



## FREQUENTLY ASKED QUESTIONS SOLICITATION OF TENDERS

No.	Question	Category	Response
1	Do small organisations, now have to administer contracts for small procurement activities rather than doing the three-quote system?	Solicitation of Tenders	<p>The request for quotations (three-quote system) is a procurement method that is used for small value procurements of readily available off-the-shelf goods, low value construction works, or low value services procurements.</p> <p>The request for quotation method is not complex and is considered non-competitive because the public body determines which suppliers or contractors to request quotations from (as long as a minimum of three (3) are invited).</p> <p>This procurement method should only be used under conditions stipulated in a public body's approved Handbooks and Special Guidelines. Of note, the complexity of a requirement, procurement category, and monetary value are all important factors to consider when deciding on the procurement method.</p> <p>The OPR recommends framework arrangements or agreements as an alternative to placing 'one-off' orders for</p>



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			<p>recurrent contracts for works or supplies. Framework arrangements optimise volume purchasing discounts and minimises repetitive purchasing tasks.</p>
2	<p>For public bodies aiming to get value for money, are there any provisions made for public bodies to solicit goods and services from international manufacturers rather than the local supplier who may seek to take advantage of sole supplier privileges?</p>	Solicitation of Tenders	<p>The Public Procurement and Disposal of Public Property Act, 2015 (as amended) (hereinafter referred to as ‘the Act’), defines value for money as including “the value derived from the optimal balance of outcomes and input costs on the basis of the total cost of supply, maintenance and sustainable use”.</p> <p>The Act promotes open competition in public procurement and all public procurement processes must be done in accordance with the Act as any procurement contract or agreement that is not entered into in accordance with the Act will be void and illegal (section 6 of the Act).</p> <p>If a public body is of the view that value for money is not being achieved, then this would require the public body to undertake an investigation and analysis of alternative procurement options as well as a cost benefit analysis to measure both financial and non-financial factors. For instance, the public body may contact the international</p>



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			<p>manufacturer to ascertain the cost of the good or service offered by the international manufacturer against what is offered by the local supplier to discern the value added by the local supplier to warrant the price variance. This analysis will assist public bodies in determining whether value for money is being achieved.</p>
3	<p>Is it illegal to send out a request for quotation today at 11 a.m. and close it at 2 p.m.?</p>	<p>Solicitation of Tenders</p>	<p>Unless urgent ‘public interest considerations’ require ‘emergency’ procurement, setting an unreasonably short timeframe for submission of bids is not in keeping with best practice.</p> <p>In keeping with the objectives of the Act, i.e. transparency, it is important that public bodies allow sufficient time from the publication of the tender notice or RFQ to the deadline for submitting the bids, as a short timeframe could disadvantage some bidders. “An insufficient or unreasonably short timeframe does not allow equality of access to suppliers. This type of procedural transparency is essential to ensure that bidders are treated fairly and to promote competition” (Trepte, P., et al., 2011, <i>Trade Effects of Rules on Procurement for Commonwealth ACP Members</i>, Economic Paper, No. 92,</p>



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			<p>Commonwealth Secretariat, London, <a href="https://doi.org/10.14217/9781848591233-en">https://doi.org/10.14217/9781848591233-en</a>).</p> <p>Public Bodies should allow suppliers or contractors adequate time to respond to a solicitation document, to encourage sufficient responses and to facilitate a competitive process.</p>
4	Can a deadline of 3-4 days for submitting a quotation be stipulated in a Public Body's Handbooks and Guidelines?	Solicitation of Tenders	<p>Unless urgent 'public interest considerations' require 'emergency' procurement, public bodies should allow suppliers adequate time to respond to a solicitation document, to encourage sufficient responses and to facilitate a competitive process.</p> <p>Further to section 30 of the Act, a public body's Handbooks and Special Guidelines must be submitted to the Office for approval. This is done to ensure that public body's public procurement procedures are in compliance with the Act.</p> <p>If the Office determines that the procurement procedures documented in a public body's Handbooks and Special Guidelines are not in compliance with the Act, the said Handbook and Special Guidelines will not be approved and</p>



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			will be returned to the public body for the necessary amendment(s).
5	Can the 'named' Procurement Officer dictate that the tender period is too short and place a longer period in the tenders documents to be issued even if the executing unit objects?	Solicitation of Tenders	<p>Section 61(2) of the Act states that “a public body shall have a procurement officer who shall be responsible for public procurement and the disposal of public property for that body and shall notify the Office, in writing, of the name and designation of its procurement officer”.</p> <p>As such, if the 'named' Procurement Officer determines that the deadline for submission of bids is unreasonably short, he or she can modify the timeframe in keeping with the Act, Regulations, approved Handbooks and Special Guidelines.</p>