



## **Guideline**

**for**

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# **Tender Board's Decision through Circular Resolution**

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**Public Procurement Regulatory Authority**

**P. O. Box 2865**

**DODOMA**

**May, 2020**

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## PART I: INTRODUCTION

1.	Background	<p>1.1 Regulation 58 (1) of the Public Procurement Regulations of 2013 (GN. No. 446 of 2013) provides that a decision of the tender board may be made by the tender board without convening a meeting through circular resolution pursuant to the guidelines issued by the Authority;</p> <p>1.2 Based on the requirement of regulation 58(1) of the Regulations, the Authority hereby issues guidelines to all Procuring Entities (PEs) on procedures for conducting circular resolutions.</p>
2.	Short Title	<p>2.1 These Guidelines may be cited as the Guidelines for Tender Board's Decision through Circular Resolution.</p>
3.	Application	<p>3.1 These Guidelines shall apply to all PEs when making tender board decisions through circular resolution.</p>
4.	Interpretation	<p>4.1 In these Guidelines, unless the context requires otherwise:-</p> <p>“a circular resolution” according to Regulation 58(2) of GN 446 of 2013 means issuance of the tender board's decision without a meeting by circulation of the relevant papers/documents among members of the tender board for approval, and the expression of the views of the majority in writing;</p> <p>“Act” means the Public Procurement Act, Cap. 410;</p> <p>“Authority” means the Public Procurement Regulatory Authority;</p> <p>“Regulations” means the Public Procurement Regulations, 2013 (GN.No. 446 of 2013);</p> <p>”tender board” means a tender board established under section 31 of the Act.</p>
5.	Purpose of Guidelines	<p>5.1 General Purpose.</p>

		<p>To guide tender boards to carry out their objectives and functions as prescribed under regulation 58 of the Regulations</p> <p>5.2 Specific Purpose;</p> <p>Specific purposes of these Guidelines is to:-</p> <p>a) provide guidance on principles and procedures to be followed when tender board makes its decisions through circular resolution; and</p> <p>b) to ensure consistency in the application of the circular resolution.</p>
6.	Importance of Guidelines	<p>6.1 The use of these Guidelines will ensure that tender boards use the appropriate procedures when making decision through circular resolution; and</p> <p>6.2 The use of these Guidelines will standardize tender board reporting format for all PEs.</p>
<b>PART II: QUORUM AND THRESHOLD</b>		
7.	Quorum	<p>7.1 Half of the members of the tender board shall form a quorum in making a decision through circular resolution;</p> <p>7.2 For purpose of the quorum, the Secretary of the tender board who is the Head of Procurement Management Unit is not a member of the tender board;</p>
8.	Threshold	<p>8.1 There is no threshold for issuance of the tender board's decision without convening a meeting.</p>
<b>PART III: CIRCULATION OF NOTICES AND APPROVAL</b>		
9.	Notice and Circulation of papers	<p>9.1 The notice to the members of the tender board shall contain all relevant papers/documents;</p> <p>9.2 The Secretary of the tender board shall prepare a circular which shall be endorsed by Chairman before circulation to tender board members;</p> <p>9.3 In absence of the Chairman or his inability to act, the Secretary of the tender board shall prepare and endorse the circular before circulation to tender</p>

		<p>board members;</p> <p>9.4 Relevant papers or documents shall be sent to each member at his usual place of business or through electronic means on the same day.</p>
10.	Approval through Circular Resolution	<p>10.1 The individual members of the tender board once served with the notice and relevant papers under 9.4, shall read and make his decision by signing an appropriate standard approval form to agree or disagree with the circular within the timeframe provided in the notice issued as the chairman or in his absence the Secretary may determine;</p> <p>10.2 Where a member of the tender board disapproves the circular, shall provide reasons to that effect;</p> <p>10.3 In providing the decision, each member of the tender board shall be required to provide his/her expression of views with regard to the subject matter. The decision of majority shall finally be taken as the decision of the tender board;</p> <p>10.4 Any member of the tender board is entitled to require decision to be deferred and subject matter to be considered at a meeting of the tender board;</p> <p>10.5 Where a member of the tender board requires matter to be deferred to the meeting, the secretary shall refer such matter to the chairman and the chairman shall consult with such a member for consideration;</p> <p>10.6 Where necessary, and after consultation with members of the tender board, and depending on the comments and quorum of the members, the chairman may convene an extraordinary meeting and the matter be discussed or refer the matter to the next ordinary meeting;</p> <p>10.7 Each tender board member shall initial all documents submitted and reviewed prior to approval or disapproval.</p>

<b>PART IV: ADOPTION OF DECISIONS</b>		
11.	Record of Decisions	<p>11.1 Records of all decisions of the tender board made through circular resolution shall be securely kept by the Head of Procurement Management Unit;</p> <p>11.2 A summary of all decisions of the tender board made through circular resolution shall be reported in the next ordinary meeting of the tender board using the format /Procedural Form attached with this guideline.</p>
<b>PART V: SAMPLE FORMAT</b>		
12.	Sample Format	<p>12.1 All Circular Resolutions shall be numbered sequentially.</p> <p>12.2 A sample format of the Circular Resolution form has been prepared and issued with this Guideline as appendix I.</p>

**APPENDIX I: SAMPLE FORMAT OF THE CIRCULAR RESOLUTION FORM**

**CIRCULAR RESOLUTION No.** *[insert number of circular to be issued sequentially]*  
**OF** *[insert financial year]* **TO BE CIRCULATED ON** *[insert date, month, year]*

RE: *[insert name/description of the project]*

**1.0 INTRODUCTION AND BACKGROUND**

1.1 The Government of the United Republic of Tanzania has set aside funds for the operations of *[insert name of the PE]* for the FY *[insert FY]*. It is intended that part of the proceeds of the fund will be applied to cover eligible payment under the Contract for *[insert name of the project]*.

**2.0 DESCRIPTION OF THE REQUIREMENT**

2.1 The Procurement Management Unit received the requirement from the *[insert name of user department]* requesting procurement of *[insert the name of the project]*. The description of the requirement is summarized below:-

S/N	Item Description	Unit of Measure	Quantity
1			
2			

**3.0 REQUEST FOR**

*[insert the request requiring approval by the TB]*

3.1 *[Provide brief description and background of the activity that needs approval from the TB. The details may include all any processes done before seeking this approval. Describe any if quotations/tenders which were called, evaluation conducted etc depending on the progress reached. You may insert a table to summarize your details where necessary. Attach any document to back up your description]*

**AND/OR**

*[provide description of lowest evaluated bidder's quotation in the table below, if such approval is being requested]*

S/N	Item Description	Unit	Qty	Unit Price	Total price
1					
2					
3					
	SUBTOTAL				
	VAT 18%				
	GRAND TOTAL				

3.2 The *[inset the name of user department]* requested approval of *[insert amount]* from the Accounting Officer on *[insert the date]* for *[insert name of the project]* through procedural form No. 2. The Accounting Officer confirmed availability of fund on *[insert the date]* as indicated Appendix 1.

3.3 *[describe any further approval of the funds if such was requested]*

3.4 Subject to Regulation 58 of G.N 446 which provides that the decisions of the tender board may be made through circular resolution, without convening a meeting, therefore by virtue of *[insert Section/Regulation by which the specific approval is being requested]*, the Procurement Management Unit is submitting to the Tender Board for deliberation and approval of *[insert the specific approval(s) requested]*.

#### 4.0 CONCLUSION AND RECOMMENDATION

4.1 The Secretariat requests the Tender Board to review and approve the request for *[insert the specific requested approval(s) required]*.

Chairman/Secretary  
*[insert the name of PE]s Tender Board*  
*[Insert date]*

S/N	NAME	DESIGNATION	APPROVE/ DISAPPROVE	SIGNATURE	DATE
1		<b>Chairman</b>			
2		<b>Member</b>			
3		<b>Member</b>			
4		<b>Member</b>			
5		<b>Member</b>			
6		<b>Member</b>			
7		<b>Member</b>			

- Note:*
1. Delete whichever does not apply
  2. The PE may add any details that may not be included in this form
  3. This form may include any attachments as required by the tender board for informed decisions
  4. Tender Board may attach any comments to the form as part of their approval/disapproval justifications

**Appendix II: Procedural Form For Reporting Decisions of the Tender Board made through Circular Resolution**

Version No.: PPRA: GL/05/2020/TBCR  
Effective Date: 22<sup>nd</sup> May, 2020

Ser. No.	Circular Resolution Number	Subject Matter	Date Initiated	Date Approved	Members of TB Involved for the Decision			Summary of the Decision Made
					Approving	Disapproving	Total	