



Belize Procurement Week

Bridging the gap between local supply capabilities and the demand for works, in Inter-Development Bank (IDB) and Caribbean Development Bank (CDB) financed projects.

BELIZE PROCUREMENT WEEK November 4th – 8th 2024





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 **PENDA**
CONSULTING & DEVELOPMENT

Belize Procurement Week

Empowering Tomorrow's Bidders for Success

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Understanding Legal Procurement

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Understanding Legal Procurement

The CDB/IDB procurement frameworks govern the procurement processes unless otherwise agreed.

Overview

- ☐ The legal framework governing procurement
- ☐ Supplier obligations and rights during the bidding and contracting stages.
- ☐ Key areas to focus on: procurement integrity, compliance with rules, and contract management.

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Legal Foundations of Procurement

Overview

- ☐ IDB's Procurement Policies for Goods, Works, and Consulting Services (GN-2349-15).
- ☐ CDB Policy Procurement Policy and Procurement Procedures (January 2021)
- ☐ Principles: Economy, efficiency, transparency, fairness, and competition.
- ☐ Bidders must understand specific guidelines applicable to their bid.
- ☐ Ensure compliance with country-specific laws

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Legal Aspects of Bid Submission

- ❑ **Compliance with Instructions to Bidders:**
 - ❑ Carefully follow the bid documents.
 - ❑ Failure to comply can lead to disqualification.
- ❑ **Representation and Certifications:**
 - ❑ Declare legal standing, financial capacity, and eligibility.
 - ❑ Certification of no involvement in fraudulent or corrupt practices.
- ❑ **Anti-Fraud and Corruption Requirements:**
 - ❑ Understand and comply with Bank's policies on fraud and corruption.
 - ❑ Violations can result in disqualification or debarment by the MBDs

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Legal Obligations During the Bidding Process

- ❑ **Binding Nature of the Bid:**
 - ❑ Once submitted, a bid is a legally binding offer.
 - ❑ Withdrawal or modification of bids after submission is limited.
- ❑ **Confidentiality:**
 - ❑ Suppliers must respect confidentiality clauses.
 - ❑ Sensitive information provided in bids must be protected.
- ❑ **Validity of the Bid:**
 - ❑ Ensure bid validity period aligns with the requirements.
 - ❑ Any deviation could result in rejection.

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Awarding the Contract: Legal Considerations

- ❑ **Award Notification:**
 - ❑ Winning bidders receive a formal notification of award.
 - ❑ Ensure proper documentation is signed and exchanged.
- ❑ **Contract Formation:**
 - ❑ Legally binding contract established once both parties sign.
 - ❑ The contract must align with the terms in the bid documents and award letter.
- ❑ **Acceptance of Terms:**
 - ❑ Thoroughly review terms and conditions.
 - ❑ Seek clarification or negotiate where necessary.

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Managing Legal Risks

- ❑ **Monitoring Compliance:**
 - ❑ Ensure compliance with all contractual obligations.
 - ❑ Keep detailed records of performance, communication, and issues.
- ❑ **Managing Delays and Changes:**
 - ❑ Understand legal procedures for requesting time extensions or contract amendments.
 - ❑ Document all changes in accordance with the contract's terms.
- ❑ **Payment and Financial Obligations:**
 - ❑ Clarify payment terms and milestones.
 - ❑ Ensure all invoices and documents are in order to avoid delays.

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Anti-Fraud and Anti-Corruption Measures

- ❑ **Fraudulent and Corrupt Practices Defined:**
 - ❑ Fraud: Any deceptive practice.
 - ❑ Corruption: Offering or accepting bribes or other inducements.
- ❑ **Legal Consequences:**
 - ❑ IDB has stringent sanctions, including debarment.
 - ❑ Be aware of whistleblower protection and reporting mechanisms.

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Legal Considerations in Post-Contract Stage

- ❑ **Post-Contract Legal Obligations**
 - ❑ **Contract Closeout:**
 - ❑ Ensure all deliverables are met before contract closeout.
 - ❑ Sign off on project completion and final payments.
 - ❑ **Claims and Disputes:**
 - ❑ Follow the dispute resolution process for any legal claims.
 - ❑ Avoid litigation unless all other methods are exhausted.

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Key Takeaways:

- ☐ Thoroughly understand the legal aspects of Bank's procurement process.
- ☐ Compliance with Banks guidelines or agreed procedures to be used to avoid disqualification.
- ☐ Clear understanding of contract terms and conditions helps manage risk throughout the project lifecycle.

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CDB, for more resources see:

CDB: www.caribank.org/work-with-us/procurement

[CDB SBDSW \(Post qualification\) Template](#)

IDB, for more resources see:

[Procurehttps://projectprocurement.iadb.org/en/ment](https://projectprocurement.iadb.org/en/ment)

<https://projectprocurement.iadb.org/en/policies>

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