

## **The Unified Form of Evaluating Bids**

### **Supply of Commodities or Executing Works**

## **Preface**

This Unified Form for Evaluating Bids was prepared for the use of the Executing Government Parties (Employer) in Evaluating the Bids Financed by the Federal Budget According to the Provisions of the Iraqi Law of General Contracts.

This Document aims to Assist in evaluating the Bids which were obtained only from the Procedures of General Competitive Bids.

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## How to Use these forms

- 1- The forms of evaluation and guide, in this document, provide details for the steps of carrying out bids evaluation obtained from thru the general competitive bids and evaluation procedures explained in the instructions to the bidders, which are specified in the actual tender documents used always.
- 2- We draw your attention that there is no need that the evaluation, and what results out of it, be prolonged, as the supply of goods " on the shelf" is usually quick and easy for evaluation, and the forms shall be attached to the evaluation report but they can be adjusted to meet requirements of tender documents and the report shall contain a number of attachments that clarify the details of bid evaluation or explain certain disputed words and numbers, and cross- reference shall be used frequently alongside with the referral to the relevant clauses in the tender documents.
- 3- It must be referred especially the tender documents that contains a "package" of smaller contracts, among which ("Schedules"), and it is also called "slides" or "articles" that can be anchored as a schedule or slide or article to one bidder that was awarded more than schedule or slide, provided that the awarding shall fit with the necessity of obtaining the lowest price evaluated for the package – separately, and depends on the conflict of settlement (see Annex 1, Para 7 (b)) the joint schedule for all are 1,2 and 3 only.
- 4- The employer shall study these evaluation forms and guidebook during the project preparation, in order to evaluate the administrative conditions required for bid evaluation correctly, even if the matter would need resorting to experts with experience to help in evaluation get them paid from the project allocations.

## **Section 1- Unified Forms to Evaluate Bids**

# Unified Cover

## Report of Bid Evaluation and Recommendation of Awarding Contract

Project Name:

\_\_\_\_\_

Classification No. in Federal Budget

\_\_\_\_\_

Contract Name: Identification

No.:

Date of Delivery:

### **Report of Awarding Recommendation**

If the contract is subject to a prior review, the report of bid evaluation shall be attached to the letter of awarding recommendation issued by the analysis and evaluation and to be forwarded to the authority responsible for contracting/employer.

### Schedule 1. Definition

1.1	Government department /Employer	.....
2.1	Financial Allocation	.....
3.1	Bid Expiration	.....
4.1	Date of tender closing (A) Original (B) Amended	..... .....
5.1	Project's Name	.....
6.1	Buyer (or employer ) (A) Name (B) Address	..... .....
7.1	Tender No.	.....
8.1	Tender Description	.....
9.1	Estimated cost	.....
10.1	Contracting method (choose one)	General Competitive bids ..... Others .....
11.1	Is the prior review of the authorized entity enquired ?	Yes..... No.....
12.1	Is the price of the contract fixed	Yes..... No.....
13.1	Joint financing , if any: (A) Name of the financing Agency (B) Financing rate of the agency	..... .....

Mention the source and date that the balance sheet is adopted.



## Schedule 2 Tender Procedures

1.2	Announcement of the whole tender (A) Name of the national newspaper (B) Date of issue (C) E-Mail of the Employer (D) E-mail of (UNDB) and (dgMarket)	..... .....
2.2	Pre- Qualification , if required (A) Number of the pre-qualified organizations (B) Approval of the Employer	..... .....
3.2	Announcement of the limited tender (A) Name of the national newspaper (B) Date of issue (C) E-Mail of the Employer (D) E-mail of (UNDB) and (dgMarket)	..... .....
4.2	Unified Bid Document (A) Address and date of publishing (B) Date of issuing for bidders	..... .....
5.2	Number of parties that purchased the tender documents	.....
6.2	Amendments on the documents , if any (A) Include all dates of issuing	.....
7.2	Date of the conference before the bid , if any	.....
8.2	Date of sending the minutes of meeting of the conference before the bid to the bidders	.....

### Schedule (3) Delivering and Opening Bids

3-1	Date of Tender Closing (A) Original date and time (B) Extensions , if any	..... .....
3-2	Date And Time of Bid Opening	.....
3-3	Register of bid opening , and date of sending it to the contracting party	.....
3-4	No. of Bids determined	
4.4	Date of Bid Expiry (Days and Weeks) (A) Specified by origin (B) Extensions ,if any	..... .....

**Schedule (4) Bid Prices (in the public reading) at Bid Opening**

Identifying of the bidder			Bid Prices read in public		Updates, Discounts, or Remarks <sup>1</sup>
Name (A)	City/Governorate or region (B)	State (C)	Currency (D)	Amount (E)	

<sup>1</sup>Submit a description of any updates of the tender that read that was in public , such as submitted discounts , withdrawal , alternative bids , point also to the faults of any required bid guaranty in the tender documents or other important items , review also Annex 1 , Para 2 that comes later :

### Schedule (5) Preliminary Evaluation

<b>Bidder (A)</b>	<b>Verification (B)</b>	<b>Eligibility (C)</b>	<b>Bid Guaranty (D)</b>	<b>Bid Completion (E)</b>	<b>Fundamental Response (F)</b>	<b>Acceptance of the detailed test (G)</b>
etc.						

**Note :** to interpret the titles, see Annex 1, Para 5 as follows. additional columns may be needed, for example to respond to the technical conditions. see Annex 4

### Schedule (6) Corrections and Unconditional Discounts

Bidder (A)	Bid Prices read in public		Corrections		Corrected Bid Prices (F) = (C)+(H) -(E)	Unconditional Discounts		Corrected/ Discounted Bid Prices (I) = (F) -(H)
	Currency (B)	Amount (C)	Arithmetic Errors (D)	Reserve Amounts (E)		Percentage (G)	Amount(s) (H)	
etc.								

**Note:** only the bids accepted in the preliminary evaluation (Schedule 5, Column G) are included in this schedule and the subsequent schedules.

Columns (A), (B) and (C) are from Schedule 4, the Columns (A), (B) and (E) respectively

the corrections in Column (D) may be in positive or negative.

If the discounts are submitted as percentage, Column (D) is usually is a result of multiplying Column (F) by Column (G). see Para (6) in Annex 1.

If the discount is submitted as an amount, it is included directly in Column (H), the price increase of discount in negative.

### Schedule (7) Additions, Adjustments and Priced Deviations

<b>Bidder (A)</b>	<b>Corrected/Discounted Bid Prices<sup>1</sup> (B)</b>	<b>Additions<sup>2</sup> (C)</b>	<b>Adjustments<sup>2</sup> (D)</b>	<b>Priced Deviation<sup>2</sup> (E)</b>	<b>Total Price (F)= (B)+(C)+(D)+(E)</b>
Etc.					

<sup>1</sup> Column (B) is from Schedule 6, Column (I)

<sup>2</sup> A footnote has to be made for each entry in Column (C), (D) and (E) and explain it in a proper detail with arithmetic operations. see Schedule 6, Para (C), (D), and Para (E) respectively in Annex 1.

## Schedule (8) Proposed Award of Lowest Evaluation Value Contract

<b>8.1 Responsive Bidder with lowest evaluation</b> (A) Name (B) Address	.....	
<b>8.2 If the bid is submitted by a representative, enter the actual supplier</b> (A) Name (B) Address	.....	
<b>8.3 If the Bid is Joint Venture, enter all partners, their nationalities and shares specified in the contract.</b>	..... .....	
<b>8.4 Specified Date (month, year) to sign the contract</b>		
<b>8.5 Date of supplying to project site/compleon period</b>		
<b>8.6 Bid(s) Prices read in public<sup>1</sup></b>	<b>Currency</b>	<b>Amount(s) or %</b>
<b>8.7 Error Correc on<sup>2</sup></b>		
<b>8.8 Discounts<sup>3</sup></b>		
<b>9.8 Other Adjustments<sup>4</sup></b>		
<b>8.10 Proposed Award<sup>5</sup></b>		

<sup>1</sup> from Schedule 6, Column (B) and (C)

<sup>2</sup> from Schedule 6, Column (C)

<sup>3</sup> from Schedule 6, Column (I), enter any confliction in discounts, see Annex 1, Para 7 (B).

<sup>4</sup> explain all adjustments in detail.

<sup>5</sup> total prices in clauses 6-9

## **Annex (1) - Evaluation Guide**

### **1- Definition and Bid Submission Process**

schedules 1,2 and 3 to fill out the basic information of contracting procedures and this information are necessary for controlling the application of the General Contract Law and the related legislations.

### **2- Bid Opening**

All bidders and their representatives are invited to attend the process of bid opening, where bid are publicly read and registered, in addition to registering a list of attendees, the minute of bid opening shall be signed by all bidders or their authorized representatives and the procedures of bid opening are described in the instructions to the bidders. There a checklist in Annex 2 to help in the implementation of bid opening process and minute preparation. it is preferred to fill out the checklist of each bid during the public reading in the meeting, and the reading shall be from the original copy of each bid, and the actual prices and other main details shall be circled for later review.

Any envelopes that contain alternatives, adjustments or withdrawal shall be subject to the same degree of auditing, including the public reading of the significant details such price changing. The failure to read this information publicly and its inclusion in written register may result in denying the existence of this information in bid evaluation. If a bid is withdrawn by a telegram, however it shall be read in public and not to return it to the bidder until confirming the authenticity of withdrawal notice.

as shown in the instructions to bidders, the bids are not refused upon bid opening process, except for those received after the deadline of submission, and such bids shall be returned to the bidder without opening. A summary of the publicly read bids in the schedule 4 shall be submitted.

### **3- Bid Validity**

the validity of any bid shall be mentioned in the instructions to bidders attached to the tender documents and it must be emphasized in the signed bid for. If there were exceptional circumstances that prevent granting the bid during the validity period, it is possible for bidders to request extension in writing according to the instructions to bidders, and the bidders are requested also to extend the validity of and bid bond (bid guarantee) when needed. state any extensions in schedule 3.

### **4- Evaluation Principles**

After the public opening of bids, no information concerning the studying, clarification and evaluation is given to bidder or any other persons who are officially related of this process until notifying the winner about the award of bid. On the study, the clarification and evaluation of bid. the evaluation committee shall be determined and formed of three competent members at least or in accordance with the relevant legislations, and the documents of tender shall be preserved in a safe place, and it would be better if these member are those who participated in the bid documents preparation.

The government departments/employer can in some cases request explanations from bidders concerning the points of ambiguity and contradiction in the bid, as required in the instructions to bidders, and these shall be in writing, and no change in the originally presented prices, scope of goods or works, or services shall be requested or accepted, unless in case of calculation error correction, and the relies of bidders shall be also in writing and it is not permitted to make interviews or talks between the government department/employer (or his advisors) and the bidders during the process of bid evaluation .

Bidders may attempt to contact the government department/employer during the process of bid evaluation , whether directly or indirectly in order to ask about the progress of evaluation process or to submit unneeded clarifications to criticize their competitors, in this case, such information is received only, and the government department/employer shall evaluate these bids based on the information stated in the bids only, but the additional information assist may come in handy in increasing the accuracy, quickness and integrity of evaluation , nevertheless, it is not permitted to make any changes in the bids prices or their essence.



## 5- Preliminary Evaluation of Bids

The evaluation process shall immediately start after the bids opening by the analysis and evaluation committee. The initial evaluation of bids aims at separating and rejecting all uncompleted, invalid bids and those non-compliant to what is required in the tender documents, then to rule them out, whereas the following things shall be verified in the bids:

**A-Verification:** an attention must be paid to the defects, which in case accepted, they will give unfair priority to the bidder, and also must be taken into consideration, for example, the simple errors or inattention, which are possible human mistakes and shall not be used as a basis to turn down the bid, because it is rare that a bid comes complete in all respects, but the validity of bid itself, for example, and the signatures thereon must be correct. If the bidder is a joint venture, then the partnership agreement shall be submitted, and if the bidder was a representative, an authorization letter shall be submitted to by the supplier or manufacturer, in addition to any other required documents by the same supplier or manufacturer. All copies of a bid shall be compared to the original copy and correct them in accordance therewith, and afterwards if necessary, the original copy shall be kept in a safe place and to use the copies only in evaluation process.

**B-Eligibility:** If pre-qualification is done, only the bids of the pre-qualified bidders shall be examined<sup>1</sup>. The bidders (including all the members of joint venture and subcontractor) may forfeit their competence in case of partnership with an organization that has rendered consulting services related to the project.

**C-Bid Guarantee:** the tender documents may require submitting a bid guarantee, in this case, the bid guarantee shall meet the requirements of the instructions to bidders and shall be attached to the bid. If the bid guarantee is issued as bank guarantee, it shall be in agreement with the words used in bid guarantee form available within the tender documents, and it is considered unacceptable to submit a copy of the guarantee or submit counter guarantee, and the name of the employer's bank shall be mentioned instead of the employer itself, in addition thereto. The guarantees of lower price or shorter period than those specified in the instructions to bidders shall be also considered unacceptable, and the bid guarantee submitted by the joint venture shall be in the name of all partners therein.

**D-Bid Completion:** Unless the tender documents allow partial bids clearly, in a manner that enable the bidder to offer prices for certain items only or for partial quantities only, the bids that do not submit offers for all the required items shall be considered unfulfilling the conditions; but in case of work contracts, the incomplete prices of some items of works are considered included in the closely related item prices, which are mentioned in another place. In case there was some deletion, writing between lines, additions or any other changes, they must be signed on with the initials of the bidder, and it can be accepted in case they were correctional, written or interpreted, but if they were not as such, then they shall be treated as violations and will be analyzed according to Para 5 (E) hereunder.

**E- Substantial Response:** the main deviations from the commercial requirements and technical specifications are the basis to reject bids as a general rule, and the main deviations are those, in case accepted, will not realize the objective for which the bidding put forward, or may obstruct the integral comparison with bids abiding by the tender documents. The example of main deviations included the following:

- 1) If a variable price is requested while the tender documents refer to a fixed price.
- 2) Failure to respond to the specifications by offering instead thereof a design or product, which does not represent an actual substitute in terms of the substantial performance standards or in terms of the other requirements.
- 3) Segmentation of work commencement, delivery or construction into stages, without abiding by the datelines or workflow indicators.
- 4) Subcontracting (subcontract) with amounts or in a form different from what is allowed.
- 5) Refusing to assume significant responsibilities set forth in the tender documents, such as performance bonds and insurance.
- 6) Requesting exemptions from basic provisions such as the prevailing law, taxes, fees and procedures of conflict resolution.
- 7) The deviations mentioned in the instructions to bidders, which lead to turning down the bid (for example, in case of works, the participation in submitting another bid in a capacity other than that of a subcontractor).

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<sup>1</sup> The legal structure of the pre-qualified bidders cannot be changed upon submitting bids.

The bids with deviations may be considered largely responsive, at least with regards to the integrity - if it is possible to give such deviations a financial value added as penalties during the detailed evaluation process and if these deviations were accepted in the final contract.

The results of the preliminary examination shall be submitted in schedule No.5. If the bid did not pass in the preliminary acceptance, the reasons must be explained clearly in the footnotes or as attachment, as necessary, and there is an example of that in Annex 4; the government department/employer may see an advantage from adding detailed schedules for responding to the technical or commercial specifications list, and these schedules shall be attached to the Schedule 5.

#### **6-DetailedEvaluationofBids**

in this stage, only the bids that passed the preliminary evaluation are evaluated.

**A- Error Correction:** the methodology of arithmetic errors correction is stated in the instructions to bidders. the publicly read bid prices shall be stated and corrected in Schedule No. 6, Column (D), and the corrections shall be abiding to the bidder, as for the unusual large errors that affect the order of bid comparison, they shall be explained in the footnotes.

**B-ReserveAmountsCorrections:** the bids may contain reserve amounts determined by the employer for contingencies or the nominated subcontractors, etc., and since these amounts are the same for all bids, they must be deducted from the publicly read prices in the Schedule No. 6, Column (C) in order to allow a proper comparison among bids in the next steps, but the amounts allocated to the daily work, when competitively priced, are not included in deduction.

**C- Adjustments and Discounts:** According to the instructions to bidders, the bidders are allowed to submit adjustments on their original bids before the opening of bids, and the effect of adjustments shall appear clearly for all bids in the examination and evaluation of bids. The adjustments may contain either increase or decrease of the bid values, which reflects work decisions in the last moment, and accordingly, the original bid price shall be amended in this stage of evaluation. The discounts submitted in accordance with the instructions to the bidders, which are conditional on the award of other contracts at the same time or shares from the contract package (comprehensive discounts), shall not be merged until finishing all the other evaluation steps. As for the effect of unconditional discounts (or price increase), they shall be appear as shown in the Schedule 6 (Columns F and H), and any discount shown in percentage shall be applied to the proper rule specified in the bid (i.e. making sure if it applies to any of the reserve amounts).

**D-Additions:** the omissions in bids must be compensated by adding the estimated costs to handle the deficit, and in case there are some items absent in the bids while existing in others, an average of the submitted priced can be used, in order to compare the bids of competitors; and external sources can be used such as the published price lists or shipping tariff schedules etc. as a proper substitute therefore. The cost determined by the currency adopted in evaluation process shall be mentioned and included in Schedule No. 7, Column (C).

**E-Adjustments:** the instructions to bidders determine the factors of performance or service, if any, that will be taken into consideration in the bid evaluation, and methodology used in evaluating these factors must be described accurately in the report of bid evaluation, and must be completely in agreement with the instructions to bidders. the allowances and advance payments that exceed the requirements mentioned in the tender documents, which decrease the price of the evaluated bid, will not be allowed in bid evaluation unless determined in the instructions to bidders<sup>2</sup>, and all adjustments are expressed as cost for all works and most goods contracts, and they must be stated in Schedule 7, Column (C)<sup>3</sup>

**F-PricedDeviations:** as mentioned in Para 5 (E), the bids with simple deviations can be basically considered responsive if the subsequent study of them resulted in financial costs to be added to the bid amount for the purposes of bid comparison.

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<sup>2</sup> This also applies to any bid that offers an option of different forms of the same products, where the evaluation will be based on the lowest price submitted by the bidder for the form that meets the requirements of bid document.

<sup>3</sup> The employer , in certain cases, may allow using merit points system for the purchase of goods, in case the adjustment are expressed in points.

1) The requests of deviations must be ignored, during bid submission, which are expressed by the bidder with unclear terms, such as " we would like to increase the advance payment of contract" or "we would like to discuss changes in the completion schedule", but any classificatory statement of the bidder that excludes a requirement in the tender documents shall considered a deviation.

2) If a bid included a payment request, more quickly than what is set forth in the tender documents, the delay penalty shall be determined by the privilege that the bidder will obtain therefrom, and this situation assumes using the current value of cash flows thru utilizing the prevailing commercial interest rates of bid currencies, unless the instructions to bidders have expected that and set a rate, or prohibited that in the first place.

3) If a bid includes a date for delivery or completion after deadline determined in the tender documents, however, it is technically accepted for the government department/employer , the priority of time given herein shall be estimated as penalty mentioned in the instructions to bidders, or in case it does not exist, based on the lump compensations specified in the tender documents, and it must be taken into consideration whether the deadline set forth in tender documents is a substantial or preferential condition.

the deviations shall be priced in Schedule 7, Column (C).

## **7- Determination of Bid Award**

In bid comparison for works and most goods, the prices of corrected or decreased bids are mentioned in Schedule No. 7, in addition to the adjustment by deletion, deviations and specified evaluation factors. The bidder of the lowest total is of the lowest cost submitted in this stage, according to:

- Applying any possible discounts upon award of a number of contracts or shares at the same time;
- Evaluation of post-qualification or in case the pre-qualification is done, to confirm the information of pre-qualification.

**A) Comprehensive Discounts:** there are conditioned discounts to be presented in case of award more than one contract or share to a single bidder, and the bid evaluation in such cases might be complicated to some extent. The volumes of comprehensive discounts submitted by each bidders depending on the possible number of contracts to be awarded. The instructions to bidders may contain the number of contracts to be awarded to a single bidder or their total value, based on his financial and technical qualifications<sup>4</sup>. Accordingly, the bidder who offers the lowest evaluated price for some contract, he might not be awarded because of this determination. the government department select the ideal mixture of award based on the lowest total value of the whole contract packages, in a form that agrees with the qualification criteria, and also the arithmetic operations shall be attached to the report that must contain the bid evaluation (evaluations) of the other contracts, in case they are separately evaluated.

**B-Qualification:** If the pre-qualification is done, the bid must be awarded to the bidder of the least price evaluation, unless the qualifications of a bidder have declined since the submission of bid, or in case the bidder has undertook extra works since that time, which exceed his capability, and the government department/employer has to be completely convinced in both cases.

But in case the pre-qualification is not done, the expected winner shall be subject to the post-qualification process, whose procedures are detailed in the instructions to bidders<sup>5</sup>.

If the lowest bidder did not pass the post-qualification evaluation, his bid shall be rejected and the second bidder in order shall be subject to the post-qualification evaluation, and if he passes it, the contract will be awarded to him, and if not, the process goes on.

If a bid is turned down for qualification reasons, it requires a convincing justification and shall be clearly documented and attached to the report. The poor performance of previous works is considered a convincing justification.

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<sup>4</sup> This determination may result from the pre-qualification

<sup>5</sup> The annex in the employer's unified document for pre-qualification is useful to evaluate the post-evaluation.

**C)Alternative Bids:** The instructions of the government department/employer may require or allow bidders to accept alternative bids, on condition that only the alternative submitted by the lowest price bidder who bides by the tender documents shall be studied.

and the government department/employer shall give a justification for accepting the bid submitted by the lowest price bidder. The arithmetic operations of alternative bids evaluation shall be attached the report.

**D)Recommendation of Award:** the recommended amount will be the price of bid submitted by the winner bidder, which was adjusted according to what stated in the instructions to bidders in terms of corrections, and any discounts (including the comprehensive discounts), and acceptance of the government department/employer of alternative bids from the lowest price bidder, and the Schedule No. 8 must be filled out to show the actual amount of contract award.

If:

- (1) None of bid were not responsive; or
- (2) The bids were unreasonably of high prices in comparison with the estimative costs
- (3) None of bidders were qualified

Then the government department/employer shall have the right to reject all bids.

**E)Submission of Report:** The Bid Evaluation Committee, after bid opening, shall as soon as possible submit the analysis and comparison report to the employer, including a brief of the procedures followed by the committee, and it is preferred to be done in no less than three weeks as from the expiry of bid validity. The report shall include the all paragraphs mentioned in the Fifth Annex.

**F)Bid Award:** All bid guarantees submitted by the bidders that did not win shall be returned immediately after contract award, but if the contract activation is depended on the receipt of performance bond or any other condition, the government department/employer is entitled to request an appropriate extension for validity period and less guarantees of the next two bids.

The bidders that did not win, in accordance with the provisions of General Contracts Law, are allowed to obtain a statement of reasons from the government department/employer, and in consideration thereof and/or any other future attendances, the government department/employer shall keep the tenders documents and evaluations in a safe place.

## **Annex (2) – Checklist of Bid Opening**

(To be filled out for each bid its reading public)

No. or/Name of Tender: \_\_\_\_\_

Date of Opening the Bids: \_\_\_\_\_

Bidder Name: \_\_\_\_\_

(1) Is the outer envelope of the bid sealed?

(2) Is the Bid form filled out and signed?

(3) Expiration Date of Bid:

(4) Is the authentication of signature authorization attached?

(5) Bid Guarantee Amount, if any: \_\_\_\_\_(mention currency)

(6) Describe any delivered "Replacement" or "Withdrawal" or "Adjustment"

(7) Describe any alternative bid made

(8) Describe any discounts or adjustments submitted:

(9) Additional Comments <sup>6</sup>:

(10)

Bidder Name or his present representative

(11)

Total Bid Price: \_\_\_\_\_(mention currencies and amounts or percentages)<sup>7</sup>

Person in Charge Signature: \_\_\_\_\_Date: \_\_\_\_\_

<sup>6</sup> Reading and registration of equipment model numbers

<sup>7</sup> if the bid is for a package of contracts, the price of each share or item must be read in public

### **Annex (3) – Eligibility of Goods and Works Availability for the Importing Financed by the Federal Budget**

We list hereunder the bidder's eligibility criteria that shall be fulfilled by government departments and bidders in order to encourage competition and allow to companies and persons of any country to participate in any of the good supplying contracts or work implementation, or render consulting services, and the requirement of qualification for participation shall be limited to being necessary to ensure enabling bidders to implement the contract.

The government department is not allowed to cancel the pre or post qualification for any bidder for reasons irrelevant to his capability and sources required for the successful contract implementation, and the government department shall exert effort in determining the technical and financial qualifications needed by the bidders in the instructions to bidders, and the government department shall abide by these limitations.

To exclude the following from the aforementioned:

- (A) Any organization of a certain country or manufactured goods in that country may be prevented from participation, for the following reasons:
  - 1- If the Government of Iraq prohibits the commercial relations with those countries according to a law or official instructions.
  - 2- If the Government of Iraq prohibits importing goods or paying to a certain country, person or entity in a response to the resolution of International Security Council taken in the accordance to Chapter 7 of United Nations Charter.
- (B) Any organization commissioned by the government department to provide consulting services for the project, shall lose its eligibility to provide goods, works or services resulting from a direct connection of the consulting services of this organization to the implementation of project, and this matter does not apply to turnkey projects.
- (C) A commercial organization owned by the Government of Iraq can participate , if confirmed the following:
  - 1- Legally and financially independent
  - 2- Work according to the Iraqi Law.

#### Annex (4) - Preliminary Evaluation

Bidder	Verification	Eligibility	Bid Guarantee	Bid Completion	Essential Response	Approval for detailed test
Bidder A	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes
Bidder B	No <sup>10</sup>	Yes	Yes	Yes	Yes <sup>9</sup>	No
Bidder C	Yes <sup>11</sup>	Yes	Yes	Yes	Yes	Yes
Bidder D	Yes	Yes	No <sup>13</sup>	No <sup>12</sup>	Yes	No
Bidder E	Yes	No <sup>15</sup>	No <sup>14</sup>	Yes	Yes	No
Bidder F	Yes	Yes	Yes	Yes	Yes	Yes
Bidder G	Yes	Yes	Yes	Yes	Yes <sup>16</sup>	Yes
Bidder F	Yes	Yes	Yes	Yes	Yes	Yes

<sup>8</sup> The bidder is (25%) partially owned by the government of (the employer). He is working according to the law, and he is financially and administratively dependent from the government.

<sup>9</sup> Request (25%) of advance payment and the tender documents specify the maximum secondary deviation in a percentage of (15%) and it is measurable.

<sup>10</sup> Joint venture agreement is not available.

<sup>11</sup> The bidder is prequalified as a local agent, the bid is a mutual obligation with the parent company. The bid is considered acceptable because it produces an increase in financial support.

<sup>12</sup> This does not include disposing of dangerous waste on the site.

<sup>13</sup> Bid guarantee is not in the required amount.

<sup>14</sup> The required validity period was not available for the bid guarantee (8 weeks instead of 12 weeks).

<sup>15</sup> The bidder is not a prequalified organization.

<sup>16</sup> It contains lot of changes signed in initial letters which replaces the International Standards Organization ISO by the standards of DIN. This is acceptable to the supervising engineer.

## **Annex 5- List of Bid Evaluation Summary**

- 1- Attach Bid Opening Minutes, if not submitted in advance (see footnote 1, Annex 1)
- 2- Explain any contradictions between prices and price adjustments regarding the publicly read prices upon bids opening (and written in the minutes) and stated in Schedule 4.
- 3- Submit the details of excluding any bids during the preliminary evaluation (Schedule 5), photocopy the selected pages of bids in order to be submitted as examples on the aspects objected by it.
- 4- If the reserve amounts in Schedule 6 are different among the bidders, explain that. Explain any major corrections of arithmetic operations that affect the order of the bidders.
- 5- The additions, adjustments and priced deviations in Schedule 7 require detailed explanations, as they may affect the order of the bidders
- 6- Explain any comprehensive discount (Para 7 (B)) that was not publicly read and registered upon the bid opening, in addition, attach copies of any evaluation reports of other related contracts, which are awarded to the same bidder.
- 7- Submit detailed reasons of rejecting contract award to a party other than the bidder of lowest price evaluation (Para 7, (C)).
- 8- If an alternative bid is accepted, submit a detained explanation of its acceptance reasons, with addressing matters of time, performance and cost (Para 7(D)).
- 9- The adjustments must be explained on the price mentioned in line 10 as attachment to Schedule 8. Explain any changes in the scope of bid and conditions of contract.
- 10- Attach a copy of correspondences sent by bidders, which contain objections on the progress of bidding and evaluation process accompanied by detailed replies.
- 11-Attach copies of any correspondences addressed to the bidders requesting for explanations, and attach copies of the replies.
- 12-Submit bid evaluation with a separate evaluation report by a consultant, if a consultant is appointed.
- 13-Make sure that bid evaluation report is well reviewed and complete, and includes the recommendation of award.