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| **APPROVED BY:** | *[Signature]* |
| **SVETLANA STOYCHEVA-ETROPOLSKI AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE REPUBLIC OF BULGARIA TO CANADA** | *[Stamp of the Embassy of the Republic of Bulgariain Ottawa,Office]* |

**MINUTES**

prepared on the grounds of Article 97(4) of
the Implementing regulation of the Public Procurement Act (IRPPA)

At 2:30 p.m. on 16 December 2019, in the building of the Embassy of the Republic of Bulgaria in Ottawa, Canada, address: 325 Stewart Street, Ottawa, ON KIN 6K5, Canada, following the expiry of the term according to Article 188(2) of the Public Procurement Act (PPA), pursuant to Order No 14 of 16 December 2019 of the contracting authority for the opening, examination, evaluation and ranking of tenders submitted for participation in a public procurement procedure in accordance with Article 20(7)(2) and Article 187(1) of the PPA with the subject: “**Selection of a brokerage firm for the sale of a property (residence) situated in Ottawa, Canada, on behalf of the Diplomatic Mission – Ottawa**”, pursuant to notice No 04-01-330 of 22.11.2019, Information published in the Public Procurement Register of the Public Procurement Agency with No 9094724 of 22.11.2019 and Information published in the Public Procurement Register of the Public Procurement Agency with No 9095202 of 09.12.2019 for the extension of the deadline for submission of tenders and a message published in the buyer’s profile, a public session took place of a panel comprising:

Chairperson:

Stanislav Dimitrov Stanoev, Second Secretary, Head of the Consular Service;

Members:

1. Antonia Plamenova Aleksieva, Second Secretary;
2. Georgi Bogomilov Dimitrov, Head of Financial and Administrative Service.

Pursuant to Article 187(1) of the PPA, on 22.11.2019 a notice for collecting tenders for the public procurement described above was published in the buyer’s profile at https://www.mra.bg/embassies/canada/procurement/7249. On the same date, Information about a public procurement notice published in the buyer’s profile in accordance with Article 20(7)(2) of the PPA was published on the Public Procurement Portal of the Public Procurement Agency. The deadline for submission of tenders was extended on the grounds of Article 188(2) of the PPA, and Information No 9095202 of 9.12.2019 was published in the Public Procurement Portal of the Public Procurement Agency and a notice was posted in the buyer’s profile at the website above.

On 16 December 2019 the chairperson of the panel received from the registry office, based on a handover record and an inventory of the tenders, a copy of the register, together with the two sealed non-transparent packages with integrity intact.

Participants from the Worldcrest Realty Inc. Brokerage were present at the public session.

The chairperson of the panel opened the session and read out the order of the contracting authority for appointment of the panel. He then familiarised the panel members with the list of tenders received, after which all panel members completed declarations under Article 103(2) of the PPA in connection with Article 97(2) of the IRPPA.

The panel found, that two tenders were received within the deadline for submission of tenders, as follows:

1. Tender No 1 of Worldcrest Realty Inc. Brokerage Firm with incoming No Fv-27-525 of 6.12.2019, received at 10:09 a.m.;
2. Tender No 2 of Marilyn Wilson – Dream Properties Inc. Brokerage Firm with incoming No Fv-27-528 of 6.12.2019, received at 16:35 a.m.

After conducting the above activities, the panel proceeded to implement Article 97(3) of the IRPPA, confirmed that the packages submitted by the tenderers were non-transparent and that their integrity was intact, opened the tenders in the order of their receipt and announced the price proposals of the tenderers, as follows:

1. **Worldcrest Realty Inc. Brokerage Firm**

Proposes to perform the public procurement contract for a total price of 3.5 % (commission) and CAD 2,225,000 (minimum sale price determined by the brokerage firm). For information, the minimum price set by the contracting authority amounts to CAD 1,684,000.

1. **Marilyn Wilson – Dream Properties Inc. Brokerage Firm**

Proposes to perform the public procurement contract for a total price of 2.9 % (commission) and CAD 1,684,000 (minimum sale price determined by the brokerage firm). For information, the minimum price set by the contracting authority amounts to CAD 1,684,000.

After the above activities were completed, the public session of the panel was concluded.

The panel continued its session *in camera*, by proceeding to review the tenders with a view to checking the documents contained in them for conformity with the requirements of the contracting authority indicated in the notice. The following was established as a result of the checks:

1. **The tender of Worldcrest Realty Inc. Brokerage Firm contains the following:**
2. Administrative details of the tenderer – Standard Form No 1;
3. A declaration under Article 54(2) of the PPA – Standard Form No 2;
4. Declaration under subparagraphs 1, 2 and 7 of Article 54(1) of the PPA – Standard Form No 3;
5. Declaration of the circumstances set out in subparagraphs 3 to 6 of Article 54(1) of the PPA – Standard form No 4;
6. Declaration under Article 3(8) and Article 4 of the Economic and Financial Relations with Companies Registered in Preferential Tax Regime Jurisdictions, the Persons Controlled Thereby and their Beneficial Owners Act – Standard form No 5;
7. List of the services with subject and scope similar to the subject and scope of the public procurement, provided by the tenderer during the last three years prior to the date of submission of the tender – Standard form No 6;
8. Technical Tender for implementation of the public procurement contract – Standard Form No 7;
9. Price proposal – Standard Form No 8;
10. Declaration of agreement to participate as a subcontractor – Standard Form No 9;
11. Declaration under Article 66(1) of the PPA – Standard Form No 10;
12. Declaration concerning visual examination of the property – Standard Form No 11;
13. Request for visual examination of the property – Standard Form No 12;
14. Draft Public Procurement Contract
15. **When examining the selection documents contained in the tender of the tenderer Worldcrest Realty Inc. Brokerage Firm, the panel found the following:**

In the course of examining the documents contained in the tenderer’s package in view of the requirements of the contracting authority set out in the Public Procurement Notice and in the Instructions for Participation, together with the Annexes thereto, the panel found the following:

- The tender of Worldcrest Realty Inc. Brokerage Firm offers a commission of 3.5 % and an estimated selling price of the property of CAD 2,225,000.

- The documentation submitted by the tenderer does not contain, as part of the Technical Tender, the following important elements required by the contracting authority:

1. Advertising and offering of the property;
2. Analysis of the condition of the property;
3. Photographic survey of the property;
4. Proposal for posting the advertisement of the property on several websites;
5. Standard documents for completing the sale;
6. Market analysis of the area by location of the property;
7. Description of the overall process of performing the contract.

- The following documents provided for in the requirements for the preparation and submission of the tender are missing:

1. Declaration in free text certifying that the tenderer holds a valid license to engage in real estate brokerage activities.

The panel agreed that there were circumstances that justified the disqualification of the tenderer Worldcrest Realty Inc. Brokerage Firm in accordance with subparagraph 1 and subparagraph 2(a) of Article 107 of the PPA and Section III, point 2.3 of the Instructions for Participation and Notice with ref. No 55-18-135 of 12.11.2019, as the tenderer had not fulfilled a condition specified in the instructions for participation and had submitted a tender that does not meet the pre-announced conditions for the performance of the contract, and therefore DID NOT admit the tenderer to evaluation.

In pursuance of its legal obligations to examine in detail the documentation submitted, the panel also noted the following:

Even if there were no grounds for disqualifying the tenderer Worldcrest Realty Inc. Brokerage Firm in accordance with subparagraph 1 and subparagraph 2(a) of Article 107 of the PPA and Section III, point 2.3 of the Instructions for Participation and Notice with ref. No 55-18-135 of 12.11.2019, the amount of the commission the tenderer offered was not the economically most advantageous and did not meet the criterion set out in Article 70(2)(1) of the PPA. In view of this, even if, considering the findings of deficiencies and inconsistencies, the panel were to apply Article 97(5) of the Implementing Regulations of the PPA and to require that the tenderer remedy the deficiencies and inconsistencies in its tender, the conclusion concerning the most advantageous tender would not be different because the elimination or failure to eliminate the inconsistencies would not affect the financial parameters proposed by that tenderer. On the other hand, the responsibility for the preparation of the Technical Tender lies with the tenderer, and allowing the completion of missing particulars in view of the requirements of the contracting authority set out in the technical specification for the execution of the public procurement contract would lead to modifications of the technical tender; according to Article 104(5) of the PPA such modifications are inadmissible.

1. **The tender of Marilyn Wilson – Dream Properties Inc. Brokerage Firm contains the following:**
2. Administrative details of the tenderer – Standard Form No 1;
3. A declaration under Article 54(2) of the PPA – Standard Form No 2;
4. Declaration under subparagraphs 1, 2 and 7 of Article 54(1) of the PPA – Standard Form No 3;
5. Declaration of the circumstances set out in subparagraphs 3 to 6 of Article 54(1) of the PPA – Standard form No 4;
6. Declaration under Article 3(8) and Article 4 of the Economic and Financial Relations with Companies Registered in Preferential Tax Regime Jurisdictions, the Persons Controlled Thereby and their Beneficial Owners Act – Standard form No 5;
7. List of the services with subject and scope similar to the subject and scope of the public procurement, provided by the tenderer during the last three years prior to the date of submission of the tender – Standard form No 6;
8. Technical Tender for implementation of the public procurement contract – Standard Form No 7;
9. Price proposal – Standard Form No 8;
10. Declaration of agreement to participate as a subcontractor – Standard Form No 9;
11. Declaration under Article 66(1) of the PPA – Standard Form No 10;
12. Declaration concerning visual examination of the property – Standard Form No 11;
13. Request for visual examination of the property – Standard Form No 12;
14. Draft Public Procurement Contract

The documentation submitted by the tenderer contains, as part of the Technical Tender, the following important elements required by the contracting authority:

1. Advertising and offering of the property;
2. Analysis of the condition of the property;
3. Photographic survey of the property;
4. Proposal for posting the advertisement of the property on several websites;
5. Standard documents for completing the sale;
6. Market analysis of the area by location of the property;
7. Description of the overall process of performing the contract.

The tenderer has submitted a copy of a valid license to engage in real estate brokerage activities.

1. When examining the selection documents contained in the tender of the tenderer Marilyn Wilson – Dream Properties Inc. Brokerage Firm, the panel found the following:

The tenderer has submitted, completed and drawn up all documents required according to the public procurement documentation. The tenderer meets the requirements for personal status and the selection criteria set by the contracting authority.

The panel acknowledged that there were no circumstances that warranted the disqualification of the tenderer Marilyn Wilson – Dream Properties Inc. Brokerage Firm in accordance with Article 107, Article 54 and Article 55 of the PPA and Section III, point 2 of the Instructions for Participation and Notice with ref. No 55-18-135 of 12.11.2019, and therefore admitted the tenderer to consideration of its Technical Tender.

After examining the Technical Tender of the tenderer Marilyn Wilson – Dream Properties Inc. Brokerage Firm, the panel found that the Technical Tender was prepared according to the approved model in the procurement documentation. The tenderer has proposed to implement the procurement contract in accordance with the technical specifications and the requirements of the contracting authority.

In view of the findings above, the panel decided unanimously that the tenderer has submitted a Technical Tender for the implementation of the public procurement contract that meets the requirements of the contracting authority and therefore admitted Marilyn Wilson – Dream Properties Inc. Brokerage Firm to evaluation.

During its session *in camera*, the panel reached the following logically justified and lawful decision:

Due to the fact that the tenderer admitted to evaluation is the only tenderer and that the tender submitted by said tenderer meets the requirements of the contracting authority, the panel ranks first the tender of Marilyn Wilson – Dream Properties Inc. Brokerage Firm and proposes to the contracting authority to appoint as a contractor of the public procurement contract under Article 20(7)(2) of the PPA the tenderer ranked first: Marilyn Wilson – Dream Properties Inc. Brokerage Firm with registered office and address at 266 Beechwood Avenue, Ottawa, ON K1L 8A6, which offered a total price of 2.9 % (commission) and CAD 1,684,000 (minimum sale price determined by the brokerage firm).

Upon performance of the above actions, the panel concluded its proceedings at 4:53 p.m. on 17 December 2019.

On the grounds of Article 97(4) of the IRPPA, these Minutes of the proceedings of the panel shall be transmitted to the contracting authority for approval.

CHAIRPERSON:

*[Signature]*

MEMBERS:

1. *[Signature]*

2. *[Signature]*