

# Tender Package — Request for Bid (RFB)



## 1. Invitation to Tender

|   |   |
|---|---|
| <b>Tender Name: Master Agreements for provision of security services.</b>   | <b>Tender No: UG01/KMP /MSA 0006/20</b> |
| Location: Kampala, Karamoja, West Nile and Acholi   | Correspondence Language(s):English      |
| <b>Brief Summary Description of Project:</b><br>Mercy Corps is an international non-governmental organization that exists to alleviate suffering, poverty and oppression by helping people build secure, productive and just communities. Mercy Corps is fully registered as an NGO and has been operational since 2006 in Uganda. Mercy Corps programs focus on building resilience and enabling economic growth, improving opportunities to attain better health and nutrition, improving governance and conflict management and providing humanitarian support in different parts of Uganda. |   |
| <b>Purpose of Tender:</b><br>Mercy Corps invites eligible established organizations to submit their bids for the provision of security services.  |   |

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|--|--|
| <b>Tender Package Available from:</b><br>(Monday 19 <sup>th</sup> March 2020)  | <b>Tender Package Pickup Location:</b><br>Request for tender package by<br>Email: <a href="mailto:ugtenders@mercycorps.org">ugtenders@mercycorps.org</a>   |
| <b>Deadline for Offer Submission:</b><br>(15 <sup>th</sup> April 2020 ) 5:00pm | <b>Submit Offers to:</b><br><br>Only email submissions: <a href="mailto:tenders@mercycorps.org">tenders@mercycorps.org</a> . All online submission should be submitted to the above email address only.<br>Hard copy submissions will not be accepted. |

**NOTE: Only bids from companies who requested the tender packages through Mercy Corps tender email: [ugtenders@mercycorps.org](mailto:ugtenders@mercycorps.org) will be considered.**

*Mercy Corps reserves the right to accept or reject any late offers*

|  |  |
|--|--|
| <b>Questions and Answers (Q&amp;A)</b>   |  |
| If any, Submit Questions in writing to: <a href="mailto:ugtenders@mercycorps.org">ugtenders@mercycorps.org</a> |  |
| Last Day for Questions:<br>( Friday 27/ March / 2020; 12:00pm)   | Questions will be answered by:<br>(Wednesday 31 /March / 2020; 5:00pm) |
| Questions will be answered through: <a href="mailto:ugtenders@mercycorps.org">ugtenders@mercycorps.org</a>     |  |

## Documentation Checklist

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These documents are contained within this tender package:

- ✓ Invitation to Tender
- ✓ General Conditions for Tender
- ✓ Criteria and Submittals
- ✓ Price Offer Sheet
- ✓ Supplier Information Form
- ✓ Technical Specifications

## 2. General Conditions for Tender

Mercy Corps invites offers for the goods, services and/or works described and summarized in these documents, and in accordance with procedures, conditions and contract terms presented herein. Mercy Corps reserves the right to vary the quantity of work/materials specified in the Tender Package without any changes in unit price or other terms and conditions and to accept or reject any, all, or part of submitted offers.

### 2.1 Mercy Corps' Anti-Bribery and Anti-Corruption Statement

Mercy Corps strictly prohibits:

- Any form of bribe or kickback in relation to its activities

This prohibition includes any *request* from any Mercy Corps employee, consultant or agent for anything of value from any company or individual in exchange for the employee, consultant or agents taking or not taking any action related to the award of a contract or the contract once awarded. It also applies to any *offer* from any company or individual to provide anything of value to any Mercy Corps employee, consultant or agent in exchange for that person taking or not taking any action related to the award of the contract or the contract.

- Conflicts of interests in the awarding or management of contracts

If a company is owned by, whether directly or indirectly, in whole or in part, any Mercy Corps employee or any person who is related to a Mercy Corps employee, the company must ensure that it and the employee disclose the relationship as part of or prior to submitting the offer.

- The sharing or obtaining of confidential information

Mercy Corps prohibits its employees from sharing, and any offerors from obtaining, confidential information related to this solicitation, including information regarding Mercy Corps' price estimates, competing offerors or competing offers, etc. Any information provided to one offeror must be provided to all other offerors.

- Collusion between/among offerors

Mercy Corps requires fair and open competition for this solicitation. No two (or more) companies submitting bids can be owned or controlled by the same individual(s). Companies submitting offers cannot share prices or other offer information or take any other action intended to pre-determine which company will win the solicitation and what price will be paid.

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Violations of these prohibitions, along with all evidence of such violations, should be reported to:

**[integrityhotline@mercycorps.org](mailto:integrityhotline@mercycorps.org)**

Mercy Corps will investigate allegations fully and will take appropriate action. Any company, or individual that participates in any of the above prohibited conduct, will have its actions reported to the appropriate authorities, will be investigated fully, will have its offer rejected and/or contract terminated, and will not be eligible for future contracts with Mercy Corps. Employees participating in such conduct will have his/her employment terminated.

Violations will also be reported to Mercy Corps' donors, who may also choose to investigate and debar or suspend companies and their owners from receiving any contract that is funded in part by the donor, whether the contract is with Mercy Corps or any other entity.

## **2.2 Tender Basis:**

- All offers shall be made in accordance with these instructions, and all documents requested should be furnished, including any required (but not limited to) supplier-specific information, technical specifications, drawings, bill of quantities, and/or delivery schedule. If any requested document is not furnished, a reason should be given for its omission in an exception sheet.
- No respondent should add, omit or change any item, term or condition herein.
- If suppliers have any additional requests and conditions, these shall be stipulated in an exception sheet.
- Each offeror may make one response only.
- Each offer shall be valid for the period of [24 months] from its date of submission.
- All offers should indicate whether they include taxes, compulsory payments, levies and/or duties, including VAT, if applicable.
- Suppliers should ensure that financial offers are devoid of calculation errors. If errors are identified during the evaluation process, the unit price will prevail. If there is ambiguity on the unit price, the Selection Committee may decide to disqualify the offer.
- Any requests for clarifications regarding the project that are not addressed in written documents must be presented to Mercy Corps in writing. The answer to any question raised in writing by any offeror will be issued to that offeror. In some cases, Mercy Corps may choose to issue clarifications to all offerors. It is a condition of this tender that no clarification shall be deemed to supersede, contradict, add to or detract from the conditions hereof, unless made in writing as an Addendum to Tender and signed by Mercy Corps or its designated representative.
- This Tender does not obligate Mercy Corps to execute a contract nor does it commit Mercy Corps to pay any costs incurred in the preparation and submission of bids. Furthermore, Mercy Corps reserves the right to reject any and all offers, if such action is considered to be in the best interest of Mercy Corps.

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## 2.3 Supplier Eligibility

Suppliers may not apply, and will be rejected as ineligible, if they:

- Are not registered companies
- Are bankrupt or in the process of going bankrupt
- Have been convicted of illegal/corrupt activities, and/or unprofessional conduct
- Have been guilty of grave professional misconduct
- Have not fulfilled obligations related to payment of taxes
- Are guilty of serious misinterpretation in supplying information
- Are in violation of the policies outlined in Mercy Corps Anti Bribery or Anti-Corruption Statement
- Supplier (or supplier's principals) are on any list of sanctioned parties issued by; or are presently excluded or disqualified from participation in this transaction by: The United States Government or United Nations by the United States Government, the United Kingdom, the European Union, the United Nations, other national governments, or public international organizations.

Additional eligibility criteria, if applicable, are stated in section 3.2 of this tender package.

## 2.4 Response Documents

Offerors must submit an offer in Mercy Corps offer sheet format in section 6 – Fill in the offer form provided. If supplier uses own format, they MUST ensure it contains all the required documents and information specified in this tender. The itemized Price Offer Sheet is included in the tender package, the offeror must complete and submit it with the rest of their offer.

## 2.5 Acceptance of Successful Response

Documentation submitted by offerors will be verified by Mercy Corps. The winning offeror will be required to sign a 12-24 months' framework contract for the stated items and services at, agreed upon rates at the discretion of Mercy Corps.

## 2.6 Certification Regarding Terrorism

It is Mercy Corps' policy to comply with humanitarian principles and the laws and regulations of the United States, the European Union, the United Nations, the United Kingdom, host nations, and other applicable donors concerning transactions with or support to individuals or entities that have engaged in fraud, waste, abuse, human trafficking, corruption, or terrorist activity. These laws and regulations prohibit Mercy Corps from transacting with or providing support to any individuals or entities that are the subject of government sanctions, donor rules, or laws prohibiting transactions or support to such parties.

## 3. Criteria & Submittals

## 3.1 Contract Terms

Mercy Corps intends to issue a **Fixed Price** contract to one or several companies or organizations. The successful offeror(s) shall be required to adhere to the statement of work and terms and conditions of the resulting contract. By submitting an offer, offerors certify that they understand and agree to all of the terms and clauses contained in this RFB

## 3.2 Specific Eligibility Criteria.

Mercy Corps invites sealed bids from legally registered vendors/suppliers only. Mercy Corps intends to enter into framework agreements with a supplier(s) over the course of one to two years. Mercy Corps will utilize services/goods throughout this period.

Eligibility criteria must be met and the corresponding supporting documents listed below under “Tender Submittals” **must** be submitted with offers. Offerors who do not submit these documents will be **disqualified** from any further technical or financial evaluation.

### Eligibility Criteria:

- The offeror must be legally registered. Copy of registration certificates - legal binding. The company must be reliable to sign the master agreement with Mercy Corps for a period of **twelve to twenty-four (12-24) months**.
- The offeror must be in good standing with its governing tax authority. (Copies of tax registration plus a copy of tax clearance required)
- Valid trading license for the current financial year.
- Price List (discounted prices are preferred) *fill in attachment 1 under section 6.*
- Good track-record with references from previous clients (5 corporate clients with their reference letters including contact information).
- Recent bank statement within the last 6 months or current audited books of accounts Y18/Y19.
- Company profile and available services. A detailed narrative report describing the company history, ownership structure, capacity and performance.
- Complimentary services if any.

## 3.3 Tender Submittals

Documents and required information listed in tender submittals are necessary in order to support the eligibility criteria and to conduct technical evaluations of received offers (and due diligence).

### Documents supporting the Eligibility Criteria:

- Company registration certificate.
- Tax registration certificate.
- Current valid tax clearance certificate preferably addresses to Mercy Corps.
- Copy of valid trading license.
- Recent bank statement for the last six months or audited

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- books of accounts FY18- FY19.
- Firm should have been in operation for a minimum of 3 years.
- Recent bank statement within the last 6 months Or Audited books of accounts Y18/Y19.

## Price Offer:

The price offer is used to determine which offer represents the best value and serves as a basis of negotiation before award of a contract. As a fixed-price/ rates contract, the rates of the items will be an all-inclusive fixed price basis, Mercy Corps intends to enter into a Master Supply/ Service Agreement (MSA) with one or more service providers for the duration of twelve (12) to twenty-four (24) months subject to extension or termination at discretion of Mercy Corps. **The contract entered does not consist of a financially binding agreement. Once signed, Purchase Orders/ Service Contracts will be issued on a case by case basis under specific contract terms and constitute as the only financially binding document between the two parties.** As per the nature of this master agreement Mercy Corps is not legally bound to purchase any items/services from the selected vendor (s) and as such this agreement does give any exclusivity to Mercy Corps business. No profit, fees, taxes, or additional costs can be added after contract signing. Offerors must show unit prices inclusive of all applicable taxes as displayed in the offer sheet *section 6*.

## 3.4 Currency

Offers should be submitted in: UGX

Payments will be made in: UGX

Offers in any other hard currency **MUST** indicate the ruling exchange rate

## 3.5 Tender Evaluation (LPTA Selection Method)

Based on the above submittals, a Mercy Corps tender committee will conduct a tender evaluation process. To assist in the examination and selection process, Mercy Corps may, at its discretion, assemble and establish a review committee, which may include representatives of other entities.

Mercy Corps reserves the right to accept or reject any or all bids, and to accept the bid deemed to be in the best interest of Mercy Corps. Mercy Corps will not be responsible for or pay for any expenses or losses which may be incurred by any offeror in the preparation of his tender. Mercy Corps is not bound to accept the lowest price bid submitted. The award criteria shall be based on the proposal's overall "value for money" (quality, cost, delivery time, etc.) while taking into consideration internal requirements and donor regulations. Mercy Corps will examine all responses to ensure that they contain no amendment to the terms or any other irregularities and/or errors.

Evaluations will be conducted as described in the following subsections:

### 3.5.1 Technical Evaluation

**Technical/ Capacity Evaluation:** Responses will first be evaluated on technical merits. The technical evaluation assesses the capacity of the response, based on its submitted technical documents, specifications, performance history, and references submitted. For this purpose, certificates and additional references may be requested and subsequently examined. Mercy Corps tender committee will conduct a technical evaluation which will grade technical criteria on a pass/fail basis. Supplier's bids **must meet the minimum technical standard** established here in order to receive a passing mark.

Only offerors who pass all criteria will move on to the next round of evaluation.

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Pass/fail technical criteria is as follows:

| Technical and Legal check   | Pass or Fail? |
|---|---------------|
| Company profile. Maximum of 2 pages.  |               |
| References from previous work projects including contact information.                             |               |
| Corporate capabilities: minimum of 3 years in provision of security services.                     |               |
| Operational license from Uganda police.   |               |
| Payment terms (Willingness to supply on credit) Longer credit period preferred.                   |               |
| Recommendation and reference list or form from previous contracts (including contact information) |               |

### 3.5.2 Financial Evaluation and Price/Cost Analysis

All suppliers who passed all technical criteria will move on to the financial evaluation where the lowest price offer(s) will be accepted as the winning offeror(s) assuming the price is deemed fair and reasonable and subject to the additional due diligence in section 3.5.3.

### 3.5.3 Additional Due Diligence

Upon completion of both the technical and financial evaluations Mercy Corps may choose to engage in additional due diligence processes with a particular offeror or offeror(s). The purpose of these processes is to ensure that Mercy Corps engages with reputable, ethical, responsible suppliers with solid financials and the ability to fulfill the contract. Additional due diligence may take the form of the following processes (though it is not limited to):

- Reference Checks
- Supplier's facility visits. Physical check.
- Determination of relations and affiliations between offerors
- Other appropriate documented method giving Mercy Corps increased confidence in the supplier's ability to perform
- Verification of submitted legal documents.

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## 4. Offer Form

Offerors must submit their offer including at least (but not limited to):

- All documents requested in the “eligibility criteria” section of this tender package
- All documents requested in the “tender submittals” section of this tender package
- All information listed in the “documents comprising the bid” section below

All offers must be duly signed indicating position and full name of the signer and stamped, with the date of completion.

### *Documents Comprising the Bid*

The following information must be included in the offer of any potential offeror:

- Cover Letter** explaining interest to be a contracted vendor or supplier. The content of the cover letter shall include the following information:
  - A detailed specification of the offered goods, services and/or works
  - Warranty (if necessary and appropriate)
  - Delivery time from order date
  - Price validity date (for this purpose and as stated on the advertisement, quote given shall remain unchanged for 12 – 24 calendar months)
- A Price Offer detailing the unit price only using the **Price Offer Sheet** (template provided in section 6)
- Completed and signed Mercy Corps **Supplier Information Form** (template provided in section 6)
- Other important documents offeror feels need to be attached to support their bid.
- A copy of Company legal registration documents including but not limited Registration certificate, tax registration certificate, tax clearance certificate; names of directors, trading license
- Proof of experience in similar supplies/ services. (Copies of completion reports)

The original bid shall be signed by the offeror or a person or persons duly authorized to bind the offeror to the contract. Financial offer pages of the bid shall be initiated by the person or persons signing the bid and stamped with the company seal.



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Any interlineations, erasures, or overwriting shall be valid only if they are initiated by the person or persons signing the bid.

## 5. Scope of Work

### 5.1 Background

**Mercy Corps** is a registered international non-governmental organization that has been operating in Uganda since 2006. Working in cooperation with communities to help build local capacity and support for economic development, Mercy Corps provides creative, transferable solutions through targeted emergency assistance, capacity building, and community driven development.

### 5.2 Scope of Work / Technical Specifications.

Provision of security services.

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## 6.1 Supplier Information Form

*The information provided will be used to evaluate the Company before contracting with the Mercy Corps.*

*Please complete all fields.*

|   |  |
|---|--|
| Company Name  |  |
| Any other names company is operating under (Acronyms, Abbreviations, Aliases) |  |
| Previous names of the company   |  |
| Physical Address  |  |
| Website   |  |
| Phone/Fax Numbers   | Phone: _____ Fax: _____                  |
| Primary Contact for this tender   | Name:<br>Phone Number:<br>Email Address: |
| # of Staff  |  |
| # of Locations  |  |
| Avg. Value of Stock on Hand (USD)   |  |
| Government - owned (yes/no)   |  |
| Name(s) of Board of Directors   |  |
| Name(s) of Company Owner(s)   |  |
| Name (s) of Managing Director (s)   |  |
| Majority shareholder (s) (Name (s) and address)                               |  |

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|   |  |
|---|--|
| Parent companies, if any                  |  |
| Subsidiary or affiliate companies, if any |  |

## **Financial Information**

|  |   |
|--|---|
| Bank Name and Address.<br>Account Numbers.       |   |
| Name under which company is registered at bank   |   |
| Payment Terms                                    | Payment By: <u>Check</u> Yes   No <u>Wire Transfer</u> Yes   No |
| Specify Standard Payment Terms (Net15, 30, etc.) |   |

## **Product/Service Information**

|   |  |
|---|--|
| List Range of Products/Services Offered |  |
| Basis For Pricing (Catalog, List, etc.) |  |

## **References**

|              |  |
|--------------|--|
| Client Name: | <u>Contact Name, Phone, Email Address:</u> |
| Client Name: | <u>Contact Name, Phone, Email Address:</u> |
| Client Name: | <u>Contact Name, Phone, Email Address:</u> |

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## Supplier Self-Certification of Eligibility

Company certifies that:

1. It, its affiliates and subsidiaries, owners, officers, directors and key employees (to the best of its knowledge) are not the subject of any government's sanctions, designations, donor rules or prohibitions, or laws prohibiting transactions with it/them. It is not the subject of any donor government investigation into its misconduct with any other recipient of that donors funding.
2. It, its affiliates and subsidiaries, owners, officers, directors and key employees have not and do not engage in any form of terrorism or attacks on civilians and do not provide any form of material support or financial resources for individuals or organizations that do engage in any form of terrorism or deliberate attacks on civilians.
3. It, its affiliates and subsidiaries, owners, officers, directors and key employees have not and do not engage in weapons or drugs manufacture, transport, sale or distribution.
4. It is not in default on any material credit agreement, bankrupt or being wound up, are having its affairs administered by the courts, have entered into arrangements 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.
5. It has not been determined to be in breach of a material contract by any legal body anytime within the past 2 years.
6. It pays taxes as and when due and is not currently the subject of any investigation or proceeding related to back-owed taxes.
7. It provides workers compensation insurance to its workers in accordance with the laws of the countries where it operates.
8. It pays social security obligations as required in the countries where it operates.
9. It, its owners, officers and directors have not been convicted of an offense concerning its professional conduct and has not engaged in grave professional misconduct.
10. It, its affiliates and subsidiaries, owners, officers, directors and key employees have not been the subject of criminal investigation or judgement for fraud, corruption, human trafficking, spying, weapons transport or smuggling, sexual exploitation or abuse, involvement in a criminal organization or any other criminal activity.
11. It treats its employees with dignity and respect and maintains social operating standards, including: working conditions and social rights: avoidance of child labor, bondage, forced labor, human trafficking or exploitation; assurance of safe and reasonable working conditions; freedom of association; freedom from exploitation, abuse, and discrimination; protection of basic social rights of its employees and Mercy Corps beneficiaries.
12. To the best of its knowledge, no Mercy Corps employee, officer, consultant or other party related to Mercy Corps has a financial interest in the Company's business activities, nor is any Mercy Corps employee related to any owner, officer, director or employee of the company, and, if so, it will ensure that the relationship is disclosed to Mercy Corps and will not use for improper influence. Discovery of an undisclosed Conflict of Interest will result in immediate revocation of the Company's Authorized Supplier status and disqualification of Company from participation in future Mercy Corps procurement.
13. It understands that attempting to or agreeing to provide anything of value to any Mercy Corps employee, agent or representative for the purpose of encouraging that person to award Company a contract or take or not take any action related to any contract will result in immediate termination of any agreement. Company certifies that it does not engage in such conduct.
14. It understands that Mercy Corps seeks fair and open competition and the fairest price available and that any attempt by company to subvert fair and open competition, including working with other bidders to

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fix prices, working to exclude competition, seeking confidential information from Mercy Corps or other bidders, using multiple related or controlled companies to give the appearance of competition, or any similar activity, will result in termination of any agreement. Company certifies that it does not engage in such conduct.

15. It understands that Mercy Corps prohibits any of its partners or suppliers from bribing public officials and certifies that it does not do so.

16. It is not conducting business under other names or aliases that have not been declared to Mercy Corps.

If the Company cannot certify to any of the above, it should explain why not. Mercy Corps may take the individual circumstances into account for some situations. However, any false certification could be grounds for immediate disqualification and termination of any future agreement.

By signing the Supplier Information Form, you certify that your Company is eligible to supply goods and services to major donor funded organizations and that all of the above statements are accurate and factual.

Company Name: \_\_\_\_\_

Name of Representative: \_\_\_\_\_

Title: \_\_\_\_\_

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

Date: \_\_\_\_\_

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## **FOR MERCY CORPS USE ONLY**

### **Following documents have been provided**

| <b>Documents</b>                                |  |
|---|--|
| Legal Business Registration                     |  |
| Latest Tax Registration Certificate             |  |
| Proof of similar work (Completion certificates) |  |
| Tax clearance certificate                       |  |
| Company Profile                                 |  |
| References from previous work projects          |  |
| Trading license                                 |  |
|   |  |
|   |  |
|   |  |

I \_\_\_\_\_ an employee of Mercy Corps having completed and reviewed this form

**confirm the accuracy of information provided:**

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Date\* \_\_\_\_\_