

## Procurement Debriefing and Review Procedure

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### 1. INTRODUCTION

The ECMWF is committed to ensuring that its procurement processes are open and fair and carried out in accordance with its Financial Regulations. It has designed its procurement procedures to ensure that it achieves quality and value for money through a market process that identifies qualified suppliers and provides them with opportunities to submit bids to supply goods and services to the Centre.

At the request of an unsuccessful tenderer, ECMWF will provide a reasoned debriefing. ECMWF will also treat very seriously any allegations that it has not carried out any procurement exercises in line with its published procedures and will investigate thoroughly all requests for a review of the application of these procedures in a procurement exercise.

### 2. WHO CAN REQUEST A DEBRIEFING/REVIEW?

Organisations or individuals that have participated directly in a procurement process can request a debriefing on the evaluation of their tender and a review of the application of the procurement procedures. Organisations or individuals that have not participated at all or that have been named only as an employee, sub-contractor or consultant in a bid by another organisation or individual may not request a review of the procedures (unless they claim to have been unfairly excluded in their own right from participating directly).

### 3. DEBRIEFING

- I. If a tenderer is notified that its tender has not been successful, it will also receive information about how to request a debriefing.
- II. A request for a debriefing must be received by ECMWF no more than:
  - 10 working days after publication of the contract award notice in the OJEU if the procurement process has been advertised in OJEU, or
  - 10 working days after receipt of a letter confirming the result of the requester's tender if the procurement process has not been advertised in OJEU.
- III. The Debriefing will be undertaken by a senior member of ECMWF with responsibility for the project and will concentrate on the way the relevant tender was evaluated, including evaluation by independent evaluators, if any. Details of other tenders will not be divulged but the tenderer will be given constructive feedback about the competitive and the less competitive aspects of its tender.

- IV. It is to be hoped that the debriefing will satisfy the tenderer's concerns and so the tenderer may not file a request for review until after receiving the debriefing.

#### **4. BASIS ON WHICH A REVIEW CAN BE REQUESTED**

Requests for review must be based upon the requester's belief that there has been a breach of ECMWF's own published procurement procedures. An unsuccessful tenderer may not request a review simply because they believe their tender was more competitive or technically more beneficial to the ECMWF.

Organisations requesting a review are responsible for providing ECMWF with evidence supporting their request and for ensuring that the evidence is accurate, verifiable and sufficient to support a review.

#### **5. TIME LIMITS AND SUBMISSIONS**

- I. If a tenderer wishes to submit a request for review, it must be received by ECMWF not later than ten (10) working days after the date of the debriefing. A request for a review by an organisation claiming to have been unfairly excluded from participation in a procurement exercise must be received by ECMWF within ten (10) working days after the closing date for responses for the procurement exercise.
- II. Requests for review must be submitted in writing, by registered mail, addressed to:

Director-General  
ECMWF  
Shinfield Park  
Reading  
RG2 9AX  
UNITED KINGDOM

- III. Requests for review must be signed by an individual who has the authority to represent the requester in all matters related to the request.
- IV. Requests may be withdrawn by the requester at any time before the outcome is announced by ECMWF.

## **6. REVIEW BY ECMWF**

- I.** Within thirty (30) working days of receiving the request, the Director-General shall issue a written decision to the requester. The decision shall:
  - a. state the reasons for the decision; and
  - b. if the request is upheld in whole or in part, indicate the corrective measures that are to be taken.
- II.** It is to be hoped that the Director-General's decision will satisfy the requester. The requester will be deemed to have accepted the Director-General's decision unless the requester submits a request for a further review, in the same manner and to the same address as set out at Paragraph 4.II above and the request is received by ECMWF within ten (10) working days of issuing the Director-General's decision.
- III.** Should the Director-General receive a request for a further review, he/she will, within a reasonable time, but in any event no longer than two (2) calendar months, convene a Procurement Review Board competent to review decisions taken by ECMWF in application of its procurement procedure.

## **7. REVIEW BY PROCUREMENT REVIEW BOARD (PRB)**

- I.** In the course of undertaking its review, the PRB will consider the requester's concerns and supporting evidence, the procurement process followed and any associated records relevant to the challenged process. These shall be disclosed to the PRB by ECMWF or the requester, as appropriate, within fifteen (15) working days of being requested by the PRB.
- II.** The decision of the PRB shall be in writing and shall:
  - state the reasons for the decision; and
  - if the request is upheld in whole or in part, indicate the corrective measures that are to be taken.
- III.** If the requester's challenge to the application of the procurement process is upheld, the PRB will consider an award of compensation for direct costs unreasonably incurred in the light of the failure to implement the process, including the cost of making the request for review. (Indirect and consequential costs and expenses and loss of profit or revenue, even if ECMWF was advised of the possibility of such losses, will be excluded from the calculation of such compensation.)
- IV.** Compensation will be subject to a limit of £25,000 or 2% of the value of the contract for which the tender was submitted, whichever is the lesser.
- V.** If the requester's challenge to the procurement process is not upheld, the PRB will consider a recommendation that the requester should pay a contribution to ECMWF's reasonable costs for dealing with the request for review.

**VI.** The decision of the PRB shall be final and binding.

**8. EFFECT OF REVIEW ON PROCUREMENT EXERCISE**

- I. Unless, in the opinion of the Director-General, the subject of the request relates to matters which would substantially impact the activities which are the subject of the procurement exercise, the request for a review will have no effect on the procurement process being challenged or on any award of contract as a result of the process.