

KNOWLEDGE CENTRE

Disclosure of Record of Proceeding

DRP:1

Relevant Facts or Questions Asked

A Procuring Entity (PE) sought guidance as follows:

- I. The Procuring Entity received a request from a Bidder which required a breakdown of the scores received for all Bidders in the procurement process;
- II. The Procuring Entity highlighted that the Bidder shared the following excerpt from the bidding document:

“23.2... At the opening, the names of the Consultant/Firms, and the overall technical scores, including the break-down by criterion, shall be read aloud...”

- III. Hence, the Procuring Entity required guidance on whether it is a requirement to communicate the technical scores of all Bidders.

Advice

1. The disclosure of procurement information is no doubt necessary, especially when the procurement principle of transparency is considered. However, some information should not be disclosed and therefore must remain confidential. This is in keeping with section 46 of the Public Procurement Act, 2015 (as amended) (“the Act”).
2. In this instance the issued bidding document clearly stated that bidders would be provided with information relating to their technical scores after the evaluation of Technical Proposals. Hence, further to the requirements of the issued bidding document, the procuring entity would be obligated to provide bidders with their

technical scores in the following manner outlined in ITB 23.1 and 23.2., which has been set out below:

*23.1 After the technical evaluation is completed, the procuring entity shall notify those Consultants/Firms whose Proposals were considered non-responsive to the RFP and TOR or did not meet the minimum qualifying technical score (**and shall provide information relating to the Consultant/Firm's overall technical score, as well as scores obtained for each criterion and sub-criterion**) that their Financial Proposals will be returned unopened after completing the selection process and contract signing. The procuring entity shall simultaneously notify in writing those Consultants/Firm that have achieved the minimum overall technical score and inform them of the date, time and location for the opening of the Financial Proposals. The opening date should allow the Consultants/Firm sufficient time to make arrangements for attending the opening. The Consultant/Firm's attendance at the opening of the Financial Proposals is optional and is at the Consultant/Firm's choice.*

*23.2 The Financial Proposals shall be opened by the procuring entity in the presence of the representatives of those Consultant/Firms whose Proposals have passed the minimum technical score. **At the opening, the names of the Consultant/Firms, and the overall technical scores, including the break-down by criterion, shall be read aloud.** The Financial Proposals will then be inspected to confirm that they have remained sealed and unopened. These Financial Proposals shall be then opened, and the total prices read aloud and recorded. Copies of the record shall be sent to all Consultant/Firms who submitted Proposals.*

3. Therefore, the procuring entity is required to provide bidders with information relating to their technical scores in the manner outlined in the issued bidding document, and in accordance with GoJ's procurement rules.
4. Additionally, please be mindful that the disclosure of the outcome of the evaluation process, should be done in accordance with section 46(1) (3) of the Act and Regulations 38 of the Public Procurement Regulations, 2018.

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