

KNOWLEDGE CENTRE

Bid Submission**BSub:1**

Relevant Facts or Questions Asked

A Procuring Entity (PE) sought guidance as follows:

- I. The PE initiated procurement proceedings for Supply and Delivery of File Servers via the Government of Jamaica Electronic Procurement (GOJEP) System. The deadline for submission was Wednesday, January 11, 2023, at 2:00 p.m.;
- II. Prior to bid submission deadline, the PE received a telephone call from a bidder, informing that it was unable to upload its bid or send an email as a result of internet disruption/outage experienced by both service providers;
- III. Four (4) bids were received at the close of the bid submission deadline;
- IV. Two bidders submitted bid securities by the deadline for submission of original bid securities, however, neither bidder submitted a bid;
- V. The PE notes that only one of the two bidders communicated the issues experienced which the PE notes appears to have been island wide; and submitted their bid by email one (1) day after the deadline for bid submission.

Issues Arising

Whether a bid submitted after the deadline for submission may be accepted.

Advice

1. Late bids are incapable of acceptance in GoJ's procurement system. Notwithstanding, an exception may be granted in specific instances which are set out below:

- I. Verified system issues with GOJEP, which would hinder suppliers' submission of bids; or
- II. Where a bidder is able to demonstrate that all necessary steps were taken to submit its bid, but the bid was not submitted by the deadline for bid submission.

2. In every instance where technical difficulties are experienced using GOJEP, the OPPP should be contacted. This instruction was also included in the issued bidding document under Instructions to Bidders (ITB) 26.2 – Late Bids, which stated:

26.2 In the case of electronic bidding, bidders will be unable to upload their bid once the bid submission deadline has passed.

Bidders are therefore urged to commence bid upload at least two (2) hours prior to the submission time. The Procuring Entity will not be held liable for bids not submitted on time due to late commencement of bid upload. At the FIRST SIGN of any technical difficulties, bidders must make contact with the Office of Public Procurement Policy...

3. In this instance, this Ministry's due diligence revealed that neither bidder made contact with the OPPP to report any issues being experienced on the day of the bid submission deadline.

4. Further, an audit carried out for the procurement activity in question revealed that neither bidder took steps which demonstrated any effort to submit bids prior to the deadline for bid submission.

5. Therefore, this Ministry advises that the procuring entity return the bid securities of both bidders who did not in fact, submit bids for the procurement proceeding and continue with the procurement process.

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