

Terms of Reference: IFB

Marie Stopes Services Pvt. Ltd. (MSS) is a well-established organization delivering Family Planning and Sexual Reproductive Health services throughout the country via Marie Stopes Premier Centers. It works in partnership with Marie Stopes International, UK (MSI), a global social business providing reproductive health services across the world with a mission of ensuring individual's fundamental right to have '*children by choice not chance.*' MSS aims to increase access & utilization of RH services in underserved areas.

MSS seeks services from qualified firms/companies/agencies to renovate and refurbish Premier Center in Pokhara. The bidder will require to make aluminum partition, tile flooring, wiring, painting as per the Floor Plan attached as Annex I.

By submitting a tender, the bidders accept in full the conditions of this tender, waiving his/her own conditions of sale. Bidders are required to read carefully all instructions and conditions and must ensure all relevant information and documentation is provided in full and on time.

Bidders are expected to examine carefully and comply with all instructions, forms, conditions and specifications in the tender document, as failure to do so may result in the rejection of the tender.

1. Participation:

(a) Participation in tendering is open to all legal persons in Nepal.

These terms refer to all nationals and to all legal entities, companies or partnerships constituted under, and governed by, the civil, commercial or public law and having their statutory office, central administration or principal place of business. A legal entity, company or partnership having only its statutory office must be engaged in an activity which has an effective and continuous link with the economy.

(b) Non-Eligibility

Bidders will be excluded from the tendering process if:

- (i) They are bankrupt, or being wound up or having their affairs administered by the Courts;
- (ii) They have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- (iii) They have been guilty of gross misconduct proven by any means by which MSS can justify;
- (iv) They have not fulfilled their obligations relating to the payment of social security contributions, the payment of tax in accordance with the legal provisions in;
- (v) They have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organization or any other illegal activity;
- (vi) Following another procurement procedure contracted by MSS they have been declared to be in serious breach of contract for failure to comply with their contractual obligations;
- (vii) During the process, they are subject to conflict of interest;

- (viii) Are guilty of misrepresentation in supplying or failing to supply information that may be required by MSS;
- (c) By submitting a tender, the bidder certifies and shall be deemed to have read all documents and any other information available to the bidder for the purpose of submitting the tender, In addition, the bidder will have:
 - (i) Examined all information relevant and which is obtainable by making of reasonable enquiries;
 - (ii) Satisfied itself to the correctness, completeness and sufficiency of the tender including but not limited to rates and prices submitted which shall be deemed to cover the costs of complying with all the conditions for the due and proper performance of the contract;
 - (iii) Fixed the prices independently without consultation, communication, agreement for the purpose of restricting competition, as to any matter relating to prices with any other bidder or competitor;
- (d) A bidder that cannot demonstrate, in the sole discretion of MSS, sufficient capacity to fulfill the contract will not be considered as a contractor.
- (e) Bid Validity: Bidders shall be bound by their tenders for a period of 45 days from the date of tender opening. In exceptional circumstances, prior to the expiration of the bid validity period, MSS may request Bidders in writing to extend the period of validity of their bids.
- (f) Language of Bids: The offers, all correspondence and documents related to the tender exchanged by the bidder and MSS will be in English or in Nepali.
- (g) Experience Requirements: Bidders must have atleast three years of experience of similar work done before.
- (h) Cost of Preparing tenders: No costs incurred by the tenderer in preparing and submitting the tender are reimbursable. All such costs shall be borne by the tenderer.

2. Submission of Tenders:

Tenders must include the following documents; **if the documents mentioned below are not submitted the bidder will be disqualified.**

- (a) Signed and Stamped **Bill of Quantity (Annex II)**
- (b) Signed and stamped "Declaration of No Conflict of Interest" (**Annex III**)
- (c) Copy of registration certificate of VAT;
- (d) Copy of Company Certificate Registration/ incorporation.
- (e) Latest copies of tax clearance certificate

MSS reserves the right to request to see original versions of all copy certificates.

3. Ownership of Tenders:

- (a) MSS retains ownership of all tenders received under this tender procedure. Consequently, bidders have no right to have their tenders returned to them.

4. Opening of Tenders:

- (a) The opening and examining of the tenders are for the purpose of:
 - (i) Checking whether the tenders are complete.
 - (ii) Checking whether the required documents as stated in advertisement for tender have all been included.
 - (iii) The tenders will be opened as stated in the advertisement at support office of MSS by the procurement committee.
 - (iv) The committee will draw up the minutes of the meeting, which will be available on request.
- (b) At the tender opening, the bidder’s names, tender prices, written notification of modifications and withdrawal, and any other information as MSS may consider appropriate may be announced.
- (c) In the interest of transparency and equal treatment and without being able to modify their tenders, bidders may be required, at the sole written request of the evaluation committee, to provide clarification within a reasonable time limit, to be fixed by the evaluation committee.
- (d) Any attempt by a bidder to influence the procurement committee in the process of examination and comparison of tenders, to obtain information on how the procedure is progressing or to influence MSS its decision concerning the award of the contract will result in the immediate disqualification of the tender;
- (e) All tenders received after the deadline for the submission specified in the tender advert or these instructions will be kept by MSS. **No liability can be accepted for late delivery of tenders.** Late tenders will be rejected and will not be evaluated.

5. Evaluation of Tenders

- (a) Step 1: Checking for administrative conformity: All tenders will be checked to assess whether or not the tenders comply with the essential requirements of the tender dossier. A tender is deemed to comply if it satisfies all the conditions, procedures and specifications in the tender dossier without substantially departing from or attaching restrictions to them.

All information and supporting documents requested as stated in advertisement/TOR must be submitted. Detail technical evaluation will be done based on below:

	Technical Proposal Evaluation Criteria	Max Score (30%)
1	Relevant Experience (At least 3 years)	5
2	Quality of samples	15
3	Lead Time (must complete the task within 30 days from the date of contract signing)	10

Anything which affects the scope, quality or execution of the contract, or differs widely from the terms of the tender dossier, limits the rights of MSS or the bidder's obligations under the contract or distorts competition for bidders, whose tenders do comply, will be seen as non-compliant.

Decisions to the effect that a tender is not administratively compliant will be justified in the evaluation minutes.

If a tender does not comply with the tender dossier, the evaluation committee reserves the right to reject it immediately.

(b) Step 2: Examination of the technical conformity of tenders:

After checking to see if the tenders comply in administrative terms, the procurement committee will rule on the technical admissibility of each tender, classifying it as technically compliant or non-compliant.

1) That bidder has the technical capability to manufacture and/or supply the items as specified in the schedule of requirement.

2) That bidder has the capability to manufacture and/or supply the quantity required. The bidder shall have to quote for the items and quantities listed in the schedule of requirement.

3) That bidder has the capability to complete the supply within the terms specified in the schedule of requirement.

Decisions to the effect that a tender is not technically compliant will be justified in the evaluation minutes.

(c) Step 3: Examination of the financial offer:

Tenders found to be technically compliant shall be checked for any arithmetical errors in computation and summation. Errors will be corrected by the procurement committee as follows:

- (i) Where there is a discrepancy between amounts in figures and in words, the amount in words will be the amount taken into account.
- (ii) Where there is a discrepancy between a unit price and the total amount derived from the multiplication of the unit price and the quantity, the unit price as quoted will be taken into account.
- (iii) Amounts corrected in this way will be binding to the bidder. If the bidder does not accept them, his tender will be rejected;

Only technically qualified bidders shall further be evaluated financially. The financial criteria is as below:

	Max Score (70 %)
Financial Evaluation Criteria	

1	Cost/Price of product (as per BOQ)	70
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6. The bidder shall meet the following requirement(s):

To facilitate the examination and evaluation of tenders, the procurement committee may ask each bidder individually for clarification of his tender. The request for clarification and the response must be in writing, bidders are permitted to review the correction of the arithmetical errors discovered during the evaluation of tenders.

The procurement committee may request to the bidders to reduce their prices as per need. MSS reserves' the right to negotiate price after the tender, If bidders are ready to reduce the quoted price bidders should inform to MSS in writing.

(d) **Step 4: Conformity to Experience Requirements**

Bidders must have experience of similar work done in aluminum partition and flooring.

The bidders must provide evidence of specific experience in above and completion date.

(e) **Step 5: Application of Award criteria**

The award criteria will be based on technical and financial criteria as defined above.

7. Submission of Sample:

Samples will be requested only from qualified bidders. Upon request, bidders shall submit sample.

8. Signature of the Contract

(a) The successful bidder will be informed in writing that his/her tender has been accepted;

(b) If the successful bidder fails to provide any further documentary proof, statement, evidence of financial and economic standing or the technical and professional capacity that MSS might require, within 7 calendar days following the notification of award; or if the successful bidder is found to have provided false information, the award will be considered null and void. In such a case, MSS may award the tender to another bidder or cancel the tender procedure.

(c) The selected bidder will be informed of approval of their bid by MSS within the 30 days from the date of first publication.

9. Ethics Clause

(a) Any attempt by a candidate or bidder to obtain confidential information, enter into unlawful agreements with competitors or influence the committee or MSS during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his/her tender and may result in administrative penalties;

- (b) Without MSS prior written authorization, a bidder and his/her staff or any other company with which the bidder is associated or linked may not, even on an ancillary or subcontracting basis, supply goods;
- (c) When putting forward a tender, the bidder shall declare that he is affected by no potential conflict of interest and has no equivalent relation in that respect with other bidders or parties involved in the tender. Should such a situation arise during execution of the contract, the bidder must immediately inform MSS;
- (d) The bidder must at all time act impartially and as a faithful adviser in accordance with the code of conduct of their profession. The bidder shall refrain from making public statements about the project or services without notice of MSS;
- (e) For the duration of the contract the bidder and his/her staff shall respect the human rights and undertake not to offend the political, cultural and religious mores of Nepal;
- (f) The bidder may accept no payment connected with the contract other than that provided for therein. The bidder and his staff must not exercise any activity or receive any advantage inconsistent with their obligations to MSS;
- (g) The bidder and his/her staff shall be obliged to maintain professional secrecy for the entire duration of the contract and after its completion. All reports and documents drawn up or received by the bidder shall be confidential;
- (h) The bidder shall refrain from any relationship likely to compromise this independence and that of his/her staff. If the bidder ceases to be independent, MSS may, regardless of injury, terminate the contract without further notice and without the bidder having claim to compensation;
- (i) All tenders will be rejected or contracts terminated if it emerges that award or implementation of a contract has given rise to unusual commercial expenses;
- (j) Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commission paid to a recipient who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

10. Cancellation of Tender Process

- (a) In the event of a tender procedure's cancellation, bidders will be notified by MSS. If the tender procedure is cancelled before the tender opening session, the sealed envelopes will be returned, unopened, to the bidders;
- (b) Cancellation may occur where:
 - (i) The tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all;
 - (ii) The economic or technical parameters of the bid have been fundamentally altered;
 - (iii) Exceptional MSS or force majeure render normal implementation of the project impossible;
- (c) In no event shall MSS be liable for damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if MSS has been advised of the possibility of damages. The publication of an advert to tender does not commit the MSS to implement the programme or project announced;
- (d) MSS reserves the right to alter the dates of the timetable.

11. Other Terms and Conditions

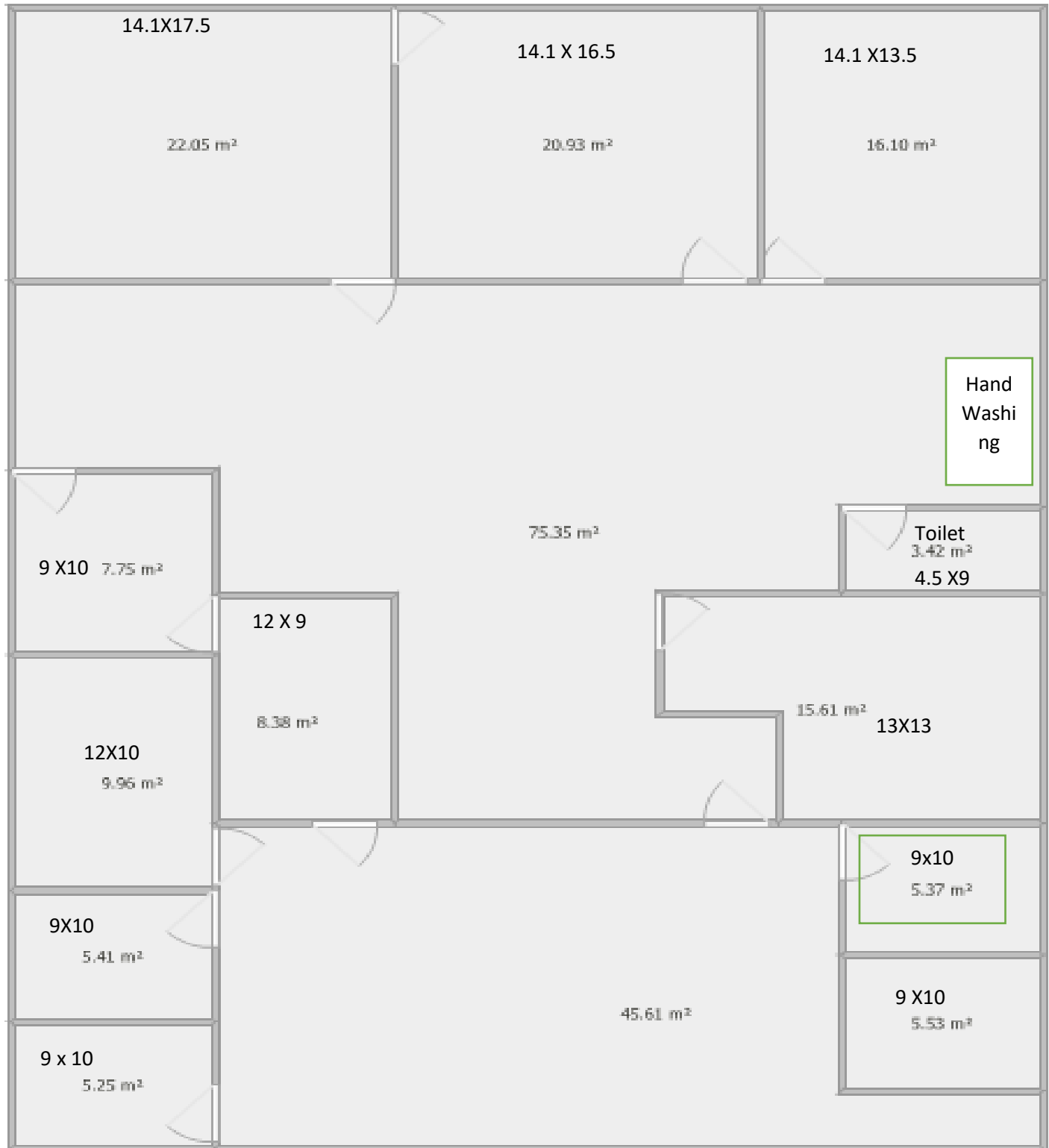
Incomplete Offers or Offers which do not comply with any of the bidding conditions will not be considered. MSS reserves the right to make an award on any item, or all items, at the unit prices quoted. In addition to your proposal as requested herein, bidder is invited to submit any alternate quotation/proposal which may be advantageous. MSS reserves the right to accept or reject the whole or part of your offer. Quantities mentioned in Annex-II are the estimated ones, which may change while placing the confirmed order.

12. Sealed Offer

Interested firms/companies/agencies are requested to submit the proposal in a wax sealed envelope, along with the application letter and other documents mentioned in the TOR, delivered to the address given below: The bid is to arrive no later than **5:00 PM, Friday, 7th February 2020**. The envelope should clearly state "IFB for Aluminum Partition and Flooring – Marie Stopes Premier, Pokhara".

The Procurement Department
Marie Stopes Services Pvt. Ltd.
Baluwatar (Opposite Chinese Embassy), Kathmandu, Nepal, Contact Number:
4419371/4416846

ANNEX I



Toilet

Partition with door as shutter is here by 12 ft

Toilet

ANNEX II: Bill of Quantity
Project: New Partition and Flooring, Marie Stopes Premier Pokhara

S. No.	Description of Services	Qty	UoM(unit of measurement)	Rate	Amount in NRS	Remarks
1	Aluminum Partition Works (Frame 2.5 inch, Board 12 mm, Glass 5 mm)	12 rooms	Per sq.ft			
2	Door with all complete aluminum handle and locks (Frame 2.5 inch, Board 12 mm, Glass 5 mm)	16	sq.ft			
3	One complete Toilet including plumbing and fitting (Basin, Mirror, Chinese commode, taps)	1 toilet	lumpsum			
4	Handwashing facility in front of toilet, with elbow tap and steel basin	1	lumpsum			
5	Kitchen Slab:					
a.	At lab with running water (Size: 1.5 x 10 ft including sink and running water)	1	sq.ft			
b.	Autoclave room with running water (Size: 1.5 x 10 ft including sink and running water)	1	sq.ft			
6	Electric Wiring with inverter provision:					
	All room as per Floor plan with a capacity to run 1.5 ton AC (2 pcs) and Autoclave with different wiring	14 room	Running .ft			
	Phone connection with socket					
	Counselling Room					
	Staff Room					
	Waiting Room					
	Network Cable with socket					
	Counselling Room					
	Staff Room					
	Waiting Room For Access point					
7	Tiles flooring (Size: 2000 sq. ft to 2200 sq.ft)		sq.ft			
	White (600 X600mm)					

8	Wall Painting 1300 to 1400 sq ft plastic emulsion		sq.ft			
	Asian paints					
	Berger Paints					
9	Shifting of AC from old building to New and refit it to concern sites	1	lumpsum			
	Amount					
	Discount if any					
	Net Amount after Discount					
	VAT 13%					
	Total Amount					

ANNEX III:

Declaration of no Conflict of Interest

Tender No:.....

On behalf of.....(Insert business or organization name) I hereby declare that the person(s) involved in the preparation and collation of our tendered proposals and prices were or are in no way associated with the initial preparation by (Insert as appropriate) or the tender documentation or with the subsequent evaluation, assessment, analysis, management and decision making process of this tender which is referenced above.

I further declare that the following person(s) were involved in the preparation and collation of our tendered proposals and prices:

Signed:..... Name:.....

Position:.....Date:.....

For and on behalf of

NB: Any false statement above could jeopardize the validity of your tender and any future opportunity to tender to MSS