

# **Royal Government of Bhutan**

## **Ministry of Finance**



### **Electronic Government Procurement (e-GP) Guidelines**

**August 2017**

Version 1.0



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# **1. Introduction**

## **1.1. Introduction**

This document provides guidelines for Electronic Government Procurement (e-GP) System for Royal Government of Bhutan as provisioned under Chapter IX of Procurement Rules and Regulations- PRR 2009 (Revised July 2015). The Guidelines are prepared in consistent with the prevailing PRR and international practices on e-GP.

The Main objective of the e-GP System is to enhance efficiency and ensure transparency in public procurement. The e-GP is a web-based system through which the procuring agencies shall perform their procurement related activities, i.e. from publishing of Annual Procurement Plan (APP) up to Contract Management.

All the stakeholders including any individuals, Bidders/Consultants, Procuring Agencies, payment service providers, development partners, e-GP System administrators and auditors shall get access to e-GP system and information as specified in the Terms and Conditions of Use and Disclaimer and Privacy Policy.

The Guidelines shall provide e-GP general operational guidance only; any other issues shall be guided by the relevant existing Acts, laws/rules. The e-GP System and its guiding principles are not intended to be static and shall be revised as necessary.

## **1.2. Short title and commencement**

The Guidelines shall be called e-Government Procurement (e-GP) Guidelines and shall come into effect from date of notification.

### 1.3. Definitions

The terms used in the Guidelines shall have the following meaning unless otherwise provided:

1. “**Act**” means any relevant Acts such as but not limited to the Public Finance Act of Bhutan 2007.
2. “**Advertisement**” means an advertisement published in the website or in any other mass media for the purposes of wide publicity.
3. “**Approval Procedures**” means the approval procedures of a Tender or a Proposal as detailed in this guideline.
4. “**APP**” stands for Annual Procurement Plan. Annual Procurement Plan describes which products will be acquired by the Procuring Agency, as well as when and how they will be acquired. This describes estimated procurement plan of an Agency.
5. “**Bidder**” means an eligible individual or legal entity that participates in a competitive procedure defined by the PRR 2009.
6. “**Bid Security**” means a security, serving as a guarantee that the bid shall remain valid until the contract is awarded or until the expiry of a specific period, delivered along with the bid by a bidder in a form and in accordance with the terms and conditions specified in the document inviting the bid. The terms “bid security”, “bid bond”, “bid guarantee”, and “earnest money” are synonymous in terms of their effect and purpose.
7. “**CAPTCHA (Completely Automated Public Turing test to tell Computers and Humans Apart)**” is a spam prevention system, displayed as random words or letters in distorted fashion that cannot be deciphered by people, but only by software, to ensure that a human is making an online transaction rather than a computer.
8. “**Centralized Registration system**” means the single place for all e-GP Users to register and provide credential documents for verification of authenticity for



conducting different activities by utilizing tools provided by the e-GP system.

9. **“Consultant”** means an individual or a legal entity entering into a contract to provide consultancy services.
10. **“Contract Price”** is the price stated in the Notification of Award and thereafter as adjusted in accordance with the provisions of the Contract.
11. **“Contract Management”** means the processes involved between the issuance of a work order and completion of the work, handled electronically with the tools available in the e-GP System.
12. **“Dashboard”** means an interactive User interface that organizes and presents information and links to the different relevant functions into a unified display in a way that is easy to access, track and transact.
13. **“Days”** means calendar days unless otherwise specified as working days.
14. **“Date & Time”** means e-GP Data Center server date and server time.
15. **“Electronic”** means any electrical, digital, magnetic, optical, electromagnetic, internet, wireless or other form of technology that entails capabilities similar to these technologies.
16. **“Electronic Signature”** or **“e-Signature”** means a signature in electronic form (user password) attached to or logically associated with an electronic record, in the form of electronic symbol or a process attached to or logically associated with documents, and executed, adopted or agreed upon by a person with the intent to sign the documents. The user password will be used as e-Signature in the e-GP system.
17. **“Evaluation Committee”** means a Tender or a Proposal Evaluation Committee constituted as per Procurement Rules and Regulations 2009 and number of members as provisioned under this guideline.
18. **“Evaluation Report”** means the report prepared after the evaluation of Tenders,

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Quotations, Expressions of Interest or Proposals.

19. **“e-GP”** means Electronic Government Procurement (e-GP) System.
20. **“Form”** means a form available in the e-GP System with necessary modifications in compliance with the forms and formats appended to PRR-2009.
21. **“Goods”** means any object in solid, liquid or gaseous form that has an economic utility or value, which can be exchanged or traded.
22. **“GPPMD”** means the Government Procurement and Property Management Division, established under Department of National Properties of the Ministry of Finance to carry out the mandates as provisioned in chapter VIII of PRR.
23. **“HOPA”** means the Head of Procuring Agency responsible for procurement procedures executed in accordance with the provisions of the PRR 2009 and this guideline.
24. **“Invitation for Bids (IFB)”** means a document published or notified by the procuring agency, which informs the potential bidders that it intends to procure goods, services and/or works.
25. **“Opening Committee”** means a Tender Opening Committee (TOC) or a Proposal Opening Committee (POC) constituted as per PRR 2009 and number of members as provisioned in this guideline.
26. **“Performance Security”** means security provided by a bidder/consultant solely for the protection of the procuring agency until successful performance of the contract in accordance with terms and conditions of the contract.
27. **“Person”** means and includes an individual, sole proprietorship, partnership, company, association or cooperative society that wishes to participate in Procurement proceedings.
28. **“Procurement”** means the purchase of goods, services or the engagement of contractors for execution of works by procuring agencies.

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29. **“Procuring Agency (PA)”** means the Government agency, which enters into a contract with a supplier, service provider or contractor for procurement of goods, services or execution of works for the Government. The terms “procuring agency” “procuring entity”, “client”, “ purchaser” and “employer” are synonymous.
  30. **“Project Manager”** is the person named in the Contract or any other competent person lawfully appointed by the Procuring Agency and notified to the Contractor, who is responsible for supervising the execution of the Works and administering the Contract.
  31. **“Public funds”** means any funds allocated to a Procuring Agency under a Government budget, or loan, grants and credits placed at the disposal of a Procuring Agency through the Government by the development partners or foreign states or organizations.
  32. **“Public procurement”** means the purchase of goods, services or the engagement of contractors for execution of works by procuring agencies.
  33. **“Quotation”** means the price offer received by e-GP System from bidders for the supply of Goods, Works or Services subject to the financial limitation as prescribed by the PRR 2009.
  34. **“Related Services”** includes services such as insurance, installation, training, and initial maintenance services relating to the contracts of the supply of goods.
  35. **“Responsive”** means qualified on the basis of evaluation criteria so declared and specified in the bidding Document or in the Request for Proposal Document.
  36. **“Services”** means consulting and other services.
  37. **“Supplier”** means an individual or a legal entity entering into a contract for the supply of goods or services.
  38. **“Tender or Proposal”** is an offer to supply goods, services or execution of



works made in accordance with the terms and conditions set out in a document inviting such offers. The term “tender” is synonymous with the term “bid”.

39. **“Tender Document or Request for Proposal (RFP) Document”** means the set of documents issued by the intending employer/purchaser/procuring agency to potential bidders in which the specifications, terms and conditions of the proposed procurement are prescribed. The terms “bidding documents”, “tender documents” and “bid documents” are synonymous.
40. **“Workflow management system”** means a system of overseeing the process of passing information, documents, and tasks from one employee or machine within a business to another.
41. **“Works”** means any activity involving construction, fabrication, repair, overhaul, renovation, decoration, traditional Bhutanese painting, installation, erection, excavation, dredging which make use of a combination of labor, machinery, equipment, material and technology.
42. **“Write”** means any data change in e-GP database.



## **2. Scope and Application of the of e-GP System**

### **2.1. Scope and Application**

The e-GP system shall be used by the procuring agencies and any other public entities spending public fund for the purposes of procurement of Goods, Works and Services applying this guidelines. The scope of this system is to maintain complete and up-to-date Public Procurement activities of all public agencies as well as to provide fair and equal opportunities to all potential bidders/ Consultants.

The e-GP System is a web based system which encompasses the total procurement life-cycle and record all procurement activities and information. The system shall enable the government to maintain a clear picture of its procurement activities on a real-time basis. The e-GP system is based on a workflow management system which provides a collaborative platform for all stakeholders in government procurement. All the stakeholders of the procurement process shall have appropriate access points and working dashboards with authorized access to relevant functions in the e-GP System.

The Guidelines cover all information related to e-GP including the Operation, Maintenance and Management.

### **2.2. Major Modules**

The e-GP system shall consist of the following modules that are interlinked:

- a. e-GP Homepage;
- b. Registration;
- c. Tendering;
- d. Debarment;
- e. Annual Procurement Plan;
- f. Reporting;
- g. Admin; and
- h. e-Learning



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### **2.3. Stakeholders**

The following stakeholders shall have secure access to related functionalities:

- a. Individuals/Public for general information;
- b. Bidders/Consultants;
- c. Procuring Agencies;
- d. Payment Service Providers (Financial Institutions and other payment service providers);
- e. Development Partners;
- f. e-GP System Administrators;
- g. Operation & Maintenance partners; and
- h. Committees (Tender committee, Evaluation Committee, Opening Committee).

### **2.4. Composition of the Guideline**

The e-GP Guideline includes this document and two following Appendices that constitute an integral part of the Guideline.

- 1. Appendix 1: Use of Payment Module.
- 2. Appendix 2: PRR 2009 (Revised July 2015) and e-GP System

### **3. Introduction to e-GP System**

#### **3.1. Access to Public Procurement Information**

Individuals, Registered and Non-registered Users of the e-GP System may access records and information through the e-GP System i.e. <https://www.egp.gov.bt>, consistent with Laws, Acts, Rules and government instructions applicable. The GPPMD, PA, Bidders, Consultants and Suppliers shall have duties and statutory obligations to protect the interests, and rights of the concerned stakeholders.

#### **3.2. Access to e-GP System features**

- a. The Bidders shall accept the Terms and Conditions of using the e-GP system on the Registration page before submitting Registration information. GPPMD shall have the right to modify clauses of the Terms and Conditions without prior notice. All the other Users will be created by e-GP Admin or PA Admin.
- b. To access the e-GP System securely, Users should use commonly used web browsers and associated security settings.
- c. The User shall provide authentic e-Signature (user password) for the authentication of the digital documents which may be post-verified. If the e-Signature (user password) is not authentic, the user cannot proceed further.
- d. The user shall be responsible for maintaining the confidentiality of their password and are fully responsible for all activities that occur using their account and e-Signature.

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### 3.3. Disclaimer and Privacy Policy

- a. GPPMD shall have the authority to correct any error or omissions in any part in the e-GP System, make changes to the e-GP System and the materials, products, programs, services described in the e-GP System at any time without prior notice.
- b. In no event shall GPPMD and third parties be liable for any damages including but not limited to direct or indirect or consequential damages or any other damages. Damages shall include but not be limited to errors or omissions delays or incomplete transactions, planned or unplanned e-GP System downtime or inaccessibility of the e-GP System, insufficient time to submit tender, lost User identities, session outages or accidental closures, indirect or consequential damages or any damages whatsoever arising from use, loss of User data whether in action of transaction, negligence or other action, arising out of connection with the use of the e-GP System.
- c. The information and other materials included on the e-GP System may contain inaccuracies and typographical errors. GPPMD does not warrant the accuracy or completeness of the information and materials or the reliability of any statement or other information displayed or distributed by the procuring agencies through the e-GP System.
- d. GPPMD does not warrant that the functions contained in the e-GP system shall be uninterrupted or error free or that those defects shall be corrected or that the e-GP system or Server that makes it available shall be free of viruses or bugs. GPPMD does not warrant full functionality, accuracy or reliability of any material and may terminate, change, suspend or discontinue any aspect of the e-GP System including the availability of any features of the system at any time without notice or liability.



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- e. GPPMD shall not share or sell the personal or business identifiable information with any other persons or organizations without the prior consent of the owner unless required by the e-GP System to carry out its defined functions or required by the law of land.
  - f. The e-GP System shall only be used for lawful purposes that do not violate the law or civil rights. Such restriction or inhibition shall include but not be limited to conduct which is intended to mislead or is defamatory or which may harass, cause distress or inconvenience to any person and the transmission of offensive contempt or interruption of the normal flow of content within the e-GP System.
  - g. The e-GP System shall use the Government Data Center server time as the reference time for all time bound procurement activities.
  - h. The e-GP System Administrator may notify Users by displaying notices, alerts and statements about the scheduled maintenance and possible interruption of the e-GP System.
  - i. The e-GP System may send e-GP System related promotional information to all Users.
  - j. The e-GP System shall maintain all private information of the Users in encrypted form in the database and shall not be accessible to any User without sufficient authority and access permissions.

## 4. Registration Modules

### 4.1. Registration Guidelines for all Users

- a. All Users shall be required to register in the e-GP System under an appropriate User category in order to have appropriate access.
- b. Registration shall be done through the online registration process of the e-GP System followed by post verification where applicable. The intended User must provide all required information, documents in electronic form and accept the Terms and Conditions of e-GP System use and should be aware of the Disclaimer and Privacy policy of the e-GP System. If any misinformation is identified or any document submitted found false and the User does not correct that information, the User account shall be cancelled or appropriate action shall be taken according to the law of land.
- c. Any Registration may be cancelled at anytime due to violation of any of the clauses of Terms and Conditions of e-GP System.
- d. Users shall choose a unique User ID (Email ID) and corresponding Password acceptable to the System to gain subsequent access to the e-GP System.
- e. Users shall upload mandatory documents in electronic form (scanned documents in the form of popular formats supported by e-GP System like PDF, Word, JPG, GIF, PNG) and provide information required in those documents online to establish their identity and qualification. The information provided by the Users shall be stored securely in the e-GP system.
- f. Users may be charged and/or waived specified amount of money for different categories of use including Registration, Transactions, Subscription and periodic

renewal. The Ministry of Finance shall have the right to set reasonable charges or waiver to promote the use and sustainability of the e-GP System.

- g. Users shall read the Terms and Conditions, Privacy Policy and Disclaimers and accept them during the Registration application process.
- h. User may fill-in the non-mandatory information provided in the Registration Form at the time of Registration or any time later.
- i. The e-GP System may use any additional reliable and secured human verification methods or security codes, (e.g. CAPTCHA) to protect from unsolicited spamming and automated registration.
- j. Registration on the e-GP System shall be completed when the User responds to the e-mail link sent to the respective e-mail of successful applicants as notified by the System after post verification.
- k. The Users shall be automatically logged out by the system if the User remains idle for specific period of time.
- l. Users should properly log out from the e-GP System after using the System.
- m. The Users may update their profile details with authenticated information anytime through the dashboard in secured environment. User ID cannot be changed.
- n. Users may cancel their registration upon submission of written application to e-GP Administrator provided that they have no contractual obligations pending to any party while using e-GP system.



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## **4.2. Bidder/Consultant Registration**

Bidders and Consultants may register as a single entity or as a company.

Bidders/Consultants registered on the e-GP System shall have access to the procurement opportunities of public agencies, participate in the tendering/proposal /submission processes, track contract awards and manage the contract and deliverables etc.

Bidders may request for new procurement categories (Goods, Works and Services) with Classification of Contractors (Works-Large, Medium and Small) and shall be required to upload updated documents. After completion of the request process Content Administrator may approve or cancel the new procurement categories request based on the uploaded documents and information.

## **4.3 Procuring Agency (PA) Registration**

- a. PAs shall seek approval from the GPPMD to create a PA Account with authentic PA identity information.
- b. PAs shall register on the e-GP System to access different facilities and activities of procurement processes, APP, tender document preparation, evaluation, contract award, contract management, internal procurement process workflow management, tracking payments, deliverables etc through the available features and modules of the e-GP System.
- c. PAs shall provide agency details and other required information in order to complete the registration. GPPMD shall reserve the right to make any changes in fields of the registration, if required
- d. The e-GP Admin shall register the Procuring Agency Administrator (PA Admin) using the email address and Password.

- e. A secured Dashboard shall provide PA Admin the right to create as many internal Users as required for the procurement process. PA shall reserve the right to define the number of Users for the procurement process to use e-GP System.

#### **4.4 Financial Institutions (FI) Registration**

- a. Financial Institutions shall seek approval from the GPPMD to create a payment service provider account.
- b. Authorized Financial Institutions shall be allowed to register for receiving payment for sale of tender documents and other applicable fees, providing Bank Guarantees, tracking and processing payments or both.
- c. Secured Dashboard shall be provided to the FIs to create as many internal Users as required for using the e-GP System.

#### **4.5 Development Partner Registration**

Prior approval from the Ministry of Finance is required to create Development partners' account. Development partners may be provided with facilities to upload their Procurement guidelines and standard documents and review the progress of their projects.

#### **4.6 Opening, Evaluation and Tender Committee**

- a. Prior permission shall be sought from the HOPA to create any such Committee Members.
- b. Opening, Evaluation and Tender Committees shall have access to the e-GP System only for specified and restricted time for specific procurements based on their roles as defined in PRR 2009.



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#### **4.7. e-GP System Administrators**

- a. GPPMD shall appoint one or more officials as an e-GP System Administrator.
- b. e-GP System Administrators shall have access to the System for configuration, User Management, creating and updating the Standard Bidding Document (SBD) template, Report generation for Annual Procurement Progress, Dynamic Saving Calculation, e-GP Statistics, Procurement Transaction etc., updating of content like News, Advertisement, Amendments, Circular etc. in the e-GP system, maintaining and updating the Debarment list and managing Department Hierarchy and PA Admin, FIs and Development Partner Users.



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## **5. Annual Procurement Plan (APP)**

PAs shall prepare and publish APP in the format prepared by the GPPMD through the e-GP dashboard. The APP shall be prepared and published in the e-GP System to carry out any procurement by PA. The e-GP System shall facilitate PA to revise and update the APP through appropriate approval from the authority.

## **6. Tender Document Preparation**

### **6.1. Document Library**

- a. Forms for preparing electronic tender documents and any other activities of the procurement process shall be prepared and updated only by the GPPMD. PAs shall update only the specific sections of the template and its contents as specified in the tender documents. PAs shall have access to all the available standard procurement document for preparing invitation to Tender/Proposal and documents for procurement of goods, works and services.
- b. e-GP System shall provide library of online bid document sections with templates forms for online submission counterpart to the Standard Bidding Documents which is available in the e-GP system.
- c. e-GP shall provide forms to be selected by the PA. The Bidders/ Consultants shall be able to download and complete these forms online electronically.
- d. PAs shall ensure the validity of the online forms so that the system can guide the Users to find the correct form to prevent them from filling up incorrect forms.
- e. PAs shall ensure the tender documents are complete and correct before publishing on the e-GP System.

### **6.2. Bid Preparation**

- a. The Bidders/Consultants shall prepare the Tender online and upload the required documents within the time specified in the Invitation for Tenders after signing of the same with the user password (e-Signature) by an authorized representative.



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- b. Bidders /Consultants shall allocate sufficient time to read the document for preparing and submitting the Tender/ Proposal online before the submission deadline.
- c. Bidders/Consultants shall ensure that all the forms have been completed correctly and sufficiently for which Tender/ Proposal is being prepared.
- d. Bidders /Consultants shall adequately address all selection criteria, to demonstrate the ability to reach the requirements provided in the Tender/ Proposal documents.
- e. Bidders/Consultants shall keep track of any amendments issued during the tender period and ensure that these are included in the tender/proposal response.
- f. Bidders /Consultants shall submit the tender before the closing time. The e-GP System shall not allow submission of tenders/ Proposals after the closing time.
- g. Unless the allocated size exceeds, Bidders shall be able to upload and store documents in the Bidders' /Consultants' document library (virtual web space allocated to Bidder /Consultant in e-GP system). To map required documents at the time of bid submission, the Bidder / Consultant may use their existing file from the library or upload new file. The file size uploaded by Bidders/ Consultants is configurable. The e-GP system shall allow uploading:
- Single File Size: Maximum 4.00 MB
  - Total File Size: Maximum 50.00 MB

## **7. Tendering**

### **7.1. Advertisement**

- a. PAs shall prepare invitation for Bid using the online template available from the e-GP Dashboard. The description of the Goods/Works/Services, including the tender documents for Tendering shall be made available under the tender tab section of the e-GP System which shall be available to all interested users.
- b. The date of Tender notice published in the e-GP system shall be the start date of Tender.

### **7.2. Online Preparation and Submission of Tender/Proposal**

- a. Bidders /Consultants shall prepare the Tender/Proposal online to be submitted within the time specified in the IFB after signing of the same with the user password (e-Signature) by the Authorized User.
- b. The Tender/ Proposal of those Bidders /Consultants who submit the Tender/ Proposal within tender submission deadline shall be accepted by the e-GP system. The System shall not allow submission of any documents after the Tender/ Proposal submission deadline.
- c. The Bidders /Consultants shall be responsible for complete uploading of documents, preparation and submission of bid security, verifying completeness of tender and final submission of tender for the specific tenders within the time specified in the bidding documents.
- d. e-GP system shall acknowledge the successful submission of Tender/Proposal.

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### **7.3. Pre-Bid Meeting**

- a. If required, PA shall schedule and conduct Pre-Bid meetings on the date and time specified in the tender documents/notice through the e-GP system.
- b. Clarifications/Responses/ queries relating to the Tender document shall be posted online before or during pre-Bid meeting.
- c. Notwithstanding the above, clarifications and queries relating to the tender documents may be sought online till the last date and time specified in the tender document.

### **7.4. Amendment**

- a. PA may amend the tender document at any time prior to the deadline for submission of the tender.
- b. PA may issue a Corrigendum and publish in the related section of the e-GP System and also send via an automated electronic means (i.e. email) and make available online in the e-GP System for the information of the public and the prospective Bidders /Consultants.
- c. Participating bidders shall receive email from the system about the amendment. Others may view the amendment through tender notice.

### **7.5. Bid Submission**

- a. A tender/proposal submitted electronically shall be deemed to be true and legally binding. The user password (e-Signatures) is necessary for the security and authentication purposes.





- b. Tender/Proposal shall be submitted via the e-GP System prior to the submission deadline. The Bidders /Consultants shall acknowledge the receipt of Tender/ Proposal amendment through the System.
- c. If the electronic records entered online and files containing the Tender/ Proposal are corrupt, contain virus or are unreadable for any reason, the tender shall not be considered. It shall be the sole responsibility of the Bidders /Consultants to ensure the integrity, completeness and authenticity of the Tender /Proposal.
- d. Prior to submitting a tender electronically the Bidder /Consultant shall ensure that all electronic records and files are completely virus free. The e-GP System server shall also check the uploaded files to ensure the files are virus free. However, PA may discover corrupt or unreadable files submitted via the e-GP System only after the Tender/ Proposal opening.

Bidders /Consultants shall acknowledge and accept in respect of electronically submitted tenders that:

- e. Submission of large electronic files may take time and sufficient time must be allowed to fully upload all files prior to the submission deadline. Files should be compressed as zip format for reducing the size.
- f. PA or the GPPMD shall not be liable or responsible for the loss, damage, or destruction of any Tender/ Proposal however caused.
- g. Faults in the Bidder's /Consultant's computer system shall not be the responsibility of the PAs or the GPPMD and no extension to the submission deadline shall be allowed because of such system faults
- h. The Users of e-GP system including PA Users and e-GP Admin shall not have access to the identity of the Bidders/Consultants who accessed and submitted the



tender/proposal until the tenders/proposals are opened on the specified date and time.

## **7.6. Tender Opening**

- a. The PA shall create a Tender Opening Committee (TOC) through the e-GP system.
- b. Access to the dashboard for the TOC shall be available only after the specified Tender/ Proposal opening date and time. The Bid Opening Report (BOR) shall be generated by the system and forwarded to the PA by the TOC Chairperson with comments.
- c. Access to the technical and/or financial proposals to TOC shall be available only at the specified date and time configured in the e-GP System.
- d. Tender/Proposal opening information shall be posted under the specific tender section of the Dashboard of Bidders/ Consultants.



## **8. Evaluation**

### **8.1. Tender Evaluation Committee (TEC)**

- a. The PA shall create TEC through the e-GP system and ensure that the TEC are fully conversant with the available tools in the e-GP system.
- b. TEC shall receive the auto-notification (via Email or SMS as configured preference for auto-notification) from the e-GP System as soon as the user is created.

### **8.2. Use of e-GP System by TEC**

- a. TEC shall have access to the e-GP dashboard after the bid opening and BOR forwarded by PA.
- b. TEC shall follow the predefined workflow to evaluate Tender documents.
- c. TEC shall evaluate the document manually and select the intended winning bidder in the system. TEC shall review the reports, update and complete the entire required evaluation matrix based on the stipulated criteria and facts in Tender/RFP documents to complete the evaluation.
- d. e-GP System shall not allow the TEC to alter any data provided by the Bidders/Consultants and agreed final report by the committee that may determine the winning bidder/consultant after submission of the final data to the e-GP system.
- e. TEC members may conduct negotiation if applicable to specific procurement type as per PRR 2009 and upload the negotiated report on the e-GP System.
- f. If any modification is required, TEC may seek permission from the competent authority to update the value in the evaluation record matrix. The System will record any such alterations.



## **9. Letter of Intent (LoI)**

- 9.1. Upon approval of evaluation report by HOPA, the PA shall issue LoI to the winning bidder with copies to all the unsuccessful bidders through e-GP system.
- 9.2. The PA shall observe 10 days of standstill period to allow any grievances if any.
- 9.3. PA shall not proceed further with the procurement process during the standstill period
- 9.4. PA shall issue Notification of Award (NOA) through the e-GP system only after the expiry of the standstill period.
- 9.5. Should there be any grievances during the standstill period; the PA shall not proceed further with the procurement processes until the grievance is settled.

## **10. Notification of Award (NOA) and Contract Signing**

- 10.1. Approval of the Evaluation Report shall be routed in e-GP system through the workflow to appropriate Approving Authority configured as HOPA.
- 10.2. PA shall issue NOA to the winning Bidder/Consultant online. (i.e. via Bidder/Consultant dashboard, email, SMS as configured in preference settings)
- 10.3. Bidder/Consultant shall acknowledge the receipt of the NOA and carry out the necessary formalities indicated in the NOA and Tender/ RFP documents.



## **11. Debarment**

- 11.1. The e-GP Admin shall maintain and update the list of Bidders/Consultants who have been debarred from participating in any procurement category based on the debarment committee's decision.
- 11.2. The debarred Bidders/Consultants shall not be allowed to participate in the procurement category for which it is debarred.

## **12. Workflow and Management**

### **12.1. Workflow**

HOPA shall have access to pending workflow list in the e-GP dashboard. Approval of APP, Revision of APP, formation of TOC and TEC, Tender Notice & Document, Contract award shall be processed by HOPA through workflow established in the e-GP system.

### **12.2. Configuration**

#### **a. e-GP System Configuration**

The e-GP Administrator shall configure the e-GP System to align with the PRR 2009.

#### **b. User specific dashboard and interface**

The e-GP system shall ensure that a specific User Interface and Dashboard have been created to perform activities as per the User's role.

#### **c. Auto Alerts**

The e-GP System shall provide auto alert (via email, SMS) for the Users to get the required message on specific events in the procurement process.

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### **12.3. Storage of Records and Documents**

#### **a. Storage**

The e-GP System shall store records in English.

#### **b. Confidentiality of records in e-GP system**

Any record labeled as confidential or sensitive by the System shall not be published or shared with any third party without written permission from the respective owners.

e-GP system shall have adequate measures to ensure that no users including e-GP Admin are able to view/ retrieve sensitive information. Any such access shall be recorded in audit trail record log.

### **12.4. Security**

#### **a. Audit logs**

- i. The e-GP System shall guarantee that all User and System activities related to ‘write’ events and access to sensitive data through the e-GP System are captured in the audit trail for future auditing purposes.
- ii. The e-GP System shall not allow access to modify the Audit trails.
- iii. All the activities of each and every User from login to logout for any sessions shall be recorded along with the identity of the User, date and time.
- iv. The information recorder in Audit trail database shall serve as sufficient evidence of action of any User in e-GP System.

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**b. Data Encryption**

- i. The e-GP System shall maintain all private information of its Users in encrypted form in database and shall not be accessible to any User without sufficient authority and access permissions.
- ii. The e-GP System shall record all draft and final procurement documents submitted to e-GP System in encrypted form and shall not be accessible to any User without sufficient authority and access permissions.
- iii. All data transmitted through the computing device (Computers, Mobiles and any other devices which can be used to do transactions with e-GP System) of authorized Users to e-GP System and from e-GP System to Users web browser shall be encrypted through Secured Socket Layer (SSL) encryption.
- iv. GPPMD shall ensure that the e-GP data is protected through external access using highly secured firewalls and threat detection technologies.
- v. The methods and algorithm of data encryption used in e-GP System shall be approved by GPPMD and may be revealed if the disclosure is required by law of the land.

**12.5. Subscriber Services****a. Subscription Administration**

- i. GPPMD shall have the right to set up, configure and administer the subscription of registered e-GP System Users.
- ii. GPPMD may charge fees from users for the use of e-GP System and its services by seeking approval from the competent authority.



**b. Fees**

- i. GPPMD may charge fees for User Registration, verification of credentials, renewal of validity, training or providing procurement information and other approved services.
- ii. GPPMD may charge fees to third-party website or application for specialized service of providing public information available in the e-GP System through web services or any other appropriate content delivery services.
- iii. GPPMD may introduce fees for different procurement events and fees structure for the e-GP system users and subscribers with approval from competent authority.





### **13. Future Enhancement**

GPPMD shall have the right to bring any changes to the System, service and/or management structure anytime at any condition based on any changes in Acts, Rules and other government directives or to make the System compatible with new technology, User friendly and more useful to the intended Users.

### **14. Translation and Publication of Documents**

Ministry of Finance shall be the competent authority to publish or translate the e-GP Guidelines.

## Appendix 1: Use of Payment System

### Payment arrangements

1. GPPMD shall have the right to use the payment service of Financial Institutions (FIs), payment service providers, mobile networks and other reliable and authorized online service providers through Memorandum of Understanding (MoU).
2. PA shall ensure that Bidders/Consultants are provided with guidelines on billing options and to choose payment options recommended by the GPPMD.
3. The e-GP System shall provide option to use the services of FIs. FIs or payment service providers shall have secured access to the e-GP System with dedicated and secured dashboard from where the FIs shall carry out the financial transactions related to public procurement i.e. collecting fees and charges, providing guarantees, tracking the guarantees, making payment transactions etc. GPPMD shall not be responsible for the transactions made by banks with the Bidders/Consultants.
4. GPPMD shall integrate the online payment system as and when it becomes available.
5. PA may make necessary arrangements with FIs or payment service providers to pay any amounts due to Bidders/Consultants or any such party.
6. GPPMD shall maintain and operate master accounts in the designated bank for collecting and managing fees for documents, guarantees, securities and any other charges applicable in e-GP System.
7. PA shall be responsible for updating e-GP System and notifying GPPMD about Guarantees and Securities of the Bidders and request issuing bank for releasing and crediting the Central account maintained by GPPMD.



8. In case of International Bidders/ Consultants payments should be made to the Master Account maintained by GPPMD through Bank wire transfer or any other method and acceptable form mentioning the purpose of payment.
9. International Bidders/Consultants shall communicate with the FIs of e-GP Online Payment Network for updating their payment details in e-GP System. Any charges for payment transfer, communication or currency conversion shall be borne by the Bidders/Consultants.
10. In case of International Bidders /Consultants furnishing Bank Guarantee and securities, it shall be issued by local FIs. International payments can be directed / credited to Master Account maintained by GPPMD when International payment gateway is integrated with the e-GP System.

## Appendix 2: Procurement Rules and Regulations (PRR) 2009 and e-Government Procurement (e-GP) System

| Sl. No. | Clause in PRR 2009    | Procurement Rules and Regulations (PRR) 2009   | Section in e-GP Guideline   | Electronic Government Procurement (e-GP) System   |
|---------|-----------------------|--|---|---|
| 1.      | Chapter II<br>2.1.1.1 | This chapter outlines establishment of registering authority and registration of bidders under different category of procurement where such Authority is established.      | Section 4<br>Electronic Government Procurement (e-GP) System Centralized Registration | In order to access the e-GP System, in addition to registering with CDB or any other registering authority, bidders are required to register with e-GP system with valid email ID and password. |
| 2.      | 2.4.1.1               | On written request from the party concerned, the contracting authority shall as quickly as possible inform any unsuccessful Bidder of the reasons for the rejection of his | Section 4<br>Electronic Government Procurement (e-GP)                                 | When Registration is rejected, Bidder will get an email from the e-GP System with the reason of rejection for Registration.   |

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|           |                        | application for pre-qualification or registration.   | System<br>Centralized<br>Registration  |  |
| <b>3.</b> | Chapter III<br>3.1.1.1 | A Tender Committee of an appropriate level shall be constituted by the Head of the Procuring Agency to ensure that the procedures of this Procurement Rules & Regulations have been complied with in all cases of procurements where the estimated value of the contract exceeds the threshold limits prescribed for the Limited Enquiry method. | Section 4<br>Electronic<br>Government<br>Procurement<br>(e-GP)<br>System<br>Centralized<br>Registration –<br>4.6 Tender,<br>Opening &<br>Evaluation<br>Committee | In e-GP, Procuring Agency (PA) User will create the Tender Committee (TC), minimum member will be five and Head of the Procuring Agency (HOPA) will be the chairperson of the TC. HOPA is the approving authority for the entire procurement process starting from APP till contract management. |
| <b>4.</b> | 3.1.1.4<br>(vii) (a)   | The Higher Level Tender Committee for the Autonomous Bodies shall be composed of:<br>o. The Chief Executive Officer (CEO) of the concerned   | Section 4<br>Electronic<br>Government<br>Procurement<br>(e-GP)   | If official cost estimate of a Tender is higher than the defined threshold value, then PA User will create higher level tender committee with members from other PAs as outlined in the PRR 2009.  |

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|    |  | <p>Autonomous Agency shall be the Chairperson of the Tender Committee;</p> <p>p. At least two Members of the Governing Body or senior level officials from other Ministries in case there is no Governing Body.; and</p> <p>q. Head of AFS of the Autonomous Body.</p>   | <p>System Centralized Registration – 4.6 Tender, Opening &amp; Evaluation Committee</p> |   |
| 5. | <p>Chapter V</p> <p>5.1.2.1</p> <p>(a)</p> | <p>In the Open Tender Bidding method, the notification for invitation of bids shall be published in a mass circulated newspaper and where applicable/feasible announced over the website, national radio, TV and other mass media. In addition, the notification shall be displayed on the notice board of the procuring agency concerned.</p> | <p>Section 7 Tendering</p>  | <p>In e-GP system, notice will be published in e-GP website. The Bidders of same category will be notified by e-GP system via email /SMS or both as per the bidder's preference.</p> <p>An abridged version of the notification may be sent to mass circulated newspaper and where applicable/feasible announced over the website, national radio, TV and other mass media.</p> |

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| 6. | 5.1.2.1<br>(b)    | In the <b>Limited Bidding</b> method, the invitations for bids shall be sent by registered post or any other means of delivery, as long as it is ensured that the documents are dispatched at the same time to the potential Bidders selected by the procuring agency. Notice shall not be given to one potential Bidder in advance of notification to others. | Section 7<br>Tendering | In the <b>Limited Bidding</b> method, the invitations for bids will be sent through email to the potential bidders selected by the PAs through e-GP. Only these selected bidders will be able to submit the bid in the system.<br><br>The same process shall apply to limited enquiry method. |
| 7. | 5.1.2.1<br>(c)    | In the Direct Contracting methods, the procuring agency may directly approach the Bidders from whom it intends to solicit quotations.  | Section 7<br>Tendering | The Direct Contracting Tendering method will be finalized and incorporated in the e-GP System in later phase.   |
| 8. | 5.1.5.1<br>(a)(b) | The Bidders shall not be allowed to seek any clarifications on the bidding documents in person. A clause shall be incorporated in the Instructions to Bidders prescribing the process of   | Section 7<br>Tendering | All kinds of clarification will be done from e-GP system. Bidder can seek clarification any time before the date specified in the bidding documents.  |

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|     |                | seeking any clarification on the Bidding Documents.   |  | <p>PA User will respond to the query within five (5) days of posting the query.</p> <p>Responses to clarification/queries will be posted under the clarification tab without disclosing the identity of bidder who sought the clarification.</p> |
| 9.  | 5.1.5.1<br>(c) | Pre-bid meeting shall be conducted only if strictly necessary and as approved by the head of the Procuring Agency to clarify doubts and concerns of the Bidders prior to submission of bids. Minutes of the pre bid meeting shall be circulated to all Bidders that have purchased bidding documents. | Section 7<br>Tendering –<br>7.3 Pre-Bid Meeting  | <p>In the e-GP System, PA User can set a time period for pre tender meeting in e-GP system. Bidder can send query to PA User within the time period in e-GP system. PA User will also reply through e-GP system.</p>                             |
| 10. | 5.1.6.1        | A PA shall reserve the right to amend or modify the bidding documents for any reasons by issue of addendum either in its own initiative or in response to a   | Section 7<br>Tendering –<br>7.4 Tender Amendment | <p>PA shall issue corrigendum and publish it in the related section of the e-GP System and also send via an automated electronic means (i.e. email) and make available online in the e-GP</p>  |



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|     |         | <p>clarification request from a prospective Bidder any time prior to the deadline for submission of bids.</p> <p>A clause to this effect shall be incorporated in the bidding documents.</p>  |   | <p>System for the information of the public and the prospective Bidders /Consultants who have received the tender document or RFP.</p> <p>Bidders who start participating in the bid will receive mail from the system about the amendment. Others can view the amendment through tender notice.</p> |
| 11. | 5.1.7.2 | <p>Bidders shall be advised on the manner of submission of bids as follows:</p> <p>a. The bids shall be delivered by hand or by registered post in sealed envelopes to the appropriate addressee and shall be marked “Confidential”. A “sealed envelope” shall mean that:</p> <p>i. A bid shall be contained in an inner envelope sealed with adhesive or other sealant, which will prevent re-opening;</p> | <p>Section 7</p> <p>Tendering –</p> <p>7.5 (Bid Submission)</p> | <p>The Bids shall be submitted electronically in the e-GP system.</p> <p>Bid document will be submitted in an encrypted format. Hence it is not possible for anyone to decrypt or see the documents before the opening of the Tender.</p>  |

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|     |         | <p>ii. The inner envelope shall be signed across the seal. The name of the Bidder shall be written on the inner envelope.</p> <p>iii. The inner envelope shall be placed inside a further outer envelope similarly sealed. On this outer envelope, only the addressee, the words “Confidential”, and any other relevant information in accordance with the bidding documents shall appear.</p> |                        |   |
| 12. | 5.1.8.1 | The bid validity period should normally be sixty (60) days from the date of bid closing. The procuring agency may however prescribe a realistic bid validity period taking into consideration the time that  | Section 7<br>Tendering | At the time of document creation, PA User will enter the tender validity. User has to complete the task of opening, evaluation and issuing NOA within this tender validity period. If User cannot complete this process within this time period, system will lock this tendering process. |

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|     |         | would be required to complete the processes of bid evaluation and award of Contract.  |  | To unlock the tendering process, PA user will request for Bid Validity Extension. HOPA will approve the request. After that, the PA User will proceed further.   |
| 13. | 5.1.9.3 | <p>The bid security shall be denominated in the currency of the bid and shall be in one of the following forms:</p> <ul style="list-style-type: none"> <li>a. Unconditional Guarantee issued by a reputed Financial Institution acceptable to the procuring agency in the form provided in the bidding documents or any other form satisfactory to the procuring agency;</li> <li>b. Banker's cheque/cash warrant;</li> <li>c. Demand draft.</li> </ul> | Section 7<br>Tendering –<br>7.5 (Bid Submission) | According to bid security payment mode in e-GP System, Bidder will pay to the FI User. The FI User will update the payment in e-GP System. There are two types of FI Users. The Bank Maker will process the payment and Bank Checker will verify it. |
| 14. | 5.1.9.5 | The bid security of the unsuccessful Bidders shall be discharged/returned   | Section 7<br>Tendering                           | Bid security will be returned after the contract signing. PA User will make release request to   |

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|     |         | to them as promptly as possible upon award of Contract, but in any event not later than thirty (30) days after the expiration of the period of bid validity prescribed by the procuring agency.  |                        | the FI. The FI User will release the security to the Bidder which should be done within the bid security validity period.                         |
| 15. | 5.1.9.7 | <p>The bid security may be forfeited:</p> <ul style="list-style-type: none"> <li>a. If a Bidder withdraws its bid during the period of bid validity specified by the Bidder; or</li> <li>b. If a Bidder does not accept the arithmetical corrections of its bid price, or</li> <li>c. In the case of a successful Bidder, if the Bidder fails <ul style="list-style-type: none"> <li>i. To sign the Contract within the prescribed time; or ii. To furnish the performance security within the prescribed time.</li> </ul> </li> </ul> | Section 7<br>Tendering | In the e-GP system, PA User will make a forfeiture request to the FI User. The FI User will process as per the forfeiture process in e-GP System. |

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| 16. | 5.1.10.1 | The PA shall require a supplier/contractor to submit a Performance Security, within fifteen 15 working days after the notice of award, but always before the signing of the contract.   | Section 7<br>Tendering                            | Bidder will submit the performance security after acceptance of NOA. Bidder will pay the FI and FI User will update on the e-GP System.  |
| 17. | 5.2.2.14 | An Integrity Pact (IP) shall be signed as part of the bid documents. The Integrity Pact will come into effect once it is finalized and approved by the Competent Authority.   | Section 7<br>Tendering                            | At the beginning of tender document preparation, both PA User and Bidder have to agree on the Integrity Pact.  |
| 18. | 5.3.1.2  | It shall be the responsibility of the Bid Opening Committee to ensure that bids received prior to the time and date specified in the bidding documents are opened at the time, date and place of opening stipulated in the bidding documents. | Section 7<br>Tendering –<br>7.6 Tender<br>Opening | Bidder will not be able to submit any bid after the closing time. The opening committee will open the bid within 2 hours of opening time. If the opening committee is unable to open the tender within 2 hours of the opening time, it will be locked.<br><br>To unlock the tendering process, PA user will request for extension. HOPA will approve the |

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|     |         |   |  | request after which the opening committee will be able to proceed further.   |
| 19. | 5.3.2.2 | Arrangements shall be made to receive the bids in a wooden or metal sealed box. A responsible person of the procuring agency may be assigned to receive the bids where large bid documents are involved.  | Section 7<br>Tendering                                       | When a Bidder submits a bid, it will be stored in the Server automatically.  |
| 20. | 5.3.2.4 | Where a bid/tender box is used, the box shall be fitted with a sealed lock and one officer shall be made responsible as guardian of the bid/tender box and the keys. As soon as the deadline for submission of the bids is reached, the guardian of the box shall seal the opening of the bid/tender box so that no more bids can be deposited. The sealed bid/tender box shall be opened in the presence of the Bid Opening Committee. | Section 7<br>Tendering –<br>7.5 Lodgment<br>(Bid Submission) | When a Bidder submits a bid, it will be stored in electronic tender box and it will be encrypted. It is fully unreadable. Only at the time of opening, the opening committee members will be able to decrypt (readable) by their User ID and e-signature (password). |

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| 21. | 5.3.4   | Bidders or their authorized representatives shall be allowed to attend the bid opening. The Bidders or their authorized representatives who choose to attend the bid opening shall sign the attendance sheet provided in the Record of Bid Opening (Form PRR – 1). Bidders or their authorized representatives shall not be permitted to approach the members of the Bid Opening Committee or any of the officials, unless permitted by the Chairperson of the Bid Opening Committee. | Section 7<br>Tendering –<br>7.6 Tender<br>Opening               | In the e-GP system, it is not possible for the Bidder to view bid opening process. Only after completing the opening process, all participating Bidders will get the bid opening report (BOR) in the dashboard of that particular tender. |
| 22. | 5.3.5.3 | The bids shall be arranged so that the original and the copy/copies of the bid documents are kept together.   | Section 7<br>Tendering –<br>7.5 Lodgment<br>(Bid<br>Submission) | In the e-GP system, there is only one final bid and no copies are required.   |

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| 23. | 5.3.5.4 | All members of the Bid Opening Committee including the Chairperson shall examine the conditions of the envelopes and shall sign on the envelopes. In the event that an envelope of the original bid document(s) is found to have been tampered with or opened, the Bid Opening Committee shall decide whether the bidding is to be cancelled or to proceed with the bid opening. | Section 7<br>Tendering –<br>7.6 Tender<br>Opening | In e-GP system, there is no possibility of tampering any submitted document due to security features.  |
| 24. | 5.3.5.5 | The bids shall be opened in full view of all participating parties and the contents shall be checked by the Bid Opening Committee against the requirements of the bidding documents. Envelopes marked “Withdrawal” shall be opened and read out first. Bids for which an acceptable notice of withdrawal has been submitted shall not be opened.                                 | Section 7<br>Tendering –<br>7.6 Tender<br>Opening | Any bidder can withdraw the bid before submission deadline. The withdrawn bid cannot be viewed by the opening committee.<br><br>Once withdrawn, the bid cannot be resubmitted. |



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| 25. | 5.3.5.6 | <p>The Chairperson of the Bid Opening Committee shall publicly announce:</p> <ul style="list-style-type: none"> <li>a. The name of the Bidder,</li> <li>b. The price offered,</li> <li>c. The presence or absence of bid security and its amount,</li> <li>d. Alternative bids, if any,</li> <li>e. Discounts if offered,</li> <li>f. Any modification,</li> <li>g. Response to amendments, if issued;</li> <li>h. Fulfillment of specific formal requirements as might have been prescribed in the bid documents.</li> </ul> <p>These details shall be written on a notice board for the public to copy.</p> | Section 7<br>Tendering –<br>7.6 Tender<br>Opening | In the e-GP system, all participating Bidders will get the BOR in the dashboard of the particular tender.                           |
| 26. | 5.3.6   | All original copies of the bid documents, which are recorded in the bid opening, shall be kept in a secure  | Section 7<br>Tendering                            | All bid documents, which are recorded in the bid opening shall be secured and saved in e-GP Server which can be accessed for future |

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|     |         | place. The copies of the original bid documents shall also be kept securely by the Procuring Agencies for future reference in case of any disputes with regard to the bid documents.  |                         | reference by the PA.  |
| 27. | 5.3.7.1 | All communication and information exchange referred to in this Rules and Regulations may be made in writing and sent by post or by electronic means in accordance with clauses 5.3.7.4, 5.3.7.5, and 5.3.7.6 or by a combination of those means, according to the choice of the procuring agency. |                         | All communication will be done electronically through e-GP System.  |
| 28. | 5.4.6.1 | Without incurring any liability towards the contenders, the Procuring Agency may reject bids under any or all circumstances as given below: a. Bid/s being found not responsive as specified in the   | Section 8<br>Evaluation | Re-tendering option will be possible in two cases: <ul style="list-style-type: none"> <li>• When the Tender is published and no bidder has participated (after the signing of Opening Committee)</li> <li>• All the participated Bidders are</li> </ul> |

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|     |                     | SBD; b. All bid prices substantially exceeding the estimated cost; c. Any or some of the bids appearing to have been tampered with; d. The Rate Analysis submitted for the abnormally low bid is not acceptable to the client.   |   | disqualified (non-responsive)   |
| 29. | Chapter VI<br>6.1.1 | 6.1.1.3 Procuring Agencies shall as soon as possible notify Bidders in writing of decisions reached concerning the award of the contract. Such Notifications shall also be published on the Procuring Agencies website and the GPPMD website within 15 days after the date of award of decision. | Section 9<br>Approval<br>NOA and<br>Contract<br>Signing | The NOA will be issued through the System to all participating bidders. NOA will also be published on the e-GP website for public view. |