in Form-7, Annex.

### 8.6 Evaluation Report of Bids with recommendation to be submitted (Rule 66)

### 8.7 Authority to approve Bid/Tender (Rule 67)

S. No.	Amount in NRs.	Authority
a.	Up to 10 Million	Office Chief – Gazetted Class III
b.	Up to 30 Million	Office Chief – Gazetted Class II
c.	Up to 70 Million	Office Chief – Gazetted Class I
d.	More than 70 Million	Departmental Head

**8.8 Rejection of Tenders or Cancellation of the Procurement process (Article 26)**

**8.9 Sample/Specimen of Goods (Rule 68)**

**8.10 Bid Approval and Procurement Contract Agreement (Article 27)**

**8.11 Arrangement regarding Sealed Quotation (Article 40, Rule 84)**

**8.12 Evaluation and recommendation of Sealed Quotation (Article 40, Rule 84)**

**8.13 Approval and Contract Agreement of Sealed Quotation (Article 40, Rule 84)**

**9. Procurement of Consulting Services**

**9.1 Preparation of Terms of Reference (TOR) (Rule 69)**

- Background and Objective of Consulting Services
- Scope of Work and assignment to be done by Consultant
- Studies related to the assignment and relevant data if available
- Knowledge/skills to be transferred by Consultant
- Training needs for Client's staff and number of trainees
- Main assignments to be completed by Consultant's main Experts, including estimated time period and required qualifications
- Date of starting assignment and completion
- Information, physical facilities, and equipment to be provided by the Client to the Consultant
- Reports, statistics, maps/drawings, survey reports, etc. to be submitted by the Consultant

**9.2 Proposal Invitation (Article 31 & Rules 54, 71, 72, 73, 74)**

**9.2.1 Consultant to Avoid Conflict of Interest (Rule 138)**

**9.2.2 Open Letter of Intent/Expression of Interest (National/International) through short-listing for amounts exceeding NRs. 1 Million (Article 30, Rule 70)**

- International for amounts exceeding NRs. 30 Million

- Short-listing of Consultants/Firms

### 9.2.3 Preparation of Standing List (Rule 18 & Rule 72) for amounts less than NRs. 1 Million

- By requesting Technical and Financial Proposals in separate envelopes from 6-3 Consultants and dispatching Bid documents to the Consultants/Consulting Firms

### 9.2.4 Details to be mentioned while inviting Proposals

- Name and Address of Public Entity/Client
- Nature of consulting services, time period, Terms of Reference, Assignment to be completed with Expected Outputs
- Format of Technical/Financial Proposals and mode of submission, stages/phases of the Assignment, whether pre-bid meeting will be held, etc.
- Period of Validity of Proposal – 90 days for up to a value of NRs.100 Million, and for 120 days for any amount exceeding this amount

### 9.2.5 Weights to be assigned to Technical and Financial Proposal for evaluation

Selection Method	Assigned Weights		
	Technical	Financial	Total Score
Quality and Cost-Based Selection (QCBS)	70-90	30-10	100
Quality Based-Selection (QBS)	100	-	100
Fixed Budget Selection (FBS)	100	-	100
Least Cost Selection (LCS)	100	-	100

### 9.2.6 Technical Evaluation and Criteria with Marking Weights

S. No.	Evaluation Criteria for Comparison	Percentage Weight
a.	Work Experience of Proposer	10
b.	Work Methodology and responsiveness to TOR	20-50
c.	Qualification and Experience of key Personnel	30-60
d.	Technology Transfer/Training	10
e.	Involvement of national personnel (not applicable to NCB)	10
	Total	100

*Note: The above criteria should be divided into 3 sub-criteria and marks determined accordingly with pass marks mentioned.*

The format for evaluation of Technical Proposal according to Criteria and assigned weights is given in Form-8, Annex.

**9.2.7 Registration book of Proposals to be maintained and security of Proposals (Rule 56, 57)**

**9.2.8 Return and Amendment of Proposal (Rule 56, 57)**

**9.3 Proposal Evaluation and Recommendation**

**9.3.1 Opening of Technical Proposal (Article 32, Rule 75)**

**9.3.2 Evaluation of Technical Proposal (Article 33, Rule 76)**

**9.3.3 Evaluation Report of Technical Proposal (Rule 77)**

**9.3.4 Notification for opening Financial Proposal to Consultants selected in Technical Proposal (Rule 78)**

- Minimum 7 days for NCB and 15 days for ICB

**9.3.5 Opening of Financial Proposal (Article 34, Rule 79)**

**9.3.6 Evaluation of Financial Proposal (Article 35, Rule 80) (Form-9, Annex)**

**9.3.7 Selection of Proposer (Article 35 , Rule 81)**

Under QCBS, the Evaluation Committee shall conduct a joint evaluation of the Technical and Financial Proposals and select the Proposer with the highest score (Please see example below):

<b>Technical Proposal Evaluation</b>				
<b>Consultant</b>	<b>Full Score</b>	<b>Awarded Score</b>	<b>Weight</b>	<b>Weighted Score</b>
A	100	90	80	$90 \times 80 / 100 = 72$
B	100	85	80	$85 \times 80 / 100 = 68$
C	100	80	80	$80 \times 80 / 100 = 64$

<b>Financial Proposal Evaluation</b>			
<b>Consultant</b>	<b>Bid Amount (NRs.)</b>	<b>Weight</b>	<b>Weighted Score</b>
A	450,000	20	$420,000 \times 20 / 450,000 = 18.66$

B	430,000	20	$420,000 * 20 / 430,000 = 19.53$
C	420,000	20	$420,000 * 20 / 420,000 = 20.00$

*Lowest Bid Amount = NRs. 420,000*

<b>Combined Evaluation of Technical and Financial Proposals</b>				
<b>Consultant/Proposer</b>	<b>Obtained Score - Technical</b>	<b>Obtained Score - Financial</b>	<b>Total Score</b>	<b>Remark</b>
A	72	18.66	90.66	A to be selected
B	68	19.53	87.53	
C	64	20.00	84.00	

- b. Under QBS, the Proposer with the highest score is selected. If the Proposer's financial bid amount is deemed to be high, it may be reduced through negotiation.
- c. Under FBS, Proposals with a bid amount higher than the fixed budget is to be rejected. The proposal obtaining the highest technical score with a bid amount within the fixed budget is to be selected.
- d. Under LCS, the Proposer with the lowest bid amount from among those who have passed by obtaining the minimum pass score in the Technical Proposal is to be selected.

### **9.3.8 Non-approval of Proposal or cancelling the procurement process (Article 36):**

- If all received Proposals are not substantially responsive to the TOR
- If the proposals substantially exceed the estimated and allocated budget
- If the consulting service is not required
- If it is proved that the Proposers have engaged in collusion; consideration may be given to Proposals of Proposers who have not been involved in collusive practice.

### **9.3.9 Negotiation with Proposer (Article 37, Rule 81(5))**

Negotiations may be held with the selected Proposer over the proposed TOR, progress reports, facilities to be provided by the Client, and reimbursable expenses but not over Financial Proposal regarding the remuneration of Experts except when employing a QBS. In the event that the Client and the Proposer do not reach an agreement through negotiation, the

Client shall sequentially negotiate with the Proposer with the next-highest score in the case of QCBS, QBS & FBS, and in the case of LCS, with the Proposer offering the next-lowest bid. The Client shall notify the Proposer of the date, time, and place of negotiation in case of such negotiations.

#### **9.4 Proposal Approval and Contract Agreement (Article 38)**

After the negotiated understanding, the concerned Proposer shall be selected for Proposal approval. The information on the intent to approve the selected Proposal shall be given to the concerned Proposer and also other short-listed Proposers within 7 days of selection. If, within seven days, no complaint has been filed for review of the decision before the Chief of the concerned entity, the selected Proposal shall be approved and the Proposer shall be notified to come forth for agreement within 15 days, and contract agreement done accordingly. If the Proposer fails to be present for agreement, the Client shall sequentially enter into agreement with the next-highest scoring Proposer in the case of QCBS, QBS & FBS, or with the Proposer offering the next-lowest bid in the case of LCS.

#### **9.5 Procurement of Consulting Service through Direct Negotiation (Rule 82)**

In case of the need to conduct the necessary training of office staff, conference, or seminar, the Office Chief may procure such services up to an amount of NRs. 100,000 by himself or upon approval by a superior authority for amounts in excess of that.

#### **9.6 Provisions for Direct Procurement (Article 41; Rule 85, 86)**

Notwithstanding anything contained elsewhere in the Act, goods or consultancy services or other services may be procured or construction work effected by means of direct procurement in the following circumstances:

- a. Miscellaneous procurement work (expendable items or capital goods or consulting or other services) up to a value of NRs. 150,000 by obtaining Quotation or Proposal from Supplier, Consultant, or Service Provider in the Standing List;
- b. Only one supplier or construction entrepreneur or consultant or service provider has the technical capacity or capability to fulfil the procurement requirements;
- c. Only one supplier has the exclusive right to supply the goods to be procured and there is no other suitable alternative.
- d. In such situation, such proprietary goods may be procured through the sole supplier or its authorized distributor or authorized agent.
- e. While procuring directly in this manner, it may be done by asking for a quotation or proposal from a supplier or service provider in the standing list of the public entity.

- f. In case additional goods or services of proprietary nature are to be procured from the original supplier or consultant or service provider after it is established that if there is a change of supplier or consultant or service provider to replace or extend the existing goods or services or spare parts of installations, it will be difficult to replace or extend the existing goods or services in the public entity; such proprietary goods may be purchased directly for up to 30 percent of the original value by obtaining the approval of a superior authority.
- g. In case it is necessary to procure essential construction works, goods, consultancy services, or other services within the threshold as prescribed, which were not included in the initial contract because of unforeseeable reasons and have become necessary since the separation of such works, goods or services from the initial contract would be difficult for technical or economic reasons, or,
- h. The service of a particular consultant with any unique qualification is immediately required for the concerned task or it is indispensable to obtain service from the then consultant;

As mentioned above, except for the situation stated in clauses (a) and (e), in the case of direct procurement in respect to other situations, the public entity shall publish a public notice disclosing the nature of procurement together with its reason and basis along with the name of the supplier, consultant, or service provider.

Notwithstanding anything contained elsewhere in Article 41, any procurement under clauses (b), (e) and (f) above shall be made pursuant to a decision of the Government of Nepal, Council of Ministers, on the recommendation of the following committee, in the case of constitutional bodies or entities, ministries of the GoN, secretariats, commissions, departments and any government entities or offices under them, and pursuant to a decision of the highest executive body of the public entity concerned, in the case of the other public entities:

- a. Chief secretary, Government of Nepal - Coordinator
- b. Secretary, Ministry of Finance - Member
- c. Secretary, Concerned Ministry - Member
- d. Financial Comptroller General - Member
- e. Head of Office, PPMO - Member

Where a public entity engages in direct procurement in this manner, it shall prepare a written description, as prescribed, setting forth its needs and any special requirements as to quality, quality, terms and time of delivery, and may request a written quotation or proposal from, hold negotiations as required, with only one supplier or construction entrepreneur or service provider, and make procurement accordingly.

Provided that where it is required to obtain approval of any authority under the Act to make such procurement, it shall be done only after obtaining prior approval and concluding a contract.

In case of direct procurement, it may be done through either a framework or unit rate contract.

### **9.7 Architectural/ Town Planning Design Procurement through Competition (Rule 87)**

### **9.8 Appointment on the Basis of Qualifications (Rule 83)**

A Consultant may be appointed on the basis of Qualifications under the following conditions:

- a. In case of the requirement for high level expertise to execute any work
- b. If consultation is required for a short period or immediately due to time constraint
- c. When only a few Consultants are qualified to complete the work
- d. If appointment of Consultant takes more time but there is inadequate time for it.

## **10. Provisions Relating to Procurement Contract**

**10.1 Procurement Contract and Conditions thereof (Article 52)**

**10.2 Requirement to indicate Budget Code (Rule 109)**

**10.3 Performance Bond to be submitted for Agreement (Rule 110)**

**10.4 Provision concerning execution of Contract (Rule 111)**

**10.5 Amendment to Procurement Contract (Article 53)**

**10.6 Time Extension of Procurement Contract (Rule 120)**

**10.7 Provision for Advance Payment and Reconciliation (Rule 113)**

**10.8 Appointment of Client's Representative for Pre-shipment Inspection (Rule 114)**

**10.9 Inspection and Approval of Goods (Rule 15)**

**10.10 Auction of Goods and Appropriation of Dues (Rule 116)**

**10.11 Work Acceptance Report (Rule 117)**

**10.12 Variation Order (Article 54; Rule 118)**

Unless otherwise provided for in the Procurement Agreement, in the event that a situation arises that could not be predicted during the time of agreement, the appropriate authority may issue a variation order up to 15 percent of the Contract Amount by clearly mentioning the reason for the same; and for a variation order in excess of it, it may be issued in accordance with a Cabinet decision in the case of public entities pursuant to sub-part (1) of part (Kha) of Article 2 of the Act and the decision of the supreme executive authority of the concerned entity in case of other public entities.

For other provisions related to the issuance of a variation order, please refer to Rule 118.

**10.13 Price Adjustment in Procurement Agreement (Article 55; Rule 119)****10.14 Provision and Procedure for Time Extension of Contract period (Article 56; Rule 120)****10.15 Content of Bill or Invoice (Rule 122)****10.16 Payment of Bill or Invoice (Article 57; Rule 123)****10.17 Final Payment (Rule 124)****10.18 Due Payment upon Termination of Contract by Public Entity for Public Welfare on Convenience ground (Rule 127)****10.19 Liquidated Damages (Rule 121)**

The procurement contract may provide the following provision in respect to liquidated damages:

- a. If the works under the procurement contract fail to be completed within the time specified in the contract due to the delay of the supplier, consultant, service provider, or construction entrepreneur, it shall have to pay liquidated damages, generally of 0.05 percent of the contract price per day, not to exceed 10 percent of the contract price, except in the case of *force majeure* or no-fault or negligence on the part of the contractor.
- b. The concerned contractor shall not be relieved of the obligation of performing the work under the procurement contract even upon payment of liquidated damages.

**10.20 Mechanism for Dispute Resolution (Article 58; Rules 129 - 135)**

Any dispute that arises between a public entity and construction entrepreneur, supplier, service provider, or consultant in the course of a procurement contract implementation shall be settled through mutual consent. For the settlement of disputes that can not be amicably settled by mutual consent, provision for a mechanism of settlement may be made in the Procurement Contract. While making such provision, it shall be in accordance with procedures as mentioned in the Contract or through the medium of Arbitrator, as per the prevailing law.

### 10.21 Termination of Procurement Contract and Remedies (Article 59; Rule 128)

### 10.22 Remedies Available upon Breach of Procurement Contract (Rule 128)

### 10.23 Public Notice of Procurement Contract (Article 60)

Contract not to be made in breach of the Principle of Competition (Article 3 of Promotion of Competition and Market Protection Act, 2063)

## 11. Provisions Relating to Procurement Proceedings or Review of Decision (Article 47, 49 & Rules 101-108)

S. No.	Application for Review/Subject	Time for Submission	Time for Decision
1.	<p>Application before Chief of Public Entity (Article 47)</p> <p>In the case of procurement proceedings prior to the entry into force of the procurement contract, any bidder or proponent that claims to have suffered, or is likely to suffer loss or injury due to a commission of any error or breach of duty in making the procurement proceedings or decision, may make an application, accompanied by the reason or such loss or injury, to the head of the concerned public entity for review of such error or decision.</p> <p>The aforementioned application shall clearly state what was the omission or commission of the public entity that resulted in such error or breach of duty and to which provision of the Act or Rules framed under the Act or directives such decision is contrary.</p> <p>No application for review received after the prescribed period shall be entertained.</p>	<p>Within 7 days where time period is specified</p> <p>Within 7 days of having come to know of any error or breach of duty committed by the public entity where time period is not specified</p>	<p>Within 5 days of receiving application</p>
2. (a)	<p>Application before the Review Committee (Article 49)</p> <p>In a case where the procurement value of the application submitted to the public entity is NRs. 30 Million or more:</p> <p>The Head of the concerned public entity has not given a decision within 5 days</p> <p>The applicant is not satisfied with the decision given</p>	<p>Within 7 days</p>	<p>Within 30 days</p>
2. (b)	<p>Regarding Procurement Contract</p>	<p>Within 30 days</p>	<p>Within 30 days</p>

**11.1 Details to be mentioned in the Application to be submitted to the Head of the Public Entity (Rule 100)**

**11.2 Details to be mentioned in the Application to be submitted to the Review Committee for Review of Procurement Contract (Rule 103)**

**11.3 Nature of the Review Committee's Decision (Article 50)**

**11.4 Security Money to Be Deposited for Review (Article 50; Rule 104)**

**11.5 Suspension of Procurement Proceedings (Article 51)**

**11.6 Method of Sending Application for Review (Rule 105)**

## **12. Institutional Provisions for Public Entity**

**12.1 Definition/ Categorization of Public Entity (Article 2 "Kha")**

**12.2 Procurement Unit (Article 7; Rule 16)**

**12.3 Rate Fixation Committee (District) and Composition (Rule 148)**

**12.4 Evaluation Committee and Composition (Article 71; Rule 147)**

**12.5 Review Committee and Composition (Article 48)**

**12.6 Public Procurement Monitoring Office (Article 64, 65)**

**12.6.1 Functions, Duties and Powers of the Public Procurement Monitoring Office (Rule 144)**

## **13. Provisions Relating to Transparency and Conduct (Articles 61- 63)**

**13.1 Documents Relating to Procurement Proceedings to be made Available (Rule 136)**

**13.2 Public Notice of Procurement Contract (Rule 137)**

Within 3 days of signing of procurement contract, notification shall be done as mentioned in Rule 137.

**13.3 Information of Inducement, Corruption or Fraudulent Practice (Rule 139)****13.4 Supervision and Examination May be Made (Rule 140)****13.5 Blacklisting of Bidder, Proposer, Consultant, Service Provider, Other Person(s), Firm, Organisation/Company (Rule 141, 142, 143)**

Blacklisting; Release from Blacklist; Records to be kept by PPMO

**14. Miscellaneous**

14.1 Provisions Relating to Procurement under Special Circumstance (Article 66; Rule 145)

14.2 Conditions for Which Procurement Procedures Set Forth in the Act Need Not Be Followed (Article 67)

**14.3 Modes of Communication (Article 68)**

**14.3.1 Procurement through Electronic Communication (Article 69)**

**14.3.2 Legal Documents to Be Posted at Website (Article 70)**

**14.3.3 Use of Electronic Media (Rule 146)**

**14.4 Record of Procurement Proceedings (Article 72)****14.5 Delegation of Power (Article 73; Rule 150)****15. Main Provision Related to Procurement in Annex 3 of the Development Financing Agreement, 2004 (Health Sector Programme) between the Government of Nepal and International Development Association (IDA), World Bank**

While undertaking the following procurement works from a grant or loan assistance channeled through the Pool Fund, International Competitive Bidding (ICB) shall be invited, and prior to publishing notice for pre-qualification or Bid invitation, the documents shall be sent to the World Bank for review, and procurement proceedings shall be made only after a no objection/concurrence has been obtained from the Bank:

- Procurement of Goods or Construction Works or other services equivalent to or more than US\$ 500,000.

- Procurement of Consulting Services from a firm/organization equivalent to or more than US\$ 250,000, and Consulting Services from an individual Consultant (person) equivalent to or more than US\$ 50,000.

While evaluating the Bids or Proposals received in the course of the aforementioned proceedings, the concerned documents shall be sent to the World Bank for review, and a decision over the Bid/Proposal shall be taken only after a no objection/concurrence has been received from the Bank.

## **16. Provisions Related to House/Land Renting and Service Contract**

### **16.1 Provision of House Land Renting (Rule 94)**

**16.2 Procedure Relating to Service Contract to operate day to day works such as office security, dispatch of letters, sanitation, operation and supervision of telephones, electricity, water supply, etc. (Rule 95)**

### **16.3 Procedure of Repair and Maintenance of Goods (Rule 96)**

**16.4 Procedures of Carrying Out Work through Users' Committee or Beneficiary Committee (Rule 97)**

### **16.5 Construction Work through Force Account (Rule 98)**

**16.6 Provision Related to carry Out Work from Non-Governmental Organisations (Article 46, Rule 99)**

**Annex****Form 1: Master Procurement Plan**

FY: .....

Ministry/Dept./Project/Office: .....

Budget Sub-head No. ....

S. No.	Procurement Detail (Goods/Other Services/ Consultant's Services)	Procurement Method	Estimated Amount (Rs. 000)	No. of Packages	Mode of Agreement						Remarks
						Year 1 FY .....	Year 2 FY .....	Year 3 FY .....	Year 4 FY .....	Year 5 FY .....	
1	2	3	4	5	6	7	8	9	10	11	12

Prepared by: .....

Office Chief: .....

Departmental Head/ Secretary of Ministry:

Signature: .....

Signature: .....

.....

Designation: .....

Designation: .....

Signature: .....

Date: .....

Date: .....

Designation: .....

Date: .....

**Form 2: Annual Procurement Plan of Goods/Others Services**

FY: .....

Ministry/Dept./Project/Office: .....

Budget Sub-head No. ....

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		
S. No	Description of Goods/ Other Services	Date shown in the Project	Approved Date of Estimated Budget	Estimated Budget	Mode of Procurement/ Process	No. of Packages	Type of Agreement	Tender Document or Quotation Document		Date to be approved by Donor Agency	Tender/ Proposal			Date of concurrence from Donor Agency	Date of Intention to approve Tender and Approval Date	Date of Contract Agreement	Date of Work commencement	Due Date of Completion	Contractor/ Supplier				
								Prepared Date	Approved Date		Publication Date	Opening Date	Evaluation Completion Date						Name	Agreement No.	Agreement Amount		
		Estimated																					
		Actual																					

Prepared by: .....

Office Chief: .....

Dept. Head/Sec. of Ministry: .....

Signature: .....

Signature: .....

Signature: .....

Designation: .....

Designation: .....

Designation: .....

Date: .....

Date: .....

Date: .....

**Form 3: Annual Procurement Plan for Consultants' Services**

FY: .....

Ministry/Dept./Project/Office: .....

Budget Sub-head No. ....

S. No.	Details of Service (Type of consultant, e.g. Construction, Environment, Law, etc.)	Date mentioned in plan (project implementation)	Terms of Reference Approval Date	Date of Estimation	Estimated Amount (Rs. '000)	Method of Selection	Date of notification for short-listing	Date of Submission of short-listing evaluation	Date of shortlist approval	Date of approval of proposal documents	Date of issue of proposal documents	Deadline for receiving proposal	Date of approval of evaluation of technical proposal	Date of evaluation of financial proposal	Date of notification of approval of proposal	Date of agreement	Name of consultant	Title of Contract	Contract Agreement No.	Date of Commencement	Date of Completion	Date of Concurrence from Donor Agency (if necessary)	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

Prepared by: .....

Signature: .....

Designation: .....

Date: .....

Office Chief: .....

Signature: .....

Designation: .....

Date: .....

Departmental Head/ Secretary of Ministry:

.....

Signature: .....

Designation: .....

Date: .....

**Form 4: Tender/Sealed Quotation Registration Book Sample Form**

Name of Office:

Tender or Sealed Quotation No.:

Title of Work (Goods procurement/service):

Registration No.	Name of Applicant submitting Tender/Sealed Quotation	Address	Registration Date	Registration Time	No. of seals	Specimen submitted/ not submitted	Name, signature, stamp of Applicant
1	2	3	4	5	6	7	8

**Form 5: Attendance Record of Applicants or Representatives Submitting Tender/Sealed Quotation**

Name of Office:

Tender or Sealed Quotation No.:

Title of Work:

S. No.	Name and surname of Applicant submitting Tender/Sealed Quotation or Representative	Name and Address of Company/Firm submitting Tender/Sealed Quotation	Signature
1	2	3	4


### Form 6: Form for Opening of Tender/Sealed Quotation

Name of Office:

Tender or Sealed Quotation No.:

Title of Work:

Registration No.	Name and Address of Company/Firm submitting Tender/Sealed Quotation	Total Bid Amount/ per Unit Price	Bank Guarantee			Amount Deposited in Bank Account or Cash Deposit	Main comments seen in tender document/ sealed quotation
			Name of Bank and Guarantee Letter No.	Period of Validity	Amount		
1	2	3	4	5	6	7	8

Signature of Applicants or Representatives: .....

On this day {Insert date}, the Bids/Tenders/Sealed Quotations received within the due date for submission have been hereby duly opened and recorded in the presence of the following Bidders/Applicants or Representatives.

.....Invited  
Representative

.....Invited  
Representative

.....Chief of  
Accounts Section

.....Chief of  
Procurement Unit or Representative

.....Office  
Chief

## Form 7: Checklist Form for Legal Status and Completion

Name of Office:

Tender or Sealed Quotation No.:

Title of Work:

S. No.	Aspects to be inspected	Name of Applicants submitting Tender/Sealed Quotation		Remarks
		Name: .....	Name: .....	
1.	Legal Status			
1.1	Is the Company/Firm duly registered and			
1.2	Does the Company/Firm have a VAT Registration Certificate?			
1.3	Does it have a Permanent Account Number (PAN)?			
1.4	Does it have a Tax Payment Certificate or documental proof of having submitted tax details?			
1.5	Declaration attached/not attached?			
1.6	Other necessary documents?			

(a)	Is there a Medical Registration Certificate as per Tender document if required?			
(b)	Is there a Manufacturing License/Market License if needed by Tender Document?			
(c)	Is there an Import License for Foreign Product if required by the tender document?			
(d)	Is there a WHO GMP Certificate if required by the tender document?			
2.	Completeness of Bid Document			
2.1	Has the Bid Document been issued by the public entity?			
2.2	Has the Bid Document been submitted by the person/firm/ organization or company purchasing the document?			
2.3	Blacklisted or not blacklisted?			
2.4	Has the Bidder been involved personally or as a joint venture partner in more than one bid document?			
2.5	Has a power of attorney been submitted to an authorized representative or local agent of the Bidder?			
2.6	Have documents relating to the qualification of the Bidder been submitted?			
2.7	If a joint venture agreement is required, submitted/ not submitted?			
2.8	If rate analysis is required according to Bid Document, submitted/ not submitted?			
2.9	Any other documents as instructed by sealed quotation or tender notice, submitted/ not submitted?			

**Form 8: Checklist Form for Substantial Responsiveness**

Title of Work:

S. No.	Technical Aspects	Name of Applicants submitting Tender/Sealed Quotation		Remarks
		Name: .....	Name: .....	
1.	Deemed as complete from Completeness Checklist			
2.	Signed/ not signed where official signatures are required			
3.	If type, duration and amount of Bid Security as demanded by the Bid Document, submitted/ not submitted?			
4.	The proposed goods to be supplied, are/ are not substantially in accordance with the Technical Specifications or sample.			
5.	Proposal is / is not substantially responsive to the conditions of Contract Agreement.			
6.	The validity of duration of Bid is/ is not as mentioned in the Bid Document.			

**Form 9: Comparative Chart Form**

Name of Office:

Tender or Sealed Quotation No.:

Title of Work:

S. No.	Name of Goods	Unit	Quantity	Estimate		Name of Applicant submitting Tender/Sealed Quotation		Name of Applicant submitting Tender/Sealed Quotation		Remarks
				Rate	Total	Rate	Amount	Rate	Amount	
	Total Bid Amount									
	Discount									
	Amount									
	VAT									
	<b>Total Amount</b>									

*Note: Columns for Applicants to be inserted as necessary*

**Form 10: Technical Proposal Evaluation Form for Consulting Services**

Name of Office:

Title of Work:

Pass Mark for Technical Proposal: .....% (to be determined by the Public Entity depending on the nature of work)

Criteria for Evaluation (for Comparison)	Assigned Weight in %	Marks obtained by Proponent		Remarks
		Proponent (A)	Proponent (B)	
Proposer's Actual Work Experience ..... ..... .....	Up to 10			
Methodology of work performance and responsiveness to the Terms of Reference ..... ..... .....	40 (range: 20 to 50)			

Qualification and work experience of key personnel (proposed human resources) ..... ..... .....	30 (range: 30 to 60)			
Transfer of Technology or Training (if required by the Public Entity) ..... ..... .....	Up to 10			
Participation of domestic human resources (not applicable for NCB) ..... ..... .....	Up to 10 (if applicable)			
Total:	100			
Signature of Evaluation Committee Member				

*Note: Each main criterion may be sub-divided into three sub-criteria.*

**Form 11: Financial Proposal Form**

Name of Office:

Title of Work:

Total weight for Financial Proposal: 30% – 10%

Description	Amount (NRs.)
Budget of Proposed Assessment (a) (b) (c) (d) (e)	
VAT	
Total Amount:	
In Words : (.....only)	
Name of Proposer: : .....	
Signature : .....	

