



**Millennium Development Authority**  
Reducing Poverty through Economic Growth



# TRAINING WORKSHOP FOR PROSPECTIVE BIDDERS

**“Enhancing effective participation in MiDA contracts”**

**PROCUREMENT OF GOODS**



# Objectives of the Presentation

- ▶ To provide participants with a comprehensive understanding of the MiDA Bidding Process for Goods.
- ▶ Participants become better equipped to submit responsive and compliant Bids and thereby increase their chances of winning.
- ▶ Discuss how to deal with some of the typical problems that arise when preparing and submitting a Bid.



# Methodologies for Goods Procurement

- Request for Quotation (RFQ).
- Non-Consulting Services (NCS).
- Competitive Bidding (CB).
- IT Services (ITCB).



# Components of the Bidding Document

## LETTER OF INVITATION FOR BIDS (SPN)

- Section I: Instructions to Bidders (ITB).
- Section II: Bid Data Sheet (BDS).
- Section III: Qualification and Evaluation Criteria.
- Section IV: Bid Forms.
- Section V (b): Contract Forms.
- Section VI: Schedule of Requirements.

# Section 1 Instructions to Bidders (ITB)

- ▶ This section provides information to help potential Bidders prepare their Bids; it also provides information on the submission, opening, and evaluation of Bids and on the award of the proposed contract.
- ▶ **Sub-sections**
- ▶ A - General (Definitions, Scope, Source of Funds, Eligibility, Corrupt & Fraudulent Practices, etc).
- ▶ B - Contents of Bidding Document.
- ▶ C - Preparation of Bids.
- ▶ D - Submission of Bids.
- ▶ E - Opening and Evaluation of Bids.
- ▶ F - Award of Contract.
- ▶ **Note. This Section cannot be modified.**

# Instructions to Bidders

- ▶ **READ ALL INSTRUCTIONS – THERE IS NO SHORT CUT.**
- ▶ **SPECIFIC SECTIONS AND CLAUSES TO PAY PARTICULAR ATTENTION TO:**
- ▶ CLAUSE 4 & 5 – ELIGIBILITY OF BIDDERS AND OF GOODS.
- ▶ SECTIONS C & D – PREPARATION & SUBMISSION OF BIDS.
- ▶ CLAUSE 26 - LATE BIDS SHALL NOT BE CONSIDERED.
- ▶ CLAUSE 31 – BID RESPONSIVENESS (I.E. COMPLETENESS OF SUBMISSION).
- ▶ CLAUSES 35 – BID EVALUATION PROCESSES INCLUDING PAST PERFORMANCE ON MCC-FUNDED CONTRACTS.
- ▶ CLAUSE 38 – POST QUALIFICATION OF THE BIDDER.

# Bid Data Sheet (BDS) 1

This section includes provisions that are specific to each procurement and supplements instructions in specific clauses in the ITB.

**ITC 7.1** - Informs you of the deadline for submitting clarification questions (to [paghana@charleskendall.com](mailto:paghana@charleskendall.com) and [procurement@mida.gov.gh](mailto:procurement@mida.gov.gh)) and the date by which responses will be issued to all Bidders.

**ITC 7.2** - Informs you if a pre-Bid meeting will be held and if so where.

**ITC 21.1** - Confirms that Bids must be valid for 90/120 days from the deadline for the submission of Bids as specified in ITB 21.1.

**ITC 23.1** - Requires a written Power of Attorney to be provided.

**ITC 23.2** - Requires one (1) original and four (4) copies of the Bid document to be provided, in their respective envelope.

**ITC34.1** - States that the currencies are United States Dollars or Ghanaian Cedi or a combination of both.

## Bid Data Sheet (BDS) 2

This section includes provisions that are specific to each procurement and supplements instructions in specific clauses in the ITB.

**ITC 24.2** - Informs you of the address for submission – MiDA 4<sup>th</sup> Floor Tender Box.

**ITC25.1** - States the deadline time and date for submissions.

**ITC 28.1** - Confirms that Bids will be opened in public immediately following the closure of the submission sheet on the Tender Box.

**ITC 24.1** -States that no electronic copy shall be accepted.





# Sections I and II - What are the Issues

- ▶ Attend the pre-Bid Meeting to be better informed.
- ▶ Submit clarification questions before the stated deadline.
- ▶ Read all of the clarification question responses and ensure your Bid incorporates the details provided.
- ▶ Ensure your Bid is valid for the stated period.
- ▶ Power of Attorney enables the person to sign the Bid, or to sign the Bid and thereafter negotiate and sign the Contract.
- ▶ Ensure the correct number of copies are submitted.
- ▶ Ensure your Bid is signed.
- ▶ Ensure your Bid is correctly packaged and marked as instructed.
- ▶ Submit your Bid in good time. Do not wait until the last minute and have your Bid rejected because you are late.

## Section III

# Qualification and Evaluation Criteria

### Qualification Criteria (Pass/Fail)

**EHS** – Bidder has Environmental, Social, Health and Safety Policy in place (BSFR-9).

**TECHNICAL SPECIFICATION** - Adherence to Required Technical Specification, including required Accessories (SR3).

**DELIVERY SCHEDULE** – MiDA has the discretion to accept a compliant Bid even if it is not the lowest Bidder.

**CAPABILITY OF BIDDER TO SUPPLY ALL ITEMS** – Partial bids are not accepted.

**PRODUCT LITERATURE** – Bids without adequate brochures and technical information on items shall be declared non-responsive.



## Section III

# Qualification and Evaluation Criteria

### Evaluation Criteria (Post Qualification Criteria)

**FINANCIAL CAPABILITY OF THE BIDDER** – Evidence that Bidder has undertaken contracts of similar value within the last three (3) years.

**EXPERIENCE AND TECHNICAL CAPACITY** – Evidence that Bidder has undertaken contract of similar nature in the last three (3) years, and submit references in that respect.

**NON-PERFORMING CONTRACTS AND LITIGATIONS** – Evidence of non-performance contracts has not occurred in the last five (5) years, with information of full-settled disputes or litigation.

# Section III

## Qualification and Evaluation Criteria

- ▶ Under **RFQ**, the emphasis is on delivery in a relatively shorter time frame (five weeks at most).
- ▶ Under **NCS**, which is procurement of services and goods, the emphasis here is to deliver goods required and to provide services demanded – depends on the technical competence of key personnel offered - within a shorter time frame (as in RFQ).
- ▶ Under **CB**, these are critical for a successful (responsive) bid:
  - The issues here are strictly **YES** (responsive) and **NO** (not responsive)!
  - \* Bid form signed;
  - \* Providing required value of bid security and from the required financial institution (bank);



# Section III

## Qualification and Evaluation Criteria

### ICB (contd)

- \* Compliance with the technical specifications of the items requested;
  - \* Provision of technical literature (minimum specs and brochures on the item offered);
  - \* Having capacity to deliver all requested items (Bidder must offer to supply all, and not some, and be able to have the financial wherewithal to supply – based on similar contracts within the last three(3) years
- Under **IT Services** every issue above comes into play.

## Section IV: Bid Forms

- **BSF1** Bid Submission Form
- **BSF2** Price Schedule for Goods Manufactured in Ghana
- **BSF3** Price Schedule for Goods Manufactured Outside Ghana
- **BSF4** Price Schedule for Goods Manufactured Outside Ghana, Already Imported
- **BSF5** Price and Completion Schedule for Related Services
- **BSF6** Bidder Information Form
- **BSF7** Party to Joint Venture Information Form
- **BSF8** Bid Security Form (Bank Guarantee)
- **BSF9** Environmental, Social, Health and Safety Forms
- **BSF10** Manufacturer's Authorization
- **BSF11** Notification of Award

## Sections III and IV - What are the Issues (1)

- ▶ **Legal Status** – Remember to provide the Power of Attorney, Joint Venture/Association Agreement and required documents with the submission letter in form **BSF1**. **Do not change any of the templates**
- ▶ **Price and Completion Schedule** – Use the appropriate form (**BSF2-5**) to price your offer. Be guided by the **Incoterms indicated in the BDS** to make your declaration. Ensure that the **origin(s) of the goods** offered is indicated.
- ▶ **Non-performing Contracts & Litigation** – Post Qualification criteria requires that Bidder provide documentary evidence that non-performance of a contract did not occur within the last five (5) years.

## Sections III and IV - What are the Issues (2)

- ▶ **Evaluation Criteria** – Bidders must be conversant with the evaluation criteria, as set out in the Solicitation document, so as to be able to provide the necessary documentation:
  - i. Signed Bid Form.
  - ii. Provision of Power of Attorney.
  - iii. Bid security in the right format, right amount and issued by a bank.
  - iv. Provision of Manufacturers' Authorization for the goods offered (Manufacturer - Agency – Dealership linkage established).
  - v. Completeness of bid (No partial bids or Bidder should not fail to offer all that is requested).
  - vi. Conformance to the required technical specification – provision of brochures with technical information.
  - vii. Environmental, Social, Health, and Safety (ESH&S) requirements



# Sections III and IV - What are the Issues (3)

- **Templates** – Bidders are advised not to change the wording in templates for which they are given to communicate particular information to MiDA. Examples are:
  - **Bid Submission Form.**
  - **Bid Security, Performance Guarantee, ESH&S Form, etc.**
  
- **Post Qualification Criteria**
  - Financial Capability of Bidder – audited accounts for the last three (3) years must be provided. Bidder can be disqualified even when being the lowest bid.
  - Experience and Technical Capacity – contracts of similar nature undertaken in the last includes the three (3), with Referees and their full contact details.
  - **Incoterms** – Only current Incoterms apply.



# Section V: Contract Forms

- **Contract Agreement.**
- **General Conditions of Contract (GCC).**
- **Special Conditions of Contract (SCC).**
- **Additional Provisions.**
- **Performance Guarantee.**

# Section V- What are the Issues (1)

- ▶ **Performance Guarantee** – Bidders are expected to obey the following:
  - Apply the exact amount for the guarantee, as stated in the SCC of the Contract document
  - template information must not be changed (Bank Guarantee must stay Bank Guarantee, not Bank Bond or Performance Bond, etc.)
  - Dates on the Bank Guarantee and those on the Contract – Notification of Award, which forms part of the contract – must synchronize, to avert legal misunderstandings
  - Duration of Guarantee must be established, with MiDA, so as to prevent rejection of the Guarantee.
  - Bidders must adhere to the timeline for the submission of the Bank Guarantee.



## Section V- What are the Issues (2)

- ▶ **Liquidated Damages** – Bidders are expected to be aware of this Clause as excessive delays in delivery might result in MiDA having to invoke its legal remedies.
- ▶ **Advanced Payments** – Limited to only 15%, and it applicable only when progress payments are not viable. For NCS, this might be 10%, but must first be specified in the solicitation document for the attention of all bidders. In which case, there will be security provisions to be made by Bidders.



# Section VI – Schedule of Requirements

- **SR1** List of Goods and Delivery Schedule
- **SR2** List of Related Services and Completion Schedule
- **SR3** Technical Specifications
- **SR4** Drawings
- **SR5** Inspections and Test
- **SR6** Environmental, Health and Safety Procedures

# Section VI - What are the Issues (1)

- **Delivery Schedule** – Bidder must complete this table (**SR1**) as begun by MiDA.
- **Bidder's Offered Delivery Date** – This must be within MiDA's Earliest Date and Latest Dates for delivery. Otherwise your bid might be rejected.
- **Compliance to Technical Specification** – Bidders must refrain from writing “comply” without stating what is in the accompanying brochures. The Evaluators may have difficulty identifying what is being offered, especially where there are multiple items.
  - Bidders must indicate the Make, Model/Type of Goods being offered, for easier assessment of bids.
  - Items offered must be clearly identified and marked in the brochures.



## Section VI - What are the Issues (2)

- **Brochures** – Must be original (Manufacturers'). Bidders must desist from copying and pasting items on their (Bidder's) letterheads for presentation. This might be rejected.
- **Obtain Manufacturer's Authorization for the items offering.** If you are not the Agent for the Manufacturer, obtain the link to the Agent so as establish a formal agreement with the Manufacturer.

# Closing Advice

- ▶ **WHAT DO YOU DO IF YOU ARE NOT SURE ABOUT ANY PART OF:**
  - THE INSTRUCTIONS TO BIDDERS
  - THE CONTENT OF THE BID DATA SHEET
  - THE QUALIFICATION & EVALUATION CRITERIA
  - THE SCHEDULE OF REQUIREMENTS
  - THE DRAFT FORM OF CONTRACT AND THE CONDITIONS THEREIN

**YOU SEND A CLEARLY WORDED QUESTION, OR SET OF NUMBERED QUESTIONS, WITHIN THE STATED DEADLINE IN THE PDS FOR CLARIFICATION QUESTIONS TO BE ASKED TO [paghana@charleskendall.com](mailto:paghana@charleskendall.com) with a copy to [procurement@mida.gov.gh](mailto:procurement@mida.gov.gh).**

**REMEMBER – IF YOU DO NOT SUBMIT YOUR QUESTIONS WITHIN THE CLARIFICATION QUESTION DEADLINE, AND THE GUESS YOU SUBMIT IN YOUR BID IS WRONG, THEN IT IS TOO LATE TO COMPLAIN AFTER THE EVENT – IF IN ANY DOUBT ALWAYS ASK A QUESTION.**





**Thank You**