



Date: Jan 8, 2018

**Invitation to Bid (ITB) No. 7000002753**

Dear Sir/Madam,

The United Nations Industrial Development Organization (UNIDO) hereby invites you to submit a written bid for the supply and delivery of the below stated goods/equipment/works in accordance with the requirements and instructions outlined in this ITB.

Description
Provision of technical equipment, supply and delivery of cooling system as well as the provision of technical services for SO Kombinat "Progress" company in Kyiv, Ukraine
UNIDO Contact Details
<b>UNIDO Official Dealing With This ITB:</b> Aymen AHMED
<b>E-mail:</b> A.Ahmed@unido.org
<b>Address:</b> UNIDO HQ, Vienna, Austria

To ensure consideration, your complete, detailed bid must be submitted via the UNIDO eProcurement portal by **2018-02-05 17:00:00** at the latest **Bids received after the submission deadline will be invalidated.**

It is your sole responsibility to ensure that the bid is submitted via the UNIDO eProcurement portal in compliance with the terms and conditions of this ITB and by the submission deadline indicated above.

In order to enable you to submit a bid, this ITB contains the following sections:

- Section I: Instructions to Bidders
- Section II: Technical Specifications/Bill of Quantities/Scope of Works
- Section III: Bid Submission Form(s): System fields and online forms to be completed
- Section IV: Model Purchase Order/Contract
  - Annex A: UNIDO General Conditions of Contract
  - Annex B: Facilities, Privileges and Immunities Section
  - Annex C: Instructions for the Dispatch of Reports

This ITB is for the supply and delivery of goods/equipment/works in accordance with the terms and conditions of this ITB. The offered goods/equipment/works must be in compliance with the Technical Specifications specified in Section II of the ITB.

The terms and conditions set forth in this ITB will form a part of any contract should UNIDO accept your bid. Any such contract will require compliance with all factual statements and representations made in the bid, subject to any modifications to the bid agreed to by UNIDO in the context of negotiations, in the event that negotiations have been entered into.

Your bid must be comprehensive and detailed. It must include information in sufficient scope and detail to allow UNIDO to consider whether your company/organization has the necessary capability, experience, knowledge, expertise, financial strength and capacity to supply and deliver the goods/equipment/works satisfactorily. Your bid shall clearly and concisely respond to all points set out in this ITB. Any bid which does not fully and comprehensively address this ITB may be rejected.

You should strictly adhere to all requirements of this ITB. No changes, substitutions or other alterations to the technical specifications or to the requirements stipulated in this ITB will be accepted unless approved in writing by UNIDO.

Nothing in or relating to this ITB shall be deemed a waiver, express or implied, of any of the privileges and immunities of UNIDO.

You are invited, immediately after downloading the ITB, to advise UNIDO whether you intend to submit a bid under this ITB.

In case you have any queries or comments ("requests for clarification") about this ITB, please upload your requests directly in the eProcurement portal for consideration by UNIDO. In case you have informed via UNIDO's eProcurement portal of your intention to submit a bid, you will be kept informed throughout the bid submission period of any clarification or amendment notes issued in respect of this ITB.

If you receive information about this ITB from any other source than UNIDO's eProcurement portal, your bid may be disqualified.

This ITB is not to be construed in any way as an offer to contract with your company/organization.

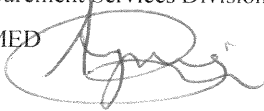
In this project, time is of the essence. Your ability to supply and deliver the goods/equipment/works strictly in accordance with the time frame contained in this ITB will be an important factor in awarding a contract.

We look forward to receiving your bid.

**With kind regards**

UNIDO Procurement Services Division

Aymen AHMED



## SECTION I - INSTRUCTIONS TO BIDDERS

### 1. UNIDO'S E-PROCUREMENT SYSTEM GUIDANCE

A step-by-step system guide ("UNIDO eProcurement system guide") for the preparation and submission of bids by bidders can be downloaded from UNIDO's procurement website at [www.unido.org/procurement](http://www.unido.org/procurement). Bidders are strongly encouraged to use UNIDO's eProcurement portal for the preparation and submission of bids. In the event that a bidder nevertheless wishes to prepare and submit his bid in hard-copy documents, the provisions of Section I, Instructions to Bidders, shall also apply *mutas mutandis* in such cases. Please also refer to [www.unido.org/procurement](http://www.unido.org/procurement).

### 2. SCOPE OF SUPPLY

In response to this ITB, UNIDO invites bids for the supply and delivery of the following goods/equipment/works further described in detail in the attached Technical Specifications/Bill of Quantities/Scope of Works, Section II:

Description of Goods and Related Services/Works			
UNSPSC	Item Description	Unit of Measure	Quantity
40101720	Delivery of Cooling System	PC	1.000

### 3. ACKNOWLEDGING PARTICIPATION BY THE BIDDER

Prospective bidders are kindly requested to inform UNIDO whether their company/organization intends to submit a bid before the deadline specified in the cover letter of this ITB. For this purpose, please follow the steps described in the UNIDO eProcurement system guide.

### 4. ITB DOCUMENTS

**4.1** Bidders are expected to examine all corresponding instructions, forms, terms and specifications contained in the ITB documents. Failure to comply with these documents will be at the bidders' risk and may affect the evaluation of their bids.

**4.2** Prospective bidder requiring any clarification of the ITB documents may notify UNIDO by uploading his request for clarification in UNIDO's eProcurement portal. UNIDO shall endeavour to reply via the portal to any request for clarification that UNIDO receives not later than one week before the deadline for the submission of bids. Written copies of the response (including an explanation of the query but without identifying the source of inquiry) will be made available in the portal to all prospective bidders that acknowledged their intention to participate in the ITB.

**4.3** No later than one week before the deadline for submission of bids, UNIDO may for any reason, whether at its own initiative or in response to a clarification requested by a prospective bidder, amend the ITB documents. All prospective bidders that have received the ITB documents will be notified in writing of any amendments. In order to afford prospective bidders reasonable time to take the amendments into account in preparing their bids, UNIDO may, at its discretion, extend the deadline for the submission of bids.

### 5. GENERAL ELIGIBILITY AND QUALIFICATION REQUIREMENTS

**5.1** UNIDO requires that bidders provide professional, objective, and impartial advice and technical assistance, and at all times hold UNIDO's interests paramount, without any consideration for future work, and strictly avoid conflicts with other assignments or their own corporate interests. Bidders shall not be engaged in any contract that would be in conflict with their prior or current obligations to UNIDO, or that may place them in a position of not being able to carry out the assignment in the best interest of UNIDO. All bidders found to have a conflict of interest may be disqualified.

**5.2** Without limitation on the generality of the above paragraph, a bidder shall not be eligible to participate in this procurement or be considered for an eventual contract if the bidder, or any employee, executive, manager or director thereof, is associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by UNIDO to provide consulting services for the preparation of the technical specifications, bill of quantities, scope of works or any other substantive documents to be used for the procurement under this ITB.

**5.3** Bidders may be requested to provide such evidence of their continued eligibility to UNIDO as and when UNIDO shall reasonably request.

**5.4** Eligibility and qualification will also be based on the bidder meeting the below stated minimum qualification requirements regarding the bidder's general and particular experience, personnel and equipment capabilities, and financial position, as demonstrated by the bidder on relevant forms and templates attached to his bid:

**Qualification Requirements [should be read and completed in conjunction with the requirements specified in the terms of reference and on "Questions" tab in the system].**

<b>Operational</b>	
ABILITY & READINESS	Please confirm your company/organization's ability and readiness to execute an eventual PO in accordance with this tender requirement. Any deviation shall be clearly expressed in your offer
CAPACITY OF OPERATIONS	Please confirm your company/organization's capacity of provision of good/services/works similar to the ones described under this tender
CERTIFICATE OF INCORPORATION	Please confirm that: a) you are registered as a legal entity in accordance with the laws of your country b) You have attached the Certificate to the offer.
COMPANY DESCRIPTION/ STRUCTURE	Please confirm that you have included a short company description if available, the organizational structure.
<b>Experience</b>	
EXPERIENCE	Please confirm that your company/organization pursues the required experience in the TechSpecs/TOR.
<b>Ethics</b>	
<b>Financial</b>	
<b>Personnel</b>	

## 6. PREPARATION OF BIDS

### 6.1 Cost

The bidder shall bear any and all costs related to the preparation and/or submission of the bid, regardless of whether his bid was selected or not. UNIDO shall in no case be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.

### 6.2 Language of the Bid

Unless otherwise specified, the bid prepared by the bidder and all correspondence and relevant documents exchanged with UNIDO relating to the ITB shall be written in the English language. Any printed literature furnished by the bidder may be written in another language so long as accompanied by an English translation of its pertinent passages in which case, for purposes of interpretation of the bid, the English translation shall govern.

### **6.3 Documents Comprising the Bid**

The bid shall comprise the following information/documents:

- (a) Responses to all qualification requirements directly submitted via UNIDO's eProcurement portal;
- (b) Substantive evidence that the bidder meets all requirements of the ITB. For this purpose, the bidder shall upload duly completed and signed bid submission form(s) (Section III) in UNIDO's eProcurement portal, including documentation to demonstrate that the bidder meets all requirements of the ITB;
- (c) Bid price(s) and/or rate(s), directly uploaded in UNIDO's eProcurement portal.

The bidder shall upload in UNIDO's eProcurement portal both the electronic and pdf versions of all duly completed, stamped and signed bid submission form(s) and if required the cost-breakdown template. All signatures shall be effected by a duly authorized representative of the bidder.

### **6.4 Bid Submission Form(s)**

Subject to the detailed Technical Specifications/Bill of Quantities/Scope of Works contained in each ITB, the bidder. The operational and technical part of the bid should not contain any pricing information on the goods/equipment/works offered. It is advisable that the bidder's bid numbering system corresponds with the numbering system used in the Technical Specifications /Bill of Quantities,

Scope of Works section II of the ITB, as well as the price schedule numbering in UNIDO's eProcurement portal. All references to descriptive material and brochures should be included in the appropriate response paragraph, though material/documents themselves may be provided as separate attachments uploaded in the portal.

Information which the bidder considers proprietary, if any, should be clearly marked "proprietary" next to the relevant part of the text and all efforts will be made to treat it accordingly.

When the bidder intends to obtain from sub-contractors highly specialized and substantive inputs essential for the execution of the contract under consideration, all details required from the bidder shall also be provided for each such proposed sub-contractor.

Other information/documentation requested in this ITB or which the bidder deems relevant for submission may be uploaded as an attachment to his bid in UNIDO's eProcurement portal.

### **6.5 Country of Origin**

In respect of all items offered under this ITB, the bidder must indicate the country of origin or of assembly.

### **6.6 Bid Price(s)**

The bidder must upload in UNIDO's eProcurement portal his best, firm, and fixed price(s) in the relevant price field(s) which have been designated for this ITB.

Dependent on the ITB, a separate price schedule or cost-breakdown template may be attached in the portal for completion by bidders. Failure to furnish all information requested on the cost breakdown template may render a bid non-responsive.

All price(s) and fee(s) shall be quoted in EUR

The bidder shall indicate his best firm fixed total price and unit price(s) for the goods/equipment/works specified in this ITB on the basis of INCOTERMS (2010):

Discounts, if any, which the bidder may wish to grant to UNIDO and the terms of such discounts shall be indicated separately in the appropriate system field.

### **6.7 Validity**

Bids shall remain valid for sixty (60) days after the deadline for submission of bids. A bid valid for a shorter period may be rejected by UNIDO on the grounds that it is non-responsive.

In exceptional circumstances, UNIDO may solicit the bidder's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. A bidder granting the request will not be required nor permitted to modify his bid.

## 7. WITHDRAWAL AND MODIFICATION OF BIDS

7.1 The bidder may withdraw his bid after the submission of the bid, provided that written notice of the withdrawal is received by UNIDO prior to the deadline prescribed for submission of bids. Please refer to the UNIDO eProcurement system guide for guidance.

7.2 No bid may be modified subsequent to the deadline for submission of bids.

7.3 No bid may be withdrawn in the interval between the deadline for submission of bids and the expiration of the period of bid validity specified by the bidder in his bid.

## 8. FORMAT AND SIGNING OF BID

8.1 The bid must be submitted directly via the UNIDO eProcurement portal.

8.2 By uploading the bid in UNIDO's eProcurement portal, the bidder (i) confirms that his bid has been approved by a duly authorized representative of the bidder and (ii) agrees and acknowledges to be bound by the terms and conditions of the ITB.

## 9. OPENING AND EVALUATION OF BIDS

### 9.1 Opening of Bids

All bids submitted prior to the prescribed deadline for submission of bids will be opened for access by UNIDO's authorized staff at preset opening date specified in UNIDO's eProcurement portal.

Any bid received by UNIDO after the deadline may be rejected and returned unopened to the bidder.

### 9.2 Clarification of Bids

To assist in the examination, evaluation and comparison of bids, UNIDO may at its discretion ask the bidder for clarification of his bid. The request for clarification and the response thereto shall be in writing and no change in price or substance of the bid shall be sought, offered or permitted. Failure of any bidder to timely and duly respond to a request for clarification may result in the rejection of his bid.

### 9.3 Preliminary Examination

UNIDO will examine the bids to determine whether they are complete, whether any computational/arithmetical errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.

Arithmetical errors will be rectified on the following basis: If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the bidder does not accept the correction of errors, his bid will be rejected. If there is a discrepancy between words and figures the amount in words will prevail.

Prior to the detailed evaluation, UNIDO will determine the substantial responsiveness of each bid to the qualification requirements and mandatory technical and commercial evaluation criteria specified for this ITB. For the purpose of this clause, a substantially responsive bid is one which conforms to all the terms and conditions of the ITB without material deviations. UNIDO's determination of a bid's responsiveness is based on the contents of the bid itself without recourse to extrinsic evidence.

A bid determined as not substantially responsive will be rejected by UNIDO and may not subsequently be made responsive by correction of the non-conformity.

### 9.4 Evaluation and Comparison of Bids

A two-stage procedure is utilised in evaluating the bids, with evaluation of the technical parts of the bids being completed prior to the price-related parts of the bids being reviewed.

In the first stage, UNIDO will evaluate the technical parts of the bids on the basis of their responsiveness to the Technical Specifications/Bill of Materials/Scope of Works in particular and the ITB in general, applying the following technical and commercial evaluation criteria:

**Technical Evaluation Criteria [should be read and completed in conjunction with the requirements specified in the Terms of Reference and on "Questions" tab in the system].**

TIMELINE

Please confirm your ability to provide the good/services/works in accordance with the timeline indicated in the bidding documents.

TECHNICAL DOCUMENTATION	Please indicate if you have attached supporting technical documentation (catalogues, leaflets, manuals, etc). If technical documentation is on a website, please indicate so.
TECHNICAL REQUIREMENTS	Please confirm compliance with and understanding of the Terms of Reference/Technical Specifications/Statement of Works.
<b>Commercial Evaluation Criteria [should be read and completed in conjunction with the requirements specified in the Terms of Reference and on the "Questions" tab in the system].</b>	
MODEL CONTRACT & GCC	Please confirm that you have read and agree to the UNIDO Model Contract including its General Conditions of Contract.

As part of the evaluation process, UNIDO reserves the right to waive minor deviations from the requirements and criteria, if they do not materially affect the capability and/or capacity of a bidder to perform the contract under consideration.

In the second stage, the price-related parts of all bids which were found to be substantially responsive will be compared.

UNIDO reserves the right to conduct the commercial evaluation and award the contract based only on the prices of the goods/equipment, on an ex-works, packed basis, if the transportation costs (freight and/or insurance) offered by bidders are found to be higher than UNIDO's own estimated costs if sourced from its own freight forwarder and insurance provider.

#### 10. SELECTION CRITERIA

In due consideration of UNIDO's procurement principles namely, best interest of the organization and best value for money, the contract shall be awarded to the qualified bidder whose bid has been found substantially responsive and offers the lowest cost to UNIDO.

#### 11. CONTRACT AWARD

**11.1** The contract will be awarded subject to (i) where relevant, successful negotiations of the contract, and (ii) approval of contract award by the relevant authorized official of UNIDO.

**11.2** UNIDO will notify the successful bidder in writing that his bid has been accepted. Following the signature of the contract with the successful bidder, UNIDO will notify the unsuccessful bidders of the award decision.

**11.3** UNIDO reserves the right to negotiate with the successful bidder for the purpose of seeking revisions of his bid in order to enhance the technical aspects of the bid and/or to reduce the price.

#### 12. RETENTION OF BIDS

Following submission of the bids and final evaluation, UNIDO will retain the bids of both the successful and unsuccessful bidders.

#### 13. TYPE OF CONTRACT

Unless specified otherwise, the type of contract considered for this ITB is a firm, fixed price contract.

#### 14. NO COMMITMENT

**14.1** This ITB does not commit UNIDO to award a contract. UNIDO reserves the right to accept or reject any bid(s), or to annul this ITB and reject all bids, at any time prior to award of contract, without thereby incurring any liability to the affected bidder(s) or any obligation to inform the affected bidder(s) of the reasons for UNIDO action.

**14.2** UNIDO also reserves the right to negotiate and award only a portion of the requirement; to negotiate and award separate or multiple contracts for the elements covered by this ITB in any combination it may deem appropriate, in its sole discretion; to add new considerations, information or requirements at any stage of the procurement process, including during negotiation with bidders; and reject the bid submitted by any bidder that has previously failed to perform properly or on time contracts of a similar nature, or of a company/organization that, in the opinion of UNIDO, is not in a position or is not sufficiently qualified to perform the contract.

**14.3** This ITB contains no contractual offer of any kind; any bid submitted will be regarded as an offer by the bidder and not as an acceptance by the bidder of any offer by UNIDO. No contractual relationship will exist except pursuant to a written contract document signed by the authorized official of UNIDO and by the successful bidder(s) chosen by UNIDO.

**15. SIGNING OF CONTRACT**

After the successful bidder's acceptance of the UNIDO contract award, UNIDO will send the bidder the contract documents incorporating all agreements between the parties. The successful bidder shall sign and date the contract and return one original set of the contract documents to UNIDO no later than two (2) weeks of the receipt of the contract documents.

**16. CONTRACT BASIC TERMS AND CONDITIONS**

Except as otherwise required by the circumstances of the case, the contract for the supply and delivery of the goods/equipment/works shall be based on the terms and conditions of the attached Model Purchase Order, Section IV of the ITB.

**17. VARY REQUIREMENTS**

At the time of award of the contract, UNIDO reserves the right to vary the quantity of the goods and/or related services by up to a maximum of twenty five (25%) percent of the total bid, without any change in the unit price or other terms and conditions.

**18. PAYMENT**

Payment will normally be made in accordance with the terms specified in the Model Purchase Order. The Financial Regulations and Rules of UNIDO preclude payment by letters of credit. Such provision in a bid will be prejudicial to its evaluation by UNIDO. The normal terms of payment by UNIDO are 30 days upon satisfactory supply and delivery of the goods/equipment/works and the acceptance thereof by UNIDO, whichever is later. Progress payments may be allowed upon agreement between the parties. Bidders must therefore clearly specify in their bids if they offer payment terms different from those specified by UNIDO.

**19. CONFIDENTIALITY**

**19.1** It is understood that this ITB is confidential and proprietary to UNIDO, contains privileged information, part of which may be copyrighted, and is received by bidders on the condition that no part thereof or any information concerning it may be copied, exhibited, or furnished to others without the prior written consent of UNIDO. This condition may be exempted to the extent that the bidder may exhibit part or parts of the ITB to prospective sub-contractors for the sole purpose of obtaining offers from them. Not with standing any other provisions in this ITB, bidders will be bound by the contents of this Article whether or not their company submits a bid or responds in any other way to this ITB.

**19.2** Information relating to the examination, evaluation, and comparison of bids, and the recommendation of contract award shall not be disclosed to bidders or any other persons not officially concerned with such process.

**19.3** Any effort by a bidder to influence UNIDO in the examination, evaluation and comparison of the bids or contract award decisions may result in the rejection of his bid.

**19.4** From the time the bids are opened to the time the contract is awarded, if any bidder wishes to contact UNIDO on any matter related to his bid, he should do so in writing to the address indicated in the cover note of this ITB.

**20. DELIVERY ADDRESS**

Attn:

Address:

City:

Region/Postal Code/ Country :

Phone # / Fax # :



**21. EXTENDED DESCRIPT**

UNIDO will notify the successful bidder in writing that his [bid/proposal] has been accepted. Upon signature of the [purchase order/LTA] with the successful bidder, UNIDO will notify each unsuccessful bidder of the outcome of the [ITB/RFP]. For awards exceeding €200,000 (or equivalent) in value, award notices will be published on the UNGM ([www.ungm.org](http://www.ungm.org)) and UNIDO ([www.unido.org](http://www.unido.org)) websites, providing information on the [ITB/RFP] number, brief description of the services/goods procured, date and amount of the award, name of the contractor, and beneficiary country.

