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1 Definitions

The “**Requesting Officer**” is the officer requesting for goods or services/works through the tender procurement process.

2 Purpose of Manual

This manual directs the procurement process for consultants, goods, services, and works on behalf of The Bahamas Development Bank (“The Bank” or “BDB”). All procurement activities are to be undertaken in compliance of the procurement practices and procedures set forth in this Manual as well as all related BDB policies and procedures, including among others environment and safeguard policies, international fiduciary standards and procedures

3 Objectives of the Manual

Principles: To establish best practice and clearly state the standards and expectations which apply to all BDB staff and executing entities involved in procurement processes;

Procedures: To document a user-friendly and common sense process to be followed by BDB staff and other executing entities when undertaking procurement on behalf of BDB; and

Outcomes: To provide transparent, impartial, and defensible procurement practices that will ensure that BDB always expends public and donor funds efficiently and effectively to receive best value and in accordance with best practices.

4 Procurement Principles

The present Procurement Manual is based on The Bahamas’ Public Procurement Act, 2021. When a situation arises, which cannot be resolved by applying the present Manual, solutions shall be found in line with this Act and its Regulations.

BDB procurement principles help ensure that value for money, quality of goods procured, transparency, impartiality, competency, clarity, and socially and environmentally responsible purchasing decisions are consistently made by the Bank.

4.1 Procurement Basics and Exceptions

Procurement is the acquisition of consultancy services, goods and other services, or works from an external source. All BDB procurement activities will be conducted in accordance with this manual, with the following exceptions:

1. Individual travel purchases: Procurement will be sourced for travel from known suppliers, with the most reasonably (*price and convenience*) available route selected. Human Resources will make travel arrangements upon approval by the relevant authority.
2. Donor-directed procurements: Where BDB has a procurement role under a contract with a donor who requires certain donor procurement procedures to be followed; BDB will follow the donor procedures in preference to its own. That specific procurement process will require endorsement by the Managing Director of BDB.

3. Project funding that specifies a preferred supplier: Where the BDB is obliged by a funding contract to procure services from a specified supplier; no additional procurement process is required. This procurement process will require endorsement by the Managing Director of BDB.
4. Partnership Agreements: Where there are pre-existing MOUs or similar association agreements between BDB and its partners, and where BDB agrees for the partner to carry out work under the terms of such existing agreements, including MOUs, no additional procurement process is required.
5. Retainer Agreements: Where BDB has previously entered into a retainer agreement with a supplier using appropriate competitive procedures that have established, at the minimum, the qualifications and reputation of the supplier, price structure, general scope of services and terms of reference contemplated, and the ability and willingness of the supplier to respond to requests from BDB, no additional procurement process is required so long as the services currently sought are consistent with the procedures and retainer agreement in place for that supplier. Authorized BDB staff shall maintain appropriate records of the competitive process used to select a supplier from the list of suppliers with current retainer agreements in force at the time the selection is made.

All exceptions to the provisions of this Manual shall be well documented with careful and comprehensive notes to justify the exceptions. The relevant agreements that led to the exceptions should be attached, if available.

4.2 *Application and Accountability*

The BDB Managing Director is accountable for all organization procurement decisions. While the BDB Managing Director may delegate his/her authority to staff and other delegated entities, he/she remains ultimately accountable for all bank procurement decisions. Senior staff are accountable to the BDB Managing Director for all procurement responsibilities delegated to them. This includes oversight and ensuring staff reporting to them are aware of BDB's procurement manual and procedures.

In accordance with The National Procurement Legislation, BDB shall establish a Procurement Unit and constitute Tender Committees where applicable. The Procurement Unit will be led by a dedicated Procurement Officer that is responsible for the overall management of the procurement process. Where a Procurement Officer is not in position an officer of The Bank will serve as acting as Acting Procurement Officer.

4.3 *Value for money*

The guiding principle of the procurement process is that BDB must obtain 'value for money' in a fair and transparent manner. Each procurement process must evaluate the relative costs and benefits of the available options to ensure that BDB obtains the maximum benefit from the acquired goods and services within the time frames and resources available. The best value for money option is not always the cheapest option. To achieve value for money, BDB requires staff involved in a procurement process to canvass potential suppliers, follow endorsed procedures, apply predefined selection criteria, and make sound and impartial judgments. This will help ensure that BDB procured services deliver the highest quality of outputs within the available budget and time-frames.

4.4 *Transparency*

BDB staff involved in procurement processes must fully document their procurement processes and conclude with a written contract containing all agreed terms and conditions. This will ensure transparency, ensure all potential suppliers have equal access to all relevant information, and enable BDB's procurement decisions to stand up to internal and external scrutiny.

4.5 *Impartiality*

Procurement procedures must treat potential suppliers fairly and in a non-discriminatory manner. All candidates must have equal access to identical information, and receive impartial consideration following common rules and deadlines. BDB staff must answer all enquiries about procurement, in a prompt and polite manner, but also in a way that ensures no potential supplier gains an unfair advantage. Answers to all procurement related enquiries will be made in writing either in email or in letter, and made publicly available to all potentially interested parties at a predetermined time identified in the call for tender documents. In this document, no names or affiliations of the individuals or entities asking for the information may be disclosed and formulations such as “one potential applicant asked...” shall be included instead.

BDB staff involved in procurement processes must behave ethically and are required to declare conflicts of interest at all times.

4.6 *Clarity*

To ensure certainty and to avoid confusion, the standards and duties relating to a procurement process must follow those documented in this procurement manual and include:

- Thresholds: the procurement value will pre-determine which procurement procedure to use;
- Criteria: standards for evaluating tenders and awarding contracts will be articulated and documented before tenders are published and the evaluation criteria and any weighting made available to all potential suppliers; and
- Responsibilities: the composition and duties of the associated evaluating committee will be clearly documented.

4.7 *Social and Environmental Responsibility*

BDB’s Environmental and Social Management Policy sets out BDB’s commitment to ensuring that the best possible environmental and social impacts of its work are achieved. When planning, approaching the market, and evaluating tenders, BDB Officers should consider:

- Whether there are any standards (whether legislative, or industry best practice) or certifications that the product or service should meet;
- Whether there are environmentally or socially responsible options within the market that should be encouraged or could be prioritized; and
- Whether, upon procuring the goods or services, there are potential adverse social and/ or environmental impacts that could result from the delivery and/or operation of that goods or services.

5 Procurement Process

5.1 *Selection of Appropriate Procurement Process*

The procurement type adopted will be dependent on the estimated costs of the procurement and any other conditions related to the procurement. Estimate the maximum anticipated cost of the procurement, based on the specifications and research – including options, extensions, renewals or other mechanisms that may be executed over the life of the contract. The procurement of goods, works and non-consultancy services shall be undertaken by means of a competitive bidding method of procurement, except where The Bank uses one of the following methods of procurement—

- a. international bidding;
- b. selective bidding;

- c. restricted bidding;
- d. limited bidding;
- e. request for quotation; or
- f. request for proposals of interest.

Where a method of procurement other than the competitive bidding method of procurement is used, The Bank shall note a written justification of the decision to utilize the procurement method, including the grounds for taking such a decision. Competitive bidding may be carried out in a single stage or in two stages in accordance with the Public Procurement Act.

5.1.1 *International Bidding*

In accordance with the Third Schedule of The Public Procurement Act which may be subject to change in the future, The Bank shall employ international bidding in the case of the following:

in the case of a works contract.	Six million, five hundred thousand Special Drawing Rights,
in the case of a goods contract and a contract for non-consultancy services.	One hundred fifty-five thousand Special Drawing Rights,

Where drawing rights may vary in accordance with the exchange rates between the Bahamian dollar and special drawing rights fixed by the International Monetary Fund.

5.1.2 *Selective Bidding Method*

The selective bidding method of procurement may be used in cases of the high value procurement of goods, works or services or the complex nature of the goods, works or services where it is necessary or desirable to identify, prior to the submission of bids, those bidders that are qualified.

5.1.3 *Restricted Bidding*

The restricted bidding method of procurement may be used where the goods, works or services are only available from a small number of suppliers; or the time and cost of considering a large number of bids are disproportionate to the estimated value of the procurement having regard to the nature of the procurement.

5.1.4 *Limited Bidding*

Limited bidding is allowed under the circumstances permitted under the Public Procurement Act

5.1.5 *Request for quotations*

The request for quotations method of procurement may be used for the procurement of goods, works and services where —

- (a) The procurement is for readily available goods that are not specially manufactured to the particular specifications of the procuring entity and its estimated value does not exceed five thousand dollars;
- (b) The estimated value of the procurement of works does not exceed ten thousand dollars; or
- (c) The estimated value of the procurement of services does not exceed five thousand dollars.

The options available in the BDB procurement process are summarized in Table 1.

5.2 *Procurement Unit Establishment and Responsibilities*

The Managing Director of The Bahamas Development Bank shall establish a procurement unit led by a qualified Procurement Officer. The functions of procurement unit include:

- a. the planning of procurement for the procuring entity;

- b. the preparation of invitations to bid and of bidding documents;
- c. the publication and distribution of invitations to bid;
- d. the reception and safeguarding of bids; and
- e. the administration and implementation of a procurement contract.

Where the value of a procurement contract does not exceed fifty thousand dollars the procurement unit shall —

- a. open and evaluate the bids; and
- b. award the procurement contract or purchase order in relation thereto.

Where the value of a procurement contract exceeds fifty thousand dollars the procurement unit shall—

- a. perform secretariat services for the relevant tender committee

5.3 Establishment of a Tender Committee and Responsibilities

5.3.1 Establishment of the Tender Committee

In the instance of procurement whose value is more than fifty thousand dollars a Tender Committee is to be established for each procurement before the start of the procurement process. The tender committee shall be appointed as required by the Managing Director and comprise a minimum of three and a maximum of five voting members depending on the nature, complexity, and value of the procurement activity. There should also be a non-voting member, the Committee Chairperson. The members should therefore include —

- a. the Managing Director or Deputy Managing Director of the procuring entity;
- b. the Financial Controller of the procuring entity;
- c. the head of the procurement unit; and
- d. two other members as required to provide technical, legal or commercial expertise as required.

The Committee Chairperson shall be the Managing Director or his qualified designate. The tender committee may appoint technical evaluation advisers to assist the procurement unit in evaluating bids. Where such technical advice is required, the person making the request i.e. the Requesting Officer, in consultation with the Procurement Officer draws up a list of potential nominees for the evaluation committee for recommendation to The Managing Director. The Procurement Officer ensures that there is a wide representation on the committee and considers the gender mix. Requesting Officers are allowed on the evaluation team as observers in exceptional cases. In cases where the Requesting Officer needs to be involved in the evaluation such as to ensure technical compliance, the Requesting Officer will be involved in the technical and not the commercial evaluation process. The composition of the evaluation committee is to be approved by Managing Director.

BDB staff will perform roles on Tender Committees in addition to their regular tasks, without additional compensation, unless complex cases require additional compensation as per decision of the BDB Manager.

The evaluators should have the technical and administrative ability to give an informed opinion on the tenders. Their identity is confidential. All Tender Committee members must attend all meetings. Any absence must be recorded and explained in the evaluation report. Tender Committee members must control and document their contacts with potential suppliers, and recognize, identify, and address any actual or perceived conflicts of interest.

5.3.2 Role of the Tender Committee Members:

- The chairperson is responsible for coordinating the evaluation process in accordance with the procedures of this Procurement Manual and for ensuring its impartiality and transparency;
- The voting members of the Evaluation Committee have collective responsibility for decisions taken by the committee;
- All members of the Evaluation Committee must sign a Declaration of Impartiality and Confidentiality form prior to conducting the evaluation (opening of the bids). Any Evaluation Committee member or observer who has or might have an actual or potential conflict of interest with any tenderer or applicant must declare it and immediately withdraw from the Evaluation Committee.

5.3.3 Functions of the tender committee

The functions of a tender committees include —

- a. the verification of proper procurement planning and preparation of the procurement;
- b. the opening of bids;
- c. subject to the provisions of this Act, the awarding of procurement contracts and rejection of unsuccessful bids; and
- d. the performance of any other functions specified under this Act.

The tender committee shall have power to —

- a. approve proposed invitations to bid, notices, requests, and other documents related to procurement;
- b. review and approve evaluation reports make recommendations with respect to the award of procurement contracts; and
- c. approve procurement contract documents.

The tender committee shall make recommendation to the Public Procurement Board with respect to the award of procurement contracts where the value of the proposed where the value of the proposed contract exceeds the sum of two hundred and fifty thousand dollars.

5.3.4 Oversight of the Tender Committee

The BDB internal auditor should play the oversight function on the works of the Tender Committee. Where no internal auditor is in place, the Tender Committee will be overseen by the Finance and Audit Committee of The Board.

Table 1 Procurement Threshold specifications

Process threshold	Authorized Process	Authorized Processes
Works under 10,000 and goods or services under 5000	Procurement Unit to evaluate and award contracts	All methods including Request for quotations
Under 50,000	Procurement Unit to evaluate and award contracts	Request for quotations are not authorized
Under 250,000 and greater than 50,000	Tender Committee to evaluate and award contracts subject to the approval of the Minister responsible for The Bahamas Development Bank.	Request for quotations are not authorized
Under 1,200,000 and greater than 250,000	Public Procurement Board to review the recommendations of the tender committee and make recommendations to the Minister for the award of the procurement contract.	Request for quotations are not authorized

Greater than 1,200,000	Public Procurement Board to review the recommendations of the tender committee and make recommendations to the Cabinet for the award of the procurement contract with the approval of the responsible Minister.	Request for quotations are not authorized
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5.3.5 *Honorarium / Sitting Fees*

External Evaluation Committee members who have been selected for their technical expertise and knowledge will be eligible for sitting fees. Sitting fees are currently set at a ceiling of BSD 300 per procurement. The Requesting Officer must obtain the approval from The Managing Director or his designate prior to negotiating the fees. The approval process is as follows:

- 1) Approval from Supervising Task Manager- to ensure that there is a need;
- 2) Approval from the Financial Controller - to ensure that funds are available and are within the guidelines; and
- 3) Establishment of a Letter of Appointment with the external party.

5.4 *Preparing the Draft Request for Tender*

5.4.1 *Planning*

Careful planning is essential to ensure that a given procurement process is successful. Before BDB approaches potential suppliers, the specifications of goods or services or service outcomes must be clearly identified.

- Specifications: Specify in advance the performance, technical, and/or functional requirements of the required goods or services. The specifications should only refer to a particular trademark, producer, or supplier when there is no other way to describe it precisely, and then the specification should state that it, 'or an equivalent,' is required.
- Conditions: Identify in advance any conditions that potential suppliers must meet to participate in a procurement process. The potential supplier may have to demonstrate minimum legal, technical, or financial capacities, for example relevant experience in the technical field.

5.4.2 *Types of Tenders*

To help meet the objectives of a project or to satisfy BDB's operational needs, BDB may request tender through procurement procedures for consultancy services, goods, non-consultancy services and works, depending on the nature of the requirement.

Consultancy services: Consultants generally offer advice or propose solutions to problems, but they do not directly, carry out, or implement solutions.

Non-consultancy services: A contractor may in addition to providing advice, be involved in implementing the solutions with the contracting authority.

Goods: Goods are supplies, equipment, or machineries that are essential as input to the project to achieve project objectives.

Works: Works tender would involve infrastructure activities, such as building of roads, and all other activities related to civil or engineering works.

5.4.3 *Terms and Conditions of Tender*

For clarity and consistency, BDB should prepare a standard set of terms and conditions for the most common types of procurement process: for example, consultancy services, goods, non-consultancy services, and works, through the preparation of a clear and concise terms of reference for the work required through the tender process. As circumstances may require, the Procurement Officer with support from the BDB Supervising Task Manager or Legal Adviser should be available to address questions about the terms and conditions to the potential applicants or tenderers, in particular, prior to signing any agreement.

5.4.4 *Request for Tender*

The tender processes as described below are applicable to all types of tenders referred to in section 6.4.2 above, and the procedures will depend on the selected tender processes as outlined above. When the specifications or Terms of Reference have been finalized, a draft Request for Tender (RFT) is prepared by the Requesting Officer using the prescribed format. The Procurement Officer is responsible for ensuring the information provided by the Requesting Officer complies with the underlying principles of BDB procurement process and that it is clear, unambiguous and generic, and ensures fair competition among the suppliers. The Procurement Officer plays a support role to the Requesting Officer in the following areas:

- Provides information on previous, current, and upcoming procurement activities for similar products or services;
- Reviews the request for completeness and ensures that the specifications or descriptions are not restrictive or biased towards a specific supplier;
- Assists in market studies to identify sources of supplies, pricing, availability of information, and extent of competition;
- Provides advice on the best method to obtain goods and services in a timely manner, at the best possible price; and
- Is responsible for production of all tender assessment reporting related to the Tender Evaluation Committee.

5.4.5 *Request for Tender Documentation*

The Request for Tender must provide all relevant information about BDB's requirements that is necessary to enable a potential supplier to prepare responsive, tailored submissions.

Generally, this should include:

- 1) Terms and Conditions of Tender;
- 2) Description: the nature, scope and quantity of the goods, services or works to be procured, including any technical specifications or other instructions;
- 3) Standard Conditions for participation: business license, financial statements, references, evidence of eligibility to live and work in The Bahamas or project site, any financial guarantees, information or documents that potential suppliers must submit;
- 4) Submission guidelines: any minimum content and format requirements;
- 5) Standard Evaluation criteria: qualifications, experience, competencies, and resourcing;
- 6) Include a description of organizational values, i.e. environmental leadership, service delivery, valuing people and integrity;
- 7) Offer Summary Table: for supplier comparison purposes. The tender document package should be completed by attaching the appropriate series of forms that allow the suppliers to submit

- offers in a consistent fashion, and confirm their acceptance of the type of contractual arrangements proposed;
- 8) Tender Deadlines: Gives potential suppliers sufficient time to prepare and lodge a submission. Suggested minimum response periods are presented in Table 1; and
 - 9) Tenderer is deemed ineligible due to association with exclusion criteria, including bankruptcy, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, misrepresentation, corruption, participation in a criminal organization, money laundering or terrorist financing, child labour, and deficiency in capability in complying main obligations.
 - 10) Tenderer to provide references of work done most recently to enable BDB to carry out reference checks for consultants hired.

5.4.6 Request for Tender Approval

The Procurement Officer in consultation with the Requesting Officer prepares the "Request for Tender" for approval by the following process:

- Endorsement by Supervising Task Manager that the need exists and sign off on the draft 'Request for Tender';
- Endorsement by the Financial Controller that funds are available;
- For consultancy services, the routing slip should include the Human Resources Adviser's endorsement; and
- Approval by the Managing Director that the organization will be obligated to the terms of the tender

5.5 Approaching the Market

5.5.1 Distribution of Request for Tender Documents

All tenders will be distributed in compliance with mandatory posting requirements of National Procurement Legislation. The tender documents are posted by the Communications Officer on BDB's website. The Procurement Officer shall distribute the tender documents to all identified potential suppliers, either by e-mail, or by fax. The documents will also be made available on the national electronic procurement system provided

Where feasible and appropriate, postings in newspapers or on the websites of relevant agencies may be ordered by the Procurement Officer to promote broader solicitation of tenders. The Procurement Officer shall ensure all tender documents are widely circulated.

5.5.2 Receipt and Opening of Tenders

Tendering parties or applicants must sign a declaration together with their applications, certifying that they do not fall into any of the exclusion situations cited under sections 6.7 (b) below and, where applicable, that each has taken adequate measures to remedy the identified situation

Submitted tenders are received, registered, handled, opened and stored only by authorized BDB staff members. The purpose of this formal process is to ensure that tenders are received, handled and opened according to good practice and that transparency and confidentiality are maintained.

As specified in the request for tender (RFT) documents, offers should be received:

- At the correct place, date and time;
- Via the electronic procurement system, mail, courier service, hand delivery, or e-mail; and
- For tenders received by e-mail, this must be on the 'secure' email address (add email address such as tenders@Bdb.gov.bs) dedicated for the purpose of receipt of tenders.

The email address must be safely secured, i.e. password protected, and should only be accessible by the Procurement Officer or other staff designated by The Managing Director. The tenders should be sealed, except in the case of quotations.

5.5.3 *Registration of Tenders*

Upon receipt, the Procurement Officer should properly record the date and time of delivery and issue a receipt or acknowledgement to the tendering party. The tenders received by hand delivery should also be recorded upon arrival.

5.5.4 *Storage of Tenders*

Tenders received by email must be on the secured email address and will not be accessible to anyone (other than the Procurement Officer) until the Opening of the Tenders meeting. Tenders received by the EPSR will only be opened following the closing date.

5.5.5 *Opening of Tenders*

Tender opening is a formal process of opening, reading, and recording in writing all tenders received in response to the request for tenders (RFT), at the date, time and place stipulated in the tender documents. It is recommended that the tender opening takes place as soon as feasible after the deadline for receipt of tenders. Apart from being efficient, it will reduce any risk of manipulating tenders received or accepting late bids.

The tender opening process is normally conducted by the authorized Tender Evaluation Committee. It may be conducted electronically. Members of the Tender Evaluation Committee should be present at the opening of the tenders; however, in the event that not all members are available, a minimum of 3 members is required for the opening of tenders including the chair of the Tender Evaluation Committee. Tender envelopes and tender proposals sent by email are opened one by one, and the opening official/panel should check that the tenders meet the procedural requirements of the tender documents. For example, that there is one original tender, the right number of copies, that there is a tender form properly signed by the supplier and any other documentation as requested. During the tender opening the following information is usually read out loud:

- Supplier's name and place of business;
- Price and any discounts, including currency of the tender;
- Delivery time;
- Delivery terms; and
- Offer validity

The chair of the Tender Evaluation Committee should certify the opening process by signing the tender register.

In tenders where specific bidders are requested to submit a financial bid separately from the technical bid; the process of opening technical bids first is to be followed. In the event that the bidder failed the technical aspect of the tender, their financial bids will be returned unopened.

5.5.6 *Receipt of Tabulation of Valid Tenders*

A tabulation/abstract of the tender is used to record prices, as well as delivery terms, etc. in order to facilitate the evaluation process. This tabulation/abstract is done as soon as possible after the opening of the tender or as part of the opening record/report. The tenders after they have been opened, dated, and signed by the opening official/panel, together with the opening record/report and a tabulation/abstract of the offers, if applicable, are then handed to the Requesting Officer in charge of the tender.

5.5.7 *Invalidation of Tenders*

Only tenders that are deemed valid are evaluated by the tender evaluation committee for assessment. Criteria that render a tender to be invalid include the following:

- a. Tenders received after closing date;
- b. Tenderer is deemed ineligible due to association with exclusion criteria, including presence on the unwanted client list maintained by BDB, bankruptcy, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, misrepresentation, corruption, participation in a criminal organization, money laundering or terrorist financing, child labour, and deficiency in capability in complying main obligations;
- c. Tenderer has misrepresented information required by the contracting authority as a condition for participating in the procedure or has failed to supply that information; and
- d. Tenderer was previously involved in the preparation of procurement documents where this entails a distortion of competition that cannot be remedied otherwise.
- e. For all non-international bidding procurement exercises, a person is not be eligible to participate in the procurement of goods, works and services unless that person is registered in the electronic procurement system utilized by the Public Procurement Department.

6 Tender Evaluation

6.1 *Evaluation Process*

BDB requires staff involved in an evaluation process to receive, open and treat all quotes and tenders in a way that guarantees fairness and impartiality, and that protects the confidentiality of the information provided by potential suppliers. The evaluation process will determine which proposal would best meet BDB's needs and achieve value for money.

All tenders or quotes received within the requested deadline need to be evaluated against the conditions and weighted criteria indicated in the information that was available to potential suppliers. Some criteria are typically general, while others should be developed specifically for the particular procurement. Only those potential suppliers that satisfy the conditions set as prerequisites for participation qualify for further assessment – any that fail to do so must be eliminated. All tenders or quotes satisfying stipulated conditions are then evaluated on the basis of their relative value for money. The value-for-money evaluation should consider:

- a. Costs – direct and indirect benefits and costs considered over the whole procurement cycle;
- b. Quality and fitness for purpose;
- c. Environmental considerations;
- d. Convenience and timeliness;
- e. The relative risks, including the performance history of the prospective suppliers;

- f. The flexibility to adapt to possible change over the lifecycle of the goods or service;
- g. Attributes of proposed contract terms. For example, contract extension;
- h. Previous experience in a similar field and with the same type of requirement;
- i. Experience from the region;
- j. Available capacity and or equipment to undertake the assignment; and
- k. Qualification and experience of proposed personnel including reference checks.

6.2 Code of Ethics

All staff, including external representation on the tender evaluation committee, should at all times exercise care and avoid situations in which private interest conflicts or might reasonably be thought to conflict with carrying out their duties. Particular situations in which officials should exercise care include those where gifts, travel, and accommodation, or conflicts of interest could give rise to a perception of bias.

6.3 Confidentiality

All members involved in evaluating offers should be careful to observe confidentiality of the offers and ascertain that information about the content of the submissions or the evaluation process is not revealed outside the group involved in the procurement process.

The Procurement Officer ensures the confidentiality of the process. In order to ensure confidentiality of the process, the Procurement Officer will be the only person that can communicate with the bidders during the period between the closure date and the Opening of the Tenders. All clarifying questions by the suppliers or service providers during this time must be channelled through the Procurement Officer. The Procurement Officer will refer the queries to the Requesting Officer for the tender and copy all members of the evaluation committee, and responses by BDB to the suppliers should be channelled through the Procurement Officer.

During the period of evaluation, the Procurement Officer will be the only person who can communicate with the bidders. All clarifying questions intended for the suppliers or service providers during this time must be channelled through the Chair.

6.4 Gifts and Hospitality

Staff and external representation on the Evaluation Committee must not improperly use their position to gain a benefit, gift, or hospitality. Hospitality can include presentations, demonstrations, briefings and discussions, accompanied by meals, unless such presentations are expressly invited in the tender solicitation from all tendering parties, and do not include meals, alcohol, or gifts. Social contact with potential and known tendering parties should be avoided to the very extent possible when an approach to market is underway and before contractual arrangements are finalized. Offers of hospitality and entertainment must not be accepted by BDB staff during these times and must be disclosed in accordance with relevant financial guidelines.

6.5 Conflicts of Interest

For the purposes of the procurement manual, conflict of interest refers to a conflict between the official duties of staff/external representatives on Evaluation Committee and their private interests or personal relationships, where the private interests or personal relationship could improperly influence the way a staff member carries out their official duties. Staff/external representatives on the Evaluation Committee should ensure that all interactions with businesses are able to withstand public scrutiny.

Whether a potential conflict of interest can be avoided or not, the Evaluation Committee members must declare it immediately in writing by filling in the "Conflict of Interest Form", and arrangements

must be put in place to avoid or remove the conflict. This may include excluding the official from any further participation in a procurement process.

Irrespective of potential conflicts of interest, all members of an Evaluation Committee must sign the Conflict of Interest form during the Opening of the tenders. Likewise, all bidders should declare any areas that may constitute conflict of interest related to this bid (Sec. 3.3 of the form).

6.6 *Selection of the Preferred Bidder*

The individual or the evaluation committee responsible for assessing the quotes or tenders needs to submit, to the designated staff member with the delegated financial authority its recommendation on the preferred supplier. Use the prescribed format to summarize the panel conclusions. The panel report should justify its reasons for concluding that the bidder:

- 1) Satisfies the conditions for participation;
- 2) Is fully capable of undertaking the contract; and
- 3) Has submitted a proposal that will provide the best value for money, in accordance with the specific criteria in the request document and the general value for money criteria.

The designated staff member with the delegated financial authority needs to approve the recommendation of the selection panel for it to take effect.

6.7 *Approval of Evaluation Report*

The Tender Evaluation report must be written by the Chair of the Tender Evaluation Committee and reviewed by the tender Evaluation Committee before sending for approval by the appropriate authority.

To ensure that the tender evaluation report reflects the selection agreed by the tender evaluation committee, the Procurement Officer will need to sign off on the tender evaluation report prior to the report being approved.

For all consultancy tenders, the evaluation report needs to be reviewed by Human Resources prior to submission of approval to the delegated authority.

Approval of the tender evaluation report is a delegated authority that will only approve the report upon endorsement from the Procurement Officer and Human Resources.

Any firm found to have a conflict of interest shall be ineligible for award of a contract.

7 Awarding a Contract

Procedures for contract award will fall in line with national legislation. In consultation with the Legal Adviser and the Financial Controller, a contract will be drawn up and negotiated with the preferred supplier:

- The draft contract is to be drawn up by the Procurement Officer in consultation with the Requesting Officer for the tender;
- The Procurement Officer will ensure that the issues raised in the evaluation report are covered in the draft contracts; and sends the draft contract with routing slip to the Supervising Task Manager for endorsement (the routing slip should include as a minimum the list of persons to receive/review, date received field, signature field, comments field);
- The draft contract and routing slip with the approved tender evaluation report is next sent to the Financial Controller for approval;

- The Financial Controller then circulates the contract and routing slip to the Legal Adviser, Internal Auditor, and the Human Resource Adviser where applicable (Human Resources Advisor approval required only for consultancy services), for approval;
- Both copies of the contracts are approved and signed by the Managing Director upon receipt of the approved routing slip with the relevant attachments.
- All documentation related to the tenders is to be centrally filed with the Procurement Team.

Once the contract is awarded, the Procurement Officer must:

- Inform all potential suppliers whose submissions were evaluated of the decision;
- On request, provide an unsuccessful tender with the reasons it was unsuccessful;
- In the case of select or open tenders, the results should be published on the BDB website and the electronic procurement system employed by The Government, including:
 - a) A description of the goods or services procured;
 - b) The name and address of the successful supplier;
 - c) The value of the successful tender; and
 - d) The date the contract was awarded.

8 Complaints

BDB will consider, respond promptly and impartially to a complaint lodged by an unsuccessful bidder under the Procurement Policy. The complaint will be received in good faith and will be dealt with in a way that does not prejudice the complainant's ongoing or future participation in procurement or affect any rights of the complainant.

The complaint will need to be in writing and directed to The Managing Director. The complaint should outline the specific act of omission or commission that contravenes procurement legislation and/or this policy. It must have been made within fourteen working days of the bidder becoming aware of the circumstances giving rise to the complaint.

The complaint when received should be referred to the Internal Auditor or other officer as designated by The Managing Director who will record the complaint and acknowledge its receipt within 1 working day. The Internal Auditor will investigate the complaint and where necessary convene a Procurement Complaints Committee to preside over the complaint.

The Procurement Complaints Committee will consist of 3 persons and will be made up of the following:

1. Internal Auditor (Chairperson)
2. A Bank Manager previously uninvolved in the tender process
3. Legal Adviser

All tender documents will be made available to the Complaints Committee, and the Chairperson of the Evaluation, together with the Evaluation Committee, will be interviewed.

The Complaints Committee/Internal Auditor will provide a report to the Managing Director on its investigation with an outcome within 3 working days of convening the investigation. The Internal Auditor (IA) will submit a response to the complainant and copy the Managing Director and the Complaints Committee on the outcome of the complaint.

The IA should keep records of all complaints, including outcomes, reasons for such outcomes, and response times. The tender evaluation committee should use the complaints' processes to identify general or recurring problems in procurement processes and undertake corrective action.

9 Procurement Rules on Sub-Delegation

As an implementing agency, BDB will sub-delegate tasks and activities funded by bilateral donors, multilateral agencies or international organizations, to vetted executing entities. In the Executing Partner Agreement (EPA) signed between BDB and the executing entity, all relevant rules and procedures of BDB, including the procurement policies and procedures should be clearly described. The basic rule is that the executing entity should follow the appropriate policies, rules and procedures (equivalent to the procedures used by BDB) in all material aspects for providing financing from the donor funds through procurement. Where there is observation of weaknesses or lack of capacity to follow such rules, BDB should conduct training or workshops to bring the executing entity up the level where it can execute the project activities, including procurement, following the proper rules and procedures without problem. Under exceptional cases, BDB may take over the procurement process with the executing entity as observer; this may be considered as another form of capacity building.

Throughout the project implementation period, BDB will perform oversight functions on the activities undertaken by the executing entity and monitor its performance against compliance with relevant policies, rules, and procedures in all procurement activities. The EPA will also indicate consequence of non-compliance and remedies thereof.

DOCUMENT CONTROL / HISTORY			
Revisions	Section Modified	Date	Reason
1	Entire Document	09 September 2022	Document was converted to a policy by way of Board Approval.

Reviewed By:	Date	Signature	Approved By	Date	Signature
Machara Tucker – Unit Head, Governance, Risk & Compliance			Petra Burrows – Board Secretary	09 September 2022	See resolution attached.



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BOARD EXTRACT

At an Extraordinary Meeting of the Board of Directors held on September 9, 2022, it was moved and seconded that:

WHEREAS The Bahamas Development Bank has been selected to undergo the accreditation process to become the National Direct Access Entity for the \$10MM Green Climate Fund which will be critical for providing needed financing for climate resilient projects, loans and grants. To facilitate the application/accreditation process BDB is obliged to amend and implement new policies/plans/manuals.

BE IT RESOLVED that the following policies/plans/manuals were approved:

1. Procurement Policy
2. Large-Scale Climate Information Disclosure Policy
3. Climate Business Plan
4. On-Granting Manuel (approved pending changes to written language)

IN WITNESS WHEREOF I hereby affix my signature

this 6th day of October, A.D, 2022

Petra Burrows
Board Secretary