



SSIGL 23

NATIONAL GUIDELINES

For Small Scale Irrigation Development in Ethiopia



Tender Document Preparation



November 2018

Addis Ababa

MINISTRY OF AGRICULTURE

National Guidelines for Small Scale Irrigation Development in Ethiopia

SSIGL 23: Tender Document Preparation

**November 2018
Addis Ababa**

National Guidelines for Small Scale Irrigation Development in Ethiopia

First Edition 2018

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Financed by Agricultural Growth Program (AGP)

DISCLAIMER

Ministry of Agriculture through the Consultant and core reviewers from all relevant stakeholders included the information to provide the contemporary approach about the subject matter. The information contained in the guidelines is obtained from sources believed tested and reliable and are augmented based on practical experiences. While it is believed that the guideline is enriched with professional advice, for it to be successful, needs services of competent professionals from all respective disciplines. It is believed, the guidelines presented herein are sound and to the expected standard. However, we hereby disclaim any liability, loss or risk taken by individuals, groups, or organization who does not act on the information contained herein as appropriate to the specific SSI site condition.

FORWARD

Ministry of Agriculture, based on the national strategic directions is striving to meet its commitments in which modernizing agriculture is on top of its highest priorities to sustain the rapid, broad-based and fair economic growth and development of the country. To date, major efforts have been made to remodel several important strategies and national guidelines by its major programs and projects.

While efforts have been made to create access to irrigation water and promoting sustainable irrigation development, several barriers are still hindering the implementation process and the performance of the schemes. The major technical constraints starts from poor planning and identification, study, design, construction, operation, and maintenance. One of the main reasons behind this outstanding challenge, in addition to the capacity limitations, is that SSIPs have been studied and designed using many ad-hoc procedures and technical guidelines developed by various local and international institutions.

Despite having several guidelines and manuals developed by different entities such as MoA (IDD)-1986, ESRDF-1997, MoWIE-2002 and JICA/OIDA-2014, still the irrigation professionals follow their own public sources and expertise to fill some important gaps. A number of disparities, constraints and outstanding issues in the study and design procedures, criteria and assumptions have been causing huge variations in all vital aspects of SSI study, design and implementation from region to region and among professionals within the same region and institutions due mainly to the lack of agreed standard technical guidelines. Hence, the SSI Directorate with AGP financial support, led by Generation consultant (GIRDC) and with active involvement of national and regional stakeholders and international development partners, these new and comprehensive national guidelines have been developed.

The SSID guidelines have been developed by addressing all key features in a comprehensive and participatory manner at all levels. The guidelines are believed to be responsive to the prevalent study and design contentious issues; and efforts have been made to make the guidelines simple, flexible and adaptable to almost all regional contexts including concerned partner institution interests. The outlines of the guidelines cover all aspects of irrigation development including project initiation, planning, organizations, site identification and prioritization, feasibility studies and detail designs, contract administration and management, scheme operation, maintenance and management.

Enforceability, standardization, social and environmental safeguard mechanisms are well mainstreamed in the guidelines, hence they shall be used as a guiding framework for engineers and other experts engaged in all SSI development phases. The views and actual procedures of all relevant diverse government bodies, research and higher learning institutions, private companies and development partners has been immensely and thoroughly considered to ensure that all stakeholders are aligned and can work together towards a common goal. Appropriately, the guidelines will be familiarized to the entire stakeholders working in the irrigation development. Besides, significant number of experts in the corresponding subject matter will be effectively trained nationwide; and the guidelines will be tested practically on actual new and developing projects for due consideration of possible improvement. Hence, hereinafter, all involved stakeholders including government & non-governmental organizations, development partners, enterprises, institutions, consultants and individuals in Ethiopia have to adhere to these comprehensive national guidelines in all cases and at all level whilst if any overlooked components are found, it should be documented and communicated to MOA to bring them up-to-date.

Therefore, I congratulate all parties involved in the success of this effort, and urge partners and stakeholders to show a similar level of engagement in the implementation and stick to the guidelines over the coming years.



H.E. Dr. Kaba Urgessa
State Minister, Ministry of Agriculture

SMALL SCALE IRRIGATION DEVELOPMENT VISION

Transforming agricultural production from its dependence on rain-fed practices by creating reliable irrigation system in which smallholder farmers have access to at least one option of water source to increase production and productivity as well as enhance resilience to climate change and thereby ensure food security, maintain increasing income and sustain economic growth.

ACKNOWLEDGEMENTS

The preparation of SSIGLs required extensive inputs from all stakeholders and development partners. Accordingly many professionals from government and development partners have contributed to the realization of the guidelines. To this end MOA would like to extend sincere acknowledgement to all institutions and individuals who have been involved in the review of these SSIGLs for their comprehensive participation, invaluable inputs and encouragement to the completion of the guidelines. There are just too many collaborators involved to name exhaustively and congratulate individually, as many experts from Federal, regional states and development partners have been involved in one way or another in the preparation of the guidelines. The contribution of all of them who actively involved in the development of these SSIGLs is gratefully acknowledged. The Ministry believes that their contributions will be truly appreciated by the users for many years to come.

The Ministry would like to extend its appreciation and gratitude to the following contributors:

- Agriculture Growth Program (AGP) of the MoA for financing the development and publication of the guidelines.
- The National Agriculture Water Management Platform (NAWMP) for overseeing, guidance and playing key supervisory and quality control roles in the overall preparation process and for the devotion of its members in reviewing and providing invaluable technical inputs to enrich the guidelines.
- Federal Government and Regional States organizations and their staff for their untiring effort in reviewing the guidelines and providing constructive suggestions, recommendations and comments.
- National and international development partners for their unreserved efforts in reviewing the guidelines and providing constructive comments which invaluable improved the quality of the guidelines.
- Small-scale and Micro Irrigation Support Project (SMIS) and its team for making all efforts to have quality GLs developed as envisioned by the Ministry.

The MOA would also like to extend its high gratitude and sincere thanks to AGP's multi development partners including the International Development Association (IDA)/World Bank, the Canada Department of Foreign Affairs, Trade and Development (DFATD), the United States Agency for International Development (USAID), the Netherlands, the European Commission (EC), the Spanish Agency for International Development (AECID), the Global Agriculture and Food Security Program (GAFSP), the Italy International Development Cooperation, the Food and Agriculture Organization (FAO) and the United Nations Development Program (UNDP).

Moreover, the Ministry would like to express its gratitude to Generation Integrated Rural Development Consultant (GIRDC) and its staff whose determined efforts to the development of these SSIGLs have been invaluable. GIRDC and its team drafted and finalized all the contents of the SSIGLs as per stakeholder suggestions, recommendations and concerns. The MoA recognizes the patience, diligence, tireless, extensive and selfless dedication of the GIRDC and its staff who made this assignment possible.

Finally, we owe courtesy to all national and International source materials cited and referred but unintentionally not cited.

Ministry of Agriculture

DEDICATIONS

The National Guidelines for Small Scale Irrigation Development are dedicated to Ethiopian smallholder farmers, agro-pastoralists, pastoralists, to equip them with appropriate irrigation technology as we envision them empowered and transformed.

LIST OF GUIDELINES

Part I. SSIGL 1: Project Initiation, Planning and Organization

Part II: SSIGL 2: Site Identification and Prioritization

Part III: Feasibility Study and Detail Design

SSIGL 3: Hydrology and Water Resources Planning

SSIGL 4: Topographic and Irrigation Infrastructures Surveying

SSIGL 5: Soil Survey and Land Suitability Evaluation

SSIGL 6: Geology and Engineering Geology Study

SSIGL 7: Groundwater Study and Design

SSIGL 8: Irrigation Agronomy and Agricultural Development Plan

SSIGL 9: Socio-economy and Community Participation

SSIGL 10: Diversion Weir Study and Design

SSIGL 11: Free River Side Intake Study and Design

SSIGL 12: Small Embankment Dam Study and Design

SSIGL 13: Irrigation Pump Facilities Study and Design

SSIGL 14: Spring Development Study and Design

SSIGL 15: Surface Irrigation System Planning and Design

SSIGL 16: Canals Related Structures Design

SSIGL 17: Sprinkler Irrigation System Study and Design

SSIGL 18: Drip Irrigation System Study and Design

SSIGL 19: Spate Irrigation System Study and Design

SSIGL 20: Quantity Surveying

SSIGL 21: Selected Application Software's

SSIGL 22: Technical Drawings

SSIGL 23: Tender Document Preparation

SSIGL 24: Technical Specifications Preparation

SSIGL 25: Environmental & Social Impact Assessment

SSIGL 26: Financial and Economic Analysis

Part IV: Contract Administration & Construction Management

SSIGL 27: Contract Administration

SSIGL 28: Construction Supervision

SSIGL 29: Construction of Irrigation Infrastructures

Part V: SSI Scheme Operation, Maintenance and Management

SSIGL 30: Scheme Operation, Maintenance and Management

SSIGL 31: A Procedural Guideline for Small Scale Irrigation Schemes Revitalization

SSIGL 32: Monitoring and Evaluation

Ancillary Tools for National Guidelines of Small Scale Irrigation Development

SSIGL 33: Participatory Irrigation Development and Management (PIDM)

SSIGL 34: Quality Assurance and Control for Engineering Sector Study and Design

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ACRONYMS

BDS	Bid Data Sheet
BOQ	Bill of Quantities
CIF	Cost Insurance and Freight
CIP	Carriage and insurance Paid To
CQS	Selection Based on Consultant's Qualification
CVs	Curriculum Vitae
DCS	Delivery and Completion Schedule
EQC	Evaluation and Qualification Criteria
ETB	Ethiopian Birr
EXW	Ex Works
FBS	Fixed Budget Selection
FCA	Free Carrier
FIDIC	Fédération Internationale des Ingénieurs-Conseils
FOB	Freight Onboard
GCC	General Condition of Contract
GIRDC	Generation Integrated Rural Development Consultant
GL	Guideline
IC	Selection for Individual Consultant
ITB	Instructions to Bidders
LGRS	List of Goods and Related Services
MoANR	Ministry of Agriculture and Natural Resources
NCB	National Commutative Biddings
PBOQ	Priced Bill of Quantities
PCC	Particular Condition of Contract
PE	Procuring Entity
PPA	Public Procurement Agency
QBS	Quality Based Selection
QCBS	Quality & Cost Based Selection
REOI	Request for Expression of Interest
RFP	Request for Proposals

SBD	Standard Bid Document
SCC	Specific Condition of Contract
SOR	Statement of Requirement
SSID	Small Scale Irrigation Development
SSIGL	Small Scale Irrigation Guideline
SSIP	Small Scale Irrigation Project
TOR	Term of Reference
TSCS	Technical Specification Compliance Sheet
UNSC	United Nations Security Council
VAT	Value Added Tax
WB	World Bank

PREFACE

While irrigation development is at the top of the government's priority agendas as it is key to boost production and improve food security as well as to provide inputs for industrial development. Accordingly, irrigated land in different scales has been aggressively expanding from time to time. To this end, to enhance quality delivery of small-scale irrigation development planning, implementation and management, it has been decided to develop standard SSI guidelines that must be nationally applied. In September 2017 the Ministry of Agriculture (MoA) had entrusted Generation Integrated Rural Development Consultant (GIRDC) to prepare the National Small-scale Irrigation Development Guidelines (SSIGLs).

Preparation of the SSIGLs for enhancing development of irrigated agriculture is recognized as one of the many core initiatives of the MoA to improve its delivery system and achieve the targets in irrigated agriculture and fulfill its mission for improving agricultural productivity and production. The core objective of developing SSIGLs is to summarize present thinking, knowledge and practices to enable irrigation practitioners to properly plan, implement and manage community managed SSI schemes to develop the full irrigation potential in a sustainable manner.

As the SSIGLs are prepared based on national and international knowledge, experiences and practices, and describe current and recommended practice and set out the national standard guides and procedures for SSI development, they serve as a source of information and provide guidance. Hence, it is believed that the SSIGLs will contribute to ensuring the quality and timely delivery, operation and maintenance of SSI schemes in the country. The SSIGLs attempt to explain and illustrate the important concepts, considerations and procedures in SSI planning, implementation and management; and shall be used as a guiding framework for professionals engaged in SSI development. Illustrative examples from within the country have been added to enable the users understand the contents, methodologies presented in the SSIGLs.

The intended audiences of the SSIGLs are government organizations, NGOs, CSOs and the private sector involved in SSI development. Professionally, the SSIGLs will be beneficial for experienced and junior planners, experts, contractors, consultants, suppliers, investors, operators and managers of SSI schemes. The SSIGLs will also serve as a useful reference for academia and researchers involved and interested in SSI development. The SSIGLs will guide to ensure that; planning, implementation and management of SSI projects is formalized and set procedures and processes to be followed. As the SSIGLs provide information and guides they must be always fully considered and applied by adapting them to the local specific requirements.

In cognizance with the need for quality SSIGLs, the MoA has duly considered quality assurance and control during preparation of the guidelines. Accordingly, the outlines, contents and scope of the SSIGLs were thoroughly discussed, reviewed and modified by NAWMP members (senior professionals from public, national and international stakeholder) with key stakeholders in many consultative meetings and workshops. Moreover, at each milestone of SSIGL preparation, resource persons from all stakeholders reviewed and confirmed that SSIGLs have met the demands and expectations of users.

Moreover, the Ministry has mobilized resource persons from key Federal, National Regional States level stakeholders and international development partners for review, validation and endorsement of the SSIGLs.

Several hundreds of experienced professionals (who are very qualified experts in their respective fields) from government institutions, relevant private sector and international development partners have significantly contributed to the preparation of the SSIGLs. They have been involved in all aspects of the development of SSIGLs throughout the preparation process. The preparation process included a number of consultation meetings and workshops: (i) workshop to review inception report, (ii) workshop on findings of review of existing guidelines/manuals and proposed contents of the SSIGLs, (iii) meetings to review zero draft SSI GLs, (iv) review workshop on draft SSI GLs, (v) small group review meetings on thematic areas, (vi) small group consultation meetings on its final presentation of contents and layout, (vii) consultation mini-workshops in the National States on semi-final versions of the SSIGLs, and (viii) final write-shop for the appraisal and approval of the final versions of SSIGLs.

The deliberations, concerns, suggestions and comments received from professionals have been duly considered and incorporated by the GIRD Consultant in the final SSIGLs.

There are 34 separate guidelines which are categorized into the following five parts concurrent to SSI development phases:

Part-I. Project Initiation, Planning and Organization Guideline which deals with key considerations and procedures on planning and organization of SSI development projects.

Part-II. Site Identification and Prioritization Guideline which treats physical potential identification and prioritization of investment projects. It presents SSI site selection process and prioritization criteria.

Part-III. Feasibility Study and Detail Design Guidelines for SSID dealing with feasibility study and design concepts, approaches, considerations, requirements and procedures in the study and design of SSI systems.

Part-IV. Contract Administration and Construction Management Guidelines for SSI development presents the considerations, requirements, and procedures involved in construction of works, construction supervision and contract administration.

Part-V. SSI Scheme Management, Operation and Maintenance Guidelines which covers SSI Scheme management and operation.

Moreover, Tools for Small Scale Irrigation development are also prepared as part of SSIGLs.

It is strongly believed and expected that; the SSIGLs will be quickly applied by all stakeholders involved in SSI development and others as appropriate following the dissemination and familiarization process of the guidelines in order to ensure efficient, productive and sustainable irrigation development.

The SSIGLs are envisioned to be updated by incorporating new technologies and experiences including research findings. Therefore, any suggestions, concerns, recommendations and comments on the SSIGLs are highly appreciated and welcome for future updates as per the attached format below. Furthermore, despite efforts in making all types of editorial works, there may still errors, which similarly shall be handled in future undated versions.

UPDATING AND REVISIONS OF GUIDELINES

The GLs are intended as an up-to-date or a live document enabling revisions, to be updated periodically to incorporate improvements, when and where necessary; may be due to evolving demands, technological changes and changing policies, and regulatory frameworks. Planning, study and design of SSI development interventions is a dynamic process. Advancements in these aspects are necessary to cope up with the changing environment and advancing techniques. Also, based on observation feedbacks and experiences gained during application and implementation of the guidelines, there might be a need to update the requirements, provisions and procedures, as appropriate. Besides, day-by-day, water is becoming more and more valuable. Hence, for efficient water development, utilization and management will have to be designed, planned and constructed with a new set up of mind to keep pace with the changing needs of the time. It may, therefore, be necessary to take up the work of further revision of these GLs.

This current version of the GLs has particular reference to the prevailing conditions in Ethiopia and reflects the experience gained through activities within the sub-sector during subsequent years. This is the first version of the SSI development GLs. This version shall be used as a starting point for future update, revision and improvement. Future updating and revisions to the GLs are anticipated as part of the process of strengthening the standards for planning, study, design, construction, operation and management SSI development in the country.

Completion of the review and updating of the GLs shall be undertaken in close consultation with the federal and regional irrigation institutions and other stakeholders in the irrigation sub-sector including the contracting and consulting industry.

In summary, significant changes to criteria, procedures or any other relevant issues related to technological changes, new policies or revised laws should be incorporated into the GLs from their date of effectiveness. Other minor changes that will not significantly affect the whole nature of the GLs may be accumulated and made periodically. When changes are made and approved, new page(s) incorporating the revision, together with the revision date, will be issued and inserted into the relevant GL section.

All suggestions to improve the GLs should be made in accordance with the following procedures:

- I. Users of the GLs must register on the MOA website: Website: www.moa.gov.et
- II. Proposed changes should be outlined on the GLs Change Form and forwarded with a covering letter or email of its need and purpose to the Ministry.
- III. Agreed changes will be approved by the Ministry on recommendation from the Small-scale Irrigation Directorate and/or other responsible government body.
- IV. The release date of the new version will be notified to all registered users and authorities.

Users are kindly requested to present their concerns, suggestions, recommendations and comments for future updates including any omissions and/or obvious errors by completing the following revisions form and submitting it to the Ministry. The Ministry shall appraise such requests for revision and will determine if an update to the guide is justified and necessary; and when such updates will be published. Revisions may take the form of replacement or additional pages. Upon receipt, revision pages are to be incorporated in the GLs and all superseded pages removed.

Suggested Revisions Request Form (Official Letter or Email)

To: -----

From: -----

Date: -----

Description of suggested updates/changes: Include GL code and title, section title and # (heading/subheading #), and page #.

GL Code and Title	Date	Sections/ Heading/Subheading/ Pages/Table/Figure	Explanation	Comments (proposed change)

Note that be specific and include suggested language if possible and include additional sheets for comments, reference materials, charts or graphics.

GLs Change Action

Suggested Change	Recommended Action	Authorized by	Date

Director for SSI Directorate: _____ **Date:** _____

The following table helps to track initial issuance of the guidelines and subsequent Updates/Versions and Revisions (Registration of Amendments/Updates).

Revision Register

Version/Issue/Revision No	Reference/Revised Sections/Pages/topics	Description of revision (Comments)	Authorized by	Date

1 INTRODUCTION

1.1 SCOPE OF THE GUIDELINE

This guideline has been produced for tender document preparation for small scale irrigation projects preparation and implementation in Ethiopia. The existing identified tender document quality can be improved by this compressive technical guideline.

The guideline is intended to assist in improving the effectiveness and efficiency of preparation and implementation of small scale irrigation development projects, and long-term sustainability of irrigation development activities. It also prepared to provide essential guidance in preparation of tender document to improve the procurement of services, work and goods required for small scale irrigation development.

The scope of this guideline is, therefore, limited to tender document preparation for consultancy service, work, and goods procurement focusing on small scale irrigation development.

The objective of the guideline is, therefore, to summarize and harmonize present tender document applicable during project preparation and implementation phases. It helps guide the implementing agencies how to prepare tender document applicable during small scale irrigation projects preparation and implementation phases.

1.2 SETTING OF THE GUIDELINE

Tender Document Preparation Guideline for Small Scale Irrigation Development addressed the issues in detail chapter by chapter. There are five chapters having the following its own contents: -

Chapter one presents introduction of the guideline and deals with the scope and setting out of the guideline. Chapter two deals with definition of tender and tender document.

Chapter three deals with bidding document for consultancy service procurement giving guide notes how to prepare each parts and sections.

Chapter four deals with bidding document for works procurement giving guide notes how to prepare each parts and sections.

Similarly, chapter five deals with bidding document for goods procurement giving guide notes how to prepare each parts and sections.

Finally, the following recent version of standard bidding documents is presented as Appendices for information and friendly adoption of ther reader.

1. Standard bidding documents for the procurement of consultancy services for national competitive bidding of Federal Democratic Republic of Ethiopia, July 2011.
2. Standard bidding documents for the procurement of works for national competitive bidding of Federal Democratic Republic of Ethiopia, July 2011.
3. Standard bidding documents for the procurement of goods for national competitive bidding of Federal Democratic Republic of Ethiopia, July 2011.

2 TENDER

2.1 DEFINITION OF TENDER

Tender is a means of procuring consultancy service, works, and goods by Procuring Entity. In a given tender there are two parties that should play their own rule. These are the Procuring Entity (owner, client, financier, etc) in one hand and Tenderer in the other hand.

In the case of procuring consultancy service (Study and Design Service and Contract Administration and Construction Supervision Service) for small scale irrigation development the two parties are the project owner/client in one hand and consultant in the other hand.

Whereas, in the case of procuring works for small scale irrigation development the two parties are the project owner/client in one hand and the contractor in the other hand.

Whereas, in the case of procuring goods and related service for small scale irrigation development the two parties are the project owner/client in one hand and the supplier in the other hand.

Whereas, in the case of procuring engineering service, works, and goods and related service for small scale irrigation development using turnkey contract the two parties are the project owner/client in one hand and the contractor in the other hand.

2.2 TENDER DOCUMENT

Tender document is a standard document used for procuring consultancy service, works, and goods by Procuring Entity.

Content of bidding document for consultancy service, work, and goods procurement has three parts and nine sections in regardless of its internal contents as described in detail in chapter 3, 4, and 5 respectively in this guideline.

3 BIDDING DOCUMENT FOR CONSULTANCY SERVICE PROCUREMENT

Content of bidding document for consultancy service procurement has three parts and nine sections as outlined below.

Part 1- Bidding Procedures

Section 1 – Instructions to Bidders

Section 2 – Bid Data Sheet

Section 3 – Evaluation Criteria

Section 4 – Bidding Forms

Section 5 – Eligible Countries

Part 2 - Schedule of Requirement

Section 6 – Terms of Reference

Part 3 - Contract

Section 7 – General Conditions of Contract

Section 8 – Special Conditions of Contract

Section 9 – Contract Forms

Detail of each part and section has been discussed under mainly referring standard bidding documents for the procurement of consultancy services for national competitive bidding of Federal Democratic Republic of Ethiopia, July 2011.

Part one deal with bidding procedures that comprises five sections that presents matters on instructions to bidders, bid data sheet, evaluation criteria, bidding forms, and eligible countries. Part two deal with schedule of requirement that comprises one section that presents terms of reference. Part three deal with contract issue that comprises three sections that presents general conditions of contract, special conditions of contract, and contract forms.

3.1 INSTRUCTIONS TO BIDDERS FOR PROCUREMENT OF CONSULTANCY SERVICE

The Instructions to Bidders (ITB) inform Bidders of the procedures that regulate the bidding process. The ITB contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The ITB clearly identify the provisions that may normally need to be specified for a particular bidding process and require that such details be introduced through the Bid Data Sheet (BDS).

Conventionally the Instructions to Bidders contain information and data relating to the procedure for bidding and evaluation up to the point of contract award.

Standard RFP for the Procurement of Consultancy Services issued by the PPA (Version 1, January 2006), Instructions to Bidders presented matters under sub heading of (A) General: that comprises scope of the proposal, source of fund, eligible bidders, conflict of interest, corrupt or fraudulent practices; (B) Request for Proposals Document: that comprises Sections of Request for Proposals Document, Clarification of Request for Proposals Document, and Amendment of Request for Proposals Document; (C) Preparation of Proposals: that comprises Preparation of

Proposals, Language of Proposals, Joint Ventures, Associations and Subcontracting, Professional Staff, Contents of Technical Proposals, Contents of Financial Proposals, Currencies of Proposal, and Bid Security; (D) Submission and Opening of Proposals: Submission of Proposal, Validity of Proposal, Withdrawal, Substitution and Modification of Proposals, and Proposal Opening; (E) Evaluation of Proposals: Confidentiality, Clarification of Proposals, Responsiveness of Proposals, Nonconformities, Errors and Omissions, Preliminary Examination of Proposals, Technical Evaluation of Proposals, Financial Proposal Opening, Financial Evaluation of Proposals, Comparison of Proposals, and Negotiations; and (F) Award of Contract.

The Instructions to Bidders for procurement of service are not a contract document and, therefore, are not a part of the Contract.

3.2 BID DATA SHEET FOR PROCUREMENT OF CONSULTANCY SERVICE

The Bid Data Sheet (BDS) supplements the ITB by specifying details relevant to an individual RFP document such as its closing date or the validity period required for proposals.

The Procuring Entity must specify in the BDS only the information that the ITB request be specified in the BDS. All information shall be provided, no clause shall be left blank.

To facilitate the preparation of the BDS, its clauses are numbered with the same numbers as the corresponding ITB clause. This guide provides information to the Procuring Entity on how to enter all required information, and includes a BDS formatted table that summarises all information to be provided. The BDS should be prepared by the PE prior to the issue of the RFP.

Conventionally the BDS contains information and data relating to the procedure for bidding and evaluation up to the point of contract award. Generally, bid data sheet presents data relevant to ITB.

The Bid Data Sheet for procurement of consultancy service is not a Contract document and, therefore, is not a part of the Contract.

3.3 EVALUATION CRITERIA FOR PROCUREMENT OF CONSULTANCY SERVICE

This section, read in conjunction with Section 1, Instructions to Bidders and Section 2, Bid Data Sheet, contains all the factors, methods and criteria that the Procuring Entity shall use to evaluate a proposal and determine the best evaluated proposal.

It clearly presents evaluation methodology, technical evaluation criteria, and financial evaluation and comparison of proposals for the given consultancy service under consideration.

No other factors, methods or criteria shall be used.

3.4 BIDDING FORMS FOR PROCUREMENT OF CONSULTANCY SERVICE

The Procuring Entity shall include in the RFP all bidding forms that the Bidder is required to complete and include in its proposal. As specified in Section 4 of the RFP, these forms are separated into two areas for the technical and financial proposals:

Technical Proposal – Standard Forms

T1: Technical Proposal Submission Sheet.

T2: Bidder's Organization and Experience.

T3: Comments and Suggestions on the Terms of Reference.

T4: Description of the Approach, Methodology and Work Plan for performing the Assignment.

T5: Team Composition and Task Assignments.

T6: Curriculum Vitae for Proposed Professional Staff.

T7: Staffing Schedule.

T8: Work Schedule.

Bid Security

Financial Proposal - Standard Forms

F1: Financial Proposal Submission Sheet.

F2: Summary of Proposal (or Activity) Price.

F3: Summary of Fees.

F4: Summary of Reimbursable.

As the Bidder (or a financial institution) is required to complete these Forms, guidance notes are included in the forms in bold between square brackets in the RFP itself and these should therefore not be deleted by the Procuring Entity when drafting the RFP. The Procuring Entity **is not required to input or change any information** in Section 4.

This User Guide is not intended for Bidders as all information that the Bidder is required to provide should be detailed by the Procuring Entity in the Bidding Document. The Section 4 Forms complete with guidance notes are not therefore included in this User Guide.

Additionally a Breakdown of Agreed Fixed Rates (1) is attached to this section of the User Guide for those Financial Negotiations for Quality Based Selection. This Breakdown Table is not included in Section 4 in the SBD. It is available in the User Guide for use by the Procuring Entity when required.

3.5 ELIGIBLE COUNTRIES FOR PROCUREMENT OF CONSULTANCY SERVICE

This section specifies the countries from which bidders (including sub-consultants and staff) are eligible.

Section 5 of the SBD includes the following wording, which will normally apply to any Government funded contract:

All countries are eligible except countries subject to the following provisions.

A country shall not be eligible if:

- (a) As a matter of law or official regulation, the Government of the Federal Democratic Republic of Ethiopia prohibits commercial relations with that country, provided that the

Government is satisfied that such exclusion does not preclude effective competition for the provision of the services required; or

- (b) By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government of the Federal Democratic Republic of Ethiopia prohibits any procurement of services from that country or any payments to persons or entities in that country.

The list of eligible countries may differ, where the procurement is funded by a donor or where other restrictions are imposed by Government policy. In such cases, the Procuring Entity should amend the text accordingly, inserting either a list of eligible countries or a list of ineligible countries. The list of countries should be checked directly with the Government or donor.

Section 5: Eligible Countries is not a contract document.

3.6 TERMS OF REFERENCE FOR PROCUREMENT OF CONSULTANCY SERVICE

The Terms of Reference (TOR) should provide sufficient information as to enable bidders to understand the services required by the Procuring Entity and to therefore be able to accurately prepare proposals that are realistic and competitive and which meet the PE's needs. The TOR are a Contract document and will be incorporated into the Contract through the Description of Services in Appendix A. The Procuring Entity must prepare the TOR and include it as a part of the RFP.

TOR should be prepared by the User Department, with guidance from procurement staff as required. It is important that the manager or recipient of the consultancy services is involved in drafting or checking the TOR, as the TOR must reflect the objectives and requirements of the assignment.

The TOR should be complete, precise, and clear or bidders will request clarifications from the Procuring Entity or submit conditional proposals or proposals that may be based on different understandings of the Procuring Entity's requirements. Depending on the nature of the clarifications, the Procuring Entity may need to amend the RFP and eventually to extend the submission deadline. Conditional proposals may have to be rejected. Proposals that are not comparable cannot be evaluated.

The contents of Terms of Reference are determined by the individual assignment, but typically should include the following details:

- The background to the assignment, including details of any larger project which the assignment will be part of;
- The objectives of the assignment and what it is expected to achieve;
- A description of the scope of the services required;
- The specific deliverables required, such as study reports and recommendations, software, databases, bidding documents, drawings, specifications, maps, software, training materials etc and the dates by when they are required;
- Requirements for transfer of knowledge or training programmes;
- The role, qualifications and experience of any key staff required;
- The period of the assignment and expected completion dates;
- Any facilities, services or resources to be provided by the Procuring Entity, including any counterpart staff;

- Arrangements for reporting to the Procuring Entity, including lines of communication and the contact point for management and administration of the assignment;
- A schedule of any reports required, including inception, progress and final reports;
- Any other details or requirements relevant to the assignment.

Further guidance is given below on a suggested structure and content for TOR.

3.6.1 Background

General description of the assignment required and the role this assignment will play in the larger project it forms part of. Detail the overall objectives of the project to emphasise the importance of the objectives of the assignment and list those stakeholders sharing an involvement in the project and an interest in the assignment

3.6.2 Objectives

Description of the high level and lower level objectives of the assignment and the achievements expected.

3.6.3 Scope of the services

Describe the full scope of the Services to be provided. List any possible constraints. The key activities or phases anticipated in the assignment should be clearly listed; alternatively, Bidders may be requested to determine the activities to meet the objectives of the assignment.

3.6.4 Deliverables

List all deliverables required (e.g. reports, databases, bidding documents, software, workshops, drawings, specifications, maps) and when they are required (e.g. end of assignment, certain key dates). Specify the language the deliverables are required in.

3.6.5 Transfer of knowledge/training (when appropriate)

State requirements for capacity building or transfer of knowledge to the Procuring Entity's or other staff.

3.6.6 Minimum experience requirements

List the minimum requirements of each Key Professional in terms of qualifications and experience.

3.6.7 Assignment period

Specify the anticipated commencement date of the assignment and the expected period during which the assignment must be completed. List any key milestones in the assignment and any phasing of the assignment.

3.6.8 Facilities, services and resources to be provided by the procuring entity

List the services and facilities that will be provided to the Consultants, i.e. use of offices, computers and other office facilities, transport and vehicles. Detail the relevant project data and report that will be available to the Consultant. List counterpart staff that will be made available.

3.6.9 Reporting

Specify the progress Reports required, the frequency and language of reports and if required the format of the reports. Differentiate between progress reports and study reports/recommendations.

3.6.10 Assignment management and administration

Detail the anticipated lines of responsibility and communications between the Consultants and the Procuring Entity on a daily basis and the officials responsible for the administration of the Consultants routine requirements. Give details of any steering committee or similar body involved in overseeing the assignment.

3.7 GENERAL CONDITIONS OF CONTRACT FOR THE PROVISION OF CONSULTANCY SERVICES

The General Conditions of Contract (GCC) for the provision of consultancy services contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The GCC clearly identify the provisions that may normally need to be specified for a particular bidding process and require that such provisions be introduced through the SCC.

The GCC are contract documents and, therefore, are a part of the Contract.

3.8 SPECIAL CONDITIONS OF CONTRACT FOR THE PROVISION OF CONSULTANCY SERVICES

The Special Conditions of Contract (SCC) for the provision of consultancy services supplement the GCC by modifying conditions applicable to an individual contract, such as payment terms or the periods for commencing and completing the services. The SCC prevail over the GCC. The Procuring Entity should include all information that the GCC indicate shall be provided in the SCC, at the time of issuing the RFP. No SCC Clause should be left blank.

To facilitate the preparation of the SCC, its clauses are numbered with same numbers as the corresponding GCC clauses. This Guide helps the Procuring Entity with inputting all information required and includes a SCC format that summarises all information to be provided.

The SCC will form part of any resulting Contract.

3.9 CONTRACT FORMS FOR PROCUREMENT OF CONSULTANCY SERVICE

Section 9 of the RFP contains forms for the Agreement and the Advance Payment Security. The purpose of including these forms in the RFP is to notify the Bidders of the type and detail of the Contract they would receive in the event of an award. No input is required by the PE when drafting the RFP and there is no requirement for Bidders to submit these forms with their proposals.

PEs should consult the section below (Guidance Notes on the Letter of Acceptance) before issuing a Letter of Acceptance.

3.9.1 Agreement

The completed Agreement will form part of any resulting Contract. However, the details to be completed on the Agreement are specific to the successful Bidder and therefore should be left blank for inclusion in the RFP.

After notification of award, the Procuring Entity should prepare the Agreement using the Agreement Form and send it to the successful Bidder. It is rare that a major Services contract is awarded on the basis of only the proposal, as negotiations are normally held with the recommended Bidder to settle any minor matters arising from the proposal or clarifications. It is good practice for the contract document to conform to any agreements reached during negotiations and any modifications during and following evaluation. The Agreement prepared should therefore incorporate any corrections or modifications to the proposal resulting from corrections of errors, selection of an alternative offer, acceptable deviations, or any other mutually-agreeable changes allowed for in the Conditions of Contract, such as changes in key personnel, sub-consultants, scheduling etc. The Supplier will then sign the contract document.

This Guide includes an Agreement format that summarises all the information to be provided when preparing the Agreement at contract award stage.

The successful Bidder should sign the Agreement and return it to the Procuring Entity.

3.9.2 Advance payment security

If any advance payment is specified in the contract, the Advance Payment Security should be completed by the financial institution and submitted by the Supplier to the Procuring Entity with an invoice. Therefore, the PE is not required to input any information to the security forms.

As the Bidder would be required to complete this form in the event of a contract award, the guidance notes in bold between square brackets provide assistance to the Bidder or financial institution and should therefore not be deleted by the Procuring Entity prior to the issue of the RFP.

3.9.3 Letter of acceptance

The Letter of Acceptance does not form part of the RFP. However, it is the document that is often used to accept a proposal, and therefore to form a contract, so it is essential that it is used correctly by PEs.

The completed Letter of Acceptance, signed by an authorised signatory, constitutes a financial commitment by the PE to the contract. Therefore a Letter of Acceptance must not be issued prior to obtaining all required approvals, including from the Tender Committee and head of the Procuring Entity and ensuring that sufficient funds have been committed for the contract.

3.9.4 Letters to unsuccessful bidders

Procuring Entities are required to inform unsuccessful Bidders that their bids have been unsuccessful and to inform them of the successful Bidder and provide brief reasons why their bid has failed. Unsuccessful Bidders must be informed of the successful Bidder at least five working days prior to contract award.

4 BIDDING DOCUMENT FOR WORKS PROCUREMENT

Content of bidding document for work procurement has three parts and nine sections as outlined below.

Part 1 - Bidding Procedures

- Section 1 – Instructions to Bidders
- Section 2 – Bid Data Sheet
- Section 3 – Evaluation and Qualification Criteria
- Section 4 – Bidding Forms
- Section 5 – Eligible Countries

Part 2 - Schedule of Requirements

- Section 6 (A) – Scope of Works
- Section 6 (B) – Technical Specifications
- Section 6 (C) – Drawings
- Section 6 (D) – Bills of Quantities (or Activities Schedule)

Part 3 - Contract

- Section 7 – General Conditions of Contract
- Section 8 – Special Conditions of Contract
- Section 9 – Contract Forms

Detail of each part and section has been discussed under mainly referring standard bidding documents for the procurement of works for national competitive bidding of Federal Democratic Republic of Ethiopia, July 2011.

Part one deal with bidding procedures that comprises five sections that presents matters on instructions to bidders, bid data sheet, evaluation and qualification criteria, bidding forms, and eligible countries. Part two deal with schedule of requirement that comprises one section that presents scope of works, technical specifications, drawings, and bills of quantities or activities schedule. Part three deal with contract issue that comprises three sections that presents general conditions of contract, special conditions of contract, and contract forms.

4.1 INSTRUCTIONS TO BIDDERS

The Instructions to Bidders (ITB) also inform Bidders of the procedures that regulate the bidding process. The ITB contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The ITB clearly identify the provisions that may normally need to be specified for a particular bidding process and require that such details be introduced through the BDS.

Conventionally the Instructions to Bidders contain information and data relating to the procedure for bidding and evaluation up to the point of contract award. Matters that will govern the performance of the Contractor, payment under any resulting contract or the rights and obligations under any resulting contract are contained in Section 7, 8 and 9, the General and Special Conditions of Contract and the Agreement.

Standard RFP for the Procurement of Works issued by the PPA (Version 1, January 2006), Instructions to Bidders presented matters under heading of (A) General: that comprises scope of bid, source of fund, eligible bidders, qualification of the bidder, one bid per bidder, cost of bidding, and site visit; (B) Bidding Documents: that comprises Content of Bidding Documents, Clarifications of Bidding Documents, Amendments of Bidding Documents; (C) Preparation of bid: that comprises Language of Bid Documents Comprising the Bid, Bid Prices, Currencies of Bid and Payment, Bid Validity, Bid Security, Alternative Proposals by Bidders, Format and Signing of Bid; (D) Submission of Bids: Sealing and Marking of Bids, Deadline for Submission of Bids, Late Bids, Withdrawal, and Substitution and Modification of Bids; (E) Bid Opening and Evaluation: Bid Opening, Process to be Confidential, Clarification of Bids and Contacting the Employer, Examination of Bids and Determination of Responsiveness, Correction of Errors, Evaluation and Comparison of Bids, and Domestic Preference; (F) Award of Contract: Award Criteria and Notification of Proposed Award, Employer's Right to Accept any Bid and to /or Reject any or all Bids, Notification of Award and Signing of Agreement, Contract Security, Adjudicator, and Corrupt or Fraudulent Practices.

The Instructions to Bidders for procurement of work are not a Contract document and, therefore, will not form a part of the Contract.

4.2 BID DATA SHEET

The Bid Data Sheet (BDS) supplements the ITB by specifying details relevant to an individual bidding document such as its closing date or the value of bid security required.

The Employer must specify in the BDS only the information that the ITB request be specified in the BDS. All information shall be provided; no clause shall be left blank.

To facilitate the preparation of the BDS, its clauses are numbered with the same numbers as the corresponding ITB clause. The BDS should be prepared by the PE prior to the issue of the Bidding Document.

The Bid Data Sheet is not a Contract document and, therefore, will not form a part of the Contract.

4.3 EVALUATION AND QUALIFICATION CRITERIA

The purpose of the Evaluation and Qualification Criteria (EQC) is to inform Bidders of the criteria that the Employer will use to evaluate the bids and post-qualify the bidder submitting the lowest evaluated bid. This is to ensure that the evaluation is fair and treats all Bidders in the same manner. It also should assist Bidders to prepare responsive bids which meet the PE's needs and are competitive. The Employer must prepare the EQC and include it as a part of the Bidding Documents.

The EQC is not a contract document and, therefore, it is not a part of the contract.

The information required from bidders in ITB Sub-Clause 4.3 is modified as follows:
The requirements for joint ventures in ITB Sub-Clause 4.4 are modified as follows:

To qualify for award of the Contract, in accordance with ITB Sub-Clause 4.5, bidders shall meet the minimum qualifying criteria:

- (a) Average annual volume of construction work over the past _____ of at least _____;
- (b) Experience as prime contractor in the construction of at least _____ works of a nature and complexity equivalent to the Works over the last _____ years (to comply with this requirement, works cited should be at least 70 percent complete);
- (c) Proposals for the timely acquisition (own, lease, hire, etc.) of the following essential equipment: _____;
- (d) Personnel with the following qualifications and experience: _____;
- (e) Liquid assets and/or credit facilities, net of other contractual commitments and exclusive of any advance payments which may be made under the Contract, of no less than _____;

A consistent history of litigation or arbitration awards against the Applicant or any partner of a Joint Venture may result in disqualification.

The figures for each of the partners of a joint venture shall be added together to determine the Bidder's compliance with the minimum qualifying criteria in (a) and (e) above; however, for a joint venture to qualify, each of its partners must meet at least 25 percent of minimum criteria (a), (b), and (e) above for an individual Bidder, and the partner in charge at least 40 percent of those minimum criteria. Failure to comply with this requirement will result in rejection of the joint venture's Bid.

Subcontractors' experience and resources will not be taken into account in determining the Bidder's compliance with the qualifying criteria.

4.4 BIDDING FORMS

The Procuring Entity must include all bidding forms that the Bidder must complete and include in its bid in the Bidding Document. As specified in Section 4 of the Bidding Document, these forms are the Bid Submission Form, the Priced Schedules (Bill of Quantities or Activity Schedule, depending on the type of contract), the Bid Security Form and the Qualification Information form.

As the Bidder (or a financial institution in the case of the Security) is required to complete these Forms, guidance notes are included on the forms (in bold between square brackets) in the SBD. These guidance notes should not be deleted by the Procuring Entity prior to the issue of the Bidding Document. The Procuring Entity is not required to input or change any information in Section 4.

4.5 ELIGIBLE COUNTRIES FOR PROCUREMENT OF WORKS

Section 5 that death with specifies the countries from which bidders (including subcontractors or suppliers) are eligible.

Section 5 of the SBD includes the following wording, which will normally apply to any Government funded contract:

All countries are eligible except countries subject to the following provisions.
A country shall not be eligible if:

- (a) As a matter of law or official regulation, the Government of the Federal Democratic Republic of Ethiopia prohibits commercial relations with that country, provided that the Government is satisfied that such exclusion does not preclude effective competition for the provision of the services required; or
- (b) By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government of the Federal Democratic Republic of Ethiopia prohibits any procurement of services from that country or any payments to persons or entities in that country.

The list of eligible countries may differ, where the procurement is funded by a donor or where other restrictions are imposed by Government policy. In such cases, the Procuring Entity should amend the text accordingly, inserting either a list of eligible countries or a list of ineligible countries. The list of countries should be checked directly with the Government or donor.

Section 5 that deal with specifies the countries from which bidders (including subcontractors or suppliers) are eligible is not a contract document.

4.6 SCHEDULE OF REQUIREMENTS FOR PROCUREMENT OF WORKS

The Schedule of Requirements (SOR) informs Bidders of precisely what the Employer wishes to procure. The Schedule of Requirements should provide sufficient information to enable bidders to efficiently and accurately prepare bids that are realistic and competitive and to ensure that bids meet the Employer's needs. The SOR must be prepared by suitably qualified and experienced staff. The specifications, drawings and the completed bill of quantities or activity schedule will form part of the Contract.

The Employer must prepare the SOR and include it as a part of the Bidding Documents. Depending on the size of the contract and the number of pages in each section, it is usual to package Section 6, or each part of Section 6, in a separate volume or volumes. For example, for a large contract, the Technical Specifications, Bills of Quantities and Drawings may all need to be issued in separate volumes. Where separate volumes are issued:

- Each volume should be appropriately titled and include the procurement reference number; and
- The relevant page of Section 6 should be included in the Bidding Document for completeness, with a reference to the appropriate volume.

The Statement of Requirements consists of four parts:

1. Scope of Works
2. Technical Specifications
3. Drawings
4. Bill of Quantities or Activity Schedule

The following notes provide guidance on how to prepare each of these parts.

4.6.1 Scope of works

The Employer should provide a description of the works, including approximate quantities of major items, which adequately describe the contract scope of work. Additional information that may be included is:

- Site location
- Climate and weather information
- Site investigation studies and reports
- Topographical data
- Access details
- Details of other ongoing or future works to be carried out by other contractors during the Contract period
- Information regarding disposal, borrow and quarry areas including royalty payments as applicable
- Any other pertinent information regarding the site and the works

A description of approximately 1-2 pages would be appropriate for most contracts.

4.6.2 Technical specifications

A set of precise and clear specifications is a prerequisite for Bidders to respond realistically and competitively to the requirements of the Employer without qualifying or conditioning their bids. In the context of open tendering, the specifications must be drafted to permit the widest possible competition and, at the same time, present a clear statement of the required standards of workmanship, materials, and performance of the related goods and services to be procured. Only if this is done will the objectives of economy, efficiency, and fairness in procurement be realised, responsiveness of bids be ensured, and the subsequent task of bid evaluation facilitated. The specifications should require that all goods and materials to be incorporated in the Works be new, unused, of the most recent or current models, and incorporate all recent improvements in design and materials unless provided otherwise in the Contract.

Samples of specifications from previous similar projects are useful in this respect. The use of metric units is mandatory. Most specifications are normally written specially by the Employer or its consultants to suit the specific works in hand. There is no standard set of Specifications for universal application in all sectors and in all countries, but there are established principles and practices, which are reflected in these documents.

There are considerable advantages in standardizing General Specifications for repetitive Works in recognised public sectors, such as highways, bridges, railways, urban housing, irrigation, and water supply, in the same country or region where similar conditions prevail. The General Specifications should cover all classes of workmanship, materials, and equipment commonly involved in construction, although not necessarily to be used in a particular Works Contract. Deletions or addenda should then adapt the General Specifications to the particular Works.

Care must be taken in drafting specifications to ensure that they are not restrictive. In the specification of standards for goods, materials, and workmanship, recognised international standards should be used as much as possible. Where other particular standards are used, whether Ethiopian or other standards, the specifications should state that goods, materials, and workmanship that meet other authoritative standards, and which ensure substantially equal or higher quality than the standards mentioned, will also be acceptable. The following clause may be inserted in the Special Conditions or Specifications:

“Equivalency of Standards and Codes

Wherever reference is made in the Contract to specific standards and codes to be met by the goods and materials to be furnished, and work performed or tested, the provisions of the latest current edition or revision of the relevant standards and codes in effect shall apply, unless otherwise expressly stated in the Contract. Where such standards and codes are national, or relate to a particular country or region, other authoritative standards that ensure a substantially equal or higher quality than the standards and codes specified will be accepted subject to the Employer's prior review and written consent. Differences between the standards specified and the proposed alternative standards shall be fully described in writing by the Contractor and submitted to the Engineer at least 28 days prior to the date when the Contractor desires the Engineer's consent. In the event the Engineer determines that such proposed deviations do not ensure substantially equal or higher quality, the Contractor shall comply with the standards specified in the documents.”

Care must be taken to use the same terminology in the Specifications as used in the remainder of the bidding document, e.g. “Engineer” and not “Engineer” for the party administering and supervising the contract.

4.6.3 Drawings

Generally the Employer will insert a list of the contract drawings, including site plans, in this section of the Bidding Document, but will bind and issue the drawings themselves in a separate volume, which is often larger than other volumes of the bidding Document. The size will be dictated by the scale of the drawings, which must not be reduced to the extent that details are rendered illegible. If drawings are to be issued in A1 or A2 format, they should be issued in a separate volume. If the drawings are comparatively few in number and can be issued in A4 or A3 size, then the drawings can be included in the Bidding Document itself.

Any notes on the drawings should use the same terminology as used in the rest of the bidding documents. A simplified map showing the location of the Site in relation to the local geography, including major roads, posts, airports and railroads, is helpful.

The construction drawings, even if not fully developed, must show sufficient details to enable bidders to understand the type and complexity of the work involved and to price the Bill of Quantities.

4.6.4 Bills of quantities or activities schedule

The Employer will insert:

- A bill of quantities where the contract is to be Admeasurements; or
- An activity schedule where the contract is to be Lump Sum.

The objectives of the Bill of Quantities are:

- (a) To provide sufficient information on the quantities of Works to be performed to enable bids to be prepared efficiently and accurately; and
- (b) When a Contract has been entered into, to provide a priced Bill of Quantities for use in the periodic valuation of Works executed.

In order to attain these objectives, Works should be itemized in the Bill of Quantities in sufficient detail to distinguish between the different classes of Works, or between Works of the same nature carried out in different locations or in other circumstances which may give rise to different considerations of cost. Consistent with these requirements, the layout and content of the Bill of Quantities should be as simple and brief as possible.

The objective of the Activity Schedule is to provide a breakdown of the activities and their associated cost that form the Works to be paid on a lump sum basis. The breakdown is intended to be used to as the basis for certifying interim payment to the Contractor and to assist in valuing any ordered variations.

The works should be broken down by consideration of the nature of each activity and if applicable by the location. The PE will have to determine the degree to which the Works need to be broken down by consideration of the complexity of the Works and the stated time for completion. Schedules can be provided for each different discrete element of the works. If the works require plant and equipment to be provided, separate schedules for the supply only of the plant and equipment may be provided.

Consistent with these requirements the Activity Schedule should be as simple and brief as possible.

Quantities should be rounded up or down as appropriate to a logical degree of accuracy and spurious accuracy should be avoided.

For the content of bills of quantities or activities schedule refer GL 20: Quantity Surveying Guideline for SSID.

4.7 GENERAL CONDITIONS OF CONTRACT FOR PROCUREMENT OF WORKS

The General Conditions of Contract (GCC) contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The GCC clearly identify the provisions that may normally need to be specified for a particular bidding process and require that such provisions be introduced through the SCC.

General conditions of contract for procurement of works will form part of any resulting contract.

4.8 SPECIAL CONDITIONS OF CONTRACT FOR PROCUREMENT OF WORKS

The Special Conditions of Contract (SCC) supplement the GCC by modifying conditions applicable to an individual contract, such as payment terms or the name of the Engineer. The SCC prevails over the GCC. The Procuring Entity should include all information that the GCC indicate shall be provided in the SCC prior to issuing the Bidding Documents. No SCC Clause should be left blank.

To facilitate the preparation of the SCC, its clauses are numbered with same numbers as the corresponding GCC clauses. This Guide helps the Procuring Entity with inputting all information required and includes a SCC format that summarises all information to be provided.

Special conditions of contract for procurement of works will form part of any resulting contract.

4.9 CONTRACT FORMS FOR PROCUREMENT OF WORKS

Section 9 of the Bidding Document contains forms for the Agreement, the Contract Security, and the Advance Payment Security. The purpose of including these forms in the Bidding Document is to notify the Bidders of the type and detail of the Contract they would receive in the event of an award. No input is required by the Employer when drafting the Bidding Document and there is no requirement for Bidders to submit these forms with their bids.

The completed Agreement will form part of any resulting Contract. However, the details to be completed on the Agreement are specific to the successful Bidder and therefore should be left blank for inclusion in the Bidding Document.

After notification of award, the Employer shall prepare the Agreement using the Agreement Form and send it to the successful Bidder. It is rare that a major works contract is awarded on the basis of only the bid, as negotiations are normally held with the best evaluated Bidder to settle any minor matters arising from the bid or clarifications. It is good practice to conform the contract document in accordance with any agreements reached during negotiations and any modifications during evaluation. The Agreement prepared should therefore incorporate any corrections or modifications to the Bid resulting from corrections of errors, selection of an alternative offer, acceptable deviations, or any other mutually-agreeable changes allowed for in the Conditions of Contract, such as changes in key personnel, subcontractors, scheduling etc. The contracting parties will then sign the conformed document.

The Contract Security form should be completed by the financial institution and returned to the Employer, by the Contractor with the signed Agreement. Similarly, if any advance payment is specified in the contract, the Advance Payment Security should be completed by the financial institution and submitted by the Contractor to the Employer with an invoice. Therefore, the Employer is not required to input any information to the security forms.

The bank guarantee forms are drafts for unconditional (or “on-demand”) bank guarantees, which have the merit of simplicity and of being universally known and accepted by commercial banks. The contracting community, however, strongly objects to this type of Security because the Guarantee can be called (or threatened to be called) by employers without justification. Procuring Entities and Engineers should recognise the contractual conditions governing nonperformance by the Contractor and should normally act only on the advice of the Engineer in calling a bank guarantee. Any unjustified calling of a Bank Guarantee, or unreasonable pressure exercised by an Employer/employer, would be regarded as contrary to the spirit and basic principles of international procurement.

Ethiopian contractors are permitted to submit a performance bond, in place of a bank guarantee, for the contract security. Only bank guarantees are permitted for the advance payment guarantee.

As the Bidder would be required to complete these Forms in the event of a contract award, the guidance notes in bold between square brackets provide assistance to the Bidder or financial institution and should therefore not be deleted by the Employer prior to the issue of the Bidding Document.

The Letter of Acceptance does not form part of the Bidding Document. However, it is the document normally used to accept a bid, and therefore to form a contract, so it is essential that it is used correctly by Procuring Entities. A Letter of Acceptance must not be issued prior to obtaining all required approvals, including from the Tender Committee and head of the Procuring Entity and ensuring that sufficient funds have been committed for the contract.

Procuring Entities are required to inform unsuccessful Bidders that their bids have been unsuccessful and to inform them of the successful Bidder and provide brief reasons why their bid has failed. Unsuccessful Bidders must be informed of the successful Bidder at least five working days prior to contract award.

5 BIDDING DOCUMENT FOR GOODS PROCUREMENT

Content of bidding document for good procurement has three parts and nine sections as outlined below.

Part 1 - Bidding Procedures

Section 1 – Instructions to Bidders

Section 2 – Bid Data Sheet

Section 3 – Evaluation and Qualification Criteria

Section 4 – Bidding Forms

Section 5 – Eligible Countries

Part 2 - Statement of Requirement

Section 6 – Statement of Requirements

Part 3 - Contract

Section 7 – General Conditions of Contract

Section 8 – Special Conditions of Contract

Section 9 – Contract Forms

Detail of each part and section has been discussed under mainly referring standard bidding documents for the procurement of goods for national competitive bidding of Federal Democratic Republic of Ethiopia, July 2011.

Part one deal with bidding procedures that comprises five sections that presents matters on instructions to bidders, bid data sheet, evaluation and qualification criteria, bidding forms, and eligible countries. Part two deal with statement of requirement in one section. Part three deal with contract issue that comprises three sections that presents general conditions of contract, special conditions of contract, and contract forms.

5.1 INSTRUCTIONS TO BIDDERS FOR PROCUREMENT OF GOODS

The Instructions to Bidders (ITB) specify the procedures that regulate the bidding process. The ITB contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The ITB clearly identify the provisions that may normally need to be specified for a particular bidding process and require that such specification be introduced through the BDS.

Standard RFP for the Procurement of Goods issued by the PPA (Version 1, January 2006), Instructions to Bidders presented matters under heading of (A) General: that comprises scope of bid, source of fund, Fraud and Corruption, eligible bidders, and Eligible Goods and Related Services; (B) Contents of Bidding Document: that comprises Content of Sections of Bidding Document, Clarification of Bidding Documents, and Amendment of Bidding Documents; (C) Preparation of bid: that comprises Cost of Bidding, Language of Bid, Documents Comprising the Bid, Bid Submission Sheet and Price Schedules, Alternative Bids, Bid Prices and Discounts, Currencies of Bid, Documents Establishing the Eligibility of the Bidder, Documents Establishing the Eligibility of Goods and Related Services, Documents Establishing the Conformity of the Goods and Related Services to the Bidding Documents, Documents Establishing the Qualifications of the Bidder, Period of Validity of Bids, Bid Security, and Format and Signing of Bid;

(D) Submission and Opening of Bids: Sealing and Marking of Bids, Deadline for Submission of Bids, Late Bids, Withdrawal, Substitution and Modification of Bids, and Bid Opening; (E) Evaluation and Comparison of Bids: Confidentiality, Clarification of Bids, Responsiveness of Bids, Nonconformities, Errors, and Omissions, Preliminary Examination of Bids, Examination of Terms and Conditions; Technical Evaluation, Margin of Preference, Evaluation of Bids, Comparison of Bids, Post-qualification of the Bidder, and Procuring Entity's Right to Accept Any Bid, and to Reject Any or All Bids; (F) Award of Contract: Award Criteria, Procuring Entity's Right to Vary Quantities at Time of Award, Notification of Proposed Award, Award and Signing of Contract, and Contract Security.

The Instructions to Bidders for procurement of goods are not a Contract document and, therefore, will not form a part of the Contract.

5.2 BID DATA SHEET FOR PROCUREMENT OF GOODS

The Bid Data Sheet (BDS) contains information and provisions that are specific to a particular bidding process. The Procuring Entity must specify in the BDS only the information that the ITB request be specified in the BDS. All information shall be provided, no clause shall be left blank.

To facilitate the preparation of the BDS, its clauses are numbered with the same numbers as the corresponding ITB clause.

5.3 EVALUATION AND QUALIFICATION CRITERIA FOR PROCUREMENT OF GOODS

The purpose of the Evaluation and Qualification Criteria (EQC) is to specify the criteria that the Procuring Entity will use to evaluate the bids and post-qualify the lowest-evaluated bidder. The Procuring Entity must prepare the EQC and include it as a part of the Bidding Documents.

The EQC for procurement of goods is not a Contract document and, therefore, it is not a part of the Contract.

5.4 BIDDING FORMS FOR PROCUREMENT OF GOODS

The Procuring Entity must include all bidding forms that the Bidder must complete and include in its bid in the Bidding Document. As specified in Section 4 of the Bidding Document, these forms are the Bid Submission Form, the Price Schedules, the Bid Security Form and the Manufacturer's Authorization.

As the Bidder (or a financial institution or manufacturer) is required to complete these Forms, guidance notes are included on the forms (in bold between square brackets) in the SBD. These guidance notes should not be deleted by the Procuring Entity prior to the issue of the Bidding Document. The Procuring Entity is not required to input or change any information in Section 4.

5.5 ELIGIBLE COUNTRIES FOR PROCUREMENT OF GOODS

Section 5 specifies the countries from which bidders are eligible. It includes the following wording, which will normally apply to any Government funded contract:

All countries are eligible except countries subject to the following provisions.

A country shall not be eligible if:

- (a) As a matter of law or official regulation, the Government of the Federal Democratic Republic of Ethiopia prohibits commercial relations with that country, provided that the Government is satisfied that such exclusion does not preclude effective competition for the provision of the goods required; or
- (b) By an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, the Government of the Federal Democratic Republic of Ethiopia prohibits any import of goods from that country or any payments to persons or entities in that country.

The list of eligible countries may differ, where the procurement is funded by a donor or where other restrictions are imposed by Government policy. In such cases, the Procuring Entity should amend the text accordingly, inserting either a list of eligible countries or a list of ineligible countries. The list of countries should be checked directly with the Government or donor.

Section 5 for procurement of goods is not a Contract document and, therefore, it is not a part of the Contract.

5.6 STATEMENT OF REQUIREMENTS FOR PROCUREMENT OF GOODS

The Statement of Requirements (SR) shall provide sufficient information as to enable bidders to efficiently and accurately prepare bids that are realistic and competitive. The Statement of Requirements (SR) is a Contract document and, therefore, it is a part of the Contract. The Procuring Entity must prepare the SR and include it as a part of the Bidding Documents.

The SR should be complete, precise, and clear. An incomplete, imprecise, or unclear SR may prompt bidders to require clarifications from the Procuring Entity or to submit conditional bids or bids that may be based on different understandings of the Procuring Entity's requirements. Depending on the nature of the clarifications, the Procuring Entity may need to amend the Bidding Documents and eventually to extend the bid-submission deadline. Conditional bids may have to be rejected. Bids that are not comparable could not be evaluated.

The Procuring Entity shall assign experienced staff to draft the SR in a manner permitting the widest possible competition, while at the same time clearly specifying the required standards of workmanship, the characteristics of materials and performance of the Goods, and the delivery and completion of the Goods and Related Services. Only by following this approach will the Procuring Entity ensure that the objectives of economy, efficiency, and fairness in procurement can be realized as envisaged under open tendering procedures.

The Statement of Requirements consists of four parts:

1. List of Goods and Related Services
2. Delivery and Completion Schedules
3. Technical Specification and Compliance Sheet
4. Drawings

The following notes provide guidance on how to prepare each of these parts.

5.6.1 List of goods and related services

The purpose of the List of Goods and Related Services (LGRS) is to briefly describe and specify the quantities of each of the Goods and Related Services that the Procuring Entity requires the Bidder to include in its Bid. As a part of the Statement of Requirements, the LGRS constitutes a contract document and, therefore, will form part of the Contract. The Procuring Entity must prepare the LGRS and include it as a part of the Statement of Requirement.

Item Number	Description of Goods or Related Service	Quantity	Unit of Measure
1			
2			
3			

5.6.2 Delivery and completion schedule

The purpose of the Delivery and Completion Schedule (DCS) is to specify the delivery dates and places for each of the Goods and the delivery places and completion dates for each of the Related Services as listed in the List of Goods and Related Services. The DCS, as part of the Statement of Requirements, constitutes a Contract document and, therefore, will form part of the Contract. The Procuring Entity must prepare the DCS and include it as a part of the Statement of Requirements.

In preparing the DCS, the Procuring Entity should take into account the following:

- The delivery and completion dates should be realistic. Unrealistically short delivery or completion expectations may result in restricted competition or may prompt complaints from prospective bidders.
- The date or period for delivery should be carefully specified, taking into account that the delivery terms stipulated must be consistent
 - a) With the Incoterms specified in the Special Conditions of Contract. The Procuring Entity shall take into account that under Incoterms EXW, CIF, CIP, EDT, FOB, FCR, FCA delivery of the goods takes place when delivered to the custody of the first carrier, and not the place established as the “named place of destination” and
 - b) With the date specified in the Contract for the start of the Procuring Entity’s obligations (i.e., notice of award, Contract signature, opening or confirmation of the letter of credit).

5.6.3 Technical specifications and compliance sheet

The purpose of the Technical Specifications and Compliance Sheet (TSCS) is twofold. Firstly it is used to define (in column b) the technical characteristics of the Goods and Related Services required by the Procuring Entity. Secondly it provides the facility for the Bidder to compare the specification of the goods offered (in column c) with those required. This facilitates later technical evaluation and focuses Bidders on compliance to the specification required.

The TSCS, as a part of the Statement of Requirements, constitute a Contract document and will, therefore, form part of the Contract. The Procuring Entity must prepare the TSCS and include them as a part of the Bidding Documents, as applicable to each Contract.

In preparing the TSCS, the Procuring Entity should take into account the following:

- Well-prepared TSCS will facilitate the examination, evaluation, and comparison of the bids by the Procuring Entity, as the TSCS constitute the benchmarks against which the Procuring Entity will verify the technical responsiveness of bids and subsequently evaluate the bids.
- The TSCS should require that all goods and materials to be incorporated in the goods be new, unused, and of the most recent or current models, and that they incorporate all recent improvements in design and materials, unless provided for otherwise in the contract.
- The TSCS should make use of best practices. Samples of specifications from successful similar procurements in the same country or sector may provide a sound basis for drafting the TS.
- The use of metric units is encouraged.
- Standardizing technical specifications under General Technical Specifications may be advantageous, depending on the complexity of the goods and the repetitiveness of the type of procurement. Technical Specifications should be broad enough to avoid restrictions on workmanship, materials, and equipment commonly involved in manufacturing similar kinds of goods, even if these may not necessarily apply to a particular procurement. Particular technical requirements for a particular procurement would be in each case specified through deletions or addenda to the Technical Specifications.
- The specification of standards for equipment, materials, and workmanship shall not be restrictive. Recognized international standards should be specified as much as possible. Reference to brand names, catalogue numbers, or other details that limit any materials or items to a specific manufacturer should be avoided as far as possible. Where unavoidable, such item description should always be followed by the words “or substantially equivalent.” When other particular standards or codes of practice are referred to in the TSCS, whether from the Borrower’s or from other eligible countries, a statement should follow other authoritative standards that ensure at least a substantially equal quality, then the standards mentioned in the TSCS will also be acceptable.
- Reference to brand names and catalogue numbers should be avoided as far as possible; where unavoidable the words “or at least equivalent” shall always follow such references.

Technical Specifications shall be fully descriptive of the requirements in respect of, but not limited to, the following:

- (a) Standards of materials and workmanship required for the production and manufacturing of the Goods.
- (b) Detailed tests required (type and number).
- (c) Other additional work and/or Related Services required to achieve full delivery/completion.
- (d) Detailed activities to be performed by the Supplier, and participation of the Procuring Entity thereon.
- (e) List of detailed functional guarantees covered by the Warranty and the specification of the liquidated damages to be applied in the event that such guarantees are not met.

The TSCS shall specify all essential technical and performance characteristics and requirements, including guaranteed or acceptable maximum or minimum values, as appropriate. Whenever necessary, the Procuring Entity shall include an additional ad-hoc bidding form (to be an Attachment to the Bid Submission Sheet), where the Bidder shall provide detailed information on such technical performance characteristics in respect to the corresponding acceptable or guaranteed values.

When the Procuring Entity requests that the Bidder provides in its bid a part or all of the Technical Specifications, technical schedules, or other technical information, the Procuring Entity shall specify in detail the nature and extent of the required information and the manner in which it has to be presented by the Bidder in its bid.

Item No.	Technical Specification of items required including applicable standards	Compliance of specification offered
<i>a</i>	<i>b</i>	<i>c</i>
1		
2		
3		
4		

5.6.4 Drawings

The purpose of drawings is to specify locations, dimensions, materials to be used, stages of manufacturing, and other characteristics of the Goods and Related Services. The Procuring Entity should prepare appropriate drawings, as needed, and include them in the Bidding Documents. Such drawings, as part of the Statement of Requirements, are Contract Documents and, will therefore, form part of the Contract. Similarly, the Procuring Entity may request the Supplier to provide drawings either with its bid or for approval during Contract execution.

List of related Drawings		
Drawing number	Drawing name	Purpose

It is essential that the Procuring Entity prepare a List of Drawings showing all drawings it supplied and issued as part of the bidding documents.

5.7 GENERAL CONDITIONS OF CONTRACT FOR PROCUREMENT OF GOODS

The GCC for procurement of goods contain standard provisions that have been designed to remain unchanged and to be used without modifying their text. The GCC clearly identify the provisions that may normally need to be specified for a particular bidding process and require that such specification be introduced through the SCC.

The GCC for procurement of goods are contract documents and, will therefore form part of the Contract.

5.8 SPECIAL CONDITIONS OF CONTRACT FOR PROCUREMENT OF GOODS

The Special Conditions of Contract (SCC) for procurement of goods contain provisions that the GCC require be specified for a particular bidding process. The Procuring Entity should include at the time of issuing the Bidding Documents all information or specification that the GCC indicate shall be provided in the SCC. No SCC Clause should be left blank.

To facilitate the preparation of the SCC for procurement of goods, its clauses are numbered with same numbers as the corresponding GCC clauses.

The SCC for procurement of goods is contract, will therefore form part of the Contract.

5.9 CONTRACT FORMS FOR PROCUREMENT OF GOODS

Section 9 of the Bidding Document contains forms for the Agreement, the Contract Security, and the Advance Payment Security. The purpose of including these forms in the Bidding Document is to notify the Bidders of the type and detail of the Contract they would received in the event of an award. No input is required by the Procuring Entity when drafting the Bidding Document and there is no requirement for Bidders to submit these forms with their bids.

The Letter of Acceptance does not form part of the Bidding Document. However, it is the document normally used to accept a bid, and therefore to form a contract, so it is essential that it is used correctly by Procuring Entities.

A Letter of Acceptance must not be issued prior to obtaining all required approvals, including from the Tender Committee and head of the Procuring Entity and ensuring that sufficient funds have been committed for the contract.

Procuring Entities are required to inform unsuccessful Bidders that their bids have been unsuccessful and to inform them of the successful Bidder and provide brief reasons why their bid has failed. Unsuccessful Bidders must be informed of the successful Bidder at least five working days prior to contract award.

REFERENCE MATERIALS

- STANDARD BIDDING DOCUMENTS for Procurement of Goods. The World Bank. March 2013.
- STANDARD BIDDING DOCUMENTS for Procurement of Works and User's Guide. The World Bank. April 2015.
- STANDARD BIDDING DOCUMENTS for Standard Request for Proposals: Selection of Consultants. The World Bank. October 2011.
- The Ethiopian Federal Government Procurement and Property Administration Proclamation. Proclamation No.649/2009. Addis Ababa, Ethiopia.
- The Federal Democratic Republic of Ethiopia. Standard Bidding Document (SBD) For Procurement of Consultancy Service. Public Procurement Agency (PPA). January 2006, Addis Ababa, Ethiopia.
- The Federal Democratic Republic of Ethiopia. Standard Bidding Document (SBD) For Procurement of Goods and Related Services. Public Procurement Agency (PPA). January 2006, Addis Ababa, Ethiopia.
- The Federal Democratic Republic of Ethiopia. Standard Bidding Document (SBD) For Procurement of Works. Public Procurement Agency (PPA). January 2006, Addis Ababa, Ethiopia.
- The Federal Democratic Republic of Ethiopia. User Guide for the Standard Bidding Document for the Consultancy services (NCB) issued by the PPA (Version 1, January 2006).
- The Federal Democratic Republic of Ethiopia. User Guide for the Standard Bidding Document for the Procurement of Goods and related services (NCB) issued by the PPA (Version 1, January 2006).
- The Federal Democratic Republic of Ethiopia. User Guide for the Standard Bidding Document for the Procurement of Works (NCB) issued by the PPA (Version 1, January 2006).



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Prepared by

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