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15 JAN 2021

CIRCULAR LETTER No...../CL/PR/MINMAP/CAB OF.....

Relating to the issuance of Tender Files purchase receipts and making these Tender Files available to the potential bidders.

THE MINISTER DELEGATE AT THE PRESIDENCY OF THE REPUBLIC IN CHARGE OF PUBLIC CONTRACTS, AUTHORITY IN CHARGE OF PUBLIC CONTRACTS

TO

- PROJECT OWNERS AND DELEGATED PROJECT OWNERS;
- THE DIRECTOR GENERAL OF THE PUBLIC CONTRACTS REGULATORY AGENCY;
- REGIONAL AND DIVISIONAL DELEGATES OF PUBLIC CONTRACTS;
- CHAIRPERSONS OF TENDERS BOARDS;
- CHAIRPERSONS OF CENTRAL CONTRACTS CONTROL BOARDS;
- CALL FOR TENDERS' CANDIDATES.

My attention has been drawn several times to the repeated violations by some Project Owners and Delegated Project Owners (POs/DPOs), especially Chief Executives of Local Authorities (LAs) and their collaborators, of the principles of free access to public procurement, equal treatment of candidates, transparency of procedures, efficiency and integrity as provided for in Article 2 of Decree No. 2018/366 of 20 June 2018 to institute the Public Contracts Code.

These breaches committed within the framework of the Public Contracts Award process, mainly concern the refusal to issue Tender Files (TFs) purchase receipts and making these Tender Files available to the potential bidders.

In order to put an end to these malpractices, which deeply undermine the performance objectives of the Public Contracts system and by the way discrediting it seriously, I urge:

1. Project Owners and Delegated Project Owners:

- to systematically provide local representatives of the Ministry of Public Contracts (MINMAP) and the Public Contracts Regulatory Agency (ARMP) with hard and soft copies of TFs as soon as Tender Notices are published;
- to provide potential bidders with the TF free of charge, in the place provided and during working hours for consultation;
- to take all appropriate measures to ensure that the payment of Tender Files acquisition fees and the issuance of purchase receipts are done hitch free;
- to refrain from demanding a collection order from the candidates within the framework of obtaining the Tender File purchase receipt;

- to provide potential bidders with the hard copy of the Tender File upon presentation of the purchase receipt.

2. Candidates who are victims of such practices:

- to contact officially the PO/DPO, by any written means, through a petition in case of such difficulty, with a copy to the Authority in charge of Public Contracts, the Organ in charge of the regulation of Public Contracts and their respective local representatives;
- in case of non-satisfaction within 48 hours from the date of submission of the petition, inform by any written means, the local representatives of MINMAP and ARMP.

3. MINMAP and ARMP local representatives:

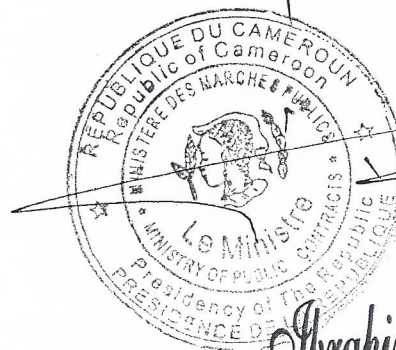
- to take without delay all the necessary steps with the PO/DPO concerned, for the complainant's access to the desired service, upon receipt of the copy of the potential bidder's petition, by calling on the postponement of the date of submission of bids if necessary;
- to ensure that the submission of tenders by bidders interested in the reference procedure is not hindered in any way at the level of the POs/DPOs concerned;
- to report the results of your work to your respective hierarchies as soon as your intervention has come to an end.

Any proven breach of the above-mentioned provisions will be liable to the cancellation of the procedure concerned and to the sanctioning of the PO/DPO.

I enjoin all of you to comply scrupulously with the prescriptions of this Circular-Letter to the application of which I attach utmost importance.

Copies

- MINSTATE/SGPR;
- SG/SPM;
- MINDDEVEL ;
- DG/ARMP ;
- RD and DD/MINMAP.



Abrahim Falba Malla