

INFORMATION ON THE PROCUREMENT PROCESS ACCORDING TO SIDA PROCUREMENT GUIDELINES (ARTICLE 1, 2&3)

GENERAL PRINCIPLES

If the implementation of a Project/programme requires procurement by the Cooperation Partner, the contract must be awarded to the tenderer with the most economically advantageous tender (i.e. the tender offering the best price-quality ratio), or, in case of supply contracts not involving after-sales service, the sole award criterion should be the price. Contracts must be awarded in accordance with transparency and fair competition avoiding any conflicts of interest. Contracts must not be split artificially to circumvent procurement thresholds.

To this end, the Cooperation Partner must comply with the rules set out in sections 0 to **Error! Reference source not found.** below, subject to section **Error! Reference source not found.** These lay down the minimum procedures to be followed and it is not precluded that other procedures offering more competition are utilised.

Sida will carry out ex post checks on the Cooperation Partner's compliance with these rules. Failure to comply with these rules would render the related expenditure ineligible for Sida funding.

ELIGIBILITY FOR CONTRACTS

2.1 NATIONALITY

Participation in tender procedures administered by the Cooperation Partner is open on equal terms to all natural and legal persons.

2.2 GROUNDS FOR EXCLUSION FROM PARTICIPATION IN PROCUREMENT

Candidates or tenderers will be excluded from taking part in a procurement procedure if:

- (1) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (2) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- (3) they have been guilty of grave professional misconduct proven by any means which the Cooperation Partner can justify;
- (4) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which

they are established or with those of the country of the Cooperation Partner or those of the country where the contract is to be performed;

- (5) they or persons having powers of representation, decision making control over them have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity detrimental to Swedens/Sidas financial interests;

Candidates or tenderers must certify that they are not in one of the situations listed above.

Points (1) to (4) do not apply to the purchase of supplies on particularly advantageous terms from either a supplier which is definitely winding up its business activities, or the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.

2.3 EXCLUSION FROM AWARD OF CONTRACTS

Contracts may not be awarded to candidates or tenderers which, during the procurement procedure:

- (a) are subject to a conflict of interests;
- (b) are guilty of misrepresentation in supplying the information required by the Cooperation Partner as a condition of participation in the contract procedure or fail to supply this information.

COMMON PROCUREMENT RULES

The tender documents must be drafted according to best international practice.

Sida will not publish notices and tender documents issued by the Cooperation Partner.

The time-limits for tenders must be long enough to give interested parties a reasonable and appropriate period to prepare and submit their tenders.

An evaluation committee must be set up to evaluate tenders on the basis of the exclusion, selection and award criteria published by the Cooperation Partner in advance in the tender documents. This committee must have an odd number of members, at least three, with all the technical and administrative capacities necessary to give an informed opinion on the tenders.