



**REQUEST FOR PROPOSAL
INSTRUCTIONS ON HOW TO SUBMIT A PROPOSAL
for Works**

Procurement No: 18-W002-21



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Instructions on how to submit the Proposal

I. General Instructions

The Ministry of Commerce, Industry & Cooperatives (MCIC), hereinafter referred to as “the Procuring Entity”, invites Tenderers to submit Proposals for the Project as fully described in this RFP. Please follow the instructions below in completing your Proposal. The language of Proposals shall be English.

The Procuring Entity may: (a) reject any or all Proposals, (b) accept other than the lowest cost Proposal, (c) accept more than one Proposal, (d) accept alternative Proposals, (e) waive informalities and minor irregularities in Proposals received, and (f) cancel this RFP.

The Proposal should contain the Tenderer's best financial and technical conditions. The Procuring Entity reserves the right (but is not under obligation) to enter into discussions with one or more Tenderers in order to obtain clarification or additional details, to suggest refinements in the Technical component or other aspects of the Proposal. The Procuring Entity reserves the right to request additional data, information, discussions, or presentations to support part of, or an entire, Proposal.

Proposals and possible Questions shall have been completely, legibly and in full received by the Procuring Entity, to the official email address, no later than the latest date and time specified for submission. It is the full responsibility of the Tenderer to secure that the submitted documents are completely delivered to the Procuring Entity on time. For example, failure of or delay on the Internet or a Tenderer's email system, or technical incompatibility, is not a valid reason for lateness or incompleteness. **Proposals or Questions, or parts thereof, delivered after the latest date and time for submission will not be opened or considered.**

By responding to this RFP, the Tenderer accept this RFP's policies and procedures, including the Specification describing the Works to be delivered. Tenderers shall have no claim whatsoever or right to any kind of compensation or reimbursement for preparation of their Proposal, whether or not it is successful.

Participating Tenderers shall not use or disclose any information, data, or documents they obtained from the Procuring Entity in the course of procurement process for any purpose other than for preparing and participating in the procurement process. Documents submitted in Proposals will be used for evaluation purposes and will not be returned.

Official email address

The official email address is procurement@mfep.gov.ki. All correspondence regarding this process shall be submitted to this address, and this address only. No copies to other staff of the Procuring Entity staff shall be submitted in parallel.



Mandatory requirements

The Certificate of Compliance Form, separately included in this RFP, contains the mandatory requirements, with which the Tenderer, including each member of the consortium, joint venture or other type of association (where the Proposal is submitted by a consortium, joint venture or other type of association) must comply. Therefore, the Certificate of Compliance Form must be signed and attached to the Proposal, certifying that the Tenderer, including each member of the consortium, joint venture or other type of association, complies with all the mandatory requirements. Failure to comply with all the requirements set out below will result in rejection of the Proposal.

Clarification and amendment of RFP documents

Any participating Tenderer may request further clarification on matters pertaining to this RFP by submitting questions in writing, using Documents in MS Office 2010 format (or later versions) or ISO-compliant Open Document Format for Office Applications (Open Document), via email to the official email address, with the following noted in the subject line: **Tenderers name – RFP Number – Questions**. Pdf format is not accepted. See the timeline for the due date for submission of questions.

The Procuring Entity has a policy to treat all Tenderers equally. Please do not contact other Procuring Entity personnel to discuss the RFP. Any answers from other Procuring Entity personnel shall not be valid, unless confirmed in accordance with the process for Questions and Answers here described. If the Procuring Entity finds out that a Tenderer has tried to get information from other Procuring Entity personnel, the Procuring Entity reserves the right to disqualify a Proposal from such Tenderer having obtained unfair advantages. Questions on the substance of the RFP will be answered (without identifying the source of inquiry) on the Procuring Entity website: www.procurement.gov.ki/opentender or in the case of a direct invitation, directly to all invited Tenderers. See the timeline for the date when the Procuring Entity will release any clarifications and/or amendments.

Method of submission and Proposal format

All Proposals must be submitted in electronic version, unless otherwise specified in the RFP, via email to the official email address, with the following noted in the subject line: **Tenderers name – RFP Number – Proposal** followed by the name of the respective **component a-d**, as defined below, i.e. marked – **Cover letter**, – **Certificate**, – **Technical component, narrative**, – **Technical component, allocation** or – **Financial component**, in addition to the above.

Electronic submission

Proposal documents exceeding 2 MB must be compressed, using a standard zip format openly available in the market. In case the Proposal exceeds 2MB, Tenderers may alternatively send multiple emails, with the same marking.

Format of documents submitted shall be as follows:

- a) Signed letters in PDF format.



- b) Documents and spreadsheets in MS Office 2010 format (or later versions) or ISO-compliant Open Document Format for Office Applications (Open Document). Font size shall be no smaller than 10.
- c) Diagrams and drawings in Visio 2010 or PowerPoint Office 2010 form.at (or later versions) or ISO-compliant Open Document Format for Office Applications (Open Document).

Other means of submission

For any other means of submission, i.e. delivery in hard copies, by mail, by hand or by courier, they shall be in closed and sealed envelopes or parcels, marked as above.

II. Proposal Documents Required to be Submitted

Please do not submit generic marketing materials, broadly descriptive attachments, or other general literature. Responses to this RFP must consist of and be limited to the following, with c and d in separate, files, clearly named with the RFP number and “Technical component” and “Financial component” respectively:

- a) Cover letter
- b) Certificate of Compliance Form completed and signed. Refer to the Templates No.8
- c) Business Registration certificate only for International Tenderers;
- d) Tax reference letter from Tax Office. Those having tax debts should be having instalment agreement with the Tax Office. The date should fall within the date for this tender validity (i.e, dated within the date for issuing this tender until closing of the tender). Tax clearance letter dated outside the tender period for this procurement will be considered invalid.
- e) Technical component. Details could be sighted from the evaluation criteria and method templates

c.1) Technical Form narrative (form submitted with this RFP)

c.2) Technical Form allocation of resources (spreadsheet form submitted with this RFP, for BOQ)

- f) Financial component

d.1) Financial Standard Form (spreadsheet form submitted with this RFP)

d.2) Annual financial reports: the Tenderer shall provide Annual Financial Reports from the previous 3 years. If the Tenderer has been operative less than three years, the Annual Financial Reports from the years of operation

The file name of documents related to any of the above shall include the reference to which of a to f it belongs to.

All Proposals must indicate that they are valid for no less than sixty (60) calendar days from the last day for submission of the Proposal. The Procuring Entity will make its best effort to complete the evaluation and award procedures promptly. If the Procuring Entity wishes to extend the validity period of the Proposals, a Tenderer which does not agree has the right not to extend the validity of their Proposals, and thereby be excluded from the evaluation.



Cover letter

The cover letter in PDF format must contain:

- a) Name and address of the Tenderer;
- b) Name, title, telephone number, and e-mail address of the person authorized to commit the Tenderer to a Contract;
- c) Name, title, telephone number, and e-mail address of the person (one person only) to be contacted regarding the content of the Proposal, if different from above;
- d) A signature of this letter by a duly authorized representative of the Tenderer.

Certificate of Compliance Form

A signed declaration, including that the Tenderer commits to the terms described in their Proposal and assumes responsibility for any pre-contract costs incurred during the Tender and Contract finalisation phases.

Technical component

In preparing the Technical component, Tenderers are expected to examine the documents constituting this RFP in detail. Material deficiencies in providing the information requested may result in rejection of a Proposal.

While preparing the Technical component, the Tenderer must give particular attention to the following:

- a) If the Tenderer considers that it does not have all the expertise, equipment, machinery, etc., for the assignment, it may obtain a full range of resources by associating with individual consultant(s) and/or other firms or entities in a joint venture or sub-consultancy, as appropriate.
- b) It is desirable that the majority of the proposed key professional work executed be by permanent employees or equipment, machinery, etc., of the Tenderer or have an extended and stable working relationship with it.
- c) Alternative experts shall not be proposed, and only one curriculum vitae (CV) may be submitted for each position.
- d) The technical component shall not exceed **40 pages**, excluding the CVs of experts (G) and Tenderers References (H).

The Tenderer must specify the Technical component of the Proposal, or use the Technical forms, have such been included in the RFP, consisting of the following:

- A. Description of the methodology and work plan for performing the assignment
- B. Bill of Quantities (BOQ)
- C. Team composition and task assignments
- D. Detailed time schedule for the execution of the works
- E. Summary schedule of Project Activities
- F. Technical and Knowledge Capability



- G. Curriculum vitae (CV) for proposed professional personnel
- H. Tenderer's references

The proposed allocation of man-days and other relevant expenses, however, WITHOUT any cost components, which should be proposed only in the Financial Proposal, for which the same form may be used as a basis.

To facilitate faster evaluation and comparative analysis of the Proposals, the Technical component shall be presented as:

- a) A **Detailed Description of Proposed Works**. – This shall present the technical capability, comments, and suggestions to comply with the Specification.
- b) **Implementation Mechanisms and Management Arrangements** – This will contain a brief description of how the Tenderer foresees the implementation of the required Works, including the work plan and activity schedule, as well as the expected roles and responsibilities of the parties.

The Technical component shall not include any information regarding the Financial component.

Financial component

In preparing the Financial component, Tenderers are expected to take into account the requirements and conditions outlined in the RFP documents. The Financial component shall use the templates, if such are provided, and include the following:

- a) Fee structure and pricing details in AUD¹ including all expenses and applicable taxes;
- b) The Tender may be subject to local taxes (such as value added or sales tax, social charges or income taxes on non-resident Foreign Personnel, duties, fees, levies) under the Contract. Tenderer shall include and clearly show all expected taxes in the Financial component.
- c) Financial methodology that explains the rationale of the Financial component and how it offers best value;
- d) Financial plan that clearly links all costs to work, materials, activities and outputs detailed in the work plan with associated payment mechanisms including all expenses such as freight costs, customs, and applicable expenses.

III. Contract Award

After the evaluation procedure, the Tender representing the best Value for Money will be awarded the Contract and the non-successful Tenderers will be informed.

¹ Please note that, even though the Proposal should be submitted in AUD, the fees in the Contract may in exceptional cases be paid in another currency, if agreed in advance. For evaluation purposes, the Quoted price should be in AUD.



IV. Complaints

Should a Tenderer not be successful and have relevant cause to disagree with the award decision, the Tenderer may submit a written complaint, which shall be received before the date and time specified in the Award Letter submitted to all Tenderers. A complaint shall be submitted to the Procuring Entity, have valid ground and must clearly account for the reasons for the disagreement. Complaints received after the last date and time will not be considered.

V. Contract finalisation

After the complaints period has expired, the Procuring Entity may, at its sole discretion, invite the awarded Tenderer for Contract finalisation. If a Contract has not been concluded after a reasonable time, the Procuring Entity may terminate the attempt to sign a Contract with the awardee and invite the Tenderer whose Proposal received the second highest score to finalise a Contract.

A discussion may take place to clarify the Technical component and any suggestions made by the Tenderer to improve the Specification. The agreed work plan and final Specification will then be incorporated as part of the Contract. Special attention will be paid to receiving most of what the Tenderer can offer within the available budget and having clearly defined the inputs required from the Procuring Entity to ensure satisfactory implementation of the works. The Tenderer will pay any cost incurred during a discussion process.

Having selected the Consultant on the basis of, among other things, an evaluation of proposed key professional staff, works methodology or an innovative solution, the Procuring Entity expects to finalise a Contract on the basis of the experts and methods named in the Proposal. The Procuring Entity will not consider substitutions during Contract negotiations. Unless the Procuring Entity agrees otherwise in writing, the Tenderer assures that any key expert or method offered in the Proposal is in fact available for the work. Unavailability of a key expert or change of methodology may disqualify the Tenderer.

The Tenderer must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Tenderer accepts the terms and conditions of the General Contract Conditions which are attached to the RFP. The Tenderer shall not be allowed to alter the terms of the Contract. If the Tenderer is not able to abide by the terms of the Contract, it may request for a change of the terms in the Proposal or by written request. However, for the sake of equal treatment of all Tenderers, it should be clarified that no material changes will be accepted by the Procuring Entity.