

# PUBLIC PROCUREMENT OBSERVATION CHECKLIST

## PART 1 - ADVERTISEMENT TO BID OPENING

### Introductory Notes:

1. This part of the Checklist should be completed within five working days from the date of Bid Opening.
2. Observers should study the User Guide to Public Procurement Observation Checklist before filling the checklist.
3. The questions marked in blue are optional.

## 1.0 Introduction

### 1.1 Observer Information

1.1.1 Observer's Name:

1.1.2 Observer's Organisation:

1.1.3 Observer's Address

- a. Street: \_\_\_\_\_  
\_\_\_\_\_
- b. Town: \_\_\_\_\_
- c. State: \_\_\_\_\_
- d. Telephone
  - i. Office phone: \_\_\_\_\_
  - ii. Mobile phone: \_\_\_\_\_
- e. Email: \_\_\_\_\_  
\_\_\_\_\_

### 1.2 Information on Ministry, Department or Agency (MDA)

1.2.1 Name and Address of MDA Observed:

1. Name of MDA:

[Eg; *Federal Ministry of Education or National Primary Healthcare Development Agency*]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address

- a. Street: \_\_\_\_\_  
\_\_\_\_\_
- b. Town: \_\_\_\_\_
- c. State: \_\_\_\_\_
- d. Telephone
  - i. Office phone: \_\_\_\_\_
  - ii. Mobile phone: \_\_\_\_\_
- e. Email: \_\_\_\_\_  
\_\_\_\_\_

1.2.2 Name and address of supervising Ministry (if any)

- a. Street: \_\_\_\_\_
- b. Town: \_\_\_\_\_
- c. State: \_\_\_\_\_
- d. Telephone
  - i. Office phone: \_\_\_\_\_
  - ii. Mobile phone: \_\_\_\_\_
- e. Email: \_\_\_\_\_
- f. Website: \_\_\_\_\_

1.2.3 Name of Accounting Officer:

- a. Name: \_\_\_\_\_
- b. Position/Rank: \_\_\_\_\_

1.3 Description of Procurement

1.3.1 Title of Procurement:

\_\_\_\_\_

1.3.2 Nature of procurement: Is the procurement for goods, works or services?

- A. Goods
- B. Works
- C. Services?

1.3.3 Sources of Procurement Funding and their respective Percentages (if any)

A. What are the sources of funding for the procurement? (Please mark (☒) the appropriate)

- i. Annual Appropriations (Government budgets)
- ii. bilateral donor funds
- iii. Grants
- iv. Loans

B. Is government co-funding or providing counterpart funding for the procurement with another institution? Yes  No

C. If government is co-funding the procurement, is its contribution/counterpart funding up to 35%? Yes  No  Not Applicable

D. If your answer in C above is positive, which of the following category best describes the percentage range of government's contribution to the funding of the procurement?

- A. 35%-45%
- B. 45%-55%
- C. 55%-65%
- D. 65%-75%
- E. 75%-85%
- F. 85%-100%
- G. Not Applicable

## 2.0 Access to Documents

2.1 Which of the following documents were made available to you by the Ministry, Department or Agency (MDA) at the time of invitation or prior to the date of bid opening?

- A. A written invitation letter to observe. Yes  No
- B. Copies of advertisement for pre-qualification or requesting for bid.  
Yes  No
- C. Procurement Plan. Yes  No
- D. Bidding documents/Request for Proposal (RFP) Yes  No

2.2 Did the MDA give you up to seven days Notice in its invitation?

Yes  No

## 3.0 Contents of Procurement Plan

3.1 Which of the following information or documents were contained in the Procurement Plan made available?

- |   |                                  |                                 |
|---|----------------------------------|---------------------------------|
| 1. Needs assessment and evaluation?   | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 2. Identity of the goods, works or services required?   | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 3. Aggregation of needs where possible within the procuring entity or between procuring entities? | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 4. Procurement Methodology?   | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |

## 4.0 Procurement Methodology

4.1 What procurement methodology was recommended for this particular procurement?

- |                             |                                  |                                 |
|-----------------------------|----------------------------------|---------------------------------|
| 1. Open Competitive Bidding | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 2. Two-stage Tendering      | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 3. Restricted Tendering     | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 4. Direct Procurement       | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 5. Emergency Procurement    | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 6. Request for Quotations   | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |

4.2 From the Procurement Plan, what were the reasons for choosing other methodologies instead of Open Competitive Bidding?

- |                          |                                  |                                 |
|--------------------------|----------------------------------|---------------------------------|
| 1. Expediency            | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 2. Cost effectiveness    | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 3. Emergency             | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 4. Nature of procurement | [A] Yes <input type="checkbox"/> | [B] No <input type="checkbox"/> |
| 5. Others .....          | <i>[Please limit to 5 words]</i> |                                 |

## 5.0 Advertisement

### 5.1 Type of Advertisement

5.1.1 Did the procuring entity advertise? Yes  No

5.1.2 If the answer is in the affirmative, where was the advertisement placed?

1. Notice Board Yes  No

2. National Newspapers Yes  No   
 a. Name  
 b. Date of Issue: [Day/Month/Year]  
 c. Page

3. Procurement Journal Yes  No   
 a. Name  
 b. Date of Issue: [Day/Month/Year]  
 c. Page

4. Relevant internationally recognized publication Yes  No   
 a. Name  
 b. Date of Issue: [Day/Month/Year]  
 c. Page

5. Official websites ..... (Specify) Yes  No

6. Others ..... (Specify) Yes  No

5.1.3 What was the advert for?

- A. Pre-qualification Yes  No
- B. Expression of interest Yes  No
- C. Invitation to tender Yes  No
- D. Request for proposals (RFP) Yes  No

**5.2 Contents of Advertisement**

**GUIDANCE NOTE**

1. The Public Procurement Act provides for various procedures for advertising procurements as well the contents of such advertisements.
2. This section deals with the compliance by the procuring entities of the different requirements relating to the contents of the advertisements for procurements.
3. Observers are advised to study *Box 12* below before responding to the questions.
4. Observers should mark (☒) in the option that best suits their answer.
5. Observers should note that question 5.2.4 (H) is optional and depends on the availability of such information that will enable the Observer respond to the question.

5.2.1 Did the advert above contain clear criteria for short-listing/pre-qualification and selection of winners? Yes  No  Contains but not clear

5.2.2 What length of time did the advertisement give for the submission of bids?  
 1 Week  2 Weeks  3 Weeks  4 Weeks  5 Weeks  6Weeks

Others  (Please specify)

5.2.3 In case of bidding documents or request for proposal, did the advert contain the following necessary information for collection and submission of bids?

- A. Time in the day Yes  No
- B. Place/address Yes  No
- C. Room number (If any) Yes  No
- D. Cost Yes  No

5.2.4 In the case of Advertisement for Bids/Proposals, did the advert contain the following:

- A. Detailed and clear technical specification of goods, works and service to be provided? Yes  No
- B. Brand name descriptions of the goods, works or services? Yes  No
- C. If yes, what reasons were given for the inclusion of brand names in the Procurement Plan?

- D. No description of goods, works and services at all. Yes  No
- E. Criteria for selection of winning bidder or proposal Yes  No
- F. Unclear criteria for selection of winning bidder or proposal  
Yes  No
- G. No criteria for selection at all Yes  No
- H. If criteria were provided, which of the following three were provided:
  - i. Least cost responsive bid/proposal Yes  No
  - ii. Proposal/bid with the best combined evaluation Yes  No
  - iii. The proposal within the budget that has the highest technical ranking.  
Yes  No

5.2.5 Which of the following bidding categories did the procurement fall under?

- A. National Competitive Bidding Yes  No
- B. International Competitive Bidding Yes  No

5.2.6 If International Competitive Bidding, were the criteria for the application of margin of preference set out in the bidding document? Yes  No

**5.3 Statutory requirements**

5.3.1 Which of the following statutory requirements were requested for in the advert or bidding document or request for proposal?

- A. Company registration (where applicable) Yes  No
- B. Evidence of tax clearance for three years preceding the particular procurement.  
Yes  No

- C. Evidence of Pension contribution for organization having more than five employees. Yes  No
- D. Affidavit verifying facts in the bids and indicating whether any member of the procuring entity or BPP has any pecuniary interests in the company or the Bid. Yes  No
- E. A statement declaring any subsidiary or dominating relationship with any other bidder. Yes  No

## 6.0 Qualification of Bidders

### 6.1 Professional qualifications

- (A1). Did this particular procurement require specific professional qualification of key personnel? Yes  No
- (A2). If so, was it clearly prescribed? Yes  No
- (A3). Which professional qualification of key personnel was prescribed?

### 6.2 Technical qualifications and experience

- (B1). Did this particular procurement require Technical qualification or experience? Yes  No
- (B2). Which evidence of technical qualification or experience was required?  
*Please specify*

- (B3). If so, was it clearly prescribed? Yes  No

### 6.3 Availability of infrastructure and equipments

- (C1). Did this particular procurement require evidence of (ownership/lease) equipment and infrastructure? Yes  No
- (C2). If so, were they clearly prescribed? Yes  No

### 6.4 Financial qualifications

- (D1). Did this particular procurement require financial qualification? Yes  No
- (D2). If so, what evidence of financial qualification did it prescribe?
  - i. Statement of Account Yes  No
  - ii. Turn Over Yes  No
  - iii. Audited Account Yes  No
  - iv. Others Yes  No

Please specify.....

**7.0 Bid Submission**

7.1 Was there a Bid register at the MDA for Bid submission? Yes  No

7.2 Were all bidders/service providers submitting bids registered chronologically?  
Yes  No

7.3 Was each bidder/service provider issued a receipt of bid submission containing the following:

- A. Description of the bid Yes  No
- B. Name of the bidder Yes  No
- C. Name of MDA Yes  No
- D. Date of submission of bids Yes  No
- E. Time of submission of bid? Yes  No

7.4 Did the MDA permit your sighting of the following:

- A. Bid submission register Yes  No
- B. Duplicate copies of bid submission receipts Yes  No

7.5 Did the MDA give you copies of the following:

- A. Bid submission register Yes  No
- B. Duplicate copies of bid submission receipts Yes  No
- C. Minutes of Bid opening Yes  No

7.6 In your opinion, is there evidence that the bid submissions were done at the time stipulated in the advertisement? Yes  No

7.7 If your answer is No, what in your view accounts for this?

7.8 What was the deadline for bid submission?

- a. Day/date:
- b. Time of the Day:

**8.0 Bid Opening**

**8.1 Bid opening information**

8.1.1 Did the procuring entity supply you with the information regarding bid opening?

(A1) Date of bid opening Yes  No

(A2) If yes, please specify in not more than 50 words

(B1) Time and place of bid opening Yes  No

(B2) If yes, please specify in not more than 50 words

(C1) Venue/place of bid opening Yes  No

(C2) If yes, please specify in not more than 50 words

8.2 Was the following present during the bid opening?

A. CSO Observer Yes  No

B. Representative of relevant professional body Yes  No

C. The bidders or their representatives Yes  No

D. Other stakeholders (*Please specify below*) Yes  No

8.3 Tamper-proof box

8.3.1 Did the MDA use a tamper proof box for the purpose of collecting the bids?

Yes  No

8.3.2 Was the tamper proof box opened and the bid produced and opened from such tamper proof box in the presence of participants? Yes  No

8.4 Opening of the Financial Proposals

8.4.1 Were the Financial Proposals opened at the same time with the Technical Proposals?

Yes  No

8.4.2 Briefly explain how this was done in not more than 50 words

8.5 Bid Opening Formalities and Process Issues:

8.5.1 In the process of bid opening, did the following occur?

A. Permitting attendees to examine the envelopes in which the bids have been submitted to ascertain that the bids have not been tampered with?

Yes  No

B. Causing all the bids to be opened in public, in the presence of the bidders and their representatives and any interested member of the public?

Yes  No

C. Ensuring that the bid opening takes place immediately following the deadline stipulated for the submission of bids or any extension thereof?

Yes  No

D. Counter-signing of each others bid by bidders present. Yes  No

E. Ensuring that a register is taken of the names and addresses of all those present at the bid opening and the organizations they represent?

Yes  No

F. Calling over to the hearing of all present, the name and address of each bidder, the total amount of each bid, the bid currency and recording in the minutes of the bid opening? Yes  No

8.6 Is there evidence that bids were accepted after the closing date for bid submission?  
Yes  No

## PART 2 - EXAMINATION OF BIDS TO CONTRACT AWARD

### 1.0 Examination of Bids

#### 1.1 Eligibility requirements

A. Did the first three ranking bids evaluated meet the minimum eligibility requirements stipulated in the bidding documents? Yes  No

B. If your answer is no, please give details

C. Were bids duly signed? Yes  No

#### 1.2 Changes in bids

1.2.1 During the process of bid evaluation, were there changes in quoted prices?

Yes  No

1.2.2 If yes, explain why and how.

1.2.3 Did the procuring entity give notice of the correction of arithmetic errors to the supplier or contractor that submitted the tender? Yes  No

1.2.4 If yes, how soon after the correction was the notice given? Explain

1.2.5 Which of the following other changes were made?

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| A. Sub-contracting                     | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B. Time schedule if time is of essence | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| C. Alternative design                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D. Price adjustment                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

1.2.6 What other changes if any were made? *(Please specify)*

## 2.0 Request for Documents

- 2.1 Did you request for the following documents after the bidding?
- A. (1) Minutes of Bid opening Yes  No   
 (2) If yes, was it given to you? Yes  No
- B. (1) Minutes of meetings of Evaluation sub-committee of Tender Board for examination and evaluation of tenders Yes  No   
 (2) If yes, was it given to you? Yes  No
- C. (1) Minutes of Tender Board’s Meeting considering report of the Evaluation sub-committee on the procurement activity Yes  No   
 (2) If yes, was it given to you? Yes  No
- D. (1) Letter of notification/award Yes  No   
 (2) If yes, was it given to you? Yes  No
- E. (1) Contract document Yes  No   
 (2) If yes, was it given to you? Yes  No
- F. (1) Any summary of details of contract published by the MDA or BPP Yes  No   
 (2) If yes, was it given to you? Yes  No

2.2 In case your request for any of the above documents was turned down, what were the reasons given? Please give details below Not more than 50 words

## 3.0 Post Bidding Information

3.1 Information on the Winner

3.1.1 Corporate/Personal particulars

A. Full names: .....

B. Addresses: .....

C. Was the winner’s name found in the register of bid submission?

Yes  No

D. Nature of bid winner: Natural Person  Legal Person (Company)

E. If a Legal Person (Company), is there evidence of registration with the Corporate Affairs Commission? Yes  No

3.2 Qualifications of Bid winner:

3.2.1 Is there evidence that Bid winner met with the following requirements?

- A. Professional qualification/personnel required to executive the contract?  
Yes  No
- B. Financial capacity to execute the procurement? Yes  No
- C. Equipment and infrastructure to execute the procurement? Yes  No
- D. Technical qualification/experience Yes  No

3.3 Disqualification of Bid winner

3.3.1 Is the winner in the BPP list of barred contractors? Yes  No

3.3.2 Is there evidence that Bid winner is disqualified under the following grounds?

A. (1). Being in receivership or subject of any form of insolvency/bankruptcy proceedings? Yes  No

(2) If the answer is in the affirmative, please give details [Limit to 100 words]

- B. Failure to submit valid evidence of payment of taxes. Yes  No
- C. Failure to submit valid evidence of payment of Pension contributions  
Yes  No
- D. Evidence of conviction of a director, owner or manager in any country for any criminal offence relating to procurement proceedings, fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter or crimes committed for financial gain? Yes  No
- E. If a private company, is it controlled by persons who are subject to any bankruptcy proceedings, who have been declared bankrupt or made compromises with their creditors within the last two calendar years prior to the initiation of procurement proceedings? Yes  No
- F. Failure to submit a statement regarding dominating or subsidiary relationships with other parties in the same procurement proceedings.  
Yes  No
- G. Failure to submit an affidavit disclosing pecuniary interest or lack of it and confirming the contents of the bid as true and correct? Yes  No
- H. Failure to submit bid security where required. Yes  No

4.0 **Evaluation of Bids**

4.1 In evaluation of bids, did the procuring entity use other criteria apart from the ones stipulated in the bid solicitation documents? Yes  No

4.2 In the evaluation of the Bids, did the procuring entity conduct the following checks?

A. Check out omissions and quantify same?

Yes  No  Not Applicable

B. Apply discounts, as applicable? Yes  No  Not Applicable

C. Clarify with bidders of questionable minor deviations?

Yes  No  Not Applicable

D. Quantify in monetary terms such questionable deviations?

Yes  No  Not Applicable

E. Convert foreign currency to Nigerian currency?

Yes  No  Not Applicable

F. Calculate and tabulate bid amount with domestic preference where applicable?

Yes  No  Not Applicable

G. Determine the lowest calculated prices in order of rank?

Yes  No  Not Applicable

H. Conduct post qualification of bidders where applicable?

Yes  No  Not Applicable

4.3 Exclusion of bids

4.3.1 Was there an exclusion of any of the bids? Yes  No

4.3.2 If your answer is in the affirmative, please give reasons for exclusion.

14.3.2 If any bid or bids were excluded, did the MDA inform the bidders in writing of reasons for exclusion of their bids? Yes  No

## 5.0 Acceptance of Bids/Proposals

5.1 For goods and works, was the successful bid the lowest cost bid from the bids responsive as to the bid solicitation? Yes  No

5.2 Was the winning bid selected based on the criteria indicated in paragraphs 7.2 and 8.0 in Part 1 above? Yes  No

5.3 For proposals, which of the following were the criteria for the acceptance of the bid?

A. Least cost responsive proposal Yes  No

- B. Proposal with the best combined evaluation in accordance with criteria set with respect to technical and price factors. Yes  No
- C. The proposal within the budget that has the highest technical ranking. Yes  No

5.4 What was Value of Procurement: [This refers to the total amount of money involved in the procurement].....

5.5 Request for clarification

- 5.5.1 Was there a request from any bidder for clarification? Yes  No
- 5.5.2 Did the procuring entity respond to the requests for clarifications? Yes  No
- 5.5.3 Did the procuring entity communicate other bidders of its response to the request for clarification? Yes  No

**6.0 Post Evaluation Requirements**

- 6.1 Margins of Preference if applicable
  - 6.1.1 Were the criteria set out for margin of preference applied? Yes  No
- 6.2 Certificate of “No Objection” to Contract Award
  - 6.2.1 Is this procurement within the “No Objection” threshold? Yes  No
  - 6.2.2 If yes, was a certificate of “No Objection” to award of contract obtained before awarding the contract? Yes  No

**7.0 General Compliance Issues**

- 7.1 Was the procurement contained in the annual budget? Yes  No
- 7.2 Did the methodology comply with the prior review thresholds set by the Bureau? Yes  No
- 7.3 Is there evidence that tenders have been split to avoid thresholds set by the Bureau? Yes  No

7.4 If the answer is in the affirmative, provide details. [Limit to 100 words]

7.5 What was the language of the procurement proceedings?  
 English  Hausa  Igbo  Yoruba  Other(s)

**8.0 Administrative Review**

8.1 Are you aware of any complaint on this particular procurement proceeding?  
 Yes  No

8.2 Were the complaints based on any of the following?

- 8.2.1 (A) Non-provision of equal and simultaneous opportunity? Yes  No   
 (B) If the answer is in the affirmative, please give details. [Limit to 100 words]

- 8.2.2 (A) Bribery, treating, or inappropriate conduct in the bidding?  
 Yes  No   
 (B) If the answer is in the affirmative, provide details. [Limit to 100 words]

- 8.2.3 (A) Moving an invalid bid from the examination to the evaluation stage?  
 Yes  No   
 (B) If the answer is in the affirmative, provide details. [Limit to 100 words]

8.2.4 Others (*Please specify*) [Limit to 100 words]

**8.3 Adjudication of complaints(where there has been a complaint.(optional)**

- 8.3.1 Did the Accounting Officer make his decision within 15 days? Yes  No   
 8.3.2 Did the Accounting officer make his decision in writing and addressed to the complainant? Yes  No   
 8.3.3 Was there an appeal to the Bureau? Yes  No   
 8.3.4 Did the Bureau make its decision within 30 working days? Yes  No   
 8.3.5 Was the Bureau’s decision in writing and delivered to the Complainant? Yes  No

**8.4 Conflict of Interest**

8.4.1 Is there allegation/indication that public officer(s) involved in the procurement process has been involved in any of the following?

- A. Possessing an interest outside his/her official duties that materially influenced the outcome of the tender? Yes  No   
 B. Possessing a direct or indirect interest in or relationship with a bidder, supplier, contractor, or service provider that is inherently unethical or that may be implied

or constructed to be, or make possible personal gain due to the person's ability to influence dealings? Yes  No

C. Entertaining relationships which are unethical, rendering his/her attitude partial towards the outsider for personal reasons or otherwise inhibits the impartiality of the person's judgments? Yes  No

D. Placing by acts or omissions the procuring entity he/she represents or the Government in an equivocal, embarrassing or ethically questionable position? Yes  No

E. Entertaining relationships compromising the reputation or integrity of the procuring entity he/she represents or the Government? Yes  No

F. Receiving benefits by taking personal advantage of an opportunity that properly belongs to the procuring entity he/she represents or the Government? Yes  No

G. Creating a source of personal revenue or advantage by using public property which comes into his/her hands either in course of his work or otherwise? Yes  No

H. Disclosing confidential information being either the property of his/her procuring entity, the Government or to a supplier, contractor or service provider to unauthorized persons in bid to influence bidding outcomes? Yes  No

8.5 Is there an allegation/indication that any person who participated in preparing the procurement process also bid directly or indirectly for the same procurement process? Yes  No

## 9.0 Concluding Comments

9.1 In your opinion was the public procurement -

A. Transparent? Yes  No

B. Timely? Yes  No

9.2 Did the public procurement promote -

A. Competition? Yes  No

B. Value for money? Yes  No

C. Fitness of purpose? Yes  No

D. Generally in accordance with the provisions of the PPA? Yes  No

## 10.0 Further Information

Use extra sheets of paper for further comments and issues not covered by this Checklist but which you consider relevant to the achievements of the objectives of the PPA

**Signature**

**Date**