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Tender Period Communications & Addenda Procedure



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Tender Period Communications & Addenda Procedure

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1.0 PURPOSE

This procedure defines the requirements following issuance of the Invitation to Tender (ITT) Documents, management of Tenderer questions and clarifications, changes to the ITT Documents to maintain fair and ethical treatment of all Tenderers throughout the tendering process in accordance with the Laws and Regulations.

The ethical standards implemented during a Tender process are essential to ensure that all Tenderers are provided the equal and fair treatment and have access to consistent information upon which to base a Tender for the Works or Services. Maintaining these standards reinforces the Entities' reputation and fairness in the treatment and management of Tenders for the Works or Services.

2.0 SCOPE

This procedure applies to Contract and Procurement activities conducted under the administration and management of the Contracts Management Department.

3.0 DEFINITIONS

Term	Definition
2nd Party	Contractor, Consultant, Engineer or Supplier who expresses interest in prequalifying for a specific package of Works or Services and upon Award becomes the entity contracted to perform such Works or Services
Agreement	Contract or Purchase Order (collectively "Agreement") between the Entity and a 2nd Party
Construction Contractor	The Main or Principal Contractor responsible for undertaking the Construction Works on the Project. Individual(s) or firm(s) engaged in the construction of buildings, either residences or commercial structures, as well as construction activities such as paving, highway construction, utility construction and landscape installation.
Entity	A Saudi Government organization which is responsible for the delivery of government funded infrastructure construction projects.
ITT	Invitation to Tender documents.
Jobsite	Place or location where the Works or Services will be performed sometimes referred to as the site or location of Works or Services.
Laws	Government Tenders and Procurement Law issued pursuant to Royal Decree No. (M/128) dated 13/11/1440 AH and the Implementing Regulations thereof issued pursuant to the Minister of Finance's Resolution No. (1242) dated 21/3/1441 AH and as amended thereafter.
Project	Project to be undertaken by an Entity that consists of single or multiple Agreements with 2nd Parties to perform Works or Services as part of the execution plan to deliver such a Project, Scope of Work and/or services identified by Entity that needs to be executed.
Regulations	Are Authority imposed requirements, which specifies product, process or service characteristics, including the applicable administrative provision, with which compliance is mandatory, such as building codes.
Requisition	Requisition for Tendering



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Services	Provision of technical or consulting services for design, studies, investigations (geotechnical, surveying testing), specialist advice or the like that are not the Works but necessary to support them
Site Construction Department	Department within the Project Management Company that is responsible for Construction activities/operations.
Contracts Management Department	Department within the Entity Project Management Organization (EPMO) or at corporate level authorized to conduct contracts formation and administration activities.
Site Engineering Department	Department within the Project Management Company that is responsible for Engineering or design activities/operations.
Tenderer	A 2nd Party that has prequalified for bidding a specific package for Works or Services, sometimes referred to as a Tenderer
Works	Construction or supply of goods, facilities or the like of permanent and temporary nature as contracted by the Entity.

4.0 REFERENCES

NOT USED.

5.0 ROLES & RESPONSIBILITIES

The Contracts Management Department maintains sole responsibility for the administration of the Tendering Period, and shall be the sole point of contact and interface / exchange of information between the Entity and the Tenderers.

The following defines the individual roles and responsibilities for activities during the Tender Period and the Receipt and Opening of Tenders:

Individual	Role
Construction Manager	Responsible for obtaining access to the Jobsite.
Contracts Management Department Manager	Responsible for the approval of Pre-Tender Meeting Minutes prior to issuance to the Tenderers
Contracts Specialist	Responsible for the arranging, scheduling, chairing and recording of the Minutes of the Pre-Tender Meeting and issuance of such to all attendees and those Tenderers who declined.
Director of Contracts Management Department	Approval of Addenda related to an ITT Documents
Originator	Prepares the revised Requisition for the development of an Addendum to the ITT Documents for any changes related to the documents originally provided under the Requisition for Tender.

Department Managers may delegate their responsibilities to assigned members of their department, provided such delegation is notified to the Contracts Management Department Manager and Contracts Specialist.



6.0 PROCESS

This process covers the main actions and interfaces between the Entity and Tenderers from the issuance of the ITT Documents to the receipt of Tenders.

6.1 Communication Rules

All Communications to Tenderers shall be exchanged through ETIMAD portal, and the Tenderers shall be notified the communication address in the ITT and Instructions to Tenderers.

These established platform of communications between the Entity and the Tenderers are essential to ensure that all Tenderers are provided the same opportunity and treated with the highest ethical standards relative to the solicitation of Tenders.

6.2 Tenderer Questions and Entity Responses

During the Tender Period, Tenderers may raise questions, or seek clarifications, as to the intent and meaning of the ITT Documents or identify components that are ambiguous or require further information necessary for the Tenderers to submit compliant Tender. Any such request shall be made in writing in accordance with the Instructions to Tender (Attachment 3) issued with the ITT.

Any such request shall be made via ETIMAD platform in accordance the tenderers' account.

6.2.1 Recording Questions

All questions and clarifications shall be received in writing by the Contracts Specialist.

Verbal questions shall not be entertained or accepted and Tenderer raising such questions shall be advised strictly to submit them formally, in writing.

The Contracts Specialist shall record all questions and clarifications raised using the Tenderer Questions and Answers Register (**Attachment 2**); and where the question or clarification raised is itself unclear, the Contracts Specialist seek clarification from the Tenderer raising such question.

6.2.2 Preparation of Responses

The Contracts Specialist shall then determine who should have the action for addressing such clarification questions and circulate them to the responsible department or departments as it may be necessary to generate the required clarification and response. The Contracts Specialist shall not disclose the name of the Tenderer asking the question.

The responses shall be tracked and once received by the Contracts Specialist, shall be incorporated into the Register and issue to ETIMAD Portal.

Any responses that constitute a change to the ITT Documents shall be captured in an Addendum and the corresponding answer to the Question shall specify the Addendum No. which incorporates the resultant changes to the ITT documents (i.e. "Refer to Addendum XXX") publish it at ETIMAD Portal.

The draft of the questions from the Tenderers and proposed responses thereto from the Entity shall be reviewed by the Contracts Management Department Manager for approval prior to issuance to the Tenderers.

6.2.3 Issuance of Questions and Responses



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The Contracts Specialist shall issue to all Tenderers a complete list of all questions and clarifications so that the information is provided to all Tenderers for fairness and to ensure consistency in the basis of the Tenders received (**Attachment 1**) and will be transmitted to the Tenderers via ETIMAD Portal

The list of Questions and Clarifications shall not identify the names of Tenderers who originated the questions.

6.3 Addenda

Any changes to the ITT Documents required during the Tender Period shall be made by an Addendum to the ITT Documents. No other form shall be utilized to modify the ITT Documents.

The Addendum shall be prepared and attached to the Addendum Letter. The front sheet itemizes in detail what changes are made in the Addendum; specifically stating which pages are to be deleted and replaced as well as any new pages to be added.

The Addenda will be transmitted to the Tenderers via ETIMAD Portal.

6.3.1 Addendum Preparation

All changes will be made by deleting from, or adding to, the existing wording in the ITT Documents and clearly tracking and identifying the changes.

Changes to the technical package will be prepared by the Originating Department using a Requisition and must include evidence of the Originating Department Director's approval prior to issuing to the Contracts Management Department Manager. The Requisition shall include all attachments that are modified as a consequence of the Addenda for ease of communicating to the Contracts Management Department and eventually the Tenderers. All revisions within the ITT Documents shall be track changed as part of the Addendum.

Changes to the remaining sections of the ITT Documents will be made by the Contracts Specialist and approved by the Contracts Manager.

6.3.2 Addendum Letters

The Addendum Letter will be routed for review and approval in accordance with the Contracts Management Department's procedure.

The approved Addendum Letter will be forwarded, together with the Addendum Transmittal Letter, to the Director of the Contracts Management Department for signature.

Upon the Director of Contracts Management Department's approval, the Contracts Specialist will issue the Addendum to the Tenderers either through the electronic portal (ETIMAD Portal).

6.3.3 Review of the Evaluation Criteria following Addendum

The Contracts Specialist shall review the Addenda and where necessary, amend the Evaluation Criteria.

6.4 Extensions to Tender Period

Extensions to the Tender Period may arise due to the following main reasons:

- Tenderers may request during the Tender Period an extension to the date for the submission of tenders, any such request must be formalized in writing to the Contracts Specialist and the reasons for such request clearly stated to enable considerations, or
- Changes to the ITT Documents initiated by Contracts, the Originating Department or Project Management which require issuance of an Addendum to the ITT Documents. Sufficient time



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must accordingly be granted to the Tenderers to address the changes made to the ITT Documents per the Addendum.

- In a limited field of participants e.g. three (3) or less active potential tenderers, failure to extend the tendering period may discourage continued participation by some and accordingly reduce the eventual number of submitted tenders. This may result in less competitive tenders and seriously constrain the negotiating position of the Project.

The Project Management Department (PMD) shall review the Extension Request for potential impact on the overall Work Plan.

The Contracts Management Department will evaluate the extension in light of the market conditions, the level of interest in the ITT and the number of tenderers actively pursuing it. It should be noted that, the greater the level of interest in the ITT and the larger the pool of participants, the greater the Project's flexibility. With input from the Originating Department, the Contracts Management Department may concur with the recommendation to extend the Tender Due Date or not, depending on the potential impact of such extension.

The PMD review will assess if the extension may delay the Notice to Proceed, increase the Work Plan Expenditures or delay other contracts and where feasible, approve such extension.

The final granting of an Extension to the Tender Due Date shall be notified by ETIMAD platform to all Tenderers and subsequently followed by formal letter or Addendum, if necessary

7.0 ATTACHMENTS

1. EPM-KD0-TP-000048 - Tender Questions & Answers Form Template
2. EPM-KD0-TP-000015 - Tender Period Questions & Answers Register Template
3. EPM-KD0-TP-000016 - Invitation to Tender (ITT) Addenda Template



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Attachment 1 - EPM-KD0-TP-000048 - Tender Questions & Answers Form Template

Tender Questions and Answers Form Template

[INSERT ENTITY NAME]

[INSERT PROJECT NAME]

ITT Number		Tender Opening Date	
ITT Title		Q&A Issue No:	
Contract Specialist	[INSERT NAME]	[INSERT EMAIL ADDRESS]	Q&A Issue Date:

Tenderer Questions & Answers

In response to the following Questions raised by Tenderers, Entity provides the corresponding answer and/or clarification as basis to support the Tenderer in preparation of its Submission. The answers below unless clearly stated as "subject to an Addendum" will not modify the ITT Documents and are provided for clarification purposes only, those answers that are clearly stated as subject to an Addendum will be incorporated into the final Agreement:

No.	Tenderer Question	Entity Answer	Subject to Addendum
1			
2			
3			
4			
5			
etc			



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Attachment 2 - EPM-KD0-TP-000015 - Tender Period Questions & Answers Register Template

PROJECT:	[INSERT PROJECT NAME & NUMBER]										
CONTRACT No.:	[INSERT CONTRACT NUMBER]										
CONTRACTOR:	[INSERT CONTRACTOR]										

TENDER PERIOD QUESTIONS & ANSWERS											
Seq Number	Received from (Tenderer)	Date Received	Tenderer Question	Nature of Question (Technical /	Responsible Lead	Date issued to Responsible	Date Response Received	Response	Date issued to Tenderers	Subject to Addenda (Y / N)	Addenda No.
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
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25											

NOTE: Highlighted Columns are the Columns that are included in the Response to the Tenderers when issuing the Clarifications (Questions & Answers)											



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Attachment 3 - EPM-KD0-TP-000016 - Invitation to Tender (ITT) Addenda Template

1. ADDENDA NO.	2. INVITATION TO TENDER REFERENCE [INSERT ITT NUMBER]	3. PROJECT TITLE. [INSERT PROJECT NAME]
4. ISSUED BY [INSERT FORMATION SPECIALIST NAME, EMAIL ADDRESS AND FACSIMILE NUMBER (As Appropriate)]		
5. TENDERER NAME AND ADDRESS (Street, city, county, state, zip code)		INVITATION TO TENDER CLOSING DATE. [Insert Date of Original RFP - see block 7] The hour and date specified for receipt of Tenders ☐ is extended, ☐ is not extended.
The above numbered ITT is amended as set forth in Block 8. Tenders must acknowledge receipt of this Addenda, by one of the following methods: ☐ (a) By signing and returning _____ copies of Addenda to the Contract Specialist listed in Block 4; ☐ (b) By acknowledging receipt of this Addenda on each copy of the offer submitted; ☐ (c) By separate letter, facsimile or email which includes a reference to the ITT and Addenda numbers, or ☐ (d) By acknowledging its receipt on the ITT Proposal Letter. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE ISSUING OFFICE PRIOR TO THE TENDER CLOSING DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR TENDER. If by virtue of this Addenda, you desire to change a Tender already submitted, such change may be made by letter, facsimile or email, provided such letter, facsimile or email makes reference to the ITT and this Addenda, and is received prior to the closing date and time specified.		
8. DESCRIPTION OF ADDENDA		
Except as provided herein, all terms and conditions of this ITT referenced in block 2, as heretofore changed, remain unchanged and in full force and effect.		
TENDERER ACKNOWLEDGEMENT Tenderer is ☐ is not ☐ required to sign and return this Addendum Form		Tenderers Authorized Representative: Signature: _____ Date: _____ Name: _____ Title: _____
MINISTRY AUTHORISED REPRESENTATIVE [INSERT NAME] DIRECTOR OF CONTRACTS MANAGEMENT DEPARTMENT	11. DATE SIGNED [Insert Date of Signature]	12. SIGNATURE.