

**Schedule No. 5.  
Contract Notice**

Caritas Poland, hereinafter CP, known under the English translation Caritas Poland, with its registered office in Warsaw, address: ul. Okopowa 55, 01-043 Warsaw, registered by the District Court for the Capital City of Warsaw in Warsaw, 12th Commercial Division of the National Court Register under the KRS number 0000198645, REGON 01206414300000, NIP 5271006655,

Mission in Yemen; represented by Jakub Kharabshah – The Head of Mission,

hereinafter referred to as the Investor, plans to execute a framework agreement for purchase and delivery **in two batch** of medicines to Imran, Al-Memdara, Al-Kuwait, Al-Qaloua'a and Al-Fateh health facilities.

The bids of interested companies should be submitted to CP office, October neighborhood, Khormaksar, Aden on 01/08/2024 at 03:00 PM as a deadline.

**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 their country, 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 residence in the territory of Yemen;
- d) Those whose financial and economic condition guarantees the delivery of the order;
- e) Those not subject to exclusion from the tender procedure for the reasons set forth in the attached Tenderer's Statement.

**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 No. 7 - Bid Submission Form, itself;
- b) Schedule No. 8 - Tenderer's Statement;
- c) Schedule No. 24 - Work of a Similar Nature and Volume;
- d) Schedule No. 26 - Key Personnel;
- e) Schedule No. 27 - Financial Situation Form;
- f) Schedule No. 28 - Current Contractual Commitments;
- g) Appendix No. 1 – The Financial Offer;
- h) Company CV or profile (tenderer CV);

- i) Certificate of entry in the commercial register (the certificate of registration), issued not earlier than 3 months before the expiry date, within which the bid is to be made;
- j) Valid tax card;
- k) Valid Zakat card;
- l) Membership card of Federation of Yemen Chambers of Commerce and Industry;
- m) Valid pharmaceutical certification from SBDMA in Aden;
- n) 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;

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(n)). All pages must be signed and stamped.
- 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 thereof 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 at the top of the envelope either AMENDMENT or WITHDRAWAL. Applications for the amendment or withdrawal of bids received after the deadline or without WITHDRAWAL or AMENDMENT at the top of the envelope will not be taken into consideration. Whenever a bid has been withdrawn before the closing date and time, such bid will remain unopened. If any tender document was withdrawn or amended after the deadline, such amendment or withdrawal will be considered invalid.

### **3. Requirements for Bid Submission:**

- 3.1. 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 at the following address: <https://www.yemenhr.com/tenders>;
  - b) The bid should be prepared on the form that can be obtained at address specified above;
  - c) The bid should be prepared in English language in writing;
  - d) The bid and all the annexed documents should be stamped and numbered;
  - e) The bid should be delivered personally to the following address: Caritas Poland office, October neighborhood, khormaksar, Aden.
- 3.2. The Tenderer should be able to deliver the medicines in two batches to the five health facilities within 14 calendar days from the date of signing the PO of each batch;
- 3.3. Transportation vehicle should adhere to the country’s transportation rules for medicines;
- 3.4. The offer price must be in USD, and both of unit price and total price should not exceed 2 numbers after the decimal point;

- 3.5. The soft file of the financial offer (Appendix No. 1) should be inserted in a USB flash disk and submitted with the bid;
- 3.6. The expiry date of any item should not be less than one year from the date of delivery;
- 3.7. The medicine list should be complete;
- 3.8. The tenderer must accept our terms of payment. The payment can only be made within one month after 100% of the batch delivery;
- 3.9. The tenderer must submit a bank guarantee of 10% of the bid total amount valid for two months;
- 3.10. The tenderer must pass the checklist - Warehouse and Storage of Medicine. This exercise will be conducted after the completion of the selection process.
- 3.11. The Investor is not obligated for 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).
- 3.12. Bids submitted upon expiration of the submission date and time shall not be considered.
- 3.13. Bids should be submitted in sealed envelopes ensuring confidentiality before the expiration of the time-period for the submission of bids.
- 3.14. Tenderers must write total price in figures as well as in words. Where the amount given in figures differs from the amount in words, the amount in words shall be taken as correct. However, if the amount expressed in numbers and in words differs from each other significantly, the bid may be rejected. If no amount is stated in words, the bid may be rejected.

#### **4. Bid Acceptance:**

- 4.1. Bids will be opened after the deadline for bid submission.
- 4.2. The criteria for bid acceptance (“**Selection Criteria**”) are as follows:
  - a) Price 60%;
  - b) Country of origin of medicines 40%.
- 4.3. The bid process will be comprised of two stages. The first stage involves the evaluation of the bids with regard to formal requirements and completeness, while the second stage is the substantive evaluation according to the Selection Criteria defined by the Tender Commission. Tenderer whose bid will not be rejected at the first stages and get the highest score at the second stage will receive a Letter of Selection. Other tenderers will receive a Letter of Rejection.
- 4.4. The winning bid shall be chosen by the Investor within 3 working days after the opening of bids.

#### **5. Notice of Invalidation of Tender or Rejection of Bid:**

- 5.1 Only bids fulfilling the criteria set forth in Clause 1 (Conditions for Participation in Tender), Clause 2 (Formal Criteria of Tender Documents), and Clause 3 (Requirements for Bid Submission) of this document will be considered eligible for tender. Non-conformity with such clauses may result in bid rejection.
- 5.2 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.

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

**6. Annexes to Bid:**

6.1. Together with its bid, the company needs to submit the Checklist of Annexes.

6.2. The forms of the Annexes to this Contract Notice are as follow:

- a) Schedule No. 7 - Bid Submission Form;
- b) Schedule No. 8 - Tenderers Statement Form;
- c) Schedule No. 24 - Work of a Similar Nature and Volume;
- d) Schedule No. 26 - Key Personnel;
- e) Schedule No. 27 - Financial Situation Form;
- f) Schedule No. 28 - Current Contractual Commitments;
- g) Appendix No. 1 – The Financial Offer.

6.3. The Tender Commission is responsible for delivering any other annexes that are required by this Contract Notice (Clause 2.1).

**7. Winning Tenderer:**

7.1. In case of winning the tender, the Tenderer shall be obliged to conclude the contract within 5 calendar days from receipt of the Letter of Selection under the threat of the bid being declined;

7.2. The delivery of goods shall be executed in two batches within a period no exceeding 14 calendar days from the day of signing of the PO of each batch;

7.3. The Tenderer shall bear all expenses related to the delivery and the transportation.

7.4. The bid is valid until the final selection is made by the Tender Commission.

**8. 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 via registered post/courier or personally after recognition of such breach, but not later than 4 days after receiving a Letter of Rejection, if applicable.

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



Head of the Mission in Yemen

Place, Date: Aden, 01 JUL 2024