

# Standard Evaluation Format and Sample Documentation

## Evaluation of First Stage Proposals



**Trial Edition  
December 2018**



**European Bank  
for Reconstruction and Development**

## PREFACE

This Standard Evaluation Format and Sample Documentation have been prepared by the European Bank for Reconstruction and Development (EBRD) for the procurement of Works, Complex Goods and Equipment or Industrial Installations following a two-stage tendering method in compliance with the EBRD Procurement Policies and Rules for projects that are financed in whole or in part by the EBRD.

The evaluation forms and sample documentation contained in this standard evaluation format provide step-by-step procedures for carrying out evaluation of First Stage Proposals including Invitation to submit Second Stage Tenders. In all instances, the tendering and the first stage evaluation procedures shall be governed by the tender documents and not the evaluation forms and sample documentation included in this standard evaluation format.

The evaluation forms and sample documentation may need to be adapted to suit specific requirements of the tender documents and to reflect the information provided in the First Stage Proposals. Where necessary, the report should include attachments to explain the basis for the outcome of the evaluation of a First Stage Proposal. Cross-referencing should be used extensively, as well as references to pertinent clauses in the tender documents and the actual First Stage Proposals.

Clients should study this evaluation format and sample documentation during preparation of the project, in order to properly assess the managerial and administrative conditions needed for tender evaluation.

Additional information on procurement under Bank-assisted projects can be obtained from:

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London EC2A 2JN  
United Kingdom  
Telephone: +44 20 7338 6000  
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**First Stage Proposals Evaluation Report**  
**and**  
**Draft Invitation for Second Stage Tenders**

**Issued on:** .....  
**Tender No:** .....  
**Employer:** .....  
**Country:** .....

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**Summary Evaluation Data and Recommendation**

1. Project:
2. Contract:
3. First Stage Proposals' submission date:
4. FIRST STAGE PROPOSALS EVALUATION SUMMARY:

No.	Tenderer	Substantially Responsive (yes or no)	Alternative First Stage Proposals (yes or no)	Prequalified (pass or fail)	Invitation to submit Second Stage Tender (yes or no)	Basis for Second Stage Tender (Main or Alternative or both)

5. On the basis of the evaluation (outlined in the attached Report) which was carried out in accordance with the criteria set forth in the Tender Documents, we recommend to invite the following tenderers to submit an updated technical and commercial Second Stage tender:
  - *Insert name of tenderer*
  - *Insert name of tenderer*
  - *Insert name of tenderer*
6. Subject to modifications the “Changes Required Pursuant to First Stage Evaluation”, all the above tenderers have been determined as having submitted substantially responsive tenders and to be qualified and capable of performing the contract in accordance criteria set forth in the Tender Documents.
7. We hereby confirm that all modifications required for submission of a substantially responsive Second Stage Tender have been specified in the attached “Changes Required Pursuant to First Stage Evaluation” and agreed with each individual tenderer above. We also confirm that all issues which have not been agreed with the tenderers as part of the Evaluation of First Stage Proposals and shall be subject to evaluation of Second Stage Tender are specified in the proposed “Summary of impending issues to be subject to Second Stage Tender Evaluation”.
8. On the basis of the evaluation (outlined in the attached Report) which was carried out in accordance with the Tender Documents, we recommend to reject First Stage Proposals submitted by the following tenderers, as having submitted non-responsive First Stage Proposals and/or for not meeting the minimum qualification requirements set forth in the tender documents:
  - *Insert name of tenderer*
  - *Insert name of tenderer*
  - *Insert name of tenderer*

9. We hereby request the Bank to issue its no objection to the proposed outcome of the First Stage Proposals Evaluation including draft the Invitations to submit Second Stage Tender, which have been prepared individually for each tenderer including:
- Memorandum of Clarification Meeting and “Changes Required Pursuant to First Stage Proposal Evaluation”;
  - Summary of impending issues to be subject to Second Stage Tender Evaluation; and
  - Addendum No. [insert number] to the Tender Documents

Evaluation Committee:

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
name	position	signature	date

**Record of First Stage Proposals at Opening**

Project:

Contract:

The following First Stage Proposals were received by the closing deadline fixed at [*state time and date*] and were opened immediately thereafter:

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No.	Name of Tenderer	Presence of Alternatives
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**Preliminary Examination of First Stage Proposal**

Project:

Contract:

Tenderer:

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Requirement	Ref. In Tender Document	Remarks
List of conditions in the tender documents to which the tenderer is non-compliant, non-responsive, has deviated or has specific conditionality	Volume; Para or Clause	Legal and Commercial  Specify for all deviations, reservations and omissions, which are not responsive to the tender documents.
<ul style="list-style-type: none"> <li>• Legal</li> </ul>		Technical Examination
<ul style="list-style-type: none"> <li>• Commercial</li> </ul>		Technical examination should concentrate primarily on tenderers meeting the Employer's Requirements
<ul style="list-style-type: none"> <li>• Technical</li> </ul>		
<ul style="list-style-type: none"> <li>• Other</li> </ul>		

**Prequalification**

Project:

Contract:

Tenderer:

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Prequalifying Criterion	Ref. In Tender Document	Pass / Fail	Remarks
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**Summary of First Stage Proposals  
Rejected for Further Consideration**

The following First Stage Proposals were rejected for further consideration:

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No.	Tenderer	Reasons for rejection
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**Evaluation of First Stage Proposal  
List of Non-responsive Deviations  
and issues for Clarification by Tenderers**

Project:

Contract:

Tenderer:

Requirement	Ref. In Tender Document	Deviation
<p>List of conditions in the Tender Documents to which there is a deviation, omission or exception in the First Stage Proposal</p> <p>Volume I: Instruction to Tenderers</p> <p>Volume II: The Contract</p> <p>Volume III: The Requirements</p>		<p>List of all deviations, omissions and exceptions in the First Stage Proposal:</p> <ul style="list-style-type: none"> <li>• Provide brief description of all non-responsive deviations, omission or exception;</li> <li>• Specify course of action e.g. to be withdrawn or clarified</li> </ul>

**Tenderers to be invited for Clarification Meeting**

Project:

Contract:

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No.	Name of Tenderer	Clarification Meeting Required (yes or no)	Date and Timing of Clarification Meeting
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SAMPLE:

[Date]

TO: [Name of tenderer]

[Address of tenderer]

**INVITATION FOR CLARIFICATION MEETING**

[ *Brief description of Works, Complex Goods and Equipment  
or Industrial Installations to be procured* ]  
[ *Contract reference* ]

This Invitation for Clarification Meeting follows the Invitation for Tenders published in EBRD Web Site on [ *insert date* ] and is issued in accordance with Paragraph [ *insert relevant Para* ] of the [ *insert relevant section* ] of the Tender Documents for the above Contract.

[ *Name of Employer* ] (the Employer) invites you for a clarification meeting, which shall be carried out on [ *insert date and time* ] at the address below.

Consistent with the tender documents, during the clarification meeting, the Employer will bring to your attention any exceptions or deviations in your First Stage Proposal that have been determined to be non-responsive and that are to be withdrawn in your Second Stage tender, and of such alternative proposals, if any, that the Employer finds acceptable. You should also be prepared to clarify any aspects your First Stage Proposal that the Employer may require.

The Employer will not share with other tenderers any information in your 1<sup>st</sup> stage tender or minutes of the Clarification Meeting(s) or any correspondence exchanged with regard to the tendering process.

Please note that the Employer requires the person (s) attending the clarification meeting to produce a written power of attorney dully authorising to represent you in the meeting and to reach agreement on the specific changes or otherwise clarify with the Employer your First Stage Proposal.

Please note that this invitation does not necessarily imply that you will be invited to submit Second Stage tender.

To enable to you to prepare for the clarification meeting, attached are the following documents:

- Annex: List of non-responsive deviations and other Issues for Clarification

**Optional:**

***If the Employer identified any modifications to the tender documents resulting from the First Stage Proposal evaluation, these modifications should be notified to all tenderers prior to the clarification meeting.***

- Addendum to Tender Documents which the Employer intends to issue with the Invitation for Second Stage tender.

It should be clearly understood that any costs incurred by you in relation to the clarification meeting shall be at your own expense.

You are requested to acknowledge receipt of this Invitation for Clarification Meeting by fax or telex to the Employer (see details below) and to indicate whether or not you intend to attend the meeting.

You may obtain further information from the following office:

Authorised Signature.....

Name and Title of Signatory.....

Name of Employer .....

Address of Employer .....

Tel: .....

Fax: .....

Telex: .....

Annex

***Note: This Letter of Invitation for Clarification meeting should be on the letterhead of the Employer and should be signed by a person officially concerned with the tendering process.***

**Minutes of Clarification Meeting**

Project:

Contract:

Tenderer:

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**Part I****GENERAL ISSUES**

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**Employer' request for confirmation****Tenderer's Position**

Request tenderer's confirmation of adherence to all commercial and technical requirements in tender documents which have not otherwise commented or deviated in the First Stage Proposal.

Request tenderer's confirmation of intention to request any Employer's clarification to tender documents.

Clarify the tenderer's compliance with the amended requirements, if any, in the tender documents.

***Note: The Employer shall endeavour to ensure that the minutes of clarification meeting shall be signed at the end of the meeting by both the authorised representatives of both parties. If this would not be possible, the Employer must ensure that the tenderer's signature is obtained following the meeting and in any event prior to the invitation for second stage tenders.***

## Minutes of Clarification Meeting

Project:

Contract:

Tenderer:

Part II

## COMMERCIAL NON-CONFORMITIES

Non-conformity	Ref. In Tender Document	Remarks
Specify all non-responsive deviations, reservations and omissions identified in First Stage Proposal in relation to Volume II – the Contract of the tender documents		Specify whether the intended objective of clarification has been fulfilled to the Employer's satisfaction e.g. tenderer agreed to withdraw the deviation; tenderer provided acceptable clarification, etc.

***Note: The Employer shall endeavour to ensure that the minutes of clarification meeting shall be signed at the end of the meeting by both the authorised representatives of both parties. If this would not be possible, the Employer must ensure that the tenderer's signature is obtained following the meeting and in any event prior to the invitation for second stage tenders.***

## Minutes of Clarification Meeting

Project:

Contract:

Tenderer:

Part III

## TECHNICAL NON-CONFORMITIES

Non-conformity	Ref. In Tender Document	Remarks
Specify all non-responsive deviations, reservations and omissions identified in First Stage Proposal in relation to Volume III – Requirements of the tender documents		Specify whether the intended purpose of clarification has been fulfilled to the Employer's satisfaction e.g. tenderer agreed to withdraw the deviation; tenderer provided acceptable clarification, etc.

**Note: The Employer shall endeavour to ensure that the minutes of clarification meeting shall be signed at the end of the meeting by both the authorised representatives of both parties. If this would not be possible, the Employer must ensure that the tenderer's signature is obtained following the meeting and in any event prior to the invitation for second stage tenders.**

**Summary of Impending Issues  
For Second Stage Tender Evaluation**

Project:

Contract:

Tenderer:

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No.	Ref. In Tender Document	Impending issues
<hr/> <p>Specify deviations, omissions and reservation which the tenderer was unable to withdraw, clarify or otherwise during the evaluation First Stage Proposal.</p>		
<p>Specify the reasons for failure to agree or clarify the issue during the evaluation First Stage Proposal.</p>		

**SAMPLE:**

[Date]

TO: [Name of tenderer]  
 [Address of tenderer]

**INVITATION TO SUBMIT SECOND STAGE TENDER**

[ Brief description of Works, Complex Goods and Equipment  
 or Industrial Installations to be procured ]  
 [ Contract reference ]

This Invitation to submit Second Stage Tender follows the Invitation for Tenders published in EBRD Web Site on [ insert date ] and is issued in accordance with Paragraph [ insert relevant Para ] of the [ insert relevant section ] of the Tender Documents for the above Contract.

[ Name of Employer ] (the Employer) now invites you to submit an updated technical and commercial Second Stage Tender as one of the following firms that, subject to any modification specified in the individual “Changes Required Pursuant to First Stage Proposal Evaluation”, have been determined by the Employer as having submitted a technically responsive First Stage Proposal:

- [ specify tenderer's name ]
- [ specify tenderer's name ]
- etc.

**SAMPLE:**

The Employer hereby notifies you that your Second Stage Tender shall be based on your alternative proposed as part of your First Stage Proposal for [ provide appropriate reference and brief description of alternative proposal ]

To enable you to submit Second Stage Tender, attached are the following documents, which shall be deemed to amend and/or supplement the provisions of the tender documents:

- Memorandum of Clarification Meeting and “Changes Required Pursuant to First Stage Proposal Evaluation”
  - Summary of impending issues to be subject to Second Stage Tender Evaluation
- Addendum No [ insert number ] – issued in accordance with Para [ insert relevant Para ] of the [ insert relevant section ] of the Tender Documents

Your Second Stage Tender will consist of an updated technical tender, which shall incorporate all changes required by the Employer, as recorded in the attached herewith the Memorandum documenting the clarification meeting entitled “Changes Required Pursuant to First Stage Evaluation”, and reflect all amendments to the tender documents, as provided in the attached herewith Addendum; and the commercial tender.

You are expected to carefully examine this Invitation to submit Second Stage Tender including all instructions terms and specifications provided in the respective Memorandum of Clarification Meeting, “Changes Required Pursuant to First Stage Evaluation” and the Addendum. Failure to furnish all information required by the tender documents, change, correct or withdraw the exceptions or deviations in the First Stage Proposal as provided in the “Changes Required Pursuant to First Stage Proposal Evaluation” will result in the rejection of your Second Stage Tender.

OFFICIAL USE

Second Stage Tenders must be delivered to the address below on or before [ *specify time and date of deadline for submission* ] at which time they will be opened in the presence of the tenderers' representatives who wish to attend.

All Second Stage tenders must be accompanied by a Tender Security of [ *state currency and amount*] or its equivalent in a convertible currency.

You are requested to acknowledge receipt of this Invitation to Submit Second Stage Tender including the attached Memorandum of Clarification Meeting and "Changes Required Pursuant to First Stage Evaluation" and Addendum No [ *insert number* ] to the tender documents by fax or telex to the Employer (see details below) and to indicate whether or not you intend to submit a Second Stage Tender.

Prospective tenderers may obtain further information from the following office:

Authorised Signature.....

Name and Title of Signatory.....

Name of Employer .....

Address of Employer .....

Tel: .....

Fax: .....

Telex: .....

**Note: This Letter of Invitation to Submit Second Stage Tender should be on the letterhead of the Employer and should be signed by a person competent and having Power of Attorney to bind the Employer**

**SAMPLE:**

**MEMORANDUM OF CLARIFICATION MEETING  
CHANGES REQUIRED PURSUANT TO FIRST STAGE PROPOSAL EVALUATION**

[ *INSERT NAME OF THE TENDRER* ]

[ *Brief description of Works, Complex Goods and Equipment  
or Industrial Installations to be procured* ]

[ *Contract reference* ]

These Changes Required Pursuant to First Stage Proposal Evaluation are issued in accordance with Para [ *insert relevant Para* ] of the [ *insert relevant section in the tender documents* ].

The tenderer is expected to carefully examine the “Changes Required Pursuant to First Stage Proposal Evaluation”.

Failure to furnish all information, change, correct or withdraw all the non-conformities identified by the Employer in the First Stage Proposal and listed in these “Changes Required Pursuant to First Stage Proposal Evaluation” will be at the tenderer’s risk and will result in the rejection of its tender.

Ref. in First Stage Proposal	Description of Deviation	Ref. in Tender Documents	Changes Required Pursuant to First Stage Proposal Evaluation
Commercial			
	<i>Insert brief description of the non-conformity</i>		<p><b>SAMPLE</b></p> <p>The deviation has been determined to be non-responsive by the Employer.</p> <p>The tenderer is required to withdraw the deviation and modify its technical offer in compliance with requirements of the Tender Documents. The tenderer shall provide a detailed description of the essential technical and performance characteristics of the modified offer.</p>
Technical			

Authorised Signature: .....  
Name and Title of Signatory: .....  
Name of Employer: .....

Authorised Signature: .....  
Name and Title of Signatory: .....  
Name of Tenderer: .....

**Summary of Impending Issues  
For Second Stage Tender Evaluation**

Project:

Contract:

Tenderer:

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No.	Ref. In Tender Document	Impending issues
<hr/> <p>Specify deviations, omissions and reservation which the tenderer was unable to withdraw or clarify during the Clarification meeting or otherwise prior to the invitation to submit Second Stage Tender.</p>		

Authorised Signature: .....  
Name and Title of Signatory: .....  
Name of Employer: .....

Authorised Signature: .....  
Name and Title of Signatory: .....  
Name of Tenderer: .....

***Note: The key objective of the two-stage tendering is to ensure that all technical and commercial aspects relating to the tender evaluation shall have been reviewed and clarified to the satisfaction of both the Employer and the Tenderer prior to the issuance of the invitation of Second Stage tenders with the view to ensure submission of substantially responsive tenders. Thus, the list impending issues should therefore be used in exception circumstances and generally include items of a straight forward nature.***

**SAMPLE:**

**ADDENDUM NO ....**

**TENDER DOCUMENTS**

[ *Brief description of Works, Complex Goods and Equipment  
or Industrial Installations to be procured* ]

[ *Contract reference* ]

This addendum is issued in accordance with Para [ *insert relevant Para* ] of the [ *insert relevant section* ]. The addendum amends and/or supplements the provisions in the tender documents. Whenever there is a conflict, the provisions herein shall prevail over those in the tender documents.

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Ref. in Tender Documents	Amended text
Volume I.ii – Tender Data	
Volume II.ii – Special Conditions of Contract	
Volume III – The Requirements	

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**FINAL DRAFT LETTERS TO THE TENDERERS WHOSE FIRST STAGE PROPOSALS WERE REJECTED**

(Insert respective Final Draft Letters to the tenderers whose first stage proposals were rejected. Use the following sample as a drafting aid)

(Sample letter to an unsuccessful tenderer)

Project ref: \_\_\_\_\_

Tender ref: \_\_\_\_\_

Name of Tender: \_\_\_\_\_

Lot ref (if applicable): \_\_\_\_\_

[insert respective tenderer's name]

Dear \_\_\_\_\_

I refer to the First Stage Proposal that you have submitted for the above referenced project.

We regret to inform you that, as a result of the First Stage Proposals evaluation process, you have not been selected for further participation in this tender.

The following firms have been invited to submit Second Stage Tenders:

[insert names of the tenderers who have been invited to submit Second Stage Tenders and their nationalities]

[Please provide detailed explanations why this tenderer's First Stage Proposal was not successful]

.....

Please also note that you may request a debriefing by ourselves to ascertain the grounds on which you have not been selected for further participation in this tender.

Yours Sincerely,

**Minutes of First Stage Proposals Opening**

1. Time and place for First Stage Proposals opening
2. Client's representatives present
3. Tenderer's representatives present (Annex 4)
4. Number of First Stage Proposals receipts and number of First Stage Proposals on the table
5. Any First Stage Proposals received late
6. Tender details for each tender as opened:
  - Time received
  - Name of tenderer
  - Any alternatives
7. Comments from the floor
8. Statement to all tenderers that the evaluation process is confidential and any attempt by a tenderer or its agents to influence the Client's evaluation of First Stage Proposals including the offering or giving of bribes, gifts or other inducement, could result in the invalidation of its First Stage Proposals. All contact with tenderers will be for the purpose of clarification and will be initiated by the Client in writing.

**Register of Attendance at  
First Stage Proposal Opening**

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Name	Tenderer	Signature
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**List of Firms that Purchased  
Tender Documents**

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Firm	Date
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**Minutes of Pre-tender Meeting  
(if appropriate)**

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**Log of Clarifications Requested by  
Tenderers and Responses Issued**

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**Log of Addenda to Tender Documents Issued**

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No.	Ref. to para. or clause in tender documents	Date Issued
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**Log of Clarifications Requested  
and Responses Received**

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Tenderer	Date Request sent	Date Request Received	Brief Description of issue
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**Log of Complaints and Appeals Received**

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Tender or appellant	Date	Brief Description of issue Received
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