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?

2. Identity of the goods, works or services required? [A] Yes ☐ [B] No ☐
3. Aggregation of needs where possible within the procuring entity or between procuring entities? [A] Yes ☐ [B] No ☐

4.0 **Procurement Methodology**

4.1 What procurement methodology was recommended for this particular procurement?

1. Open Competitive Bidding [A] Yes ☐ [B] No ☐
2. Two-stage Tendering [A] Yes ☐ [B] No ☐
4. Direct Procurement [A] Yes ☐ [B] No ☐

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

1. Expediency [A] Yes ☐ [B] No ☐
2. Cost effectiveness [A] Yes ☐ [B] No ☐
5. Others ………………………………… [Please limit to 5 words]

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 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 ☐ 6 Weeks ☐
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

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(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?
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 ☐ No ☐
   B. Time schedule if time is of essence Yes ☐ No ☐
   C. Alternative design Yes ☐ No ☐
   D. Price adjustment Yes ☐ No ☐

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.

4.3.2 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 Objecti

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