

Transparent Public Procurement Rating



Tanzania

Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Tanzania was prepared by the Institute of Public Accountability (WAJIBU) in 2018.

The Project – [Transparent Public Procurement Rating](#) – is implemented by the Institute for Development of Freedom of Information (IDFI) in partnership with a [network](#) of organizations and procurement specialists from more than 30 countries.



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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 TPPR 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.

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

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point]	1	https://ors.brela.go.tz/orsreg/searchbusinesspublic You Can search for any entity registered under Company Act 2002
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	
3.	Public officials are required by law to file asset declarations. – [1 point]	1	The Public Leadership Code of Ethics 1995 Sect. 9 All public leaders (as defined in Sect 4 of the Code) are required to declare their assets and liabilities The Code is accessible at: https://www.policyforum-tz.org/sites/default/files/LeadersCodeofEthics1995.pdf
4.	The country has adopted legal provisions ensuring the right to request public information.– [1 point]	1	Access to Information Act (2016) The act can be accessed at: http://www.freedominfo.org/wp-content/uploads/Tanzania-Access-to-Information-Act-2016.pdf
5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	1	Whistleblower and Witness Protection Act Sect 9 - 14

Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>Public Procurement Legislation (PPL), 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. – [1 point]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>The Public Procurement Act of 2011 (CAP. 410)</p> <p>The Public Procurement (Amendment) Regulations of 2016</p> <p>The Public Procurement Regulations of 20 December, 2013</p> <p>The Local Government Authorities Tender Boards (Establishment and Proceedings) Regulations, 2018</p>
2	<p>PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>https://www.ppra.go.tz/index.php/2012-03-07-08-56-44/public-procurement-act</p> <p>https://www.ppra.go.tz/index.php/2012-03-07-08-56-44/2012-11-22-11-22-48</p> <p>www.ppra.go.tz (Documents & Guidelines button)</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>Point Distribution</p> <p>a. All state budget entities – [0.2] b. Local government entities – [0.2] c. Legal Entities of Public Law (LEPL) – [0.2] d. State owned companies – [0.2] e. State non-commercial legal entities – [0.2]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2 b) 0.2 c) 0.2 d) 0.2 e) 0.2</p>	<p>PPA 2011 Sect. 2</p> <p>The Public Procurement Act applies to all state and non-state actors whose:</p> <p>i. Budgets are fully funded by the government, ii. Budgets are partly funded by the government, iii. Projects implemented under Private Public Partnership, arrangement and iv. State Owned Companies</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>Point Distribution</p> <p>a. The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5] b. PPL clearly lists or refers to all exemptions. – [0.5]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5 b) 0.5</p>	<p>PPA 2011 Sect. 2 and 63 - 67</p> <p>The act and regulations applies to all sectors where competition is possible with exception of specific listed circumstances like emergency procurement.</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>1</p>	<p>PPA 2011, Part III, Sect. 7 (1) - <i>There is established an authority to be known as the Public Procurement Regulatory Authority(PPRA).</i></p>

	<p>Scoring Method</p> <ul style="list-style-type: none"> • PPL determines a separate state body responsible for managing public procurement which is authorized to have income in addition to state funding. – [1] • PPL determines a separate state body responsible for managing public procurement. – [0.75] • PPL assigns this function to a subordinated public body (ies). – [0.5] • There is no responsible state body. – [0] <p><i>Uniformity of the Legislative Framework</i></p>		<p>PPA 2011, Part III, Sect. 8 - <i>The objectives of the Authority shall be to - (a) ensure the application of fair, competitive, transparent, non-discriminatory and value for money procurement standards and practices; (b) set standards for the public procurement systems in the United Republic of Tanzania; (c) monitor compliance of procuring entities; and (d) build, in collaboration with Public Procurement Policy Division and other relevant professional bodies, procurement capacity in the United Republic.</i></p> <p>Additional Income - PPA 2011 Sect. 25 (2) - <i>The Authority may charge and collect fees on documents.</i></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 control) of public procurement activities. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPA 2011 Sect. 9 (1)</p> <p><i>(b) monitor and report on the performance of the public procurement systems in the United Republic of Tanzania and advise on desirable changes;</i></p> <p><i>(m) undertake research and surveys nationally and internationally on procurement matters;</i></p>
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. – [1 point]</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p>	

	<p>Point Distribution</p> <p>a. Legislation provides for a mechanism of consultation with the private sector. – [0.25]</p> <p>b. Legislation provides for a mechanism of consultation with the civil society sector. – [0.25]</p> <p>c. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></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. – [1 point]</p> <p>Point Distribution</p> <p>a. PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5]</p> <p>b. PPL stipulates that electronic means is the primary method of communication between procuring entities and tender participants. – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>For point a) PP Regulations 2013, Reg. 342 (1) - <i>The e-PPs shall be implemented by all procuring entities in full or partially in parallel with the conventional manual procedures.</i></p> <p>Such article may be interpreted as e-tendering being of similar status as paper-based procurement.</p> <p>For point b) PP Regulations 2013, Reg. 12 (1) - <i>Subject to the provisions of these Regulations communication between tenderers and a procuring entity shall be in written or electronic form that provides a record of the content of the communication.</i></p> <p>Section 12 (b) of Public Procurement (Amendment) Act, 2016 – “with exceptional of areas where there is no electronic infrastructure, all procurement information is promptly posted electronically”.</p> <p>Sec. 63 of PPA, 2011 as amended by Sec. 20 of PPA (Amendment) Act, 2016 – PEs shall ensure that procurement or disposal by tender is implemented and reported through electronic procedures or manually where electronic facility</p>

			<p>is not available</p> <p>Part XI of PPR (GN. 446) stipulates procedures for conducting electronic procurement</p>
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>PP Regulations 2013, Reg. 3 - <i>Tenders Portal</i>” means a web portal of the Authority containing all information relating to public tenders</p> <p>PP Regulations 2013, Part XI, Reg. 340</p> <p>tender.ppra.go.tz</p> <p>taneps.ppra.go.tz</p>
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. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	1	<p>PP Regulations 2013, Part XI, Reg. 341 (2) - <i>The use of the e-PPs shall only be for lawful purposes that do not infringe the rights of or restrict or inhibit the use of the system by any third party, and such restriction or inhibition includes but not limited to conduct which is intended to mislead or is defamatory or which may harass, cause distress or inconvenience to any person and the transmission of obscene or offensive content or interruption of the normal flow of content within the e-PPs.</i></p> <p>PP Regulations 2013, Part XI, Reg. 341 (3) - <i>The e-PPs shall be hosted in e-PPs Data Centre at the Authority and its web portal shall be accessible for use through web URL specified by the Authority.</i></p> <p>PP Regulations 2013, Part XI, Reg. 341 (4) - <i>All stakeholders including the general public, tenderers, procuring entities, payment service providers, development partners, media, e-PPs administrators and auditors may get</i></p>

			access to e-PPs and information thereof in accordance with specified terms and conditions of use, disclaimer and privacy policy, and upon successful registration to the system.
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [1 point]</p> <p>Point Distribution</p> <p>a. PPL should not allow domestic preferences. – [1/5]</p> <p>b. Participation of any candidate or group of candidates is based on qualification.– [1/5]</p> <p>c. Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5]</p> <p>d. State owned companies are not given any preference.– [1/5]</p> <p>e. Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>	<p>Overall: 2/5</p> <p>Components:</p> <p>a) 0</p> <p>b) 1/5</p> <p>c) 0</p> <p>d) 0</p> <p>e) 1/5</p>	<p>For point a) PP Regulations 2013, ninth schedule - <i>PREFERENCE SCHEME FOR LOCAL SUPPLIERS, CONTRACTORS AND SERVICE PROVIDERS</i></p> <p>PPA 2011, sect. 55 (1) - <i>Where financial resources are exclusively provided by a Tanzanian public body, each procurement of works, goods or services that has a value not exceeding a threshold specified in the Regulations shall be reserved exclusively for local persons or firms.</i></p> <p>“the purpose for special preferences to local tenders and that of special groups is for capacity building and economic empowerment”</p> <p>For point b) PP Regulations 2013, Reg. 8 – <i>(c) ensure that all the selection criteria are specified in the tender documents or prequalification and request for proposal; and (d) ensure that the tender or proposal selected conforms to the requirements of the tender documents or request for proposal and meets the prescribed selection criteria.</i></p> <p>For point c) PP Regulations 2013, Reg. 345 (3) - The registration shall be done through the online centralized registration system of the e-PPs and may be followed by validation of credentials through due-diligence by the Authority.</p> <p>PP Regulations 2013, Reg. 345 (5) - <i>If any misinformation is identified or any document submitted is found false and the user does not correct that information, the user account shall be cancelled or suspended and appropriate action shall be taken in accordance with applicable laws.</i></p> <p>For point d) PP Regulations 2013, ninth schedule - <i>PREFERENCE SCHEME FOR</i></p>

			<p><i>LOCAL SUPPLIERS, CONTRACTORS AND SERVICE PROVIDERS</i></p> <p>For point e) PP Regulations 2013, Reg.13 (5) - <i>Where it is decided to extend the submission date the notice of any extension of the deadline shall be give promptly to tenderers to which the procuring entity provide the solicitation documents.</i></p> <p>PP Regulations 2013, Reg. 187 (5) - <i>Any extension of the tender period shall be done reasonably in advance of the closing date and promptly communicated to all who have collected the tender documents.</i></p> <p>Sec. 51 (2 & 3) of PPA, 2011 stipulates for qualifications for tenders to participate in public procurement</p>
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>PPA 2011, Sect. 68 (3) - <i>Any tender notice shall be published in sufficient time, as prescribed in the Regulations, to enable prospective tenderers to obtain tender documents and prepare and submit their responses before the deadline for receipt of tenders.</i></p> <p>PP Regulations 2013, Reg. 68(3), (3) - <i>The timescale for each procurement shall be calculated on the basis of the standard processing times prescribed in the Eighth and Twelfth Schedules to these Regulations, allowing any necessary margin for delays in transmission of documents or clarification of tenders or proposals.</i></p> <p>PP Regulations 2013 -120, 163, 187, 286 (6) 68, 280 and 295)</p> <p>Eighth Schedule and Twelveth Schedule</p>
13.	<p>PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point]</p>	1	<p>PPA 2011, sect. 37 (1) - <i>There shall be established in every procuring entity Procurement Management Unit staffed to an appropriate level.</i></p>

	<i>Uniformity of the Legislative Framework</i>		
14.	<p>PPL references sanctions for violations of the PPL. – [1 point]</p> <p><i>Accountability and Integrity</i></p>	1	<p>PPA 2011, sect. 96 (3) - Where after proper investigation, it is established that, the Chairman of the tender board, any member of the tender board, the secretary of the tender board or any other public officer of the procuring entity has violated this Act and the regulations made under it, the accounting officer shall take appropriate actions against him.</p> <p>PPA 2011, sect. 62 - <i>The Authority shall have power to blacklist a tenderer for a specified time from participating in public procurement proceedings and notify all procuring entities on such actions.</i></p> <p>PPA 2011, sect. 83.</p> <p>Sec. 104 of PPA, 2011 stipulates offences and sanctions for offenders of PPA</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 firms or individuals found guilty of fraud or corruption. – [1 point]</p> <p><i>Accountability and Integrity</i></p> <p>Source: OECD Methodology</p>	1	<p>PPA 2011 – Definitions “Fraudulent Practice” and “Corrupt Practice”</p> <p>PPA 2011 Sect. 62, 83 and 104</p> <p>PP Regulations 2013, 78</p>
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [1 point]</p>	1	<p>PPA 2011, sect. 95 (1) - <i>Any tenderer who claims to have suffered or that may suffer any loss or injury as a result of a breach of a duty imposed on a procuring entity by this Act may seek a review in accordance with sections 96 and 97.</i></p>

	<p>Scoring Method</p> <ul style="list-style-type: none"> • PPL ensures the right to review, for general public, tender participants and potential suppliers. – [1] • PPL ensures the right to review, for tender participants and potential suppliers. – [0.75] • PPL ensures the right to review, for tender participants. – [0.25] • No one has the right to review. – [0] <p><i>Uniformity of the Legislative Framework</i></p>		<p>PP Regulations 2013, 104 – <i>A tenderer who claims to have suffered or who may suffer any loss or injury as a result of breach of a duty imposed on a procuring entity or an approving authority by the Act or these Regulations may apply for a review</i></p> <p>Sec. 11 of PPA, 2011 – allows any individual to provide information, if any, to the Authority with regards to complaints on public procurement issue which may result to an investigation</p> <p>The right to review does not include general public because it may destruct or delay the procurement process. Hence, any individual (non-participating tenderer) who has any complaint may provide his/her complaint to PPRA</p>
17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <p>a. Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3]</p> <p>b. A procurement contract cannot be awarded with a pending complaint.– [1/3]</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. – [1/3]</p> <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>For point a) PPA 2011, sect. 95 (1) - <i>Any tenderer who claims to have suffered or that may suffer any loss or injury as a result of a breach of a duty imposed on a procuring entity by this Act may seek a review in accordance with sections 96 and 97.</i></p> <p>PP Regulations 2013, 104 – <i>A tenderer who claims to have suffered or who may suffer any loss or injury as a result of breach of a duty imposed on a procuring entity or an approving authority by the Act or these Regulations may apply for a review</i></p> <p>PP Regulations 2013, Reg.107 (c) – states that review by the Appeals Authority takes place after - <i>arise after the procurement contract has entered into force pursuant to section 60(11) of the Act</i></p> <p>For point b) PPA 2011, sect. 100 (1) - <i>Upon receipt of a complaint or dispute, the accounting officer shall subject to subsection (2), suspend the</i></p>

			<p><i>procurement process pending determination of a complaint or an appeal.</i></p> <p>PP Regulations 2013, 106 (1(a)) - (a) <i>suspend the procurement or disposal proceedings of the tender in dispute, until he delivers a written decision on the complaint;</i></p> <p>PPA 2011 Sect. 60 (3) - <i>Upon receipt of notification, the accounting officer shall, immediately thereafter issue a notice of intention to award the contract to all tenderers who participated in the tender in question giving them fourteen days within which to submit complaints thereof, if any.</i></p> <p>Sec. 63 of Public Procurement (Amendment) Act, 2016 – it has reduced number of days from 14 to 7 working days</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. – [1 point]</p> <p>Point Distribution</p> <p>a. PPL ensures the existence of an independent review body. – [0.7]</p> <p>b. The review body includes civil society members. – [0.3]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.7</p> <p>b) 0.3</p>	<p>For point a) PPA 2011, sect. 88 (1) - <i>There is established an independent procurement appeals authority to be known as the Public Procurement Appeals Authority.</i></p> <p>For point b) PPA 2011, sect. 88 (2) b(ii) - <i>five other members, at least two of them from the private sector with professional knowledge and experience in public procurement, construction industry, business administration, finance or law.</i></p>
19.	PPL ensures electronic, machine-readable and free of charge	0	

	<p>access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	<p>The law does not indicate anywhere that the decisions should be made public, neither in the PPA 2011, nor in PPR 2013.</p> <p>Nevertheless, existing practice is different as the dispute settlement body has its own portal, where decisions are public.</p> <p>www.ppaa.go.tz</p> <p>One of the case can be accessed here: https://www.ppaa.go.tz/appealweb/APPEAL.NO.1.2018-19.pdf</p>

Pre-tendering Phase			
#	Indicator	Score	Relevant Article and Law (if applicable)
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: – [1 point]</p> <p>Point Distribution</p> <p>a. Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25]</p> <p>b. Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25]</p> <p>c. Estimated value of procurements. – [0.25]</p> <p>d. Source of funding. – [0.25]</p> <p style="text-align: right;"><i>Efficiency</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.25</p> <p>b) 0.25</p> <p>c) 0.25</p> <p>d) 0.25</p>	<p>PP Regulations 2013, Reg. 87 (1) - <i>For the Authority to continuously monitor procurement activities and contract implementation, procuring entities shall submit to the Authority annual procurement plans, information on tender notices, invitations for quotations, request for proposals, contract award, contract termination and monthly, quarterly and annual procurement implementation reports in the prescribed format and through systems developed by the Authority.</i></p> <p>Despite the fact that the plans are to be submitted, there is no legal document that defines its components. However, in practice the plans are mostly public.</p> <p>Plans can be accessed here:</p> <p>http://tenders.ppra.go.tz/general-procurement-notice.php</p> <p>For some specific tenders the adverts include the source of funding)</p> <p>Sec. 106 of PPA, 2011 mandates PPRA to issue guidelines on the implementations of PPA. Through this Section, PPRA issued guidelines on</p>

			<p>preparation of APP. Within the guidelines there are templates that show required components of the plan.</p> <p>Regulation 18 of PPR, 2013 on publication of General Procurement Notice (GPN)</p> <p>https://www.ppra.go.tz/index.php/2013-01-26-09-04-59</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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>The regulation requires PPRA to publish on tender portal and its Journal the PEs APP and its summary which is public</p> <p>Regulation 18 of PPR, 2013</p> <p>www.tenderportal.ppra.go.tz</p> <p>www.ppra.go.tz</p> <p>www.tender.ppra.go.tz</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;">Source: OECD Methodology</p>	1	<p>PPA 2011, sect. 49 (2)</p> <p><i>The annual procurement plan shall be approved by an appropriate budget approving authority.</i></p> <p>PP Regulations 2013, Reg. 70</p>

			<i>A procuring entity shall prepare its annual Procurement plan as part of budget process and submit the plan to the Authority within fourteen days after the completion of the budget process.</i>
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	PP Regulations 2013, Reg. 75 (1) - <i>Procuring entities shall ensure that funds are allocated or committed before commencing procurement proceedings.</i>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	PPA 2011 Sect. 37 and 38
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>PP Regulations 2013, Reg. 255 and 310 - eleventh schedule</p> <p>PP Regulations 2013, 331 fifteenth schedule</p> <p>PP Regulations 2013, 66 (2) tenth schedule</p> <p>PP Regulations 2013, 151, 165 and 166 Seventh Schedule</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>Overall: 1</p> <p>Components:</p>	<p>For point a) PPA 2011, sect. 63 (1) and (2)</p> <p>For point b) PPA 2011, sect. 64 (2), (3) and (4)</p>

	<p>Point Distribution</p> <p>a. Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b. All exceptions are clearly listed by the PPL. – [0.5]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>	<p>a) 0.5</p> <p>b) 0.5</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 style="text-align: center;"><i>Accountability and Integrity</i></p>	0	
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 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</p>	1	<p>PP Regulations 2013, Reg. 159</p> <p><i>1) Subject to approval by the tender board, a procuring entity may engage in a single-source procurement in accordance with sub-regulation (3) under the following circumstances:</i></p> <p><i>(a) the goods or services are available only from a particular tenderer who has exclusive rights in respect of the goods or services, and no reasonable alternative or substitute exists (sole-sourcing); or</i></p> <p><i>(b) there is an urgent need for the goods or services, and engaging in tendering proceedings or any other method of procurement would therefore, be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable by the procuring entity nor the result of dilatory conduct on its part; or</i></p> <p><i>(c) a procuring entity, having procured goods, equipment, technology, services or spare parts from a supplier, following national or international competitive tendering satisfactory to these Regulations, determines that</i></p>

<p>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>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i> Source: GPA Standard</p>	<p><i>additional supplies of the same type as those purchased under an existing contract are required; or</i></p> <p><i>(d) a procuring entity seeks to enter into a contract with a tenderer for the purpose of research, experiment, study or development, except where the contract includes the product of goods in quantities to establish their commercial viability or to recover research and development costs; or</i></p> <p><i>(e) procurement involving national defence or national security and where it is determined that a single - source procurement is the most appropriate method of procurement; or</i></p> <p><i>(f) where critical items need to be purchased from a specified supplier to ensure that the output of a process plant shall be guaranteed by the contractor responsible for the process design; or</i></p> <p><i>(g) where standardization of equipment is essential for economic and technical reasons and it has been proved to the tender board's satisfaction that compatibility of the existing equipment with another make of equipment cannot be established and that there is no advantage in having an alternative supplier; or</i></p> <p><i>(h) where standardization of spare parts is required so that they may be compatible with existing equipment or spare parts or stock items related to specific and specialized equipment or machinery; or</i></p> <p><i>(i) where an on-going project, additional items need to be purchased for the completion of implementation.</i></p> <p><i>(2) For purposes of these Regulations, standardization is considered to be appropriate if the original equipment is suitable for the purposes of the project being financed and have been acquired at reasonable prices through national or international competitive tendering satisfactory to the tender board and that the number of the new items to be added is less than the existing value and cannot be obtained from other sources.</i></p> <p><i>(3) In the circumstances prescribed under sub regulation (1), a procuring entity may procure the goods or services, by soliciting proposal or price quotation from a single supplier.</i></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>Point Distribution</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. – [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</p>	<p>Overall: 6/8</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 0</p> <p>d) 0</p> <p>e) 1/8</p> <p>f) 1/8</p> <p>g) 1/8</p> <p>h) 1/8</p>	<p>PPA 2011, sect. 70 (1) - 70.-(1) <i>The procuring entity shall use the appropriate standard model tender documents specified in the Regulations for the procurement in question.</i></p> <p>Standard Tender Documents available on the portal of the PPRA</p> <p>PP Regulations 2013, Reg. 182 - The invitation to tender shall contain the following information:</p> <p>(a) the name and address of the procuring entity;</p> <p>(b) the nature, quantity and place of delivery of the goods to be supplied or the nature, quantity and location of the works to be effected or the nature of the services and the location where they 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 or for the provision of the services;</p> <p>(d) a declaration, which shall not later be altered, that tenderers may participate in the procurement proceedings regardless of nationality or declaration that participation is limited on the basis of nationality;</p> <p>(e) the means or conditions of obtaining the solicitation documents and the place from which they may be obtained;</p>

	<p>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: center;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>		<p>(f) fees if any, to be charged by the procuring entity for the tender document;</p> <p>(g) the currency and means of payment for the solicitation documents;</p> <p>(h) the language in which the solicitation documents are available;</p> <p>(i) the physical address for the submission of tenders;</p> <p>(j) the deadline for the submission of tenders;</p> <p>(k) the physical address, hour and date for opening of tenders; and</p> <p>(l) the source of financing.</p>
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <p>a. Payment conditions – [0.2]</p> <p>b. Information about bid security (if required) – [0.2]</p> <p>c. Source of funding – [0.2]</p> <p>d. Payment information for multi-year contracts – [0.2]</p> <p>e. Draft of contract – [0.2]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0.8</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0</p> <p>e) 0.2</p>	<p>PPA 2011, sect. 70 (1) - 70.-(1) <i>The procuring entity shall use the appropriate standard model tender documents specified in the Regulations for the procurement in question.</i></p> <p>Standard Tender Documents available on the portal of the PPRA</p> <p>(e) Regulation 184 (e) of PPR, 2013 - Stipulates that tender documents should include a draft contract <i>the terms and conditions of the procurement contract, if they are known to the procuring entity, and the contract form, if any, to be signed by the parties;</i></p>

3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a. Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities.– [1/3]</p> <p>b. Financial position.– [1/3]</p> <p>c. Grounds of restriction for participation.– [1/3]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: EBRD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>For point a) PP Regulations 2013, Reg. 9 (11(c)) - <i>where applicable, the major items of equipment proposed for use in carrying out the contract; the qualifications and experience of key personnel proposed for administration and execution of the contract, both at and away from the place of execution of the contract;</i></p> <p>for point c) PP Regulations 2013, Reg. 9</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>Point Distribution</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>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</p>	<p>Overall: 0</p> <p>Components:</p> <p>a. 0</p> <p>b. 0</p>	

	<p>interest (as defined by the national legislation). – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: EU Standard</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>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>PP Regulations 2013, Reg. 18 (1) - A procuring entity intending to procure goods, works or services shall prepare its general procurement notice based on its annual procurement plan and submit it together with its summary to the Authority for publication in the Journal and Tenders' Portal.</p> <p>PP Regulations 2013, Reg. 3 - Tenders Portal" means a web portal of the Authority containing all information relating to public tenders</p>
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] 	1	<p>PP Regulations 2013, Reg. 18 (4) Any revisions made by the procuring entity to the general procurement notice shall be posted in the Journal and Tenders Portal.</p> <p>PP Regulations 2013, Reg. 3 - Tenders Portal" means a web portal of the Authority containing all information relating to public tenders</p>

	<ul style="list-style-type: none"> • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	PPA 2011, sect. 61 (3) A list of tenderers who submitted tenders and the prices tendered, as read out at the time of opening the tenders in public, may be made available to tenderers and to the general public.
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] 	0	PPA 2011, sect. 61 (3) A list of tenderers who submitted tenders and the prices tendered, as read out at the time of opening the tenders in public, may be made available to tenderers and to the general public.

	<ul style="list-style-type: none"> • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		
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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	1	<p>PPA 2011 Sect. 60 (2)</p> <p>Upon receipt of notification, the accounting officer shall, immediately thereafter issue a notice of intention to award the contract to all tenderers who participated in the tender in question giving them fourteen days within which to submit complaints thereof, if any.</p> <p>PPA 2011 Sect 61 (3)</p> <p>A list of tenderers who submitted tenders and the prices tendered, as read out at the time of opening the tenders in public, may be made available to tenderers and to the general public.</p>
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> Source: EU Standard</p>	1	<p>PP Regulations 2013, Reg. 22 (2) <i>Any terms, specifications, plans, drawings, designs and requirements or descriptions of goods, construction or services shall be based on the relevant objective, technical and quality characteristics of the goods, construction or services to be procured and no reference to a particular trade mark, name, patent, design, type, specific origin or producer shall be issued.</i></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>PPA 2011 Sect 58 (1)</p> <p>PP Regulations 2013, 23 (1)</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</p> <p>a. The concept of conflicts of interest covers at least 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</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>For point a) PPA 2011 Sect. 84 (3) - <i>A procuring entity shall not procure from a member of its staff or a person who has direct influence on the decision of a procuring entity acting in a private capacity, either alone or as a partner in a partnership or as an officer of a company.</i></p> <p>For point b) PPA 2011, Sect. 84 (5) - <i>A member of staff of a procuring entity or a person with direct influence on the decisions of a procuring entity shall declare an interest that he may have in any tenderer and the tenderer against whom the interest has been declared shall be barred from participating in such procurement.</i></p> <p>PP Regulations 2013, Reg. 7 (6)</p> <p>Sec. 24 (5) of PPA, 2011 – stipulates that ex- Board chairman, members, CEO and any employee of the Authority shall not, during the period of twelve months after expiration or termination of the term of the office with the Authority – enter into contract of employment, or supply of services to any person or organization who was subject to a contract with the Authority at time when such person was the chairman, member, CEO or employee of the Authority.</p> <p>Sec. 84 (3 & 5) of PPA, 2011 prohibit PE to procure from a member of its staff or a person with a direct influence on the decision.</p>

	<p>otherwise. – [1/3]</p> <p style="text-align: center;"><i>Accountability and Integrity</i> Source for a): EU Standard Source for b): OECD Methodology</p>		
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. – [1 point]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>	1	PPA 2011 Sect. 72 (2), 74
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: – [1 point]</p> <p>Point Distribution</p> <p>a. To all tender candidates; and – [0.5]</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. – [0.5]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>PP Regulations 2013, Reg.13.</p> <p>(1) A tenderer may request a clarification of the solicitation documents from a procuring entity, provided that such request is submitted to a procuring entity at least:</p> <p>(a) in the case of competitive tendering methods, fourteen days prior to the deadline for the submission of the tenders; and</p> <p>(b) in the case of noncompetitive tendering methods, three days prior to the deadline for the submission of the tenders.</p> <p>(2) The procuring entity shall, within three working days after receiving the request for clarification, communicate in writing to all tenderers to which the procuring entity has provided the solicitation documents without identifying the source of the request so as to enable the tenderers to take into account the clarification received in the preparation of their tenders.</p> <p>(3) At any time prior to the deadline for submission of tenders, the procuring entity may, for any reason, whether on its own initiative or as a result of a request for clarification by a tenderer, modify the solicitation documents by issuing an addendum.</p> <p>(4) The addendum shall be communicated promptly to all tenderers to which the procuring entity has provided the solicitation documents and shall be binding on those tenderers provided that the procuring entity shall extend</p>

			the tender period if deemed necessary. (5) Where it is decided to extend the submission date, the notice of any extension of the deadline shall be given promptly to tenderers to which the procuring entity provided the solicitation documents.
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 it is made, but no later than the end of the following working day. – [1 point]</p> <p style="text-align: right;"><i>Transparency</i></p>	0	<p>PP Regulations 2013, 236</p> <p>The government has issued a circular to direct that all the tender award to be published within 7 days, previous it was 14 days.</p> <p>This is done after consideration of the country's IT infrastructure. As the IT infrastructure improve the days will be reduced further.</p>
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [1 point]</p> <p>Point Distribution</p> <p>a. Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5]***</p> <p>b. Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5]</p> <p>*** If a) is not applicable, b) equals [1 point].</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>For point a) PP Regulations 2013, 237 Reg. 20 (1)</p> <p>For point b) PP Regulations 238 (2) - A tenderer with a lower price but passed over is to be given more detailed written reasons as to why his tender was not accepted, if he so specifically requests, such reasons must conform with those recorded in the tender board's minutes.</p> <p>(3) Requests for information from other tenderers shall be considered on merits and, except where a tenderer specifically advises otherwise, all details of tenders submitted shall be treated as confidential between the tenderer and the procuring entity.</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: – [1 point]</p> <p>Point Distribution</p> <p>a. Life-cycle cost – [1/3] b. Best price-quality ratio – [1/3] c. Environmental and/or social costs – [1/3]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a)1/3 b)1/3 c)1/3</p>	<p>PPA 2011 Sect. 74 (1)</p> <p>For point a) and b) PP Regulations 2013, Reg. 5 (1) <i>Public officers and members of tender boards shall, when undertaking or approving procurement or disposal of public assets by tender, choose appropriate procedures and cause the procurement or disposal of assets to be carried out diligently and efficiently, so that the prices paid or received by the procuring entity represent the best value or net outcome that can reasonably be obtained for the funds applied for or the assets disposed of.</i></p> <p>PP Regulations, Reg. 335</p> <p>For point c) PP Regulations 2013, Reg.4 (4 (c)) - the need to ensure that national, social, economic and environmental interests are protected.</p>
Post-tendering Phase			
#	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>Point Distribution</p>	<p>Overall: 0.7</p> <p>Components:</p> <p>a) 0.1 b) 0.1</p>	<p>PP Regulations 2013, Reg. 20 (1)</p> <p>Awarded tenders can be viewed here: http://tenders.ppra.go.tz/award-contract.php or http://tenders.ppra.go.tz/model/tpj/TPJ_45_of_2018.pdf</p> <p>Regulation 234 of PPR, 2013</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 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, 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></p>	<p>c) 0</p> <p>d) 0.1</p> <p>e) 0</p> <p>f) 0.1</p> <p>g) 0.1</p> <p>h) 0.1</p> <p>i) 0.1</p> <p>j) 0</p>	<p>(a) the names of the person or body to whom the contract is awarded;</p> <p>(b) the amount of tender and the date on which the award was made;</p> <p>(c) description of the contract, bidding process including tender invitation, issuing of tender documents, pre-tender clarifications, if any and bid opening and evaluation;</p> <p>(d) complaints received during tender process, if any.</p>
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	Source: EU Standard		
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>Point Distribution</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 style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	
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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>PPA 2011 Sect. 9 (1) f</p> <p>PP Regulations 2013, Reg. 363 (2) - (2) Contract awards from e-auctions shall immediately be published online in the appropriate section of e-PPs, together with the name of successful tenderer and the awarded price.</p> <p>(3) There shall not be any negotiation during or after the e-auction process is closed.</p> <p>Awarded contracts can be viewed here: http://tenders.ppra.go.tz/award-contract.php or http://tenders.ppra.go.tz/model/tpj/TPJ_45_of_2018.pdf</p> <p>http://tenders.ppra.go.tz/model/tpj/TPJ_47_of_2018.pdf</p>

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. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	
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>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <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>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</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> Source: OECD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>For point a) PP Regulations 2013, Reg. 244 - 251</p> <p>PPGSRW 2005 Reg. 126, 127</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge</p>	0	

	<p>access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <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> Source: OECD Methodology</p>	1	PP Regulations 2013, 244 - 251
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>PP Regulations 2013, Reg. 61 - 61.- (1) Any amendment to the contract that may change the original terms and conditions of such contract shall be prepared by the procurement management unit in consultation with the user department before it is submitted to the tender board for approval.</p> <p>(2) A contract amendment shall not be issued to a tenderer prior to- (a) obtaining approval from a tender board; (b) commitment of the full amount of funding of the amended contract price over the required period of the</p>

			<p>revised contract; and (c) obtaining approval from other relevant bodies including the Attorney General.</p> <p>(3) A contract amendment for additional quantities of the same items shall use the same or lower unit prices as the original contract.</p> <p>(4) A contract amendment shall not increase the total contract price by more than fifteen percent of the original contract price without the approval of budget approving authority.</p>
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>PPA 2011 Sect. 70 (1) 1</p> <p>And all the standard contracts contains dispute resolution procedures.</p> <p>Visit Contract sample here: https://www.ppra.go.tz/index.php/enewsletters/2012-11-29-09-10-09/2012-11-29-09-11-19/2012-11-29-09-27-49</p>
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • In electronic form for a period of at least 10 years. – [1] • In paper form for a period of at least 3 years. – [0.5] <p><i>Transparency</i></p>	0.5	PPA 2001 Sect. 61 (1)

13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [1 point]</p> <p>Point Distribution</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>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>For point a) PPA 2011, sect. 48 (2)</p> <p>For point b) PPA 2011 Sect. 48 (3)</p>
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