

ANNEX B: TERMS OF REFERENCE

FOR

Preparation of the necessary infrastructure to enable the operating of two Containerized Oxygen plants with a production capacity of 530lpm each, to be received by both AL-Muhtaseb Hospital in Hebron, and Tubas Turkish Hospital in Tubas.

1.0 BACKGROUND

- 1.1. UNICEF State of Palestine (SoP) is supporting the Ministry of Health, in the Strengthening of the Medical Oxygen Ecosystem in Palestine, UNICEF is planning to improve production gaps at the most vulnerable hospitals in the West Bank, to ensure the availability of life saving Medical Gasses to all Patients.
- 1.2. To that aim, UNICEF SoP will prepare the necessary infrastructure to enable the operating of two Containerized Oxygen plants with a production capacity of 530lpm each, to be received by both AL-Muhtaseb Hospital in Hebron, and Tubas Turkish Hospital in Tubas as detailed in the Scope of the Work below.
- 1.3. This construction Project is expected to benefit a catchment population of 100,000 beneficiaries in Hebron and 70,000 in Tubas, receiving essential medical service.

2.0 SCOPE OF WORK

- 2.1 **Objective:** The objective of these Terms of Reference is to guide a bidding exercise to identify suitable Contractors to execute the Works described below within the agreed quality, budget, and timeline. The general aim of the Project is to ensure the sufficient provision of life saving Medical Oxygen to all Patients.
- 2.2 **Nature of works and location:** This Project includes the site preparation for two Containerized oxygen plants at two separate Hospitals, Works to include Construction of Platform and metal roofing, mechanical and electrical works for evacuation of condensates, meeting power requirements, Lighting and fire safety, safety and medical gas piping connections.
- 2.3 **Organization of project into phases:** This is a one-off project that is not part of a larger plan to bring in more oxygen plants to the West Bank.
- 2.4 **Division of project into lots:** The Project is geographically divided into two (2) lots: Lot 1 includes site preparation at Al-Muhtaseb Hospital in Hebron City, Lot 2 includes all site preparation works at Tubas Turkish hospital in Tubas City.

Table 1: List of lots and scope of work

Lot	Name of Facility	Location	Site Area
1	<i>Al-Muhtaseb Hospital</i>	<i>Hebron</i>	<i>65 m²</i>
2	<i>Tubas Turkish Hospital</i>	<i>Tubas</i>	<i>95m²</i>

- 2.5 **Management of lots:** The Potential Bidder is eligible to submit bids to as many lots as they want based on their capacity, qualifications, experience, and business objectives. UNICEF reserves the right to award two lots to one or more Contractors based on their technical and financial merits, and to the Contract distribution option that is in UNICEF's best interest. The recommendation for the award of each lot will be based on the best value for money principle.
- 2.6 **General specifications:** The Works will be carried out in accordance with the Drawings, Bill of Quantities and Technical Specifications provided under Annex E: Technical Documents and in accordance with all construction standards applicable in the State of Palestine.
- 2.7 **Site visit:** Potential Bidders are encouraged to visit the sites they are interested in prior submitting their offers to get familiar with site conditions that may affect their Proposals. Potential Bidders are expected to make their own arrangements to visit the site and on their own expenses. UNICEF shall accept no excuse or claim whatever from the Selected Contractor for not knowing or being able to properly evaluate the site condition and assess the equipment, local material, local labor, etc. requirements for the Works to be carried out. Questions should be submitted in writing to UNICEF in accordance with instruction provided under the RFP.
- 2.8 **Greening and accessibility:** All construction and rehabilitation works implemented directly or indirectly by UNICEF shall be in line with the Organization's commitments towards Accessible Buildings and achieving Climate Neutrality by 2020.
- 2.9 **Other Considerations:** given the current restrictions on movement between governorates in the West Bank, bidders shall consider finding local teams near the targeted locations to ensure the ability to conduct the required works within the expected time frame.

3.0 EXPECTED DELIVERABLES AND TIMEFRAME

- 3.1 The timely completion of these construction Works is of utmost importance for UNICEF.
- 3.2 The Intended Substantial Completion Date should be no later than **six (6) calendar weeks** from the **installation of the oxygen plant Date**.

- 3.3 The Defects Liability Period is one (1) year counted as from the date of the Certificate of Substantial Completion.
- 3.4 UNICEF will issue partial and final payments upon satisfactory completion of each Deliverable.
- 3.5 The Potential Bidder may propose additional, or alternative, Deliverables to suit their recommended sequencing of the Works and expected cash flow during execution of the Works. UNICEF will consider the Proposal as part of the technical evaluation.

Table 2: Deliverables and Timeframe

Deliverable #	Scope of deliverable	Suggested payment distribution	Timeframe
1	Pre- Oxygen plant installation: -Concrete and excavation works (including steel plates for future steel works). - Earthing cables and board. - Drainage and water connections. - Medical gas pipping and connections.	50% minus 10% of the value of the payment	Four (4) weeks after site hand over.
2	Post- Oxygen plant installation -steel works. -Finalizing all remaining Electrical works. -firefighting system -Installing sink - Oxygen plant is running and is connected to Hospital's existing MGPS. -Site Handed Over to Respective Hospital/ MoH representative.	50% minus 10% of the value of the payment	Paid upon submittal of certificate of substantial completion.
3	Retention for Defects Liability Period:	10%	Upon issuance of the Certificate of Final Completion.

4.0 ROLES AND RESPONSIBILITIES

- 4.1 Bidders shall take into consideration the sensitivity of works undertaken at Health care facilities; the construction shall not hinder the provision of health services at the targeted locations at any given time during the work.
- 4.2 Ensuring close communication with the facility's management and technicians, a clear accessibility plan to the site, ensuring that the site is closed off from the public and is accessible by authorized personnel only.
- 4.3 The construction itself will be undertaken in two sections, pre plant installation and post plant installation, contractor applying for the works must take into consideration delays between sections of work due to installation procedures, international and national logistics.
- 4.4 All bidders must take into consideration that medical gas piping works are part of this project and shall be undertaken by professionals and later examined by respective engineer.

5.0 ELIGIBILITY AND QUALIFICATION

- 5.1 The Potential Bidder shall provide all the information and documentation requested in this section with its Proposal. Failure to submit the information below will disqualify the Potential Bidder.
- 5.2 **Documents** to be submitted in the Technical Proposal:
- The Potential Bidder must be registered construction company in The State of Palestine and have no conflict of interest to the Project. Technical Proposals shall include copies of original documents defining the constitution or legal status of the company, place of registration, and principal place of business; written power of attorney of the signatory of the Contractor to commit the Contract.
 - A statement that the company (including all members of a joint venture and Sub-Contractor) is not associated, nor has been associated in the past, directly, or indirectly, with the Project Manager or any other entity that has prepared the design, specifications, and other documents for the Project or being proposed as the Project Manage for the Contract.
 - Copy of curriculum vitae (Maximum two (2) pages) of key personnel to be involved in the Project. UNICEF may verbally interview the key personnel before the commencement of the Project.
 - Reports on the financial standing of the Potential Bidder, such as profit and loss statements and auditor's reports for the past three years.
 - Evidence of adequacy of working capital for the signed Contract (access to line(s) of credit and availability of other financial resources).

- Proposed Project Implementation Plan of Works showing the proposed implementation methods, quality control strategy, schedule for all the activities in the Works.
- 5.3 The Potential Bidder must provide sufficient **information** in their Proposal to demonstrate compliance with the requirements defined by UNICEF. The forms listed below contains the eligibility and minimum qualifying criteria that UNICEF will use to evaluate Proposal for the award of Contract.
- 5.3.1 Information to be submitted in the Technical Proposal (ANNEX C):
- Technical Proposal Submission (Form 1)
 - Technical Proposal Letter (Form 2)
 - Potential Bidder General Information (Form 3)
 - Potential Bidder's Contact Details (Form 4)
 - List of Proposed Key Personnel (Form 5)
 - List of Machine and Equipment (Form 6)
 - Potential Bidder's Financial Information/ Adequacy of Working Capital (Form 7)
 - Works in Hand and their Financial Values (Form 8)
 - Litigations (Form 9)
 - Proposed Project Implementation plan of Works (Form 10)
- 5.3.2 Information to be submitted in the Financial Proposal (ANNEX D):
- Financial Proposal Letter (Form 11)
 - Summary of Financial Proposal (Form 12)
 - Completed Bill of Quantities (Form 13)
- 5.4 The Proposals prepared by potential contractors and all correspondence and documents relating to the Proposals exchanged by potential contractors and UNICEF shall be written in the English language.
- 5.5 Errors in the Proposals
- Bidders are expected to examine all instructions and documentation of the RFP. Failure to do so will be at Bidders' own risk. In case of errors in the extension price, the unit price shall govern.
 - In the event of any discrepancy between the copies of the Proposals, the original shall govern. The original and each copy of the Technical and Financial Proposal shall be prepared in indelible ink and shall be signed and stamped by the authorized Contractor's representative.
 - The Proposal shall contain no interlineations or overwriting except as necessary to correct errors made by the Bidders themselves. Any such correction shall be initialled by the person or persons signing the Proposal.

6.0 KEY PERSONNEL

Table 3 List of Key Personnel per site

Ref.	Key Project Personnel Required	Minimum Qualification Requirement
1	Project Manager (1No.)	Minimum bachelor's degree in any discipline having minimum 10 years' experience on general building & construction related project management; proficiency in Microsoft Office Word and Excel is expected; written and verbal abilities in English are required.
2	Project Civil/Structural Engineers (1No.),	Minimum bachelor's degree in civil/structural engineering having minimum 3 years' experience or relevant diploma in civil engineering and having minimum 5 years' experience; must have knowledge of local building and construction methods, practices, and technologies; proficiency in Microsoft Office Word and Excel is expected; written and verbal abilities in English are required.
3	Electrical Engineer or Electrical Technician (1No.)/ Part time	Minimum bachelor's degree in electrical engineering having minimum 3 years of experience or diploma / certificate in electrical engineering having minimum 5

		years' experience; experience with electrical works of a similar nature to those under the contract a must; ability to certify electrical test results; proficiency in Microsoft Office Word and Excel is expected; written and verbal abilities in English are required.
4	Mechanical Engineer or Mechanical Technician (1No.) / Part time	Minimum bachelor degree in mechanical engineering having minimum 3 years of experience or diploma in mechanical or advanced plumbing training having minimum 5 years' experience; having minimum 3 years of working experience; must have worked on at least 3 projects in a similar capacity; experience with mechanical works of a similar nature to those under the contract a must; ability to certify mechanical test results; proficiency in Microsoft Office Word and Excel is expected; written and verbal abilities in English are required.
5	Biomedical Engineer (1No.) / Part time	Minimum bachelor degree in mechanical engineering having minimum 3 years of experience or diploma in mechanical or advanced plumbing training having minimum 5 years' experience; having minimum 3 years of working experience; must have worked on at least 3 projects in a similar capacity; experience with Medical Gas Pipping systems, ability to certify MGPS test results; proficiency in Microsoft Office Word and Excel is expected; written and verbal abilities in English are required.

7.0 EVALUATION PROCESS AND METHOD

- 7.1 Following closure of the RFP, Technical Proposals will be evaluated by the evaluation team. The evaluation will be restricted to the contents of the Technical Proposals and the reference checks.
- 7.2 UNICEF will first evaluate the completeness and responsiveness of Proposals in relation to:
- The sealed double envelope system is followed (Technical Proposal and Financial Proposal are submitted in separate sealed envelopes each)
 - Submission of all documents requested in Section 5.2 and all information requested in Section 5.3.
 - The Technical Proposal letter is duly signed (Form 2)
- 7.3 Proposals that fail to comply with the above will be disqualified and will not be given further consideration.
- 7.4 UNICEF will then evaluate the technical merits of each Technical Proposal using the rating system in **Table 3** below.
- 7.5 A maximum of **70 points** will be assigned to the Technical Proposals. Technical Proposals receiving **49 points (70%)** or higher will be considered technically responsive. Non-technically compliant and non-responsive Proposals will not be given further consideration.
- 7.6 UNICEF will evaluate the Financial Proposals of those RFPs the bids that pass the technical evaluation. The total number of points allocated for the Financial Proposal is **30 points**. The maximum number of points will be allocated to the Proposal with the lowest price. All other Price Proposals shall receive points in inverse proportion to the lowest price.
- 7.7 The recommendation for the award of each lot will be based on the best value for money principle. The Proposal obtaining the highest cumulative score (Technical + Financial) will be recommended for the award.

Table 3 Evaluation Criteria

Technical Evaluation Criteria		Max. Points Obtainable (70)	
Pass and fail (mandatory criteria to proceed with the evaluation)			
A	Legal Status, Registration from Ministry of Commercial (The company shall have legal address in Palestinian Territories)	Pass/ Fail	
B	Certificate of Registration with Palestinian Contractors Union under the relevant classifications		
C	Certificate of Authority for Signatory or Power of Attorney.		
D	Tax Registration/Payment Certificate issued by the Palestinian Ministry of Finance evidencing that the Contractor is updated with its tax payment obligations		
E	Bid Security bond for the amount of USD 12,000, Valid for 60 days.		
Capability (skills, expertise, and experience) of the Potential Bidder [and Key Personnel]			
A	A list of key personnel proposed for the execution of the Works, including the CVs, and TOR for the position.	5	25
B	Number of years as key personnel and building contractor for similar Works.	4	
C	A list of the Projects of similar nature competed in past three (3) years with reference.	5	
D	Number of years as a building Works contractor for related Works (proof required).	4	
E	Experience providing related services to other international organizations or commercial entities.	4	
F	The number and the corresponding value of related assignments undertaken in the country.	3	
Capacity (resources and availability) of the Potential Bidder [and Key Personnel]:			
A	Provision of Audited Financial Reports for the past three (3) years	3	15
B	Turnover of the past 3 years (this should be not less than twice the project's estimated value)	3	
C	A detailed list of equipment (owned or leased). The equipment proposed should be sufficient to achieve the timely completion of the Works, with consideration for concurrent operations where more than one site is proposed.	9	
Proposed Solution (Approach, Methodology, Schedule, Quality and time Control plan)			
A	Understanding of scope and objectives, Mobility and Accessibility plan for site/ location.	9	30
B	Proposed Implementation Plan showing the overall approach to be adopted in the execution of the Works	4	
C	Detailed quality control plan to be used in the execution of the Works, addressing anticipated risks, handling of materials, workmanship and record keeping on site to track daily progress.	9	
D	Understanding of, and responsiveness to, UNICEF requirements, social and environmental responsibility	4	
E	Availability of local Workforce with respect to site location	4	
Total Technical Score			70
Minimum Technical required score			49

8.0 PROJECT MANAGEMENT

8.1 Project Management and Coordination

- UNICEF will oversee the Works and the administration of the Contract, including the certification of payments through an appointed Project Management, or any other competent person, entity or firm appointed by UNICEF and notified to the Selected Contractor, to act in replacement of the Project Manager.
- UNICEF will supervise and inspect the Works during its execution through its Project Manager, or its representative. The Project Manager, or its representative, will provide instructions and clarify technical queries during the execution of Works in consultation with UNICEF.
- UNICEF, through its Project Manager or its representative, will regularly check the progress of Works and notify the Selected Contractor of any defects that are found. Such checking shall not affect the Selected Contractor's responsibilities.

- If the Selected Contractor has not corrected a defect within the time agreed with UNICEF's Project Manager or its representative, the Selected Contractor will be liable for Liquidated Damages.
- Communications between parties shall be valid only when in writing. Notice shall be valid only when it is delivered.

8.2 Management Meetings

- Either UNICEF's Project Manager, its representative or the Selected Contractor may require the others to attend a management meeting. The business of a management meeting shall be to review the plans for remaining Works and to deal with matters raised under the procedure for "Delays and Extension of time" sets out under UNICEF Contract for Construction.
- UNICEF's Project Manager or its representative shall record the meetings and provide copies of the record to those attending the meeting and to UNICEF, including action points and responsible for each action point.