

# Tender Period



- Allow enough time for high-quality Tenders – VFM
- Avoid late extensions
- Only one request for extension – normally not accepted
- Same date & information to all
- Deadlines in the Regulations = minimum times
  - Complexity
  - Understanding & clarifications (Q&A)
  - Cooperation, consortia, joint ventures, subcontractors
  - Domestic inclusion

# Consequences of too short time

The time saving supposed at the beginning will presumably lead to losing a lot of time at the end of the process

- No Tenders
  - Reducing competition
  - Reopen the Public Procurement.
- Poor quality Tenders
  - making evaluation difficult
  - requiring extensive requests for clarifications
  - equal treatment at risk
- Limits possibilities of forming cooperation's
- Suspicion with the Tenderers of 'rigged invitations' i.e. that a preferred supplier has already been decided
  - a 'display for the public', i.e. to formally claim that the rules have been followed
- Less Value for Money



There Is  
Never  
Enough  
Time!

# Time for Tender preparation



- RFPQ minimum 20 calendar days
- RFP minimum 45 calendar days
- RFQ minimum 25 calendar days
- RFO minimum 15 calendar days

After RFPQ:

- RFP minimum 30 calendar days
- RFQ minimum 15 calendar days

*Exceptional circumstances = CPO may decide to reduce the deadlines*

# Cancellation of Public Procurement

Shall be

- Justified
- Approved in accordance with the Delegation of Authority
- Published

Circumstances

- Needs have ceased to exist or substantially changed
- Budget has been cancelled
- There is a reasonable suspicion of collusion, corruption, or other foul play



# Questions & Answers



- Deadline for questions & for answers/clarifications
- RFP
  - Questions at least 12 calendar days prior to the deadline
  - Answers at least 6 calendar days prior to the deadline
- RFQ
  - Questions at least 7 calendar days prior to the deadline
  - Answers at least 4 calendar days prior to the deadline
- Sufficient time for Tenderers to revise
- Received by the CPU
- Prepared by the PE
- Communicated by the CPU
- Deadline for submissions may exceptionally be extended if clarifications require (CPO approval)

# Receipt & Registration



- Official address in the Invitation to Tender:  
[procurement@mfep.gov.ki](mailto:procurement@mfep.gov.ki)
  - Automatic reply
- Exceptionally, physical submissions – delivery address clearly specified
  - A public officer shall mark all envelopes or boxes with the date and time of receipt, the name and signature of the public officer
  - Deliver received Tenders to the CPU
- Tenders shall remain unopened until the formal opening of the Tenders
- Registered at the CPU – Public Procurement Report – to the Evaluation Committee, and so on

# Opening

- CPU opens and distributes to PEPO
  - 2 Public Officers – at least one from the CPU
  - Public Opening – Tenderers allowed
    - E-tendering = difficult with public openings
    - New transparent legal framework = less interest
- 2-envelopes
  - Only Technical opened
  - Financial sealed (kept at the CPU)
  - Less meaningful with public opening
- Received in time?
  - If not - disqualified



# None or only non-valid Tenders

- No Tender received in time
- Received Tenders incomplete, non-compliant or for other reasons not valid
- Reasons to be investigated
  - Too limiting criteria?
  - Too short Tender time?
  - Poor communication and awareness?
  - Lack of trust?
  - What can be done to resolve or improve?





# Only one Tender received

- Lack of competition? See previous:
  - Too limiting criteria?
  - Too short Tender time?
  - Poor communication and awareness?
  - Lack of trust?
- Criteria deriving from the current Contract?
- Impression of competition?
  - Then their best Tender
- Proper market investigation done?
- Difficult to ascertain Value for Money
- Reasons should be investigated
- Trust may decline

