	TITLE: <b>Receipt &amp; Witnessing of Tenders TPP108</b>	OWNER: <b>Purchasing Manager</b>	LAST MODIFIED: <b>2<sup>nd</sup> October 2008</b>	PAGE: <b>1 of 4</b>
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## 1. Purpose


- 1.1. Translink's Tender Opening Panel which is managed by the Purchasing Department operates strict procedures for the receipt, custody and witnessing of Tenders, Pre Qualification Questionnaires (PQQs).
- 1.2. The operation of a Tender Opening Panel is one of the processes that safeguards Translink from accusations of collusion and malpractice. The Tender Opening Panel procedures are auditable and transparent. The procedures are designed to ensure fairness, impartiality and confidentiality in the treatment of completed PQQs and Tenders that are received by Translink.
- 1.3. It is currently Translink policy only to receive hard copy tenders. Any e-mailed copies of tender documents are not to be regarded as official submissions and are not to be used as the means of official tender submission.
- 1.4. **Anti-competitive practices**; if there is a low response rate to an ITT or at any point in the Tendering Process a Tenderer withdraws from a competition without providing a reason or there are odd circumstances it is recommended that the Purchasing Department try to establish why this was the case and investigate this further if required. If the circumstances appear to be unusual the Purchasing Manager should be informed of the situation without delay. If there is any doubt as to whether a competition will be genuine and effective (e.g. it appears that only one tender will be received) a revision to the process may be required and new tenders should normally be sought.
- 1.5. Any anti-competitive practice such as price fixing is subject to control under the Competition Act 1998. If there is a strong reason to believe a Tenderer might be employing unusual pricing tactics or indulging in other anti-competitive behaviour at any stage in the Tendering process please refer to the Purchasing Manager for advice in the first instance after which consideration will be made of whether to seek advice from a Legal Adviser.

## 2. Membership of a Tender Opening Panel

- 2.1. Membership of a Tender Opening Panel established to open full Tenders comprises of a minimum of one Manager from the Purchasing Department and the Project Manger/Sponsor and in the event that the value is above the OJEU threshold another third observer is to be present. A Tender Opening Panel established to open PQQs comprises of a minimum of one member of the Purchasing Department or an authorised representative.
- 2.2. If the Project Sponsor is unavailable it is the responsibility of the Project Sponsor/ Project Sponsors Division to find a suitable replacement manager to conduct their duties. If the allocated member of the Purchasing Department is unavailable it is the responsibility of the Purchasing Department to find a suitable replacement manager to conduct their duties.

## 3. Control of the Tender Opening Panel

- 3.1. At times Translink can receive significant numbers of PQQs and Tenders, an individual within the Purchasing Department is nominated to control the co-ordination of Tender Opening Panel members and tender return dates however Project Managers should always approach their allocated main contact in the Purchasing Department in relation to issues on Tender Opening. Any Tenders returned without consultation with the Purchasing Department will be dealt with at the discretion of the Purchasing Department.

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#### **4. Auditable and transparent procedures**


- 4.1. The Purchasing Department will not be held accountable or responsible for PQQs or Tenders of any kind that are received as a response to an invitation issued by Translink but on which the Purchasing Department was not consulted.
- 4.2. These procedures and standards apply to Single Tender and Competitive Tenders.
- 4.3. Tenders should always be received in sealed envelopes. A receipt to provide proof of delivery to Translink can be issued if requested. On receipt these submissions should be placed in a secure location within the Purchasing Department preferably in a lockable Tender Box which should be checked and emptied by the designated Tenders Controller on a regular basis.
- 4.4. All Tenders received before submission date / time are to be securely stored within the Purchasing Department until the due date.
- 4.5. It is Translink Policy only to accept hard copy tender submissions unless otherwise directed by the Purchasing Manager.
- 4.6. The Purchasing Department do have desk instructions for the steps involved in receiving and opening PQQ's and Tenders, those responsible for this area should review these on a regular basis.

#### **5. Opening of PQQs on the due date**

- 5.1. PQQs will be opened within 2 working days of the tender return date (if possible) to enable the prompt commencement of the tender evaluation.
- 5.2. All PQQs shall be opened by a minimum of one member from the Purchasing Department or an authorised representative.
- 5.3. Opened PQQs should be stamped with a tender received stamp on the page containing the main company contact details and then this should be placed on the Purchasing Department requirement files.
- 5.4. When all the PQQs have been opened, the 'receipt and opening' form (TPF3050 Receipt-Opening Form) will be completed and signed by the person opening the PQQs.

#### **6. Opening of Tenders on the due date**

- 6.1. Tenders will be opened within 2 working days of the tender return date (if possible) to enable the prompt commencement of the tender evaluation.
- 6.2. All tenders shall be opened in the presence of one Manager from the Purchasing Department in addition to the Project Manger/Sponsor and in the event that the value is above the OJEU threshold another third observer is to be present; this is the minimum requirement.
- 6.3. A record is to be kept by the member of the Purchasing Department detailing the information obtained during the Tender Opening Panel please see TPF3050 Receipt-Opening Form.

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- 6.4. Opened tenders should be stamped with a tender received stamp on covering letter/pages containing prices and initialled by both managers a copy of these priced pages should be placed on the Purchasing Department requirement files.
- 6.5. The 'receipt and opening' form (TPF3050 Receipt-Opening Form) must be completed and signed by members of the Tender Opening Panel. Any outstanding tenders not received by the due date will also be recorded on this form.
- 6.6. A member of the Purchasing Department will update the relevant Project File to indicate the level of response received from each supplier i.e.
- "NT" Not Tendering
  - "NR" No Response
  - "L" Late Tender
- 6.7. Opened tenders should then be passed to the Project Sponsor for evaluation.

## 7. Late Tenders (PQQs and Tenders of any sort) & Tenders deemed not to be received


- 7.1. Tenders received after the due time & date will not be considered and will be returned to the Tenderer. The onus at all times lies with the applicant (the Economic Operator) to prove that submissions of both PQQs and Tenders of any sort have been delivered to the required full address at or before the required date and time.
- 7.2. It is Translink Policy that late submissions (PQQs and Tenders of any sort) or submissions deemed not to be received by Translink will not be given consideration, unless a valid proof of delivery to Translink's stipulated Tender/PQQ Return address (prior to the required date and time) can be produced, the applicant will be disqualified from the Tendering Process. Submissions which are addressed differently to the instructed address may be disqualified from the Tendering Process.

## 8. Delayed Tenders

- 8.1. At times unforeseen circumstances can mean a tender is unable to be delivered in hard copy before the closing date and time; if such exceptional circumstances are explained to the Purchasing Manager or his representative prior to the closing date and time and the Tenderer is granted special permission from this authority the Tenderer may submit the documents via e-mail or fax.
- 8.2. A hard copy should be forwarded as soon as possible and checked with the originally submitted version to ensure the documents are the same.
- 8.3. If possible proof of postage should be sought to ensure the Tenderer allowed good time for delivery in normal circumstances.
- 8.4. If a Tenderer protests against the decision not to consider a late tender on the grounds that the tender was posted in time but was delayed in the post, the Tenderer must be advised to take the matter up with the postal courier service employed to deliver the tender.

## 9. Handling Late Tenders

- 9.1. A late tender should not be disclosed it should immediately be returned to the Tenderer the envelope of the late tender should be retained if possible and put onto the file including the

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name of the Tenderer and an explanation about what has happened and action taken, this will provide evidence Translink with evidence if there is a dispute. Late tenders cannot be accepted.

## 10. Tenders Opened In Error

**10.1.** If a competitive tender is opened in error, the reason & date to be opened must be recorded on the envelope. The envelope is to be sealed again and stored in a secure location until the correct due date and time. On the date the tender is actually due the envelope is to be reopened and the error details must be recorded on the 'receipt and opening' form (TPF3050 Receipt-Opening Form).

## 11. Records

**11.1.** A consolidated record of all Invitation to Tenders issued and Tenders received in response will be maintained by the Purchasing Department.

## 12. Further Reading:

TPP001 Procurement Policy Statement – the 12 principles of public procurement.  
 TPF3050 Receipt-Opening Form