

Tender Notice

Contract title: PIN_MFA_PROJECT_ Constructions of latrines in the schools-Hawija and Baiji

Project code: IRQP000099

Tender number: IRQC000317

Procedure: Negotiated tender

Location: Iraq

Contracting Authority: **Člověk v tísni, o.p.s. (People in Need, hereinafter PIN)**

Entered in the Register of Non-profit Organizations administered by the Municipal Court in Prague, Volume O, File 119

With its registered office at: Šafaříkova 635/24, 120 00 Prague 2

ID: 257 55 277

Local Office Address: Justice Tower, 5th floor, Mosul road (opposite to Sami Abdulrahman park), 44001 Erbil, Kurdistan, Iraq, represented by Barbara Boranga based on the power of attorney granted by the director

Part 1: Instructions to tenderers

I. SCOPE OF TENDER

Qualified tender offers (bids) are sought from competent contractors registered with Company registration for the following construction works and related supplies:

“Constructions of latrines in the schools-Hawija and Baiji”

Lot1- Constructions of latrines in the schools in Hawija district-Kirkuk

NO.	School's name, construction of new latrine	Area	GPS Coordinates
1	Ahmed Shawqi primary School	Hawija district -Kirkuk	34.97987, 43.506771
2	Al-Saada primary School	Hawija district -Kirkuk	35.316452, 43.74942
3	Shawook primary School	Hawija district -Kirkuk	35.364329, 43.648177



Lot2- Constructions of latrines in the schools in Baiji district-Salahaldin

NO.	School's name, construction of new latrine	Area	GPS Coordinates
1	Al-Azhaar mixed primary School	Baiji district -Salahaldin	34.97987, 43.506771
2	Al-Diyar mixed primary School	Baiji district -Salahaldin	34.851691, 43.473519
3	Al-Farooq mixed primary school	Baiji district -Salahaldin	34.928547, 43.411727
4	Dimyat mixed primary School	Baiji district -Salahaldin	35.027171, 43.563329

Attached, in the form of the Tender Notice Annexes, are these technical documents describing requested rehabilitation works and related supplies in detail:

- Annex 1 – Bill of quantity of const. latrines-Hawija schools, Lot1.
- Annex 2 -- Bill of quantity of const. latrines-Baiji schools, Lot2.
- Annex 3 – Work plan-Lot1 -Hawija schools
- Annex 4 – Work plan-Lot2-Baiji schools
- Annex 5—Drawing of latrines group.
- Annex 6 -- Eligibility sworn statement.
- Annex 7 – Letter of assurance warranty.

Tenderers should participate in one lot or both lots, based on the available capacities and free will of the Tenderer.

Selected Tenderer (Contractor) should start the works immediately after signature of the Contract the works shall be commenced approx. three weeks after the Contract signature – the exact day will be specified from the side of the Contracting Authority.

1. Selected tenderer (Contractor) has to allocate for each locality sufficiently experienced site manager (engineer), who will be presented during the all duration of the construction works in order to coordinate all works. This person will be also the Contractor contact person – for the Contracting Authority and DoE representatives. The Contractor site manager (engineer) has to be presented also during the visit of DoE representatives after the construction will be finalized in order to get the approval from DoE side.
2. The requested scope of work described in this Tender Notice aims to construction latrines of the selected schools. The project localities are owned and managed by Directorate of Education in Salahaldin and Kirkuk. The work in general consist of the provision of materials, equipment and manpower. All specified is requested in the frame of this project in order to make the work complete in every part and detail – as described in technical Annexes 1,2
3. A nominated supervising engineer from Directorate of education (Salahaldin, Kirkuk) and/or PIN will supervise the work.
4. The Tenderer shall prepare a detailed work plan and submit to PIN office as a part of the offer (Annexes 3,4). For further information please see the Chapter no. V of this Tender Notice. The time for works execution from the date of Contract conclusion should be clearly indicated in the



above-mentioned Annexes. The Contracting Authority requests from the selected tenderer (Contractor) to start the construction works in all sites in the same time.

The Contracting Authority hereby presents the best duration offer to implement the project (latrines construction) is 40 days.

Clear, logical and understandable work plan, as well as number of days requested by the Tenderer for successful project implementation, are one of the evaluation criteria (see hereinafter).

5. The Bill of Quantity shall be priced and totalled in US Dollars – and submit to PIN office as a part of the offer. For further information please see the Chapter no. V of this Tender Notice. The empty form of the Bill of Quantity for all schools form the Tender Notice Annexes (no. 1,2).
The Tenderer shall make sure that all clauses are priced and the calculations are accurate. The Tenderer will bear responsibility for the non-priced clauses and inaccurate calculations in the submitted offer. Price for performance of the work is equal to the sum of the item prices in the Bill of Quantity.
Total price prepared by the Tenderer, is one of the evaluation criteria (see hereinafter).
6. All conditions of the Tender notice as well as the unit cost of works indicated in Bill of Quantity will stay unchanged. Any additional or cancelled work must be approved by the Contracting Authority in a written form before the commissioned work starts. In case there will be any additional or cancelled works, item price for such works, which shall be implemented in higher or lower quantity, will be specified based on the item prices, stated in the Bill of Quantity. Item price for additional works, which are not specified among the item prices in the Bill of Quantity, will be specified as an open market value related to the place and time – by an agreement of the PIN and Supplier.
7. Payments will be made to the Contractor per Contract in the same way - in the form of instalments as follows:
 - a) First instalment payment: 47.5% of the contract value upon completion of works valued by corresponding PIN staff at not less than 50% of contract value.
 - b) Second instalment: 47.5% of the contract value upon completion of 100% works as per BoQ.
 - C) Third Instalment: 5% of the contract value upon warranty period till the end of December 2020.
8. The tenderer must provide to PIN warranty of works of **4 months** mandatory:
 - a. All the tenderers must submit warranty of works execution. The guarantee of the quality of the work for all kind of works and installed construction from the date of hand over of the work to PIN should be clearly indicated in (Annex-7) of this Tender Notice, Letter of Assurance – Warranty.
9. **By participating in this tender, the tenderer fully agrees to respect criteria set in this paragraph I: Scope of tender of the Tender Dossier.**



II. TENDERING

1. **Tender documentation** with detailed instructions for tenderers and forms to be filled by the tenderers can be obtained from the PIN office at **Justice Tower, 5th floor, Mosul road (opposite to Sami Abdulrahman park), 44001 Erbil, Kurdistan, Iraq** between **9:00 a.m. 5:30 p.m.** during working days before **Sunday, 9.8.2020** or upon request via email procurement.iraq@peopleinneed.cz

Tender forms and instructions included in tender documentation must be strictly followed otherwise the tender offer might be excluded.

2. If any of the Tenderers **requires any clarification relating to the tender**, such question should be sent to PIN by e-mail to the following e-mail address: procurement.iraq@peopleinneed.cz If PIN answers the question, **all other Tenderers will be copied the answer. Communication will be held through e-mail.**

To ensure that PIN could copy the answer to all tenderers, all Tenderers are advised to send their e-mail contacts to the above specified PIN e-mail address, or otherwise ensure that PIN knows their contact details.

In case the Tenderer does not inform PIN about corresponding e-mail address PIN will send the copy of the answer to any e-mail address available to PIN from public sources and then the Tenderer cannot claim that they/it did not know the same information as other Tenderers.

Questions could be answered only until Thursday, 6.8.2020 PIN does not guarantee that all questions will be answered.

Tender offers should not be dispatched before expiry of the period for questions under the preceding point II. 2. of this notice - if the Tenderer dispatches the tender offer before expiry of that period they/it cannot claim that they/it did not know all information as other Tenderers.

3. Bids to be delivered electronically to the email by secure.bid@peopleinneed.cz (this is a confidential account with restricted access at PIN's HQ only. All offers received in PIN HQ Prague will be forwarded to Iraqi CP office only after the closing date). **before closing date and time: Sunday 9-8-2020, 11:00 am**

Bids received after the closing date & time will not be considered.

4. Each Tenderer shall submit only one Tender offer, either individually or as a partner in a joint venture. A Tenderer who submits or participates in more than one Tender offer will be disqualified from the Tender.
5. The contract is concluded with the winning tenderer. Should the winning tenderer fail to provide to PIN the necessary cooperation to conclude the contract within the period of 30 days upon the tender results notice, PIN can further negotiate with the second-best tenderer that shall be considered the winning tenderer. Should they fail to conclude the contract with the second-best tenderer within 15 days following the notice, PIN is allowed to cancel the tender. Notice of results shall be deemed the third day following the day of dispatch of the tender results notice.



6. Electronic bids shouldn't exceed 7Mb. Topic of the Bidder's email should have the following text "IRQC000317_ PIN_MFA_PROJECT_ Constructions of latrines in the schools-Hawija and Baiji _bidder's name"
7. Electronic bids will be processed for evaluation on: **Sunday,9-8-2020, 11:01 am**, under supervision of PIN evaluation committee with no further notice or invitation for opening session.

III. QUALIFICATION AND EVALUATION CRITERIA

1. To accept or reject the tender is the responsibility of the **Tender Committee**, decision of which shall be final.
2. Each tenderer must meet and properly prove the following **qualification criteria** with relevant documentation.
 - Filled, signed and stamped Bill of Quantity - for all schools Hawija, Lot1 Annex 1:
 - Filled, signed and stamped Bill of Quantity - for all schools Baiji, Lot2 Annex 2:
 - Work plan-Lot1-Hawija schools-(Annex 3)
 - Work plan-Lot2-Baiji schools-(Annex 4)
 - Drawing of latrines group – (Annex 5)
 - Filled, signed and stamped Sworn Eligibility Statement (Annex 6)
 - Filled, signed and stamped Letter of assurance warranty (Annex 7);
 - List of equipment (should be involved to implement the works in all sites)
 - List of key persons (technically qualified for supervision of the construction works)
 - Contract chart – confirming previous experience by **at least two completed contracts in Iraq for construction works of a building or buildings** with INGOs and NGOs in the last five years prior to the announcement date of this tender. Contract chart should contain beside basic description of previous experience also at least two contacts (phone and email) to the building current user or owner – with whom the Contracting Authority could verify the implemented works.
 - Authorisation to engage in business activities in the respective field – **company registration**



3. The tender evaluation committee will evaluate and award the contract on the basis of the following **evaluation criteria**.

- Price (including materials, installation, man-power and transportation fee) in USD currency
- Capacity of the bidder to meet the required schedule of work
- Proposed time of works execution in days

4. **Evaluation method** (performance of evaluation criteria):

- **Price**
 - Criteria weight is **60%**
 - Formula: (Best Tenderer Price/Evaluated Tenderer Price) *Criterion Weight.
 - Price shall be quoted in USD
 - All the tenderers must submit offered price in the form of completed Annex of this Tender Notice – Annex no. 1 .

- **Capacity of the bidder to meet the required schedule of work**
 - Criteria weight is **40%**
 - a) References confirming the experience in performing similar projects, Capacity to fulfil the rehabilitation/construction works at all sites (20%/40% of the capacity of the bidder)
 - b) List of equipment (5%/40% of the capacity of the bidder)
 - c) Key persons (5%/40% of the capacity of the bidder)
 - d) Clear work plan (stating activities and timelines) (10%/40% of the capacity of the bidder)

Point evaluation (weighted points):

For capacity of the bidder, criterion will obtain between 0 and 5 point, 5 point being the maximum, 0 points the minimum and the points obtained will be multiplied by criterion weight.

PIN expert evaluation committee will assign up to 5 points for the best quality of criteria weight, based on the following evaluation grid:

Score	Benchmark
5	Excellent response with no weaknesses shown and exceeds the requirement - also provides comprehensive, detailed, and convincing assurances that the services will be delivered to an excellent standard
4	A very good response that demonstrates real understanding and fully meets the requirements - offers assurances that the service delivered will be of a high standard
3	A satisfactory response which demonstrates a reasonable understanding of the requirements and gives reasonable assurance of delivery of services to an adequate standard, but does not provide sufficiently convincing assurance to be able to award them a higher mark



2	A response where reservations exist - lacks full credibility/convincing detail, and there is a significant risk that the response will not deliver/be successful
1	A response where serious reservations exist - the may be because, for example, insufficient detail is provided and the response has fundamental flaws, or seriously lacks credibility with a high risk of non-delivery
0	Response completely fails to address the criterion under consideration

Those bidders who get less than 3 for the capacity of the bidder shall not be accepted or considered and their offer will be rejected.

For each bid, points from all evaluation criteria will be added up and the winning bid will be the bid with the highest number of points. In case of equal number of points, the winning bid will be the one with the lowest price.

IV. OTHER PROVISIONS

In justified cases after receiving bids and/or during the negotiation (especially if it becomes apparent, that none of the tenderers can execute the contract in its full extent) is PIN entitled to split the contract between two or more suppliers so, that each of them will supply part of the contract. This decision must be announced to all bidders so, that they have chance to modify their bids.

In case additional material or construction works would prove to be necessary for finalization of the activity for which this tender is published, PIN reserves the right to procure them from the winner of this tender under a negotiated procedure on the basis of a single tender if the potential extension of the contract for a value and duration wouldn't exceed the value and the duration of the initial contract awarded under this tender.

Tenderers will be notified about the results of the tender via **e-mail within 12 working days** after the termination of the tender.

V. Summary of requirements on tender offer

Tender offer (bid submitted by the tenderer) shall consist of the following documents:

No.	Document	Remarks
1	Bill of Quantity Lot1 Hawija– Annex 1	<i>filled, signed and stamped</i>



2	Bill of Quantity Lot2 Baiji – Annex 2	<i>filled, signed and stamped</i>
3	Annex3-Work plan-Lot1-Hawija schools	<i>Filled,signed and stamped</i>
4	Annex4-Work plan-Lot2-Baiji schools	<i>Filled,signed and stamped</i>
5	Annex 5-Drawing of latrines group	signed and stamped
6	Annex 6-Eliegibility Sworn Statement	filled, signed and stamped
7	Annex 7-Letter of Assurance Warranty	filled, signed and stamped
8	List of equipment	signed and stamped
9	List of key persons	signed and stamped
10	Contract chart (References confirming the experience in performing similar projects)	signed and stamped
11	Company relevant registration	submitted



Part 2: Terms and conditions

I. EXCLUSION AND DISQUALIFICATION

1. PIN shall **exclude from the tender any bid of a tenderer** falling into any of the following cases:

- a) They are **bankrupt** or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) They or persons having powers of representation, decision-making or control over them have been **convicted of an offence** concerning their **professional conduct** by a judgement that has the force of res judicata;
- c) They have been **guilty of grave professional misconduct** proven by any means that the contracting authority can justify;
- d) They have **not fulfilled obligations relating to the payment of social security contributions** or the **payment of taxes** in accordance with the legal provisions of the country in which they are established or those of the Czech Republic or those of the country where the contract is to be performed;
- e) They or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata **for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity**;
- f) They do **engage in the employment of children**, disrespect basic social rights and working conditions based on international labour standards;
- g) They have **engaged in the trafficking in persons** and have **provided any support** (direct or indirect) of **terrorism**, including the financing of terrorism, or transactions with persons connected with terrorism;
- h) They are currently subject to an **administrative penalty** imposed by donor or have been listed by the donor as **ineligible** for participation in award procedures financed by donor's money;
- i) Candidate might be excluded on the basis of another procurement procedure or grant award procedure financed by PIN or donor of the project, under which they have been **declared to be in serious breach of contract** for failure to comply with their contractual obligations;
- j) They or any of their employees, associates or other persons related to them provided technical assistance to PIN under that same procurement procedure.

Points (a) to (d) do not apply to the purchase of supplies on particularly advantageous terms from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.



Tenderers shall declare they are in none of the situations listed above by the signature of **Sworn eligibility statement** form.

2. Bids of tenderers shall be **disqualified** from the tender who, during the procurement procedure:
 - a) tenderer is subject to a **conflict of interest**;
 - b) tenderer has **not stated true facts** or has misinterpreted information required by PIN, or fails to provide timely such information or to provide required documents stated by PIN as condition for participation in the tender;
 - c) **tenderer does not meet the PIN qualification criteria** or requirements stipulated in the tender documentation.
 - d) tenderer has fulfilled the exclusion condition mentioned above in preceding article (Part 2, Article I.), points c) or i) **during the last 2 years** prior to the launch of the tender.

II. CODE OF CONDUCT FOR SUPPLIERS

In addition to the above conditions for disqualification, Code of Conduct for Suppliers defines all areas that PIN expects all of its suppliers at minimum to respect, and operate in ways that meet fundamental responsibilities in human rights, labour, environment and anti-corruption. The Code of Conduct is defined by the Ten principles of the UN Global Compact¹:

- Support and respect the protection of internationally proclaimed human rights;
- No involvement in human rights abuses;
- Freedom of association and recognition of right to collective bargaining;
- Employment is freely chosen, not forced or compulsory;
- No exploitation of children and child labour;
- No discrimination in respect of employment and occupation;
- Support a precautionary approach to environmental challenges;
- Accept greater environmental responsibility promotion;
- Encourage the development and spread of environmentally friendly technologies;
- Adhering to highest standards of ethical conduct behaviour, including: working against corruption and all its forms, conflict of interest disclosure, respect to local laws.

III. CANCELLATION OF THE TENDER/NON-CONCLUSION OF THE CONTRACT WITH THE WINNING TENDERER

PIN may cancel the announced tender or not conclude contract with the winning tenderer in the following cases:

Case	Procedure
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¹ For more information, see <https://www.unglobalcompact.org/what-is-gc/mission/principles>



a)	PIN has not received any bid , or none of the bids received was qualitatively and/or financially worthwhile or all the bids received have been disqualified from the tender	PIN has the right to cancel tender and launch simplified procedure with a single tenderer
b)	Major discrepancies have been found in the Tender Notice or other supporting documentation of the tender;	PIN has the right to cancel tender and announce a new tender
c)	Serious circumstances have occurred during the tender which prevent PIN to continue the tender	PIN has the right to cancel tender and launch simplified procedure with a single tenderer
d)	Only one bid , complying with the tender conditions, has been submitted	PIN has the right to cancel tender and launch simplified procedure with a single tenderer
e)	The winning tenderer refuse to sign contract with PIN, have not stated true facts in their bid or their bid is at dumping price or otherwise jeopardizes free competition in the market (e.g. forbidden supplier agreements, cartels, abuse of the leading position in the market).	PIN has the right to cancel tender or to accept a bid of the tenderer who ranked as the second best or at other rank in the tender

IV. GENERAL CONDITIONS

1. The **Tenderer shall bear all costs** associated with the **preparation and submission of the Tender**, and PIN will in no case be responsible or liable for such costs.
2. The tenderer hereby declares and warrants that has seen and understood the terms of the below mentioned **policies** and it complies and shall comply with all applicable terms and conditions specified therein:
PIN Policy on Ethical Conduct, PIN Code of Conduct, PIN Anti-Corruption Policy and other related policies referred to therein, which are incorporated by reference and represent an integral part of this tender notice. Electronic copies containing the complete text are available at:
www.clovekvtisni.cz/policies
3. The tenderer will immediately and without undue delay inform PIN of any event which interferes or threatens to materially interfere with this Tender notice, including suspicion of or actual fraud, corruption, bribery, theft, terrorist financing or other misuse of funds. Such information should be passed in the first instance to fraud@peopleinneed.cz.
All information will be treated with the upmost confidentiality. Information can also be reported directly to the PIN programme team where appropriate, these will be immediately passed on to the above-mentioned e-mail address.
4. PIN reserves the right to cancel the tender without giving any reason.

List of Annexes:

Annex 1: Bill of quantity form for schools Hawija- Lot1.



Annex 2: Bill of quantity form for schools Baiji- Lot2.

Annex 3: Work plan-Lot1-Hawija schools

Annex 4: Work plan-Lot2-Baiji schools

Annex 5: Drawing of latrines group

Annex 6: Sworn Eligibility Statement.

Annex 7: Letter of Assurance Warranty

Barbara Kraujova

27/4/2020

On behalf of People In Need



Date

