

**MZUMBE UNIVERSITY  
(CHUO KIKUU MZUMBE)**

## **PROCUREMENT MANUAL**

**JUNE, 2015**

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## ABBREVIATIONS

<b>APP</b>	-	Annual Procurement Plan
<b>GN</b>	-	Government Notice
<b>LPO</b>	-	Local Purchasing Order
<b>PMU</b>	-	Procurement Management Unit
<b>PPA</b>	-	Public Procurement Act
<b>PPRA</b>	-	Public Procurement Regulatory Authority
<b>TOR</b>	-	Terms of Reference
<b>VC</b>	-	Vice Chancellor

## **FOREWORD**

In any organization procurement form an important element in day-to-day performance. Each organization procure different kind of goods, works, non consultancy services and consultancy services, which needs adequate procedures and guidelines to manage them in a proper way . Procurement covers large percentage of the University expenditure budget. Thus, the success of Mzumbe University in all areas relies on sound procurement procedures.

The Government of Tanzania embarked on the reform of public procurement to enhance its efficiency, transparency and value for money. In 2011 the Parliament enacted the Public Procurement Act. The Minister for Finance issued the Public Procurement and Disposal Regulations that operationalized the Act in 2013. These two legislations constitute the foundation and authority for all public procurement activities in the United Republic of Tanzania.

All procurement functions have essentially the same fundamental goal: obtaining maximum value for money. Formal objectives and guidelines must be delineated in order for management and user to understand and realize the common goal; savings.

The manual serves primarily all procurement stake holders and the Procurement Management Unit of the University. But is also serves groups that are not involved on a daily basis in public procurement, but still need to receive professional information in this area. Thus, this manual may be seen also as an opportunity for students and bidders to be acquainted with public procurement procedures and to assist them in their profession and tendering proceedings.

The manual offers information related to the public procurement legislation, its implementation in practice, issues and cases faced during daily work, as well as solutions or opportunities to find such solutions. Which actors operate in this field and what is their role in a procurement procedure? You may find the answer to this and other similar questions in the manual.

This manual is expected to be used by all Mzumbe University procurement stakeholders to guide their day-to-day operations. In this case, all procurement matters within the university must be handled in accordance with the procedures outlined in this manual unless stated otherwise or after the review and modification as it can be directed or advised by the respective authorities.

**(Sign by the Vice Chancellor)**

# **MZUMBE UNIVERSITY PROCUREMENT MANUAL**

## **SECTION 1**

### **1.0 Introduction**

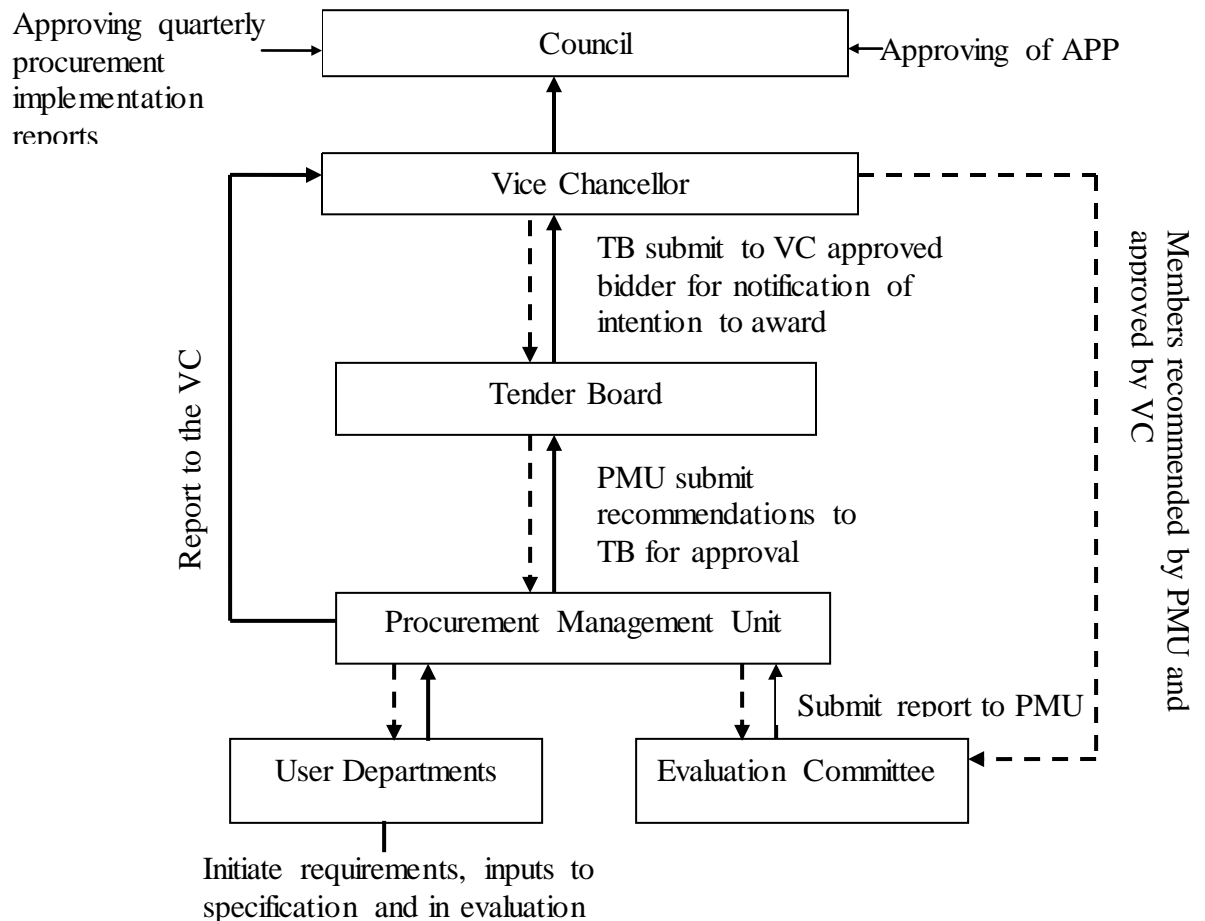
- 1.1 This procurement manual shall be cited as the Mzumbe University Procurement manual. The manual intend to guide the University staff to ensure that procurement proceedings are carried out in an effective and efficient manner to realize the value for money spent in procurement as per the requirement of the Public Procurement Act No. 7 of 2011 and its Regulations of 2013.
- 1.2 The Vice Chancellor who is the University's Accounting Officer shall be responsible to the University Council for the enforcement of this manual and the Council shall approve its amendments.
- 1.3 The University Procurement Manual is intended to describe the procurement procedures to be operated by the University and provide a source of reference for the University's staff on day to day basis.
- 1.4 The manual is organized in three sections namely:-
  - i) Section 1 -Introduction
  - ii) Section 2 -The University Procurement Organization Structure
  - iii)) Section 3 -Procurement Planning, Principles and Proceedings
- 1.5 The procurement manual shall provide an institutional arrangement of units, organizations, or authorities required to ensure procurement proceedings are carried out in a fair, economical, equitable and transparent manner. The manual shall also explain procurement planning, procedures, methods and criteria that are to be adhered to so as to achieve standards of equity in procurement proceedings.

## SECTION 2: UNIVERSITY PROCUREMENT STRUCTURE

### 2.0 University Procurement Organization Structure

- i) The University procurement structure shows arrangement of units and authorities required to ensure procurement is conducted in an equitable and transparent manner.
- ii) The Vice Chancellor has overall responsibility over procurement of the University. The Head of Procurement Management Unit (PMU) has specific responsibilities as defined in this manual.
- iii) The Head of PMU shall head the University Procurement Unit. The personnel reporting to him/her are shown in the figure 1.1 below:-

**Figure 1.1 The University Procurement Organization Structure**



**Key:** VC : Vice Chancellor  
 TB : Tender Board  
 PMU : Procurement Management Unit  
 APP : Annual Procurement Plan

## **2.1 Duties, Responsibilities and Functions Relating to Procurement**

### **2.1.1 The University Council**

- (a) Approving of Annual Procurement Plan.
- (b) Approving quarterly procurement implementation report.
- (c) Approving any increase of contract price more than fifteen percent (15%) of the original contract price.
- (d) Carrying investigation on any procurement if it is not satisfied with the implementation of any procurement or disposal in the University (After submission of request to PPRA).

### **2.1.2 The Vice Chancellor**

The Vice Chancellor as an Accounting Officer of the University shall have overall responsibility for the execution of the procurement process in the University and in particular shall be responsible for:-

- a) Establishing the University Tender Board in accordance with the Public Procurement Act, 2011;
- b) Appointing members of the University Tender Board as specified in the Second Schedule of the Public Procurement Act, 2011;
- c) Causing to be established the Procurement Management Unit staffed to an appropriate number of staff;
- d) Approving all procurement opportunities;
- e) Appointing the evaluation committee and negotiation team;
- f) Communicating award decisions;
- g) Certifying the availability of funds to support the procurement activities;
- h) Signing contracts for the procurement activities on behalf of the University;
- i) Handling complaints by suppliers, contractors or consultants;
- j) Submitting a copy of complaints and reports of the findings to the Public Procurement Regulatory Authority;
- k) Ensuring that the implementation of the awarded contracts is in accordance with the terms and conditions of the award.



- l) Submitting to the Public Procurement Regulatory Authority a list of all contracts awarded, Annual Procurement Plan and a list of blacklisted firms;
- m) Implementing decisions made by the Public Procurement Regulatory Authority and the Public Procurement Appeal Authority after investigation or adjudication of a complaint; and
- n) Providing feedback on the implementation of the decision of the Public Procurement Regulatory Authority or the Public Procurement Appeal Authority within fourteen days of receiving the decision.

### **2.1.3 The Head of PMU**

The head of the PMU shall have the following responsibilities:-

- a) Act as a Secretary of the Tender Board
- b) Ensuring that all procurement of the University are done accordingly after receiving users' requirements in order to ensure proper control of resources and economy.
- c) Procurement and sourcing for suppliers.
- d) Advise the management on the best procurement practices in order to obtain the value for money spent.
- e) Regularly advise Vote Holders on the best procurement procedures
- f) Ensuring that Annual Procurement Plan is prepared inline with the budget.

### **2.1.4 PMU staff**

The PMU staff shall be responsible for:-

- a) receiving and checking accuracy of Internal Purchase Requisitions (IPR's) from various User Departments;
- b) Seeking clear and detailed specifications from various User Departments on goods, works and services required;

- c) making follow up with suppliers so that goods, works and services are timely delivered;
- d) ensuring that procurement activities are carried out as per PPA, 2011 and its regulations of 2013;
- e) keeping the records of the procurement proceedings;
- f) reporting weekly, monthly and quarterly procurement activities done showing value of procurement made and received for that period and also showing the value of procurement not received; and
- g) Any other duties as assigned by the Head of PMU.

#### **2.1.5 Tender Evaluation Committee**

- i) There shall be formed for each tender an evaluation committee which shall conduct the evaluation and report to the Procurement Management Unit.
- ii) The membership of the evaluation committees shall be recommended by the University Procurement Management Unit (PMU) in accordance to the PPA 2011 and its Regulations of 2013 and approved by the Vice Chancellor.
- iii) The number of the members of the evaluation committees shall depend on the value and complexity of the procurement requirements, but shall in all cases be a minimum of three members for goods, works and non-consultant services and five for consultant services.
- iv) Members shall be of an appropriate level of expertise and experience, depending on the value and complexity of the procurement requirement.
- v) The member(s) of the evaluation committees may be external to the University where the required skills or experience are not available within the University or where members are indisposed or have a conflict of interest.

- vi) Members of the Evaluation Committees shall sign the Code of Ethics declaring that they do not have any conflict of interest in the procurement requirement.
- vii) The meetings of the evaluation committees, the conduct of the evaluation and the evaluation methodologies shall be executed in accordance with the regulations, guidelines and tendering documents made under the Public Procurement Act, 2011.

#### **2.1.6 The University Procurement Management Unit (PMU)**

The University procurement activities shall be managed by Procurement Management Unit (PMU), which shall be headed by the Head of PMU. The following are the functions of PMU:-

- i) manage all procurement and disposal by tender activities of the University except adjudication and the award of contract;
- ii) support the functioning of the Tender Board;
- iii) implement the decisions of the Tender Board;
- iv) act as a secretariat to the Tender Board;
- v) plan the procurement and disposal by tender activities of the University;
- vi) recommend procurement and disposal by tender procedures;
- vii) check and prepare statements of requirements;
- viii) prepare tendering documents;
- ix) prepare advertisements of tender opportunities;
- x) prepare contract documents;
- xi) issue approved contract documents;
- xii) maintain and archive records of the procurement and disposal process;
- xiii) maintain a list of register of all contracts awarded;
- xiv) prepare monthly procurement reports for the Tender Board;
- xv) prepare and submit to the management meeting quarterly reports on the implementation of the annual Procurement Plan;

- xiv) coordinate the procurement and disposal activities of all the campuses, faculties, directorates, departments and units of the University; and
- xv) prepare other reports as may be required from time to time.

### **2.1.7 The University Tender Board**

- i) The University Tender Board shall consist of:-
  - a) A Chairperson, who shall be one of the Dean or Director or the person of similar standing and who shall be appointed by the Vice Chancellor;
  - b) Six members who are deans, directors or person of similar standing within the University and shall be appointed by the Vice Chancellor.
  - c) The Secretary of the Tender Board, who shall be the head of the University PMU.
- ii) The Chairman and members of the Board shall be appointed for a period of three years and shall be eligible for re-appointment for further period of three years.

Under exceptional circumstances, the Vice Chancellor may extend the tenure of the Board member or members for a period not exceeding three years from the date of expiry of initial period of appointment.
- iii) The University Tender Board shall be responsible for:-
  - a) Deliberating on the recommendations from the Procurement Management Unit and approving award of contracts;
  - b) Reviewing all applications for variations, addenda or amendments to ongoing contracts;
  - c) Approving tendering and contract documents;
  - d) Approving procurement and disposal by tender procedures;

- e) Ensuring that the best practice in relation to procurement and disposal by tender are strictly adhered by the University; and
- f) Ensuring compliance with the Public Procurement Act, 2011 and its regulations of 2013;

### **2.1.8 User Departments**

The User Departments of the University shall perform the following functions with respect to procurement:-

- i) liaise with and assist the PMU throughout the procurement or disposal by tender process to the point of contract placement;
- ii) initiate procurement and disposal by tender requirements and forward them to the Procurement Management Unit;
- iii) prepare technical inputs to statements of requirements and or terms of reference for procurement requirements to the Procurement Management Unit;
- iv) prepare technical specifications to the Procurement Management Unit when necessary;
- v) participate in tender evaluation;
- vi) certify for payment to suppliers, contractors or consultants;
- vii) report any departure from the terms and conditions of an awarded contract to the Procurement Management Unit;
- viii) forward details of any required contract amendments to the Procurement Management Unit;
- ix) maintain and archive records of contracts management;
- x) prepare any reports required for submission to the Procurement Management Unit, the Tender Board or the Accounting Officer.
- xi) oversee contract implementation including reviewing and approving technical reports, design or any outputs as per contract; liaise with the PMU during budgeting; and

- xii) prepare a schedule of requirements for procurement as part of budget process, which shall be submitted to the PMU for compilation of annual procurement plan.

#### **2.1.9 Directorate of Internal Audit**

Director of Internal Audit has the following functions concerning with procurement:-

Prepare and submit to the Vice Chancellor a quarterly audit report which shall include a report on whether the PPA of 2011 and its Regulations of 2013 have been complied with.

## **SECTION 3: PROCUREMENT PRINCIPLES, PLANNING AND PROCEDURES**

### **3.1 Public Procurement Principles**

- i) The basic principles of public procurement shall be to make the best possible use of public funds with honesty and fairness.
- ii) All University officers including the Vice Chancellor and members of tender board shall, when undertaking or approving procurement, be guided by the following basic considerations:
  - a) the need for economy and efficiency in the use of public funds in the implementation of projects, including provision of related goods and services;
  - b) the best interest of the University, in giving all eligible tenderers equal opportunities to compete in providing goods or executing works or providing services;
  - c) encouragement of national manufacturing, contracting and service industries;
  - d) the importance of integrity, accountability, fairness and transparency in the procurement process;
- iii) The principles of disposal of University assets shall base on the need to achieve the best available net return when disposing off University assets by tender, while conducting all disposals with honesty and fairness
- iv) All University officers including the Vice Chancellor and members of tender board shall, when undertaking or approving disposal of public assets, be guided by the following basic considerations:
  - a) the need for best net outcome and efficiency in the use of University funds in the implementation of projects including disposal of assets;

- b) the best interest of the University, in giving all eligible buyers equal opportunity to compete in buying the assets; and
- c) the need to ensure that national, social, economic and environmental interests are protected.

### **3.2 Procurement Planning**

- i) The University shall prepare its annual procurement plan as part of budget process and submit the plan to the PPRA within fourteen days after completion of the budget process.
- ii) Procurement plan shall commence at the design stage during identification and preparation stage of the project cycle.
- iii) The University shall take a strategic decision whether or not the most economical and efficient procurement can best be achieved by separating contracts for each component.
- iv) The University shall forecast its requirements for goods, services and works as accurately as is practicable with particular reference to services or activities already programmed in the annual work plan and included in the annual estimates.
- v) Subject to the above, the forecasts shall include an estimate of the optimum time to the nearest month of performance and completion of services.
- vi) The estimate of such requirements shall be compared with the likely availability of voted or donor funds so that priorities for procurement may be determined in accordance with available funds,
- viii) The University shall prepare its estimates based on prevailing market prices as provided by PPRA from time to time.
- ix) The University shall draw up procurement plans for those requirements for which sufficient funds have been included in the approved budget in the current financial year or if payment will be



due in subsequent financial year, such payment have been budgeted for.

- x) In compiling such plans, the University shall establish the appropriate method of procurement to be employed for each requirement.
- (xi) Approval of the Vice Chancellor shall be obtained either by inclusion of that procurement in a procurement plan or by request as an individual item of procurement when not included in the procurement plan.
- xii) In the preparation of the procurement plan, the University PMU shall use the standard templates issued by the PPRA. The template consists of the following details:-
  - a) The description of the item(s);
  - b) Tender number;
  - c) Estimated Amount;
  - d) Procurement method proposed;
  - e) General procurement notice advert date;
  - f) Prequalification document preparation and date of approval;
  - g) Procurement document preparation and date of approval;
  - h) Bid invitation date;
  - i) Closing-opening date; and
  - j) Notification of award date.
- xiii) The University shall ensure that funds are allocated or committed before commencing procurement proceedings.
- xiv) Notwithstanding with xiii) above, the University may commence procurement proceedings for scheduled or routine activities if the University is certain of funds availability in its budget for such activities

- xv) Where the contract extends over several years, an allocation of funds may be issued annually so that the total amount issued does not exceed the price plus a percentage for price and physical contingencies, unless specific approvals are obtained for additional works and cost price increase.

### **3.3 Procurement Procedures**

- i) On the first working day of the month preceding that of the planned procurement, the Secretary of the University PMU shall send a memo requiring Vote Holders to confirm their intention to proceed with the planned procurement above the minor value limit and to certify whether the funds are available for the intended procurement.
- ii) The Vote Holder who wishes to proceed with their planned procurement shall fill in the intention to procure forms in duplicate. The distribution of the form shall be as follows:-
  - a) 1<sup>st</sup> copy to Head of the University PMU
  - b) 2<sup>nd</sup> copy to be kept by the Vote Holder for record purposes

The sample of the intention to procure form is attached as appendix 1.

- iii) Where goods, works and or services to be procured are not in the procurement plan derived from the approved University budget, the approval of the intention to proceed with procurement shall be sought, for each individual item of procurement from the relevant organs.
  
- iv) The University shall follow the following procedures on the procurement of goods, works and services:-
  - a) Identification of the needs
  - b) Development of the specifications
  - c) Selection of the procurement method
  - d) Preparation and Approval of the procurement documents
  - e) Preparation and issuance of invitation for the procurement
  - f) Submission and receipt of offers
  - g) Opening of the offers
  - h) Evaluation
  - i) Approval of the contract award
  - j) Negotiation and Notification of Award
  - k) Signing of the Contract
  - l) Records of the Procurements
  - m) Contract management
  - n) Receiving of goods/works/services

### **3.3.1 Identification of the Needs**

The User Departments shall identify the needs and transmit them to the University PMU in a written documents, a print (a letter or purchase requisition).signed by the requisitioning officer and Vote Holder and shall include the following details:-

- i) Description of the item(s);

- ii) Clear and detailed specifications of the item(s) required;
- iii) Quantity requisitioned;
- iv) The source of funds for the procurement of that item(s); and
- v) The estimate of funds available

### **3.3.2 Development of Specifications**

- i) The User Departments shall be responsible for the development of clear and detailed specifications for the item(s) required.
- ii) The specifications provided by the User Departments shall consider the estimated amount or pre-tender estimates provided under the University procurement plan.

### **3.3.3 Selection of the Procurement Method**

- i) Once the requisition has been authorized, funding assured and specifications or statement of works or TOR given, the University Procurement Management Unit (PMU) shall select a method of procurement or the modality by which to solicit offers for the required goods, works or services.
- ii) Depending on the nature, size of the procurement and the value, commonly used methods of procurement include:-
  - a) International competitive tendering;
  - b) National competitive tendering;
  - c) Restricted tendering;
  - d) Shopping
  - e) Single source procurement
  - f) Minor value procurement; and
  - g) Micro value procurement

### **3.3.4 Preparation and Approval of the Procurement Documents**

- i) University PMU shall prepare tender documents using appropriate standard model tender documents issued by the PPRA and appropriately modify them to meet their requirements.
- ii) The procurement documents shall include the following information:-
  - a) An invitation to bid;
  - b) Instructions to the bidders;
  - c) Conditions of contract, both general and specific;
  - d) Technical specifications or terms of reference or statement of works;
  - e) Evaluation criteria;
  - f) Minimum qualification requirements;
  - g) Form of the offer requested (i.e. bid, proposal, quotation); and
  - h) Form of the proposed contract.
- iii) All the procurement documents shall be prepared in one of the following language; English or Swahili.
- iv) The procurement documents shall clearly define the goods to be supplied, services to be provided or works to be executed and provide any other pertinent terms and conditions.
- v) The procurement documents shall be worded so as to permit and encourage competition and shall not include terminologies which discriminate unfairly against participation by suppliers, contractors or consultants.
- vi) The procurement documents must include a list of documents required to form a complete tender; as well as notice to bidders that offers may be rejected unless substantially responsive. A substantially responsive offer is the one that conforms to all the terms, conditions and specifications included in the procurement documents, without material deviations or reservations.

- vii) The procurement documents shall clearly indicate whether bidders are permitted to submit alternate bids/quotations/proposal or not. If so, the alternate bids/quotations/proposals should include detailed specifications and associated costs to allow fair evaluation of the bids/ quotations/ proposals.
- viii) The procurement documents should indicate the currency or currencies in which bidders should state prices as well as the currency or currencies in which payment will be effected.
- ix) Where the University may require bidders to provide any form of tender security or bond in the form and amount as advertised, such requirement shall apply to all bidders.
- x) The amount of security shall vary depending on the nature and magnitude of the works to be executed or services to be provided or goods to be supplied.
- xi) The PPRA shall issue guidelines, which shall be updated from time to time, on the minimum values and modalities for provision of tender security and other forms of guarantees or bonds.
- xii) The portion of the bond or guarantee shall extend sufficiently beyond the date of completion of the works or services, or date of delivery of goods to cover the defects liability or maintenance period up to the final acceptance by the relevant Authority, or retention clauses shall be provided in the contract.
- xiii) The procurement documents should also indicate the opening-closing date of the offers, place of delivery and opening of the offers.
- xiv) Prior to the issuance of the procurement documents to the suppliers, service providers or contractors, the University Procurement Management Unit shall submit the documents together with invitation for bids (in case of tendering method) to the University Tender Board for approval.

### **3.3.5 Preparation and Issuance of Invitation for bid**

- i) In a competitive tendering, the University PMU shall provide to eligible prospective suppliers or contractors adequate notification through written invitations only after getting University Tender Board approval.
- ii) Invitations which are issued without prior approval by the University Tender Board may not be considered.
- iii) Tender advertisements or notification shall be in newspapers of wide circulation to seek expression of interest or response within a minimum period stated in the Public Procurement Act 2011 and its Regulations of 2013 depending on the nature and method of procurement.
- iv) The approved tender advertisement or notice shall contain minimum information to include:-
  - a) The name and address of the University;
  - b) The nature of description of services or goods to be supplied or works to be executed;
  - c) Source of financing;
  - d) Place where to obtain tender documents and their fees;
  - e) The price, if any, charged by the University for the Procurement Documents;
  - f) The currency and means of payment for the procurement documents;
  - g) The language or languages in which the procurement documents are available
  - h) Closing date and time;
  - i) Opening date and time; and
  - j) Place of tender submission and address of a person to contact.

### **3.3.6 Submission and Receipt of bids**

- i) The University shall prescribe a place and a specific date and time for submission of tenders
- ii) A potential tenderer shall, within the prescribed time and in the prescribed form and manner, deliver the tender by hand to the respective office of the University or by mail to the prescribed address of the University.
- iii) Every tender shall be in writing, signed and in sealed envelope.
- iv) Notwithstanding (iii) above, where solicitation documents provides for an alternative method of submitting a tender, a potential tenderer may submit his tender in that other form as prescribed in the solicitation documents.
- v) Except for tenders received through a tender box, the University shall, on request, issue to a tenderer a receipt prescribing the date and time in which the tender was received.
- vi) Where requirements for tender security or other security are prescribed in the tender documents, a tenderer shall, before the deadline for submitting the tender, deliver to the University, such securities in the prescribed amount, form and manner.
- vii) Only tenders received within the time limit prescribed in the invitation to tender shall be eligible for consideration.

### **3.3.7 Opening of bids**

- i) The secretary of the tender board shall convene and chair a meeting for the purpose of opening the tenders which are submitted.
- ii) The time for the tender opening shall be the same as the time set for the deadline for receipt of tenders and shall be announced, together with the place for the tender opening in the invitation to tender.



- iii) All tenders submitted by before the deadline for submission shall be opened in public, in the presence of the tenderers or their representatives and other parties with the legitimate interest in the tender proceedings and the names of all those present at the tender opening and the organizations they represent shall be recorded by the secretary of the University tender board.
- iv) At the public tender opening the following information shall be announced:
  - a) the tenderers names;
  - b) The tender prices and the total amount of each tender, save for tender for common used items and services, where unit price may not be read out due to the absence of tender sum
  - c) Written notifications of tender modifications and withdrawals;
  - d) Any alternative tenders if they have been requested or permitted;
  - e) Any discounts;
  - f) The presence of requisite tender security or tender securing declaration as the case may be; and
  - g) Such other details as specified in the tender document.
- v) The information under iv) may on request, be communicated to tenderers who have submitted tenders, but are not present or represented at the opening of tenders and recorded by the secretary of the tender board or his delegate as each tender is opened .

### **3.3.8 Evaluation of bids**

- i) The Vice Chancellor shall appoint a Bid Evaluation Committee as recommended by the University PMU.

- ii) The committee shall evaluate bids by applying the evaluation criteria, sub-criteria and merit points set forth in the solicitation documents and not otherwise.
- iii) On evaluation of bids / proposals the committee shall follow the procedures prescribed under the PPRA evaluation guidelines and not otherwise.
- iv) The evaluation committee shall prepare a detailed report on the evaluation and comparison of bids giving out the specific reasons on which the recommendation is based for the award of the contract.
- v) The tender evaluation committee then shall hand over the evaluation report to the Secretary of University Tender Board on or before the date of report submission prescribed in the committee appointment letter.
- vi) The Secretary of University Tender Board will convene a Tender Board meeting and distribute summary and detailed sheets to all members of the Tender Board at least 2 days in advance of the meeting.

### **3.3.9 Rejection of All Offers**

- i) The University may reject all offers if:-
  - a) There is a lack of effective competition (Note: lack of competition shall not be determined solely on the basis of the number of tenders or person who made proposals);
  - b) Offers are not substantially responsive to the offer dossier or to the request for proposal and terms of reference;
  - c) The economic or technical data of the project have been altered; and
  - d) Offers involve costs substantially higher than the original the original budget or estimates.

- ii) The appropriate approval of the University Tender Board shall be sought before rejecting all tenders.

### **3.3.10 Approval of Contract Award**

The University Tender Board shall review the evaluation and recommendation made by the Evaluation Committee and the University PMU and may either approve the recommendation and authorize the University to accept the tender and award a contract, or refuse to authorize acceptance of any of the tenders and refer the evaluation back to Evaluation Committee and PMU with an instruction to re-evaluate the tenders or recommendation for re-tendering or any other action.

### **3.3.11 Negotiation and Award Notification**

- i) The Vice Chancellor shall form a team to negotiate with the winning bidder in a pre-contract meeting.
- ii) In case of procurement of consultancy services, the negotiations shall include the discussion on the following areas:-
  - a) Terms of references;
  - b) The methodology;
  - c) Staffing;
  - d) University's inputs; and
  - e) The special conditions of contract.
- iii) The discussion shall not alter the original terms of references of the contract.
- iv) Where the negotiations fail to result in an acceptable contract, the University shall terminate the negotiations and after consultation with the University Tender Board, invite the next ranked firm for negotiations.
- v) The Chairman of the negotiation team shall ensure that the minutes of the pre-contract meeting are recorded and submitted to the University Tender Board for approval.

- vi) After the approval of the minutes of negotiation, the University shall within the time notify other firms the intention to award the contract to the successful bidder.
- vii) The approved negotiation minutes shall be confirmed by both parties prior to signing of the contract and shall form part of the contract.

### **3.3.12 Signing of Contract**

- i) In case of procurement by tendering method, the University shall prepare the two copies of the procurement contracts and submit to contractor for signing.
- ii) The copies of the signed contracts shall then be availed to the following:-
  - a) The Contractor;
  - b) The University Registry; and
- iii) In case of the minor value procurements, the University Purchase Order shall be used as the contract and shall be signed by the Vote Holder and Authorized to be issued by the Director of Finance.
- iv) The copies of the University Purchase Order shall be distributed as follows:-
  - a) Original to Supplier;
  - b) 1<sup>st</sup> copy to User Department;
  - c) 2<sup>nd</sup> copy to Directorate of Finance;
  - d) 3<sup>rd</sup> copy to PMU office for records; and
  - e) 4<sup>th</sup> copy to remain as book copy

### **3.3.13 Records, Information and Notices**

- i) The University PMU shall maintain a record of procurement proceedings in which it is involved, including decisions and the reasons for it and such records shall be kept for a period of not less than five years from the date of completion of the contract.

- ii) The University PMU shall maintain a register of all signed procurement contracts in a chronological order.
- iii) The register of the procurement contracts shall include the following information:-
  - a) Date of the Contract;
  - b) Contract Number (if any);
  - c) Description of Contract;
  - d) Contract Value;
  - e) Name and Address of the Contractor;
  - f) Contract Value;
  - g) Contract Signing Date;
  - h) Contract Ending Date;
  - i) Contract Actual Completion Date; and
  - j) Remarks.
- iv) The records shall be made available within a reasonable time whenever needed.

#### **3.3.14 Contract Management**

The University PMU shall ensure monitoring of the contracts through expediting process by:-

- i) Opening up a files (Document file and Computer file) for each contract for procurement of goods, works, non- consultancy services or consultancy services;
- ii) Filling and posting all information and transactions into the contract files;
- iii) Send letters, e-mails and make telephone calls for reminders and progress of contract;
- iv) Physical visits to contractors where this is possible;
- v) Produce and file progress reports for each contract executed on monthly basis by completing the contract monitoring forms given by the PPRA;

- vi) Closing up the files of completed contracts; and
- vii) Keeping the contract file records in special cabinet well secured, for all executed contracts for audit and future reference.

**3.3.15 Inspection and acceptance of goods**

- (i) Goods delivered shall be inspected, sampled and tested by the University and they shall not be accepted if they are below the standards stipulated in the contract.
- (ii) Contracts shall contain a clause that the supplier shall be responsible for all costs and expenses incurred due to a justified rejection of his goods on the ground that they are below standards stipulated in the contract.
- (iii) Subject to (ii) above goods rejected shall be collected by the supplier from the premises of the University within seven working days from the date of rejection of the goods.

**3.3.16 Inspection and acceptance committee**

The University shall for each tender, including call off orders, appoint a goods inspection and acceptance committee which shall:-

- (a) Inspect the goods at the office of the University or, user, or at the site specified in the contract and any inspection at any other site shall be with a prior consent in writing of the University;
- (b) Inspect and count the goods in order to ascertain whether they are correct and complete in accordance with the agreement.

**3.3.17 Technical or scientific test**

In case of a technical or scientific test or experiment, an expert or qualified person in respect of the goods may be invited for consultation, or the goods may be sent to that qualified person for test.

**3.3.18 Goods found to be correct and complete**

- (i) Where goods are found to be correct and complete, the goods shall be accepted, and the supplier shall be regarded as having effected delivery on the day the goods were brought to the place of delivery;

and after the acceptance, the goods shall be handed over to the responsible officer within the University.

- (ii) Where the supplier delivers the correct goods but deficient in number, or free from deficiency in number but not altogether correct, if the contract does not provide otherwise, only the correct ones shall be inspected and accepted in accordance with (i) above, and it shall be promptly reported to the University who shall notify the supplier within three working days from the date of the finding; Provided that this shall not deprive the University the right to impose a fine on the supplier for the incomplete and incorrect delivery.

### **3.3.19 Goods acceptance certificate**

Where goods are accepted, signed goods acceptance certificate shall be issued to the supplier and a copy of the certificate shall be kept by University to support the processing of payment.

## **3.4 Delegation of procurement authority**

3.4.1 Subject to the provision of the PPA 2011 and regulation 46 (1) of GN. No 446 of 2013, the Vice Chancellor may-

- a) Delegate certain procurement and disposal by tender functions of the Vice Chancellor to a member of staff of the University.
  - b) Delegate certain procurement and disposal by tender functions of the tender board or procurement management unit to a campus college, school or faculty of the University; and
  - c) Contract out certain procurement and disposal by tender functions of the tender board, procurement management unit or user department to another procurement agent or Agency
- 3.4.2 Delegation of functions referred above under paragraphs a) and b) in 1 shall be within the University and contracting out of functions referred to under paragraph c) shall be outside the University.

3.4.3 Notwithstanding delegation under 1. Above, the Vice Chancellor shall remain accountable for all decisions under the delegated authority

3.4.4 A Vice Chancellor may delegate any of the procurement or disposal by tender functions of the tender board or procurement management unit to a campus college, school or faculty of the University subject to any value limitations or other exceptions where;

- a) The University has a large procurement or disposal by tender workload which would be more effectively managed by the campus college, school or faculty,
- b) The Campus College, school or faculty are geographically distant from the Main Campus of the University and a delegation would reduce practical and logistical problems or reduce costs.
- c) The sub division operates in practical terms as an independent entity and would operate more effectively under delegated authority; and
- d) Any other reasonable circumstances arise.

3.4.5 Where a Vice Chancellor delegates to a sub division, he shall-

- a) Appoint a delegated tender board for the respective campus college, school or faculty
- b) Cause to be established a delegated procurement management unit for the respective campus college, school or faculty.

3.4.6 The maximum value limit per contract for the University delegated Tender Board shall be as follows:

<b>No.</b>	<b>Category</b>	<b>Maximum value per contract</b>
1.	Works	50,000,000/=
2.	Goods	20,000,000/=
3.	Services	40,000,000/=



### 3.5 Procurement Thresholds

The table below shows the thresholds for procurement methods for goods, works, and non-consultancy services.

#### 3.5.1 Methods of Selection and Limit of Application

Method of Tendering	Goods	Works	Non Consultancy Services	Disposal of Assets
International Competitive Tendering	No limit	No limit	No limit	No limit
National Competitive Tendering	Up to 1,000,000,000.00	Up to 5,000,000,000.00	Up to 1,000,000,000.00	Up to 5,000,000,000.00
Restricted Tendering	No limit, but must be justified	No limit, but must be justified	No limit, but must be justified	No limit, but must be justified
Competitive Quotations (Shopping)	Up to 120,000,000.00	Up to 200,000,000.00	Up to 100,000,000.00	Not applicable
Single Sources Procurement	No limit, but must be justified	No limit, but must be justified	No limit, but must be justified	Not applicable
Minor Value Procurement	Up to 10,000,000.00	Up to 20,000,000.00	Up to 10,000,000.00	Not applicable
Micro Value Procurement	5,000,000.00	Not applicable	Not applicable	Not applicable

### 3.6 Methods of Procurement

Procurement of goods, works and related services shall be guided by methods of tendering described in below.

#### 3.6.1 International Competitive Tendering

- (i) In international competitive tendering, the University shall through a notice advertised nationally and internationally, invite tenderers regardless of their nationality, to submit priced tender for goods, works or services or purchase of public assets.
- (ii) The International competitive tendering shall be used if:-
  - (a) Payment, in whole or in part, is made in a foreign currency; or

- (b) It is desired to attract tenders from the widest range of tenderers regardless of the estimated value of the goods or works to be procured.
- (iii) The University shall advertise tenders under international competitive tendering in accordance with the First Schedule to the Public Procurement Regulations of 2013.

### **3.6.2 National Competitive Tendering**

- (i) In national competitive tendering, the University shall, through a notice advertised only in the United Republic, invite tenderers regardless of their nationality, to submit priced tenders for goods, services, works or purchase of public assets.
- (ii) The national competitive tendering may be used if:-
  - (a) Payment is made wholly in Tanzania shillings;
  - (b) The goods, works or services are available locally at prices below the international market;
  - (c) The estimated cost of the goods, works or services does not exceed the threshold for open international tendering prescribed in the Seventh Schedule to the Public Procurement Regulations of 2013;
  - (d) Works or services are scattered geographically or spread over time;
  - (e) Works or services are scattered geographically or spread over time;
  - (f) Works are labor intensive;
  - (g) The advantages of international competitive tendering are clearly outweighed by the administrative or financial burden are involved.
- (iii) Notification of the invitation to tender shall be given in sufficient time to enable prospective tenderers to obtain prequalification or tender documents and prepare and submit their responses.

### **3.6.3 Restricted Tendering**

- (i) The University may restrict the issue of tender documents to a limited number of specified tenderers if:-

- (a) The suppliers, contractors or service providers have already been pre-qualified;
  - (b) The goods, works or services required are of a specialized nature or can be obtained from a limited number of specialized contractors, services providers or reputable sources;
  - (c) There is an urgent need for the goods, works or services such that there would be insufficient time for the University to engage in open national or international tendering, and that the circumstances giving rise to the urgency could not have been foreseen by the University and have not been caused by dilatory conduct on its part; or
  - (d) There is a need to achieve certain social objectives by calling for participation of local communities or local firms.
- (ii) Restricted tendering may, in particular, be used by the University for setting aside contracts for the purpose of building the capacity of local firms.

#### **3.6.4 Shopping**

- (i) A Tender Board may approve and invite competitive through request for quotations at international or national level if:-
- (a) The goods to be procured are so diversified that it would be of no commercial interest for any single supplier to tender for them; or
  - (b) The goods are readily available off-the-shelf or standard specification commodities.
- (ii) The University shall not divide its procurement into separate contracts for the purpose of invoking shopping method.
- (iii) The University shall obtain a list of suppliers from a shortlist prepared in accordance with guidelines issued by the PPRA or from the shortlist in the Tenders Portal.

- (iv) The list of tenderers to be contacted shall be submitted to the tender board for approval and the University shall, thereafter, address a request for quotations to all approved tenders simultaneously.

### **3.6.5 Single Source Procurement for Goods or Services**

- i) Subject to approval by the tender board, the University may engage in single-source procurement under the following circumstances:-
  - (a) The goods or services are available only from a particular tenderer who has exclusive rights in respect of the goods or services, and no reasonable.
  - (b) There is an urgent need for the goods or services, and engaging in tendering proceedings or any other methods of procurement would therefore, be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable by the University nor the result of dilatory conduct on its part; or
  - (c) The University, having procured goods, equipment, technology, services or spare parts from a supplier, following national or international competitive tendering satisfactory to these Regulations, determines that additional supplies of the same type as those purchased under an existing contract are required; or
  - (d) The University seeks to enter into a contract with a tenderer for the purpose of research, experiment, study or development, except where the contract includes the product of goods in quantities to establish their commercial viability or to recover research and development costs; or
  - (e) Where critical items need to be purchased from a specified supplier to ensure that the output of a process plant shall be

guaranteed by the contractor responsible for the process design; or

- (f) Where standardization of equipment is essential for economic and technical reasons and it has been proved to the tender board's satisfaction that compatibility of the existing equipment with another make of equipment cannot be established and that there is no advantage in having an alternative supplier; or
- (g) Where standardization of spare parts is required so that they may compatible with existing equipment or spare parts or stock items related to specific and specialized equipment or machinery; or
- (h) Where an on-going project, additional items need to be purchased for the completion of implementation.

#### **3.6.6 Minor Value Procurement**

- i) The University may procure goods, services or minor works directly from a tenderer if:-
  - a) The value does not exceed the limit for minor value procurement as prescribed in 3.5.1 above;
  - b) The price quoted is reasonable;
  - c) No advantage to the University is likely to be obtained by seeking further quotations or by using other methods of procurement; and
  - d) The contract for the provision of such goods, services or works may be a Local Purchase Order.

#### **3.6.7 Micro Value Procurement**

- (i) A micro procurement may be conducted by the University when purchases directly from established supermarkets, shops or drug

stores, or similar established if the value of such procurement does not exceed the limit set out in in 3.5.1 above.

- (ii) A micro procurement process shall not require a:-
  - (a) Written solicitation document;
  - (b) Written bid;
  - (c) Public bid;
  - (d) Notice of best evaluated bidder; or
  - (e) Signed contract document.
- (iii) An original invoice or receipt for the procurement of works, services or supplies and the price paid shall be obtained and annotated with the name of the officer who undertakes the procurement.
- (iv) The University may use petty cash, imprest or purchase cards to effect payments under micro procurement.
- (v) The University shall, under the micro procurement method, be responsible for ensuring that the value for money is obtained to the extent practicable.
- (vi) The University may delegate authority to a user department to undertake micro procurement of not exceeding the value specified in 3.5.1 above or not less than the limit set in the guidelines issued by the PPRA.
- (vii) All Micro procurements shall be reported to the tender board on a monthly basis by the holder of delegated authority, using the appropriate procedural form issued by the PPRA.
- (viii) All micro procurements shall be reported to the PPRA on quarterly basis using the appropriate procedural form.

### **3.7 Employment of Consultants**

- (i) the selection method, procedure an evaluation criteria to be adopted, for all complex assignments, shall be determined by the University in

consultation with the relevant regulatory body prior to the invitation of consultant to submit proposals.

The following principal selection methods shall be applied according to the characteristic of the services required:

- (a) Selection based solely on technical quality;
- (b) Selection based on technical quality with price consideration;
- (c) Selection based on the compatibility of technical proposal and least cost consideration; and
- (d) Selection based on quality and fixed budget.

(ii) The adoption of any of the four principal selection methods shall depend on the complexity of the assignment, the impact of the assignment on the resulting end product and the probability that the proposals will lead to comparable outputs.

(iii) The PPRA shall issue guidelines on selection methods.

### **3.7.1 Selection based Solely on Technical Quality**

- (i) In the selection procedure based solely on technical quality, the firm which has submitted the best technically acceptable proposal shall be the first to be invited for negotiations.
- (ii) The envelope containing the financial proposal shall be opened in the firm's presence and its contents examine and where no agreement is reached, then the consultant whose technical proposal is ranked the second shall be invited for negotiations.
- (iii) The exercise may continue until an agreement is reached with one of the firms whose technical proposal is considered satisfactory and retained.
- (iv) The financial envelopes containing the proposals of firms not invited for negotiations will be returned unopened to the firms.

- (v) Quality based selection is appropriate for the following types of assignments:-
- (a) complex or highly specialized assignments for which it is difficult to define precise terms of reference and the required input from the consultants, and for which the client expects the consultants to demonstrate innovation in their proposals;
  - (b) assignments that have a high downstream impact and in which the objective is to have the best experts such as feasibility and structural engineering design of such major infrastructure as large dams, policy studies of national significance, management studies of large government agencies;
  - (c) assignment that can be carried out in substantially different ways, such as management advice and sector and policy studies in which the value of the service depends on the quality of the analysis; and
  - (d) architectural services.
- (vi) subject to (v) (d), novel and complex architectural services may be obtained through architectural competition in accordance with architectural procedures prescribed by the relevant professional regulatory body subject to the approval by the Authority.
- (vii) A firm is eligible to participate in architectural competition if it is registered or capable of being registered with the relevant professional body.
- (viii) In quality based selection, the request for proposals may request submission of a technical proposal only or request submission of a technical proposal only or request for submission of both technical and financial proposals at the same time, but in separate envelopes and the request for proposals shall not provide the estimated budget.
- (ix) If technical proposals alone were invited, after evaluating the technical proposals, the procuring entity shall ask the consultant with the highest ranked technical proposal to submit a detailed financial



proposal so that the University and the consultant shall then negotiate the financial proposal and the contract.

- (x) If consultants were requested to provide financial proposals initially together with the technical proposals, safeguards shall be built in to ensure that the price envelope of only the selected proposal is opened and the rest returned unopened, after the negotiations are successfully concluded.

### **3.7.2 Selection based on combined technical quality and price consideration**

- (i) The selection procedure based on the technical quality with price consideration shall start with the evaluation of technical proposals.
- (ii) The technical proposals considered satisfactory and classified by order of merit shall have the corresponding financial proposals opened.
- (iii) After the necessary correction of arithmetic errors are made, a score of one-hundred percent shall be given to the lowest financial proposal and the score given to each of the other financial proposals is proportionately reduced.
- (iv) The technical and financial proposals shall be weighted as specified in the request for proposal and the combined value of the two proposals shall be calculated for each firm.
- (v) Negotiations shall be initiated with the firm which has the highest combined score and shall be conducted in accordance with the law, until an agreement is reached with one of the firms whose technical proposal are considered satisfactory and retained.

### **3.7.3 Selection based on compatibility of technical proposals and least cost consideration**

- (i) The selection based on compatibility of technical proposals and least cost consideration may be used in the selection of consultants for assignment of a standards or routine nature where well established practices and standards exist, and in which the contract amount is small.
- (ii) The procedure start with the evaluation of the technical proposal and firms whose technical proposals are retained shall be those who scored equal or above the minimum specified threshold.
- (iii) At the stage of examination of financial proposals, only the envelopes containing the financial proposals of consultants who scored equal or above the minimum specified threshold shall be opened.
- (iv) The necessarily arithmetical correction will then be made for the purposes of comparison and the consultant whose financial offer is considered the lowest shall be invited for negotiations.
- (v) Where an agreement is not reached, the consultant whose financial offer is ranked second lowest, shall in turn be invited to negotiate and so on until an agreement is reached with one of the best ranked consultants.

### **3.7.4 Selection based on quality and fixed budget**

- (i) The selection based on quality and fixed budget method may be used when the assignment is simple and can be precisely defined and when the budget is fixed.
- (ii) The request for proposals shall indicate the available budget and request the consultants to provide their technical and financial proposals in separate envelopes, within the budget.
- (iii) Terms of reference shall be prepared to make sure that the budget is sufficient for the consultants to perform the expected tasks.

- (iv) Evaluation of all technical proposals shall be carried out first and the price envelopes of those scoring above the minimum threshold shall be opened in public.
- (v) Proposals that exceed the indicated budget shall be rejected.
- (vi) The consultant who has submitted the highest ranked technical proposal among the rest shall be selected and invited to negotiate a contract.

### **3.7.5 Selection based on Consultants qualification**

- (i) The selection based on consultants' qualification may be used for very simple assignments for which the need for preparing and evaluating competitive proposals is not justified.
- (ii) In selection based on consultants' qualification, the procuring entity shall:-
  - (a) prepare the terms of reference,
  - (b) request expressions of interest and information on the consultants' experience and competence relevant to the assignment,
  - (c) establish a short list, and
  - (d) select the firm with the most appropriate qualifications and references.
- (iii) The selected firm shall be requested to submit a combined technical and financial proposal and then be invited to negotiate the contract.

**Mzumbe University  
Intention to Procure Form**

To: The Head  
Procurement Management Unit  
Mzumbe University  
From: ..... (Name)  
Title:.....  
Date: .....

I intend to make the following procurement during the month of .....of  
20.....

Code	Description of item	Quantity required	Funds available in my vote

I certify that funds are available in my vote for the items and quantities required.

Signature of Vote Holder:..... Date:.....