

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, with a Country office in Yemen, Aden, hereinafter referred to as the Investor, plans to execute a tender for Constructing an Elevated Water Tank (Lot1) and Supply, install, test, and Commission the Solar Pumping System for it (Lot2) in Tur Qataba Borehole, Al-Khukhah District, Hodeida Governorate.

TYPE OF CONTRACT

The aim of this procurement is to put in place a contract for Constructing an Elevated Water Tank (Lot1) and then Supply, install, test, and Commission the Solar Pumping System for it (Lot2) in Tur Qataba Borehole, Al-Khukhah District, Hodeida Governorate. The winning tender(s) will be required to enter into a Work Contract with PAH to provide the abovementioned work.

This procurement is funded by PAH own funds. It remains unaffected by any recent suspensions of funds and will proceed as planned.

This tender also aims to prequalify five suppliers (where applicable) for inclusion in the PAH Supplier Database for future similar procurements and tenders.

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 regulations of Yemen, 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 with their office in the territory of Yemen.
- d. Those whose financial and economic condition guarantee the delivery of the order.
- e. Partial bids, bids to be executed in a consortium or in a partnership between two or more entities are permitted, under the condition that none of these entities submits a separate bid for the independent execution of part or all of the contract under this announcement.
- f. Those not subject to exclusion from the tender procedure for the reasons set forth in the attached Tenderer's Statement – Schedule 8.
- g. Payment terms will only be accepted through bank transfer.
- h. The bidder must accept that invoice settlement should be 30 days credit.

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 7 Bid Submission Form.
 - b. Schedule 8 Tenderer's Statement.
 - c. Registration in Yemen to carry out business activities (Chamber of commerce/relevant

department/ministry); issued not earlier than 3 months before the expiry date, within which the bid is to be made.

- d. Tax Clearance Card.
- 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. Schedule 25, at least two references confirming recent experience in performing similar work.
- g. Bidders are required to provide a detailed list of equipment and machinery intended for the project. For each item, supporting documents might be included to confirm whether it is owned or rented.
- h. Bidders are required to provide a catalog of products and items used for the project.
- i. Tenderers must show experience working in the same geographical area (districts: Al Mokha, Alkhukh, Hays) within last 2 years by providing relevant supporting documents, such as past contracts, completion reports, or other proof of previous project implementation.

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)).
- 2.4. No Tender Document is to be copied. 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 there 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 email title either AMENDMENT or WITHDRAWAL. Applications for the amendment or withdrawal of bids received after the deadline or without WITHDRAWAL or AMENDMENT in the email title will not be taken into consideration. Whenever a bid has been withdrawn before the closing date and time, such a bid will remain unopened. If any tender document was withdrawn or amended after the deadline, such amendment or withdrawal will be considered invalid.
- 2.6. The English language shall be the point of reference in case of any ambiguity or lack of clarity.
- 2.7. Preference will be given to the use of ecological materials and components that minimize environmental pollution and comply with ecological standards.

3. Minimum Requirement

This stage will determine whether the tender that has been submitted meets the minimum requirement. Only those tenders meeting the minimum requirement will go forward to the second phase of the evaluation.

- The offered construction materials and work must comply with the specifications outlined in both Annex 1 – Financial Offer (Lot1) and Annex 1 - Financial Offer (Lot2). Any deviations must be clearly indicated.
- Delivery for Lot 1 (Water Tank) shall be completed within a period not exceeding two months.
- Delivery for and for Lot 2 (Solar Pumping System) within a period not exceeding one month.

- Tenderers must show similar experience in construction works by providing evidence of at least two completed projects. This can include copies of two contracts or other supporting documents such as completion reports proving project implementation.

4. Selection Criteria (Qualitative Criteria)

4.1. Evaluation points will be awarded based on the following criteria:

- a. 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 a full cost basis (including all fees and taxes).

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

Score vendor = maximum score 50% (pricemin / price vendor).

- b. Evaluation will consider the technical specifications of the offered materials – above minimum will be extra points. Please complete in detail the specification section in Annex3 - Specification List for both lots.
 - c. Evaluation will consider the proposed timeframe for the tenderer to complete the work – please complete Annex 2 – Work Plan for both lots.
 - d. The evaluation will assess the provided list of equipment, machinery and other supporting documents to determine its adequacy for the project.
 - e. The evaluation will assess the bidder's past experience in completing similar projects, considering the scope, complexity, and scale of previous work. Supporting documents such as contracts, completion certificates, and client references may be required to verify experience.
 - f. The evaluation will take into account the bidder's plan for involving the local community near the project site. Higher scores will be given for greater local workforce participation. Bidders should outline their approach, including projected local employment percentages and any community engagement efforts. Complete Technical Response Section from Schedule 7.
 - g. The evaluation will assess the bidder's proposed waste management approach based on its effectiveness, environmental sustainability, and compliance with regulations. The plan should outline waste segregation, disposal, recycling, and hazardous waste handling while demonstrating efforts to minimize environmental impact and ensure site cleanliness and safety. Complete Technical Response Section from Schedule 7.
- 4.2. PAH retains the authority to revise its selection of the successful tenderer in cases where contract negotiation or finalization is unreasonably protracted. Additionally, PAH reserves the right to terminate the tender process at any point before the contract is signed.
- #### **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. All required Tender Documents can be obtained by visiting <https://yemenhr.com/tenders> 15/04/2025 to 29/04/2025.
 - b. The bids of interested companies and all required Tender Documents to be delivered in the following ways:
 - Electronically to Tenders.yemen@pah.org.pl; and in the subject field state:

- PAH/Yemen/2025/01 tender for Elevated Water Tank and Solar Pumping System
- 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.

c. The deadline for submission is 29th April 2025 by 4:00 PM Local time

- d. The bid should be prepared on the form that it is obtained.
 - e. The bid should be prepared in English language.
 - f. The bid should state the gross amount in the USD currency.
- 5.2. The Investor 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. Bids submitted upon expiration of the submission date and time shall not be considered.
- 5.4. Clarification and Query handling

PAH has taken care to be as clear as possible in the language and terms it has used in compiling this Contract Notice. PAH will not accept responsibility for any misunderstanding of this document or any others relating to this tender.

Requests for additional information or clarifications can be made up to 5 working days before the deadline, and no later. Any queries about this Contract Notice should be addressed in writing to PAH via email to offers.yem@pah.org.pl and answers shall be collated and published online at <https://tinyurl.com/yvs3ejkk> in a timely manner.

6. Bid Acceptance:

- 6.1. Bids will be opened after the deadline for bid submission. The criteria for bid acceptance are as explained in clause 2 & 3.
- 6.2. The bid process will be comprised of two stages. Initially, the first stage will involve the evaluation of the bids with regard to Formal Criteria, Minimum Requirement and completeness. Subsequently, the second stage will involve a substantive evaluation according to the Selection Criteria defined by the Tender Commission. Tenderer whose bid will be rejected will receive a Letter of rejection at the last stage of tender evaluation, and the tenderer whose bid is selected will receive the award letter at the last stage of the tender evaluation.
- 6.3. The winning bid shall be chosen by the Investor within 10 working days after the opening of the bids.
- 6.4. Partial bids are not considered eligible.

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) The Investor 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) The Investor 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. The Investor reserves the right to invalidate the tender at any stage, without further explanation.

8. Annexes to the Notice:

The Annexes to this Contract Notice are as follows:

- a) Bid Submission Form – Schedule 7.
- b) Annex1 - Financial Offer for both lots.
- c) Annex2 - Work Plan for both lots.
- d) Annex3 - Specification List for both lots.
- e) Drawings for both lots.
- f) General Technical Specification for Lot 2 – Solar Pumping System.
- g) Work of Similar Nature – Schedule 25.
- h) Tenderer Statement – Schedule 8.

9. Winning Tenderer:

- 9.1. If awarded the tender, the bidder must sign the contract prepared by PAH within five working days. Failure to do so may result in the bid being rejected.
- 9.2. The bid is valid until the final selection is made by the Tender Commission.

10. 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 to the Country Director of Yemen Country Program via email address: cd.yemen@pah.org.pl or personally after recognition of such breach, but not later than 4 days after receiving a Letter of Rejection, if applicable.

Signature: _____

Country Director, PAH Yemen

Date: 15.04.2025