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**Construction procurement —**

Part 4:  
**Standard conditions for the calling for  
expressions of interest**

*Marchés de construction*

*Partie 4: Conditions-types normalisées pour appel aux parties  
intéressées*

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## Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see [www.iso.org/directives](http://www.iso.org/directives)).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see [www.iso.org/patents](http://www.iso.org/patents)).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT), see [www.iso.org/iso/foreword.html](http://www.iso.org/iso/foreword.html).

This document was prepared by Technical Committee ISO/TC 59, *Buildings and civil engineering works*, Subcommittee SC 18, *Construction procurement*.

This second edition cancels and replaces the first edition (ISO 10845-4:2011), which has been technically revised.

The main changes compared to the previous edition are as follows:

- definitions and parts of the text have been updated and aligned with other parts of the ISO 10845 series to ensure consistency in concepts and terms;
- an informative annex on the formulation of evaluation reports has been added.

A list of all parts in the ISO 10845 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at [www.iso.org/members.html](http://www.iso.org/members.html).

## Introduction

Procurement is the process which creates, manages and fulfils contracts. There are accordingly three phases to the procurement process associated with the delivery and maintenance of construction works, namely:

- a planning phase during which decisions are made as to what, where and when goods and services are required, how the market is to be approached and what is the number, type, nature and timing of the required contracts;
- an acquisition phase during which contracts are entered into following the execution of a selection procedure; and
- a contract management (or contract administration) phase during which compliance with requirements, changes in requirements and risk events which manifest during the execution of contracts are managed.

Expressions of interest form part of the acquisition phase and are used to request potential tenderers to register their interest in undertaking a specific contract or to participate in a project or programme and to submit their credentials so that they can be invited to submit a tender offer should they qualify or be selected to do so. Conditions for the calling for expressions of interest are required to establish procedures from the time that expressions of interest are called for to the time that respondents are invited to submit tender offers or are admitted to a database. Such conditions document the procedures, the manner in which those engaged in these processes are to behave, the obligations of the respondent, and the undertakings of the employer.

Calls for expressions of interest are associated with the use of the nominated and qualified selection methods as described in ISO 10845-1 in order to admit respondents to an electronic database or shortlist of pre-qualified tenderers (or both) so that they can be invited to submit tender offers in respect of a particular procurement, respectively.

Calls for expressions of interest, when used to pre-qualify or shortlist tenderers, provide the market with an advance warning of a tendering opportunity and reduce unnecessary abortive costs in processing and preparing tenders offers. They can also be used to:

- a) give the employer time to finalize the procurement documents and eliminate the need for advertising tenders as only those tenderers who are shortlisted are invited to submit tender offers;
- b) ensure that tenders are only invited from tenderers who potentially have the necessary capabilities and capacities to perform the contract;
- c) ensure that a limited number of respondents are invited to submit tender offers (usually not less than three), where the evaluation of tender submissions is resource intensive or to make the procurement more attractive to potential tenderers due to the demands made on tenderers during the tender process in preparing a submission; or
- d) allow capability and capacity to deliver the required goods, services and construction works to be evaluated in two stages or to be omitted in the evaluation of tender offers.

[Annex A](#) contains guidance on the application of this document and suggestions on good practice. [Annex B](#) provides guidance on how to develop the submission data for a call for expressions of interest using this document. [Annexes C](#) and [D](#) offer guidance on the evaluation of expressions of interest and the structuring of evaluation reports, respectively.

ISO 10845-2 establishes the manner in which calls for expressions of interest should be formatted and compiled. The standard conditions contained in this document can, by reference, be readily incorporated in procurement documents formatted and compiled in accordance with the provisions of ISO 10845-2.

## ISO 10845-4:2021(E)

This document is part of the ISO 10845 series which covers various aspects of procurement within the construction industry. Each part of the ISO 10845 series relates to a different aspect of procurement. The objective of the ISO 10845 series is to provide a generic and standard set of processes, procedures and methods for a procurement system that is fair, equitable, transparent, competitive and cost-effective and which can be used to promote objectives additional to those associated with the immediate objective of the procurement itself.

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# Construction procurement —

## Part 4: Standard conditions for the calling for expressions of interest

### 1 Scope

This document sets out standard conditions for the calling for expressions of interest which

- a) bind the employer and respondent to behave in a particular manner,
- b) establish what is required for a respondent to submit a compliant submission,
- c) make known to respondents the evaluation criteria, and
- d) establish the manner in which the employer conducts the process of calling for expressions of interest.

This document is intended for use in procurements relating to goods, services and construction works and certain disposals other than by auction.

### 2 Normative references

There are no normative references in this document.

### 3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminology databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <https://www.electropedia.org/>

#### 3.1

##### **conflict of interest**

situation where business, financial, family, political or personal interests could interfere with the judgment of persons in carrying out their duties for the *organization* (3.7)

[SOURCE: ISO 37001:2016, 3.29]

#### 3.2

##### **corrupt practice**

offering, giving, receiving or soliciting of anything of value to influence the action of the *employer* (3.4) or his staff or agents in the tender process

[SOURCE: ISO 10845-1:2020, 3.10, modified — "the procurement process or the administration of the contract" has been replaced by "the tender process".]

**3.3  
eligibility criteria**

criteria framed around the ability of a *respondent* (3.9) to provide the required goods, services and construction works or disposals, or any combination thereof, which need to be satisfied in order for a submission to be evaluated

**3.4  
employer**

person or *organization* (3.7) intending to or entering into the contract with the contractor to supply goods, carry out construction works and/or provide services

[SOURCE: ISO 10845-1:2020, 3.15]

**3.5  
expression of interest**

request for *respondents* (3.9) to register their interest in undertaking a specific contract or to participate in a project or programme and to submit their credentials so they can, in terms of the *employer's* (3.4) selection methods, be invited to submit a tender offer should they qualify or be selected to do so

[SOURCE: ISO 10845-1:2020, 3.16]

**3.6  
fraudulent practice**

misrepresentation of the facts in order to influence the tender process, or the award of a contract arising from a tender offer to the detriment of the *employer* (3.4), including collusive practices intended to establish prices at artificial levels

[SOURCE: ISO 10845-1:2020, 3.18, modified — "or the administration of the contract including compensation procedures" at the end has been removed.]

**3.7  
organization**

company, firm, enterprise, association or other legal entity, whether incorporated or not, or public body

[SOURCE: ISO 10845-1:2020, 3.21]

**3.8  
quality**

totality of features and characteristics of a product or service that bears on the ability of the product or service to satisfy stated or implied needs

[SOURCE: ISO 10845-1:2020, 3.27]

**3.9  
respondent**

person or *organization* (3.7) that submits an *expression of interest* (3.5) in response to an invitation to do so

[SOURCE: ISO 10845-1:2020, 3.28]

**3.10  
submission data**

document that establishes the *respondent's* (3.9) obligations in responding to a call for an *expression of interest* (3.5) and the *employer's* (3.4) undertakings in administering the process of calling for and receiving expressions of interest

[SOURCE: ISO 10845-1:2020, 3.32]

## 4 General requirements

### 4.1 Actions

The employer and each respondent submitting an expression of interest shall comply with the standard conditions for calling for an expression of interest in this document. In their dealings with each other, they shall discharge their duties and obligations, as set out in [Clauses 5](#) and [6](#), in a timely manner and with integrity, behave equitably, honestly and transparently, and not engage in anti-competitive practices.

The employer and the respondent and all their agents and employees involved in the submission process shall avoid conflicts of interest and where a conflict of interest is perceived or known, declare any such conflict of interest, indicating the nature of such conflict. Respondents shall declare any potential conflict of interest in their submissions. Employees, agents and advisors of the employer shall declare any conflict of interest to whoever is responsible for overseeing the procurement process at the start of any deliberations relating to the procurement process or as soon as they become aware of such conflict, and abstain from any decisions where such conflict exists or recuse themselves from the procurement process, as appropriate.

The respondent shall not make a submission without having a firm intention and the capacity to proceed with the next stage of the procurement process.

NOTE 1 A conflict of interest can exist even if there are no improper acts as a result of it. This can arise due to a conflict of roles which can provide an incentive for improper acts in some circumstances or positions. A conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly in said circumstance or position.

NOTE 2 Conflicts of interest with respect to those engaged in the procurement process include direct, indirect or family interests in the tender or outcome of the procurement process and any personal bias, inclination, obligation, allegiance or loyalty which can in any way affect any decisions taken.

### 4.2 Supporting documents

The documents issued by the employer for the purpose of obtaining expressions of interest are listed in the submission data.

### 4.3 Interpretation

The submission data and additional requirements contained in the submission schedules that are included in the returnable documents are deemed to be part of the conditions for the calling for expressions of interest.

### 4.4 Communication and employer's agent

Each communication between the employer and a respondent shall be to or from the employer's agent only, and in a form that can be readily read, copied and recorded, and in the language stated in the submission data. The employer shall not take any responsibility for non-receipt of communications from or by a respondent. The name and contact details of the employer's agent are stated in the submission data.

## 5 Respondent's obligations

### 5.1 Eligibility

Submit an expression of interest only if the respondent satisfies the eligibility criteria stated in the submission data and if the respondent or any of the respondent's principals is not under any restriction to do business with the employer.

## 5.2 Cost of submissions

Accept that the employer does not compensate respondents for any costs incurred in the preparation and delivery of a submission.

## 5.3 Checking documents

Check the submission documents on receipt and notify the employer of any discrepancy or omission.

## 5.4 Acknowledging addenda

Acknowledge receipt of addenda to the submission documents, which the employer may issue, and, if necessary, apply for an extension to the closing time stated in the submission data, in order to take the addenda into account.

## 5.5 Clarification meetings

Attend, where required, clarification meetings, the details of which are stated in the submission data, at which respondents may familiarize themselves with the proposed work, services or supply (and location, etc.) and raise questions.

## 5.6 Seeking clarification

Request clarification of the submission documents, if necessary, by notifying the employer at least five working days before the closing time stated in the submission data.

## 5.7 Making a submission

Return all returnable documents and the number of copies of such documents stated in the submission data to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing legibly in non-erasable ink.

Seal the original and each copy of the submission as separate packages, marking the packages as "ORIGINAL" and "COPY". Each package shall state, on the outside, the employer's address and identification details stated in the submission data, as well as the respondent's name and contact address.

Accept that the employer does not assume any responsibility for the misplacement or premature opening of the submission if the outer package is not sealed and marked as stated.

## 5.8 Information and data to be completed

Accept that submissions which do not provide all the data or information requested, completely and in the form required, may be regarded by the employer as being non-responsive.

## 5.9 Closing time

Ensure that the employer receives the submissions at the address specified in the submission data not later than the closing time stated in the submission data. Proof of posting shall not be accepted as proof of delivery. The employer shall not accept submissions submitted by telegraph, telex, facsimile or e-mail, unless otherwise stated in the submission data.

Accept that, if the employer extends the closing time stated in the submission data for any reason, the requirements of the conditions for expressions of interest apply equally to the extended deadline.

### 5.10 Clarification of submission

Provide clarification of a submission in response to a request to do so from the employer during the evaluation of submissions.

## 6 Employer's undertakings

### 6.1 Responding to clarification

Respond to a request for clarification received up to five working days before the submission closing time stated in the submission data and notify all respondents who attended the clarification meetings, if any, of those responses.

### 6.2 Issuing addenda

If necessary, issue addenda that may amend or amplify the submission documents to each respondent during the period from the date of the calling for expressions of interest until three days before the closing time for submissions stated in the submission data. If, as a result of the issuing of addenda, it is necessary to extend the closing time stated in the submission data, grant such extension and notify all respondents accordingly.

### 6.3 Late submissions

Unless otherwise stated in the submission data, return submissions received after the closing time stated in the submission data unopened, unless it is necessary to open a submission to obtain a forwarding address, to the respondent concerned.

### 6.4 Opening of submissions

Record the name of each respondent whose submission is opened and acknowledge receipt of each submission.

Make available the names of the respondents that made submissions before the closing time for submissions to all interested persons upon request.

### 6.5 Non-disclosure

Do not disclose to respondents, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of submissions until after the evaluation process is complete.

### 6.6 Grounds for rejection and disqualification

Determine whether there has been any effort by a respondent to influence the process and instantly disqualify a respondent if it is established that he engaged in corrupt or fraudulent practices.

### 6.7 Test for responsiveness

Determine, upon opening and before detailed evaluation, whether each submission received

- a) complies with the requirements of the conditions for the calling for expressions of interest,
- b) has all the substantive provisions properly and fully completed and signed, and
- c) is responsive to the other requirements of the call for expressions of interest.

### 6.8 Non-responsive submissions

Reject all non-responsive submissions.

### 6.9 Evaluation of responsive submissions

Appoint an evaluation panel of not less than three persons to evaluate submissions using the evaluation criteria established in the submission data.

Notify the respondents of the outcome of the evaluation process within two weeks of the evaluation report being accepted by the employer.

### 6.10 Providing written reasons for actions taken

Provide, upon request, written reasons to respondents for any action that is taken in applying these conditions, but withhold information which

- a) is not in the public interest to be divulged,
- b) is considered to prejudice the legitimate commercial interests of respondents, or
- c) may prejudice fair competition between respondents.

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## Annex A (informative)

### Commentary

#### A.1 General

The purpose of this document is to standardize the procurement processes, methods and procedures where calls for expressions of interest are made to invite respondents to

- a) apply for admission to an electronic database, or
- b) register their interest in undertaking a specific contract or to participate in a project or programme and to submit their credentials so they can, in terms of the employer's procurement procedures, be invited to submit a tender offer should they qualify or be selected to do so.

The conditions for calling for expressions of interest are, by definition, the document that establishes a respondent's obligations in responding to a call for an expression of interest, and the employer's undertakings in administering the process of calling for and receiving expressions of interest. These conditions, as such, establish the rules from the time a call for an expression of interest is advertised to the time that any submission is evaluated. They are generic in nature and are made procurement-specific through the submission data (see [Annex B](#)).

The standard conditions are based on a procurement system that is:

- fair, equitable, transparent, competitive and cost-effective and, subject to an organization's procurement policy, can promote social or development (or both) objectives; and
- complies with the qualitative procurement system requirements identified in [Table A.1](#) (see also ISO 10845-1).

The standard conditions for calling for expressions of interest are referenced in the submission data section of procurement documents (see ISO 10845-2).

Public sector procurement is frequently governed by local and international laws. These standard conditions for the calling for expressions of interest do not purport to cover the provisions of all such laws. Employers need to be aware that they are responsible for the correct application of these conditions and ensuring consistency with prevailing legislation through the provision of additional clauses, the modification of certain provisions and the formulation of submission data.

#### A.2 Commentary on general requirements ([Clause 4](#))

##### A.2.1 Actions

[4.1](#) binds both the employer and the respondent to the provisions of the basic code of conduct provided for in ISO 10845-1. It also expands upon some of the provisions of the code of conduct in relation to the calling for expressions of interest.

Failure by a respondent to act within the provisions of this basic code of conduct is tantamount to a breach of the conditions for the calling for expressions of interest and can result in disqualification (see [6.6](#)).

Employers should not disclose information received from respondents that is intellectual property, proprietary, commercial-in-confidence or otherwise confidential.

Assessment panels should indicate in each evaluation report whether or not all members of the panel have declared their interest and, where conflicts of interest (actual, potential or perceived) have been identified, what action has been taken.

**Table A.1 — Qualitative procurement system requirements**

Goal	Qualitative interpretation of goal
Fair	The process of offer and acceptance is conducted impartially without bias, providing timely access to the same information. Terms and conditions for performing the work do not unfairly prejudice the interests of the parties.
Equitable	The only grounds for not awarding a contract to a tenderer who complies with all the requirements are “blacklisting”, lack of capability or capacity, legal impediments and conflicts of interest.
Transparent	The procurement process and criteria upon which decisions are to be made are publicized. Decisions (award and intermediate) are made publicly available together with defensible reasons for such decisions. It is possible to verify that criteria were applied. The requirements of procurement documents are presented in a clear, unambiguous, comprehensive and understandable manner.
Competitive	The system provides for appropriate levels of competition to ensure cost-effective and best-value outcomes.
Cost-effective	The processes, procedures and methods are standardized with sufficient flexibility enabling best-value outcomes in respect of quality, timing and cost and least resources to effectively manage and control procurement processes. Decision making focusses on the attainment of value for money (optimal use of resources to achieve intended project outcomes or the effective, efficient and economic use of resources) through the evaluation of relevant costs and benefits together with the assessment of risks.
Promotion of social and development objectives	The system may incorporate measures to promote social and development objectives associated with a preferential procurement policy subject to qualified tenderers not being excluded and deliverables or preferencing criteria being measurable, quantifiable and monitored for compliance.

### A.2.2 Supporting documents

4.2 requires that documents pertaining to a particular call for an expression of interest be identified in the submission data (see [Annex B](#)).

### A.2.3 Interpretation

4.3 clarifies what constitutes the conditions for the calling for an expression of interest, i.e. the submission data which references these conditions of tender and any additional requirements established in submission schedules that are included in the returnable documents (see ISO 10845-2).

### A.2.4 Communication and employer's agent

The submission data should provide the name and contact details of the employer's agent for the purpose of communications, and the language of communication if other than English.

## A.3 Commentary on respondent's obligations ([Clause 5](#))

### A.3.1 Eligibility

5.1 requires the employer to only evaluate submissions that satisfy eligibility criteria. This subclause accordingly allows an employer to introduce minimum qualification or pre-qualification criteria. Failure to satisfy eligibility criteria is a breach of the conditions for calling for expressions of interest and, as such, results in instant disqualification.

Eligibility criteria should be formulated around capability and capacity to perform the work and the avoidance of conflicts of interest. Any eligibility criteria introduced should generally be based on the demonstration of the following, as necessary:

- a) professional and technical qualifications;
- b) professional and technical competence;
- c) financial resources;
- d) equipment and other physical facilities;
- e) expertise and personnel;
- f) managerial capacity, reliability and experience;
- g) previous experience in relation to the scope of work;
- h) where relevant, health and safety history.

Eligibility criteria accordingly should be framed around financial standing and capability, business and professional standings and health and safety, environmental management, quality management and building information modelling capabilities. Such criteria should be framed around threshold or minimum requirements which, if not satisfied, would pose an unacceptable risk to the employer should the respondent be recommended for the award of a contract and as such be overlooked for the award of the contract. The formulation of such criteria should be such that respondents can readily self-assess their compliance / non-compliance with the stated criteria. Respondents who fail to comply with the eligibility criteria will either refrain from making a submission or have their submissions rejected at the outset of the evaluation process. This reduces the work load on those that are tasked with the evaluation of submissions.

Care needs, however, to be taken in setting eligibility criteria. Such criteria should not be set any higher than is necessary so as not to unfairly eliminate capable respondents who are able to offer better value or unfairly discriminate against small and medium sized enterprises.

An eligibility declaration should be included in the returnable schedules (see ISO 10845-3). Such a declaration should enable a respondent to make a formal declaration that the tenderer satisfies the eligibility criteria and alert respondents as to what needs to be provided to demonstrate compliance with certain eligibility criteria.

### **A.3.2 Cost of submissions**

[5.2](#) makes the cost of submissions and demonstrating compliance with requirements an expense of the respondent.

### **A.3.3 Checking documents**

[5.3](#) places the responsibility for checking the completeness of the documents on the respondent. The employer is obliged to state, in the submission data, the documents that are issued for submission purposes to enable the respondents to comply with this obligation.

### **A.3.4 Acknowledging addenda**

[5.4](#) requires respondents to acknowledge receipt of addenda issued by the employer and, if necessary, to apply for an extension to the closing date. It is important that respondents acknowledge receipt of addenda.

### **A.3.5 Clarification meetings**

[5.5](#) can require respondents to attend compulsory clarification meetings, failing which their submissions can be rejected. Details of such meetings should be stated in the submission data. A compulsory

clarification meeting affords potential respondents the opportunity to raise points of clarity with the employer. Employers should obtain the names and addresses of all who attend such meetings so that any clarifications or addenda can be simultaneously sent to all prospective respondents in accordance with 6.1 and 6.2. Submissions received from respondents who make submissions and do not attend a compulsory clarification meeting are regarded as non-responsive (see 6.8).

Measures should be put in place to accurately record the names and contact particulars of all potential respondents who obtained documents where no compulsory meeting is held. Such measures can include the registration of contact particular of the person downloading the documentation from a website. Should this not be done, the employer should not issue addenda as specified in 6.2.

Clarification meetings should, as relevant, be structured such that they provide an opportunity

- a) for respondents to become fully aware of and to understand what is required in the procurement processes and in the execution of the proposed contract,
- b) for respondents to raise any specific queries they may have concerning incomplete information or ambiguities in the information,
- c) for respondents to raise questions about potential qualifications, and
- d) to issue any further information or addendum.

All respondents should be dealt with equitably and fairly. Additional information should be provided in writing simultaneously to all respondents.

### A.3.6 Seeking clarification

5.6 places the onus on respondents to seek clarifications well in advance of the closing date for submissions. This enables the employer to respond in a timely manner to requests for clarification.

### A.3.7 Making a submission

5.7 establishes the requirements for respondents to submit compliant submissions. Specific requirements relating to submissions should be stated in the submission data.

### A.3.8 Information and data to be completed

5.8 allows employers to declare incomplete submissions as being non-responsive.

### A.3.9 Closing time

5.9 identifies the closing time for submissions and deals with extensions of time for submissions. The closing time and date should be stated in the submission data.

### A.3.10 Clarification of submission

5.10 obligates respondents to clarify aspects of their submissions, when requested to do so. The employer should manage the clarification procedure in such a way as not to give any respondent an unfair advantage over other respondents.

## A.4 Commentary on employer's undertakings (Clause 6)

### A.4.1 Responding to clarification

6.1 establishes the manner in which the employer is to respond to requests for clarifications and the time frames relating thereto. Employers should not disclose the source of the request to other respondents.

All requests for information provided in writing should be consolidated and all answers provided to all respondents via fax or e-mail to ensure consistent and fair dealing. Where the question or request for clarification is considered to be of material significance, both the query and the response should be communicated, in a suitably anonymous form. Where queries result in the issuing of an addendum that makes significant changes to the documentation, an extension of the submission period should be considered.

#### **A.4.2 Issuing addenda**

[6.2](#) establishes the manner in which the employer issues addenda and the time frames relating thereto.

#### **A.4.3 Late submissions**

The submission data should state how late submissions are dealt with.

Where calls for expressions of interest relate to the admission to an electronic database, late submissions should only be opened after all the submissions that were received before the closing time for submissions have been processed.

#### **A.4.4 Opening of submissions**

[6.4](#) establishes the procedures which are to be followed for the opening of submissions and requires the employer to make available the record upon request.

#### **A.4.5 Non-disclosure**

[6.5](#) establishes the requirements to maintain integrity in the submission process.

#### **A.4.6 Grounds for rejection and disqualification**

[6.6](#) permits submissions to be rejected and respondents to be disqualified should there be a reasonable suspicion or evidence that a respondent has, or has attempted to, influence the processing of submissions or has engaged in corrupt or fraudulent practices.

#### **A.4.7 Test for responsiveness**

[6.7](#) establishes the procedures for and criteria by which submissions are considered as being responsive.

Submissions which are not complete in every respect do not need to be declared non-responsive, provided that the omission does not alter any fundamental aspects of the evaluation of the submission, e.g. the scoring of evaluation points or introduce new requirements or unfairly erode requirements. Respondents should be permitted to provide clarifications.

#### **A.4.8 Evaluation of responsive submissions**

[6.9](#) enables the employer to establish requirements, if any, for evaluating responsive submissions i.e. those respondents who satisfy the stipulated eligibility criteria. This clause enables the employer to introduce criteria which enable the short listing of respondents i.e. the reducing of the number of responsive respondents who are invited to submit tender offers. For example, the employer may evaluate respondents in terms of their experience in providing similar work required under the contract, their proposals for satisfying the employer's value proposition for the project (the promise of measurable benefits resulting from the project) and management systems that are in place to achieve employer objectives. Such criteria can be effectively used to gauge a respondent's potential ability to satisfy the employer's expectations for the service or their compatibility in working collaboratively with the employer.

Where criteria are set and evaluated, three persons who are fully conversant with the technical aspects of the procurement should undertake such evaluation. Evaluation criteria should be scored either

collectively or independently by each member of the evaluation panel and averaged. The scores should be retained for auditing purposes.

The submission data needs to establish the evaluation criteria. Respondents can be evaluated in terms of their capability and capacity to perform the contract on a compliance – non-compliance basis or in terms of a scoring system.

The outcome of the evaluation can result in a number of actions. For example, all those respondents who satisfy the stated evaluation criteria or score a minimum number of points will be invited to submit tender offers. Alternatively, a stipulated number of the highest scoring respondents will be invited to submit tender offers provided that they achieve a minimum score. The submission data needs to stipulate the outcome of the evaluation.

To ensure consistency in scoring, members of the evaluation panel should be provided with prompts for judgments or qualitative indicators relating to all quality criteria and any subcriteria that are linked to a specific score (see [Tables A.2](#) and [A.3](#)). Such prompts should, wherever appropriate, be communicated to respondents in procurement documents. The rating of submissions should be based on the information submitted or, where relevant, from interviews, and not on mere speculation or suspicion or the personal knowledge of a panel member.

**Table A.2 — Qualitative indicators or prompts for judgement used in the evaluation of quality (linear scale)**

Score <sup>a</sup>	Qualitative indicator or prompt for judgement
0	Failed to address the question or issue.
20	A detrimental response/answer/solution – limited or poor evidence of skill/experience, high risk that relevant skills are not be available.
40	Less than acceptable response, answer or solution – lacks convincing evidence of skill or experience, medium risk that relevant skills are not available.
60	Acceptable response/answer/solution to the particular aspect of the requirement-evidence given of skill or experience.
80	Above acceptable response, answer, or solution – demonstrates real understanding of requirement and evidence of ability to meet it.
100	Excellent response, answer or solution – gives real confidence that the supplier adds real value.
<sup>a</sup> The threshold score, below which respondents are eliminated from further consideration, should be between 50 % and 60 %.	

**Table A.3 – Qualitative indicators or prompts for judgement used in the evaluation of quality (logarithmic scale)**

Score <sup>a</sup>	Rating	Qualitative indicator or prompt for judgement		
		Example 1 (Proposed organization and staffing)	Example 2 (Approach paper)	Example 3 (Knowledge of issues pertinent to the project)
0	No response	Failed to provide information.	Failed to provide information.	Failed to provide information.
40	Poor	The organization chart is sketchy; the staffing plan is weak in important areas.  There is no clarity in allocation of tasks and responsibilities.	The technical approach and/or methodology is poor/is unlikely to satisfy project objectives or requirements. The respondent has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.	Key staff have limited experience of issues pertinent to the project.
<sup>a</sup> The threshold score, below which respondents are eliminated from further consideration, should be between 50 % and 60 %.				

Table A.3 (continued)

Score <sup>a</sup>	Rating	Qualitative indicator or prompt for judgement		
		Example 1 (Proposed organization and staffing)	Example 2 (Approach paper)	Example 3 (Knowledge of issues pertinent to the project)
70	Satisfactory	The organizational chart is complete and detailed, the technical level and composition of the staffing arrangements are adequate.	The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project.  The quality plan, that is the manner in which risk is to be managed, etc., is too generic.	Key staff have reasonable experience of issues pertinent to the project.
90	Good	Besides attaining the “satisfactory” rating, staff are well balanced, i.e. they show good co-ordination, complimentary skills, clear and defined duties and responsibilities.  Some members of the project team have worked together before on limited occasions.	The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that can occur during execution. The quality plan and approach to managing risk etc. is specifically tailored to the critical characteristics of the project.	Key staff have extensive experience of issues pertinent to the project.
100	Very good	Besides attaining the “good” rating, the proposed team is well integrated and several members have worked together extensively in the past.	Besides attaining the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the respondent has outstanding knowledge of state-of-the-art approaches.  The approach paper details ways to improve the project outcomes and the quality of the outputs.	Key staff have outstanding experience of issues pertinent to the project.

<sup>a</sup> The threshold score, below which respondents are eliminated from further consideration, should be between 50 % and 60 %.

#### A.4.9 Providing written reasons for actions taken

6.10 forms an integral part of the system requirements for transparency. The employer should, however, bear in mind that information can be withheld under certain conditions, e.g. information which

- a) is not in the public interest to be divulged,
- b) is considered to prejudice the legitimate commercial interests of respondents, or
- c) may prejudice fair competition between respondents.

## Annex B (informative)

### Submission data

Submission data inform respondents about the procedures that are to be observed and the documentation that needs to be submitted with expressions of interest, failing which, submission may be rejected or not be evaluated. Submission data also establish the manner in which the employer undertakes to conduct the process and to evaluate the submissions received, by establishing a set of generic rules relating to the process of calling for and receiving expressions of interest and the project-specific variables relating thereto.

The standard conditions for calling for expressions of interest contained in this document anticipate that certain information associated with particular subclauses are found in the document entitled “submission data”. Such subclauses are voided should such information not be provided.

This annex provides generic submission data. The submission data contained in columns 1 and 2 of [Table B.1](#) shall, as appropriate, be included in procurement documents.

**Table B.1 — Submission data included in procurement documents**

Sub-clause number	Submission data	Guidance notes
	<p>The conditions for the calling for expressions of interest are the standard conditions for calling for expressions of interest as contained in this document.</p> <p>The standard conditions for calling for expressions of interest make several references to the submission data. The submission data shall have precedence in the interpretation of any ambiguity or inconsistency between the submission data and the standard conditions for calling for expressions of interest.</p> <p>Each item of data given below is cross-referenced to the subclause in the standard conditions for calling for expressions of interest to which it mainly applies.</p>	Include in all documents.
<a href="#">4.1</a>	The employer is ... .	Enter the name of the employer.
<a href="#">4.2</a>	<p>The documents associated with the calling for expressions of interest issued by the employer comprise:</p> <p><b>E1: Submission procedures</b></p> <p>E1.1 Notice and invitation to submit an expression of interest</p> <p>E1.2 Submission data</p> <p><b>E2: Returnable documents</b></p> <p>E2.1 List of returnable documents</p> <p>E2.2 Submission schedules</p> <p><b>E3 Indicative scope of work</b></p> <p>E3 Indicative scope of work</p>	<p>List the component documents (see ISO 10845-2:2020, Table 1). Omit Part E3 if not applicable.</p> <p>Alternatively state that “The documents issued by the employer comprise the documents listed on the contents page”</p>

Table B.1 (continued)

Sub-clause number	Submission data	Guidance notes
4.4	The employer's agent is: Name: ..... Address: ..... Tel: ..... Fax: ..... E-mail: .....	Enter data (name of employee or external agent).
4.4	The language for communications is: .....	State the language for communications.
5.1	Only those respondents who satisfy the following eligibility criteria are eligible to submit expressions of interest: .....	Modify statement, state eligibility criteria or omit item.
5.5	The arrangements for a clarification meeting are: Location: ..... Date: ..... Starting time: ..... Confirmation of attendance to be notified at least one full working day in advance to: Name: ..... Tel: ..... E-mail: ..... Fax: .....	Omit if not a requirement.
5.7	The employer's address for delivery of submissions, and the employer's identification details to be shown on each submission package are: Location of tender box: ..... Physical address: ..... Identification details: .....	Enter or amend data.
5.7	Parts of each submission communicated on paper shall be submitted as an original, plus ..... copies.	Enter number of copies.
5.9	The closing time for submissions is: ..... hours on ..... (day) ..... (date)	Enter or amend data. Where the call for an expression of interest is used to admit respondents to an electronic database, add text along the following lines:  Submissions received after ..... are positioned at the lowest position for the target group for which respondents qualify or at the bottom of the database at intervals not exceeding three months thereafter.

Table B.1 (continued)

Sub-clause number	Submission data	Guidance notes
5.9	The employer shall accept . . . . . submissions.	Omit if the default provisions of 5.9 apply. If telegraphic, telex, facsimile or e-mailed submissions are acceptable, state which of these submission methods may be used.
6.3	Late submissions are dealt with as follows:	Omit if the default provisions of 5.3 are appropriate or state how late submissions are to be handled, e.g. "opened and processed sequentially after all submissions received before the closing time for submissions have been processed and entered in database".
6.9	The procedure for evaluation of responsive submissions is:	Use where the call for expressions of interest relates to the admission to an electronic database.  Outline the manner in which the submissions are to be evaluated to admit/reject applications to an electronic database.
6.9	All respondents who submit responsive submissions and satisfy the following: ..... will be invited to submit tender offers.	Use where the call for expressions of interest relates to the pre-qualification of respondents to be invited to submit tender offers. Formulate criteria which can be evaluated on a compliance basis (i.e. a "yes" or a "no" basis) or scored to obtain a minimum threshold score.  NOTE Some of the aspects which are evaluated on a compliance/non-compliance basis can be included as eligibility criteria.

Table B.1 (continued)

Sub-clause number	Submission data	Guidance notes															
6.9	<p>All respondents who submit responsive submissions and satisfy the following:                      .....                      will have their submissions scored.</p> <p>The evaluation criteria that are to be scored and the maximum score assigned to each of such criteria are as follows:</p> <table border="1" data-bbox="331 607 1145 864"> <thead> <tr> <th data-bbox="331 607 571 674">Evaluation criteria that are scored</th> <th data-bbox="571 607 874 674">Subcriteria</th> <th data-bbox="874 607 1145 674">Maximum number of points</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 674 571 712"></td> <td data-bbox="571 674 874 712"></td> <td data-bbox="874 674 1145 712"></td> </tr> <tr> <td data-bbox="331 712 571 750"></td> <td data-bbox="571 712 874 750"></td> <td data-bbox="874 712 1145 750"></td> </tr> <tr> <td data-bbox="331 750 571 788"></td> <td data-bbox="571 750 874 788"></td> <td data-bbox="874 750 1145 788"></td> </tr> <tr> <td data-bbox="331 788 571 864">Maximum possible score (<i>Es</i>)</td> <td data-bbox="571 788 874 864"></td> <td data-bbox="874 788 1145 864"></td> </tr> </tbody> </table> <p>The evaluation criteria shall be scored independently by not less than three evaluators in accordance with the following schedules:                      .....                      The scores of each of the evaluators are averaged, weighted and then totalled to obtain the final evaluation score.</p> <p>The ..... highest ranked responsive respondents, or all responsive respondents should there be less than this number, will be invited to submit tender offers provided that they score above ..... points.</p>	Evaluation criteria that are scored	Subcriteria	Maximum number of points										Maximum possible score ( <i>Es</i> )			<p>Use where the call for expressions of interest relates to the shortlisting of respondents to be invited to submit tender offers.</p> <p>Formulate evaluation criteria.</p>
Evaluation criteria that are scored	Subcriteria	Maximum number of points															
Maximum possible score ( <i>Es</i> )																	
	<p>The additional conditions of submission are:</p> <p>1 .....                      2 .....                      3 .....</p>	<p>Such conditions should only be used on very rare occasions.</p> <p>It is easier to use schedules for the purpose of soliciting information to be returned with the submission.</p>															

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## Annex C (informative)

### Evaluating expressions of interest

The activities associated with the standard conditions for the calling for expressions of interest are as indicated in [Table C.1](#).

**Table C.1 — Activities associated with the evaluation of expressions of interest**

Activity			Related subclauses in this document	
No.	Description	Action	No.	Heading
1	Open and re-record submissions received	1) Open submissions and record pertinent data if	<a href="#">6.4</a>	Opening of submissions
		a) submitted in sealed packages,	<a href="#">5.7</a>	Making a submission
		b) annotated with the required particulars, and		
		c) placed in the nominated tender box or delivered to the specified place for receipt of submissions.		
		2) Make available names of respondents to the interested parties who request such information.		
		3) Acknowledge receipt of submission.		
		4) Unless otherwise stated in the submission data, return unopened submissions that	<a href="#">6.3</a>	Late submissions
		a) are received late, or	<a href="#">6.7</a>	Test for responsiveness
		b) are submitted by a method other than the prescribed method.		
2	Determine whether or not submissions are complete and comprehensible	1) Compare each submission against list of returnable documents contained in the procurement document (see ISO 10845-2) and identify schedules and component documents that have not been returned or are incomplete.	<a href="#">6.7</a>	Test for responsiveness
		2) Obtain clarifications regarding matters that are unclear in the submission.		