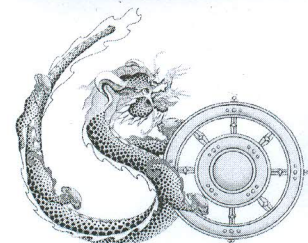




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ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF FINANCE
TASHICHHO DZONG



MoF/PPPD-02/2014-2015/ 143

July 7, 2015

NOTIFICATION

Subject: Amendment 11 to the Procurement Rules and Regulations 2009 and the Standard Bidding Documents

The Ministry of Finance is pleased to inform that the following amendments have been made to the Procurement Rules and Regulations 2009 and the Standard Bidding Documents. *The amendments are indicated in bold italics*

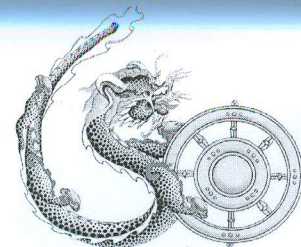
1. Procurement Rules and Regulations 2009 clause 8.1.2: Any supplier, contractor or service provider who has or is likely to suffer, loss or injury resulting from an alleged breach of such duty, may make a complaint or seek review in accordance with this section, provided that the complaint or review procedure shall be brought promptly and in any event within ***20 days of the date upon which the complainant became aware or should have become aware of the circumstances giving rise to the complaint the prescribed time.***
2. Procurement Rules and Regulations 2009 clause 8.1.3: A supplier, contractor or service provider may, in the event of a perceived breach of a duty imposed upon a Procuring Agency in respect of a specific procurement procedure, submit a written complaint to the head of the procuring agency responsible for such procedure ***promptly and in any event within 10 days of the letter of intent to award the contract.***
3. Procurement Rules and Regulations 2009 clause 8.1.4: The head of agency shall, within ***15 7 days*** after the submission of the complaint, issue a written decision which shall:
 - a. state the reasons for the decision; and
 - b. if the complaint is upheld in whole or in part, indicate the corrective measures are to be taken.
4. Procurement Rules and Regulations 2009 clause 8.1.6: A review procedure shall be brought by the complainant within ***10 5 days*** of the decision of the Head of the Procuring Agency or, where no such decision has been taken, within ***25 15 days*** of the original complaint.
5. Procurement Rules and Regulations 2009-sample evaluation report (PRR-3) Sl.No.11 ***Evaluation table showing ranking of the bids***

(The bid ranking is done in ascending order of bid prices)



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As per Clause 4.5 of the Instructions to the Bidders, in order to qualify for award of the Contract, the substantially responsive bidders should meet the minimum qualifying criteria. Therefore the substantially responsive bids are evaluated against the following minimum qualifying criteria and ~~score assigned evaluation table showing ranking of the bids are as follows:~~(The evaluation table showing the ranking of the bids generated from e-tool to be attached here).

~~Following are the bidders who have scored a minimum of 65 or more put of 100 in the Stage 1 Evaluation and will be considered for further evaluation:~~

- ~~1. X~~
- ~~2. Y~~
- ~~3. Z~~

~~The overall price preference financial score is obtained by using the following formula for any qualified contractor (x):-~~

$$\frac{\text{Lowest quoted bid among qualifying bids}}{90 X} + 10\% \text{ of the Preference Score of } x$$

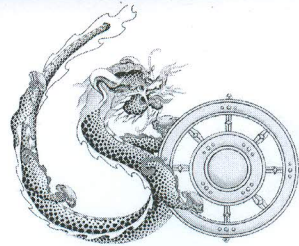
~~Financial bid quoted by x~~

6. Amend ITB 33 in SBD Works (above Nu.4M) as *Letter of Intent to Award the Contract*/Notification of Award and Signing of Contract and ITB 33.1 *The Employer shall notify the concerned Bidder whose bid has been selected in accordance with ITB 31.1 in writing (using the format in section IV-hereafter called the "Letter of Intent to Award to be incorporated in Section IV) that the Employer has intention to accept its bid and the copy of this information shall be given to all other bidders who submitted the bid. Such notification should be communicated in writing, including by cable, facsimile, telex or electronic mail to all the bidders on the same day of dispatch. The Employer shall ensure that the same information is uploaded on their website on the same day of dispatch* and add new provision to clause ITB 33.2 as *If no bidder submits complaint pursuant to ITB 37 within a period of ten (10) days of the notice provided under ITB 33.1, the Bidder who's Bid has been accepted shall be notified in writing of the award by the Employer prior to expiration of the Bid validity period. This notification letter (hereinafter and in the General Conditions of Contract called the "Letter of Acceptance") shall state the sum that the Employer shall pay the Contractor in consideration of the execution, completion and maintenance of the Works by the Contractor as prescribed by the Contract (hereinafter and in the Contract called the*



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“Contract Price”). The ITB clause numbers 33.2, 33.3 and 33.4 is amended as **ITB 33.3, 33.4 and 33.5.**

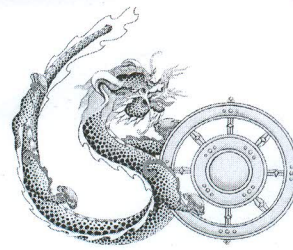
7. Add new clause ITB 37 in SBD Works (above Nu.4M) as ***Complaint and Review and ITB 37.1 as : If the Bidder has or is likely to suffer, loss or injury due to breach of a duty imposed on the Employer by the provisions of this bidding document, the bidder shall submit the complaint in writing to the Employer within ten (10) days from the date of letter of intent to award the contract pursuant to ITB 33.1 and new clause ITB 37.2 as: The Bidder may appeal to the Independent Review Body only if the Employer has not delivered the decision within the specified time, or the complainant is not satisfied with the decision of the Employer in accordance with rules and procedures of Independent Review Body.***
8. Section IV SBD works (above Nu.4M) amended as ***Forms of Bid, Qualification information, Letter of Acceptance, Integrity Pact, Letter of Intent to award, and Contract.***
9. Amend ITB 34 in SBD Works (Up to Nu.4M) as ***Letter of Intent to Award the Contract/Notification of Award and ITB 34.1 The Employer shall notify the concerned Bidder whose bid has been selected in accordance with ITB 33.1 in writing (in the format in Section 4-hereafter called the “Letter of Intent to Award) that the Employer has intention to accept its bid and the information regarding the name, address and amount of selected bidder shall be given to all other bidders who submitted the bid. Such notification should be communicated in writing, including by cable, facsimile, telex or electronic mail to all the bidders on the same day of dispatch. The Employer shall ensure that the same information is uploaded on their website on the same day of dispatch and add new provision to the clause ITB 34.1 If no bidder submits an application pursuant to ITB 35 within a period of ten (10) days of the notice provided under ITB 34.1 prior to the expiration of the period of Bid validity, the Employer shall notify the successful Bidder, in writing that its Bid has been accepted. Until a formal contract is prepared and executed, the Notification of Award shall constitute a binding Contract. The ITB sub-clauses 34.2, 34.3 and 34.4 are amended as 33.3, 33.4 and 34.5.***
10. Amend ITB sub-clause 35.1 in SBD works (up to Nu.4M) as ***The Bidder shall submit the complaint in writing within ten (10) days from the date of letter of intent to award the contract pursuant to ITB 34.1 to the Employer and add new ITB sub-clause 35.2 as The Bidder may appeal to the Independent Review Body only if the Employer has not delivered the decision within the specified time, or the complainant is not satisfied with the decision of the Employer in accordance with rules and procedures of Independent Review Body.***

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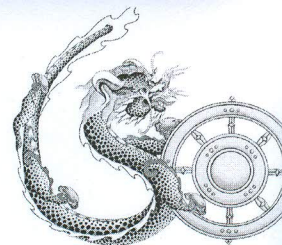
11. Amend ITB clause 45 SBD Goods(above Nu.0.250 M) as *Letter of Intent to Award the Contract*/Notification of Award and add new clause ITB 45.1 as *The Employer shall notify the concerned Bidder whose bid has been selected in accordance with ITB 43 in writing(in the format in section IV-hereafter called the letter of Intent to award the contract) that the Employer has intention to accept its bid and the information regarding the name, address and amount of selected bidder shall be given to all other bidders who submitted the bid. Such notification should be communicated in writing, including by cable, facsimile, telex or electronic mail to all the bidders on the same day of dispatch. The Employer shall ensure that the same information is uploaded on their website on the same day of dispatch* and add new provision ITB sub-clause 45.2 as *If no bidder submits an application pursuant to ITB 48 within a period of ten (10) days of the notice provided under ITB 45.1, prior to expiry of the period of Bid validity, the Purchaser shall notify the successful Bidder, in writing, that its Bid has been accepted. The ITB sub-clauses 45.2, 45.3, 45.4 and 45.5 are amended as ITB sub-clauses 45.3, 45.4, 45.5 and 45.6.*
12. Add new clause ITB 48 in SBD Goods (above Nu.0.250M) as *Complaint and Review* and ITB sub-clause 48.1 as: *If the Bidder has or is likely to suffer, loss or injury due to breach of a duty imposed on the Employer by the provisions of this bidding document, the Bidder shall submit the complaint in writing to the Employer within ten (10) days from the date of letter of intent to award the contract. In the first instance, the Bidder shall submit the complaint to the Employer. Add ITB clause 48.2 as The Bidder may appeal to the Independent Review Body only if the Procuring Entity has not delivered the decision within the specified time, or the complainant is not satisfied with the decision of the Employer.*
13. Amend Instruction to Consultant (ITC) clause 28 as *Letter of Intent to award/Award of Contract* and add ITC sub-clause 28.1 as *The Procuring Agency shall notify the concerned Consultant whose proposal has been selected in writing (in the format in Section 4-hereafter called the Letter of Intent to award) that the Procuring Agency has intention to accept its proposal and the information regarding the name, address and amount of selected consultant shall be given to all other consultants who submitted the proposal. Such notification should be communicated in writing, including by cable, facsimile, telex or electronic mail to all the bidders on the same day of dispatch. The Employer shall ensure that the same information is uploaded on their website on the same day of dispatch. Add new provisions to ITC sub-clause 28.2 as If no consultants submits an application pursuant to ITB 30 within a period of ten(10) days of the notice provided under ITB 28.1, After completing negotiations the Procuring Agency shall award the Contract to the selected Consultant, and:*
- a) as soon as possible notify unsuccessful Consultants, and
 - b) publish a notification of award on the Procuring Agency's website.

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The ITC sub-clauses 28.2, 28.3, 28.4, 28.5 and 28.6 are amended as ITB sub-clauses 28.3, 28.4, 28.5, 28.6 and 28.7 respectively.

14. Add new ITC clause 30 as ***Complaint and Review*** and ITC sub-clause 30.1 as ***Any consultant has right to complain if it has or is likely to suffer, loss or injury due to breach of a duty imposed on the Procuring Entity by the provisions of this document. The Complaint shall be submitted in writing to the Employer within ten (10) days from the date of intention to award. In the first instance, the consultant who submits Proposal shall submit the complaint to the Employer. Add ITC sub-clause 30.2 as The consultant may appeal to the Independent Review Body only if the Employer has not delivered the decision within the specified time, or the complainant is not satisfied with the decision of the Employer.***

The above amendments will come into effect from 1st July 2015.

For further clarification, please contact the Public Procurement Policy Division, Ministry of Finance at 02336962.

[Lam Dorji]
Finance Secretary

Copy to:
All Ministries/Autonomous Bodies/Dzongkhags