



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

DATE: 28/12/2022

INVITATION TO BID: NO. UKRKI/ITB/2022-026

**ESTABLISHMENT OF A FRAME AGREEMENT FOR THE SUPPLY AND DELIVERY OF
CONSTRUCTION MATERIALS, SANITARY EQUIPMENT AND ELECTRICAL
APPLIANCES**

CLOSING DATE AND TIME: 20/01/2023– 23:59 HRS, KYIV TIME OR EARLIER

IMPORTANT NOTICE ON ETHICAL CONDUCT

Under no circumstances should a vendor pay UNHCR or a UNHCR Staff Member for the submission of a quotation, bid or proposal or for the fulfilment of a Contract. This includes any gifts, favors, hospitality, etc. to its Staff Members. Please note that UNHCR strictly follows zero tolerance policy and a such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff. Be aware that if such payment or non-gifts or favors are made, it would result in the immediate termination of the vendor agreement or contract and the vendor would be disqualified from further Request for Quotations/Invitation to Bid/Request for Proposals with UNHCR. you are advised to read and understand the UN Supplier's Code of Conduct specifically its articles 18 to 21 on Ethical Conduct.

INTRODUCTION TO UNHCR

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to help stateless people.

UNHCR must purchase goods and services worldwide. For further information on UNHCR, its mandate and operations please see <http://www.unhcr.org>.

UNHCR ACTIVITIES IN UKRAINE

Since the start of the recent armed conflict in Ukraine, approximately 7.1 million Ukrainians have been internally displaced, while the number of refugees fleeing into neighboring countries has reached a staggering 5.2 million. UNHCR intends to provide assistance in rebuilding as well as to repair damaged houses.

This tender refers to UNHCR's ongoing humanitarian assistance in support of the conflict affected population who have been displaced in various locations within Ukraine. UNHCR aims to provide to both displaced and non-displaced population affected by the conflict some Construction Materials, Sanitary Equipment and Electrical Appliances to improve their living conditions.

1. REQUIREMENTS

The Office of the United Nations High Commissioner for Refugees (UNHCR) in Ukraine, invites qualified suppliers and manufacturers to make a firm offer for the establishment of a Frame Agreement(s) for the supply and delivery of Construction Materials, Sanitary Equipment and Electrical Appliances.

IMPORTANT:

Exact technical specifications are detailed in Annex A and Annex B of this document.
The projected requirements are stipulated in Annex B.

UNHCR may award Frame Agreement(s) with an initial duration of one (1) year, potentially extendable for a further period of one (1) year, for supplying its operations locally. The successful bidder(s) will be required to maintain their quoted price model for the duration of the Frame Agreement(s).

Please note that quantities have been stated in order to enable bidders to have an indication of the projected requirements. It does not represent a commitment that UNHCR will require the totality of the above quantity. Quantities may vary and will depend on the actual requirements and funds available regulated by issuance of individual Purchase Orders against the Frame Agreement.

UNHCR reserves the right to award a primary and a back-up supplier (or several back-up suppliers), where, if the primary supplier is unable to fulfil the requirement of a purchase order resulting from the Frame Agreement, such order will be cancelled with a new purchase order issued to the back-up supplier for the provision of the required goods;

Or, to engage concurrently the awarded primary and backup supplier(s) if so required to meet UNHCR's delivery requirements.

The requirements are split into six (6) Lots:

- **LOT 1: Timber**
Rafters, boards, plywood and OSB
- **LOT 2: General construction materials**
Roofing materials (cement slate, corrugated and flat steel, bituminous slate), bulk materials (bricks, sand, cement, gravel, rebar), insulation (mineral wool and expanded polystyrene), drywall, metal profiles, fixtures, water pipes
- **LOT 3: Finishing materials**
Putty, paint, ceramic tiles, polystyrene panels and doors (external and internal)
- **LOT 4: Sanitary equipment**
WC, shower trays, baths, and washbasins
- **LOT 5: Electrical appliances**
Electric cables, sockets and switches, lights

- **LOT 6: Windows**

PVC windows including measurement, transport and delivery.

Bidders can offer any or all Lots, however within each offered Lot bidders shall offer all items. Partial offers for a Lot will not be considered for evaluation.

Only complete offers for a Lot will be considered.

The Lots will be evaluated separately.

Delivery Location: UNHCR warehouse in Kyiv and in Lviv. The awarded bidder(s) however will only be requested to deliver to UNHCR warehouse in Lviv in case UNHCR warehouse in Kyiv is not available for deliveries.

Delivery Lead time: as a minimum requirement, following UNHCR's request, bidders shall be able to deliver:

For Lot 1, Lot 2 and Lot 3: in 2 weeks all offered items up to 5% of the total estimated quantity as per Annex B;

For Lot 4, Lot 5 and Lot 6: in 4 weeks all offered items up to 5% of the total estimated quantity as per Annex B;

E.g., bidder offered Lot 1. The total estimated quantity of "1.1 Timber board 25x100x4500mm (incl. antiseptic treatment)" is 70,000 pcs. Therefore, the bidder shall be able to deliver 5% of 70,000 pcs = 3,500 pcs in 2 weeks.

Other United Nations Agencies, Funds and Programmes shall be entitled to the same prices and terms as those contained in the offers of the successful bidders and could form the basis for a Frame Agreement with other UN Agencies.

IMPORTANT:

When a Frame Agreement is awarded, either party can terminate the agreement only upon 30 days' notice, in writing to the other party.

The initiation of conciliation or arbitral proceedings in accordance with **article 18** "settlement of disputes" of the UNHCR General Conditions of Contracts for provision of Goods shall not be deemed to be a "cause" for or otherwise to be a termination clause.

It is strongly recommended that this Invitation to Bid document and its annexes should be read thoroughly. Failure to observe the procedures laid out therein, may result in disqualification from the evaluation process.

QUALITY CONTROL THROUGHOUT THE FRAME AGREEMENT:

UNHCR may carry random quality inspections from samples selected during production, upon departure, loading, unloading, arrival to destination or from any storage location. The cost of the quality control inspections will be covered by UNHCR.

In cases of supplier's quality default, in addition to the good's PO liquidated damage clauses, the inspection cost will be charged to the supplier.

Please also note that the items delivered to UNHCR by the selected supplier will also be inspected at the time of its delivery at UNHCR to confirm the correct receipt of items according to UNHCR's specifications. In case of rejection and non-acceptance of any item

due to wrong specifications or bad quality, UNHCR will not be responsible for its returning and transportation, or any cost involved.

Sub-Contracting: Please take careful note of article 4 of the attached General Terms and Conditions (Annex E).

Note: this document is not to be construed in any way as an offer to contract with your firm.

Organizational Settings:

Qualified bidders shall provide the name and contact information of a Customer Relations Manager or similar, responsible for the smooth running and execution of orders placed by UNHCR in Ukraine.

2. BIDDING INFORMATION:

2.1. ITB DOCUMENTS

The following annexes form integral part of this Invitation to Bid:

ANNEX A1: Terms of Reference

ANNEX B: Financial Offer Form

ANNEX C: Technical Offer Form

ANNEX D: UNHCR Vendor Registration Form

ANNEX E: UNHCR General Conditions of Contracts for the provision of Goods-Rev: July 2018

ANNEX F: UN Supplier Code of Conduct

ANNEX G: Documentation procedures on tax reporting (for companies with VAT payer status).

2.2 ACKNOWLEDGMENT

We would appreciate your informing as of the receipt of this ITB by return e-mail to ukrkipro@unhcr.org as to:

- Your confirmation of receipt of this “Invitation to Bid (ITB)”;
- Whether or not you will be submitting a bid.

This is important to communicate with the bidders in case of any changes in the tender requirements, tender closing date, etc.

IMPORTANT:

Please note that Bid Submissions are not to be sent to the e-mail address: ukrkipro@unhcr.org. Failure to comply with this provision will result in disqualification.

2.3 REQUESTS FOR CLARIFICATION

Bidders are required to submit any request for clarification in respect of this ITB by e-mail to ukrkipro@unhcr.org copying horvath@unhcr.org. **The deadline for receipt of questions is 13/01/2023 at 17:00hrs, Kyiv time**

UNHCR will compile the questions received and plan to respond to the questions shortly after the query closing date. UNHCR may, at its discretion, copy any reply to a particular question to all other invited bidders at once.

2.4 YOUR OFFER

Your offer shall be prepared in English or in Ukrainian.

IMPORTANT:

Cancellation of Solicitation: UNHCR reserves the right to cancel a Solicitation at any stage of the procurement process prior to final signature of the awarded contract.

Please submit your offer using the Annexes provided. Offers not conforming to the requested formats may be not taken into consideration.

IMPORTANT:

Inclusion of copies of your offer with any correspondence sent directly to the attention of the responsible buyer or any other UNHCR staff other than the submission e-mail address will result in disqualification of the offer. Please send your bid directly to the address provided in the "Submission of Bid" (section 2.6) of this ITB.

The cost of preparing a bid and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment.

Special Instructions:

- **Transportation**: the cost must be inclusive of transportation to UNHCR warehouse located in Kyiv and Lviv as stated in the financial offer form.
- **Pre-loading inspection**: the selected supplier must check/inspect all the items before dispatching them to UNHCR warehouse.
- **Rejected items**: all rejected items must be replaced by the supplier at no extra cost to UNHCR.
- **Change in quantity**: the quantity shown may go up as well as come down.

Your offer shall comprise the following two sets of documents:

- Technical offer (Annex C)
- Financial offer (Annex B)

2.4.1 Content of the TECHNICAL OFFER

IMPORTANT:

No pricing information should be included in the technical offer. Failure to comply may risk disqualification. The technical offer should contain all information required.

The technical details of the products requested by UNHCR can be found in **Annex A and Annex B**.

Your technical offer should clearly state whether or not the goods you are offering are fully conforming to the product specifications given. Clearly state and disclose any discrepancies with the specifications given.

I. Mandatory Requirements (Pre-conditions): Pass/Fail criteria

The following **eight (8) pre-conditions** must be met by the bidder for your offer to be eligible for competition. The following should be submitted:

1. Company registration certificate. Proof that your company was registered for three (3) or more years from the date of your offer.
2. Proof that your company is registered and licensed by the Government of Ukraine (GoU) to provide such goods (applicable only to companies registered in Ukraine);

Proof that your company is registered and licensed by the Government of the country your company is registered and licensed to provide such goods (applicable only to companies not registered in Ukraine).
3. VAT registration certificate (applicable only to companies registered in Ukraine).
4. Duly completed, signed, stamped, and dated vendor registration form (**Annex D**) unless your Company is already registered with UNHCR in which case you must state your vendor ID number with UNHCR.
5. Submit a signed and stamped copy of UNHCR general terms and conditions, including payment which is within 30 days from the date of receipt of invoices following satisfactory delivery of goods, as your acceptance of the same (**Annex E**).
6. Submit a signed and stamped copy of UN Supplier Code of Conduct as your acceptance of the same (**Annex F**).
7. Written statement of confirmation that your company accepts the delivery term (delivered at place-DAP) to UNHCR Kyiv and/or Lviv warehouse as stated in Annex A and Annex B and will commit to the requested delivery lead time.
8. **Acceptance of UN exchange rates for conversion & payment as of PO issue date** (applicable only to companies registered in Ukraine).

II. The following details shall also be provided along with your offer:

The bidder shall state whether they are seller or manufacturer of the items proposed.

Technical Offer Form (Annex C): Bidders are required to fill in, sign, stamp and provide response to each point stated in **Annex C**.

Country of Origin of the Supplier and place of Manufacture: The technical offer shall state the country (including factory location) in which the products are manufactured, and country of registration of the bidder.

Specification documents and data Sheets:

For Lots 1, 2 and 3: Bidders are required to confirm the compliance of the offered items with UNHCR's specifications as per Annex B.

For Lot 4: Bidders are required to submit data sheets of the items offered.

For Lots 5 and 6: Bidders are required to submit all documents showing the specifications of the proposed products in line with the tender requirements stipulated in **Annex A and Annex B. Such documents at a minimum should contain the product specifications; data sheets of the specific brand/model offered as well as any additional brochures / certificates as applicable.**

Certificate: If available, the bidder shall submit a copy of internationally recognized quality certificate of the manufacturing company together with a copy of quality certificate for the finished product.

Past experience: the bidder shall submit proof of at least two (2) similar contracts for any of the items comprised in the offered Lot within last 2 years (similar by nature, i.e., supply of identical item(s) + similar by scope, i.e., at least 20% of the required estimated quantity have been successfully delivered): minimum two contracts (with contact details) or minimum two duly signed reference letters showing the nature, timing and scope of implemented contract are required.

Delivery capacity/lead time: The bidder must indicate its capacity to deliver the items to the indicated delivery location (Kyiv and Lviv, Ukraine) in Annex C.

Bidders shall be able to deliver, following UNHCR's request, all offered items up to 5% of the total stipulated quantity in Annex B as follows:

For Lot 1, Lot 2 and Lot 3: in 2 weeks all offered items up to 5% of the total estimated quantity as per Annex B;

For Lot 4, Lot 5 and Lot 6: in 4 weeks all offered items up to 5% of the total estimated quantity as per Annex B;

Bidders that cannot deliver up to 5% of their offered items following UNHCR's request, will not be considered.

Documentation procedures on tax reporting (only for companies with VAT payer status in Ukraine): Your technical offer should contain your acknowledgement of the documentation procedures on tax reporting by signing **Annex G**.

Key financial data: the bidder shall submit financial reports from 2020 and 2021, clearly indicating the turnover of the company for each year.

2.4.2 Content of the FINANCIAL OFFER

The Financial Offer is to be submitted as per the Financial Offer Form Annex B. Bids that have a different price structure may not be accepted. Offers should be submitted in a single currency, in US Dollars, EUR or in UAH (Companies registered in Ukraine, if they prefer, can submit their offer in UAH).

If the awarded bidder is registered in Ukraine, irrespective of the currency of the offer, any subsequent purchase order will be issued in UAH and resulting payments will be executed in UAH at United Nations rate of exchange in effect on the date Purchase Order (PO) issuance following the link <https://treasury.un.org/operationalrates/OperationalRates.php>.

It is to be noted that currently the UN rate of exchange into UAH is lower than the prevailing market rate, and as such it is incumbent on bidder to be prudent while quoting the rates (prices).

If the awarded bidder is not registered in Ukraine, all purchase orders will be issued and resulting payments will be executed in the currency of the winning offer.

IMPORTANT: Please carefully consider the pricing model applicable to this invitation to bid.

Price has to be given without VAT.

Unit costs: UNHCR is exempt from all direct taxes and customs duties. In this regard, price has to be given without VAT. However, if the Bidder is a registered VAT payer in Ukraine, this must be stated, and the VAT must be clearly indicated in the financial offer form (**Annex B**).

All prices shall be offered on DAP delivery terms (Kyiv and Lviv, Ukraine).

You are requested to hold your offer valid for 60 days from the deadline for submission. UNHCR will make its best effort to select a company within this period. UNHCR's standard payment terms are within 30 days after satisfactory implementation and receipt of documents in order.

For evaluation purposes only, the offers submitted in currency other than US Dollars may be converted into US Dollars using the United Nations rate of exchange in effect on the date your offers are due.

The cost of preparing a bid and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment.

2.5 BID EVALUATION:

The evaluation will be conducted in 3 stages as follows:

2.5.1 Technical: The technical component of the submission will be evaluated using the criteria PASS or FAIL by using the exact same structure as outlined in Annex C and based on the requirements from Annex A1 and Annex A2.

Only complete offers for a Lot shall be considered.

- a. First Stage (Preliminary): checking and verification of submitted technical offer by UNHCR Technical Evaluation Committee (TEC). UNHCR's TEC will check the submitted technical offer on the pre-qualification and mark 'Pass' or 'Fail' against the conditions listed at point no. 2.4.1. (I.) and as shown in **Annex C**. Missing documents, if any, will be requested from the vendor(s) through the Supply Unit. Vendor(s) refusing or not being able to provide missing document(s), when requested, will be excluded from further evaluation.
- b. Second Stage: assessment of the technical documents (including product data sheets, etc. for Lot 4, Lot 5 and Lot 6) by the TEC.
UNHCR nominated TEC will verify the submitted technical documents including all product related information/documents. ONLY offers scoring 'PASS' to all verification points, as shown in **Annex C**, will qualify for further evaluation. Offers should meet the following requirements.

- Duly completed Annex C
- Past experience
- Compliance with the established UNHCR specifications
- Delivery capacity and period

UNHCR may conduct a due diligence/supplier verification exercise if the bidders are not known to UNHCR or have not already worked satisfactorily for UNHCR in the past if the bidders are found to be technically compliant by-passing technical evaluation. Should the findings of the due diligence/supplier verification indicate non-suitability of bidders, the finding of the due diligence/supplier verification report will prevail. UNHCR may not conduct such exercise for those unknown bidders whose offer do not pass the technical evaluation.

The due diligence exercise, when needed, will take place following technical evaluation by the Technical Evaluation Committee (TEC) and before commencement of the evaluation of financial proposals. A representative from the Supply Unit shall join the TEC during due diligence as an observer to ensure procurement rules and procedures are followed.

2.5.2 Financial evaluation:

As the third stage of the evaluation, the financial component will be analyzed only for those bidders that pass the technical evaluation (**see above paragraph 2.5.1**). All bids from suppliers will be evaluated based on:

- DAP Kyiv, Ukraine Unit cost, VAT excluded and DAP Kyiv, Ukraine Total cost, VAT excluded.
- DAP Lviv, Ukraine Unit cost, VAT excluded and DAP Lviv, Ukraine Total cost, VAT excluded.

2.6 SUBMISSION OF BID:

The offers must bear your official letter head, clearly identifying your company.

Bids should be submitted by e-mail and all attachments (Annex A, Annex B, Annex C, Annex D, Annex E and Annex F and Annex G if applicable) should be in PDF format (the pdf file shall be clear and readable), signed and stamped. (Copies of the PDF format documents as an addition, shall also be included in Excel (**Annexes B and C**)).

The Technical and Financial offers shall be clearly separated (sent by separate e-mails), and no financial information shall be mentioned in the technical offer.

Bid must be sent by e-mail ONLY to: **UNHCR-UKR-tendercommittee@unhcr.org** - with all or supporting documents not exceeding 20 Mb.

Kindly indicate in the email subject field:

- Bid ITB 2022-026
- Name of your firm with the title of the attachment,
- Number of emails that are sent (example 1/3, 2/3, etc)
- Whether your email is part of your Technical or Financial offer
- The Lot you are quoting for (Lot 1 and/or Lot 2 and/or Lot 3)

For example:

UKRKI/ITB/2022-026 Company XXX (Lot 1, Technical email 1 of 4)

UKRKI/ITB/2022-026 Company XXX (Lot 1, Financial email 2 of 2)

Please follow the below instructions for submitting the offers via email:

- a. Format: PDF files (Preferred);
- b. Email size must not exceed 20 MB;
- c. For big attachment over 20MB please split into multiple numbered emails (e.g. 1 of 3, 2 of 3 and 3 of 3);
- d. No document downloading links are accepted. All documents must be attached with the email.
- e. If you are uploading number of small files, please move the files into a “ZIP folder” and send a zip file instead of each file individually.
- f. The Technical offers and financial offers must be submitted in separate emails.
- g. All files must be free of viruses and not corrupted.
- h. UNHCR reserves the right to accept or reject any offers that is not following the email submission instructions.
- i. No other person from UNHCR to be copied on the tender emails otherwise the supplier may be disqualified.

Deadline for submission: 20/01/2023, 23:59:00hrs Kyiv Time or Earlier.

IMPORTANT:

- The technical offer and financial offer are to be sent in separate documents. Failure to do so will result in disqualification.

- Any bid received after this date or sent to another UNHCR email address will be rejected. UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective bidders simultaneously.

LATE SUBMISSION OF BIDS: Bids received after the deadline for submission of bids and bids transmitted in any other manner than those indicated above will not be considered.

UNHCR will not be responsible for locating or securing any information that is not identified in the bid. Accordingly, to ensure that sufficient information is available, the bidder shall furnish, as part of the bid, any descriptive material such as extracts, descriptions, and other necessary information it deems would enhance the comprehension of its offer.

IMPORTANT:

The Financial offer will only be opened for evaluation if the supplier's technical part of the offer has passed and has been accepted by UNHCR as meeting the technical specifications.

2.7 BID ACCEPTANCE:

UNHCR reserves the right to accept the whole or part of your bid.

UNHCR may at its discretion increase or decrease the proposed content when awarding the contract and would not expect a significant variation of the rate submitted. Any such increase or decrease in the contract duration would be negotiated with the successful pre-qualified bidder as part of the finalization of the Purchase Orders for Goods.

UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective suppliers in writing. The extension of the deadline may accompany a modification of the solicitation documents prepared by UNHCR at its own initiative or in response to a clarification requested by a prospective supplier.

UNHCR at its own discretion reserve the rights to accept or cancel the whole tender at any stage.

Please note that UNHCR is not bound to select any of the firms' submitting bids and does not bind itself in any way to select the firm offering the lowest price. Furthermore, the contract will be awarded to the bid considered most responsive to the needs, delivery time, as well as conforming to UNHCR's general principles, including economy and efficiency and best value for money.

2.8 CURRENCY AND PAYMENT TERMS FOR PURCHASE ORDERS

1. In case the awarded bidder is registered in Ukraine: any Purchase Order (PO) issued in response of this ITB will be made in UAH. Resulting payments will be made in UAH. The offered contract rates in US dollar value will be converted into local currency (UAH) as per the UN rate of exchange for that month. Up to date UN exchange rate can be found at <https://treasury.un.org/operationalrates/OperationalRates.php>.*
2. In case the awarded bidder is not registered in Ukraine, all purchase orders and subsequent payments will be made in the currency of the winning offer.

*The UN exchange rate is lower than the local market rate in Ukraine. Given this situation, the suppliers may require to be prudent in quoting their prices.

Bidders who cannot or are unwilling to be paid in local currency (UAH) as per the UN exchange rate for that month cannot be considered for this tender (**applicable only to companies registered in Ukraine**).

UNHCR DOES NOT UNDERTAKE TO PAY ADVANCES, BY LETTERS OF CREDIT OR IN ADVANCE OF DELIVERY OF SERVICE.

2.9 UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF GOODS

Please note that the General Conditions of Contracts (**Annex E**) will be strictly adhered to for the purpose of any future contract. The Bidder must accept these terms and conditions in writing.

2.10 ZERO TOLERANCE POLICY

Please note that UNHCR strictly follows zero tolerance policy and as such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff.

2.11 THE UN GLOBAL COMPACT

UN Global Compact and other factors: UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary-General Kofi Annan that would bring companies together with UN agencies, labor and civil society to support ten principles in the areas of the human rights, labor, environment, and anti-corruption. We encourage our suppliers to sign up with the UN Global Compact Initiative.

UNHCR encourages bidders to sign up to this initiative at: <https://www.unglobalcompact.org/>

[UNHCR'S TENDER ARE AVAILABLE FREE OF CHARGE.](#)



p.p. Kristof Horvath, Supply Officer 28 December 2022

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UNHCR Representation in Ukraine