

## **GUIDANCE**

# **Notification of Procurement Opportunities for Public Sector Operations**

1 May 2024

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### Notification of Procurement Opportunities for Public Sector Operations

#### Section I: Purpose

This note provides guidance on public notification of procurement opportunities for Public Sector Operations pursuant to Section III, Articles 3.8-3.9 and 3.30, as well as in respect of other provisions of the PPR.

#### Section II: Definitions

Terms used in this Guidance have the following meanings. Terms not defined in this guidance have the same meaning as set out in the PPR.

<b>Bank</b>	means the European Bank for Reconstruction and Development.
<b>ECEPP</b>	means the Bank's Client e-Procurement Portal.
<b>PPAD</b>	means the Bank's Procurement Policy and Advisory Department.
<b>PPR</b>	means the Bank's Procurement Policies and Rules, as amended from time to time.
<b>WTO GPA</b>	means the Agreement on Government Procurement of the World Trade Organization.

#### Section III: Scope

##### 1. Introduction

Clients shall ensure that appropriate public notices are published in a timely manner to advise the business community about the nature of the Bank Operation and the forthcoming business opportunities. Such notices can be of a general or a contract(s) specific nature.

##### 2. Types of Notices and Requirements

Throughout the project procurement cycle publication of different type of notices is required. Depending on the type of notice, Clients shall take into account the respective requirements, as follows:

- **General Procurement Notice**

The purpose of a general procurement notice is to inform the business community of the potential procurement opportunities under a specific Bank Operation, so that companies can consider at an early stage if they may be interested in competing for specific contracts under such Bank Operation.

A general procurement notice shall include the following information as required by Section III, Article 3.8 PPR:

- (a) a description and the total amount of the Bank Operation;
- (b) a description or a list of contracts for Goods, Works, Services or Consultancy Services to be procured;
- (c) the applicable procurement rules and procedures;
- (d) the expected start of the procurement; and
- (e) the Client's name and contact details to enable potential Participants to obtain additional information and to express interest.

The Client shall publish the general procurement notice immediately after the Bank has issued its no-objection to the project procurement plan. In accordance with Section III, Article 3.9 PPR, the Client shall publish the notice on their own website and/or official government procurement portal, where available, or in a newspaper with wide circulation in the Client's country or in official gazettes or international trade publications, as appropriate.

The general procurement notice shall be submitted by the Client to the Bank for publication on the Bank's website ([www.ebrd.com](http://www.ebrd.com)). PPAD will arrange the publication of such notices on the Bank's website.

When the procurement under a Bank Operation is carried out via ECEPP, the general procurement notice is generated and published automatically by the system, based on the procurement plan created in the system for a specific Bank Operation. Prior to the publication, the Client shall ensure that the automatically generated notice provides complete and adequate information to attract a broad range of potential Participants. If necessary, the notice shall be appropriately amended.

In addition, in the interests of maximising publicity and potential competition, the general procurement notice, wherever possible, shall be published in the Official Journal of the European Union and the official publication of the United Nations.

It shall be noted that no procurement processes shall commence prior to the publication of the general procurement notice.

The Client shall update the general procurement notice each time the procurement plan has been materially modified.

Please note that the procurement process shall not commence prior to the publication of the general procurement notice.

- ***Specific Procurement Notice***

A specific procurement notice informs the business community about an upcoming procurement process for a specific contract for Goods, Works, Services or Consultancy Services under the Bank Operation.

The specific procurement notice shall be published by the Client for any procurement process for a specific contract, group of contracts or framework arrangements, as appropriate. No such notices shall be published for a Direct Contracting arrangement (Section III, Articles 3.24 PPR).

It is important that Clients provide sufficient advance public notification of opportunities as this enables the business community to assess and determine whether they would be interested to participate in a prequalification and submit their applications, as well as compete for a contract and submit their Proposals. A broad and appropriately targeted notification campaign increases the number of qualified Participants competing for a contract, thereby increasing the probability of obtaining the best value for money.

In instances, where a prequalification phase has taken place, it is normally not necessary to publish a specific procurement notice for a follow up procurement process, as the respective invitations are sent directly to the prequalified Participants.

The requirements for publication of the specific procurement notices vary by the type of the procurement procedure:

- ***Open Competitive Process*** (Section III, Articles 3.15-3.19 PPR)

Publication in the same media, as the general procurement notice and in any other appropriate media with the aim of maximising competition.

- ***Procurement of Commodities*** (Section III, Article 3.25 PPR)

Publication in same media as the general procurement notice. However, subject to the prior approval of the Bank, the alternative media may be used to ensure notification to an appropriate focus group of Participants.

- ***Procurement under National Laws*** (Section III, Article 3.26 PPR)

Publication shall be arranged by Clients in accordance with the national legal requirements for the type of the agreed procurement procedure. In the interest of broad competition, the Bank may request Clients to arrange additional publications of such notices in alternative media.

- ***Procurement of Utilities*** (Section III, Article 3.27 PPR)

Publication shall follow the establish procurement policies and practices for the type of the agreed procurement procedure. The Bank may request an adjustment to the content of such publications. In the interest of broad competition, the Bank may request Clients to arrange additional publications of such notices in alternative media.

All notices shall normally be published in one of the Bank's working languages. Clients are encouraged to publish the same notices in other additional languages used to facilitate international trade.

For procurement under the National Laws or Utilities, where the publication of notices is required to be arranged in the local language, the Bank may request the Client to arrange additional publications of notices in one of the Bank's working languages (English, French, German and Russian).

### **3. Time Periods for Notification**

Clients, based on their reasonable needs, shall provide sufficient time for Participants to prepare and submit their responsive applications or proposals, taking into account such factors as the nature and complexity of the contract(s) and the respective procurement process and the time necessary for transmitting their responses to the Client.

Unless otherwise is agreed with the Bank in writing, the following time periods shall be observed:

<b>Event/Procurement Process</b>	<b>Minimal Time Periods</b>	
	<b>Regular Processes (calendar days)</b>	<b>Processes using e-Procurement Systems (calendar days)</b>
General Procurement Notice	28	14
<b>Open Competitive Process</b>		
Prequalification	28	21
Single Stage Competitive Processes	40	30
Multi-Stage Competitive Processes (Initial Stage/Follow Up or Final Stage)	56/21	42/14

<b>Procurement of Commodities</b>		
Prequalification	28	21
Competitive Processes	As agreed with the Bank	As agreed with the Bank
<b>Procurement under National Laws</b>		
Prequalification	28	21
Competitive Processes	40	30
<b>Procurement by Utilities</b>		
Prequalification	28	21
Single Stage Competitive Processes	40	30
Multi-Stage Competitive Processes (Initial Stage/Follow Up or Final Stage)	56/21	42/14

For the procurement of large or complex Goods, Works, Services or Consultancy Services, the above periods shall be extended in agreement with the Bank to provide for sufficient time to prepare responsive Proposals.

Should the Client consider it is necessary and justified to shorten the above time periods, they shall consult with the Bank to agree an appropriate alternative. Given the overall alignment of the PPR with the principles of the WTO GPA, the time periods and principles outlined in Article XI of the WTO GPA for the notifications shall normally be followed, taking into account the type and complexity of the specific procurement process and contract, as appropriate.

In any case, the Client shall ensure that the time period for a specific procurement process adequately reflects the needs and expectations of Participants, allowing them to prepare complete and submit comprehensive and high-quality proposals. Should Participants submit a reasonable request for an extension to the time period for the preparation and submission of their Proposals, the Client, upon consultations with the Bank, shall grant an appropriate extension.

Whilst setting the time limits, Clients shall take into consideration the Participants' interests and potential constraints with submitting their Proposals, and wherever possible avoid setting the deadlines for submission of Proposals on weekends, during or immediately after public holidays or on Mondays.

#### **4. Template of Notifications**

The Client shall prepare the general procurement notice on the basis of the template provided in Annex A to this Guidance note.

Specific procurement notices shall be prepared by the Client using the templates provided in the Bank's standard procurement documents published on the Bank's website ([www.ebrd.com](http://www.ebrd.com)).

When the procurement under a Bank Operation is carried out via ECEPP, the respective notices are generated automatically by the system. Prior to publication, the Client shall ensure that the automatically generated notice provides complete and adequate information to attract a broad range of potential Participants. If necessary, the notice shall be appropriately amended.

## ANNEX A - GENERAL PROCUREMENT NOTICE TEMPLATE

Country: *[insert the country name]*  
Project: *[specify the name of the Project]*  
EBRD Project ID: *[insert the Bank's Project ID]*

### GENERAL PROCUREMENT NOTICE

*[Name of the Client]* has *[received/applied for]* a *[loan/grant]* from the European Bank for Reconstruction and Development ("the Bank" or "EBRD") to finance the project to *[state the objective of the project]*. The proposed project, which has a total estimated cost of *[insert the currency and amount]* million equivalent will require the procurement of the following goods, works and services:

- *[Include a brief description of the goods, works and services, as applicable]*

Procurement of the above contracts is expected to begin in the *[insert the estimated quarter and year]*.

Contracts to be financed with the proceeds of the *[loan/grant]* from the Bank will be subject to the Bank's Procurement Policies and Rules and will be open to firms from any country.

The proceeds of the Bank's loan will not be used for the purpose of any payment to persons or entities, of for any import of goods, if such payment or import is prohibited by a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations or under a law of official regulation of the Purchaser's country.

Interested suppliers, contractors and consultants should contact:

*[Contact name]*  
*[the Client's Name]*  
*[the Client's Address]*  
*[the Client's E-Mail]*  
*[the Contact Telephone Number]*

#### **Section IV: Disclosure**

This Guidance will be published on the Bank's website.

#### **Section V: Effective Date**

This Guidance is effective from 1 May 2024.

#### **Section VI: Decision Making Framework**

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

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

#### **Section VII: Related Documents**

Bank's Procurement Policies and Rules of 15 May 2022.