

<b>Contract title:</b>	<b>Construction Works at Preah Bat Samdach Preah Borom Neat Norodom Sihamoni General and Technical High School &amp; Kampong Chheuteal Demonstration General and Technical High School for TVET AQUA Project.</b>
<b>Project code:</b>	<b>KHMP000246</b>
<b>Procurement ELO folder no.:</b>	<b>KHMC000346</b>
<b>Procedure:</b>	<b>Negotiated tender with publication</b>
<b>Location:</b>	<b>Kampong Chhnang and Kampong Thom Province.</b>

## Contracting Authority

### Člověk v tísni, o.p.s. (People in Need, hereinafter PIN)

entered in the Register of Non-profit Organizations administered by the Municipal Court in Prague, Volume O, File 119

**With its registered office at:** Šafaříkova 635/24, 120 00 Prague 2

ID: 257 55 277

**Local Office Address:** No. 33 (4<sup>th</sup> floor), Street 71, Sangkat Tonle Bassac, Khan Chamkar Mon, Phnom Penh.

Represented by **Mr. Aaron Bouchane, Country Director** based on the power of attorney granted by the director

<b>Submission deadline:</b>	<b>16<sup>th</sup> July 2024 at 5:00 p.m (GMT+7).</b>
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People in Need /  
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**Alliance 2015**  
towards the eradication of poverty

# PART 1: INSTRUCTIONS TO BIDDERS

## 1. SCOPE OF PURCHASE

Qualified tender offers (bids) are sought from competent bidders registered with relevant authority of the Kingdom of Cambodia for the following **construction works**:

- a. Construction of breeding Station Construction
- b. Construction of brick basin
- c. Construction of storage room
- d. Installation of drainage system around the nursery
- e. Construction of elevated water tank 5000L made by concrete with light roof
- f. Reinforced Concrete Pipe (RCP) Diameter
- g. Installation (RCP) Diameter
- h. Installation of PCV pipe D150 mm for draining to the pond
- i. Digging ponds

Detailed requirements are specified in Annex 1: **Bill of Quantity (BoQ)**, Annex 2: **Technical drawing, etc.**

## 2. OUTCOME OF SELECTION PROCESS

The contract awarded to successful supplier(s) is a **Contract for work** which will commit PIN to purchase of **construction works** as defined in the contract at the agreed prices / rates.

## 3. COMMUNICATION / QUESTIONS / CLARIFICATIONS

**Tender documentation** with detailed instructions for bidders and forms to be filled by the bidders can be obtained from the **PIN Office at No. 33 (4th floor), Street 71, Sangkat Tonle Bassac, Khan Chamkar Mon, Phnom Penh** between **9:00 a.m. 5:30 p.m.** during working days before **8<sup>th</sup> July 2024** or upon request via email to [muth.pisei@peopleinneed.net](mailto:muth.pisei@peopleinneed.net) or [chourn.bunnara@peopleinneed.net](mailto:chourn.bunnara@peopleinneed.net).

If any of the bidders **requires any clarification relating to the tender**, such question should be sent to PIN by e-mail to the following e-mail address [chourn.bunnara@peopleinneed.net](mailto:chourn.bunnara@peopleinneed.net)

or [samphorsphuong.korng@peopleinneed.net](mailto:samphorsphuong.korng@peopleinneed.net). If PIN answers the question, **all other bidders will be copied the answer. Communication will be held through e-mail.**

To ensure that PIN could copy the answer to all bidders, all bidders are advised to send their e-mail contacts to the above specified PIN e-mail address, or otherwise ensure that PIN knows their contact details.

In case the bidder does not inform PIN about corresponding e-mail address PIN will send the copy of the answer to any e-mail address available to PIN from public sources and then the bidder cannot claim that they/it did not know the same information as other bidders.

**Questions could be answered only until 12<sup>th</sup> July 2024. PIN does not guarantee that all questions will be answered.**

**Offers should not be dispatched before expiry of the period for questions under the preceding paragraph of this notice** - if the bidder dispatches the tender offer before expiry of that period they/it cannot claim that they/it did not know all information as other bidders.

#### 4. INSTRUCTIONS FOR THE PROCESSING THE BID

Tender forms and instructions included in tender documentation must be strictly followed otherwise the tender offer might be excluded.

Each bidder shall submit only one offer, either individually or subcontracting through a person/partner in a joint venture/team. The winning bidder may not subcontract the service/works, or its part(s) to person(s)/partner(s) who is/are not part of the original offer. If the offer is submitted for a joint venture/ team, PIN requires reviewing all persons/partners that will participate in the service/works pursued, as per the selection criteria stated below and in Annex **1: Bill of Quantity (BoQ) and Annex 2: Technical Drawing, etc.** Prove of the collaboration must be submitted along with the offer.

The bidder who submits or participates in more than one offer will be disqualified from the process.

**Offer must remain valid** for the period of no less than **60 days** from the date of closing unless withdrawn in writing before the close of offers.

After announcement of tender results, unsuccessful bidders are obliged to **collect their samples** from respective PIN office earliest not before than **2 weeks** and not later than **30 days**

from delivery of award notice. If the samples are not collected within the given timeframe, samples become PIN property.

Electronic bids have to be submitted via email:

**For construction works:** please send Bill of quantities with filled in prices – a soft-copy in excel sheet and other copy in PDF format/print out – in case of discrepancy between the two versions, PDF/printout prevails over excel sheet.

- Email should be addressed to **[procurement.cambodia@peopleinneed.net](mailto:procurement.cambodia@peopleinneed.net)**
- Note for **[procurement.cambodia@peopleinneed.net](mailto:procurement.cambodia@peopleinneed.net)** address – this is a sealed tender box which will not be opened until the tender has closed. Therefore, do not send tender related questions to this email address as they will not be answered.
- The subject of the email should be “(KHMC000346)/‘Bidder Name’/‘Date’”.
- All attached documents should be clearly labelled so it is clear to understand what each file relates to.
- Emails should not exceed 15 MB – if the file sizes are large, please split the submission into two emails or more.
- Do not copy other PIN email addresses into the email when you submit it as this will invalidate your bid.

Physical bids have to be submitted:

- Bids should be submitted in a single sealed envelope addressed to No. 33 (4th floor), Street 71, Sangkat Tonle Bassac, Khan Chamkar Mon, Phnom Penh.
- The envelope should clearly indicate the Invitation to tender reference number (KHMC000346) / Do not open before 16<sup>th</sup> July 2024, at 5:00pm (GMT+7), but contain no other details relating to the bid or the bidder name.
- All supporting documentation should be labelled and grouped together (individual envelopes, stapled etc), and then included in a single sealed envelope as per the above.
- In case of two-envelopes method, each envelope must be sealed separately and

Bids received after the closing date & time will not be considered.

Envelope opening session will be held on **17<sup>th</sup> July 2024** at PIN office.

## 5. QUALIFICATION AND EVALUATION CRITERIA

To accept or reject the bid is the responsibility of the **Evaluation Committee**, decision of which shall be final.

### **Qualification criteria**

Criteria which bidders must meet in order to progress to the next round of evaluation. If a bidder does not meet any of the Qualification Criteria, they will be excluded from the tender process immediately. These criteria are scored as 'Pass' / 'Fail'.

Each bidder must meet and properly prove the following **qualification criteria** with relevant documentation:

- Registration of relevant authorities in the Kingdom of Cambodia
- To submit bill of quantities. Please specify price without tax and with VAT 10% (form to be sent to the company – Annex 1).
- Sign approval on Technical drawing (Annex 2)
- Sign Eligibility Sworn Statement (form to be sent to the company – Annex 3)
- To submit letter of assurance (form to be sent to the company – Annex 4)
- Sign on propose work plan (Annex 5)

### **Evaluation criteria**

The evaluation committee will evaluate and award the contract on the basis of the following **evaluation criteria**:

- Price (criteria weight 50 %)
- Capacity of the bidder (criteria weight 50 %)
  - a) References confirming the experience in performing similar projects
  - b) List of equipment
  - c) Key persons
  - d) Similar experience of the bidder
  - e) Capacity to fulfil the delivery the goods to all sites
  - f) Clear work plan (stating activities and timelines)

## **6. EVALUATION METHOD**

- Price (50 %)

Evaluation result of this criterion equals to following formula:  $\text{Price A} / \text{Price B} * \text{criteria weight}$ . Price A = lowest price from all submitted offers; Price B = actual price offered by the bidder (price will include transportation).

- Capacity of the bidder (50 %)

PIN expert evaluation committee will assign up to 5 points for the best quality of the whole criterion with emphasis on the individual sub criterion as per above paragraph. For whole criterion will obtain between 0 and 5 point, 5 points being the

maximum, 0 points the minimum and the points obtained will be multiplied by criterion weight. Based on the following evaluation grid:

<b>Score</b>	<b>Benchmark</b>
<b>5</b>	Excellent response with no weaknesses shown and exceeds the requirement - also provides comprehensive, detailed, and convincing assurances that the services will be delivered to an excellent standard
<b>4</b>	A very response that demonstrates real understanding and fully meets the requirements - offers assurances that the service delivered will be of a high standard
<b>3</b>	A satisfactory response which demonstrates a reasonable understanding of the requirements and gives reasonable assurance of delivery of services to an adequate standard, but does not provide sufficiently convincing assurance to be able to award them a higher mark
<b>2</b>	A response where reservations exist - lacks full credibility/convincing detail, and there is a significant risk that the response will not deliver/be successful
<b>1</b>	A response where serious reservations exist - the may be because, for example, insufficient detail is provided and the response has fundamental flaws, or seriously lacks credibility with a high risk of non-delivery
<b>0</b>	Response completely fails to address the criterion under consideration

For each bid, points from all evaluation criteria will be added up and the winning bid will be the bid with the highest number of points. In case of equal number of points, the winning bid will be the one with the lowest price.

## 7. OTHER PROVISIONS

Further negotiations with a bidder about price and conditions are allowed if the negotiation is directed at making the bid more favorable for PIN.

In justified cases after receiving bids and/or during the negotiation (especially if it becomes apparent, that none of the bidders can execute the contract in its full extent) is PIN entitled to split the contract between two or more bidders so, that each of them will supply part of the contract. This decision

must be announced to all bidders so, that they have chance to modify their bids.

In case the winning bidder fails to fulfil the concluded contract and PIN will terminate the contract within the period of 60 days upon the contract went into effect, PIN reserves the right to **further negotiate (in negotiated tender)/conclude the contract (in open tender)** with second-best bidder, possibly other bidders (according to the order in which their offers were evaluated). If the period of 60 days was elapsed, supporting market assessment must be made.

In case the winning bidder fail to provide to PIN the necessary cooperation to conclude the contract within the period of 60 days upon the tender results notice, PIN can **further negotiate** with the second-best bidder that shall be considered the winning bidder. Should they fail to conclude the contract with the second-best bidder within 30 days following the notice, PIN is allowed to cancel the tender.

## 8. SUMMARY OF REQUIREMENTS ON TENDER OFFER

**Tender offer** (bid submitted by the bidder) **shall consist of the following documents:**

No.	Document	Remarks
01	Registration with the relevant authorities in the Kingdom of Cambodia	Enclosed
02	Bill of quantities (Annex 1)	filled, signed and stamped
03	Technical drawing (Annex 2)	signed and stamped
04	Sworn Eligibility statement (Annex 3)	filled, signed and stamped
05	Letter of assurance (Annex 4)	filled, signed and stamped
07	Propose work plan (Annex 5)	filled, signed and stamped

# PART 2: TERMS AND CONDITIONS

## 1. EXCLUSION AND DISQUALIFICATION

1. PIN shall **exclude from the tender any offer of a bidder** falling into any of the following cases:

- a) They are **bankrupt** or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) They or persons having powers of representation, decision-making or control over them have been **convicted of an offence** concerning their **professional conduct** by a judgement that has the force of res judicata;
- c) They have been **guilty of grave professional misconduct** proven by any means that the contracting authority can justify;
- d) They have **not fulfilled obligations relating to the payment of social security contributions** or the **payment of taxes** in accordance with the legal provisions of the country in which they are established or those of the Czech Republic or those of the country where the contract is to be performed;
- e) They or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata **for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity**;
- f) They do **engage in the employment of children**, disrespect basic social rights and working conditions based on international labour standards;
- g) They have **engaged in the trafficking in persons** and have **provided any support** (direct or indirect) of **terrorism**, including the financing of terrorism, or transactions with persons connected with terrorism;
- h) They are currently subject to an **administrative penalty** imposed by donor or have been listed by the donor as **ineligible** for participation in award procedures financed by donor's money;

- i) Candidate might be excluded on the basis of another procurement procedure or grant award procedure financed by PIN or donor of the project, under which they have been **declared to be in serious breach of contract** for failure to comply with their contractual obligations;
- j) They or any of their employees, associates or other persons related to them provided technical assistance to PIN under that same procurement procedure.

Points (a) to (d) do not apply to the purchase of supplies on particularly advantageous terms from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.

Bidders shall declare they are in none of the situations listed above by the signature of **Sworn eligibility statement** form.

2. Offers of bidders shall be **disqualified** from the tender who, during the procurement procedure:

- a) bidder is subject to a **conflict of interest**;
- b) bidder has **not stated true facts** or has misinterpreted information required by PIN, or fails to provide timely such information or to provide required documents stated by PIN as condition for participation in the tender;
- c) **bidder does not meet the PIN qualification criteria** or requirements stipulated in the tender documentation.
- d) bidder has fulfilled the exclusion condition mentioned above in preceding article (Part 2, Article I.), points c) or i) **during the last 2 years** prior to the launch of the tender.

## 2. CODE OF CONDUCT FOR SUPPLIERS

In addition to the above conditions for disqualification, Code of Conduct for Suppliers defines all areas that PIN expects all of its suppliers at minimum to respect, and operate in ways that meet fundamental responsibilities in human rights, labour, environment and anti-corruption. The Code of Conduct is defined by the Ten principles of the UN Global Compact<sup>1</sup>:

- Support and respect the protection of internationally proclaimed human rights;
- No involvement in human rights abuses;
- Freedom of association and recognition of right to collective bargaining;

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<sup>1</sup> For more information, see <https://www.unglobalcompact.org/what-is-gc/mission/principles>

- Employment is freely chosen, not forced or compulsory;
- No exploitation of children and child labour;
- No discrimination in respect of employment and occupation;
- Support a precautionary approach to environmental challenges;
- Accept greater environmental responsibility promotion;
- Encourage the development and spread of environmentally friendly technologies;
- Adhering to highest standards of ethical conduct behaviour, including: working against corruption and all its forms, conflict of interest disclosure, respect to local laws.

### 3. INSTRUCTIONS FOR PROCEDURES IN SPECIFIC CASES

PIN may cancel the announced tender or not conclude contract with the winning bidder in the following cases:

	Case	Procedure
a)	PIN has <b>not received any bid</b> , or none of the bids received was <b>qualitatively and/or financially worthwhile</b> or <b>all the bids</b> received have been <b>disqualified</b> from the tender	PIN has the <b>right to cancel tender and use a less strict rule/procedure. Application of a less strict rule/procedure must be described, justified, approved by the RDD CP PO / HRD Head of Regional Office / Section Director and archived in ELO in agenda 4 - Procurement.</b>
b)	<b>Major discrepancies have been found in the Tender Notice</b> or other supporting documentation of the tender;	PIN has the right to <b>cancel tender and announce a new tender</b>
c)	<b>Serious circumstances</b> have occurred during the tender which prevent PIN to continue the tender	PIN has the to <b>cancel tender and announce a new tender</b>
d)	<b>Only one bid</b> , complying with the tender conditions, has been submitted	PIN has the <b>right to cancel tender and use a less strict rule/procedure. Application of a less strict rule/procedure must be described, justified, approved by the RDD CP PO / HRD Head of Regional Office / Section Director and archived in ELO in agenda 4 - Procurement.</b>
e)	The winning <b>bidder refuse to sign contract with PIN, fails to fulfil concluded contract with PIN, have not stated true facts</b> in their bid or their bid is at <b>dumping price</b> or	PIN is <b>entitled to either accept the bid of the bidder whose bid has ended at the second or other places or cancel the tender and announce a new</b>

otherwise <b>jeopardizes free competition</b> in the market (e.g. forbidden supplier agreements, cartels, abuse of the leading position in the market).	<b>tender</b>
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#### 4. GENERAL CONDITIONS

1. The **bidder shall bear all costs** associated with the **preparation and submission of the Tender**, and PIN will in no case be responsible or liable for such costs
2. The **bidder is recommended** to do sites visit for well prepare and submit the tender.
3. **By participating in the selection process**, the bidder hereby declares and warrants that has seen and understood the terms of the below mentioned **policies** and it complies and shall comply with all applicable terms and conditions specified therein:

PIN Policy on Ethical Conduct, PIN Code of Conduct, PIN Anti-Corruption Policy and other related policies referred to therein, which are incorporated by reference and represent an integral part of this tender notice. Electronic copies containing the complete text are available at:

[www.clovekvtisni.cz/policies](http://www.clovekvtisni.cz/policies)

4. The bidder will immediately and without undue delay inform PIN of any event which interferes or threatens to materially interfere with this Tender notice, including suspicion of or actual fraud, corruption, bribery, theft, terrorist financing or other misuse of funds. Such information should be passed in the first instance to [fraud@peopleinneed.cz](mailto:fraud@peopleinneed.cz).

All information will be treated with the upmost confidentiality. Information can also be reported directly to the PIN programme team where appropriate, these will be immediately passed on to the above-mentioned e-mail address.

5. In case additional supplies/services/construction works would prove to be necessary for finalization of the activity for which this tender is organized, PIN reserves the right to procure them from the winner of this tender. The potential option of the contract extends for a value and duration wouldn't exceed the value and the duration of the initial contract awarded under this tender.
6. When processing any personal data of PIN, the bidder shall comply with the applicable personal data protection laws, including the EU General Data Protection Regulation

(GDPR). In case the bidder processes these data on PIN's behalf and according to its instructions, the bidder undertakes to enter into an additional Data Processing Agreement as per Article 28 of the GDPR.

In case the bidder is seated outside of the European Economic Area, the Supplier undertakes to comply with the standard data protection clauses required for such data transfers as per Article 46 par. 2 lit. c of the GDPR.

7. PIN reserves the right to cancel the tender without giving any reason.

### List of annexes:

- Annex 1a - Bill of Quantity (BoQ)\_Kampong Chhnang
- Annex 1b - Bill of Quantity (BoQ)\_Kampong Thom
- Annex 2a - Technical drawing\_Kampong Chhnang
- Annex 2b - Technical drawing\_Kampong Thom
- Annex 3 - Sworn Eligibility statement
- Annex 4a - Letter of assurance\_Kampong Chhnang
- Annex 4b - Letter of assurance\_Kampong Thom
- Annex 5a - Propose Work plan\_Kampong Chhnang
- Annex 5b - Propose Work plan\_Kampong Thom

On behalf of People in Need	
<b>Full name</b>	<b>Aaron Bouchane</b>
<b>Position</b>	<b>Country Director</b>
<b>Date</b>	
<b>Signature</b>	