



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

IOM GENERAL PROCUREMENT PRINCIPLES and PROCESSES for Procurement of Goods, Works & Services

Field Procurement Unit
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1.0 OBJECTIVE

The purpose of this document is to guide vendors, especially those who potentially may be awarded with IOM purchase orders/ contracts, of the general procurement principles and processes which shall be observed in carrying out procurement of goods, works and services for IOM. IOM is committed to promoting the highest ethical standards among its vendors.

2.0 SCOPE AND APPLICATION

These general principles and processes are applicable to all types of procurement related to purchase of goods, works and services., Where in this Document the term ‘Vendor’ appears, it shall also mean ‘Supplier’, ‘Contractor’ or ‘Service Provider’.

3.0 DEFINITIONS

3.1 Goods - All items, supplies, materials, equipment and furniture, computer, IT and telecommunications equipment; software, office supplies; household appliances and furniture; goods and equipment needed in the project implementation (e.g., medical equipment and supplies, blankets, tents, and materials for construction, printed materials, and other similar equipment and materials).

3.2 Works - Infrastructure projects to construct, improve, rehabilitate, demolish, repair, restore, or maintain buildings, roads and bridges, etc., or civil works components of information technology projects (eg. building data centers), irrigation, flood control and drainage, water supply, sanitation, school buildings, health clinics, reception centers, etc.

3.3 Services - Intellectual and non-intellectual services not covered under goods and works:

3.3.1 General Services - Services such as repair and maintenance of equipment/furniture, trucking, hauling, janitorial, security, lease of office space, offsite storage, transport services, importation and logistics services, media advertisements, health maintenance services, and other similar services.

3.3.2 Consulting Services - Activities requiring external technical and professional expertise beyond IOM’s internal capacity, such as advisory and review services, pre-investment or feasibility studies, design, construction supervision, management and related services, and technical or special studies provided by firms. For individual consultancies, refer to IOM HR instructions and vacancy notices.

3.3.3 Implementing Partners – Services received from Implementing Partners (e.g. International Organizations, NGOs, Non-profit Agencies) shall be treated the same as other Commercial Companies.

3.4 Mixed Procurement/Contracts - Procurement which combines categories, such as goods and works, goods and services, or works and services. In such a contract,

generally the higher value shall be considered in determining which procedures and documents to follow or use. For example, where procurement is a combination of goods and services, if “services” is the higher value, then the Mission shall use documents for the services category.

3.5 Technical Specifications – These are tendering requirements that apply to goods and works contracts, setting out the characteristics of the goods/works to be procured, such as quality, performance, safety, dimensions, or the process and methods for their production or provision, including any administrative considerations. Technical specifications also address terminology, symbols, packaging, marking or labeling requirements, or conformity and assessment procedures prescribed by contracting authorities. Care must be taken in preparing the technical specifications to ensure they are not restrictive i.e. they are open to any brand.

3.6 Terms of Reference – These are requirements that apply to a service contract which accurately define the characteristics of the service required with regard to the purpose for which it is intended and sets out conformity assessment procedures prescribed by a contracting authority.

3.7 Vendor – An organization which provides or has the potential to provide goods, works and/or services to IOM. This refers to suppliers (for Goods), contractors (for Construction Works) and service providers (for Services).

3.8 Procuring Entity- Refers to IOM Mission conducting procurement activities

3.9 Bidder- Company that participate in IOM Mission procurement activities

4.0 IOM GENERAL PROCUREMENT PRINCIPLES

4.1 Business Ethics

IOM upholds honesty, integrity and fairness in all aspects of its business, and expects the same in its relationships with its vendors. The highest ethical standards shall be employed in all procurement transactions, and Vendors shall be chosen based on IOM’s procurement policies and defined selection criteria. IOM staff, especially those involved in any phase of procurement, must declare any affiliations with Vendors and should not disclose privileged information about any project requirements or deprive other Bidders of such information that puts a Bidder or group of Bidders at more advantageous position over the other Bidders. This includes revealing the other bids/ quotations prices, terms and conditions etc. Failure to make such a declaration shall be construed as a conflict of interest and the offer, payment, solicitation and/or acceptance of any form of bribe, monetary or otherwise, are unacceptable and subject to disciplinary measures. Also, staff shall not accept commissions, gratuities or gifts from Vendors.

4.2 Conflict of Interest

Vendors shall declare if they have family or relatives employed by IOM. A Bidder found to have an undisclosed conflict of interest with IOM, or with a competing Bidder, shall be disqualified from participating in a tender (see Code of Conduct for Suppliers).

A Bidder may, for example, be considered to have a conflict of interest under the following circumstances:

- A Bidder has controlling shareholders in common with another Bidder;
- A Bidder receives or received any direct or indirect subsidy from another Bidder;
- A Bidder has the same representative as another Bidder in one particular bidding;
- A Bidder has a relationship, directly or through third parties, that puts it in a position to access information about, or influence the bid of, another Bidder, or influence the decisions of the Mission/Procuring Entity regarding the bidding process;
- A Bidder who participated as a consultant in the preparation of the design or technical specifications of the Goods and related services that are subject of the bid.

4.3 Fraud and Corruption

The Mission/Procuring Entity shall reject any proposal put forward by Bidders where applicable, terminate their contract, if it is determined that they have engaged in corrupt, fraudulent, collusive or coercive practices:

- Corrupt practice means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the action of the Procuring Entity in the procurement process or in contract execution;
- Fraudulent practice is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, the Procuring Entity in the procurement process or the execution of a contract, to obtain a financial gain or other benefit to avoid an obligation;
- Collusive practice is an undisclosed arrangement between two or more Bidders designed to artificially alter the results of the tender procedure to obtain a financial gain or other benefit;
- Coercive practice is impairing or harming, or threatening to impair or harm, directly or indirectly, any participant in the tender process to influence improperly its activities, or affect the execution of a contract

4.4 Principles Governing the Award of Contracts

The responsibility for procurement, including award and implementation of contracts, rests with the Mission/Procuring Entity. IOM has an obligation to ensure funds entrusted by donors are properly used with consideration for economy and efficiency, and without regard to political or non-economic influences. IOM's procurement process shall be generally guided by:

- **Quality of goods, works and services;**
- **Efficiency and economy;**
- **Equal opportunity and open competition;**
- **Transparency in the process and adequate documentation; and**
- **Highest ethical standards in all procurement activities.**

Quotations/Proposals must be evaluated for compliance with specifications, delivery schedule, price, payment terms and after-sales service. Contracts will be awarded to the

Bidder with the lowest compliant offer (offering best value for money based on required technical specifications), and which has fully complied with the terms of the bidding process.

4.5 Non-exploitation of Child Labor

The Mission/Procuring Entity shall satisfy itself with regard to the non-exploitation of child labor and in respect to the basic social rights and working conditions of Bidders.. During the competitive bidding process all tender documents will provide a clause acknowledging non-exploitation of child labor.

4.6 Procurement of Second Hand/Used Goods

IOM will purchase new goods where possible. IOM may purchase used goods, provided they are approved based on written justification and inspected by a competent authority (staff or consultant) to verify satisfactory condition or require certification with relevant warranty from the supplier of the current condition of the purchased second hand goods in case inspection is not possible.

4.7 Acceptance of Procured Goods, Works or Services

The specifications, quantity, and price of received goods, works or services will be carefully inspected against the delivery receipt and PO/Contract. IOM reserves the right to reject goods/works/services not matching the PO/Contract. For the technical goods/equipment, Procurement Staff should facilitate the acceptance in coordination with the end user and after complete inspection by a qualified Technical Staff. For goods with an expiration date, goods must be within the shelf life indicated in the PO/Contract. Evidence of receipt or inspection will be noted on the Delivery Receipt (DR), including signatures of the receiving or inspecting staff. Similarly, Construction Works and Services will be confirmed by IOM before final acceptance.

5.0 PROCUREMENT METHODS

5.1 Sole Sourcing

Sole Sourcing is contracting without competition. This procurement method may be employed depending on the nature of the item/service purchased and circumstances surrounding the procurement.

Vendors contracted without competition must be evaluated regularly in terms of price competitiveness and contract performance.

5.2 Low Value Procurement/Shopping

Low Value Procurement/Shopping is a procurement method based on comparing price quotations/proposals obtained from several vendors/suppliers (in case of goods), service providers (in case of services) and from several contractors (in case of civil works), with a minimum of three, to assure competitive prices, and is an appropriate method for procuring readily available off-the-shelf goods or commodities with standard specifications, and civil works and other services of small value.

5.3 Competitive Bidding

Competitive Bidding is the accepted method used by all commercial and public entities for procurement involving contracts which are large and/or complex in nature. Competitive Bidding may be opened to local or international Bidders, depending on the requirements of the goods/works/services being bid out.

5.4 Procedures on Conciliation, Arbitration of Contracts/Settlement of Disputes

All disputes between IOM and its Vendors should be settled amicably. In case the parties can not come to agreement, the dispute must be referred to arbitration in accordance with the UNCITRAL arbitration rules. Clauses on dispute resolution and immunity are included in IOM's standard contracts and Purchase Orders.

6.0 LONG TERM AGREEMENTS

A Long Term Agreement is a contract between IOM and one or several vendors/suppliers for the purpose of laying down essential terms governing a series of specific contracts to be awarded during a given period, outlining the duration, subject, prices, conditions of performance and the qualities envisaged.