

# Transparent Public Procurement Rating



## Malawi

### Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Malawi was prepared by the Malawi Economic Justice Network in 2018.



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*The opinions expressed in this assessment belong to the Institute for Development of Freedom of Information (IDFI) and its partner organization, and do not reflect the positions of Hivos or Open Society Institute Budapest Foundation (OSI). Therefore, these organizations are not responsible for the content of this report.*

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## Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

## Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

## Limitations

Public procurement systems vary significantly by country. The TPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

## About the Project

The Methodology has been developed within the framework of the project [Transparent Public Procurement Rating \(TPPR\) – Assessing Public Procurement Legislation and the Enforcement Process in the Eurasian Region](#).

The project was funded by Open Society Institute Budapest Foundation (OSI) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#) together with 5 partner organizations from each country in the Eurasian region covered by the project:

Armenia – [Freedom of Information Center of Armenia](#)

Azerbaijan – [Transparency International \(TI\)](#)

Belarus – [BIPART](#)

Moldova – [Expert-Grup](#)

Ukraine – [Transparency International \(TI\)](#)

In its initial stage, the TPPR project only covers the Eastern Partnership (EaP) Region; however, it plans to scale the methodology up to larger regions in the future.

## Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

## Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)

- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

## Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

**Acceptance act** – A document signed by parties through which they agree on the terms by which a bargain is concluded.

**Bid** – Price offered by a tender participant during the bidding procedure.

**Bid Security** – A refundable amount of money paid by tender candidates validating their participation in a tender.

**Coordination** – Providing assistance to economic operators and procuring entities to engage in procuring activities.

**Day** – In the context of this methodology a day implies a calendar day.

**Economic Operator** – business or other organization which supplies goods, works or services.

**Legal entity of public law (LEPL)** (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

**Machine-readable** – A data format that can be processed (i.e. extract, transform and process) by a computer.

**Monitoring** – Data collection and analysis.

**State non-commercial legal entity** – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

**Non-competitive procedure (direct procurement)** – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

**Notice of intended procurement** – A call for participation in an open tender issued by procuring entities.

**Open tender** – A type of tender, in which any economic operator can request participation.

**Post-tendering phase** – procurement processes after the selection of a tender winner.

**Pre-tendering phase** – procurement processes leading up to the publication of a notice of intended procurement.

**Procurement regulatory body** – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

**Procuring entity** – A state budget and local government entity (including their respective LEPLs and state owned companies).

**Public procurement annual plan** – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

**Tender** – A type of public procurement procedure that involves bidding.

**Tender application** – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

**Tender candidate** – An economic operator willing to participate in a tender.

**Tender commission** – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

**Tender documentation** – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

**Tender participant** – An economic operator that has been allowed to participate in a tender.

**Tendering phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

## TPPR Methodology Indicators

<b>Transparency Environment</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [ 1 point ]	0	
2.	Budgets of all public procuring entities are publicly available. – [ 1 point ]	0	Access in Information Act, and Public Finance Management Act
3.	Public officials are required by law to file asset declarations. – [ 1 point ]	1	Please Provide Law
4.	The country has adopted legal provisions ensuring the right to request public information. – [ 1 point ]	1	Access to Information Act
5.	Legislation includes provisions regulating whistleblower protection. – [ 1 point ]	1	Corrupt Practices Act

## Indicators by Procurement Process

<b>General Characteristics of the Procurement System</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>Public Procurement Legislation (<b>PPL</b>), which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [ <b>1 point</b> ]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p><a href="#">Public Procurement and Declaration of Assets (PPDA) Act</a></p> <p><a href="#">Procurement Regulations 2004</a></p>
2.	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> </ul>	0.25	Both primary PPL and secondary PPL are available at the Ministry of Justice in paper form.

	<ul style="list-style-type: none"> <li>• None – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>		
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) All state budget entities – [ 0.2 ]</li> <li>b) Local government entities – [ 0.2 ]</li> <li>c) Legal Entities of Public Law (LEPL) – [ 0.2 ]</li> <li>d) State owned companies – [ 0.2 ]</li> <li>e) State non-commercial legal entities – [ 0.2 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.6</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.2</li> <li>b) 0.2</li> <li>c) 0.2</li> <li>d) 0</li> <li>e) 0</li> </ul>	<p>Public Finance Management Act</p> <p>PPDA Act Article 2.</p> <p>"procuring and disposing entity" means a Government ministry, department, agency, any other public body or any subdivision thereof engaging in procurement or disposal of public assets;</p> <p>"public body" means any organ or agency of the Government and includes:</p> <p>(a) a statutory body; (b) local authorities; and (c) such other bodies as may be prescribed;</p>
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [ 1 point ]</p> <p><b>Point Distribution</b></p> <ul style="list-style-type: none"> <li>a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [ 0.5 ]</li> </ul>	<p>Overall: 1</p> <p>Components:</p> <ul style="list-style-type: none"> <li>a) 0.5</li> <li>b) 0.5</li> </ul>	<p>PPDA Act Article 3.</p> <p>(1) This Act applies to all procurement involving public funds and disposal of public assets.</p> <p>(2) Notwithstanding the provision of subsection (1) the Act shall not apply to--</p> <p>(a) employment contracts;</p> <p>(b) lease or rental of real property, subject to approval of the Director General;</p>

	<p>b) PPL clearly lists or refers to all exemptions. – [ 0.5 ]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>(c) contracting for procurement of financial services relating to the issue, urgency or assignment of securities or other financial instruments; and;</p> <p>(d) procurement and disposal of assets under the Public-Private Partnership Act.</p>
5.	<p>PPL determines a separate state body (procurement regulatory body) responsible for managing public procurement or assigns this function to a subordinate public body (ies). – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [ 1 ]</li> <li>• PPL determines a separate state body responsible for managing public procurement. – [ 0.75 ]</li> <li>• PPL assigns this function to a subordinated public body (ies). – [ 0.5 ]</li> <li>• There is no responsible state body. – [ 0 ]</li> </ul> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPDA Act Article 16.</p> <p>The operational and financial costs of the Authority shall be provided through –</p> <p>(a) advances made to the Authority under section 18;</p> <p>(b) fees, levies and other moneys payable to the Authority under this Act or regulations;</p> <p>(c) fines payable to the Authority in respect of breaches of the Act or other conditions imposed by the Authority;</p> <p>(d) grants or donations received by the Authority;</p> <p>(e) such sums as shall be appropriated to the Authority by Parliament; and</p> <p>(j) proceeds from the sale by the Authority of any of its assets or equipment to which it has title.</p>
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and</p>	1	<p>PPDA Act Article 5.</p> <p>(1) The Authority shall be responsible for the regulation, the Authority monitoring and</p>

	control) of public procurement activities. – [ <b>1 point</b> ]  <i>Uniformity of the Legislative Framework</i>		oversight of public procurement and disposal of assets in Malawi.
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Legislation provides for a mechanism of consultation with the private sector. – [ <b>0.25</b> ]</p> <p>b) Legislation provides for a mechanism of consultation with the civil society sector. – [ <b>0.25</b> ]</p> <p>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [ <b>0.5</b> ]</p> <p><i>Accountability and Integrity</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</p>	
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [ <b>1 point</b> ]</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p>	

	<p><b>Point Distribution</b></p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [ <b>0.5</b> ]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [ <b>0.5</b> ]</p> <p><i>Efficiency</i></p>	b) 0	
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [ <b>1 point</b> ]</p> <p><i>Efficiency</i></p>	0	
10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [ <b>1 point</b> ]</p> <p><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	0	

11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL should not allow domestic preferences. – [ <b>1/5</b> ]</p> <p>b) Participation of any candidate or group of candidates is based on qualification. – [ <b>1/5</b> ]</p> <p>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [ <b>1/5</b> ]</p> <p>d) State owned companies are not given any preference. – [ <b>1/5</b> ]</p> <p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [ <b>1/5</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>Overall: 3/5</p> <p>Components:</p> <p>a) 0</p> <p>b) 1/5</p> <p>c) 0</p> <p>d) 1/5</p> <p>e) 1/5</p>	<p>a) PPDA Act Article 36.</p> <p>(1) A procuring and disposing entity may, in the prescribed manner -</p> <p>(a) grant a margin of preference for the benefit of a bid by a micro small and medium enterprise offering goods, works, consultancy services or other services manufactured, grown or performed by a local enterprise</p> <p>b) PPDA Act Article 56.</p> <p>c) PPDA Act Article 54.</p> <p>(1) The Director General shall organize and maintain a centralized system, in the form of a database or list, to provide centralized information on potential suppliers of goods, works or services.</p> <p>(2) A procuring and disposing entity may organize and maintain its own system 01.: database of potential suppliers and shall submit such list to the Director General for approval prior to its use.</p> <p>(3) Entry into database or list shall be open at any time to potential suppliers and requests to register shall be acted upon within fourteen days from receipt of request at a fee to be set by the Director General.</p> <p>(4) The detailed procedures for compilation and maintenance of such databases and lists shall be prescribed in the regulations</p> <p>e) Procurement Regulations 2004 – Article 47 (4)</p>
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12.	<p>PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [ 1 point ]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>	1	<p>PPDA Act Article 42.</p> <p>(5) The minimum bidding periods for the various procurements shall be as follows -</p> <ul style="list-style-type: none"> <li>(a) international competitive bidding-forty five days;</li> <li>(b) national competitive bidding-thirty days;</li> <li>(c) restricted tender-twenty one days;</li> <li>(d) request for proposals-twenty one days;</li> <li>(e) request for quotation method-five days;</li> <li>(f) single sourcing-five days; and</li> <li>(g) single sourcing in an emergency-twenty four hours:</li> </ul> <p>Provided that the procuring and disposing entity may seek a waiver from the Director General to carry out specific procurement for a shorter period than provided in this section</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [ 1 point ]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPDA Act Article 25.</p> <p>(1) A Controlling Officer shall ensure that the procuring and disposing entity complies with this Act. -</p> <p>(2) Without prejudice to the generality of subsection (1), Controlling Officer shall be responsible for-</p> <ul style="list-style-type: none"> <li>(a) appointing members of the Internal Procurement and Disposal Committee;</li> <li>(b) submitting annual procurement and disposal plans, quarterly reports and other statutory reports as may be prescribed from time to time;</li> </ul>

			<p>(c) to providing corrective measures to prevent misconducts throughout the procurement and disposal processes;</p> <p>(d) to managing bidders' protests and grievances;</p> <p>(e) to reporting misconducts by bidders, suppliers or public officials, to the Authority and other relevant bodies;</p> <p>(j) to implementing disciplinary measures against public officials and suppliers;</p> <p>(g) to ensuring that procurement and disposal documentation is made available to the Authority and other oversight institutions whenever required; and</p> <p>(h) to providing leadership and oversight role of the procuring and disposing entity.</p>
14.	<p>PPL references sanctions for violations of the PPL. – [ 1 point ]</p> <p style="text-align: center;"><i>Accountability and Integrity</i></p>	1	<p>PPDA Act Article 63.</p> <p>(1) Any person who contravenes the provisions of this Act shall be guilty of an offence.</p> <p>(2) A person guilty of an offence under subsection (1), whose penalty has not been prescribed, shall be liable to a fine not less than KS00,000.00 but not exceeding KS,000,000.00 or, in case of an individual, to imprisonment for five years and to such fine.</p> <p>Corrupt Practices act</p>
15.	<p>Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for government employees and private</p>	1	<p>PPDA Act Article 55.</p> <p>(1) Bidders and suppliers shall not engage in or abet -</p>

	<p>firms or individuals found guilty of fraud or corruption. – [ <b>1 point</b> ]</p> <p style="text-align: center;"><i>Accountability and Integrity</i> <b>Source: OECD Methodology</b></p>		<p>(a) corrupt practices, such as the offering of improper inducements;</p> <p>(b) fraudulent practices, including misrepresentation of facts in order to influence a procurement process or the execution of a contract; and</p> <p>(c) collusion among bidders, prior to or after bid submission, designed to establish bid prices at artificial, noncompetitive levels and to deprive the procuring and disposing entity of the benefits of free and open competition.</p> <p>(2) Any information concerning the occurrence or attempt of malpractices in subsection (1) shall be reported immediately to the head of the procuring and disposing entity, to the Authority and to the relevant law-enforcement authorities.</p> <p>Corrupt Practices Act</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• PPL ensures the right to review, for general public, tender participants and potential suppliers. – [ <b>1</b> ]</li> <li>• PPL ensures the right to review, for tender participants and potential suppliers. – [ <b>0.75</b> ]</li> <li>• PPL ensures the right to review, for tender participants. – [ <b>0.25</b> ]</li> <li>• No one has the right to review. – [ <b>0</b> ]</li> </ul>	0.25	<p>PPDA Act Article 59.</p> <p>(1) Any bidder that claims to have suffered, or that may suffer loss or injury due to breach of a duty imposed on the procuring and disposing entity, or Director General may seek a review in accordance with this Part.</p>

	<i>Uniformity of the Legislative Framework</i>		
17.	<p>PPL ensures the right to review throughout the procurement process. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [ <b>1/3</b> ]</p> <p>b) A procurement contract cannot be awarded with a pending complaint. – [ <b>1/3</b> ]</p> <p>c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [ <b>1/3</b> ]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</p>	<p>a) PPDA Act Article 60.</p> <p>(1) An application for a review pursuant to section 59 shall be made during the period of intention to award a contract or within fourteen days of the bidder submitting the application becoming aware of the circumstances giving rise to the application, or of when that bidder should have become aware of those circumstances, whichever is earlier.</p> <p>(6) A Controlling Officer or head of the procuring and disposing entity or the Authority shall not entertain the application for review unless -</p> <p>(a) it was submitted within the period of the publication of an intention to award contract for procurement or disposal proceedings whose estimated values are above a set threshold; or</p> <p>(b) for all procurement and disposal processes below the set threshold, within fourteen days of the bidder submitting the application becoming aware of the circumstances giving rise to the application, or when the bidder should have become aware of those circumstances, whichever is earlier.</p> <p>b) PPDA Act Article 60.</p> <p>(7) Upon receipt of the application for review, the procurement or disposal proceedings shall be suspended for ten days.</p> <p>(8) The suspension period in subsection (7) may be extended to thirty days in cases where the dispute has not been resolved.</p> <p>c) -</p>

18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) PPL ensures the existence of an independent review body. – [ <b>0.7</b> ]</p> <p>b) The review body includes civil society members. – [ <b>0.3</b> ]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	<p>a) PPDA Act Article 60.</p> <p>(2) An application in subsection (1) shall be made, in the first instance, and in writing, to the Controlling Officer or head of the procuring and disposing entity or the Authority.</p> <p>(3) Where an application for review is made to the Authority, the Director General shall convene three-member ad hoc committee from an established standing review committee (in this Act otherwise referred to as the "Review Committee") which shall hear and decide upon applications for review brought to the Authority.</p> <p>b) PPDA Act Article 60.</p> <p>(4) A Review Committee shall consist of members of high integrity with experience in different fields of procurement and procurement procedures but who should not have participated in procurement or disposal proceedings in question in any capacity as bidders, suppliers or perform any procurement functions on behalf of the procuring and disposing entity in respect of the proceedings in question.</p>
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge –</li> </ul>	0	

	<p><b>[ 0.75 ]</b></p> <ul style="list-style-type: none"> <li>• Electronic, non-machine-readable – <b>[ 0.5 ]</b></li> <li>• Only on paper – <b>[ 0.25 ]</b></li> <li>• None – <b>[ 0 ]</b></li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – <b>[ 1 point ]</b></p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – <b>[ 1 ]</b></li> <li>• Electronic, machine-readable, not free of charge – <b>[ 0.75 ]</b></li> <li>• Electronic, non-machine-readable – <b>[ 0.5 ]</b></li> <li>• Only on paper – <b>[ 0.25 ]</b></li> <li>• None – <b>[ 0 ]</b></li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
<b>Pre-tendering Phase</b>			
<b>#</b>	<b>Indicator</b>	<b>Score</b>	<b>Relevant Article and Law (if applicable)</b>

1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [ <b>0.25</b> ]</p> <p>b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [ <b>0.25</b> ]</p> <p>c) Estimated value of procurements. – [ <b>0.25</b> ]</p> <p>d) Source of funding. – [ <b>0.25</b> ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</p> <p>d) 0</p>	
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> </ul>	0	

	<ul style="list-style-type: none"> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	1	<p>PPDA Act Article 39.</p> <p>(1) Procuring and disposing entities shall plan procurement and disposal activities with a view to achieving maximum value from both public expenditures and disposal proceedings including other objectives set forth in this Act.</p> <p>(4) The annual procurement and disposal plans shall be submitted to the Authority by the last date of the first month of the financial year failing which the Authority shall impose necessary sanctions to the procuring and disposing entity and the Controlling Officer.</p>
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	1	<p>Procurement Regulations 2004 – Article 24.</p>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender</p>	1	<p>PPDA Act Article 26.</p> <p>(1) There shall be established in all procuring and disposing entities Internal Procurement</p>

	<p>within the procuring entity. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>		<p>and Disposal Committees.</p> <p>(2) The functions of the Internal Procurement and Disposal Committees shall include-</p> <p>(a) ascertaining the availability of funds to pay for each procurement;</p> <p>(b) approving the methods of procurement and disposal to be used in each case;</p> <p>(c) approving the procurement and disposal plans for the procuring and disposing entity;</p> <p>(d) appointing the chairperson of the bid opening from amongst its membership;</p> <p>(e) appointing ad-hoc evaluation team for the examination, evaluation and comparison of bids;</p> <p>(j) reviewing and approving bid evaluation reports;</p> <p>(g) reviewing and approving any contract amendments; and</p> <p>(h) such other functions as may be prescribed for the committees by the Regulations.</p> <p>Also, Articles 27, 28.</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p><i>Efficiency</i></p>	1	<p>PPDA Act Article 6.</p> <p>(1) The Authority shall, through subsidiary legislation -</p> <p>(a) set and enforce monetary thresholds for regulating procurement and disposal functions;</p>
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [1 point]</p> <p><b>Point Distribution</b></p> <p>a) Open tender is the default procedure for any</p>	<p>Overall:1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>a) and b) PPDA Act Article 37.</p> <p>(1) Public procurement shall be realized by means of open Methods of tender proceedings, subject to the exceptions provided in this procurement section, and as may be prescribed in the regulations.</p>

	<p>public procurement. – [ 0.5 ]</p> <p>b) All exceptions are clearly listed by the PPL. – [ 0.5 ]</p> <p><i>Competitiveness and Impartiality</i></p>		<p>[and following Paragraphs]</p> <p>Procurement Regulations 2004</p>
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [ 1 point ]</p> <p><i>Accountability and Integrity</i></p>	1	<p>PPDA Act Article 37.</p> <p>(10) Use of the method of procurement other than open tender or, in the case of procurement of consultancy services, a method other than request for proposals, is subject to approval by the Director General; and the procuring and disposing entity shall note in the record of the procurement proceedings the grounds for the choice of the procurement method.</p>
9.	<p>PPL stipulates that provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [ 1 point ]</p> <p>a) Where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist.</p> <p>b) For additional deliveries by the original supplier of goods or services that were not included in the</p>	1	<p>PPDA Act Article 37.</p> <p>(9) Single-source method is permitted only in the following circumstances -</p> <p>(a) where the estimated value of the procurement does not exceed the amount set in the regulations;</p> <p>(b) where only one supplier has the technical capability or capacity to fulfill the procurement requirement, or only one supplier has the exclusive right to manufacture the goods, carry out the works, or perform the services to be procured;</p> <p>(c) where there is an emergency need for the goods, works and services; or</p> <p>(d) where the procuring and disposing entity, having procured goods, works and services</p>

	<p>initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity.</p> <p>c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering.</p> <p>d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development.</p> <p>e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from regular suppliers. – [ 1 ]</p>		<p>from a supplier, determines that additional goods, works or services need to be procured from the same source for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology, or services, taking into account the effectiveness of the original procurement in meeting the needs of the procuring and disposing entity, the limited size of the proposed procurement in relation to the original procurement, the reasonableness of the price and the unsuitability of alternatives to the goods or services in question.</p>
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	<p><b>Scoring Method</b></p> <p>In case of any additional exceptions – [ 0.5 ]</p> <p><i>Uniformity of the Legislative Framework</i></p> <p><b>Source: GPA Standard</b></p>		
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**Tendering Phase**

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [ 1/8 ]</p> <p>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity.</p>	<p>Overall: 7/8</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 0</p> <p>d) 1/8</p> <p>e) 1/8</p> <p>f) 1/8</p>	<p>Procurement Regulations 2004 Article 59 .</p> <p>(1) An invitation to tender shall contain, at a minimum, the following information -</p> <p>(a) the address of the procuring entity;</p> <p>(b) the nature and quantity, and place of delivery of the goods to be supplied, the nature and location of the works to be effected, or the nature of the services and the location where the services are to be provided;</p> <p>(c) the desired or required time for the supply of the goods or for the completion of the works;</p> <p>(d) the criteria and procedures to be used for evaluating the qualifications and eligibility of</p>

	<p>– [ 1/8 ]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [ 1/8 ]</p> <p>d) Estimated value of the goods or services to be procured. – [ 1/8 ]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. – [ 1/8 ]</p> <p>f) The procurement method that will be used. – [ 1/8 ]</p> <p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [ 1/8 ]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [ 1/8 ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: GPA Standard</b></p>	<p>g) 1/8</p> <p>h) 1/8</p>	<p>bidders in conformity with sections 13 and 14 of the Act;</p> <p>(e) the means of obtaining the bidding documents and the place from which they may be obtained;</p> <p>(f) the price, if any, charged by the procuring entity for the bidding documents;</p> <p>(g) the currency and means of payment for the bidding documents;</p> <p>(h) the language or languages in which the bidding documents are available; and</p> <p>(i) the place and deadline for the submission of bids.</p> <p>Procurement Regulations 2004 – Article 63.</p>
2.	PPL stipulates that the notice of intended procurement /	Overall: 0.4	Procurement Regulations 2004 – Article 63.

	<p>tender documentation must include: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Payment conditions – [ <b>0.2</b> ]</p> <p>b) Information about bid security (if required) – [ <b>0.2</b> ]</p> <p>c) Source of funding – [ <b>0.2</b> ]</p> <p>d) Payment information for multi-year contracts – [ <b>0.2</b> ]</p> <p>e) Draft of contract – [ <b>0.2</b> ]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>	<p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0</p> <p>d) 0</p> <p>e) 0</p>	
<p>3.</p>	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [ <b>1/3</b> ]</p> <p>b) Financial position. – [ <b>1/3</b> ]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>PPDA Act Article 53.</p> <p>(1) In order to enter into a procurement contract, a bidder shall qualify by meeting the criteria the procuring and disposing entity considers appropriate.</p> <p>(2) The criteria referred to in subsection (1) may concern-</p> <p>(a) the legal capacity;</p> <p>(b) professional and technical qualifications;</p>

	<p>c) Grounds of restriction for participation. – [ 1/3 ]</p> <p><i>Competitiveness and Impartiality</i></p> <p><b>Source: EBRD Methodology</b></p>		<p>( c) financial resources and condition;</p> <p>(d) equipment and other physical facilities;</p> <p>(e) personnel and managerial capability; and</p> <p>(j) past performance, including history of legal disputes, conviction of a bidder, or its directors or officers, of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to its qualifications to enter into a procurement contract within a period of three years preceding the commencement of the procurement proceedings.</p>
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [ 0.5 ]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0</p>	<p>PPDA Act Article 28.</p> <p>(3) Use of external evaluation teams or consultants shall only be resorted to in very exceptional circumstances and only upon prior approval of the Director General.</p>

	<p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is no conflict of interest (as defined by the national legislation). – [ 0.5 ]</p> <p style="text-align: right;"><i>Efficiency</i> <b>Source: EU Standard</b></p>		
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>Procurement Regulations 2004 – Article 41.</p> <p>(1) A procuring and disposing entity shall ensure that bidding documents</p> <p>(a) are provided to all bidders responding to the invitation to tender or, in the event of pre-qualification proceedings, to all bidders that have been pre-qualified;</p> <p>(b) provide bidders with the information that they require in order to submit bids that are responsive to the needs of the procuring and disposing entity; and</p> <p>(c) include the terms and conditions of the -resultant contract.</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments,</p>	0	

	<p>either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>PPDA Act Article 34.</p> <p>(1) All public officials shall keep confidential, the Confidentiality information that comes into their possession relating to the procurement and disposal proceedings and to bids, including any bidder's proprietary information:</p> <p>Provided that the procuring entity shall upon request for an unsuccessful bidder communicate to the bidder the grounds for the rejection of its application to pre-qualify all of its bid.</p>

8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	Same as above.
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul>	0	

	<i>Transparency</i>		
10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [ 1 point ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <b>Source: EU Standard</b></p>	1	<p>Procurement Regulations 2004 – Article 25.</p> <p>(1) No requirement or reference shall be made in the technical specifications to a particular trademark or name, patent, design or type, specific original, producer or service provider, unless -</p> <p>(a) there is no sufficiently precise or intelligible way of describing the procurement requirements; and</p> <p>(b) words such as "or equivalent" are included in the specifications.</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>PPDA Act Article 44.</p> <p>(9) Prior to the entry into force of the procurement contract and, if so required, the successful bidder shall provide security for the performance of the contract.</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) The concept of conflicts of interest covers at least</p>	<p>Overall:1</p> <p>Components:</p> <p>a) 1/3</p>	<p>a) Procurement Regulations 2004 – Article 175</p> <p>b) PPDA Act Article 57.</p> <p>(2) A procuring and disposing entity shall disclose to any party with an interest in the procurement or, disposal process, during and after the procurement or disposal</p>

	<p>any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [ 1/3 ]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [ 1/3 ]</p> <p>c) The legislative framework prohibits the participation of active public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [ 1/3 ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i>  <b>Source for a): EU Standard</b>  <b>Source for b): OECD Methodology</b></p>	<p>b) 1/3</p> <p>c) 1/3</p>	<p>proceedings, all the information which may materially affect the implementation of the procurement or disposal process as prescribed in the regulations.</p> <p>Procurement Regulations 2004 – Article 175</p> <p>c) PPDA Act Article 57.</p> <p>(1) (g) not, for a period of two years after leaving the public service, get involved in the implementation of a procurement contract on behalf of a private organization with their previous employer.</p>
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13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	1	Procurement Regulations 2004 – Article 80 (1)
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) To all tender candidates; and – [ <b>0.5</b> ]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [ <b>0.5</b> ]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0</p>	<p>a) Procurement Regulations 2004 Article 46.</p> <p>(3) At any time prior to the deadline for submission of bids, the procuring entity may, for any reason, whether on its own initiative or as a result of a request for clarification by a bidder, modify the bidding documents by issuing an addendum, and the addendum shall be communicated promptly to all bidders to which the procuring entity has provided the procuring entity documents and shall be binding on those bidders.</p> <p>b) Procurement Regulations 2004 Article 46. (4) [may give additional time]</p>
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as</p>	0	Contract awarding and the awardee is only announced in papers

	<p>it is made, but no later than the end of the following working day. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Transparency</i></p>		
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [ <b>1 point</b> ]</p> <p><b>Point Distribution</b></p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [ <b>0.5</b> ] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [ <b>0.5</b> ]</p> <p>*** If a) is not applicable, b) equals [ <b>1 point</b> ].</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0</p>	<p>a) PPDA Act Article 34.</p> <p>(1) All public officials shall keep confidential, the Confidentiality information that comes into their possession relating to the procurement and disposal proceedings and to bids, including any bidder's proprietary information:</p> <p>Provided that the procuring entity shall upon request for an unsuccessful bidder communicate to the bidder the grounds for the rejection of its application to pre-qualify all of its bid.</p>
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [ <b>1 point</b> ]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p>	<p>Procurement Regulations 2004 – Article 80 (3)</p>

	<p><b>Point Distribution</b></p> <p>a) Life-cycle cost – [ 1/3 ]</p> <p>b) Best price-quality ratio – [ 1/3 ]</p> <p>c) Environmental and/or social costs – [ 1/3 ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: EU Standard</b></p>	<p>b) 1/3</p> <p>c) 1/3</p>	
<b>Post-tendering Phase</b>			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which</p>	<p>Overall: 0.3</p> <p>Components:</p> <p>a) 0.1</p> <p>b) 0.1</p> <p>c) 0</p> <p>d) 0</p>	Procurement Regulations 2004 – Article 173 (2)

	<p>additional information may be obtained. – [ 0.1 ]</p> <p>b) Subject of procurement. – [ 0.1 ]</p> <p>c) CPV codes (or other classificatory system of similar nature). – [ 0.1 ]</p> <p>d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [ 0.1 ]</p> <p>e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [ 0.1 ]</p> <p>f) Date of the signing of contract(s) or of framework agreement(s). – [ 0.1 ]</p> <p>g) Duration of the contract. – [ 0.1 ]</p> <p>h) Number of bids and their respective amounts received. – [ 0.1 ]</p> <p>i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was awarded to a group of economic operators (joint venture,</p>	<p>e) 0</p> <p>f) 0</p> <p>g) 0</p> <p>h) 0</p> <p>i) 0.1</p> <p>j) 0</p>	
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	<p>consortium or other) (where applicable). – [ 0.1 ]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [ 0.1 ]</p> <p style="text-align: right;"><i>Transparency</i> <b>Source: EU Standard</b></p>		
2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [ 0.5 ]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [ 0.5 ]</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	

	<i>Transparency</i>		
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> <li>• Only on paper – [ <b>0.25</b> ]</li> <li>• None – [ <b>0</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ <b>1</b> ]</li> <li>• Electronic, machine-readable, not free of charge – [ <b>0.75</b> ]</li> <li>• Electronic, non-machine-readable – [ <b>0.5</b> ]</li> </ul>	0	

	<ul style="list-style-type: none"> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0	
6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> </ul>	0	

	<ul style="list-style-type: none"> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [ 1 point ]</p> <p><b>Point Distribution</b></p> <p>a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [ 0.5 ]</p> <p>b) Inspection of civil works is carried out by independent engineering firms or qualified government supervisors and inspectors. – [ 0.5 ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0</p>	a) Procurement Regulations 2004 – Article 127, Article 128
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in</p>	0	

	<p>these documents. – [ 1 point ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• Electronic, machine-readable, free of charge – [ 1 ]</li> <li>• Electronic, machine-readable, not free of charge – [ 0.75 ]</li> <li>• Electronic, non-machine-readable – [ 0.5 ]</li> <li>• Only on paper – [ 0.25 ]</li> <li>• None – [ 0 ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>		
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [ 1 point ]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;"><b>Source: OECD Methodology</b></p>	1	Procurement Regulations 2004 – Article 128
10.	<p>PPL defines specific procedures for modifying contracts. – [ 1 point ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPDA Act Article 50.</p> <p>(1) All amendments to a signed procurement contract shall require the approval of the responsible authorities and shall be effected as prescribed in the regulations.</p>

11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [ <b>1 point</b> ]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	Procurement Regulations 2004 – Article 128
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [ <b>1 point</b> ]</p> <p><b>Scoring Method</b></p> <ul style="list-style-type: none"> <li>• In electronic form for a period of at least 10 years. – [ <b>1</b> ]</li> <li>• In paper form for a period of at least 3 years. – [ <b>0.5</b> ]</li> </ul> <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>PPDA Act Article 32.</p> <p>(1) A procuring and disposing entity shall maintain records of all procurement and disposal proceedings for a period of five years from the date of-</p> <p>(a) contract completion or termination;</p> <p>(b) the decision to cancel the procurement proceedings or disposal process;</p> <p>(c) the settlement of any dispute under a procurement contract; or</p> <p>(d) the resolution of any complaint, challenge or appeal made under this Act.</p> <p>(2) In an event that the period referred to in subsection (1) has expired but the documentation has not been subjected to an audit, the records of procurement and disposal proceeding</p>
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [ <b>1 point</b> ]</p>	<p>Overall: 0.5</p> <p>Components:</p> <p>a) 0</p>	Procurement Regulations 2004 – Article 170

	<p><b>Point Distribution</b></p> <p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [ 0.5 ]</p> <p>b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [ 0.5 ]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>b) 0.5</p>	
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