



## **Schedule No. 5.**

### **Contract Notice**

Polska Akcja Humanitarna, hereinafter PAH, known under the English translation Polish Humanitarian Action, with its registered office at Al. Solidarnosci 78a, Warsaw, Poland, entered into the National Court Register under KRS No. 136833 and TIN NO. 525-14-41-253, Mission in Kiev, Ukraine hereinafter referred to as PAH, is looking for a contractor for the construction of Container houses as per the Annex I (Specification) to support ongoing humanitarian response in Ukraine.

The bids of interested companies to be delivered as stated in clause 5.

#### **Purpose:**

In the view of the ongoing armed conflict in Ukraine, Polish Humanitarian Action is monitoring the situation on an ongoing basis and organizing assistance for those affected by the military action, adjusting its activities to the prevailing conditions and current needs. **Container houses**, the construction of which we invest, will be part of our efforts and will reach those who need it on the territory of Ukraine.

#### **TYPE OF CONTRACT**

The aim of this procurement is to put in place a framework agreement with identified Supplier. A framework agreement (FWA) is an agreement with a single supplier (or group of suppliers) to establish terms governing contracts that may be awarded during the period of the FWA. PAH, as contracting authority, does not guarantee any volume of orders under FWAs as all orders will be based on the needs and activities of PAH.

The FWA will set prices for the FWA duration (initially for 1 year with the possibility to renew on an annual basis up to a maximum of 2 years).

Prices and the quality of the work and supplies received will be reviewed jointly on an annual basis by PAH and framework suppliers to make sure it's satisfactory and within current market value.

To sign the FWA, respondents will need to be successful in this tender exercise. When an FWA is established with a supplier, the purchasing/ordering mechanism will be based on a Contract - so when PAH requires a supply and work provision, a Contract will be sent to the supplier to agree on each specific order/request and confirm terms. Each Contract will be an individual agreement based on the agreed terms in the FWA.

The winning tenderer(s) will be required to enter into a Framework Agreement with PAH for providing container houses including installation on the conditions set out here and in the other tender documents.

In case of establishing a multi-supplier Framework Agreement the purchasing/ordering mechanism will be based on a rotation or priority system, with individual orders placed according to PAH's internal priorities at the time of order.

Outcome of this tender will also pre-qualify Suppliers. Pre-qualification process allows supplier to be in the PAH Roaster, that allows to participate in future Restricted Tender process.

## **1. Conditions for Participation in Tender:**

Only companies that meet the following conditions may participate in this tender:

- a) Those entitled to carry out business activities, in compliance with the legal rules, and who possess the necessary permissions or licenses required to carry out their business activities;
- b) Those possessing the experience, knowledge and technical potential, as well as the personnel necessary to deliver the order;
- c) Those whose financial and economic condition guarantees the delivery of the order;
- d) Those not subject to exclusion from the tender procedure for the reasons set forth in the attached Tenderer's Statement.

## **2. Formal Criteria of Tender Documents:**

2.1. The indispensable documents that must be attached to the Bid Submission Form, in order for it to be considered valid, are:

- a) Schedule 5 Contract notice (this document);
- b) Bid Submission Form (schedule 7);
- c) Tenderer's Statement (schedule 8);
- d) Registration and VAT certificate and along with latest tax clearance certificate;
- e) Power of attorney or any other document that grants the power to represent the Company and to assume financial obligations on behalf of the company;
- f) At least 3 References confirming experience in performing similar works;
- g) Submission of tender documents in correct format with signature and stamp (including annexes) within the deadline;
- h) Schedule 25;
- i) Schedule 26;
- j) Schedule 27;
- k) The Tenderers must confirm that the period of validity of their proposal is not less than 120 days;
- l) Annex II Financial Offer.
- m) Bank Guarantee 5% shall be received by PAH within 7 days from the date of signing the contract.

All of the above jointly referred as "**Tender Documents**".

- 2.2. All blank spaces in the Tender Documents must be filled in by the company submitting the bid. Erasing or omitting is not permitted.
- 2.3. All Tender Documents, where required, must be sealed and signed by an authorized representative of the company, and the certificate of such authorization must be attached to the bid (in accordance with Clause 2.1(e)). Any and all pages that do not require a signature must be initialed and/or stamped.
- 2.4. Any Tender Document will be considered private and confidential.

- 2.5. Tender Documents may be amended or withdrawn until the deadline for the submission of bids. The amendment thereof can only be done in the same form as stated in the Bid Submission Form, while withdrawal at any written form indicating the Bid, however both amendment and withdrawal must clearly state in the subject of the e-mail either AMENDMENT or WITHDRAWAL. Applications for the amendment or withdrawal of bids received after the deadline or without WITHDRAWAL or AMENDMENT in the subject of the e-mail will not be taken into consideration. Whenever a bid has been withdrawn before the closing date and time, such bid will remain unopened. If any tender document was withdrawn or amended after the deadline, such amendment or withdrawal will be considered invalid.

### 3. Minimum Requirement

This stage will determine whether the bid submitted meets the minimum requirements. Only those tenderers meeting the minimum requirement will go forward to the second phase of the evaluation.

- Proven Experience of at least 2 years providing similar activities/project.
- Supplier commit to complete the all works within 45 calendar days from the date of contract signing.
- Average turnover for past two years shall be not be less than 500 000 USD.
- Bidder able to provide us with the available resources (Human resources, materials required for construction works etc.).

### 4. Selection Criteria (Qualitative Criteria)

A comprehensive and clear breakdown of prices must be shown as part of the financial offer – any transport fees, taxes, customs charges, component parts, packing fees etc. must be shown separately if any. Prices offered will be evaluated on full cost basis (including all fees and taxes).

Marks for cost will be awarded on the inverse proportion principle (shown below):

Score per vendor = maximum score x (price min/ price vendor).

Note: Price (Financial analysis will be based on the INFOREURO website (Currency Converter))

Qualitative criteria:

- Complete work plan and timetable for implementation of project.
- Evidence that shows the bidder has accessibility and/or ability to work in the country and targeted areas in specific.
- Financial Turnover- Financial capacity to enter a high value and medium timeline projects (past 2 years averaged turnover).
- Previous experience working similar type organization (i.e., NGO/Humanitarian organization).
- Past overall experience in similar activity.
- Payment terms.



## **5. Requirements for Bid Submission:**

5.1. The bid should include comprehensive subject matter and should be drawn-up in accordance with the following terms and conditions:

- a) The bids of interested companies and all required Tender Documents to be delivered in the following ways:
  - Electronically to [tender.ua@pah.org.pl](mailto:tender.ua@pah.org.pl) in the subject field state: **Tender PAH/Ukraine/Tender/2022/005**
  - Name of your firm with the title of the attachment
  - Number of emails that are sent e.g. 1 of 3, 2 of 3, 3 of 3.
- b) Duly filed tender documents must be submitted no later than **February 08, 2023 12:00 PM** Ukrainian time.
- c) The bid should be prepared on the provided forms that can be obtained at address specified above.
- d) The bid should be filled in either Ukrainian or English language.
- e) The bid and all the annexed documents should be signed and numbered. Pages that do not require a signature must be initialed and/or stamped.
- f) Bids submitted upon expiration of the submission date and time shall not be considered.
- g) All required Tender Documents can be obtained at the following address:
  - <https://www.pah.org.pl/dokumenty> (Please scroll down to find Tender information\_
  - <https://smarttender.biz/>.

5.2. PAH shall in no case cover any expenses incurred while preparing the bid, irrespective of the outcome of the tender procedure (also in case of the cancellation of the tender procedure or a delay in bid acceptance).

5.3. Clarifications and handling of inquiries:

PAH has made every effort to ensure that the language and terms used in the drawing up this contract notice are as accurate and understandable as possible. PAH is not responsible for any misunderstanding of this document or any other related documents of this tender.

Requests for additional information or clarification may be submitted until 3rd February 2023. Any questions regarding this contract notice should be sent to the Polish Humanitarian Action at the e-mail address: [procurement.ua@pah.org.pl](mailto:procurement.ua@pah.org.pl) and the responses shall be collected and published online at: [shorturl.at/dE178](http://shorturl.at/dE178).

## **6. Bid Acceptance:**

6.1. Bids will be opened after the deadline for bid submission.

6.2. The bid process will be comprised of two stages. The first stage involves the evaluation of the bids with regard to formal requirements, minimum requirement and completeness of documentation, while the second stage is the substantive evaluation according to the Qualitative Criteria defined by the Tender Commission. Tenderer whose bid will be rejected will receive an email of rejection at the last stage of tender evaluation the tenderer whose bid is selected will receive the award email at the last stage of the tender evaluation.

6.3. The winning bid shall be chosen by PAH within 10 days after the opening of bids.

**7. Notice of Invalidation of Tender or Rejection of Bid:**

- 7.1 Only bids fulfilling the criteria set forth in Clause 1 (Conditions for Participation in Tender), Clause 2 (Formal Criteria of Tender Documents), clause 3 (minimum requirement) and Clause 5 (Requirements for Bid Submission) of this document will be considered eligible for tender. Non-conformity with such clauses may result in bid rejection.
- 7.2 Other reasons for the invalidation of the tender or rejection of the bid are:
- a) PAH shall decline any bid of a firm or cancel the contract if it finds out that the firm used corrupt, fraudulent, collusive or coercive practices.
  - b) PAH shall exclude from the procedure companies that do not conform to the tender requirements or if it is found that materials received of importance for the tender procedure are untrue.
- 7.3. PAH reserves the right to invalidate the tender at any stage, without further explanation.

**8. Winning Tenderer:**

- 8.1. In case of winning the tender, the Tenderer shall be obliged to conclude the contract within 7 working days from receipt of the Letter of Selection under the threat of the bid being declined.
- 8.2. The bid is valid until the final conclusion of tendering process but no longer than 120 days from submission of the offer.
- 8.3 Contractor who will be awarded a contract after having the signed framework agreement in place will have to show the evidence of the Performance security - Bank Guarantee 5% before signing the contract.

**9. Right to Appeal:**

The Tenderer has a right to file a written appeal to the Chairperson of the Tender Commission regarding a breach of the tender procedure. The appeal may be filed within 4 days via registered post/courier or personally after recognition of such breach, but not later than 4 days after receiving a Letter of Rejection, if applicable.

Signature: \_\_\_\_\_

Country Director \_\_\_\_\_

Place, Date: \_\_\_\_\_

*Jimmy Turhan*  
*Jimmy Turhan*  
*19th Jan / 2023*