


## Administrative Instruction

Date: 19 April 2010  
To: All UNOPS personnel  
From: Vitaly Vanshelboim   
Deputy Executive Director and  
Executive Chief Procurement Officer  
AI Reference: AI/EO/2010/02  
Subject: **Procurement - Instructions**

### 1. Introduction

1.1. In accordance with the provisions of UNOPS Financial Regulations and Rules and section 3.4 of Organizational Directive No. 16 (rev. 1), I hereby establish AI/EO/2010/02.

### 2. Award of procurement contracts on the basis of formal methods of solicitation

2.1. Pursuant to Financial Rule 118.04 (a), the Executive Chief Procurement Officer (ECPO) hereby establishes the following:

2.1.1. formal invitation to bid (ITB) shall be used for procurement of goods, services or works with standard and firm specifications that can be expressed qualitatively and quantitatively. An ITB is required for procurement equal or above USD 50,000.

2.1.2. formal request for proposal (RFP) shall be used for procurement of services, works and goods when requirements cannot be quantitatively and qualitatively expressed in the specifications at the time when the solicitation is issued. An RFP must be used for procurement equal or above USD 50,000.

2.2. Subject to section 2.1 above, the Director, Procurement Practice Group is hereby authorized to establish additional instructions pursuant to Financial Rule 118.04(a).

### 3. Emergency procedures

3.1. Pursuant to Financial Rule 118.05(b), the ECPO hereby establishes the following emergency procurement procedures:

3.1.1. Definition of emergency situation: "urgent situations in which there is clear evidence that an event or a series of events has occurred which imminently threatens human life/lives or livelihoods, and where the event or a series of events produces disruption in the life of a community on an exceptional scale."

3.1.2. Based on the definition mentioned above, the ECPO determines when there is an emergency situation justifying use of the emergency procurement procedures.

Therefore, request for approval of the use of the emergency procurement procedures must be presented to the ECPO using the standard template to be developed by the Director, Procurement Practice Group.

- 3.1.3. Upon approval by the ECPO of the use of the emergency procurement procedures, Request for Quotations (RFQs) may be used for solicitation of offers regardless of the value of the procurement. Notwithstanding section 2 above, where such ECPO approval has been granted, the solicitation of offers using an RFQ shall be deemed to be a formal method of solicitation.
  - 3.1.4. Save as stated in the following paragraph, the procurement authority for awards made under emergency procurement procedures is the same as for normal awards.
  - 3.1.5. At his/her discretion, the ECPO may decide that only headquarters contracts and property committee (HQPC) and not the local contracts and property committee (LCPC) can review submissions under emergency procurement procedures requiring committee review. The committee designated to review emergency procurement submissions will be indicated by the ECPO at the time of his/her approval. If contracts and property committee review is required according to section 3 of Organizational Directive No. 16 (rev. 1), the following simplified review process is established for emergencies:
    - (a) Procurement undertaken following the approval of the ECPO to use emergency procedures can be submitted to the relevant procurement authority for award through the chairperson of the relevant contracts and property committee.
    - (b) There is no requirement for a full committee review, but the chairperson reviews and provides written advice to the relevant procurement authority. Alternatively, an ad hoc meeting of the relevant contracts and property committee can be called at the discretion of the chairperson.
  - 3.2. Subject to section 3.1 above, the Director, Procurement Practice Group is hereby authorized to establish additional instructions on emergency procurement procedures.
- 4. Written procurement contracts**
- 4.1. A written contract shall be issued by UNOPS for all procurement activities valued at USD 2,500 or above. Written contracts shall be issued prior to any delivery of goods taking place, and/or the start up phase of works or services.
  - 4.2. Subject to section 4.1 above, the Director, Procurement Practice Group is hereby authorized to establish additional instructions on contracting, including but not limited to, contract preparation, contract documents, contractual instruments etc.
- 5. Headquarters Contracts and Property Committee (HQPC)**
- 5.1. **Members**
    - 5.1.1. In accordance with section 3.4 of Organizational Directive No. 16 (rev. 1), the ECPO appointed several staff as members of HQPC. The list of the current

Chairperson and members can be found on the [intranet](#) under *Committees and Teams > Headquarters Contracts and Property Committee (HQPC) > About HQPC > Members and Secretariat*.

5.1.2. The replacement of the members (or additions to the membership) will be effected by the ECPO in writing and notified to all personnel by a change to the list of members posted on the said intranet page. No further Administrative Instruction will be issued for this purpose.

## 5.2. **Quorum**

5.2.1. A quorum for HQPC will be three members, including the Chair.

(a) However, when HQPC is reviewing proposed individual contractor agreements cases pursuant to section 3.2.1 (e) of Organizational Directive No. 16 (rev. 1), one of the members must be the Human Resources (HR) member. If an HR member is not available, then at the Chair's discretion, the presence of an HR advisor may be required. A quorum would then be required from the remaining members.

(b) The role of the HR member and HR advisor includes advising HQPC as to whether the proposed individual contractor, on the basis of the information presented in the submission, meets the vacancy announcements or terms of reference requirements.

5.2.2. Members may be present at meetings in person, by video- or audio-conference, or by telephone.

## 5.3. **Attendance at meetings**

5.3.1. UNOPS personnel shall attend if the Chair decides their presence is necessary.

5.3.2. The Chair, at his/her discretion, may permit others to attend.

## 5.4. **Resolution-making**

5.4.1. Resolution of HQPC will be made by consensus or simple majority voting of members present at the meeting. Should the votes be equally divided, the Chair shall have the casting vote.

## 5.5. **Conflict of interest**

5.5.1. No member shall sit on submissions which he/she submitted, or in which he/she has been involved to any material degree. The Chair, HQPC shall have the discretion to determine if there is a potential conflict or some other reason making it undesirable for a member to sit on a particular case.

5.5.2. When an actual or potential conflict of interest for a member arises, the interest will be declared. The member will then be excused from the discussion and voting on any agenda item affected or potentially affected by the conflict.

5.5.3. In the event of conflict referred to above, a quorum would be required from the remaining members.

## 5.6. **Responsibility and liability of members**

5.6.1. Members shall act in an independent capacity while performing their advisory role on HQCPC. As such, members shall not be held personally liable for recommendations or determinations made while sitting as a member of HQCPC.

5.6.2. HQCPC members are indemnified from actions taken against them as a result of activities performed in the course of business of HQCPC, as long as such activities were not performed in bad faith.

## 5.7. **Terms of Reference**

5.7.1. Detailed terms of reference of HQCPC can be found on the [intranet](#) under *Committees and Teams > Headquarters Contracts and Property Committee (HQCPC) > About HQCPC*.

5.7.2. The Chair, HQCPC may, at his/her discretion, issue guidance with regard to submissions to HQCPC and LCPC. In case of discrepancies, any such guidance shall take priority over any guidance issued by the Director, Procurement Practice Group, in respect of the making of submissions to HQCPC.

## 5.8. **On-line HQCPC/LCPC system**

5.8.1. The on-line HQCPC/LCPC system, which can be accessed through the intranet on the following link: <https://intra.unops.org/hqcpc/>, must be used for all submissions to be reviewed by HQCPC or LCPCs.

5.8.2. In exceptional circumstances and subject to the prior agreement by the Chair, HQCPC or LCPC, the submission may be made off-line, using the relevant forms which can be found on the [intranet](#) under *Committees and Teams > Headquarters Contracts and Property Committee (HQCPC) > Submission to HQCPC* .

## 6. **Consequential changes**

6.1. The following AIs are hereby abolished effective 1 May 2010:

6.1.1. AI/EO/2006/002: Headquarters Contracts and Property Committee; and

6.1.2. AI/OEC/2007/001: New on-line HQCPC system.

6.2. In the event of inconsistency between this AI and AI/PPG/2010/01 (“Procurement Manual”) and/or such other AIs on procurement to be issued by the Director, Procurement Practice Group, this AI shall prevail.

## 7. **Effective Date**

7.1. This AI is effective **1 May 2010**.