

PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA)

GUIDELINES FOR PROCUREMENT OF GOODS OR SERVICES DIRECTLY FROM MANUFACTURERS, SERVICE PROVIDERS, OR AUTHORIZED DEALERS, 2025

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Effective date: 8TH May, 2025

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GUIDELINES FOR PROCUREMENT OF GOODS OR SERVICES DIRECTLY FROM MANUFACTURERS, SERVICE PROVIDERS, OR AUTHORIZED DEALERS, 2025

Approved byBoard of Directors

TitleDirector General

Signature

Date 7th May, 2025

Issued by:

Director General,
Public Procurement Regulatory Authority,
Tambukareli Dodoma,
3 Ununuzi Street,
P. O. Box 2865,
41104 Dodoma,
TANZANIA

Email Address: dg@ppra.go.tz Phone: +255 (0) 26 296 3854 Website: https://www.ppra.go.tz

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ABBREVIATIONS AND ACRONYMS

Cap - Chapter

G.N. - Government Notice

NeST - National Electronic Procurement System of Tanzania

PEs - Procuring Entities

PPA - Public Procurement Act, Cap 410

PPR - Public Procurement Regulation, G.N. 518 of 2024

PPRA - Public Procurement Regulatory Authority

DOCUMENT VERSION CONTROL

Name of the Document	Guidelines for Procurement of Goods or Services Direct from Manufacturers, Service Providers, or Authorized Dealers.
Version	Second Release, January 2025
Document Number	PPRA/PSCD/PSS/25/03
Responsibility	Management, PE
Developed by	Management
2 nd Approval (Second Issue)	Board, May, 2025
Applicability	Tender Board, PMU and Management
Purpose	The purpose of these Guidelines is to guide Procuring Entities when procuring goods or services directly from manufacturers, service providers, or authorized dealers to ensure that they obtain the best value for money, and promote transparency, fairness, and competition in the procurement process.
It is part of	Public Procurement Guidelines
Related Documents	PPA, CAP 410, PPR, GN 518 of 2024,
Distribution	Board, Management, PEs, and Tenderers

1. Background	PART I: INTRODUCTION 1.1. Pursuant to Section 78 of Public Procurement Act Cap 410, a PE shall, to obtain value for money in terms of price, quality, and delivery, procure goods or services directly from a manufacturer, service provider or authorized dealer or service provider.
	1.2. Section 130 of the Public Procurement Act has mandated the Authority to issue guidelines from time to time for the better carrying out of its objectives or any functions under the Act.
	1.3. Procurement direct from a manufacturer, service provider, or authorized dealer refers to the process of buying goods or services directly from the source of production or its authorized dealers. In order for PEs to save costs, negotiate better prices, and ensure quality control, it necessitated the introduction of a procurement approach direct from the manufacturer, service provider or authorized dealer.
	 1.4. When considering procurement direct from manufacturers, dealers or service providers, procuring entities should; i) Assess the quality of their products or services; ii) Negotiate favorable terms and conditions; and iii) Consider factors such as logistics, lead times, contract securities, warranties, payment terms and after-sales services to ensure a smooth and efficient procurement process.
	1.5. These Guidelines allow for procurement directly from manufacturers, service providers or authorized dealers, if the procurement approach is more advantageous for the PE to procure:
	(a) bulk quantities of goods; and (b) Specialized products or services where the number of suppliers or service providers is limited.
	1.6. Goods to be procured from manufacturers, dealers or service providers should be bundled into bulk requirements, so as to take full advantage of the benefits offered by combining 5 വരുമുടെ paukagesectly from Manufacturers

	PART II: PRELIMINARY
2. Short Title	2.1 These Guidelines shall be cited as the Guidelines for the Procurement of Goods or Services directly from Manufacturers, Service Providers or Authorized Dealers.
3. Purpose of the Guideline	3.1 The purpose of these Guidelines is to guide Procuring Entities when procuring goods or services directly from manufacturers, service providers, or authorized dealers to ensure that they obtain the best value for money, and promote transparency, fairness, and competition in the procurement process.
4. Application of the Guidelines	4.1 These Guidelines shall be applied by PEs as an approach to enhance efficiency when procuring goods and services directly from the manufacturer, service providers or authorized dealers.
ώ¢.	4.2 All PEs conducting procurement directly from manufacturers, service providers or authorized dealers shall abide with these Guidelines. Non-compliance during its execution will not be condoned/excused and therefore, will be subjected to measures provided for under the procurement laws and other relevant laws of Tanzania.
	4.3 Where the interpretation of any provision of these Guidelines conveys a meaning contrary to Public Procurement Act, Cap 410 and its Regulations, the provisions of such Act and Regulation shall prevail and its interpretation shall be final and conclusive.
5. Definitions	5.1 In these Guidelines, unless the context requires otherwise:
	"Authority" means "the Public Procurement Regulatory Authority;
	"Act" means the Public Procurement Act, Cap 410;
	"Advance Payment" This is a partial payment made before the commencement of a service or the delivery of goods;
	"Authorized Dealer" means a dealer or agent that is allowed to sell the manufacturer's products, equipment and/or provide services whose Tender to perform the contract has been accepted by the purchaser and is named as such in a contract; 6 Guidelines for Procurement of Goods or Sevices Directly from Manufacturers

"Electronic public procurement system" means a system developed, hosted and operated by the Authority to enable a procuring entity to carry out procurement and supply functions electronically;

"Goods" means raw materials, products, equipment and other physical objects of every kind and description, whether in solid, liquid or gaseous form, electricity, intangible asset and intellectual property, as well as services incidental to the supply of the goods provided that the value of the services does not exceed the value of the goods themselves;

"Government" means the Government of United Republic of Tanzania:

"Manufacturer" means the individual private or government entity or combination of the above and the original producer of goods or equipment who's tender to perform the contract has been accepted by the purchaser and is named as such in the Contract;

"Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any goods, works or services by a procuring entity and includes all functions that pertain to the obtaining of any goods, works or services, including description of requirements, selection and invitation of tenderers, preparation, award and management of contracts;

"Performance Securing Declaration" means a security by way of declaration provided by the successful tenderer to the procuring entity with the aim of guaranteeing faithful performance of contractual obligations, whose violation resulting from the tenderer's failure to complete its obligations or breach of contractual terms under the contract shall be subjected to debarment procedures by the Authority as provided for under Section 72 of Public Procurement Act, Cap 410;

"Service provider" means the original Manufacturer providing after-sales services or authorized dealers of Manufacturers providing after-sales services or the only service provider with exclusive rights in providing specialized services;

"Public funds" means monetary resources appropriated to

procuring entities through budgetary processes, including the Consolidated Fund, grants, loans and credits put at the disposal of the procuring entities by local or foreign donors and revenues generated by the procuring entities;

"Public officer" or "officer" means-

- (a) Any person holding or acting in an office of emolument in the public service;
- (b) A person holding or acting in the office of a Minister in the Government;
- (c) An employee of any corporation referred to in the definition of public body or public authority; or
- (d) A person who has been a public officer;

"Regulations" means the Public Procurement Regulations, G.N 518 of 2024;

"Services" means both consultancy and non-consultancy services;

"Specification" means a description of any commodity or works by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics or to any substance or material of, or with which, or the manner in which, any commodity or works may be manufactured, produced, processed, treated, built or installed;

"Successful tender" means a tender evaluated and selected by the procuring entity as-

- (a) offering the lowest evaluated cost and has the capacity and capability to execute the contract, in case the method of procurement used was competitive tendering;
- (b) being the most responsive to the needs of the procuring entity where procurement used was competitive quotations, single source procurement, competitive selection or where goods or services of minor value were procured; or the highest evaluated price;

"Supplier" means company, corporation, organization, partnership or individual person supplying goods or services, hiring equipment or providing transport services and who is, according to the contract, a potential party or the party to a procurement contract

with the procuring entity; "Sustainable Public Procurement" means a process whereby organizations meet their need for goods, services and utilities in a way that achieves value for money on a whole-life basis in terms of generating benefits not only to the organization, but also to society and the economy, while minimizing damage to the environment. "Tender" means an offer, proposal or quotation made by a supplier, contractor or consultant in response to a request by a procuring entity; "Tender Securing Declaration" means a security by way of declaration provided by a manufacturer, service provider or authorized dealers under these Guidelines; "Tender document" means a written or electronic document or request for proposal inviting tenderers to participate in procuring or disposal by tender proceeding and includes document inviting potential tenderer for pre-qualification; "Tenderer" means any natural or legal person or group of such persons participating or intending to participate in procurement proceeding with a view to submitting a tender in order to conclude a contract and includes a supplier, contractor service provider or asset buver: "Upfront Payment" This refers to the full or partial payment made at the beginning of a transaction or agreement, often before any goods or services are delivered; and "Value for money" means the maximum benefit from goods or services procured with the resources available worth the cost incurred. PART III: GENERAL PRINCIPLES

- Basic Principles of Public Procurement
- 6.1 Public Procurement Act Cap 410 and its Regulations provide the legal framework for public procurement. The Act and Regulations outline the rules and procedures that must be followed by public entities when procuring goods, works, and services;
- 6.2 Procuring entities are required to follow procurement procedures when procuring goods or services, including invitation to tender, receiving and evaluating bids, obtaining necessary approvals and
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awarding the contract to the successful manufacturer, service provider, or authorized dealer. 6.3 The Act and Regulations also require that public entities ensure that the goods procured meet the required quality standards. 6.4 Overall, procuring goods or services directly from manufacturers, service providers or authorized dealers can be a cost-effective and efficient way to obtain quality goods and services. These principles will help in ensuring a successful procurement process. 7. Registration of 7.1 In order to participate in the procurement processes, both foreign Manufacturers. and local Manufacturers, service providers or authorized dealers service providers with necessary eligibility requirements as per their registration or authorized categories shall do self-registration in the electronic public dealers in the procurement system by providing necessary information as electronic public required by the system. procurement system 7.2 In registering in the electronic public procurement system, a Manufacturer, service provider or authorized dealer shall indicate in the system his business category ie. whether he is a manufacturer or an authorized dealer or a service provider who provides after-sales services or specialized services, and shall provide relevant evidences to support his registration category. 7.3 During registration in the electronic public procurement system, Manufacturers, service providers or authorized dealers shall pay a registration fee at the rate provided under the First schedule of Regulations. 7.4 Under exceptional circumstances, where the manufacturer, service provider or an authorized dealer is unable to register in the electronic public procurement system, PE that intends to obtain goods or services from the manufacturer, service provider or authorized dealer shall submit to the Authority a request for special registration of manufacturer, service provider or an authorized dealer using the special form provided under Fourth Schedules of these Guidelines. PART IV: PROCUREMENT PROCEDURES 8.1 When procuring goods or services directly from manufacturers, 8. Preliminary Issues dealers, or service providers there are several issues to be considered by PEs that can ensure a successful outcome:

<u> </u>		
	i)	to ensure goods or services to be procured directly from the Manufacturers, service providers or authorized dealers were included in the Annual Procurement Plan;
	ii)	Before procurement, ensure the goods or services to be procured meet the standards and specifications established by the relevant authority, unless otherwise
	iii)	not specified; The need for after-sales services and the entire product life cycle is considered when procuring products or services and warranties are provided;
	iv)	Identify the manufacturers by conducting market analysis to identify potential manufacturers, dealers or service providers that produce or provide the goods or service required;
	v)	Identify and manage risks such as supply chain disruptions (i.e. uncertain lead-time, extreme weather, and political uncertainty) and other risks such as quality issues, or unexpected costs;
	vi)	Evaluate performance to ensure that, the procurement process is successful and that the quality of the goods or services is maintained over time;
	∨ii)	Ensure that manufacturers, dealers, or service providers, comply with all relevant regulations and standards, such as safety, environmental, and labor standards;
	viii) ix)	Transfer of technology (for plants and equipment); and Consideration for Industrial localization
9. Procurement from authorized dealers	procurin exclusiv 9.2 PE sha	uring goods or services from authorised dealers, the g entity may invite tenders from authorized dealer that has ve rights from the original manufacturers. Il state in the tender documents the required technical autions of authorized dealers.
10. Shortlist of Manufacturers, service providers or authorized	10.1 Proc	uring entities may prepare a shortlist of Manufacturers, ce providers or authorized dealers using the procedures ded in the Regulations.
dealers	contr	uring entities may enter into open or closed framework racts with shortlisted manufacturers, service providers or brised dealers for the supply of goods or services.
	conti deale	uring entities shall make use of existing framework racts with manufacturers, service providers or authorised ers wherever appropriate to provide an efficient, cost

	effective and flexible means to procure goods and services that are required repeatedly or continuously over a set period of time.
11.Procurement procedures	11.1 PE may procure goods and services direct from the manufacturer, service provider or authorized dealer by using standard tendering documents for procurement of goods and services direct from the manufacturer, service provider or authorised dealer issued by the Authority.
	11.2 Where more than one manufacturer, Service provider or authorised dealer is available, PE shall invite tenders or quotations from each available manufacturer, service provider or authorised dealers.
	11.3 The PEs shall ensure that all conditions and procedures pertaining to the choice of the above methods of procurement are adhered as prescribed under the Public Procurement Regulations.
No. a	11.4 Where terms and conditions provided by the manufacturer, service provider or authorised dealer differ with those provided by the PE, such PE may seek legal guidance of the Office of the Attorney General.
12. Manufacturers, service providers or authorised dealers who are not willing to use the electronic procurement system	12.1 In case there is a need to procure goods or services from a local or foreign manufacturer, service provider or authorised dealer who is not willing to use the Electronic Procurement System, the procuring entity through the electronic Procurement System will be able to send an email requesting the respective manufacturer, service provider or authorised dealer to fill the tendering documents and their response will be received through the electronic Procurement System.
	12.2 After receiving the response from the manufacturer, service provider or authorised dealer, the procuring entity shall proceed with the normal procurement process including, evaluating the submitted offer, obtaining necessary approvals, negotiations, if necessary, post qualifications where applicable and awarding of contract.
	12.3 A manufacturer, service provider or authorised dealer who is submitting an offer in response to an email sent to him by the procuring entity shall not be subjected to payment of the tender participation fee.
13. Post qualification	13.1 Procuring entities may conduct post qualification to

	determine whether the Manufacturers, service providers or authorised dealers has the legal capacity, capability, and resources to carry out the contract.
13.2	Post qualification for foreign Manufacturers, service providers or authorised dealers shall be conducted by Tanzania Diplomatic Missions Abroad or experts from the respective procuring entity.
or au techno arrano moda	nay be required to negotiate with Manufacturer, Service Provider athorised dealer on different aspects such as transfer of clogy, intellectual property, specifications, price, payment gements, amendment of Terms and Conditions of the contract, lity and period of delivery, after-sales services and any other as parties to the contract may deem it necessary.
15.1	Procuring entities shall determine the type of tender security to be submitted by manufacturers, service providers or authorised dealers.
15.2	All tenders shall be accompanied by a tender security or a tender securing declaration in the format provided in the Tendering Document.
15.3	Tender Security shall be in the form of Bank Guarantee issued by a reputable Bank, Insurance Bond issued by a reputable insurance company or a tender securing declaration.
15.4	Tender Securing Declaration shall be submitted in a format prescribed in the Standard Tender Documents (STDs);
15.5	Procuring entities shall ensure that submitted tender securities are verified of its authenticity and validity.
15.6	For the purposes of these Guidelines, confirmation to ascertain whether a bank is reputable shall be done by the Bank of Tanzania
16.1	Procuring entities shall determine the type of performance security to be submitted by manufacturers, service providers or authorised dealers.
16.2	The Performance Security shall be in any of the following forms:
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	(a)	Irrevocable letter of credit issued by a reputable commercial bank or in the case of an irrevocable letter of credit issued by a foreign bank, the letter shall be confirmed or authenticated by a reputable local bank;
	(b)	Bank Guarantee confirmed by a reputable local bank or, in the case of a successful foreign Tenderer, bonded by a foreign bank;
	(c)	Surety Bond issued by any reputable surety or Insurance company; or
	(d)	Performance securing declaration.
	16.3	Performance Securing Declaration shall be submitted in a format prescribed in the Standard Tender Documents (STDs);
	16.4	Procuring entities shall ensure that submitted performance securities are verified of its authenticity and validity.
17.Advance payments	17.1	If so required and stated in the Procurement Contract and after the signing of the contract, the manufacturer, service provider, or authorised dealers shall submit to the Procuring Entity a request for advance payments in the format provided in the tendering documents.
	17.2	The Advance Payment amount shall not be above that which is prescribed in the contract documents, but in any case, shall not exceed thirty percent of the contract value.
	17.3	Any advance payments over thirty percent shall be made after the approval of the Authority.
	17.4	Advance payment shall only be granted by the Procuring Entity upon receipt of Advance Payment Bank Guarantee from a reputable bank.
18.Payments	18.1	Modalities of payments direct from Manufacturer, service provider or authorised dealer shall depend upon negotiation and agreed on Terms and Conditions of the contract.
	18.2	Upfront payment to foreign manufacturers, service providers or

authorised dealers of any percentage of the contract price shall be made by the procuring entity through a letter of credit as a default method of payment or upon receipt by the procuring entity of one of the following documents:

- (a) Commitment letter from the Embassy in Tanzania of the country of the foreign Manufacturer, service provider or authorised dealer; or
- (b) Bank Guarantee from a reputable bank or
- (c) Insurance Bonds from a reputable insurer.
- 18.3 Upfront payment to local manufacturers, service providers or authorised dealers of any percentage of the contract price shall be made by the procuring entity through a letter of credit as a default method of payment or upon receipt by the procuring entity of one of the following documents:
 - (a) Bank Guarantee from a reputable bank or
 - (b) Insurance Bonds from a reputable insurer;
- 18.4 More information on payment methods and conditions are specified on the Standard Tendering Documents for the procurement of goods or services directly from Manufacturers, dealer or service providers.

PART V: PROCUREMENT TO MANUFACTURER, SERVICE PROVIDER OR AUTHORISED DEALER PORTAL

- 19. Procurement via manufacturer, service provider or authorised dealer's Portal
- 19.1. Where a foreign manufacturer, service provider or authorised dealer is not willing to participate in the tender process through the electronic public procurement system and has a condition that procurement of goods or services should be done through his portal, procuring entities shall comply with the following conditions:
 - (a) In each financial year, the procuring entity shall prepare the list of tenders for goods and services that will be procured through a manufacturer, service provider or authorised dealer's Portal and submit to the Authority for approval;
 - (b) The request for approval by the procuring entity shall be done at the start of the financial year and the approval by the Authority shall be against the list of

	specific tenders submitted to the Authority and the approval shall be valid only for the respective financial year;
	(c) Applications to the Authority for approval shall be submitted using the format prescribed in First Schedule to these these Guidelines; and
	(d) In procuring goods or services via manufacturer, service provider or authorised dealer's Portal, the procuring entity shall ensure that necessary procurement procedures are adhered to including obtaining all necessary approvals.
	19.2. After awarding of contract, the procuring entity shall within seven (7) working days upload in the electronic public procurement system all records of the tender process in a format provided in Second Schedules of these Guidelines
	19.3. After completion of contract implementation, the procuring entity shall within 14 working days upload in the electronic public procurement system all records of contract implementation in a format provided in Third Schedules of these Guidelines.
	19.4. Procurement of goods or services via foreign manufacturer's, service provider's or authorised dealer's Portal shall only be applicable where there is no alternative manufacturer, service provider or authorised dealer whom the procurement process can be done through the electronic public procurement system.
20. Review of the Guideline	The Guidelines shall be reviewed after the period of three years or when need arises.
21.Repeal of previous Guideines	The Guidelines for Procurement of Goods or Services direct from Manufacturers, Service Providers or Authorised Dealers, Version No. PPRA: GL/10/2023/MSD of October, 20243 are hereby repealed and replaced with these Guidelines.

SCHEDULES

Schedule 1: Request for approval of procurement via manufacturer /service provider or authorised dealer's portal

(Made under paragraph 19.1 (c))

[For Approval by the Authority]

Name of the Procuring Entity: [insert name of Procuring Entity (PE)]

Financial year: (Insert Financial year)

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No	Tender No	Tender Description	Quantity required (Where applicable)	Planned Value	Method of Procureme nt to be used	Name of manufacturer /Service provider/Aut horised dealer	Planned date to initiate the procurement process
	,						

I hereby submit the Request for your consideration

Account	ing Officer	
Signature	9;	100A181-110
Name:		. **************
Date:		,
Stamp		

{Decision by the Authority}

The procurement via manufacturer/service provider /authorised dealer's portal has been or has not been approved

Director of monitoring and compliance	Chief executive officer
The request is recommended or is not recommended for approval.	The request is or is not been approved.
Signature:	Signature:
Name:	Name:
Date:	Date:
Stamp	Stamp

Schedule 2: Format for uploading in NeST records on tender process

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ess of the						1	
winner Pre bid estimated amount		Contract Amount					
		RMS/TE					
I					Reasons for non Award of contract		
	ender figure		l ender figure		Award of contract		
				AMARIA Are			
	DETAILS	OF PRE	TENDER CLARI	FICATIONS (If any)			
Name bidder						of issue ications	
ETENDED	COMPLAIN	ITS DEC	EIVED (If any)				
				Mas the complaint	tyolid or	Date of	
				not	t vallu oi	communication of the decision by the Accounting Officer	
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Note; Pursuant to Section 60(12) of PPA No; 7 of 2011 this report shall be submitted to the Authority within 5 days from the date of award of contract.

Schedule 3: Format for uploading in Nest records on contract implementation

(Made under paragraph 19.3) PUBLIC PROCUREMENT REGULATORY AUTHORITY CONTRACT IMPLEMENTATION REPORTING FORM ON PROCUREMENT VIA MANUFACTURER, SERVICE PROVIDER OR AUTHORISED DEALER'S PORTAL Name of Procuring Entity Contract number Contract description Name and address of the manufacturer/Authorised dealer or Service Provider DETAILS OF CONTRACT IMPLEMENTATION Start date Completion date Tender award amount Final contract amount Original completion/delivery Final completion/delivery period period Reason for difference in tender award amount and final Contract amount (If any) Reason for delayed completion/delivery period (If any) Statement as to whether the contract was implemented asper the contract require mentor not DETAILS OF APPROVED VARIATIONS (If any) Variation No: Date of Approval Amount Duration Description and reasons for the variation date variation DETAILS OF APPROVED CONTRACT CLAIMS (If any) Claim No: Date of claim Amount Duration Description and reasons for the claim **DETAILS OF LIQUIDATED DAMAGES (If any)** Rate Duration Total amount **DETAILS OF DELAYED PAYMENTS (If any)** Certificate/Invoice Amount Delayed duration Interest rate Interest amount No; Prepared By: Name Date___(Head of Procurement Management Unit) Signature Authorised by: Name Signature__ Date (Accounting Officer) Note; Pursuant to Regulation 20(3) of GN No; 446 this report shall be submitted to the Authority with in five (5) days from the date of completion of the contract.

FOURTH SCHEDULE

PE LOGO

SPECIAL MANUFACTURE OR SERVICE PROVIDER REGISTRATION FORM

(To be filled by Procuring Entity)

Information required for registration of special manufacturers or service providers who are to be registered in NeST by PPRA:

A: PROCURING ENTITY DETAILS					
1.	Procuring Entity Name:				
B: MANUFACTURES OR SERVICE PROVIDERS DETAILS					
1.	Manufactures or Service				
	Provider Name:				
2.	Name of Executive Leader:				
3.	Phone Number (start with				
	country code):				
4.	Country of Operation:				
5.	Physical Address of the				
	Manufacturer:				
6.	Postal Address:				
7.	Email:				
8.	Website:				
9.	Business Lines to be				
	assigned:				

NOTE:

PPRA finalizes the registration process upon receiving the request from the respective Procuring Entity.