INTERNATIONAL STANDARD

ISO 10845-4

Second edition
2021-07

Construction procurement —

Part 4: Standard conditions for the calling for expressions of interest

Marchés de construction —

Partie 4: Conditions-types normalisées pour appel aux parties intéressées

Reference number
ISO 10845-4:2021(E)

© ISO 2021



COPYRIGHT PROTECTED DOCUMENT

© ISO 2021

All rights reserved. Unless otherwise specified, or required in the context of its implementation, no part of this publication may be reproduced or utilized otherwise in any form or by any means, electronic or mechanical, including photocopying, or posting on the internet or an intranet, without prior written permission. Permission can be requested from either ISO at the address below or ISO's member body in the country of the requester.

ISO copyright office
CP 401 • Ch. de Blandonnet 8
CH-1214 Vernier, Geneva
Phone: +41 22 749 01 11
Email: copyright@iso.org
Website: www.iso.org

Published in Switzerland

Contents

Page

Foreword ... **iv**
Introduction ... **v**
1 Scope ... **1**
2 Normative references ... **1**
3 Terms and definitions ... **1**
4 General requirements ... **3**
4.1 Actions ... 3
4.2 Supporting documents ... 3
4.3 Interpretation ... 3
4.4 Communication and employer's agent ... 3
5 Respondent's obligations ... **3**
5.1 Eligibility ... 3
5.2 Cost of submissions ... 4
5.3 Checking documents ... 4
5.4 Acknowledging addenda ... 4
5.5 Clarification meetings ... 4
5.6 Seeking clarification ... 4
5.7 Making a submission ... 4
5.8 Information and data to be completed ... 4
5.9 Closing time ... 4
5.10 Clarification of submission ... 5
6 Employer's undertakings ... **5**
6.1 Responding to clarification ... 5
6.2 Issuing addenda ... 5
6.3 Late submissions ... 5
6.4 Opening of submissions ... 5
6.5 Non-disclosure ... 5
6.6 Grounds for rejection and disqualification ... 5
6.7 Test for responsiveness ... 5
6.8 Non-responsive submissions ... 6
6.9 Evaluation of responsive submissions ... 6
6.10 Providing written reasons for actions taken ... 6
Annex A (informative) **Commentary** ... **7**
Annex B (informative) **Submission data** ... **14**
Annex C (informative) **Evaluating expressions of interest** ... **18**
Annex D (informative) **Evaluation reports** ... **20**
Bibliography ... **22**

© ISO 2021 – All rights reserved

Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT), see www.iso.org/iso/foreword.html.

This document was prepared by Technical Committee ISO/TC 59, *Buildings and civil engineering works*, Subcommittee SC 18, *Construction procurement*.

This second edition cancels and replaces the first edition (ISO 10845-4:2011), which has been technically revised.

The main changes compared to the previous edition are as follows:

— definitions and parts of the text have been updated and aligned with other parts of the ISO 10845 series to ensure consistency in concepts and terms;

— an informative annex on the formulation of evaluation reports has been added.

A list of all parts in the ISO 10845 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

© ISO 2021 – All rights reserved

Introduction

Procurement is the process which creates, manages and fulfils contracts. There are accordingly three phases to the procurement process associated with the delivery and maintenance of construction works, namely:

— a planning phase during which decisions are made as to what, where and when goods and services are required, how the market is to be approached and what is the number, type, nature and timing of the required contracts;

— an acquisition phase during which contracts are entered into following the execution of a selection procedure; and

— a contract management (or contract administration) phase during which compliance with requirements, changes in requirements and risk events which manifest during the execution of contracts are managed.

Expressions of interest form part of the acquisition phase and are used to request potential tenderers to register their interest in undertaking a specific contract or to participate in a project or programme and to submit their credentials so that they can be invited to submit a tender offer should they qualify or be selected to do so. Conditions for the calling for expressions of interest are required to establish procedures from the time that expressions of interest are called for to the time that respondents are invited to submit tender offers or are admitted to a database. Such conditions document the procedures, the manner in which those engaged in these processes are to behave, the obligations of the respondent, and the undertakings of the employer.

Calls for expressions of interest are associated with the use of the nominated and qualified selection methods as described in ISO 10845-1 in order to admit respondents to an electronic database or shortlist of pre-qualified tenderers (or both) so that they can be invited to submit tender offers in respect of a particular procurement, respectively.

Calls for expressions of interest, when used to pre-qualify or shortlist tenderers, provide the market with an advance warning of a tendering opportunity and reduce unnecessary abortive costs in processing and preparing tenders offers. They can also be used to:

a) give the employer time to finalize the procurement documents and eliminate the need for advertising tenders as only those tenderers who are shortlisted are invited to submit tender offers;

b) ensure that tenders are only invited from tenderers who potentially have the necessary capabilities and capacities to perform the contract;

c) ensure that a limited number of respondents are invited to submit tender offers (usually not less than three), where the evaluation of tender submissions is resource intensive or to make the procurement more attractive to potential tenderers due to the demands made on tenderers during the tender process in preparing a submission; or

d) allow capability and capacity to deliver the required goods, services and construction works to be evaluated in two stages or to be omitted in the evaluation of tender offers.

Annex A contains guidance on the application of this document and suggestions on good practice. Annex B provides guidance on how to develop the submission data for a call for expressions of interest using this document. Annexes C and D offer guidance on the evaluation of expressions of interest and the structuring of evaluation reports, respectively.

ISO 10845-2 establishes the manner in which calls for expressions of interest should be formatted and compiled. The standard conditions contained in this document can, by reference, be readily incorporated in procurement documents formatted and compiled in accordance with the provisions of ISO 10845-2.

© ISO 2021 – All rights reserved

This document is part of the ISO 10845 series which covers various aspects of procurement within the construction industry. Each part of the ISO 10845 series relates to a different aspect of procurement. The objective of the ISO 10845 series is to provide a generic and standard set of processes, procedures and methods for a procurement system that is fair, equitable, transparent, competitive and cost-effective and which can be used to promote objectives additional to those associated with the immediate objective of the procurement itself.

© ISO 2021 – All rights reserved

Construction procurement —

Part 4:
Standard conditions for the calling for expressions of interest

1 Scope

This document sets out standard conditions for the calling for expressions of interest which

a) bind the employer and respondent to behave in a particular manner,

b) establish what is required for a respondent to submit a compliant submission,

c) make known to respondents the evaluation criteria, and

d) establish the manner in which the employer conducts the process of calling for expressions of interest.

This document is intended for use in procurements relating to goods, services and construction works and certain disposals other than by auction.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminology databases for use in standardization at the following addresses:

— ISO Online browsing platform: available at https://www.iso.org/obp

— IEC Electropedia: available at https://www.electropedia.org/

3.1
conflict of interest
situation where business, financial, family, political or personal interests could interfere with the judgment of persons in carrying out their duties for the *organization* (3.7)

[SOURCE: ISO 37001:2016, 3.29]

3.2
corrupt practice
offering, giving, receiving or soliciting of anything of value to influence the action of the *employer* (3.4) or his staff or agents in the tender process

[SOURCE: ISO 10845-1:2020, 3.10, modified — "the procurement process or the administration of the contract" has been replaced by "the tender process".]

© ISO 2021 – All rights reserved

3.3
eligibility criteria
criteria framed around the ability of a *respondent* (3.9) to provide the required goods, services and construction works or disposals, or any combination thereof, which need to be satisfied in order for a submission to be evaluated

3.4
employer
person or *organization* (3.7) intending to or entering into the contract with the contractor to supply goods, carry out construction works and/or provide services

[SOURCE: ISO 10845-1:2020, 3.15]

3.5
expression of interest
request for *respondents* (3.9) to register their interest in undertaking a specific contract or to participate in a project or programme and to submit their credentials so they can, in terms of the *employer's* (3.4) selection methods, be invited to submit a tender offer should they qualify or be selected to do so

[SOURCE: ISO 10845-1:2020, 3.16]

3.6
fraudulent practice
misrepresentation of the facts in order to influence the tender process, or the award of a contract arising from a tender offer to the detriment of the *employer* (3.4), including collusive practices intended to establish prices at artificial levels

[SOURCE: ISO 10845-1:2020, 3.18, modified — "or the administration of the contract including compensation procedures" at the end has been removed.]

3.7
organization
company, firm, enterprise, association or other legal entity, whether incorporated or not, or public body

[SOURCE: ISO 10845-1:2020, 3.21]

3.8
quality
totality of features and characteristics of a product or service that bears on the ability of the product or service to satisfy stated or implied needs

[SOURCE: ISO 10845-1:2020, 3.27]

3.9
respondent
person or *organization* (3.7) that submits an *expression of interest* (3.5) in response to an invitation to do so

[SOURCE: ISO 10845-1:2020, 3.28]

3.10
submission data
document that establishes the *respondent's* (3.9) obligations in responding to a call for an *expression of interest* (3.5) and the *employer's* (3.4) undertakings in administering the process of calling for and receiving expressions of interest

[SOURCE: ISO 10845-1:2020, 3.32]

© ISO 2021 – All rights reserved