

GUIDANCE

Procurement Debriefing Process by Clients

1 May 2023

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Section I: Purpose

This note provides guidance to Clients and Participants on the debriefing process for procurements under the Procurement Policies and Rules pursuant to Section III, Articles 2.12-2.14 of the Procurement Policies and Rules and paragraphs 3 and 4 of the Directive.

Section II: Definitions

Terms used in this Guidance have the below meanings. Terms not defined in this Guidance have the same meaning as set out in the Procurement Policies and Rules.

Application	Means an application submitted by a Participant for Prequalification.
Directive	Means the Bank's Directive Procurement Reviews and Complaints of 1 May 2023.
ECEPP	Means the Bank's Client E-Procurement Portal (https://ecepp.ebrd.com).
OCCO	Means the Bank's Office of the Chief Compliance Officer.
Procurement Complaint	Means a procurement-related complaint submitted by the Participant in accordance with paragraphs 3 and 5 of the Directive.
Procurement Policies and Rules or PPR	Means the Bank's Procurement Policies and Rules as amended from time to time.
Proposal	Means a tender, a proposal, an offer or a quotation submitted by a Participant for a tender for a Bank-financed Contract.
Request for Bank Procurement Review	Means the request submitted by Participant in accordance with paragraphs 3 and 4 of the Directive.
Request for Debriefing	Means a request submitted by a Participant for a debriefing submitted pursuant to paragraph 2 of this Guidance.

Section III: Scope

1. Introduction

After notification by the Client of the outcome of its evaluation of an Application or Proposal, as applicable, a rejected Participant may wish to ascertain the grounds for rejection of its Application or Proposal. To this end, the Participant is entitled to submit to the Client a Request for Debriefing in accordance with the applicable procurement documents. During the debriefing, the relative strengths and weaknesses of the Participant's Application or Proposal (as applicable) can be discussed, as well as any other appropriate information that may be necessary for the Participant to better understand how it can improve its future chances of success.

Please note that during the debriefing, the Client shall not share any confidential information in relation to the procurement process (e.g. financial, commercial, proprietary information of the Application or Proposal of another Participant).

The Bank does not provide debriefings to Participants. The Client is fully responsible for the debriefing process.

2. Debriefing

2.1 Who can submit a Request for Debriefing?

Only Participants can submit to the Client a Request for Debriefing. In case the Participant is a JVCA, the lead partner shall have the authority to submit a Request for Debriefing. Potential Sub-contractors are not entitled to submit a Request for Debriefing.

2.2 How to submit a Request for Debriefing?

Participants must submit a Request for Debriefing to the Client in writing through the message centre in ECEPP for procurement processes conducted through ECEPP. For procurement processes conducted outside of ECEPP, Participants must submit a request at the email address designated by the Client for clarifications of the procurement documents. The Client's notification of the outcome of its evaluation of Applications or Proposals to Participants shall provide instructions for Participants in respect of a debriefing.

The Request for Debriefing must include the following:

- (i) the title of the relevant Bank Operation;
- (ii) the title and number (if applicable) of the relevant procurement process and Bank-financed Contract;
- (iii) the Participant's specific issues or concerns that have led to the submission of the Request for Debriefing, with a reference to the applicable sections in the relevant procurement documents; and
- (iv) any other information or documentation that the Participant finds necessary to support its Request for Debriefing.

2.3 Deadline Submission Request for Debriefing

Upon receipt of the notification of the outcome of its evaluation of the Participants' Application or Proposals, as applicable, a Participant may submit a written Request for Debriefing to the Client. The Participant shall ensure that the Client receives such request as soon as practicable but in any case within the following seven (7) calendar days (or within an alternative timeline, if stated in the procurement documents).

The Client is not under any obligation to consider any Request for Debriefing submitted by a Participant after the deadline.

2.4 Response Client to Request for Debriefing

Requests for Debriefing can make the Client aware that there are irregularities in the procurement process. It is therefore important for the Client to provide due care and attention to the assessment of such requests and to adequately respond to Participants.

If a Participant has requested a debriefing, the Client shall provide a debriefing to such Participant within seven (7) days¹ upon receipt by the Client of the Request for Debriefing.

The Client can provide debriefings in writing or verbally during a meeting. Within three (3) days (or within an alternative timeline, if stated in the procurement documents) following the debriefing meeting, the Client shall send to the Participant minutes of the meeting.

Where applicable, the Participants shall bear their own costs of attending a debriefing meeting.

2.5 Rejection Client of Request of Debriefing

The Client may reject the Request for Debriefing if the Participant has not provided sufficient information in support of its request for the Client to understand the issues and concerns of the Participants and the Participant has not responded adequately or timely to the Client's request for further information. The Client shall inform the Participant of its rejection and the reasons for such within the deadline stipulated in paragraph 2.4.

If the Client does not respond or does not provide a debriefing to the Participant within the prescribed deadline, this will constitute a rejection by the Client of the Request of Debriefing. Consequently, the Participant has the option to submit a Request for Bank Procurement Review or a Procurement Complaint as set out in paragraph 2.8 below.

2.6 Standstill period

After the Client sends notifications to Participants of the outcome of its evaluation of the Applications or Proposals, as applicable, a standstill period commences. In accordance with the applicable procurement documents, the Client shall proceed with the next phase in the procurement process no earlier than fourteen (14) days from the date of sending the notification of the outcome of the evaluation of the Applications or Proposals (as applicable) or ten (10) calendar days from the date of the completion of the debriefing process, whichever is later.²

2.7 Computation of Time

Unless stated otherwise, the term "days", as used in this Guidance, means calendar days, including weekends and holidays in the Client's country. If the last day of any deadline in this Guidance falls on a weekend or a public holiday in the relevant Client's country, the period shall run until the next working day, provided the Participant has informed the Bank thereof before the original deadline.

2.8 Options Participant following debriefing process

In case the Client rejected the Participant's Request for Debriefing or the Participant is not satisfied with the debriefing provided by the Client, the Participant may submit to the Bank a Request for Bank Procurement Review or a Procurement Complaint. These requests are dealt with in accordance with the Directive. For more information, please refer to the following website: <https://www.ebrd.com/work-with-us/procurement/project-procurement-complaints.html>.

¹ The procurement documents may state an alternative timeline. If this is the case, these alternative timelines shall apply.

² The procurement documents may state an alternative timeline in relation to the standstill period. If this is the case, these alternative timelines shall apply.

Section IV: Disclosure

This Guidance will be published on the Bank's website <https://www.ebrd.com/work-with-us/procurement/project-procurement-complaints.html>.

Section V: Effective Date

This Guidance is effective from 1 May 2023.

Section VI: Decision Making Framework

Director, Procurement Policy and Advisory Department, is accountable for this Guidance.

Associate Director, Procurement Policy Adviser, Legal, Procurement Policy and Advisory Department, is responsible for this Guidance.

Section VII: Related Documents

1. Procurement Policies and Rules of 15 May 2022.
2. Procurement Policies and Rules of 1 November 2017.
3. Directive Procurement Reviews and Complaints of 1 May 2023.