

# KNOWLEDGE CENTRE

## Negotiation

**N:2**

### Relevant Facts or Questions Asked

A Procuring Entity (PE) sought guidance as follows:

- I. The Procuring Entity launched a Request for Proposal for Consulting Services, using the GoJ - ICB (1 stage, 2 envelopes) procedure, which included provisions for negotiation;
- II. The evaluation process was completed, and a consultant recommended to undertake the assignment;
- III. There are several technical issues that were identified by the evaluators that needed to be discussed with the consultant. As such, guidance was sought to determine at which point the consultant should be engaged for negotiation; that is:
  - Prior to receiving approval from the Procurement Committee and Public Procurement Commission/Cabinet (which is required based on the value), or
  - After receiving the necessary approvals, as mentioned above.

### Advice

1. Negotiation in procurement proceedings typically occurs after the initial stages of the selection of the recommended bidder, and prior to the finalisation of the contract.
2. It often happens during the evaluation of proposals or bids submitted by suppliers. Once the evaluation committee/team has reviewed the offers, negotiations are conducted to

finalise terms, pricing, delivery schedules, quality standards, and other relevant aspects of the agreement.

3. Thus, negotiation should occur before seeking the approval of the head of the procuring entity. This means that negotiation should take place before presenting the proposal to the procurement committee, as the approval of the head of the procuring entity is typically sought right after the procurement committee reviews the proposal.

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