



INTERNAL PROCUREMENT POLICY

SEYCHELLES PARKS AND GARDENS AUTHORITY

AUG 1st 2022

1. Background

- 1.1 The Seychelles Parks and Gardens Authority (SPGA), is responsible for the marine and terrestrial National Parks and Gardens of Seychelles. A number of these sites have been designated since 1979. The terrestrial parks include Morne Seychellois National Park, the Praslin National Park and the Veuve Special Reserve on La Digue. The Marine National Parks include; Ste. Anne, Port Launay, Baie Ternay, Ile Cocos, and Curieuse. The Gardens include the National Botanical Garden, the State House Garden and the National Biodiversity Centre. All of these protected areas offer a diversity of fauna and flora which is enjoyed by thousands of visitors each year, with each site having its particular interesting features.

2. Purpose and Application of Procurement Guidelines

This Policy sets forth guidelines applicable to the procurement of goods, works, consultancy services and non- consultancy services by the SPGA.

3. Scope of Application

This Policy applies to the procurements of goods, works, consultancy services and non-consultancy services using funds of the SPGA.

The “Funds” covered by this Policy includes:

- (i) Funds received through donations or private/public contributions, fees, rentals, etc...

4. Policy Statement

It is the policy of the SPGA to procure goods, works, consultancy services and non-consultancy services in a manner that:

- (i) Is compliant with all provisions of the Public Procurement Act, 2008, the Public Procurement Regulations, 2014 and all relevant laws of Seychelles.
- (ii) Promotes, prudent and transparent use of the SPGA resources through the fairness, integrity and transparency objective.
- (iii) Safeguards the integrity of the public procurement processes with rules and procedures that are attainable and unambiguous, whilst maintaining fairness, accountability and confidentiality.

5. The Principle of Value for Money

The SPGA will ensure that the value for money principle will be the driving principle for all its procurement. The value for money principle means the selection of the offer that presents the optimum combination of costs and benefits and meets the SPGA’s needs. This would require an integrated assessment of technical, organizational and pricing factors in light of their relative importance (i.e. reliability, quality, experience, reputation, past performance, cost/fee and reasonableness). Parameters can also include social, environmental and other strategic objectives defined in the Procurement Plan.

As part of upholding best value for money, the processes of soliciting offers and selecting a Supplier should:

- a) Maximize competition.
- b) Minimize the complexity of the solicitation, evaluation and selection processes.
- c) Ensure impartial and comprehensive evaluation of solicited offers.
- d) Ensure selection of the supplier whose offer has the highest degree of realism and whose performance is expected to best meet the SPGA's specifications, scope of works or Terms of Reference.

6. General Procurement Requirements

All of the SPGA's procurement, regardless of quantum/amount must adhere to the following general requirements:

- a) Complying with all applicable ethics rules, including procurement of goods, works consultancy services and non- consultancy services in the best interest of the SPGA and adhering to the provisions of Public Procurement Act 2008 (Part X: Procurement Integrity);
- b) Complying with all laws, rules, regulations, and governmental directives and agreements, that applies to the SPGA whether or not specifically described in this Policy.
- c) Conducting all of the SPGA procurement- through the Office of *the Procurement Unit and the Office of the Deputy Chief Executive*; no other office or department may conduct procurements or otherwise bind the SPGA to procure goods, works, consultancy services and non- consultancy services.
- d) Estimating the applicable rupee value of a potential procurement to ascertain what procurement methods may be required (*and prohibiting the artificial division of purchases in order to use the less formal procurement methods available for smaller purchases i.e. to mitigate split procurement*), and monitoring actual purchases/procurement made of the same commodity or service (procurement pattern) to determine whether additional procurement requirements (or another procurement method) may apply in the future to the same purchase;
- e) Ensuring that the commodity or service sought satisfies the SPGA's requirements.
- f) Using competitive solicitation methods (such as Simplified Bidding Method, Request for Sealed Quotations, and Limited or Open Tenders) to the extent practicable when conducting individual SPGA procurements as indicated in **ANNEX 2**.
- g) Adopt the procurement procedure templates (e.g. Low Value and Simplified Bidding Methods) as issued by the Procurement Oversight Unit (POU). *Refer to POU guidelines for Low Value and Simplified Bidding Methods*.
- h) Sensitizing stakeholders or the private sector of procurement opportunities of the SPGA in accordance with Regulations 19 (2) (b)

- i) Maintaining records of procurement in accordance with Section 50 (1) of Public Procurement Act, 2008, that demonstrates that all requirements of this Policy and of applicable law have been met.
- j) Awarding contracts to “responsive” bidders, as defined in Public Procurement Legislation;
- k) Following such other procedures, manuals, memoranda, directives, and the likes as issued by the POU, Ministry of Finance, National Planning and Trade and other Government Authorities that relates to this Policy.

7. Procurement Stages

The procurement sequencing is based on procurement stages and procedures undertaken by the different procurement structures. Procurement Stages are illustrated in **ANNEX 1**.

8. The Procurement Structures

A well-defined procurement structure is essential to ensure a successful procurement. The SPGA’s procurement structures bring together the skills and authority needed to manage and conduct procurement.

SPGA’s Procurement Structures are as follows:

1. SPGA’S Procurement Unit (PU)

This Unit is headed by the Deputy Chief Executive Officer as indicated in **ANNEX 5**. The functions of the Unit are to safeguard the public procurement proceedings within the SPGA, to ensure compliance with the requirements of the public procurement legislations, throughout all stages of the procurement process. The full function of a Procurement Unit is specified in Section 36 of the Public Procurement Act, 2008.

2. SPGA’S Vetting Committee

The Vetting Committee shall compliment the work of the Procurement Unit. The composition and Terms of Reference of the Vetting Committee are listed in **ANNEX 6**.

3. The Office of the Financial Comptroller

This Office is headed by the Deputy Chief Executive Officer as indicated in **ANNEX 7**, is responsible to ensure that the procurement remains within the limits of the approved budget and that the funds have actually been allocated for this purpose.

4. End User Department:

The person responsible for this function should have technical expertise in the object of the procurement. He or she should have a major role in developing the technical specifications and cannot be appointed on the Evaluation Committee or be a member of the Approvals Authority, which will consider a Contract for this procurement. The respective end user department and their Heads are listed in Annex 8

5. Ad hoc Evaluation Committee:

The Chief Executive Officer (CEO) shall appoint an *Ad hoc* Evaluation Committee for each procurement. The *Ad hoc* Evaluation Committee shall be responsible for the

evaluation of tenders, proposals or quotations, and the preparation of Evaluation Reports for submission to the approvals authority. The *Ad hoc* Evaluation Committee shall be constituted in accordance with Section 41 of the Public Procurement Act, 2008. The terms of Reference are indicated in **ANNEX 9**.

The Committee has to ensure value for money and fairness and should strictly evaluate bids according to the criteria specified in the bidding documents.

9. Approvals Authority

In accordance with Section 37(5) of the PPA 2008, the approvals authority for SPGA shall be:

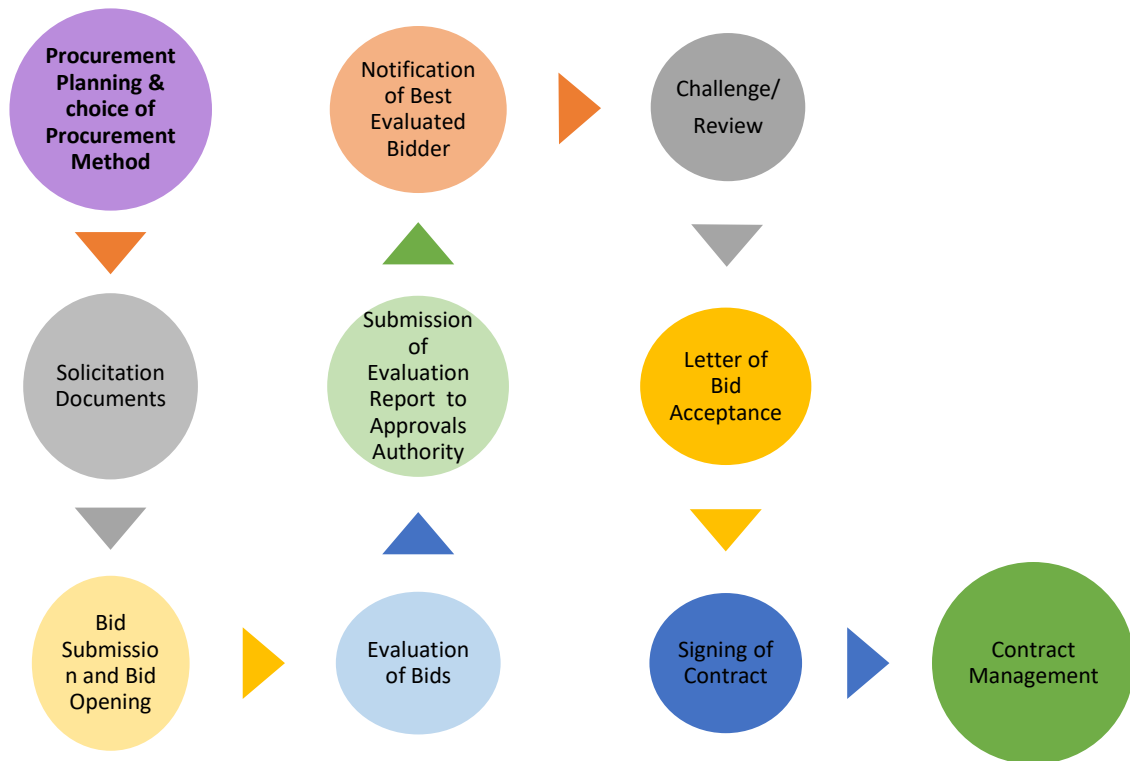
- (a) The Chief Executive Officer, where the value of the procurement does not exceed the procurement thresholds level set out in Schedule 1 of the Public Procurement Act, 2008;
- (b) The SPGA Procurement Committee, subject to the procurement thresholds level set out in as Schedule 1 of the Public Procurement Act, 2008. The SPGA's Procurement Committee is for goods, consultancy services and non-consultancy Services. The functions and rules of the SPGA Procurement Committee is listed at **ANNEX 10**.

The procurement of works exceeding SCR 250,000.00 shall be forwarded to the POU for information and documentation and shall follow as listed at ANNEX 8

- (c) The National Tender Board (NTB) for any procurement in excess of the procurement threshold levels set out in Schedule 1 of the Public Procurement Act 2008.

ANNEX 1

PROCUREMENT STAGES



ANNEX 2

PROCUREMENT PLANNING BY PROCUREMENT UNIT			
	Procurement for Goods & Services and Works		
Legislative Requirements (PPA 08 and Regulations 2014)			
PPA 08 Section 70 (2) (a) and (b) states that; Procurement proceedings shall only be initiated where the <u>availability of funding</u> for the requirement has been confirmed and	Applicable		
approval to proceed has been conveyed.(By Whom)	CEO/BOARD OF SPGA		
<p style="text-align: center;">Procurement Planning</p> <p>During the budget cycle the SPGA will prepare a Procurement Plan to consolidate its requirements and determining the timeframes for their procurement. Same is aligned with the expected receipts and in line with the overall midterm and long term strategic objectives of the Authority. It is important to note that the exercise is conducted with the participation of all the Heads of Unit/Managers.</p> <p>Once the management has agreed on the final Procurement Plan, it will be considered as an integrated part of the budget estimates and will then be approved by the CEO and endorsed by the Board. (A template of the Procurement Plan is attached at ANNEX 3)</p> <p>The Heads of Units/Managers will be responsible for execution of the approved Procurement Plan and their implementation, whilst the SPGA’s Procurement Team will be mandated to ensure compliance.</p> <p>The SPGA Management will conduct quarterly review of the Procurement Plan to ensure that the objectives are being met and at the same time reprioritize where necessary.</p>			
		Internal Threshold Contracts to be awarded by the Chief Executive	
	Above SR250,000 threshold	SR 50,000 to SR250,000	Not exceeding SR50,000
Requirements of the Procurement Legislations (Section 71 of PPA 2008). Requires that a Procuring Entity (PE) prepares & publishes a <u>Procurement Plan</u> for each financial year.	Applicable	Procurement Plan requirements applicable except for procurement using the Simplified Bidding Method	As per internal SPGA procurement plans

		Or in some cases Request for Sealed Quotations	
	Procurement for Consultancy Services		
		Internal Threshold Contracts to be awarded by the Chief Executive	
	Above SR250,000 threshold	SR 50,000 to SR250,000	Not exceeding SR50,000
Requirements of the Procurement Legislations (Section 71 of PPA 2008). Requires that a PE prepares & publishes a <u>Procurement Plan</u> for each financial year.	Applicable	Procurement Plan requirements applicable except when using Request for Sealed Quotations	As per procurement plan

ANNEX 3

Procurement Plan (Year)

Item No.	Procurement Catagory	Estimated Quantity	Cost Per Item	Allocated Amount / Budget/ as per year	Chart of Account	Budget Account	Donor/Fund	Desired Delivery Date	Preferred Place of Delivery	Remarks
Title; (EG: Minor Capex)										
	TOTAL			<u>-</u>						
	Title									
	TOTAL			<u>-</u>						
	Title									
	TOTAL			<u>-</u>						
	Sub-total			<u>-</u>						

ANNEX 4

Procurement Methods

Section 35 (1) of the PPA 2008, demands that a PE selects the most appropriate method of procurement for each requirement and that the choice of procurement method, shall take into account amongst other things —(a) the estimated value of the procurement in accordance with the operational thresholds for that kind of procurement as specified in the First Schedule of the PPA 2008.

Procurement Method			
Procurement for Goods, Services and Works			
		Internal Threshold Contracts to be awarded by the Chief Executive	
Procurement Requirements	Above SR250,000 threshold	SR 50,000 to SR250,000	Not exceeding SR50,000
Section 42 (1) of PPA 2008 requires that the PE shall, <u>as much</u> as possible, use Open Tender procedure for all procurement.	Applicable	<p>Subject to circumstances including risks and commercial considerations, the PE may use the Open Bidding, Limited/Selective Bidding or Direct Bidding Methods.</p> <p>Notwithstanding the above, the recommended more simplified and faster method of Procurement in this threshold are;</p> <ol style="list-style-type: none"> 1. Request for Sealed Quotation as per attached guideline or 2. Simplified Bidding Method for procurement of Goods as per the guidelines attached. 	<p>Subject to circumstances including risks and commercial considerations, the PE may use the Open Bidding, Limited/Selective Bidding or Direct Bidding Methods.</p> <p>Notwithstanding the above, the recommended more simplified and faster Method of procurement in this threshold are;</p> <ol style="list-style-type: none"> 1. Low value procurement in accordance with the attached guidelines. 2. Simplified bidding method as per attached guidelines. <p>As for the procurement for works and non-consultancy services (non-urgency) the recommended procurement method is Request for Sealed Quotations as per attached guidelines.</p>

ANNEX 5

THE PROCUREMENT UNIT

A Procurement Unit is established in a procuring entity and is responsible for, managing procurement activities of a procuring entity in accordance with Section 36 (2) and (3) of the Public Procurement, Act 2008 and obtaining the required approvals from the approvals authority.

1. The Functions of the Procurement Unit

The functions of a Procurement Unit are —

- a) to plan the procurement activities of a procuring entity and recommend the appropriate method of procurement
- b) to prepare solicitation documents, bid notices, short-lists, evaluation reports, contract award recommendations and contracts
- c) to manage the bidding process, including pre-bid meetings, clarifications, receipt and opening of bids
- d) to manage the evaluation of bids and any pre- qualifications or negotiations
- e) management by a designated contracts manager; and
- f) to prepare any procurement reports required by the Procurement Oversight Unit, Board, a chief executive officer or a Procurement Committee.

The Procurement Unit is headed by the Deputy Chief Executive Officer, Ms. Lya Docteur.

ANNEX 6
VETTING COMMITTEE
TERMS OF REFERENCE

Section 37 (1) of the Public Procurement Act, 2008 (PPA 08) makes provisions for a Procuring Entity (PE) to “establish procedures for the making of decisions relating to procurement, on behalf of the public body.” Under this provision the PE has decided to put in place a Vetting Committee to undertake the following:

- (a) Vetting the selection of appropriate method of procurement for each requirement, as part of the procurement planning process in accordance with Regulations 35 of the Public Procurement Regulations, 2014 (Reg).
- (b) Assisting the Procurement Unit in the selection of the most appropriate type of contract from among the types specified in the Public Procurement Act and Regulations.
- (c) Assist the SPGA in selecting the most appropriate bid submission method for each requirement, as part of the procurement planning process.
- (d) Assist the Procurement Unit in developing a shortlist of bidders for applicable procurement methods in accordance with Reg 48 (2).
- (e) Assist the Procurement Unit in formulating the bid notices in accordance with Reg 47 (1).
- (f) Assist with compilation of bidding documents in the absence of standard bidding documents issued by the POU, in accordance Reg 49 (1) and Reg 11 (5).

Tenure of Office and Vacancy

1. Members of the Vetting Committee shall be appointed by the Chief Executive Officer and shall comprise of at least 5 members.
2. Members of the Committee shall hold office for a period of one (1) year from the date of appointment, expect that, half the number of members shall be re-appointed, for a further term of office to ensure continuity and institutional memory
3. The seat of a member of the Committee shall become vacant:
 - a. Upon the member’s death
 - b. If the member is absent from three consecutive meetings of the Committee, of which the member has had notice, without the prior written approval of the Committee
 - c. Upon the expiry of the one months’ notice of the members’ intention to resign from office, given by the member of the Committee.
 - d. If the member has convicted an offence and sentenced to imprisonment for a term of six months or more.

Regulations of Internal Proceedings

- a) The Vetting Committee shall meet as often as is necessary for the proper and timely review and authorization of the procurement requirements of the SPGA.
- b) The Vetting Committee shall cause minutes to be kept of the proceedings of every meeting.
- c) The quorum at any meeting of the Vetting Committee shall be two thirds of the members, except that when a member has declared an interest in an agenda item or in any matter before the Vetting Committee, the member in question shall not be counted for the purpose of forming a quorum in relation to the item or matter in question;
- d) The Chairperson of the Vetting Committee shall ensure that minutes and decisions of the Committee are available and distributed to the members within two working days of the Vetting Committee's meeting;
- e) In the absence of the Chairman, the members present shall elect one of their members as Chairman for the purpose of their meeting
- f) The Vetting Committee may invite any person who may have the necessary expertise required, whose presence is in its opinion desirable to attend and participate in the deliberations of the meetings of the Committee so as to provide a more professional view on a specific project, but such person shall have no vote
- g) The Vetting Committee shall consider each submission made, based on the information and supporting documents contained in the original file;
- h) A Vetting Committee may give a conditional approval to a submission where there is a minor issue to be resolved

IMPORTANT NOTE

1. There shall be paid to the members of the Committee an allowance in line with the "Remuneration Policy".
2. A member or person who is present at a meeting shall disclose his/ her interest prior to taking part in any consideration or discussion.

ANNEX 7

THE OFFICE OF THE FINANCIAL COMPTROLLER

The Functions of the Financial Comptroller, (Deputy Chief Executive Officer)

The Financial Comptroller within the SPGA shall:

- a) oversee the fiscal activity of the entity
- b) supervise the accounting and financial reporting tasks
- c) ensure compliance of accounting regulations, procedures, and policies for procurement to remain within the limits of the approved budget and that the funds are allocated for the right purposes
- d) create and maintain a system of checks and controls that help safeguard procurement proceedings.

The Office of the Financial Comptroller is headed by *the Deputy Chief Executive Officer, Ms. Lya Docteur*.

ANNEX 8

END USER DEPARTMENT

The Functions of the End User Department

The End User Department is a key component of procurement and plays an important role in the success of any procurement process. It helps to identify who will use the product or service being purchased and what the needs are. The End User department can also help to ensure that the product or service meets the needs of the organization. The key elements of the end user's role in the procurement process are to: adequately define the user's needs (including determining estimated requirements/quantities, specifications), identifying minimum and desirable elements and ensuring that there is adequate consultation.

Functions of the End User Departments:

- a. User department is responsible for ensuring that all procurement processes are conducted in an effective and efficient manner.
- b. Ensure that the requirements take into account the organisation's policy requirements, and is aligned with organisational objectives
- c. Contribute towards drafting the procurement specifications & technical expertise/ input
- d. Be involved throughout the procurement exercise

The Office of the End User Department are as follows

End User Department	Heads
Secretariat	<i>Mr. Allen Cedras</i> Chief Executive Officer
Administration	<i>Ms. Genny Commettant</i> Administration Manager <i>Ms. Annie Doudee</i>

	Administrative Officer
Finance	<i>Ms. Lya Docteur</i> Deputy Chief Executive Officer
Human Resources	<i>Mrs. Priscilla Finesse</i> Human Resources Manager
Business Development, Marketing, Trade, Communications and Education	<i>Mr. Allen Cedras</i> Chief Executive Officer
Research and Documentation	<i>Mr. Allen Cedras</i> Chief Executive Officer
Forestry and National Parks Mahe	Mr. Allen Cedras
Forestry and National Parks Praslin (Inner Islands)	<i>Mrs. Vicky Athanase</i> Inner Islands Manager
Gardens	<i>Mrs. Natachia Einfeldt</i> General Manager
Marine Operations – Ste. Anne	<i>Mr. Remie Asman</i> Manager
Marine Operations – Curieuse + Ile Cocos	<i>Mr. Anto Suzette</i> Manager
Marine Operations – Baie Ternay + Port Launay	Mr. Roland Quatre

ANNEX 9
TERMS OF REFERENCE
TENDER EVALUATION COMMITTEE

1.PREAMBLE

As per Section 41 of the Public Procurement Act 2008, a Procuring Entity shall appoint an Ad hoc Evaluation Committee for each procurement.

2. RESPONSIBILITIES OF THE EVALUATION COMMITTEE

The responsibilities of the Evaluation Committee are:

- a. To review and evaluate tenders, proposals or quotation for the purpose of identifying the most competitive proposals from responsive bidders
- b. To prepare Evaluation Reports for submission to the approval authorities in accordance with Regulation 62 (3) of the Public Procurement Regulation 2014;
 - (i) Within twenty-one (21) days of the tender opening or
 - (ii) Report to the relevant approval authority the anticipated completion date of the Evaluation Report
- c. To be mindful at all times of all applicable laws, regulations and guidelines relating to Public Procurement
- d. To engage in the highest level of ethical practice in integrity, objectivity, accountability and transparency, with zero tolerance to corruption, bribery or yielding to any form of undue inducements.

3.COMPOSITION OF THE EVALUATION COMMITTEE

3.1 The Evaluation Committee shall be appointed by the procuring entity.

3.2 The composition of the Evaluation Committee shall not be less than three (3) Members and include at least one member who is not an employee of a public body.

3.3 The Members of the Evaluation Committee shall possess skills, knowledge and experience relevant to a procurement requirement, which may include;

- a) technical skills;
- b) procurement and contracting skills;

- c) financial management or analysis skills; or
- d) legal expertise

3.4 The number and level of expertise of members of the Evaluation Committee shall depend on the value and complexity of a procurement requirement.

3.5 The Procurement Officer may attend any of the Evaluation Committee meeting for information purposes and also assist the Evaluation Committee on matters related to the compliance to the Public Procurement Act and Regulations.

3.6 A member of the National Tender Board, a Procurement Committee or a procuring entity's Chief Executive Officer/Principal Secretary shall not be a member of the Evaluation Committee.

4. CHAIRMAN OF THE EVALUATION COMMITTEE

4.1 The Chairman of the Evaluation Committee shall be appointed by the procuring entity.

4.2 The main duties and responsibilities of the Chairman of the Evaluation Committee are as follows;

- a) to steer the Evaluation Committee to achieve its objectives;
- b) to provide leadership to the Evaluation Committee and ensure proper flow of information to the Evaluation Committee, reviewing adequacy and timing of documentation;
- c) to provide a reasonable time for discussion for any relevant matters at the Evaluation Committee meetings. In addition, the Chairman should encourage a healthy level of skepticism and independence;
- d) to ensure that consensus is reached on every Evaluation Committee resolution and, where considered necessary, if there is a tie in the Evaluation Committee decision, the Chairman shall have the casting vote;
- e) to manage the process and working of the Evaluation Committee and ensure that the Evaluation Committee discharges its responsibilities; and
- f) to ensure that all members participate in the discussion to enable and encourage effective decisions to be made.

5. EVALUATION COMMITTEE MEMBERS

Each Evaluation Committee Member shall be expected to:

- 5.1 Provide independent opinions to the fact-finding, analysis and decision making process of the Evaluation Committee, based on their knowledge and experience;

5.2 Consider viewpoints from other Evaluation Committee members and make decisions and recommendations for the best interest of the Procuring Entity;

5.3 Continuously seek out best practices in terms of the processes utilized by the Evaluation Committee, following which should be discussed with the rest of the Evaluation Committee for possible adoption.

6. EVALUATION COMMITTEE MEETINGS

6.1 The Evaluation Committee shall convene meetings as and when required, and to make recommendations (if any) to the relevant approval authority.

6.2 The Chairman of the Evaluation Committee on the requisition of the Procurement Officer, shall at any time summon a meeting of members by giving reasonable notice.

6.3 No business shall be transacted at any meeting of the Evaluation Committee unless a quorum is present. The quorum for each business shall be three (3) Members.

6.4 The Chairman of the Evaluation Committee shall chair the Evaluation Committee meetings and in his/her absence, the members present shall elect one of their members be the Chairman of the meeting.

6.5 In exceptional circumstances, the Evaluation Committee may deal with matters by way of circular reports or emails in lieu of convening a formal meeting.

6.6 Appropriate officers of the Procuring Entity or professional advisors may be invited to attend the meetings where the Evaluation Committee considers their presence necessary.

6.7 The Evaluation Committee may seek clarification from a bidder with regards to its bid in writing in accordance with Regulation 66.

6.8 All recommendations and findings of the Evaluation Committee shall be submitted to the relevant approval authority for necessary approval.

7. DECLARATION OF NON-CONFLICT OF INTEREST

¹ *In respect of Goods & Services and Works*

Threshold	Approval Authority
Less than SCR 250,000.00	Internally by the Accounting Officer

Between SCR 250,000.00 to SCR 850,000.00	Approved by Procurement Committee
Above SCR 850,000.00	Approved by the National Tender Board

In respect of Consultancy Services

Threshold	Approval Authority
Less than SCR 75,000.00	Internally by the Accounting Officer
Between SCR 75,000.00 – SCR 250,000.00	Approved by Procurement Committee
Above SCR 250,000.00	Approved by the National Tender Board

7.1 Once the proposals have been received and it is clear which entities are involved, each Member of the Evaluation Committee shall complete and sign a “Non-Conflict of Interest” declaration form, provided by the SPGA before the initial evaluation of the tenders begins.

8. REVISION OF THE TERMS OF REFERENCE

8.1 Any revision or amendment to the Terms of Reference, as proposed by the Evaluation Committee or any third party, shall first be presented to the Procurement Oversight Unit for its approval.

8.2 Upon the Procurement Oversight Unit’s approval, the said revision or amendment shall form part of this Terms of Reference and shall be considered duly revised or amended.

9. EVALUATION OF TENDERS

9.1 The Evaluation is to be carried out in three (3) stages:

- a) Assessing Mandatory and Administrative Requirements (Preliminary)
- b) Technical/Quality
- c) Cost Analysis

FIRST STAGE

9.2 First Stage of the Evaluation process involves the assessing of the mandatory and administrative requirements and ensuring that the bids are complete and responsive to the basic instructions and requirements of the bidding documents.

The preliminary examination shall determine whether;

- a) the bidder has the legal capacity to enter into a contract;
- b) the company must be duly registered in the country of origin (Bidders will be required to submit evidence);
- c) have the proper operating license (Bidders will be required to submit evidence);
- d) the bidder is not insolvent, in receivership, bankrupt or being wound up;
- e) the bidder is registered with the Seychelles Revenue Commission for tax purposes (evidence of registration required);
- f) the bid has been submitted in the correct format;
- g) any required bid security has been submitted, in the correct form and amount and is valid for the period required;
- h) the bid has been submitted without material reservations or deviations from the terms and conditions of the bidding document (Refer to Regulation 64 (3) – (4));
- i) any material deviation shall result in rejection of the bid and such bids shall not be subject to financial evaluation and comparison;
- j) the bid has been correctly signed and authorized;
- k) the correct number of copies of the bid have been submitted;
- l) the bid is valid for the period required;
- m) all key documents and information required have been submitted (e.g. Qualification Information, Past Experiences etc...)
- n) any required samples have been submitted; and
- o) the bid meets any other key requirement of the bidding document.

9.3 If any of these mandatory requirements is not fulfilled by the bidder, this results in an invalid bid and the bidder should not proceed to the next stage of evaluation, hence, the bidder is disqualified.

SECOND STAGE

9.4 The Second Stage involves evaluating the technical and quality aspects of the bid as compared to the tender terms, specifications and price. The percentage split between the technical/quality and the price factor will differ for each tender. These are generally determined by Procuring Entity when preparing their tender specifications.

The factors taken into account in a technical evaluation shall be those indicated in the bidding document and may include;

- a. conformity to specifications, standards, drawings or terms of reference, without material deviation or reservation;
- b. satisfactory understanding of an assignment, as demonstrated by any methodology or design; or
- c. suitable staffing or arrangements for supervision or management of an assignment

THIRD STAGE

9.5 The Third Stage is the financial evaluation and comparison to determine the evaluated price of each bid and determine the lowest priced bid, which is substantially responsive to the requirements of the bidding document.

The evaluated price for each bid shall be determined by;

- a) taking the bid price, as read out at the bid opening;
- b) correcting any arithmetic errors, in accordance with the methodology stated in the bidding document (refer to Regulation 65 (3));
- c) applying any non-conditional discounts offered in the bid (Refer to Regulation 69);
- d) making adjustments for any non-material, non-conformity, error or omission;
- e) converting all bids to a single currency, using the current and the source and date of exchange rate indicated in the bidding document; and
- f) applying any margin of preference if it is indicated in the bidding document.

9.6 Bids shall be compared by ranking them according to their evaluated price and determining the bid with the lowest evaluated price, which shall be the best evaluated bid.

9.7 Assessment should be based on what is stated in writing. That is, compliance should not be based on assumptions or personal knowledge about the bid/bidder. Such assumptions and personal knowledge may be stated separately, if they are viewed to carry weight; that is, if the information is seen as potentially substantial that it might influence the decision to support/decline a bid.

10. EVALUATION CRITERIA

The following criteria can also be considered but should be part of the Instruction to Bidders;

- | | |
|-------------------------|-------------------------|
| - Experience | - After Sales Service |
| - Delivery Time | - Methodology/Approach |
| - Past Performance | - Financial Stability |
| - Price | - Stock Availability |
| - Product Compatibility | - Warranty |
| - Regulatory Compliance | - Conflicts of Interest |

- Maintenance
- Sole Manufacturer/Supplier
- Samples
- Duration of the Contract

11. EVALUATION / RECOMMENDATION REPORT

11.1 As per Regulation 71 (1), the Evaluation Committee shall prepare and submit an Evaluation/Recommendation Report to the relevant approval authority.

11.2 An Evaluation/Recommendation Report shall include;

- a) a summary of the bids received and opened
- b) the results of the preliminary examination
- c) the results of the technical evaluation;
- d) reasons why any bids were declared non-responsive;
- e) details of any non-material deviations which were accepted and the way in which they were quantified and taken into account in the financial evaluation;
- f) the evaluated price of each bid, showing any corrections or adjustments to the bid price and any conversion to a common currency;
- g) the ranking of the bids, according to their total evaluated price;
- h) a statement of the best evaluated bid, for each lot where applicable;
- i) a summary of the application of any conditional discounts and the best evaluated combination of bids, where applicable;
- j) the results of any post-qualification; and
- k) a recommendation to award the contract or contracts to the best evaluated bid or combination of bids, or other appropriate recommendation, such as a requirement for negotiations or the cancellation of the procurement process.

11.3 The Evaluation/Recommendation Report shall be approved by the relevant approval authority, prior to proceeding with contract award, in accordance with the Public Procurement Act and Regulations, or any other action, such as negotiations or cancellation of the procurement process.

ANNEX 10

TERMS OF REFERENCE

INDEPENDENT PROCUREMENT COMMITTEE FOR GOODS, SERVICES AND CONSULTANCY

1. PURPOSE

The purpose of the Procurement Committee is to monitor the procurement activities of SPGA for Goods, Services and Consultancy.

The Committee will be responsible for :

- a) for award of contracts within the threshold of SR 250,000 to SR 850,000 for Goods and Services
- b) for award of contract for Consultancy Services within the threshold of between SR 75,000.00 up to SR 250,000.00

The Committee will also need to ensure compliance with the Seychelles Public Procurement Legislations.

2. RESPONSIBILITIES AND OBJECTIVES

The Procurement Committee shall:

- 2.1 Review and approve procurement between from SR250, 000 to SR850, 000.

3. MEMBERS APPOINTMENT PROCESS

- 3.1 The Committee members from the SPGA shall be appointed by the CEO in accordance with Section 34 (1) of PPA 08 which states

A Procurement Committee comprises —

- (a) a chairperson appointed by the chief executive officer;
- (b) not more than three other members appointed by the Chief Executive Officer, as follows —
 - (i) two members from the procuring entity; and
 - (ii) one other person who is not a public officer.

3.2 Chair

The Chair of the Procurement Committee shall be appointed by the CEO of the SPGA.

3.3 Secretary

The Secretary of the Committee shall be selected amongst the three SPGA nominations and appointed by the Committee Members.

4. TENURE

Please refer to Section 34 (5) of PPA which states “*A chief executive officer shall, when appointing members of a Procurement Committee, appoint half the members for a tenure of two years in order to ensure both continuity and rotation in the membership of the Procurement Committee.*”

5. MEETINGS

5.1 Notice

At least three (3) days written notice shall be given to each member of the Committee except in the case of an emergency. The notice shall contain, inter alia, an agenda identifying in reasonable detail the matters to be discussed at the meeting and copies of any relevant papers to be discussed at the meeting.

5.2 Venue

The venue shall be at the SPGA conference room at Orion Mall unless otherwise agreed.

5.3 Frequency

The Committee shall meet as required either in person or by virtual means.

5.4 Voting

- i. All Committee members have the right to vote at meetings.
- ii. Matters arising at any Procurement Committee meeting shall be determined by a majority of votes.
- iii. In the event of an equality of votes, the Chairperson shall have a casting vote.

5.6 Functions

- i. The Committee shall submit a recommendation for contract award to the CEO.
- ii. Section 35 (2) of PPA,08 demands that the Procurement Committee be responsible for providing prior authorization (in accordance section 37 (4) of PPA,08)

For amongst other things

- a) the use of the limited or direct bidding methods of procurement
- b) amendments to a contract prior to its issue;
- c) the cancellation of procurement proceedings; and
- d) the termination of a contract.

6. ACCOUNTABILITIES

- 6.1** The Procurement Committee shall keep detailed records of its meetings and such records shall be made available to the external auditor and any examiner of a public body during any external audit or examination.
- 6.2** Except in the above mentioned circumstances, documents of the Procurement Committee are held confidential and not for redistribution by Committee members.
- 6.3** Members of the Committee shall comply with the approved conflict of interest and ethics guidelines.

7. REMUNERATION

In accordance with the Remuneration Policy

TOR- SPGA Independent Procurement Committee

ANNEX 11

SPGA FORMS/TEMPLATES

[Any further Templates/Forms that will assist the SPGA in their Procurement can be attached here to ensure that all units/departments used the same format when conducting their procurement]