

PROCUREMENT GUIDANCE



Standard Procurement Documents

An overview for practitioners

November 2016



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Common abbreviations and defined terms

This section explains the common abbreviations and defined terms that are used in this Guidance. Defined terms are written using capital letters.

Abbreviation / term	Full terminology / definition
Applicant	A firm, joint venture or Consultant that submits an Application in response to an invitation for Prequalification, Initial Selection or Shortlisting.
Application	A document submitted by an Applicant in response to an invitation for Prequalification or Initial Selection.
BAFO	Best and final offer.
Bank	IBRD and/or IDA (whether acting on its own account or in its capacity as administrator of trust funds provided by other donors).
Bid	An offer, by a firm or joint venture, in response to a Request for Bids, to provide the required Goods, Works or Non-consulting Services.
Bidder	A firm or joint venture that submits a Bid for Goods, Works, or Non-consulting Services in response to a Request for Bids.
Borrower	A borrower or recipient of Investment Project Financing (IPF) and any other entity involved in the implementation of a project financed by IPF.
Competitive Dialogue	A selection method for Goods, Works or Non-consulting Services described in the Procurement Regulations at Paragraphs 6.39 to 6.41 and Annex XIII.
Consultant	A variety of private entities, joint ventures, or individuals that provide services of an advisory or professional nature. Where the Consultant is an individual they are not engaged by the Borrower as an employee.
Consulting Services	Covers a range of services that are of an advisory or professional nature and are provided by Consultants. These Services typically involve providing expert or strategic advice e.g., management consultants, policy consultants or

Abbreviation / term	Full terminology / definition
	communications consultants. Advisory and project related Consulting Services include, for example: feasibility studies, project management, engineering services, finance and accounting services, training and development.
Core Procurement Principles	The Bank's Core Procurement Principles (value for money, economy, integrity, fit for purpose, efficiency, transparency and fairness) are set out in detail in Section III. C of the <i>Bank Policy: Procurement in IPF and Other Operational Procurement Matters</i> .
Goods	A category of procurement that includes: commodities, raw material, machinery, equipment, vehicles, Plant, and related services such as transportation, insurance, installation, commissioning, training, and initial maintenance,
IBRD	International Bank for Reconstruction and Development.
IDA	International Development Association.
Initial Selection (IS)	The shortlisting process used prior to inviting request for proposals in the procurement of Goods, Works or Non-consulting Services.
Investment Project Financing (IPF)	The Bank's financing of investment projects that aims to promote poverty reduction and sustainable development. IPF supports projects with defined development objectives, activities, and results, and disburses the proceeds of Bank financing against specific eligible expenditures.
Legal Agreement	Each agreement with the Bank providing for a loan for a project, including Procurement Plan and all documents incorporated by reference. If the Bank enters into a project agreement with an entity implementing the project, the term includes the project agreement.
Most Advantageous Bid/Proposal	As defined in the Procurement Regulations at Annex X, Evaluation Criteria.
Non-consulting Services:	Services which are not Consulting Services. Non-consulting Services are normally bid and contracted on the basis of performance of measurable outputs, and for which performance standards can be clearly identified and consistently applied. Examples include: drilling, aerial

Abbreviation / term	Full terminology / definition
	photography, satellite imagery, mapping, and similar operations.
Notification of Intention to Award	The notice transmitted to Bidders/Proposers informing them of the intention to award the contract, as per the Procurement Regulations Paragraphs 5.72 to 5.77.
Plant	A category of procurement relating the provision of equipped facilities, such as those executed on the basis of design, supply, installation, commissioning, maintenance, modification and protection.
Prequalification	The shortlisting process which can be used prior to inviting request for bids in the procurement of Goods, Works or Non-consulting Services.
Procurement Documents	A generic term used in these Procurement Regulations to cover all Procurement Documents issued by the Borrower. It includes: GPN, SPN, EOI, REOI, prequalification document, Initial Selection document, request for bids document, request for proposal documents, forms of contracts and any addenda.
Procurement Plan	The Borrower's Procurement Plan for IPF projects, as referred to in the Procurement Regulations at Paragraphs 4.4 and 4.5, and incorporated by reference in the Legal Agreement.
Procurement Process	The process that starts with the identification of a need and continues through planning, preparation of specifications/ requirements, budget considerations, selection, contract award, and contract management. It ends on the last day of the warranty period.
Procurement Regulations	The "World Bank Procurement Regulations for IPF Borrowers".
Project Procurement Strategy for Development (PPSD)	A project-level strategy document, prepared by the Borrower, that describes how procurement in IPF operations support the development objectives of the project and deliver VfM.
Proposal	An offer, in response to a request for proposals, which may or may not include price, by one party to provide Goods, Works, Non-Consulting Services or Consulting Services to another party.

Abbreviation / term	Full terminology / definition
Proposer	An individual entity or joint venture that submits a Proposal for Goods, Works, and Non-consulting Services in response to a request for proposals.
RFB	Request for Bids as a selection method.
RFP	Request for Proposals as a selection method.
RFQ	Request for Quotations as a selection method.
Standard Procurement Documents (SPDs)	Procurement documents issued by the Bank to be used by Borrowers for IPF financed projects. These include, GPN, SPN, EOI, REOI, Standard Prequalification documents, Initial Selection documents, Request for Bids documents, and Request for Proposals documents.
VfM	Value for Money.
Works	A category of procurement that refers to construction, repair, rehabilitation, demolition, restoration, maintenance of civil work structures, and related services such as transportation, insurance, installation, commissioning, and training.

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Section I. Introduction

Purpose

This Guidance is written for World Bank (Bank) staff and Borrowers responsible for implementing Bank Investment Project Financing (IPF). It provides a high-level overview of the Standard Procurement Documents (SPDs) published by the World Bank (Bank) in 2016. It introduces new concepts and modified requirements that apply to SPDs resulting from the Bank's *Procurement Regulations for IPF Borrowers* (Procurement Regulations).

This guidance is non-mandatory. It does not provide detailed information on the application and use of SPDs. For this information, and how to apply these changes in practice, refer to the additional Guidance and individual SPD User's Guides listed at Annex I.

Procurement Regulations

The Procurement Regulations modernize the Bank's procurement procedures. They replace the Bank's *Guidelines for the Selection and Employment of Consultants (2011)* and *Guidelines for the Procurement of Goods, Works, and Non-Consulting Services (2011)* for procurements where the Project Concept Note (PCN) is approved after 1 July 2016.

The Bank describes its vision and Core Procurement Principles in the Bank *Policy Procurement in IPF and Other Operational Procurement Matters*. The Bank's vision is:

"Procurement in Investment Project Financing (IPF) supports Borrowers to achieve value for money (VfM) with integrity in delivering sustainable development."

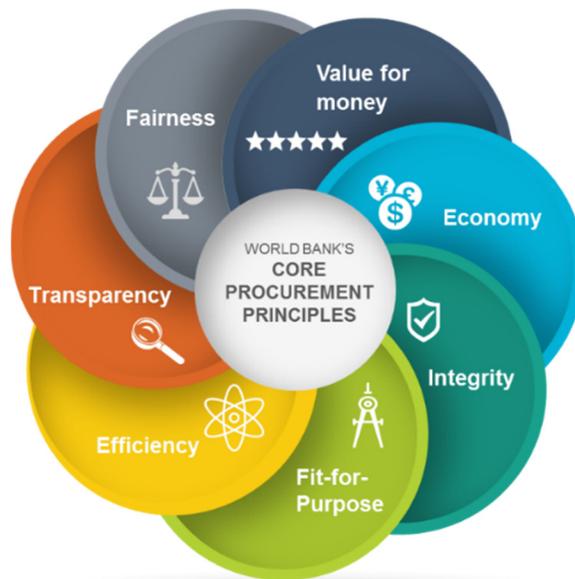


Figure 1 – World Bank's Core Procurement Principles

What are SPDs?

SPDs are to be used in international competitive procurements where the PCN is approved after 1 July 2016. In such procurements the Procurement Regulations apply.

SPDs are based on existing Standard Bidding Documents (SBDs) and the Standard Request for Proposals for Consulting Services. SPDs consists of Request for Bids (RFB) documents and new Request for Proposal (RFP) documents. The new term 'SPD' distinguishes these from the previous SBDs.

Previously, the User's Guide was part of the SBD. It is now a separate, stand-alone document linked to the appropriate SPD.

All SPDs and User's Guides are listed in Annex I, and can be accessed at <http://www.worldbank.org>

SBDs and other procurement documents

For procurements where approval of the PCN predates 1 July 2016, Borrowers are to continue to use SBDs. However, with the Bank's prior agreement, a Borrower may apply the Procurement Regulations and use the new SPDs. This will involve a formal amendment to the Legal Agreement.

For procurements involving national procurement (where the PCN is approved after 1 July 2016), the Borrower may use its own procurement documents, that are acceptable to the Bank. If they are not acceptable, the Bank may require the application of its SPDs, as appropriate.

Section II. New Request for Proposals

Introducing a new RFP

The Procurement Regulations introduce a Request for Proposals (RFP) selection method for Goods, Works and Non-consulting Services. The RFP selection method reflects established, good international procurement practice. Its application in IPF modernizes the Bank's Procurement Processes by offering greater flexibility in designing fit-for-purpose processes that are proportional to the nature, risk, value and complexity of projects and adapted to country specific contexts.

This new RFP selection method extends the use of RFPs beyond Consulting Services. However, the design and application of RFP selection method for Goods, Works and Non-consulting Services is different from the Consulting Services approach.

Background - distinguishing features between RFB vs RFP

There are some essential differences between RFB and RFP selection methods. These differences, and their relative pros and cons, will help practitioners choose between RFB and RFP selection methods in any given procurement.

Request for Bids

Practitioners are familiar with the RFB selection method, as this is the method principally used in many SBDs for Goods, Works and Non-consulting Services. However, new features have been added to reflect the Procurement Regulations.

The distinguishing features of a RFB selection method normally include:

- a) conformance based specifications that describe and prescribe in detail the technical requirements of the design, method of production, construction and/or delivery;
- b) Prequalification may be used subject to the category of procurement, risk complexity and size;
- c) evaluated using qualifying criteria (pass/fail) only;
- d) single-stage; and
- e) the Most Advantageous Bid (MAB) is: The Bid of the Bidder that meets the qualification criteria and whose Bid has been determined to be:
 - i. substantially responsive to the RFB; and
 - ii. the lowest evaluated cost.

However, the RFB selection method has some pros and cons which will influence its application in practice.

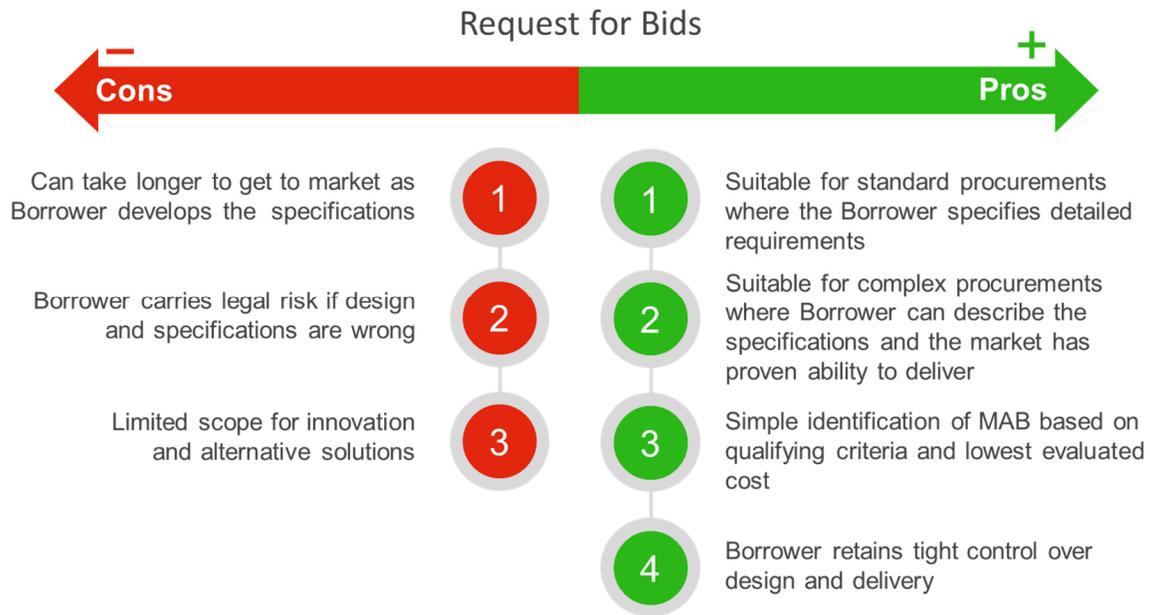


Figure II – RFB Pros and Cons

Request for Proposals

The distinguishing features of a RFP selection method normally include:

- a) performance based specifications that describe the outcomes or results required in terms of business or functional performance requirements, where the specifications do not prescribe design or method of delivery (but can sometimes be a mix of performance and conformance);
- b) Initial Selection (similar to a shortlisting exercise) is normally used, and is mandatory for Competitive Dialogue;
- c) multi-stage;
- d) evaluated on a mix of qualifying criteria and rated criteria (which are scored against technical, quality, price and other pertinent factors);
- e) BAFO or Negotiation may apply; and
- f) the Most Advantageous Proposal (MAP) is: The Proposal of the Proposer that meets the qualification criteria and whose Proposal has been determined to be:
 - i. substantially responsive to the RFP, and
 - ii. the highest ranked Proposal.

However, the RFP selection method has some pros and cons which will influence its application in practice.

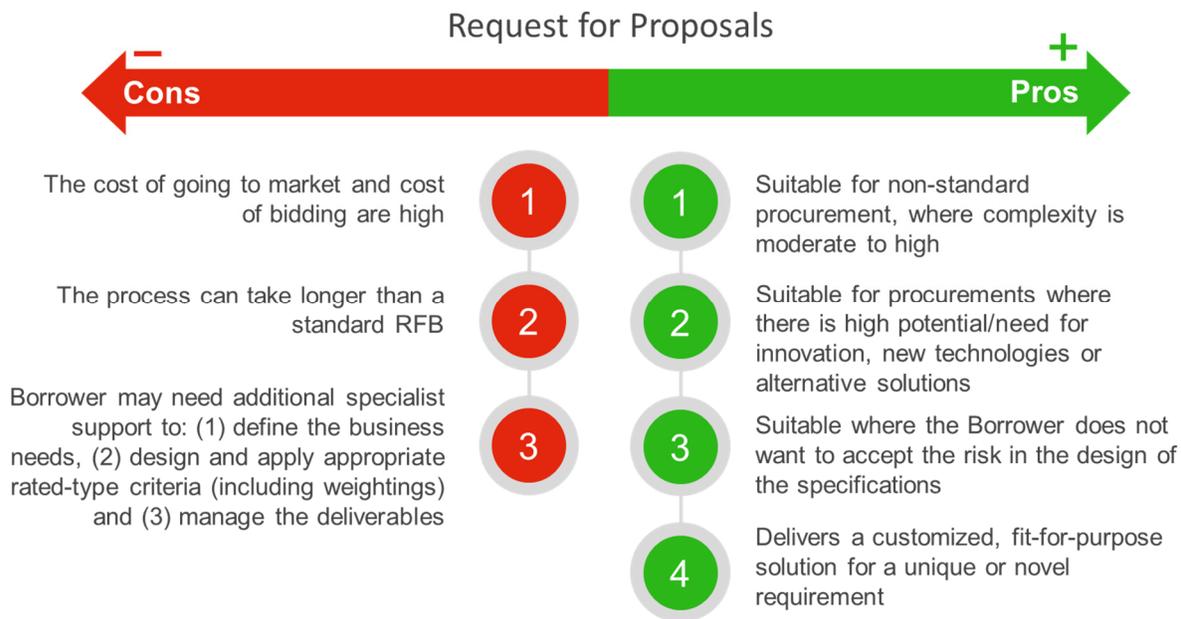


Figure III – RFP Pros and Cons

In a RFP process the supplier normally has a greater degree of flexibility and control over design and delivery. In some instances, this may be seen as a pro, in others a con.

Three new RFPs SPDs and when to use them

There are three new RFP SPD templates. These models are described in the Procurement Regulations, Annex XII. This assortment is designed to provide maximum flexibility and fit-for-purpose procurement processes, whilst enabling adaptation to country contexts.

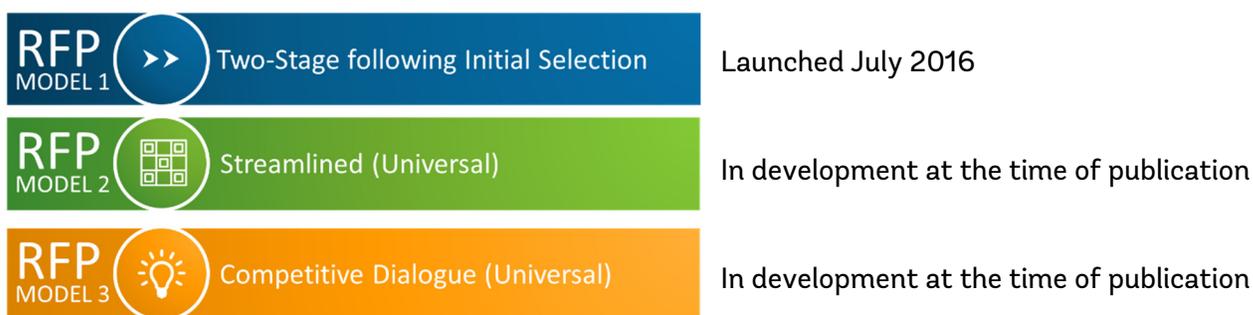


Figure IV – The three new model RFP selection methods and SPDs



Two-Stage following Initial Selection

(Procurement Regulations Annex XII paras 3.2 to 3.3)

This model is loosely based on, and takes its name from, the SBD Information Systems, two-stage process. Practitioners may be familiar with this process and may find this RFP easier to use. The Two-Stage RFP involves:

- a) Preliminary stage: Initial Selection (refer to page 17 for details);
- b) Stage 1: request for, and assessment of, technical Proposals; and
- c) Stage 2: request for, and assessment of, full technical and financial Proposals, submitted in two separate envelopes.

During stage 1 the Borrower undertakes discovery meetings with each Proposer and, as a result of these discussions, has the ability to refine the business/functional performance needs. Refined needs are shared with all Proposers simultaneously.

Proposers have an opportunity to submit modified Proposals based on these refined needs. Extreme care needs to be exercised in terms of integrity and probity, especially at the discovery stage. BAFO or Negotiation are optional. They are however, mutually exclusive.

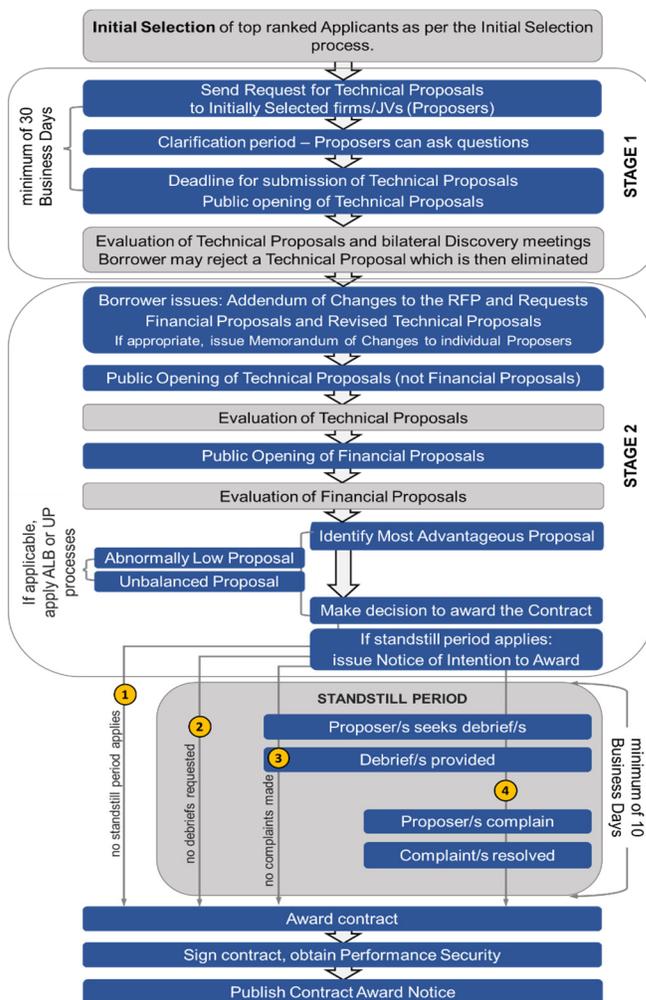


Figure V – RFP Model 1 – Two-stage following Initial Selection

This example process flow chart is a simplified version of a Procurement Process using RFP Model 1 selection method.

This process flow chart illustrates the key steps and their sequencing. Actual process may vary.

For possible variations where BAFO or Negotiation are used, refer to paragraphs 3.4 to 3.6, Annex XII, Procurement Regulations.

Introducing the ‘Universal’ RFP

This is a new term to describe a RFP SPD that is not category specific. There will be two universal model RFPs:

- a) RFP Streamlined (Universal); and
- b) RFP Competitive Dialogue (Universal).

These templates are in development at the time of publication. The universal template is initially intended for novel or unique procurements.

Historically the Bank has developed its suite of SPDs based on common procurement categories such as: Goods, Health (Pharmaceuticals, Vaccines and Condoms), Large Works, Management Services, and Information Systems. Each SPD has been designed with features appropriate to its category, selection method and perceived complexity, size and risk in the procurement.

Some key features of the new universal model RFP include:

- a) the universal template will be capable of being applied to any category of procurement;
- b) it will contain neutral terminology (i.e. not category specific such as ‘Employer’);
- c) its modular format will allow the practitioner to customize the document taking into account complexity, size, risk and other relevant factors identified in the PPSD; and
- d) it will incorporate all of the new design options afforded by the Procurement Regulations.

The benefits of the new universal model include:

- a) maximum flexibility to design the best fit-for-purpose procurement that is fully adapted to category and market conditions as well as country contexts;
- b) empowers practitioner to design tailor-made processes based on comprehensive market research, analysis and sound professional judgement; and
- c) streamlines the administrative process of maintaining an up-to-date suite of SPDs by providing one all-encompassing template that can be applied in many situations.



Streamlined (Universal)

(Procurement Regulations Annex XII para 3.7)

This model represents good international practice. It is an integrated approach which is streamlined: the SPD includes both Initial Selection and RFP procedures, and the evaluation of Proposals is done in one stage (with no separate process allowing for refinement or the submission of 'final' Proposals). It involves:

- a) Initial Selection (refer to page 17 for details); and
- b) request for, and evaluation of, full technical and financial Proposals using two-envelop process.

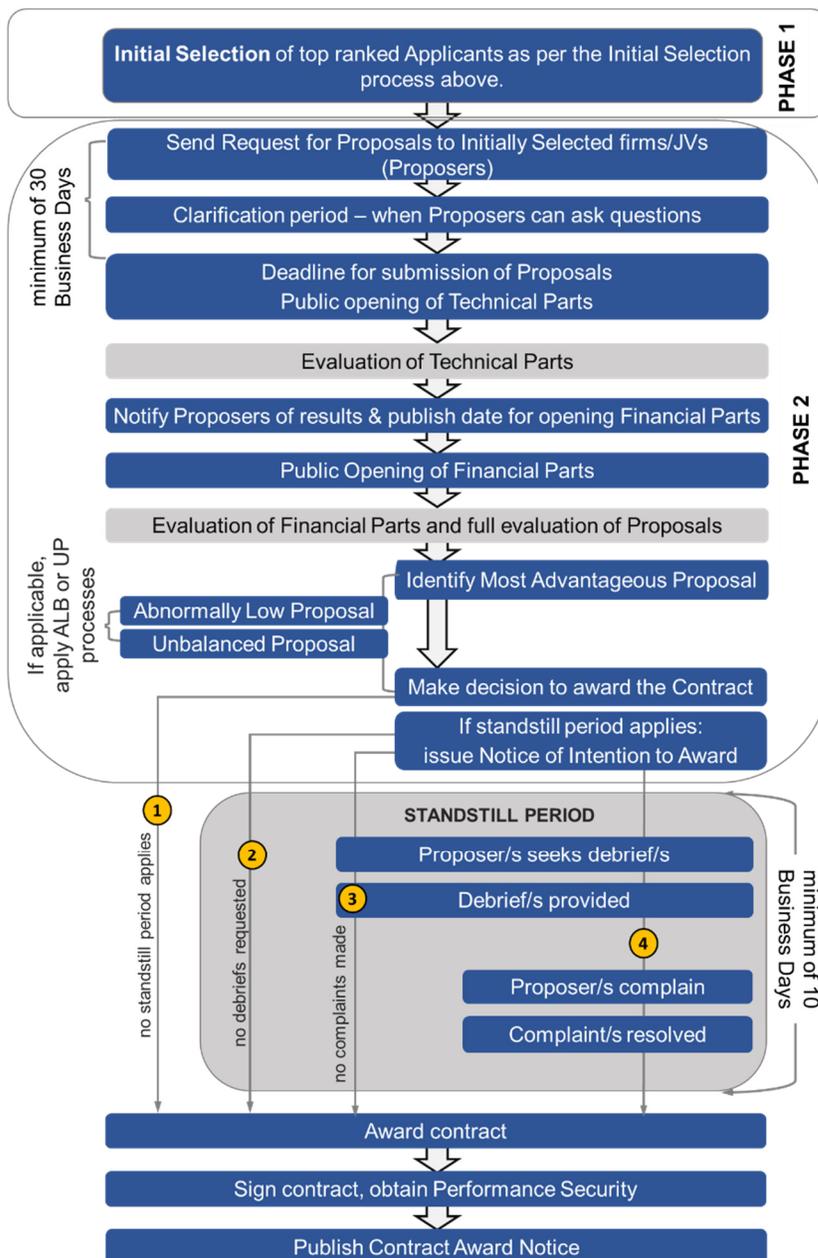


Figure VI – RFP Model 2 – Streamlined

This example process flow chart is a simplified version of a Procurement Process using RFP Model 2.

This process flow chart illustrates the key steps and their sequencing. Actual process may vary.

For possible variations where BAFO or Negotiations are used, refer to paragraphs 3.4 to 3.6, Annex XII, Procurement Regulations.



Competitive Dialogue (Universal)

(Procurement Regulations Annex XII para 3.9 and Annex XIII)

This SPD specifically designed for Competitive Dialogue only. It involves:

- a) Initial Selection (refer to page 15 for details);
- b) request for, and evaluation of, initial Proposals;
- c) dialogue phase to clarify and refine Proposals; and
- d) request for, and assessment of, final Proposals based on two-envelop process.

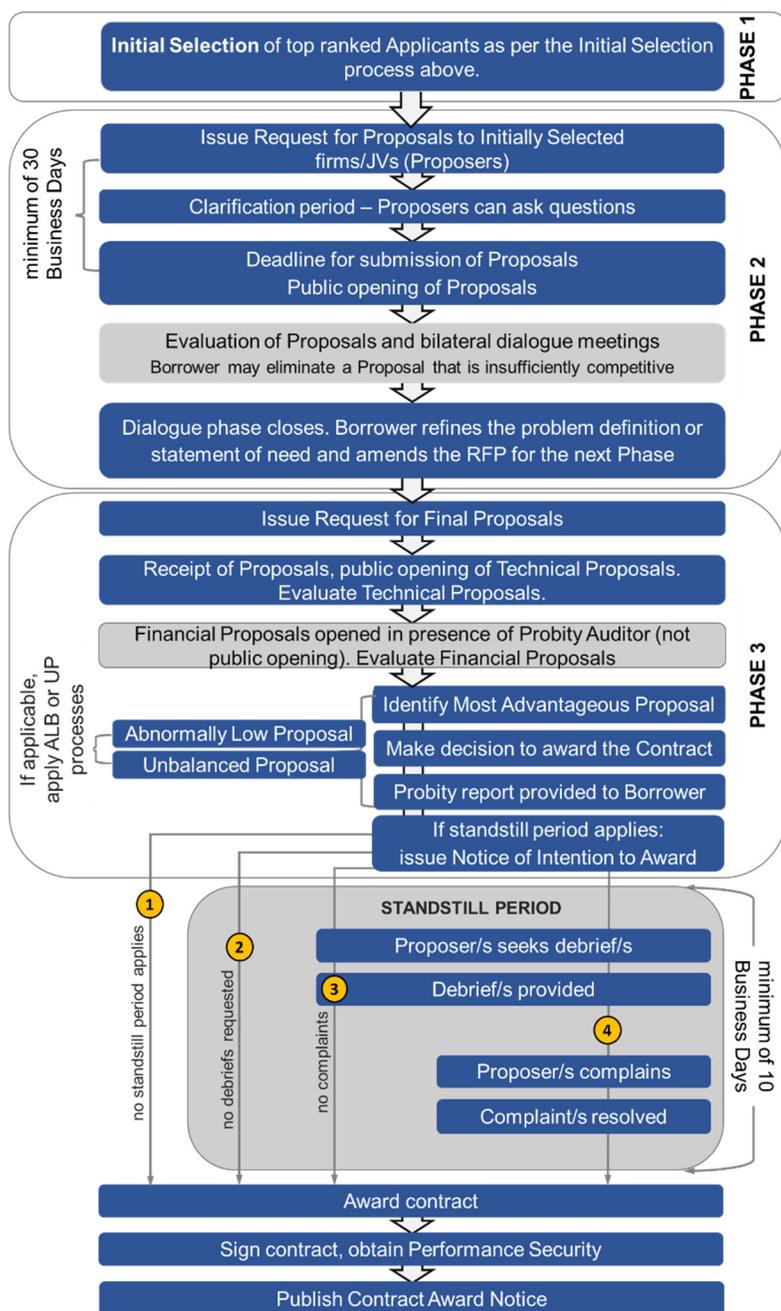


Figure VII – RFP Model 3 – Competitive Dialogue

This example process flow chart is a simplified version of a Procurement Process using RFP Model 3.

This process flow chart illustrates the key steps and their sequencing. Actual process may vary.

In practice each Competitive Dialogue process needs to be customized to suit the nature and complexity of the procurement. There may, for example, be several rounds of dialogue.

Competitive Dialogue is an interactive, multistage selection process that allows for dynamic engagement with Proposers throughout. It allows the Borrower to enter into dialogue with Initially Selected firms/joint ventures, with the aim of better identifying and defining the means best suited to satisfy the Borrower's requirements, before inviting the Proposers to submit their final Proposals. It is normally only used only for complex or innovative procurement.

Competitive Dialogue may be appropriate:

- a) where a number of solutions that satisfy the Borrower's requirements may be possible, and where the detailed technical and commercial arrangements required to support those solutions require discussion and development between the parties, and
- b) due to the nature and complexity of the procurement, the Borrower is not objectively able to:
 - i. adequately define the technical or performance specifications and scope to satisfy its requirements, and/or
 - ii. fully specify the legal and/or financial arrangements of the procurement.

Competitive Dialogue should only be used in exceptional cases. The process is longer and more complex than other selection methods. It involves more cost to both the Borrower and the Proposers. It requires the appointment of an independent Probity Assurance Provider and may require additional legal, financial and/or procurement experts to support implementation of the procurement process.

Section III. New RFP Features explained

The Procurement Regulations introduce three key RFP features that are now reflected in appropriate RFP SPDs for Goods, Works and Non-consulting Services. These are:

- a) rated-type evaluation criteria;
- b) Initial Selection; and
- c) performance specifications.

Rated-type evaluation criteria

In general, the evaluation of Goods, Works and Non-consulting Services has previously been based solely on qualifying-type criteria (i.e. qualification criteria applied to the Bidder, and pass/fail qualifying criteria applied to the Bid).

The Procurement Regulations introduce rated-type evaluation criteria. In addition to monetary quantifiable criteria, there are now three broad types of evaluation criteria.

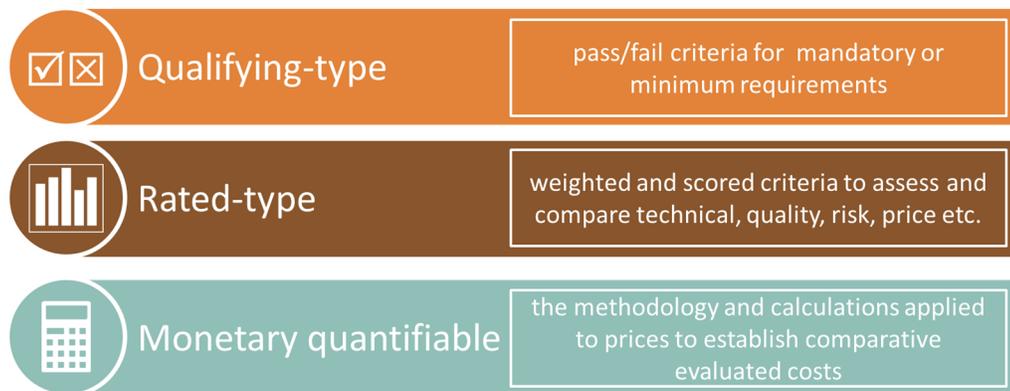


Figure VIII – Three types of criteria

The following descriptions provide information on each of the types of criteria and how and when they should be used.



Qualifying-type criteria

Qualifying-type criteria describe the minimum and/or mandatory requirements. The criteria should be stated in such a way that an assessment can quickly determine whether the Bid/Proposal 'passes'/'fails' or 'meets'/'does not meet' each criterion. Qualifying criteria should be used for mandatory requirements that are essential or critical.

Qualifying-type criteria can be used in different circumstances:

- a) **preliminary examination of Bid/Proposal:** preliminary check that all mandatory Procurement Process requirements have been met (for example: all documents are enclosed, Bidder accepts Bid validity period, Bid security is attached etc.). This is called 'process qualifying criteria'.
- b) **Bidder/Proposer qualification:** appraisal that the Bidder/Proposer's minimum, mandatory qualifications to undertake the contract have been met (for example: past experience of delivering similar projects, annual turnover, financial soundness, pending litigation).
- c) **technical and commercial assessment:** of Bid/Proposal to ensure that all minimum, and/or mandatory technical and/or commercial requirements are met (for example: meets technical specifications and requirements, accepts commercial conditions).

Qualification criteria

Qualification criteria is a type of qualifying-type criteria used to assess the qualifications of the Applicant/Bidder/Proposer. Qualification criteria must be substantially met. The means that the Borrower may waive a minor deviation. A minor deviation (as described in the SPDs) is one that, if accepted, does not materially affect the technical capability and financial resources of an Applicant/Bidder/Proposer to perform the contract.

Substantially responsive

Qualifying-type criteria may also be used to assess the substantial responsiveness of Bids/Proposals. In this scenario the criteria is subject to the 'substantial responsiveness' test, which means that the Bid/Proposal must meet the requirement, without material deviation, reservation, or omission. That is, where the deviation, reservation, or omission:

- a) if accepted, would:
 - i. affect in a substantial way the scope, quality, or performance of the Goods, Works or Non-consulting Services, or
 - ii. limit in any substantial way, inconsistent with the bidding document, the Purchaser's rights or the Bidder's obligations under the Contract; or
- b) if rectified, would unfairly affect the competitive position of other Applicants/Bidders/Proposers presenting substantially responsive Applications/Bids/ Proposals.



Rated-type criteria

Rated-type criteria are evaluated using a scoring system. Each criterion is weighted according to its relative importance. The weightings are applied to the scores. This facilitates the evaluation of technical merit, quality, price and other relevant factors. Its application allows solutions to be objectively compared against each other.

Once scoring is completed, Proposals can be ranked in order of merit based on the highest to lowest scores. The higher the score the better the Proposal meets, or exceeds, the requirements and offers overall VfM. Rather than accepting the lowest price conforming Bid, the use of rated-type criteria allows an enhanced assessment of overall VfM, which isn't always the lowest price.

Rated criteria must be relevant to the project and capable of being evaluated in a meaningful way. The features that may be assessed using rated-type criteria include:

- a) relevant experience and past performance;
- b) understanding of the project;
- c) capacity and resources;
- d) management and technical skills;
- e) management systems;
- f) quality of methodology or work plan;
- g) features / functionality of the proposed solution;
- h) sustainability; and
- i) price.

Rated criteria may be applied:

- a) through an Initial Selection process to identify the top ranked Proposers;
- b) to assess alternative approaches and innovation - rated criteria rewards Proposals that exceed minimum requirements and demonstrate best VfM;
- c) seeking to identify the best VfM, which isn't necessarily the lowest price; and
- d) for criteria that cannot be expressed in monetary terms.

EXAMPLE: Initial Selection using rated criteria

The Borrower states, in the Procurement Documents, the number of Applications it intends to Initially Select (this is called the minimum number and is 4 in the example).

The Borrower, at its sole discretion, may Initially Select additional Applications, but only in accordance with their order of ranking, and where there is clear justification for doing so (this is called the maximum number and is 8 in the example).

Ranking	Entity	Total scores	Borrower's actions
1st	Firm A	89	minimum number = 4 The first 4 ranked Applications are Initially Selected
2nd	Firm B	85	
3rd	Firm C	80	
4th	Firm D	76	
5th=	Firm E	75	maximum number = 8 The Borrower has discretion to Initially Select from this group, where there is justification
5th=	Firm F	75	
7th	Firm G	34	
8th	Firm H	30	elimination All Applications exceeding the maximum number are eliminated
9th	Firm I	28	
10th	Firm J	26	
11th	Firm K	23	

In the above example the Borrower has stipulated the minimum number to be 4 and the maximum number to be 8.

Evaluation against criteria

14 Applications are received. Having applied the qualify criteria, the 11 substantially responsive Applications are evaluated against the rated criteria and ranked according to their scores.

Initial Selection

The Borrower Initially Selects the first four top scoring Applications.

Elimination

The Borrower eliminates the Applications ranked 9th, 10th and 11th as they exceed the maximum number.

Discretion

The Borrower has discretion to Initially Select Applications ranked from 5th to 8th. In this example two Applications have the same scores, and are ranked 5th equal. The Borrower decides to Initially Select both of these Applications.

Figure IX – Example of Initial Selection using Rated Criteria



Monetary quantifiable criteria

Each SPD describes the methodology that will be applied to quantify all monetary costs and benefits for the purpose of evaluation. This establishes the comparative evaluated cost of each Bid/Proposal. Comparative cost can then be applied to determine the Most Advantageous Bid/Proposal. Examples of monetary quantifiable methodology include:

- a) time schedule adjustment rate;
- b) life cycle costing;
- c) functional guarantees min/max adjustment; and
- d) domestic margin of preference, if applicable.

The application of different types of criteria in practice

As a general rule the Bank uses qualifying-type and monetary quantifiable criteria in RFBs, and a combination of qualifying-type, rated-type and monetary quantifiable criteria in RFPs.

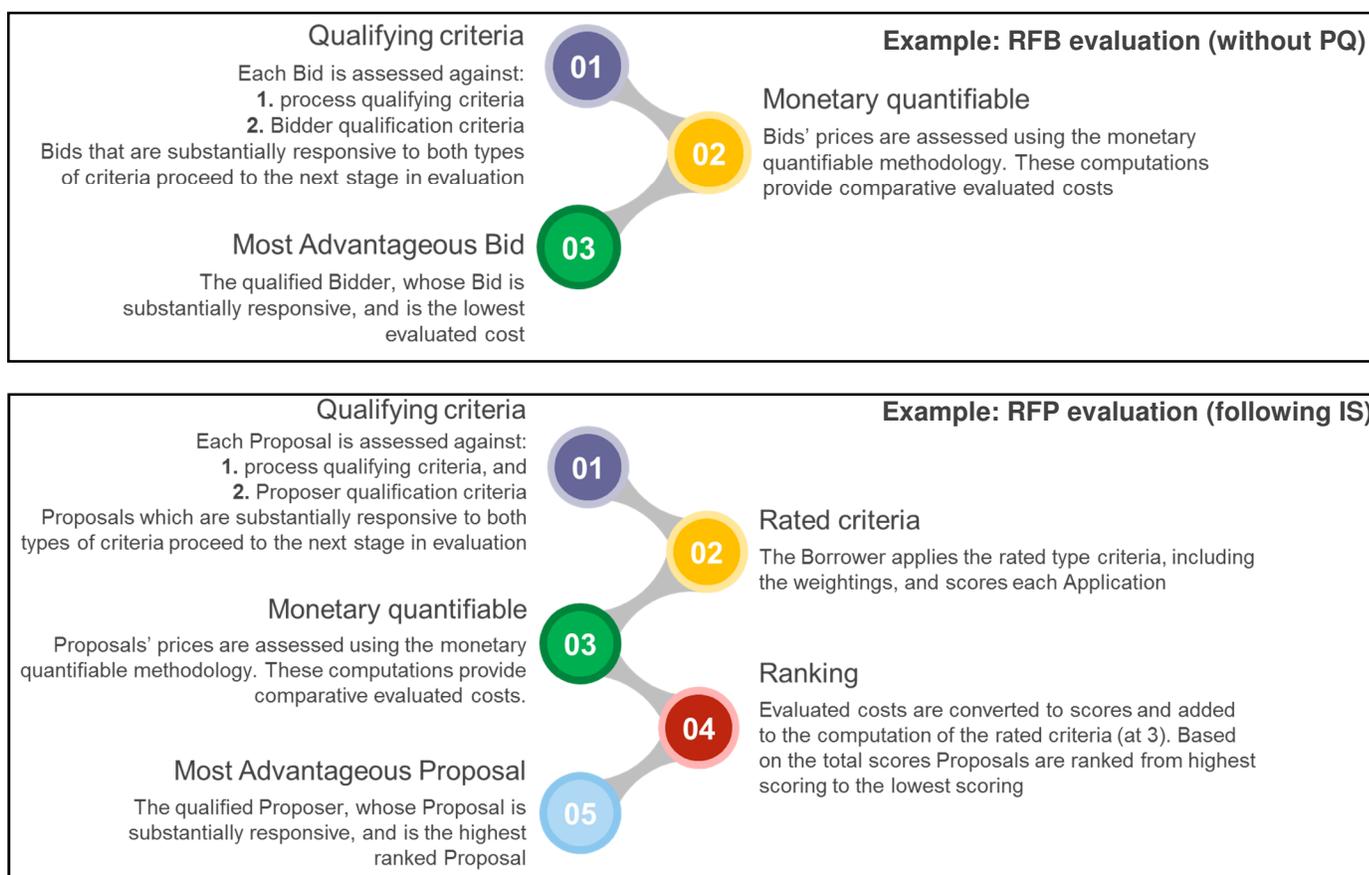


Figure X - The application of different types of criteria in practice

Initial Selection

Initial Selection is a form of preliminary shortlisting. Initial Selection normally applies to all RFP selection methods. It is mandatory for Competitive Dialogue. Whilst Initial Selection (in RFPs) may seem similar to Prequalification (in RFBs) there are some essential differences.

RFB Prequalification

Applicants are assessed against qualifying criteria only. All substantially responsive Applicants are invited to the RFB stage. There is no method to identify the Applicants that best meet the criteria.

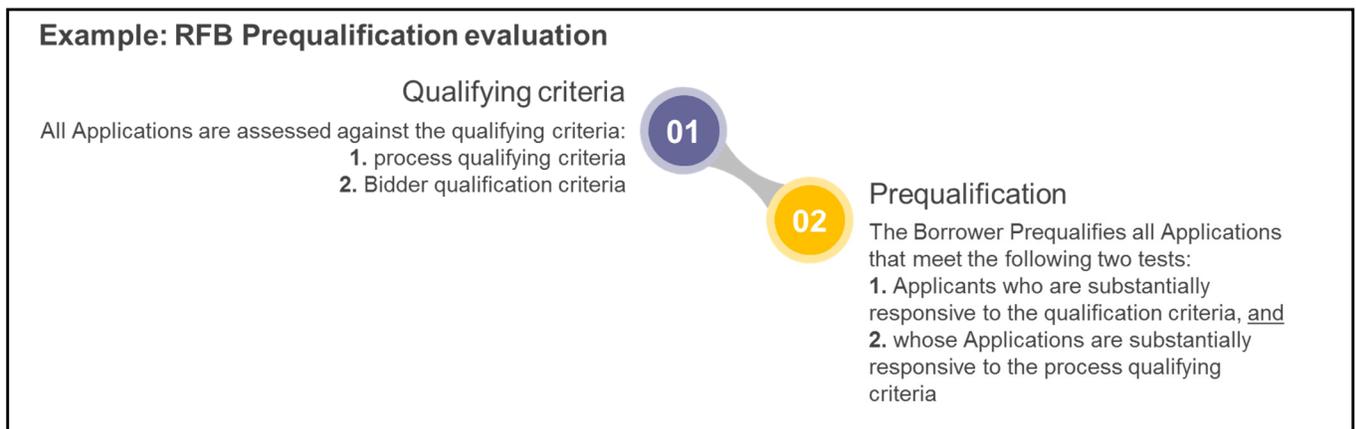


Figure XI – Example RFB Prequalification evaluation

RFP Initial Selection

Applicants are assessed against qualifying criteria. All substantially responsive Applicants are then scored against rated criteria. Applications are then ranked on the basis of scores from highest to lowest. Based on the scores, only the highest ranked Proposals are invited to the RFP stage in process.

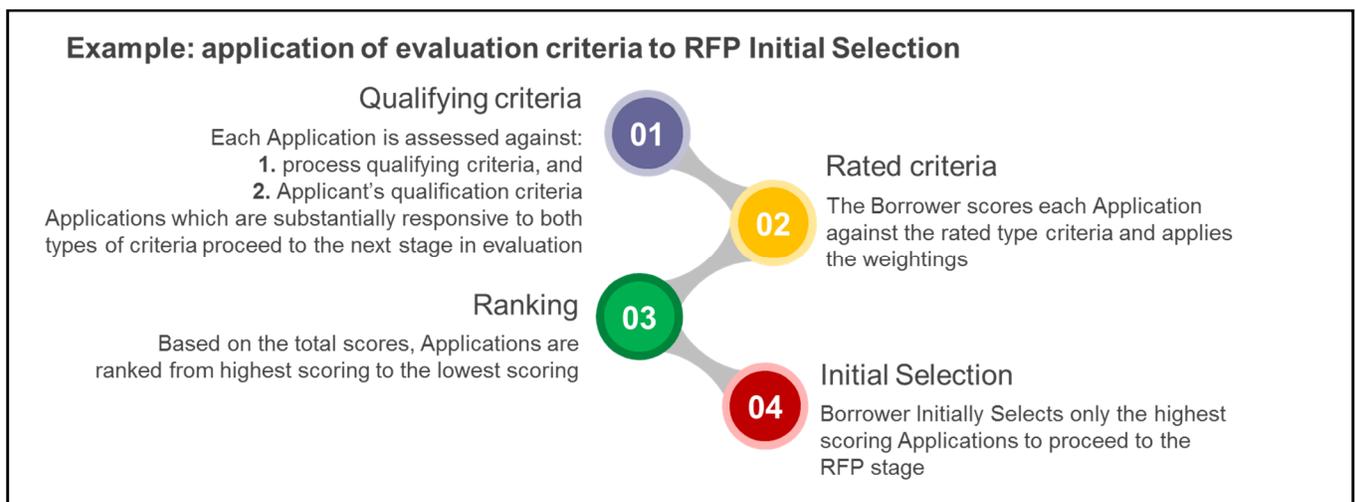


Figure XII – Example application of evaluation criteria to RFP Initial Selection

The key difference between Prequalification and Initial Selection is the Borrower’s ability to either (a) select all substantially responsive Applications (Prequalification), or (b) select only the best of the substantially responsive Applications (Initial Selection).

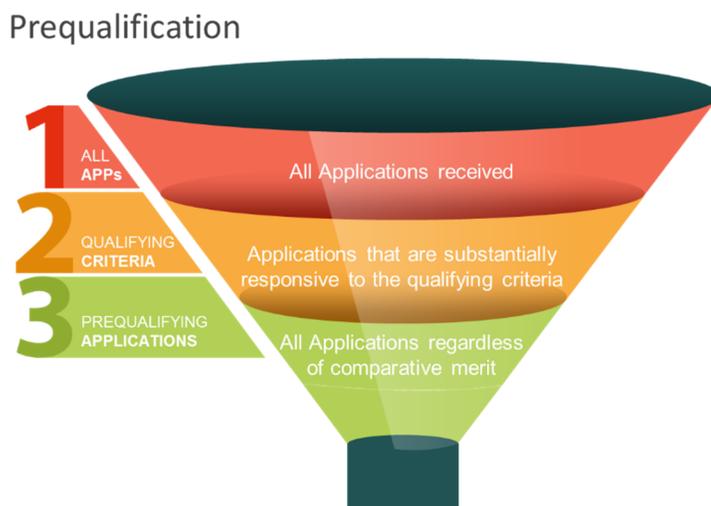


Figure XIII – Key stages in Prequalification

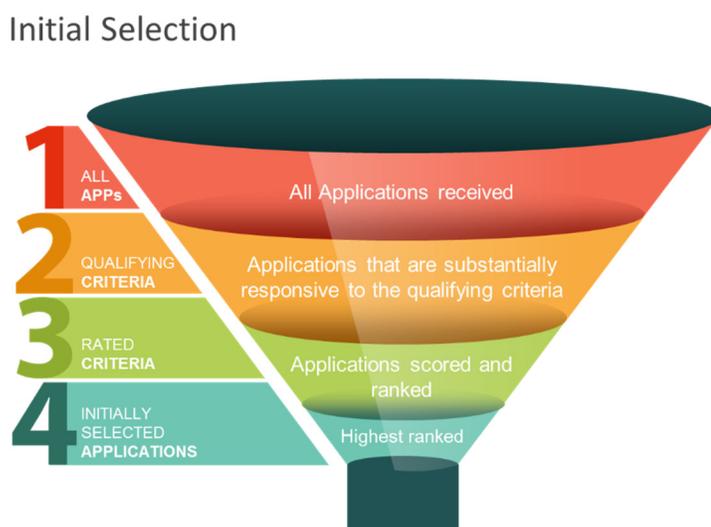


Figure XIV – Key stages in Initial Selection

For RFP selection methods, which usually require Proposers to commit a greater amount of time and resources in developing solutions, it is fairer to use the evaluation method offered by Initial Selection. Only Proposers that have a good chance of succeeding are put to the full cost and effort of Proposing. It can also be more efficient for Borrowers, as time will only be spent on evaluating a small number of high quality Proposals and not a larger number of Bids of varying quality.

Performance specifications

Most commonly, there are two broad categories of specifications. These are:

- a) **Conformance** based specifications which describe in detail the technical requirements of the design, method of production, construction and/or delivery; and
- b) **Performance** based specifications which describe the outcomes or results required in terms of business or functional performance requirements.

Conformance

Generally, RFB selection methods use conformance based specifications. That is, the Bidder must conform to the specifications prescribed by the Borrower. The Borrower controls the design and method of delivery. There is usually little room for innovation or alternative technologies. Conformance specifications are evaluated against qualifying criteria. Bids either meet, or do not meet the requirements. Meeting all requirements results in a Bid being determined to be substantially responsive.

Performance

Generally, RFP selection methods use performance based specifications, (or a mixture of performance and conformance). That is, the Proposer develops a solution that will deliver the business or functional requirements described by the Borrower. The Proposer controls the design and method of delivery. Performance specifications are used where the Borrower seeks innovation or the application of alternative technologies. This is especially effective when procuring unique or novel requirements. Performance specifications are assessed on their merit by scoring against rated criteria. Proposals can then be ranked against each other based on their merits.

Conformance vs performance specifications

Most specifications will contain a mix of both conformance and performance features. The degree to which these features are evident will determine if they are substantially conformance or substantially performance based specifications. This will influence the decision to choose either a RFB or RFP selection method and the decision to apply qualifying and/or rated criteria.

Conformance vs performance specifications

	Conformance Specifications	Performance Specifications
Time to develop specifications	LONGER	LESS
Borrower's degree of control in delivery	HIGH	LOW
Risk to Borrower if specifications are wrong	HIGH	VERY LOW
Complexity of evaluation	LOW	MED to HIGH
Level of supplier innovation sought	LOW or NIL	HIGH

Figure XV – Comparison of conformance and performance specifications

Section IV. Key Regulatory changes reflected in SPDs

The Procurement Regulations modernize the Bank’s Procurement Processes. They have introduced improvements to existing practice as well as new concepts.

The following table summarizes the key changes which have been incorporated into SPDs, where appropriate. The table is in alphabetical order.

References to key Regulations and Annexes are indicated. These references are not exhaustive, but aim to pin-point the initial place in the Regulations. Where the subject matter is covered in more than one paragraph, only the first paragraph is referenced e.g. *Currency* is covered in paragraphs 5.54 and 5.55. Only 5.54 will be provided as this initial reference.

Key change	Notes	Explanation
Abnormally Low Bid/Tenders (ALB) Regulation 5.65	<p>New</p> <p>Refer: <i>Procurement Guidance: Abnormally Low Tenders</i></p>	<p>The terms ‘Abnormally Low Bid (ALBs)’ is a generic term that means Abnormally Low Bids or Proposals, as applicable. For Goods, Works and Non-consulting Services, the SPDs contain ALB instructions.</p> <p>An abnormally low Bid/Proposal is one where the Bid/Proposal price, in combination with other elements of the Bid/Proposal, appears unreasonably low, to the extent that it raises material concerns with the Borrower as to the capability of the Bidder/Proposer to perform the contract for the offered Bid/Proposal price.</p> <p>There are five stages in the treatment of an ALB:</p> <ol style="list-style-type: none"> 1. Identify: the Borrower identifies a potential ALB. 2. Clarify: the Borrower seeks clarification from the Bidder/Proposer. 3. Justify: the Bidder/Proposer prepares a justification of their price based on the request from the Borrower 4. Verify: the Borrower fully analyzes the Bidder/Proposer’s justification to verify if it provides reasonable justification or not 5. Decide: decision by the Borrower on whether to accept or reject the Bid/Proposal.

Key change	Notes	Explanation
<p>Best and Final Offer (BAFO)</p> <p>Regulation 6.32</p>	<p>New</p> <p>Refer: <i>Procurement Guidance: Negotiation and BAFO</i></p>	<p>BAFO is an option in international competitive procurement that is subject to prior review.</p> <p>BAFO is an additional step in process designed to achieve the best value for money. It is a process where Bidders/Proposers are invited to submit their ‘best and final offers’. The Bidders/Proposers must have either submitted substantially responsive Bids/Proposals, or have achieved a specified minimum score (if applicable).</p> <p>Bidders/Proposers are given the opportunity to improve their Bids/Proposals. This may include, for example: price reduction, clarification or modification of any aspect of the Bid/Proposal or the provision of additional information.</p> <p>The decision to use BAFO is usually made as part of the Project Procurement Strategy for Development (PPSD) analysis and development of the Procurement Plan. Where the Borrower wishes to use BAFO it must inform prospective Bidders/Proposers in the RFB/RFP. At a minimum the information should state:</p> <ol style="list-style-type: none"> 1. BAFO will be used 2. Bidders/Proposers are not obliged to submit a BAFO 3. there will be no Negotiation following BAFO. <p>BAFO does not apply to Consulting Services. BAFO can only be used once in a procurement. It cannot be used in conjunction with Negotiation. Each are mutually exclusive.</p>
<p>Business Day</p> <p>Regulations Defined Term</p>	<p>New defined term</p>	<p>The Procurement Regulations introduce a new defined term ‘Business Day’.</p> <p>In SPDs a ‘day’ is a calendar day, unless it is specified as a ‘Business Day’. A Business day is any day that is an official working day of the Borrower. It excludes the Borrower’s official public holidays.</p> <p>In certain circumstances it is fairer to use Business Days rather than calendar days.</p> <p>Examples of where Business Day applies include:</p>

Key change	Notes	Explanation
		<ol style="list-style-type: none"> 1. time allowed for the preparation and submission of Bids/Proposals/Expressions of Interest 2. the calculation of the Standstill Period 3. the period within which Bidders/Proposers may request a debrief 4. minimum period before financial Proposals may be opened following notification of results of technical evaluation.
<p>Civil servants</p> <p>Regulation 3.23.d.</p>	<p>Modification of existing provision</p> <p>The Regulations remove constraints of resignation, retiring and leave without pay</p>	<p>The Bank may agree, on a case-by-case basis, to the hiring of government officials and civil servants in the Borrower’s country. However, the following conditions must be met:</p> <ol style="list-style-type: none"> 1. the person’s services are of a unique and exceptional nature, or the person’s participation is critical to the project implementation 2. the hiring does not create a conflict of interest 3. the hiring does not conflict with employment law, or any other laws, regulations or policies of the Borrower. <p>Hiring is done through a consulting contract. The person can be hired either as an individual or a members of a team of experts proposed by a consulting firm. The Procurement Regulations remove the constraints of resignation, retiring and leave of absence.</p>
<p>Closed opening</p> <p>Regulation 5.41</p>	<p>New</p>	<p>In order to preserve the integrity of the process, and maintain competition during BAFO, Negotiation or Competitive Dialogue, a new ‘closed opening’ procedure (with deferred publication of information) has been introduced.</p> <p>This will apply in a RFP, two envelopes, for Goods, Works or Non-consulting Services, where the Borrower, with the Bank’s prior written approval, applies BAFO or Negotiation. In such cases, a closed opening (of the financial envelopes) by an approved probity auditor and deferred publication of information (scores, Bid prices</p>

Key change	Notes	Explanation
<p>Competitive Dialogue</p> <p>Regulation 6.39</p> <p>Annex XIII</p>	<p>New</p> <p>Refer: <i>Procurement Guidance: Competitive Dialogue</i></p>	<p>and evaluated costs) will apply. This procedure is more fully described in the RFP Instructions to Proposers.</p> <p>Competitive dialogue is an option in international competitive procurement subject to prior review. It allows Borrowers to thoroughly discuss key aspects of the procurement with Proposers during a structured confidential 'dialogue' phase. This happens before finalizing the specifications and before inviting final Proposals.</p> <p>Competitive Dialogue may only be used for complex or innovative procurements where the Borrower:</p> <ol style="list-style-type: none"> 1. is not objectively able to define the technical specifications and scope to satisfy its requirements, and/or 2. is not objectively able to specify the legal and/or financial arrangements of the procurement, and 3. has identified an independent third party probity assurance provider to ensure integrity in the entire process. The provider must be acceptable to the Bank. The provider must provide a report verifying the selection process. This report must be copied to the Bank. <p>Due to the high costs (to both the Borrowers and Bidders/Proposers) and the extended length of time to undertake the process, it is recommended that Competitive Dialogue is only used sparingly.</p> <p>The Bank has a specialized RFP for Competitive Dialogue (see new RFP Model 3).</p>
<p>Domestic Preference</p> <p>Regulation 5.51</p>	<p>Modification of existing provision</p> <p>The Regulations removed the</p>	<p>Domestic preference can apply in the procurement of Goods and Works. It cannot be applied in the procurement of Plant.</p>

Key change	Notes	Explanation
	<p>application of domestic preference to industrial Plant.</p>	<p>Where it applies, details must be included in the RFB/RFP and potential Bidders/Proposers informed how the margin of preference will be calculated.</p> <p>Goods</p> <p>A domestic preference may apply when comparing Bids/Proposals for Goods manufactured in the Borrower’s country against Goods manufactured abroad. This applies where the inputs (e.g. labor, raw materials and components) from the Borrower’s country account for more than 30% of the EXW price. The preference is fixed by the Bank at 15% of the Carriage and Insurance Paid (CIP) price of the Goods manufactured abroad, which is added to the price.</p> <p>Works</p> <p>Domestic preference in Works is applicable only where the Gross National Income (GNI) of the Borrower’s country is below a specified threshold. The Bank reviews this threshold annually.</p> <p>If applicable, it is used when comparing Bids/Proposals from eligible domestic firms with those from foreign firms. The preference is fixed by the Bank at 7.5%. This is applied to the Bid price of each foreign firm and added to the price of that firm.</p>
<p>E-auction</p> <p>Regulation 6.49</p>	<p>New</p>	<p>An e-auction is an on-line reverse auction that takes place in real time. It gives Bidders/Proposers the opportunity to Bid against each other and improve their Bids/Proposals.</p> <p>Under the Procurement Regulations e-auctions are normally used with a Request for Quotations (RFQ) where the procurement is straightforward, the requirements are unambiguously defined and the award decision is based on the lowest conforming price. There is no SPD for a RFQ.</p>

Key change	Notes	Explanation
Electronic procurement systems Regulation 5.8	Modification of existing provision Clarifies the provisions but no substantial change.	Borrowers may use electronic procurement systems (E-procurement) provided the Bank is satisfied with the adequacy of the system, including the system’s accessibility, security and integrity, confidentiality and audit trail features. E-procurement can be used at any stage in the process include: distributing Procurement Documents, issuing amendments or notices, receiving Bids/Proposals.
Evaluation criteria Regulation 5.50 Annex X	Clarifies and augments existing practice Refer: <i>Procurement Guidance: Evaluation</i>	The Procurement Regulations formally introduce rated evaluation criteria to the procurement of Goods, Works and Non-consulting Services. Generally, rated criteria are used in RFPs, in combination with qualifying (pass/fail) and monetary quantifiable (price) criteria.
Framework Agreements Regulation 6.57 Annex XV	Modification of existing provision	The limitations in the previous Guidelines (monetary thresholds) have been removed. The use of Framework Agreements has been expanded to include Consulting Services.
Fraud and Corruption Regulation 3.32 Annex IV	Modification of existing provision	The key modifications include; <ol style="list-style-type: none"> 1. The Bank’s acceptance of a Borrower’s debarment is extended beyond national competitive procurement, and also now includes debarment by an administrative entity. 2. A formal Letter of Acceptance (relating to the Bank’s fraud and corruption requirements) can now be inserted in the Borrower’s Procurement Documents

Key change	Notes	Explanation
		<p>for alternative procurement arrangements, national competitive procurement and public private partnerships.</p> <p>The new fraud and corruption provisions are contained in full in each SPD.</p>
<p>Initial Selection</p> <p>Regulation 6.19</p> <p>Annex XII</p>	<p>New to RFPs for Goods, Works and Non-consulting Services</p>	<p>The new RFPs for Goods, Works and Non-consulting Services, include an Initial Selection (short listing) process. This is an initial de-selection of unsuitable or un-competitive Applications. Initial Selection is recommended for all RFPs. It is mandatory for Competitive Dialogue.</p> <p>The Borrower has flexibility to determine the appropriate range of Applications that will be Initially Selected. This will be based on market analysis and the nature of the procurement. The target range for the Initial Selection will be stated in the Initial Selection document issued by the Borrower, along with all evaluation criteria that will be applied to determine the Initial Selection, (including weightings and scoring methodology), so that the market is fully informed as to how they and their Proposals will be evaluated.</p> <p>For Competitive Dialogue the Bank recommends that no more than 6 Applications are Initially Selected.</p>
<p>International Competitive</p> <p>Regulation 5.22</p>	<p>Modification of the term 'international competitive Bidding'</p>	<p>International competitive procurement is a new term which describes an approach to market. 'International competitive Bidding (ICB)' was a term used to describe a selection method.</p> <p>Open international competitive procurement is the Bank's preferred approach for complex, high-risk and/or high-value activities. The Bank sets specific value thresholds to determine whether or not open international competitive procurement should apply.</p>

Key change	Notes	Explanation
		<p>Part of the requirements for open international competitive procurement include mandatory international advertisement in accordance with the Procurement Regulations.</p>
<p>Most Advantageous Bid/Proposal</p> <p>Regulation 5.68</p>	<p>New</p>	<p>This is the test applied to the selection of the successful Bid/Proposal. The Borrower must award the contract to the Bidder/Proposer/Consultant offering the Most Advantageous Bid/Proposal.</p> <p><u>When rated criteria are used:</u></p> <p>The Most Advantageous Bid/Proposal is the Bid/Proposal of the Bidder/Proposer that meets the qualification criteria and whose Bid/Proposal has been determined to be:</p> <ol style="list-style-type: none"> 1. substantially responsive to the Bidding document, and 2. the best evaluated Bid/Proposal (i.e. the highest score). <p>In this scenario the MAB/P represents the best VfM, which may not be the lowest price.</p> <p><u>When rated criteria are not used:</u></p> <p>The Most Advantageous Bid/Proposal is the Bid/Proposal of the Bidder/Proposer that meets the qualification criteria and whose Bid/Proposal has been determined to be:</p> <ol style="list-style-type: none"> 1. substantially responsive to the Bidding document, and 2. the lowest evaluated cost.

Key change	Notes	Explanation
<p>Negotiation</p> <p>Regulation 6.34</p>	<p>New</p>	<p>Negotiation may take place after the full evaluation of Bids/Proposals (i.e. both technical and financial parts) and before the Notice of Intention to Award the contract.</p> <p>The use of Negotiation is limited to international competitive procurement subject to prior review. Normally the decision to include negotiation in the process is made as part of the PPSD analysis and Procurement Plan development.</p> <p>Where a Borrower proposes to undertake Negotiation this must be stated in the RFB/RFP, with details of how the Negotiation will be done.</p> <p>Negotiation must be held in the presence of an independent third party. The Bank must agree to the person being appointed as the independent third party.</p> <p>Negotiation must not change the minimum requirements of the Bid/Proposal. However, they may involve:</p> <ol style="list-style-type: none"> 1. terms and conditions 2. price 3. aspects such as social, environmental and the use of innovation.
<p>Notification of Intention to Award</p> <p>Regulation 5.72</p>	<p>New</p>	<p>This new provision requires a Borrower to provide formal, written notification, to all participating Bidders/Proposers, of its decision to award the contract to the Most Advantageous Bid/Proposal. Giving notification initiates the Standstill Period.</p> <p>This together with the Standstill Period will contribute to greater transparency in the Procurement Process.</p>

Key change	Notes	Explanation
<p>Project Procurement Strategy for Development</p> <p>Regulation 4.1</p>	<p>New</p> <p>Refer: <i>Procurement Guidance: PPSD</i></p>	<p>A critical element of the Procurement Regulations is undertaking sufficient market research, engagement and analysis during Project preparation. This information is captured in the Project Procurement Strategy for Development, reflected in the Procurement Plan and summarized in the Project Appraisal Document (PAD).</p> <p>Understanding the market enables the Borrower to define and refine its requirements and market approach. It also impacts on the process choice e.g. between RFP and RFB selection methods.</p> <p>Care should be taken during all engagement with the market to remain fair, open, impartial and transparent. Good probity, including comprehensive records of the engagement need to be retained. This builds trust with potential Bidders/Proposers/Consultants, which is a key element of constructive market engagement.</p>
<p>Public opening</p> <p>Regulation 5.41</p>	<p>Clarification of existing practices</p>	<p>Public opening is not a defined term. What constitutes a public opening has been clarified in the SPDs. It is a formal meeting arranged by the Borrower where the date, time and location are made available publicly. Any interested party may attend a public opening. An interested party is a participating Bidder/Proposer, their representative, a deselected Bidder/Proposer or anyone else.</p> <p>The Regulations extend the application of a two-envelope process to Goods, Works and Non-consulting Services. In this scenario there are two public openings instead of one i.e. the first opening of Technical Proposals and the second opening of Financial Proposals.</p>
<p>Shortlisting – Consulting Services</p> <p>Regulation 7.1</p>	<p>Modification of existing provision</p>	<p>In a competitive procurement for Consulting Services, the Borrower is required to prepare a short list of firms. The Borrower attaches a Terms of Reference to a Request for Expressions of Interest document.</p>

Key change	Notes	Explanation
	<p>The range has been modified</p> <p>The mandatory requirement of no more than 2 firms from the same country has been removed</p>	<p>The shortlist must only include firms that expressed interest and that have the relevant experience, managerial and organizational capabilities for the assignment.</p> <p>The shortlist must be no fewer than 5 and not more than 8 eligible firms. The Bank may agree to short lists comprising a smaller number of firms when:</p> <ol style="list-style-type: none"> 1. there are not enough qualified firms having expressed interest for the specific assignment 2. when enough qualified firms could not be identified 3. when the size of the contract or the nature of the assignment does not justify wider competition. <p>SOEs or institutions and not-for-profit organizations (such as NGOs), universities and UN Agencies, should not normally be included in the same short list along with private sector firms, unless they operate as commercial entities.</p> <p>The short list shall not include individual Consultants, only firms. The shortlisting process should not involve the evaluation of a firm’s key personnel.</p> <p>The shortlist may comprise entirely national firms if the assignment is below the ceiling established in the Procurement Plan and approved by the Bank.</p>
<p>State Owned Enterprises</p> <p>Regulation 3.23.b.</p>	<p>Modification of existing provision</p>	<p>The participation of SOEs has been difficult in certain contexts e.g. market transition economies. However, SOEs can play a valuable role in the particular markets where they operate.</p> <p>State-owned enterprises (SOEs) or institutions of the Borrower’s country may be eligible to compete, and be awarded contracts, only if they can establish, in a manner acceptable to the Bank, that they:</p> <ol style="list-style-type: none"> 1. are legally and financially autonomous

Key change	Notes	Explanation
		<p>2. operate under commercial law</p> <p>3. are not under supervision by the agency contracting them.</p> <p>The requirement of ‘dependency’ on the Borrower has been replaced by ‘supervision’ of the contracting entity.</p> <p>The ability to be contracted on an exceptional basis has been extended to include SOEs.</p> <p>This exception has been expanded to cover Goods, Works and Non-consulting Services.</p>
<p>Standstill Period</p> <p>Regulation 5.78</p>	<p>New</p>	<p>A Standstill Period is a period (of at least 10 Business Days) following the Notification of Intention to Award the contract and before the contract is signed. It allows Bidders/Proposers a period to seek a debrief from the Borrower, and, if appropriate, submit a complaint about the decision to award the contract.</p> <p>This encourages Bidders/Proposers to submit a complaint in a timely manner and is expected to contribute to greater transparency in the Procurement Process.</p>
<p>Summary Notice</p> <p>In relevant SPDs</p>	<p>New to RFPs</p>	<p>The new RFPs contain a feature which is a short, succinct summary (no more than 3 pages) of the procurement opportunity – called ‘Summary Notice’. It is written for potential Proposers.</p> <p>The purpose is to make it easier for Proposers to quickly understand the nature of the procurement opportunity (without the need to read the full RFP, which can be very lengthy) and decide whether or not to participate. It contains a compelling rationale that motivates Proposers to compete. It explains how Proposers can make a difference and encourages them to add value to the project and development outcomes. It is not a mandatory requirement.</p>

Key change	Notes	Explanation
<p>Sustainable procurement New</p> <p>Regulation 5.12</p>		<p>This is a new provision that allows Borrowers to opt to include sustainability requirements in Procurement Processes, where they are applied in ways that do not contravene the Bank’s Core Procurement Principles.</p>
<p>Two-envelope New</p> <p>Regulation 6.29</p>		<p>This is a new provision for single stage procurements of Goods, Works and Non-consulting Services. It supports Procurement Processes that are fit-for-purpose.</p> <p>The Bidder/Proposer is required to package the technical parts and financial parts of their Bids/Proposals in separate envelopes. These envelopes are submitted simultaneously before the deadline.</p> <p>At the first public opening, only the technical envelopes are opened. The financial envelopes are not opened, and are kept in safe custody until the second public opening. At the second public opening the financial envelopes are opened.</p> <p>This supports the evaluation of technical/quality parts of Bids/Proposal without being influenced by price.</p>
<p>Value Engineering New</p> <p>Regulation 5.13</p>		<p>Value Engineering (VE) is a systematic and organized approach to provide the necessary functions in a project at the optimal cost. VE promotes the substitution of materials and methods, or reduction of time, or less expensive alternatives, all without sacrificing needed functionality, longevity or reliability.</p> <p>The only reference to VE in previous Standard Bidding Documents (SBDs) is the clause in the FIDIC conditions of contract for the large Works, applicable to construction.</p> <p>The Procurement Regulations now expand the use of VE, as appropriate, and as agreed in the PPSD. VE can be used with the Bank’s prior approval.</p>

Key change	Notes	Explanation
		<p>For RFBs VE can be applied during contract implementation. For RFPs, this option can also be used at the pre-contract award stage.</p>
<p>Value for money (VfM) Annex I</p>	<p>New Refer: <i>Procurement Guidance: Value for Money</i></p>	<p>The Bank’s core procurement principles describe value-for-money (VfM) as: <i>“the effective efficient and economic use of resources which requires the evaluation of relevant costs and benefits, along with an assessment of risks, and non-price attributes and/or life cycle costs, as appropriate. Price alone may not necessarily represent value-for-money.”</i></p> <p>The new RFP models support Procurement Processes that are designed to deliver best value-for-money solutions. The key features include:</p> <ol style="list-style-type: none"> 1. design specifications that promote outcomes, and/or business or functions based performance requirements and allow for greater innovation, sustainability and flexibility, i.e. performance is a main driver 2. foster greater understanding of the market in the early stages of the procurement: e.g. market research, market engagement, market soundings, market analysis – refer to PPSD methodology 3. effective market engagement leads to greater interest in the procurement and increased competition and innovation 4. use value-for-money rated criteria, (with an appropriate balance between quality, cost and other factors), based on a comprehensive risk assessment, i.e. weighted attribute model and whole-of-life costing 5. require open, transparent and accountable processes that clearly inform potential Proposers how they will be assessed

Key change	Notes	Explanation
		6. provide an Initial Selection process that identifies a minimum to maximum number of Proposers based on a mix of mandatory qualifying criteria and rated criteria.

Annex I. Reference Material

List of published SPDs and User's Guides (in development at time of publication)

Standard Procurement Documents 2016		User's Guide
GOODS		
1	RFB - Goods (1 envelope process)	x
2	RFB - Goods (2 envelope process)	✓
3	SPQD - Health Sector	✓
4	RFB - Health (Pharmaceuticals, Vaccines and Condoms) (1 envelope)	✓
5	RFB - Education (Textbooks and Reading Materials) (with rated criteria)	✓
WORKS		
6	SPQD - Works	✓
7	RFB - Large Works (1 envelope, after Prequalification)	✓
8	RFB - Large Works (1 envelope, without Prequalification)	✓
9	RFB – Works – Roads (Output and Performance Based Road Contracts)	✓
10	RFB - Works (French civil law version)	x
11	RFB - Small Works (2 envelope process)	✓
12	RFB - Small Works (1 envelope process)	✓
13	RFB - Plant (after Prequalification)	✓
14	RFB - Plant (without Prequalification)	✓
15	Initial Selection document – Plant	x
16	RFP – Plant	✓
MANAGEMENT SERVICES		
17	SPQD - Management Services	x
18	RFB – Management Services	✓

NON-CONSULTING SERVICES		
19	RFB – Non-Consultant Services	x
CONSULTING SERVICES		
20	RFP – Consulting Services (2 envelopes)	x
INFORMATION SYSTEMS		
21	RFB – Information Systems (single stage, 1 envelope)	✓
22	Initial Selection document – Information Systems	✓
23	RFP – Information Systems	✓

List of SPDs and User’s Guides in development at time of publication

Standard Procurement Documents 2016		User’s Guide
1	RFP - Large Works (design and build)	✓
2	RFP (Model 2) - Streamlined Universal	✓
3	RFP (Model 3) - Competitive Dialogue	✓
4	SPD - Framework Agreements	✓

Related Procurement Guidance

In addition to the Procurement Regulations, practitioners are directed to the following additional Procurement Guidance:

- a) PPSD Guidance
- b) Selection Method Guidance
- c) Value for Money Guidance
- d) Evaluation Guidance
- e) Abnormally Low Bids and Proposals
- f) Negotiation and BAFO Guidance
- g) Competitive Dialogue Guidance.

