

Receiving Bids

The tender process must treat all potential bidders fairly and equally, so that the Purchaser can be confident that competitive prices have been received from all interested bidders. This section describes how to ensure that tenders are properly handled to achieve this objective.

Receiving Location

Every Request for Tenders should establish a receiving location where tenders will be accepted. This should be defined by:

- Name of Department
- Name of Division
- Floor Location
- Street Address
- Community Name

Do not use a box number. Also do not use a personal name as that person may not be available to receive the incoming tender.

Official Clock

Prior to receipt of any bids the Purchaser must identify an official clock, the official clock establishes the official time for closing of the tender.

Receipt of Bids

Every tender call includes a closing date and time for the submission of tenders. As the closing time approaches, bidders will submit their bids. As soon as these bids are received, the date and exact time of their receipt must be confirmed and noted on the face of the tender envelope. The person receiving the envelope must also initial or sign beside the date and time.

It is extremely important **NOT** to accept a bid, unless it is intended for you, **OR** you are able to take responsibility for its receipt and can ensure its timely delivery to the person for whom it is

intended. In most cases, a bid will be considered received as long as it has been knowingly accepted by any representative of the GNWT.

Construction Tenders

The PW&S Construction Tender (March 2008) provides for a two phased tender opening procedure. At the option of the Contract Authority, Contractors may be requested to provide the "B-2" BIP related substantiation information. *Section 3.7* describes the tender opening process.

Protection of Bids

All bids received must be kept in a private and secure area.

Information pertaining to bids that have been received is strictly confidential. For example, the number of bids received and the names of bidders is confidential and must not, under any circumstances, be divulged to anyone before tenders are opened.

This information may affect the price a bidder submits, or may even convince a bidder not to bid at all. If a bidder learns, just prior to closing time, that no bids have been submitted, the bidder would then have the opportunity to submit a high price and be the successful bidder. This situation is unusual, but must be anticipated and avoided.

Sealed Bids

Every tender call will identify whether bids will be submitted in a sealed envelope **or** if a facsimile submission is acceptable. If the tender must be submitted in a sealed envelope, then the bid **must** be submitted in the sealed envelope provided or any other envelope clearly marked as a 'Tender'. In order to identify the tender correctly the bidder should ensure the following information is displayed on the outside of the envelope:

- tender reference name and number
- closing date of the tender
- name and address of the person or firm who submitted the tender

The bidder is responsible for ensuring that the sealed envelope is delivered to the appropriate tender opening location or office. This location will be identified in the tender documents, and must not be changed by the purchaser except through a written addendum.

Facsimile (FAX) Bids

In cases where fax bids have been allowed, the bids must receive the same degree of security and control as is afforded to sealed tender bids. Fax bids must be inserted into an envelope and sealed immediately upon receipt. The sealed envelope must be marked with the appropriate tender information details (listed above under *Sealed Bids*) and initialled by the person receiving the document.

The use of fax tender receipt procedures does not eliminate the regulatory requirements for a public opening by a tender-opening committee. The envelopes containing the facsimile tenders should be opened in the same manner as for sealed bids.

Faxed bids over \$5000 should not be received by Purchaser for that tender. Faxes should be received by administrative staff, placed and sealed in an envelope with relevant tender information written on the outside of the envelope. This is to avoid any suggestion of impropriety on the part of the Purchaser.

Late Tenders and Amendments

Late Tenders

A late tender is one received after the official date and time set for the receipt of tenders. Bids received after the closing time should be date- and time-stamped, and returned unopened by registered mail, with a covering letter noting that the bid was received late.

Before returning a late bid, a photocopy of the tender envelope showing the date and time of receipt and the transmittal letter should be placed in the tender file.

If a tender is received late due to the negligence of the Purchaser, the bidder who submitted the tender may be able to claim damages from the purchaser.

If this happens, you should seek advice immediately.

Bid Amendments after Closing

Amendments to bids which have been received after the official time set for receipt of tenders are treated in the same manner as a late tender, and cannot be accepted.

No Bids Received

If no bids are received by the closing time, the Tender Opening Committee should prepare a *Register of Tenders* duly noting, 'No Bids Received'.

The Purchaser should try to identify the reasons why no bids were received, and should make appropriate changes to any future tender calls for the same requirements.

Illegible or Unmarked Bids

An illegible or unmarked envelope, which is received and appears to be a bid, may be opened prior to the tender closing to determine its contents.

This should only be done in the presence of at least one witness.

If it is a tender bid, the envelope may be resealed after it is appropriately identified with the information required on the face of every tender (see *Sealed Bids* earlier in this section). The envelope may then be reopened with the other tenders in the usual manner. A note should be attached or made on the envelope that the document was received unmarked, and was opened, identified and resealed. This note should be signed by the person opening the envelope and by the witness.

The bidder submitting the unmarked or illegible envelope should be advised of what happened, and advised that in future this may lead to a rejection of the bid. The receiving desk would not be responsible for lost or misplaced tenders resulting from insufficient or improper identification.

