

**Infrastructure Support to Global Fund to Fight Aids, Tuberculosis and Malaria (GFATM) in  
Zimbabwe - Round 8 Phase II**

**Construction and Renovation of Pharmacy Storage Blocks at Twelve (12) Health Facilities in  
Mashonaland East, Central and Mashonaland West Provinces, Zimbabwe**

**United Nations Office for Project Services (“UNOPS”)**

# **Invitation to Bid**

## **Short Form Construction Contract**

**Contract No.: UNOPS/ZWE/008/2013**

**Date of Re-advertisement: 15 October 2013**

**ITB Case No.: ITB/2013/AFO/ZWE/GFATM/010 – MASHONALANDS (re-advertisement)**

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**INVITATION LETTER**

Dear Sir/Madam,

Subject: **Construction and Renovation of Pharmacy Storage Blocks at Twelve (12) Health Facilities in Mashonaland East, Central and Mashonaland West Provinces, Zimbabwe**

ITB Case No.: **ITB/2013/AFO/ZWE/GFATM/010 – MASHONALANDS (re-advertisement)**

The United Nations Office for Project Services (UNOPS) is pleased to invite prospective bidders to bid in accordance with the requirements and process as set out in this Invitation to Bid (ITB).

The ITB consists of the following:

- This Invitation Letter;
- Bid Particulars (Section I);
- Instructions to Bidders (Section II);
- Evaluation Method and Criteria (Section III);
- Returnable Bid Schedules (Section IV);
- UNOPS Short Form Construction Contract (Section V).

A complete set of the above bidding documents in **English language** may be obtained from UNOPS by downloading them from our website at <http://www.unops.org/ENGLISH/WHATWENEED/Pages/currentbusinessopportunities.aspx>

If you are interested in submitting a bid in response to this ITB, please prepare your bid in accordance with the requirements and process as set out in this ITB and submit your bid to UNOPS by the Closing Date set out in the Bid Particulars in Section 1 of the ITB. We look forward to receiving your bid.

**Pre-cleared by:**

Date:

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**Gulchehra Gasanova**  
**Procurement Specialist**  
**UNOPS/AFO/CIOH**

**Approved by:**

Date:

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**Georg Ehrhardt**  
**Regional Programme Manager**  
**UNOPS/AFO/CIOH**

## SECTION I

### BID PARTICULARS

Works (Article 1)	The works include the <b>Construction and Renovation of Pharmacy Storage Blocks at Twelve (12) Health Facilities in Mashonaland East, Central and Mashonaland West Provinces, Zimbabwe</b> as further described in Section V of this ITB
Contact person and address for communications (Article 1)	<p>All correspondence, notification and bids in relation to this ITB shall be sent to:</p> <p style="text-align: center;">Gulchehra GASANOVA United Nations Office for Project Services Procurement Specialist AFO/CIOH <a href="mailto:gulchehraq@unops.org">gulchehraq@unops.org</a></p> <p style="text-align: center;"><b>ATTENTION: BIDS SHALL NOT BE SUBMITTED TO THE ABOVE ADDRESS BUT TO THE ADDRESS FOR BID SUBMISSION AS SET OUT BELOW (see Art. 22)</b></p>
Excluded nationalities (Article 4)	No nationalities are excluded from submitting a bid
Clarifications (Article 8)	<p>Requests for clarification from bidders shall be sent to the e-mail address specified above. Requests will not be accepted later than 24 hours before the Closing Date.</p> <p>Responses to requests for clarification shall be communicated to bidders under ITB Case No. ITB/2013/AFO/ZWE/GFATM/010 – MASHONALANDS (re-advertisement)</p>
Clarification Meetings (Article 9)	No clarification meeting will be held
Site Inspections (Article 10)	Bidders may carry out their own site inspection with the prior written approval of UNOPS
Bid validity period (Article 13)	Bids shall remain valid for acceptance by UNOPS <b>90 Days</b> from the Closing Date
Alternative bids (Article 15)	Alternative bids may not be evaluated
Bid security (Article 16)	No Bid Security is requested
Bid Currency(-ies) (Article 17)	The price component must be presented in <b>US Dollars</b> currency. Offers presented in any other currencies different from US Dollars will be disqualified
Duties and Taxes (Article 18)	<p>All bids shall be submitted net of any direct taxes (i.e. income and import taxes), from which UN is exempt</p> <p>All bids shall be submitted including VAT, but all bidders must show</p>

	proof of VAT Registration
Language of bids (Article 20)	All bids, information, documents and correspondence exchanged between UNOPS and the bidders in relation to this bid process shall be in English
Closing Date (Article 21)	<p>All bids must be submitted by:</p> <p><b>12:00 pm (noon) of Harare time (GMT+2.00 hrs) on 28 October 2013</b></p> <p>Any bid received by UNOPS after the deadline for submission of bids shall be declared late, rejected, and returned unopened to the Bidder (or Bidders will be notified if the bid has been submitted electronically)</p>
Bid Submissions (Article 22)	<p>Bids must be submitted as follows:</p> <p><u>Option 1: By mail or personal delivery:</u> Bids shall be submitted in sealed envelopes by the Closing Date and deposited into the GFATM Tender Box. The sealed envelopes shall contain one soft copy and two hardcopies. The two hardcopies shall comprise of one original hardcopy bid marked "Original". One hardcopy of the bid marked "Copy" shall also be submitted. In the event of any discrepancy between the soft and/or hardcopies of the bid, the bid marked as "Original" shall govern. The envelope shall be labelled as follows:</p> <p><b>***CONFIDENTIAL BID - DO NOT OPEN UNLESS AUTHORIZED***</b></p> <p>United Nations Office for Project Services Africa Regional Office (UNOPS/AFO) UNDP Zimbabwe Block 7, Arundel Office Park, Mt Pleasant, Harare Zimbabwe</p> <p>Att.: Chair Person, Bid Opening Committee Case No.: ITB/2013/AFO/ZWE/GFATM/010 – MASHONALANDS (re-advertisement)</p> <p>Deadline for Bid Submission: 28 October 2013 at 12:00 pm (noon) of Harare time, Zimbabwe From: [<i>Insert bidder's name &amp; details</i>]</p> <p>Personal delivery shall be made <u>between 08:00am and 05:00pm hours</u> of Harare Time on UNOPS regular working days by the Closing Date</p> <p><u>Option 2: Electronic submission:</u> Bids shall be submitted via e-mail to secure bid e-mail address: <a href="mailto:zw.bids.gfatm@undp.org">zw.bids.gfatm@undp.org</a> by the Deadline for Bid Submission and shall not exceed 8 Mbytes. The original of the bid security required under Article 16 of the Bidders Instructions shall be submitted by mail or personal delivery by 28 October 2013 at 12:00 pm (noon) of Harare time to the address specified above.</p> <p>Bids received electronically by the required deadline will be printed and a copy of the Bids will be put in a sealed envelope that will be opened at</p>

	the time and date specified in Instructions to Bidders, Article 23. If multiple Bids are sent by a same Bidder, only the last received Bid will be opened
Opening of Bids (Article 23)	Bids will be opened on <b>28 October 2013, 14:00 hrs of Harare time</b> , at the address:  UNDP Zimbabwe Block 7, Arundel Office Park, Mt Pleasant, Harare Zimbabwe

## SECTION II

### INSTRUCTIONS TO BIDDERS

#### 1. INFORMATION FOR BIDDERS

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Bidders are invited to submit a bid for the works described in the Bid Particulars in Section I, and further described in the Contract in Section V, in accordance with this ITB.

All correspondence, notification and bids in relation to this ITB shall be sent to the contact person and address set out in the Bid Particulars in Section I. Please note that the address for Bid Submission may be different.

#### 2. INTERPRETATION OF THE ITB

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This ITB is an invitation to treat and shall not be construed as an offer capable of being accepted or as creating any contractual, other legal or restitutionary rights.

No binding contract, including a process contract or other understanding or arrangement, will exist between the bidder and UNOPS and nothing in or in connection with this ITB shall give rise to any liability on the part of UNOPS unless and until the Contract is signed by UNOPS and the successful bidder.

#### 3. AMENDMENTS TO THE ITB

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Prior to the Deadline for Bid Submission, UNOPS may at its discretion modify the bidding documents by way of a written addendum. All written addenda to the bidding documents shall form part of the ITB.

In the event UNOPS modifies the ITB, UNOPS will notify in writing all bidders that have received the ITB from UNOPS of such modification.

In order to give the bidders reasonable time to take such modification into account, UNOPS may extend the Deadline for Bid Submission as may be appropriate under the circumstances.

#### 4. BIDDER ELIGIBILITY

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A bidder may be a private, public or government-owned legal entity or any association, including a joint venture or consortium with legal capacity to enter into a binding contract with UNOPS.

A bidder, and all parties constituting the bidder, may have the nationality of any country with the exception of the nationalities, if any, listed in the Bid Particulars in Section I.

A bidder shall not be eligible to submit a bid if and when at the time of bid submission, the bidder:

- (i) has been suspended or declared ineligible by UNOPS or any other entity of the United Nations system, including the Work Bank;
- (ii) is on the UN 1267 terrorist list issued by the Security Council resolution 1267 which establishes a sanctions regime to cover individuals and entities associated with Al-Qaida and/or the Taliban; or

- (iii) has not attended a mandatory site inspection or mandatory clarification meeting, if applicable, in accordance with Articles 9 and 10.
- (iv) does not comply with any additional requirements as may be set out in the Bill of Particulars.

If a bidder does not have all the expertise required for the provision of the works to be provided under the Contract, such bidder may submit a bid in association with other entities, particularly with an entity in the country where the works are to be provided. An entity may not submit more than one bid in response to this ITB, whether alone or in association with other entities.

In the case of a joint venture, consortium or association:

- (i) all parties of such joint venture, consortium or association shall be jointly and severally liable to UNOPS for any obligations arising from their bid and the Contract that may be awarded to them as a result of this ITB;
- (ii) the bid shall clearly identify the designated entity designated to act as the contact point to deal with UNOPS. Such entity shall have the authority to make decisions binding upon the joint venture, association or consortium during the bidding process and, in the event that a contract is awarded, during the duration of the contract; and
- (iii) The composition or the constitution of the joint venture, consortium or association shall not be altered without the prior consent of UNOPS.

## **5. ERRORS OR OMISSIONS**

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Bidders shall immediately notify UNOPS in writing of any ambiguities, errors, omissions, discrepancies, inconsistencies or other faults in any part of the ITB, with full details of those ambiguities, errors, omissions, discrepancies, inconsistencies or other faults. Bidders shall not benefit from such ambiguities, errors, omissions, discrepancies, inconsistencies or other faults.

## **6. BIDDERS' RESPONSIBILITY TO INFORM THEMSELVES & ACKNOWLEDGEMENT**

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Bidders shall be responsible to inform themselves in preparing their bid. In this regard, bidders shall ensure that they:

- (i) examine and fully inform themselves in relation to all aspects of the ITB, including the Contract and all other documents included or referred to in this ITB;
- (ii) review the ITB to ensure that they have a complete copy of all documents;
- (iii) obtain and examine all other information relevant to the project and the scope of the works available on reasonable enquiry;
- (iv) verify all relevant representations, statements and information, including those contained or referred to in the ITB or made orally during any clarification meeting or site inspection or any discussion with UNOPS, its employees or agents;

- (v) attend any Clarification Meeting or Site Inspection that is mandatory under this ITB;
- (vi) fully inform and satisfy themselves as to requirements of any relevant authorities and laws that apply, or may in the future apply, to the execution of the works; and
- (vii) form their own assessment of the nature and extent of work required to execute the works and properly account for all work in their bid.

Bidders acknowledge and agree that the ITB does not purport to contain all relevant information in relation to the works and is provided solely on the basis that bidders shall be responsible for making their own assessment of the matters referred to in the ITB, including the Contract (see Section V).

Bidders acknowledge and agree that UNOPS, its directors, employees and agents make no representations or warranties (express or implied) as to the accuracy, currency or completeness of this ITB or any other information provided to the bidders.

## **7. UNOPS SHORT FORM CONSTRUCTION CONTRACT**

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Bidders shall be willing to sign the Contract (see Section V), without departure, qualification, amendment, limitation or exclusion should they be selected as a result of this bid process.

## **8. CLARIFICATION OF THE ITB**

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Bidders may request clarification of the ITB or bid process by submitting a written request to the contact stated in the Bid Particulars in Section I up to the time stated in the Bid Particulars in Section I and thereafter requests for clarification will not be accepted.

UNOPS shall gather all requests for clarification and may respond in writing to all such requests at the same time. Responses to requests for clarification shall be communicated to all bidders that received the ITB directly from UNOPS if the ITB was not available online, and/or, if the ITB was available online or if stated in the Bid Particulars in Section I, responses will be posted online without disclosing the names of the bidders who submitted the requests for clarification.

## **9. CLARIFICATION MEETINGS**

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Unless otherwise instructed in writing by UNOPS, a clarification meeting will only be held if stated in the Bid Particulars in Section I, at the time and place and in accordance with any instructions set out in the Bid Particulars in Section I.

If the Bid Particulars in Section I state that a clarification meeting shall be mandatory, a bidder which does not attend the clarification meeting shall become ineligible to submit a bid under this ITB.

The names of representatives of bidders who will attend the clarification meeting shall be submitted in writing by bidders to the UNOPS contact person listed in the Bid Particulars in Section I, including the full name and position of each representative at least 24 hours before the clarification meeting is to be held.

UNOPS will not issue any formal answers to questions from bidders regarding the ITB or bid process during the clarification meeting. All questions shall be submitted in accordance with Article 8.

The clarification meeting shall be conducted for the purpose of providing background information only. Without limiting Article 6, bidders shall not rely upon any information, statement or representation made at the clarification meeting unless that information, statement or representation is confirmed by UNOPS in writing.

UNOPS shall prepare minutes of the clarification meeting and communicate them in writing directly to all bidders which received the bid documents directly from UNOPS if the ITB was not available online, and/or, if the ITB was available online or if stated in the Bid Particulars in Section I, the minutes will be posted online without disclosing the names of the bidders who attended the clarification meeting, shortly after the clarification meeting.

## **10. SITE INSPECTION**

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Unless otherwise instructed in writing by UNOPS, a site visit will only be held if stated in the Bid Particulars in Section I, at the time and place and in accordance with any instructions set out in the Bid Particulars in Section I.

If the Bid Particulars in Section I state that a site inspection shall be mandatory, a bidder which does not attend the site inspection shall become ineligible to submit a bid under this ITB.

Bidders participating in a site inspection shall be responsible for:

- (i) arranging for and wearing personal protective equipment, including at a minimum safety helmets, boots and reflective vests; and
- (ii) making and obtaining any visa arrangements that may be required for the bidders to participate in a site inspection.

Prior to attending a site inspection, bidders shall execute an indemnity and a waiver releasing UNOPS in respect of any liability that may arise from:

- (i) loss of or damage to any real or personal property;
- (ii) personal injury, disease or illness to, or death of, any person;
- (iii) financial loss or expense, arising out of the carrying out of that site inspection; and
- (iv) transportation by UNOPS to the site (if provided) as a result of any accidents or malicious acts by third parties.

UNOPS will not issue any formal answers to questions from bidders regarding the ITB or bid process during a site visit. All questions shall be submitted in accordance with Article 8.

A site visit will be conducted for the purpose of providing background information only. Without limiting Article 6, bidders shall not rely upon any information, statement or representation made at a site visit unless that information, statement or representation is confirmed by UNOPS in writing.

## **11. CONTENT OF BID SUBMISSIONS**

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## 11.1

### Returnable Bid Schedules

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Bids shall include only a fully completed and dated set of the Returnable Bid Schedules, including only the information required by each Returnable Bid Schedule, either completed on the Returnable Bid Schedule document or annexed to the document, as the case may be, each signed in accordance with Article 19 by a person authorised by the bidder to bind it. The Returnable Bid Schedules are set out in Section IV.

## 11.2

### Other Information

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Bids submitted shall only include information required to be submitted in accordance with the ITB.

## 12. REMUNERATION FOR AND COSTS OF BIDS

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Bidders shall not be entitled to any remuneration or compensation for the preparation and submission of their bid.

Bidders acknowledge that their participation in any stage of the bid process for this ITB is at the bidders' own risk and cost. UNOPS shall not be responsible for any costs or expenses incurred by bidders in the preparation and submission of bids or participation in the bid process, including as part of any clarification meeting or site or plant inspection.

UNOPS is not liable to bidders for any costs, expense or loss on any legal, contractual, quasi contractual or restitutionary basis incurred or suffered in connection with the ITB or bidders' participation in the bid process, including where:

- (i) clarifications and addenda are provided or not provided to bidders;
- (ii) a bidder is not selected or not engaged to carry out the works;
- (iii) UNOPS varies, terminates, suspends or delays any aspect of the bid process or conducts another process in its place;
- (iv) UNOPS elects not to proceed with the ITB in whole or in part; or
- (v) UNOPS exercises any rights under the ITB.

## 13. BID VALIDITY PERIOD

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Bids shall remain valid for acceptance by UNOPS for the entire period set out in the Bid Particulars in Section I. A bid valid for a shorter period of time shall be rejected.

Prior to expiration of the bid validity period, UNOPS may request in writing that the bidders extend the validity of their bids with the same conditions. The bid of Bidders who decline to extend the validity of their bid shall become disqualified as no longer valid.

## 14. PARTIAL BIDS

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Bidders shall respond to all applicable Returnable Bid Schedules and shall bid for all sections of the works. UNOPS will NOT accept bids for one or several sections of the works

only, nor will UNOPS accept bids for only part of the works or part of any section of the works.

### **15. ALTERNATIVE BIDS**

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Alternative bids will not be evaluated unless stated otherwise in the Bid Particulars in Section I.

If a bidder submits an alternative bid, it shall mark the original bid as “Initial Bid” and any subsequent bid as “Alternative Bid”.

If the Bid Particulars in Section I do not state that alternative bids may be evaluated, and a bidder submits more than one bid:

- (i) All bids marked as “Alternative Bid” will be disqualified and only the bid marked as “Initial Bid” will be evaluated; or,
  - (ii) All bids will be rejected if no indication is provided as to which bid is the original bid and which is/are the alternative bid(s).
- If:
- (i) the Bid Particulars in Section I state that alternative bids may be evaluated;
  - (ii) the bidder has submitted an Initial Bid and an Alternative Bid which meets the requirements of this Article 15; and
  - (iii) the bidder's Initial Bid has been evaluated and that bidder has been assessed as the preferred bidder,

then UNOPS may consider, entirely in its own discretion, the Alternative Bid of the preferred bidder.

### **16. BID SECURITY**

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If the Bid Particulars in Section I state that bidders shall provide bid security, the bid security shall be in the form set out in Returnable Bid Schedule 2 – Form of Bid Security (see Section IV) and shall be for the amount set out in the Bid Particulars in Section I.

### **17. BID CURRENCY(S)**

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Prices in the bid shall be quoted in the currenc(ies) stated in the Bid Particulars in Section I. Bid Prices shall be fixed. Bids with adjustable Bid Prices shall be disqualified.

### **18. DUTIES AND TAXES**

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UNOPS is a tax exempt entity. All bids shall be submitted net of any direct taxes and any other taxes and duties, unless otherwise specified in the Bid Particulars in Section I.

### **19. BID FORMAT**

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A bid shall contain no interlineations, erasures, or overwriting. If necessary to correct errors made by a Bidder, hand written corrections to the bid may be made before the submission and/or the Deadline for Bid Submission. In this case, such corrections shall be initialed by the person or persons who signed the bid.

Bids shall be signed by the person authorized to do so in Returnable Bid Schedule 1 – Form of Bid (see Section IV). That person shall be authorized by the bidder to bind the bidder. A copy of such authorization shall be submitted along with the bid.

## **20. LANGUAGE OF BIDS**

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All bids, information, documents and correspondence exchanged between UNOPS and the bidders in relation to this bid process shall be in the language set out in the Bid Particulars in Section I.

Supporting documents may be submitted in their original language. If such language is different from that set out in the Bid Particulars in Section I, the supporting documents shall be submitted together with a translation of the supporting documents' relevant excerpts.

## **21. DEADLINE FOR BID SUBMISSION**

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All bids shall be received by UNOPS by no later than the time and date set out in the Bid Particulars in Section I. It shall be the sole responsibility of the bidders to ensure that their bid is received by the Closing Date. UNOPS may reject any bid received after the Deadline for Bid Submission.

Bids submitted after the Deadline for Bid Submission shall be rejected.

## **22. WITHDRAWAL, SUBSTITUTION, AND MODIFICATION OF BIDS**

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Prior to the Deadline for Bid Submission, a bidder may withdraw, substitute, or modify its bid after it has been submitted by sending a written notice to UNOPS. After the deadline for submission of the bids, however, the bids shall remain valid and open for acceptance by UNOPS for the entire Bid Validity Period, as may be extended.

If a bidder withdraws its bid after the Deadline for Submission of Bids and prior to the expiration of the Bid Validity Period, as may be extended, UNOPS may retain the bidder's Bid Security, if any has been required in accordance with Article 16.

Bid for which withdrawal has been requested prior to the deadline for submission of the bids shall be made available for collection by the bidder that submitted it within 15 days of its withdrawal. Otherwise, UNOPS shall have the right to discard such bid unopened without further notice to the Bidder. UNOPS shall not be responsible to return the bid to the Bidder at UNOPS' costs.

## **23. BID SUBMISSION**

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All bids shall be submitted to UNOPS in accordance with the requirements set out in this ITB.

Bids that are not submitted in accordance with the provisions set out in this ITB shall be rejected.

## **24. OPENING OF BIDS**

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Bids will be opened at the time and location, and in accordance with the requirements, set out in the Bid Particulars in Section I.

Bidders may attend the opening of the bids. However, they shall not be allowed to attend the evaluation of the bids.

## **25. EVALUATION METHOD AND CRITERIA**

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UNOPS shall evaluate bids and select a preferred bidder pursuant to Section III of this ITB.

## **26. OTHER UNOPS RIGHTS**

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Subject to Section III of the ITB, UNOPS shall have no obligation to accept any bid, including the bid with the lowest price.

UNOPS may, in its absolute discretion, do all or any of the following:

- (i) require additional information from bidders;
- (ii) change the structure and timing of the ITB;
- (iii) alter, terminate, suspend or defer the bid process or any part of or activity in it;
- (iv) consider or accept or reject any bid which is non-conforming;
- (v) request, attend or conduct any site inspections or clarification meetings;
- (vi) request, attend or observe any product, plant, equipment or other demonstration, trial or test, provided UNOPS acts reasonably in so doing;
- (vii) abandon, cancel or otherwise not proceed with the bid process at any time prior to the award of a contract, without any liability toward the bidders and without providing any reason or notice to bidders.

## **27. COLLECTION OF REJECTED OR UNSUCCESSFUL BIDS**

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UNOPS shall not return any rejected or unsuccessful bids to the bidders, except for late bids, which will be available for collection by the bidders within fifteen days of the rejection.

## **28. CONFIDENTIALITY**

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All information and documents provided to the bidders by UNOPS shall be treated as confidential by the bidders and shall:

- (i) remain the property of UNOPS;
- (ii) not be used for any purpose other than the purpose of preparing a bid; and
- (iii) be immediately returned to UNOPS in the event the bidder declines to respond to this ITB, or, in the event of a rejected or an unsuccessful bid, within fifteen days of being notified by UNOPS that its bid was rejected or unsuccessful.

All information and documents provided to the bidders by UNOPS shall not be disclosed to any third party, except:

- (i) with the prior written consent of UNOPS;
- (ii) where the third party is assisting a bidder in preparing the bid, provided the bidder has previously ensured that party's adherence to this duty of confidentiality;
- (iii) if the information or documents is/are at the time of this ITB lawfully in the possession of the bidder through a party other than UNOPS;
- (iv) if required by law, and provided that the bidder has previously informed UNOPS in writing of its obligation to disclose the information or documents; or
- (v) if the information is generally and publicly available other than as a result of breach of confidence by the person receiving the information.

## **29. ETHICS AND CORRUPT PRACTICES**

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UNOPS requires that all bidders observe the highest standard of ethics during the entire bid process, as well as the duration of any contract that may be awarded as a result of this bid process. Therefore, all bidders shall represent and warrant that they:

- (i) have not unduly obtained, or attempted to unduly obtain, any confidential information in connection with the bid process and any contract that may be awarded as a result of this bid process;
- (ii) have no conflict of interest that would prevent them from entering into a contract with UNOPS, and shall have no interest in other bidders or parties involved in this bid process or in the project underlying this bid process;
- (iii) have not engaged, or attempted to engage, in any Corrupt Practices in connection with this bid process or the contract that may be awarded as a result of this bid process. For the purposes of this provision, Corrupt Practices shall mean any of the following:
  - bribery: the act of unduly offering, giving, receiving or soliciting anything of value to influence the process of procuring works, or executing contracts;
  - extortion or coercion: the act of attempting to influence the process of procuring works, or executing contracts by means of threat of injury to person, property or reputation;
  - fraud: the misrepresentation of information or facts for the purpose of influencing the process of procuring works, or executing the contracts, to the detriment of UNOPS or other participants; or
  - collusion: the agreement between bidders designed to result in bids at artificial prices that are not competitive.
- (iv) have not been involved in, either directly or indirectly, nor have they funded, either directly or indirectly, any terrorist activities, notably upon basis of the consolidated list of individuals belonging to or associated with terrorist entities as established and maintained by the United Nations 1267 Committee.

In the event that a bidder fails to comply with any of the above representations and warranties, UNOPS shall have the right to reject the bid submitted by such bidder, and to terminate any contract that may have been awarded as a result of this bid process immediately upon notice, without any liability for termination charges or any other liability of

any kind of UNOPS. In addition, the bidder may be precluded from doing business with UNOPS and any other entity of the United Nations System in the future.

### **30. AUDIT**

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Any bidder participating in this bid process shall agree to cooperate with the Office of Internal Oversight Services of the United Nations, UNOPS Internal Audit and Investigations Group as well as with any other investigation units authorized by UNOPS Executive Director and UNOPS Ethics Officer to investigate any allegation of misconduct, and in particular any allegation of a breach of Article 29 above, in connection with this bid process or any contract that may be awarded as a result of this bid process.

In cooperating with UNOPS, the bidders shall give access to UNOPS, upon written request, to all employees, representatives, agents and assignees, as well as to all documents, records and other elements of the bidder that may be required to conduct such investigation. The failure of a bidder to comply with any of the above representations and warranties shall give UNOPS the right to disqualify the bid submitted by such bidder, and to terminate any contract that may have been awarded as a result of this bid process immediately upon notice, without any liability for termination charges or any other liability of any kind of UNOPS. In addition, the bidder may be precluded from doing business with UNOPS and any other entity of the United Nations System in the future.

### **31. BID PROTEST**

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Any bidder that believes to have been unjustly treated in connection with this bid process or any contract that may be awarded as a result of such bid process may submit a complaint to UNOPS' General Counsel. More information about bid protests can be found on UNOPS' website at [www.unops.org](http://www.unops.org).

## SECTION III

### EVALUATION METHOD AND CRITERIA

#### 32. EVALUATION METHOD

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Bids shall be evaluated according to a three-step procedure.

Firstly, bids shall be preliminary examined for consistency and adequacy of the information and documents in accordance with requirements of the Section I “Bid Particulars” and Section II “Instructions to Bidders” based on Fail/Pass system.

Secondly, bids that “Passed” preliminary examination will be admitted for the technical evaluation, where the following below-listed criteria compliance will be checked:

- technical expertise and experience;
- safety, quality and insurance; and
- capacity, resources and key personnel.

Thirdly, bids that are found to be technically compliant shall be evaluated based on value for money principle and cost realism, analysing all relevant costs, risks and benefits of each bid throughout the whole life cycle of the works and in the context of the project as a whole. The lowest priced bid will not necessarily be accepted.

#### 33. PRELIMINARY EXAMINATION

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Upon opening of the bids, UNOPS shall proceed to a preliminary examination of the bids. UNOPS may reject any bid during the preliminary examination which does not comply with the requirements set out in this ITB, without further consultation with the bidder.

Bids which are incomplete, frivolous, clearly not competitive or contain material deviations from or reservations to the terms of the Contract, may, in UNOPS absolute discretion, be rejected or excluded from further consideration at any time during the evaluation, including after preliminary examination. A bidder may not be permitted to correct or withdraw material deviations or reservations in a bid once the bids have been opened.

#### 34. CLARIFICATION OF BIDS

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UNOPS may request clarification or further information in writing from the bidders at any time during the bid process. The bidders’ responses shall not contain any changes regarding the substance or price of the bid.

UNOPS may use such information in interpreting and evaluating the relevant bid but is under no obligation to take it into account.

#### 35. EVALUATION AND EVALUATION CRITERIA

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Evaluation of the bids shall be made based on pre-determined technical and financial evaluation criteria set out below and in accordance with the procurement rules of UNOPS.

Bids shall be evaluated for technical compliance using a combination of two methods:

1. A point system measured against satisfaction of the technical criteria set out in the tables below; and

2. A “pass or fail” system based on satisfaction of the submission requirements listed below.

Bidders may be requested to submit evidence in support of the information provided in their offers.

In order for the bids to qualify for further financial evaluation, the bids must achieve:

1. A total of at least **70%** for the overall score; and
2. A **pass** for the submission requirements listed below.

## **POINTS SYSTEM**

### **Overall Weighting:**

Final scores for each category of criteria set out in the tables below will be weighted as follows:

Criteria	Weight
1. Technical expertise, capacity, resources, key personnel and experience	60
2. Source of materials, proposed subcontractors & supplies, work program and method statement	20
3. Capacity building and local content	10
4. Health, safety and environment	10

### **Technical categories, criteria and scoring:**

#### **1. Technical expertise, financial capacity, resources, key personnel and experience (60%)**

The bids will be evaluated against the following criteria and a score out of a possible 10 points will be awarded for each individual criterion:

<i>Item no.</i>	<i>Returnable Bid Schedule</i>	<i>Evaluation Criteria</i>	<i>Weighting</i>
1.	Bid schedule 6	Demonstrates availability of an experienced project team, and key personnel to perform the Works and good project management structure	15
2.	Bid schedule 9 (Items 2,3 and 4)	Demonstrates knowledge of and experience working in construction, and a proven track record in successfully delivering projects and experience working in Zimbabwe, including local registration and authorization for works performance	15
3.	Bid schedule 9 (items 1 and 4)	Demonstrates financial capacity to mobilize resources and start works immediately and support the progress with adequate cash flow	50
4.	Bid schedule 9 (item 5)	Demonstrates ownership of or access to adequate equipment to perform the works	20

### **Scoring: Items 1 & 2**

0.0 - 2.5	Requirements are not met and the proposal is inadequate
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2.6 - 5.0	Capacity, resources & experience requirements are partially met and are not sufficient. The proposal partially meets the technical and project management requirements for this project and is not sufficient
5.1 - 7.5	Capacity, resources & experience requirements are met. The proposal meets the technical and project management requirements but with minor issues
7.6 - 10	Capacity, resources & experience requirements are met. The proposal demonstrates very good knowledge and experience for this project

**Scoring: Item 3 - Pass/Fail and Points**

Fail	Annual turnover of below 50% of the bid amount and working capital of below US\$ 30,000
5	Average annual turnover between 50% to 75% of the bid amount and working capital US\$ 30,000 to US\$ 50,000. Financial statements and bank statements must be provided
7.5	Average annual turnover between 75% to 100% of the bid amount and working capital between US\$ 50,000 to US\$ 100,000. Financial statements and bank statements must be provided
10	Average annual turnover equal or above bid amount and Working capital equal or above US\$ 100,000 with financial statements and bank statements provided in the Letter of Credit from bank

**Scoring: Items 4 - Pass/Fail and Points**

Fail	No ownership and/access to the minimum equipment listed in Schedule 9
5	Ownership and/or access to the minimum equipment listed in Schedule 9 and the total number of equipment are up to 25%
7.5	Ownership and/or access to the minimum equipment listed in Schedule 9 and the total number of equipment are between 25% and 50%
10	Ownership and/or access to the minimum equipment listed in Schedule 9 and the total number of equipment are more than 50%

**2. Source of materials, proposed subcontractors & supplies, work program and method statement (20%)**

The bidder will be evaluated against the following criteria and a score out of a possible 10 points will be awarded for each individual criterion:

<i>Item no.</i>	<i>Returnable Bid Schedule</i>	<i>Evaluation Criteria</i>	<i>Weighting</i>
1.	Bid schedule 5	Demonstrates optimal work program	25
2.	Bid schedule 12	Demonstrates optimal method statement to deliver this project	25
3.	Bid schedule 12	Demonstrates knowledge (write up), through prior assessment, source and access to all construction materials for this project	50

**Scoring:**

Fail	Requirement are not met and the proposal is inadequate
2.5 - 5.0	Work program and/or method statement have been submitted but do not provide sufficient details to enable UNOPS to adequately evaluate the planned execution, staging and allocation of resources for the works. Or, planned execution, staging and allocation of resources for the works is not acceptable
5.1 - 7.5	Work program and method statement have been submitted and provide sufficient details to enable UNOPS to adequately evaluate the planned execution, staging

	and allocation of resources for the works. Planned execution, staging and allocation of resources for the works is good
7.6 - 10	Work program and method statement have been submitted and both have sufficient details to enable UNOPS to adequately evaluate the planned execution, staging and allocation of resources for the works. Planned execution, staging and allocation of resources for the works are excellent

### 3. Capacity building and local content (10%)

The bidder will be evaluated against the following criteria and a score out of a possible 10 points will be awarded for each individual criterion:

<i>Item no.</i>	<i>Returnable Bid Schedule</i>	<i>Evaluation Criteria</i>	<i>Weighting</i>
1.	Bid schedule 6 & 7	Bidder's proposal demonstrates optimal capacity building with Zimbabwean communities	100

#### Scoring:

0.0 - 2.5	The bidder has not included Zimbabwean employees in its key personnel and the bidder has failed to submit a proposal under Returnable Bid Schedule 7
2.6 - 5.0	The bidder has not included Zimbabwean employees in its key personnel and the bidder's proposal under Returnable Bid Schedule 7 is inadequate
5.1 - 7.5	The bidder has included at least one Zimbabwean employee in its key personnel and/or the bidder's proposal under Returnable Bid Schedule 7 demonstrates adequate capacity building
7.6 - 10	The bidder has included at least two Zimbabwean employees in its key personnel and/or the bidder's proposal under Returnable Bid Schedule 7 demonstrates optimal capacity building

### 4. Health, safety and environment:

The bidder will be evaluated against the following criteria and a score out of a possible 10 points will be awarded for each individual criterion:

<i>Item no.</i>	<i>Returnable Bid Schedule</i>	<i>Evaluation Criteria</i>	<i>Weighting</i>
1.	Bid schedule 10	The Bidders environmental proposal demonstrates optimal compliance with the UNOPS environmental mitigation and monitoring plan	50
2.	Bid schedule 10	The Bidders health and safety proposal demonstrate optimal compliance with the UNOPS health and safety plan	50

#### Scoring:

0.0 - 2.5	The bidder failed to submit a proposal or the submitted proposal does not meet the UNOPS requirements set out in the environmental mitigation and monitoring plan and the health and safety plan
2.6 - 5.0	The bidder's proposal only partially meets the UNOPS requirements set out in the environmental mitigation and monitoring plan and the health and safety plan. Or the bidder's proposal is not acceptable
5.1 - 7.5	The bidder's proposal meets the UNOPS requirements set out in the environmental mitigation and monitoring plan and the health and safety plan but

	with minor issues
7.6 - 10	The bidder's proposal meets the UNOPS requirements set out in the environmental mitigation and monitoring plan and the health and safety plan and demonstrates optimal compliance or exceeds UNOPS requirements

A bid shall be rejected at the technical evaluation stage if it fails to achieve the minimum technical threshold of **70%** of the obtainable score of **100** points and/or any one of the pass / fail requirements.

**Financial Evaluation Criteria:**

For the purpose of evaluating the bids, only the value of the Bill of Quantities shall be used and compared.

Bids shall be evaluated based on value for money principle. The lowest priced bid will not necessarily be accepted. Offered costs will be analyzed and measured against cost realism, risks and benefits of each bid throughout the whole life cycle of the works and in the context of the project as a whole.

## SECTION IV

### RETURNABLE BID SCHEDULES

*Note to Bidders: Instructions to complete each Returnable Bid Schedule are contained in each schedule.*

*Bidders must complete all the Returnable Bid Schedules as instructed.*

SCHEDULE 1	- Form of Bid
SCHEDULE 2	- Form of Bid Security
SCHEDULE 3	- Bidder's Details
SCHEDULE 4	- Bill of Quantities
SCHEDULE 5	- Bidder Preliminary Programmes
SCHEDULE 6	- Proposed Project Team and Organizational Structure
SCHEDULE 7	- Capacity Building and Local Intent
SCHEDULE 8	- Insurance
SCHEDULE 9	- Capacities, Experience, Work in Hand and Work Completed
SCHEDULE 10	- Works Management System
SCHEDULE 11	- Proposed Sub Contractors and Suppliers
SCHEDULE 12	- Proposed Sources of Naturally Occurring Materials and Outline Statement of Proposed Methods
SCHEDULE 13	- Declarations
SCHEDULE 14	- Conflicts of Interest
SCHEDULE 15	- Dispute Details
SCHEDULE 16	- Addenda to ITB