

**ACF YEMEN MISSION**

**Tender Pre-Qualification Reference: YE AD PQ 00001**

**Aden, 20th August 2021**

**SUBJECT: INVITATION TO TENDER**

**دعوة لتقديم العطاءات**

 **FOR**

**CONSTRUCTION WORKS**

**أعمال البناء**

**PREQUALIFICATION OF SUPPLIERS**

 **المؤهلين الموردين**

Dear Mr/Ms <Name of applicant>

Following your enquiry regarding the publication of the above-mentioned invitation to tender, please find enclosed the following documents, which constitute the tender dossier.

Any request for clarification must be received by ACF in writing at least **07 days** before the deadline for submission of tenders. ACF will reply to bidders' questions at least **3 days** before the deadline for submission of tenders.

Costs incurred by the bidder in preparing and submitting the tender proposals, will not be reimbursed.

We look forward to receiving your tender at the address specified in the Instructions to Bidders on or before **21st September 2021**, as stated in the procurement notice.

If you decide not to submit a tender, we would be grateful if you could inform us in writing, stating the reasons for your decision.

Yours sincerely,

Logistics Head of Department

**Address :** Action Contre La Faim (ACF)

Yemen Office

Qahtan area-Khurmaksar-34-ADENAden, Yemen



**ACF YEMEN MISSION**

**Call for Tender**

**CONSTRUCTION WORKS**

**دعوة لتقديم العطاءات**

**لأعمال البناء**

**PRE - QUALIFICATION**

**Duration: 2 Years “2022-2023”**

**Publication Reference:**

**YE AD PQ -00001**

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**26-August -2021**

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# A - INSTRUCTIONS TO BIDDERS

In submitting a tender, the bidder accepts in full and without restriction the special and general conditions governing this tender as the sole basis of this tendering procedure.

عند تقديم العطاء ، يقبل العارض بالكامل ودون قيود الشروط الخاصة والعامة التي تحكم هذا العطاء كأساس وحيد لإجراء المناقصة هذا.

The bidder accepts ACF General Terms and Conditions of Purchase by default, or will include its own Sales conditions in its offer.

يقبل مقدم العطاء الشروط والأحكام العامة للشراء الخاصة بـ ACF بشكل افتراضي ، أو سيقوم بتضمين شروط المبيعات الخاصة به في عرضه.

If the bidder wishes to point out restrictions to ACF Purchase Terms and Conditions, such reservations should be clearly explained in a letter included in the offer.

إذا كان مقدم العطاء يرغب في الإشارة إلى القيود المفروضة على شروط وأحكام الشراء الخاصة بـ ACF ، فيجب توضيح هذه التحفظات بوضوح في خطاب مدرج في العرض.

Failure to submit a tender containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.

قد يؤدي عدم تقديم عطاء يحتوي على جميع المعلومات والوثائق المطلوبة خلال الموعد النهائي المحدد إلى رفض العطاء.

### Preamble

ACF is a non-governmental organisation. Private, non-political, non-denominational and non-profit-making, it was set up in France in 1979 to intervene in countries throughout the world. ACF’s vocation is to save lives by combating hunger, disease, and those crises threatening the lives of helpless men, women and children.

ACF هي منظمة غير حكومية. خاصة وغير سياسية وغير طائفية وغير هادفة للربح ، تأسست في فرنسا عام 1979 للتدخل في البلدان في جميع أنحاء العالم. تتمثل مهمة ACF في إنقاذ الأرواح من خلال مكافحة الجوع والمرض وتلك الأزمات التي تهدد حياة الرجال والنساء والأطفال الذين لا حول لهم ولا قوة.

ACF intervenes in the following situations:

يتدخل ACF في المواقف التالية

* In natural or man-made crises which threaten food security or result in famine,
* في الأزمات الطبيعية أو من صنع الإنسان التي تهدد الأمن الغذائي أو تؤدي إلى المجاعة
* In situations of social / economic breakdown, linked to internal or external circumstances which place particular groups of people in an extremely vulnerable position,
* In situations where survival depends on humanitarian aid.

### Purpose of the Call for Tenders الغرض من الدعوة لتقديم العطاءات

The purpose of this Call for Tenders is to Pre-Qualify the Potential Suppliers for provision of Construction Services as Below

لغرض من هذه الدعوة لتقديم العطاءات هو التأهيل المسبق للموردين المحتملين لتقديم خدمات البناء على النحو التالي

* **Construction of Latrines ( Emergency and Permanent )**
* **بناء حمام (طوارئ ودائمة**
* **Construction Rehabilitation Works including Water Networks and Solid Waste Management**
* **أعمال إعادة التأهيل الإنشائية بما في ذلك شبكات المياه وإدارة النفايات الصلبة**
* **Rehabilitation of Bore Holes ( Water Hand Dug wells )**

**إعادة تأهيل الآبار (آبار المياه يدويه)**

In order to participate in a procurement process, interested suppliers ("Bidders") should complete and submit

Pre-Qualification Questionnaire ("PQQ") in accordance with the instructions contained within this document. At this first stage, the capacity of a bidder to perform the work will be evaluated.

The top companies successfully qualified in the PQQ stage shall from the basis of the shortlist of companies, which later on will be invited to Request for Quotation (RFQ) for the Contract.

At this second stage, ACF will send the BoQ of the mentioned project to the short listed pre-qualified suppliers inviting them to submit their financial proposals.

يجب أن تكون أفضل الشركات المؤهلة بنجاح في مرحلة PQQ من أساس القائمة المختصرة للشركات ، والتي ستتم دعوتها لاحقًا لطلب عرض أسعار (RFQ) للعقد. في هذه المرحلة الثانية ، سترسل ACF جدول الكميات للمشروع المذكور إلى الموردين المؤهلين مسبقًا المدرجين في القائمة المختصرة لدعوتهم إلى تقديم عروضهم المالية.

* The Bidder shall deem submission of a PQQ as an acknowledgement that all obligations stipulated by this PQQ will be met and, unless specified otherwise, the Bidder has read, understood and agreed to all the instructions in this PQQ.

- يعتبر مقدم العطاء تقديم PQQ بمثابة إقرار بأنه سيتم الوفاء بجميع الالتزامات المنصوص عليها في PQQ ، وما لم ينص على خلاف ذلك ، فقد قرأ مقدم العطاء جميع التعليمات الواردة في هذا السؤال وفهمها ووافق عليها.

* Any Bid submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of any Bid by ACF. ACF is under no obligation to award a contract to any Bidder because of this PQQ. The Bidder shall bear any and all costs related to the preparation and/or submission of the PQQ, regardless of whether its Bid was selected or not. ACF shall in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

- سيتم اعتبار أي عرض يتم تقديمه على أنه عرض من قبل مقدم العطاء ولا يشكل أو يعني ضمناً قبول أي عطاء من قبل ACF. ACF ليست ملزمة بمنح عقد لأي مقدم عطاء بسبب هذا PQQ. يتحمل مقدم العطاء أي وجميع التكاليف المتعلقة بإعداد و / أو تقديم PQQ ، بغض النظر عما إذا كان قد تم اختيار عرضه أم لا. لن تكون ACF بأي حال من الأحوال مسؤولة أو مسؤولة عن تلك التكاليف ، بغض النظر عن السلوك أو نتيجة عملية الاختيار.

### Call for Tenders Schedule: جدول المناقصات:

|  |  |  |
| --- | --- | --- |
| **Tender Phase** | **DATE** | **TIME\*** |
| Pre-Bidding Meeting اجتماع ما قبل العطاءات | **12-Sep-2021** | **11:00AM**  |
| Deadline for request for any clarifications from ACFالموعد النهائي لطلب أي توضيحات من المنظمه  | **14-Sep-2021** | **4:00PM** |
| Last date on which clarifications are issued by ACFآخر موعد لإصدار الإيضاحات | **16-Sep-2021** | **4:00PM** |
| Deadline for submission of tenders (receiving date, not sending date)آخر موعد لتقديم العطاءات (تاريخ الاستلام وليس تاريخ الإرسال | **23-Sep-2021** | **4:00PM** |
| Tender opening session by ACF staff onlyجلسة افتتاح العطاء من قبل موظفي المنظمه | **26-Sep-2021** | **9:30AM** |
| Notification of award to the successful tendererإخطار العطاء الفائز | **14-Oct-2021** | **11:00AM**  |

\* All times are in the local time of Yemen

Please note all dates are provisional dates and ACF reserves the right to modify this schedule.

Please note ACF reserves the right to pre-select some of the received offers, based upon the criteria listed in article 14 of the present document, to enter into a competitive dialogue with the shortlisted companies.

### Questions and Clarifications أسئلة وتوضيحات

If ACF, either on its own initiative or in response to a request from a prospective bidder, provides additional information on the tender dossier, such information will be communicated simultaneously in writing to all the bidders.

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إذا قامت المنظمه إما بمبادرة خاصة أو استجابة لطلب من مقدم العطاء ، بتوفير معلومات إضافية حول ملف العطاء ، فسيتم إرسال هذه المعلومات في وقت واحد كتابيًا إلى جميع مقدمي العطاءات.

Bidders may submit questions in writing to the following address, ideally by email, Seven (07) calendar days before the deadline for submission of tenders, specifying the publication reference and the Tender title:

يمكن لمقدمي العطاءات إرسال أسئلة كتابية إلى العنوان التالي ، ويفضل عن طريق البريد الإلكتروني ، قبل سبعة (07) أيام تقويمية من الموعد النهائي لتقديم العطاءات ، مع تحديد مرجع النشر وعنوان العطاء

Logistics Head of Department

E-mail: procurement-ad@ye-actioncontrelafaim.org

Any prospective tenderer seeking to arrange individual meetings with ACF during the tender period may be excluded from the tender procedure.

يجوز استبعاد أي عطاء محتمل يسعى إلى ترتيب اجتماعات فردية معه خلال فترة العطاء من إجراءات العطاء.

### Pre-Bidding / Clarification Meeting

A clarification meeting will be held on **12th Sep 2021: 11:00 AM after** the announcement of the tender at ACF office in Aden to answer any questions on the tender dossier, which have been forwarded in writing. Minutes will be taken during the meeting and these will be communicated - together with any clarifications in response to written requests which are not addressed during the meeting - in writing to all the bidders at the latest 03 calendar days before the deadline for submission of tenders. No further clarification will be provided after this date. All the costs of attending this meeting will be borne by the bidders.

سيعقد اجتماع توضيحي يوم 12 سبتمبر 2021: 11:00 صباحًا بعد الإعلان عن المناقصة في مكتب ACF في عدن للإجابة على أي أسئلة حول ملف العطاء ، والتي تم إحالتها كتابةً. سيتم تدوين محاضر خلال الاجتماع وسيتم إبلاغها - مع أي توضيحات رداً على الطلبات المكتوبة التي لم يتم التطرق إليها أثناء الاجتماع - كتابةً إلى جميع مقدمي العطاءات في موعد أقصاه 03 أيام تقويمية قبل الموعد النهائي لتقديم العطاءات. لن يتم تقديم أي توضيح إضافي بعد هذا التاريخ. يتحمل مقدمو العروض جميع تكاليف حضور هذا الاجتماع.

Visits by individual prospective bidders, other than this meeting, cannot be permitted during the tender period.

لا يمكن السماح بزيارات من قبل مقدمي العطاءات المحتملين ، بخلاف هذا الاجتماع ، خلال فترة العطاء.

### Administrative Requirement

Participation in tendering is open on equal terms to any natural and legal persons or company.

However, to comply with some of ACF’s donors’ rules, participants must clearly indicate their company’s nationality and origin of the proposed Services

المشاركة في المناقصات مفتوحة على قدم المساواة لأي شخص طبيعي أو اعتباري أو شركة.

ومع ذلك ، للامتثال لبعض قواعد المتبرعين لـ ACF ، يجب على المشاركين الإشارة بوضوح إلى جنسية شركتهم وأصل الخدمات المقترحة

### Instructions to submit an Offer

**7.1 – Response Format**

The tender shall consist of

**One (01) Sealed Envelope in total**

Envelope should **sealed non-identifiable envelope**, with the words **“not to be opened before the tender opening session”** written in English.

This sealed non-identifiable envelope shall be titled:

**Tender Name: Construction Works – PRE QUALIFICATION**

**Tender Reference: YE AD PQ 00001**

The tenders shall be sent by registered mail, by private courier service or personal delivery against receipt to the following address:

**To , Logistics Head of Department**

**Address :** Action Contre La Faim (ACF)

Yemen Office

Qahtan area-Khurmaksar-34-ADENAden, Yemen

**So that it is received no later than 23rd September 2021 at 04:00 PM Yemini time.**

Please note that ACF will not accept any tender through Email! Submission of tender through email will automatically rejected!

NB: **Late proposals will not be accepted, and will be returned to the Proponent or discarded.** Also, all proposals will be irrevocable after the Call for Tenders closing date

لن يتم قبول المقترحات المتأخرة ، وستتم إعادتها إلى مقدمها أو يتم تجاهلها. أيضًا ، ستكون جميع العروض غير قابلة للنقض بعد تاريخ إغلاق باب العطاءات

**7.2 – Content of Tenders**

The Tenderer must provide sufficient information in the proposal to demonstrate compliance with the requirements set out in each section of this request for proposal. The proposal shall include, as a minimum

يجب على العارض تقديم معلومات كافية في العرض لإثبات الامتثال للمتطلبات المنصوص عليها في كل قسم من طلب تقديم العروض هذا. يجب أن يتضمن الاقتراح ، كحد أدنى

1. **Appendix A “Pre Qualification Questionnaire”** duly completed. This questionnaire should be completed with all required information such as:

"استبيان التأهيل المسبق" معبأ حسب الأصول. يجب استكمال هذا الاستبيان بجميع المعلومات المطلوبة مثل

* 1. A Company Detailed Profile

نبذه عن الشركه

* 1. Proof of Company Registration in Yemen. (**Attach Registration )**

تاريخ تاسيس الشركه

* 1. A copy of the financial statements for last two years **(balance sheet and income statement Sheet Attached)**. OR an Audit Report for last 03 Years **(Copy Attached)**

نسخة من البيانات المالية لآخر سنتين (مرفق الميزانية وقائمة الدخل). أو تقرير تدقيق لآخر 03 سنوات (نسخة مرفق)

* 1. Proof of work Experience **(Copy of Purchase order /Contracts to be attached)**

إثبات خبرة العمل (إرفاق نسخة من أمر الشراء / العقود)

##### TAX Registration (Copy of Tax Registration attached)

التسجيل الضريبي (مرفق صورة التسجيل الضريبي)

1. **Appendix B “Reference Check Information”.** Detail of reference to be provided by company where they have done similar worked in past with INGO/ UN or any private company .

**معلومات التحقق من المرجع ". تفاصيل مرجعية تقدمها الشركة حيث قاموا بعمل مماثل في الماضي مع المنظمات الدولية غير الحكومية / الأمم المتحدة أو أي شركة خاصة.**

1. **Appendix C “List of Machinery and Equipment”.** Any Machinery and Equipment to perform the construction work either Owned or rented by the company , details to be provided

**قائمة الآلات والمعدات ". أي آلات ومعدات لأداء أعمال البناء سواء كانت مملوكة أو مستأجرة من قبل الشركة ، يجب توفير التفاصيل**

1. **Appendix D “List of Technical Staff”.** Detail of technical staff to be provided

**قائمة الموظفين الفنيين ". سيتم توفير التفاصيل الفنية للموظفين**

5) **Appendix E “**The Declaration of compliance and commitment to respect ACF Good Business Regulations” filled and signed by the duly authorised person.

**إعلان الامتثال والالتزام باحترام لوائح العمل الجيدة "معبأ وموقع من قبل الشخص المخول حسب الأصول.**

**Note: Not Providing Supporting Documents to Appendix A may lead to Disqualification.**

**قد يؤدي عدم تقديم المستندات الداعمة إلى الملحق أ إلى فقدان الأهلية.**

##### Failure to provide all of the above and in the formats stipulated may result in disqualification of the Tenderer’s proposal.

### Call for Tender Process

ACF reserves the right to negotiate, accept or reject any or all proposals at its sole discretion and to pursue or act further on any responses it considers advantageous. All proposals will be irrevocable after the Call for Tenders closing date.

تحتفظ ACF بالحق في التفاوض أو قبول أو رفض أي أو كل المقترحات وفقًا لتقديرها الخاص ومتابعة أو اتخاذ مزيد من الإجراءات بشأن أي ردود تعتبرها مفيدة. ستكون جميع العروض غير قابلة للنقض بعد تاريخ إغلاق باب العطاءات.

ACF reserves the right to select a shortlist of pre-selected suppliers, based on the criteria announced in paragraph 14 of the present document. Further discussions and competitive dialogue may then be conducted with the pre-selected suppliers at Financial Evaluation Stage after the pre-Qualification of Suppliers from this tender.

Only be presented in USD, inclusive of Taxes (VAT etc)

تحتفظ ACF بالحق في اختيار قائمة مختصرة بالموردين المحددين مسبقًا ، بناءً على المعايير المعلنة في الفقرة 14 من هذه الوثيقة. يمكن بعد ذلك إجراء مزيد من المناقشات والحوار التنافسي مع الموردين الذين تم اختيارهم مسبقًا في مرحلة التقييم المالي بعد التأهيل المسبق للموردين من هذا العطاء. يتم تقديمها بالدولار الأمريكي فقط ، بما في ذلك الضرائب (ضريبة القيمة المضافة ، إلخ).

### Language of offers and procedure

The offers, all correspondence and documents related to the tender exchanged by the bidder and ACF must be written in English

يجب أن تكون العروض وجميع المراسلات والوثائق المتعلقة بالعطاء المتبادل من قبل العارض و ACF مكتوبة باللغة الإنجليزية

Supporting documents and printed literature that the bidder provides may be in another language, provided they are accompanied by an accurate translation into English

قد تكون المستندات الداعمة والمطبوعات التي يقدمها مقدم العطاء بلغة أخرى ، بشرط أن تكون مصحوبة بترجمة دقيقة إلى اللغة الإنجليزية

For the purposes of interpretation of the tender, the version English will prevail.

لأغراض تفسير العطاء ، تسود النسخة الإنجليزية.

### Alteration or withdrawal of tenders

Bidders who have presented their offer before the established deadline, may request to modify or withdraw their tenders by written notification (prior to the deadline). No tender may be changed after this deadline. Withdrawals must be unconditional and will end all participation in the tender procedure.

يجوز لمقدمي العطاءات الذين قدموا عرضهم قبل الموعد النهائي المحدد ، طلب تعديل أو سحب عطاءاتهم عن طريق إخطار كتابي (قبل الموعد النهائي). لا يجوز تغيير أي عطاء بعد هذا الموعد النهائي. يجب أن تكون عمليات السحب غير مشروطة وستنهي جميع المشاركات في إجراءات المناقصة.

### Costs of preparing tenders

All costs incurred by the bidder in preparing and submitting the tender are not reimbursable. All such costs will be borne by the bidder.

جميع التكاليف التي تكبدها مقدم العطاء في إعداد وتقديم العطاء غير قابلة للاسترداد. يتحمل مقدم العطاء جميع هذه التكاليف.

### Opening, evaluation of tenders and Pre selection criteria

The opening and examination of tenders is for the purpose of checking whether the tenders are complete and whether the tenders are generally in order.

الغرض من فتح العطاءات وفحصها هو التحقق مما إذا كانت العطاءات كاملة وما إذا كانت العطاءات مرتبة بشكل عام.

The subsequent evaluation of the tenders shall be carried out in Aden Yemen by an Evaluation Committee made up of representatives of ACF.

يتم إجراء التقييم اللاحق للمناقصات في عدن باليمن من قبل لجنة تقييم مكونة من ممثلين عن ACF.

The pre selection of the Contractor will consider the following steps:

سيأخذ الاختيار المسبق للمقاول في الاعتبار الخطوات التالية:

1. ACF will receive all bids from the bidders before the deadline.
2. سوف تتلقى ACF جميع العطاءات من مقدمي العطاءات قبل الموعد النهائي.
3. These bids will be evaluated by ACF. It may include physical inspection of the bidder’s plant, branches or other places where business transpires, with or without notice to the bidder.
4. سيتم تقييم هذه العطاءات من ACF. قد يشمل الفحص المادي لمصنع مقدم العطاء أو الفروع أو الأماكن الأخرى التي تتم فيها الأعمال التجارية ، مع أو بدون إشعار مقدم العطاء.
5. The top 5 (or more) companies on the basis of shortlisting will be invited to RFQ for the Contract. It may include visiting of site(s) upon ACF request. ACF gives no guarantee of the volume of work to be awarded under the contract.
6. ستتم دعوة أفضل 5 (أو أكثر) شركات على أساس القائمة المختصرة إلى RFQ للعقد. قد يشمل زيارة الموقع (المواقع) بناءً على طلب ACF. لا تقدم ACF أي ضمان لحجم العمل الذي سيتم منحه بموجب العقد.

|  |  |
| --- | --- |
| Method to be used in selecting the most responsive Bid | The contract will be awarded to the lowest (reasonable Time line ) cost technically compliant bid |

1. All bidders will be notified of the outcome by ACF Logistics Department.

# 12.1 Evaluation of Bid:

The objective of the evaluation process is to assess the responses to this pre-qualification questionnaire, evaluate the capacity of bidders to perform the work and select potential contractors to proceed to the next stage of the selection. The PQQ responses will be evaluated in accordance with the following process:

الهدف من عملية التقييم هو تقييم الردود على استبيان التأهيل المسبق هذا ، وتقييم قدرة مقدمي العطاءات على أداء العمل واختيار المقاولين المحتملين للانتقال إلى المرحلة التالية من الاختيار. سيتم تقييم الردود وفقًا للعملية التالية:

## PQQ Evaluation

##

## Completed PQQs will be evaluated in accordance with the methodology set out below. The methodology that will be applied is as follows:

### Compliant with mandatory requirements (as per art. 7.2 ) and providing requested information/ documents (failure to provide it may result in the PQQ submission being disqualified from the selection process).

متوافق مع المتطلبات الإلزامية (وفقًا للمادة 7.2) وتقديم المعلومات / المستندات المطلوبة (قد يؤدي عدم تقديمها إلى استبعاد طلب PQQ من عملية الاختيار).

### Responses will be evaluated as per capability criteria described at the end of this section.

سيتم تقييم الردود وفقًا لمعايير القدرة الموضحة في نهاية هذا القسم.

## Bidders short listing

## All Bidders who:

###  submit a compliant PQQ response; and

###  achieve a pass in all pass/fail sections;

Will have their responses to the evaluation section. ACF will invite the top five or more compliant bidders to participate in the next stage (RFQ – financial proposal based on BoQ) of the selection process for Contract. ACF reserves the right, in its absolute discretion, to invite fewer than five Applicants.

سيكون لديهم ردودهم على قسم التقييم. ستقوم ACF بدعوة أفضل خمسة أو أكثر من مقدمي العروض المتوافقين للمشاركة في المرحلة التالية (RFQ - عرض مالي على أساس جدول الكميات) من عملية اختيار العقد. تحتفظ ACF بالحق ، وفقًا لتقديرها المطلق ، في دعوة أقل من خمسة متقدمين.

Essential information/ documents evaluation المعلومات الأساسية / تقييم الوثائق

The following documents (dully filled and signed) are to be provided as part of Quote submission:

يجب تقديم المستندات التالية (المعبأة والموقعة حسب الأصول) كجزء من تقديم الاقتباس

|  |  |
| --- | --- |
| **Document** | **Provided/ Not provided** |
| Pre-Qualification Questionnaire استبيان التأهيل المسبق |  |
| Copy of valid registration certificate نسخة من شهادة التسجيل سارية المفعول |  |
| Company profile نبذه عن الشركة |  |
| Experiences and References الخبرات والمراجع |  |
| Experience Certificate / Work Order , Contract or Purchase order شهادة خبرة / أمر عمل أو عقد أو أمر شراء |  |
| List of Equipment and Machinery قائمة المعدات والآلات |  |
| List of technical staff with CV قائمة الكادر الفني مع السيرة الذاتية |  |
| Bank statement or audit report for 2020 and/or 2019 كشف حساب بنكي أو تقرير تدقيق |  |

**Capability criteria:** **معايير القدرة:**

- Technical:

|  |  |
| --- | --- |
| **Criteria** | **Definition of the criteria** |
| Ability to work in the designated zone القدرة على العمل في المنطقة المخصصة | Access to authorization to work in respective Governorate  |
| Availability of qualified technical personnel on ground توافر الكوادر الفنية المؤهلة على الأرض | The contractor should have active work force available in Governorate (such as welder, technician and site engineer, etc.) |
| Availability of equipment and machinery to perform the work توافر المعدات والآلات لأداء العمل | The contractor should have equipment and machinery to perform the work in Designated Governorate  |
| Project related experience الخبرة المتعلقة بالمشروع | Projects (contracts) completed in buildings’ rehabilitation and/ or repair over the last 5 years |
| Country of origin of materials 30 / 5000نتائج الترجمةبلد منشأ المواد  | Like China , Local etc  |
| Possibility to provide quality certificates إمكانية تقديم شهادات الجودة | Upon ACF request علي طلب المنظمه  |
| Possibility to provide samples of materials إمكانية تقديم عينات من المواد | Upon ACF request علي طلب المنظمه  |
| Possibility to replace materials إمكانية استبدال المواد | Defected materials should be replaced يجب استبدال المواد المعيبة |
| Ability to provide warranties and guarantees القدرة على تقديم الضمانات والضمانات | Minimum guarantee for the material and work at least 3 months after the completion of work الحد الأدنى من الضمان للمادة والعمل 3 أشهر على الأقل بعد الانتهاء من العمل |
| Guarantee deposit ضمان ايداع | Acceptance to keep by ACF 5 % of contract of order value as guarantee for 3 months قبول احتفاظ ACF بنسبة 5٪ من قيمة الطلب كضمان لمدة 3 أشهر |
| Work starting time وقت بدء العمل | The work should begin within 10 days upon request يجب أن يبدأ العمل في غضون 10 أيام عند الطلب |
| Possibility to provide work plan امكانيه تزويد خطه عمل  | Upon ACF request علي طلب المنظمه |

- Financial:

|  |  |
| --- | --- |
| **Criteria** | **Definition of the criteria** |
| Financial stability  | Proof of financial stability such as bank statement or audit report for the last 2 year |
| Possibility to fix prices | To fix prices for the period of contract duration – 12 months ( if selected )  |
| Payment means | Cheque, bank transfer |

In the interests of transparency and equal treatment and without being able to modify their tenders, bidders may be required, at the sole written request of the evaluation committee, to provide clarifications within 72 hours. Any such request for clarification must not seek the correction of formal errors or of major restrictions affecting performance of the contract or distorting competition.

Any attempt by a bidder to influence the evaluation committee in the process of examination, clarification, evaluation and comparison of tenders, to obtain information on how the procedure is progressing or to influence ACF in its decision concerning the award of the contract will result in the immediate rejection of his tender. No liability can be accepted for late delivery of tenders. Late tenders will be rejected and will not be evaluated.

### 13. Notification award for Pre-Qualification

The successful bidder/s will be informed in writing that he has been shortlisted and pre-qualified and therefore the tender has been accepted.

The unsuccessful tenderer will be informed in written shortly after the award.

### 14. Ownership of tenders

ACF retains ownership of all tenders received under this tender procedure. Consequently, bidders have no right to have their tenders returned to them.

### 15. Cancellation of the tender procedure

In the event of a tender procedure's cancellation, bidders will be notified by ACF.

If the tender procedure is cancelled before the outer envelope of any tender has been opened, the sealed envelopes will be returned, unopened, to the tenderers.

Cancellation may occur where:

1. The tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all;
2. The economic or technical parameters of the project have been fundamentally altered;
3. Exceptional circumstances or *force majeure* render normal performance of the project impossible;
4. All technically compliant tenders exceed the financial resources available;
5. There have been irregularities in the procedure, in particular where these have prevented fair competition.

**Under no circumstances will ACF be liable for damages, whatever their nature (in particular damages for loss of profits) or relation with the cancellation of a tender, even if ACF has been warned of the possibility of damages.**

**The publication of a procurement notice does not commit ACF to implement the announced programme or project.**

### 16.Ethics

ACF pays very careful attention to working with companies that commit to respect basic Ethics Rules.

The tenderers have to read and understand the Good Business Regulations as defined by ACF and introduced in the Appendix E of this tender dossier. The tenderers will have to fill and sign the Appendix E: *Declaration of compliance & commitment to respect ACF Good Business Regulations.*

### Technical Specifications

**17 .1. General Information**

* The contractor should make site visit before preparing the quotation and signing the contract.
* The contractor should provide manpower, technical and skilled labor, any machines needed for the work due to the needs.
* All work sites are expected to be fully completed by the Contractor and validated by a designated ACF supervisor within the proposed contract period.
* Installation costs in the BOQ that will be shared in another stage (after the selection of pre-qualified suppliers) are costs by contractor to install materials provided by ACF or a third party.
* All works must be within the plans and technical specifications, drawings, pictures, contract documents and instructions of the supervisor engineer.

**17.2. Scope of work**

* To execute the works according to the technical documentation/ BoQs that will be shared in another stage (after the selection of pre-qualified suppliers).
* To supply all materials and required equipment to the site.
* The supply of equipment and materials has to be supported by its installation, testing, start-up and obligatory warranty service, warranty list(s) as well as certificates for material/equipment and have to be provided by the Contractor on a delivery day. All the materials should be new and of a very high quality as approved by Supervisor Engineer and in line with the BoQs.
* To follow requirements, conditions, instructions and standards stipulated in technical documentation (engineering design).
* Upon completion of the Works the Contractor shall remove from the Site all the said Constructional Plant and Temporary Works remaining thereon and any unused materials.

**17.3. Requirements to materials to be used**

* All material should be new, good quality and approved by supervisor engineer.
* The contractor will have to submit the sample of items for approval along with Financial offer or at the time of visit to Supplier Premesis .
* The Contractor needs to supply all materials and required equipment to the site. The Contractor must include the cost of all materials and equipment required for performance of corresponding type of works to its financial offer.

**17.4. Supervision of Work**

* The contractor must employ resident engineer to be present at the project site during the execution period.
* The work of the Contractor will be monitored by the representatives of entities responsible for author’s and technical supervision, ACF representatives.
* ACF Engineer, appointed construction supervisory entity and beneficiary’s representatives, will perform final inspection of works.
* All completed Work / rehabilitations and repairs will be assessed for technical quality assurance by a designated ACF staff member.

**17.5. Estimated duration of the Work (**to be confirmed for shortlisted suppliers on RFQ stage**)**

The successful Bidder is expected to complete the required works and will have to commit to the work plan when and after approving on their submitting quotation.

**17 .6. Warranty:**

The Contractor shall warrant for any defects in the design, the workmanship and the material provided and fitted by him, which appear within 3 months as of the date at which the operating permit is granted, at the date as of the delivery, in case of agreed assembly by the Contractor as of the end of the assembly work.

**Appendixes**

Appendix A: Pre – Qualification Supplier Questionnaire

Appendix B: Reference Check Information

Appendix C: List of Machinery and Equipment

Appendix D: List of Technical Staff

Appendix E: ACF’s Good Business Regulations

# Appendix A:

# Pre-Qualification Questionnaire for:

# CONSUTRUCTION WORKS

# استبيان التأهيل المسبق لـ:

# أعمال البناء

|  |  |
| --- | --- |
| Company Name: اسم الشركه |  |
| Company Address: عنوان الشركه |  |
| Contact Name: اسم الشخص المسؤول |  |
| Contact Position / title: وظيفة |  |
| Contact Details (Phone / Email):ايميل الشركه ورقم التلفون |  |

|  |
| --- |
| **ESSENTIAL CRITERIA TO EVALUATE COMPANY / SUPPLIER** |
| **Administrative Information:** | **Answer** |
|  | Is your company registered in Yemen **Please provide a copy of Registration.****هل شركتك مسجلة في اليمن****يرجى تقديم نسخة من التسجيل** | * Yes/  No/

  |
|  | When was it registered? منذ متي مسجله |  |
|  | Where is Main Office Located? اين المكتب الرئسي للشركه |  |
|  | Do you have office in Aden Governorate? Write the address if you have هل لديك مكتب في عدن فضلا يرجي ذكر العنوان |  |
|  | Do you have Tax Registration Certificate? (Yes / NO)هل لديك بطاقه ضريبيه فضلا يرجي تزويدتا بتسخه **Please provide a copy of Tax Registration** | * Yes/  No/

  |
|  | Will you provide this PQQ form signed, stamped and submitted in sealed envelope (Yes / No) هل ستقدم نموذج PQQ هذا موقعًا ومختومًا ومقدمًا في مظروف مختوم (نعم / لا) | * Yes/  No/

  |
|  | Do you have a Company Profile (Yes/No)**If Yes please attach a Copy of Your Company Profile** **هل لديك ملف تعريف شركة (نعم / لا)****إذا كانت الإجابة بنعم ، يرجى إرفاق نسخة من الملف التعريفي لشركتك** | * Yes/  No/

  |
| **Financial Information:** |
|  | What is your yearly income in USD over the last 3 years? **OR** **Please provide audited Financial accounts for 3 years** **ما هو دخلك السنوي بالدولار الأمريكي خلال السنوات الثلاث الماضية؟ أو****يرجى تقديم حسابات مالية مدققة لمدة 3 سنوات** |  |
|  |  Last Year (2020): please provide Bank statement (Yes / NO) **OR** Audit Report العام الماضي (2020): يرجى تقديم كشف حساب بنكي (نعم / لا) أو تقرير التدقيق | * Yes/  No/
 |
|  |  Previous Year (2019): please provide Bank statement (Yes / NO) **OR**  Audit Reportالسنة السابقة (2019): يرجى تقديم كشف حساب بنكي (نعم / لا) أو تقرير تدقيق  | * Yes/  No/

  |
|  |  Previous Year (2018): please provide Bank statement (Yes / NO) **OR**  Audit Report السنة السابقة (2018): يرجى تقديم كشف حساب بنكي (نعم / لا) أو تقرير تدقيق | * Yes/  No/

  |
| **Customer References:** |
|  | Have you worked in the past with ACF (detail year and activity)? (Yes / NO) هل عملت في الماضي مع ACF (تفاصيل العام والنشاط)؟ (نعم / لا) | * Yes/  No/

 Years and activity (if yes): |
|  | Do You have Experience in Water infrastructure / Network ’ repair/rehabilitation with NGOs or national companies (Yes/NO)**Please attach Copy of Order / contract any Proof of Work هل لديك خبرة في إصلاح / إعادة تأهيل البنية التحتية للمياه / الشبكة مع المنظمات غير الحكومية أو الشركات الوطنية (نعم / لا)****يرجى إرفاق نسخة من الطلب / عقد أي إثبات عمل** | * Yes/  No/
 |
|  | Do You have Experience in Latrine Construction with NGOs or national companies (Yes/NO)**Please attach Copy of Order / contract any Proof of Work** هل لديك خبرة في بناء المراحيض مع المنظمات غير الحكومية أو الشركات الوطنية (نعم / لا) يرجى إرفاق نسخة من الطلب / عقد أي إثبات عمل  | * Yes/  No/
 |
|  | Do You have Experience in Bore Hole Works ( Water Wells ) with NGOs or national companies (Yes/NO)**Please attach Copy of Order / contract any Proof of Work** **هل لديك خبرة في أعمال حفر الآبار (آبار المياه) مع المنظمات غير الحكومية أو الشركات الوطنية (نعم / لا)****يرجى إرفاق نسخة من الطلب / عقد أي إثبات عمل** | * Yes/  No/
 |
|  | Do you also provide Services related to Solar System , Solar Pumps , Installations etc . (Yes/NO)**Please attach Copy of Order / contract any Proof of Work** **هل تقدمون أيضًا خدمات متعلقة بالنظام الشمسي ، والمضخات الشمسية ، والمنشآت وما إلى ذلك.****(نعم / لا)****يرجى إرفاق نسخة من الطلب / عقد أي إثبات عمل** | * Yes/  No/
 |
| **Subcontracting** |
|  | Do you do subcontract with company? to improve maximize the project implementation and delivery (Yes / NO) هل تتعاقد من الباطن مع شركة؟ لتحسين تنفيذ المشروع وتسليمه إلى الحد الأقصى (نعم / لا) | * Yes/  No/

  |
|  | Which services do you generally subcontract? ما هي الخدمات التي تتعاقد معها من الباطن بشكل عام؟ |  |
|  | Which services would you specifically subcontract in ACF projects? ما هي الخدمات التي ستتعاقد عليها من الباطن على وجه التحديد في مشاريع ACF؟ |  |
|  | What are the names and Registration numbers of the companies/persons you would subcontract to ? ما هي أسماء وأرقام تسجيل الشركات / الأشخاص الذين قد تتعاقد معهم من الباطن؟ |  |
| **Financial Conditions: ( AFTER PRE QUALIFICATION )**  |
|  | If you get awarded the Contract, will you offer fixed prices for the whole project duration? As minimum 06 months (Yes / NO) إذا حصلت على العقد ، هل ستقدم أسعارًا ثابتة طوال مدة المشروع بالكامل؟ 6 أشهر على الأقل (نعم / لا) | * Yes/  No/

  |
|  | In which currency do you invoice your customers? (USD or YER ) بأي عملة تصدر فاتورة لعملائك؟ (دولار أمريكي أو ريال يمني) | * USD/  YER /
 |
|  | When do you issue the invoice? On ordering or after delivery of services? متى تصدر الفاتورة؟ عند الطلب أو بعد تسليم الخدمات؟ | * After Delivery/  On ordering /
 |
|  | What is your Payment terms, ACF prefers After Delivery, Do you Agree (Yes / No) if No what is your Payment Terms ما هي شروط الدفع الخاصة بك ، تفضل ACF بعد التسليم ، هل توافق (نعم / لا) إذا كانت الإجابة لا ، ما هي شروط الدفع الخاصة بك | * Yes/  No/

Payment terms (if No): |
|  | When do you expect payment? (in days) متى تتوقع الدفع؟ (في الايام) |  10 days 20 days 30 days |
|  | What is your preferred Payment means (by bank transfer, Cheque, Money Transfer Agent )? ما هي وسائل الدفع المفضلة لديك (عن طريق التحويل المصرفي ، والشيكات ، ووكيل تحويل الأموال)؟ | * Bank transfer
* Cheque

 Money Transfer Agent (MTA)  |
|  | Does Your Company has a Bank Account? (Yes / No)If yes, provide Bank Name هل لشركتك حساب مصرفي؟ (نعم / لا)إذا كانت الإجابة بنعم ، فقم بتوفير اسم البنك | * Yes/  No/

Bank name (if Yes): |
| **Technical Capacity:** |
|  | Are you able to visit the water infrastructure site(s) in Designated governorates upon ACF request? (Yes / No) هل يمكنك زيارة موقع (مواقع) البنية التحتية للمياه في المحافظات المخصصة بناءً على طلب ACF؟ (نعم / لا) | * Yes/  No/

  |
|  | How many employees work for your company? كم عدد الموظفين الذين يعملون في شركتك؟ |  |
|  | Do you have access to general construction equipment and transportation fleet (Yes/No)**Please attach the list of your equipment and fleet and fill the respective (Appendix C)** **هل يمكنك الوصول إلى معدات البناء العامة وأسطول النقل (نعم / لا)****يرجى إرفاق قائمة المعدات والأسطول الخاص بك وملء كل منها (الملحق ج)** | * Yes/  No/

  |
|  | Do you Have Technical Staff (Engineers, Mechanics etc.) (Yes / NO)**If Yes please attach CV of Technical Staff and fill the respective (Appendix D)** **هل لديك طاقم فني (مهندسون ، ميكانيكيون ، إلخ) (نعم / لا)****إذا كانت الإجابة بنعم ، يرجى إرفاق السيرة الذاتية للموظفين الفنيين وملء كل منها (الملحق د)** | * Yes/  No/

  |
|  | All the equipment and fleet owned by the company or rented? جميع المعدات والأسطول تملكه الشركة أم مستأجرة؟ | * Owned/  Rented/
 |
|  | What is the Highest Value Contract / Work you have done in Year 2021 or before? **(Please attach a copy of Contract) ما هو أعلى قيمة عقد / عمل قمت به في عام 2021 أو ما قبله؟ (يرجى إرفاق نسخة من العقد)** |  |
|  | Did you attach the Experience Certificate / Work Order, Contract or Purchase order? (Yes / NO) هل أرفقت شهادة الخبرة / أمر العملأم عقد أم أمر شراء؟ (نعم / لا) | * Yes/  No/

  |
|  | Do you have a quality management policy?**Please specify and attach relevant documents.** **هل لديك سياسة إدارة الجودة؟****يرجى تحديد وإرفاق الوثائق ذات الصلة.** | * Yes/  No/

  |
|  | Do you have a national or international quality certification? **Please specify and attach relevant documents.** **هل لديك شهادة جودة وطنية أو دولية؟ يرجى تحديد وإرفاق الوثائق ذات الصلة.** | * Yes/  No/

  |
|  | Do you have an environmental policy?**Please specify and attach relevant documents.** **هل لديك سياسة بيئية؟****يرجى تحديد وإرفاق الوثائق ذات الصلة.** | * Yes/  No/

  |
|  | Do you have an environmental certification? (EMAS, ISO14001…)**Please specify and attach relevant documents.**هل لديك شهادة بيئية؟ (EMAS ، ISO14001 ...)يرجى تحديد وإرفاق الوثائق ذات الصلة. | * Yes/  No/

  |
| **Project Implementation and Delivery Capacity :** |
|  | How many days would it take to start the works after the reception of order from ACF? كم عدد الأيام التي سيستغرقها بدء الأعمال بعد استلام الطلب من ACF؟ |  3-7 days 7-14 days More than 14 days |
|  | Are you Able to provide the Work Plan for Work if it is requested by ACF when requesting the quotation? (Yes/No) هل أنت قادر على تقديم خطة العمل للعمل إذا طلبت ذلك من قبل ACF عند طلب عرض الأسعار؟ (نعم / لا) | * Yes/  No/

  |
| **Quality and Warranty (after services)** |
|  | Where do the materials come from (country of origin/ shipped from)? Local or imported (state the country/s) من أين تأتي المواد (بلد المنشأ / الشحن من)؟ محلي أو مستورد (اذكر الدولة / البلدان) |  |
|  | Can you provide Quality certificates for the items used on the construction site? (Yes / NO) هل يمكنكم تقديم شهادات الجودة للأصناف المستخدمة في موقع البناء؟ (نعم / لا) | * Yes/  No/

  |
|  | Are You Able to provide Samples of Material (Yes / NO) هل أنت قادر على تقديم عينات من المواد (نعم / لا) | * Yes/  No/

  |
|  | Are you Able to Replace the Items if found defected (Yes / No). If yes, how long does it take to replace? هل أنت قادر على استبدال العناصر إذا وجدت معيبة (نعم / لا). إذا كانت الإجابة بنعم ، ما هي المدة التي يستغرقها الاستبدال؟ | * Yes/  No/

 How long in days (if yes): |
|  | Do you provide minimum Guarantee for the material and work at least 03 months after completion of work? (Yes / No) هل تقدمون الحد الأدنى من الضمان للمادة والعمل على الأقل 03 شهور بعد الانتهاء من العمل؟ (نعم / لا) | * Yes/  No/

  |
|  | ACF will Keep 10 % - 15% of Contract or order Value as Guarantee (Retention amount) for 03 Months , Do you Agree (Yes / NO) ستحتفظ ACF بنسبة 10٪ - 15٪ من قيمة العقد أو الطلب كضمان (مبلغ الاحتفاظ) لمدة 3 أشهر ، هل توافق (نعم / لا) | * Yes/  No/

  |

**Note:**

* **It is Mandatory to Fill and Answer the Questionnaire, as well to attach all relevant documents to support the information filled / Answer by you in the Questionnaire.**

**Not providing enough evidence of documents to support the questionnaire may lead to disqualification.**

|  |
| --- |
| 5. CHECK LIST of supporting documents (dully Filled and Signed)  |
| 123 4  5 6 78 | Copy of valid commercial registration certificate  Attached Pre-qualifying questionnaire (PQQ)  Attached Company Profile  Attached Experiences and References  Attached Experience Certificate / Work Order , Contract or Purchase order  Attached List of Equipment and Machinery  Attached List of technical staff with CV  Attached Bank statement or audit report for last 03 Years  Attached   |

# Appendix B: Reference Check Information

**Please, using the template below, provide the following information regarding:**

1. Experience (work performed) within the last five (5) years, which are related or relevant to those required for the subject of the Bid (similar works only).
2. Relevant references from the last five (5) years who may be contacted on a confidential basis to verify satisfactory execution of contracts must be supplied.

Please provide the details of your experience with different companies and NGO

**01:**

|  |  |
| --- | --- |
| Name of Reference Company or NGO  |  |
| Contact Person Name : |  |
| Email Address : ( Official Email preferred )  |  |
| Phone :  |  |
| Subject of contract :  |  |
| Date of Contract  |  |
| Duration of Contract  |  |
| Location of Contract Execution :  |  |
| Amount of Contract in USD  |  |

**02**

|  |  |
| --- | --- |
| Name of Reference Company or NGO  |  |
| Contact Person Name : |  |
| Email Address : ( Official Email preferred )  |  |
| Phone :  |  |
| Subject of contract :  |  |
| Date of Contract  |  |
| Duration of Contract  |  |
| Location of Contract Execution :  |  |
| Amount of Contract in USD  |  |

**03**

|  |  |
| --- | --- |
| Name of Reference Company or NGO  |  |
| Contact Person Name : |  |
| Email Address : ( Official Email preferred )  |  |
| Phone :  |  |
| Subject of contract :  |  |
| Date of Contract  |  |
| Duration of Contract  |  |
| Location of Contract Execution :  |  |
| Amount of Contract in USD  |  |

**04**

|  |  |
| --- | --- |
| Name of Reference Company or NGO  |  |
| Contact Person Name : |  |
| Email Address : ( Official Email preferred )  |  |
| Phone :  |  |
| Subject of contract :  |  |
| Date of Contract  |  |
| Duration of Contract  |  |
| Location of Contract Execution :  |  |
| Amount of Contract in USD  |  |

**05**

|  |  |
| --- | --- |
| Name of Reference Company or NGO  |  |
| Contact Person Name : |  |
| Email Address : ( Official Email preferred )  |  |
| Phone :  |  |
| Subject of contract :  |  |
| Date of Contract  |  |
| Duration of Contract  |  |
| Location of Contract Execution :  |  |
| Amount of Contract in USD  |  |

# Appendix C :

# LIST OF MACHINERY AND EQUIPMENT

**Please list the available machinery and equipment to perform the work:**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Name of Machinery/Equipment** | **Quantity** | **Own/Rented** |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |
| 5 |  |  |  |
| 6 |  |  |  |
| 7 |  |  |  |
| 8 |  |  |  |
| 9 |  |  |  |
| 10 |  |  |  |
| 11 |  |  |  |
| 12 |  |  |  |
| 13 |  |  |  |
| 14 |  |  |  |
| 15 |  |  |  |

***Please add additional pages if required.***

# Appendix D (List of Technical Staff):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Name of Personnel | Position | Qualifications | Work experience (in years) | Status (permanent/temporary) | CV attached?(Yes/No) |
| 1 |  |  |  |  |  |  |
| 2 |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |
| 4 |  |  |  |  |  |  |
| 5 |  |  |  |  |  |  |
| 6 |  |  |  |  |  |  |
| 7 |  |  |  |  |  |  |
| 8 |  |  |  |  |  |  |
| 9 |  |  |  |  |  |  |
| 10 |  |  |  |  |  |  |

# Appendix E:

# ACF’s GOOD BUSINESS REGULATIONS

**These Good Business Regulations are the ground for a professional working relationship between ACF and the suppliers.**

**They are general regulations valid unless others particular conditions are mentioned in the contract**. **In case of conflicting terms within documents, the conditions of the contract or tender dossier will prevail on these Good Business Regulations.**

###### Principles of the procurement procedures

ACF has transparent procedures to award markets. Essential principles are

* *Transparency* in the procurement process
* *Proportionality* between the procedures followed for awarding contracts and the value of the markets
* *Equal treatment* of potential suppliers

Usual criteria to select a Service Provider are:

* Authorisation to perform the market
* Financial and economic capacities
* Technical expertise

Professional capacities

Usual criteria to award markets are:

* Automatic award (the cheapest offer complying with all requirements)
* Best value for money (price/quality ratio)

###### Misbehaviour, ineligibility and exclusion

ACF considers the following misbehaviour as a valid ground for a systematic exclusion of an awarding market procedure and for the termination of all working relationship and contracts:

* Fraud defined as any intentional act or omission relating to:
	+ The use or presentation of false, incorrect or incomplete statements or documents, which has as its effect the misappropriation or wrongful retention of ACF or institutional donors funds
	+ Non-disclosure of information, with the same effect
	+ The misapplication of such funds for purposes other than those for which they were originally granted
* Active corruption: to deliberately promise or give an advantage to an official for him/her to act or refrain from acting in accordance with his duty in a way which damages or is likely to damage ACF or institutional donors financial interests
* Collusion: the co-ordination of firms competitive behaviour, with the likely result that prices rise, output is restricted and the profits of the colluding companies are higher than they would otherwise be. Collusive behaviour does not always rely on the existence of explicit agreements between firms, but can also be tacit..
* Coercive practice: harming or threatening to harm, directly or indirectly, persons, or their property to influence their participation in a procurement process, or affect the execution of a contract.
* Bribery: to offer ACF employees monetary or in kind gifts in order to gain additional markets or to continue a contract
* Involvement in a criminal organisation or any other illegal activity established by a judgement, by the, the European Union, the United Nations or any other donor funding ACF.

Immoral Human Resources practices: exploitation of child labour and the non-respect of basic social rights and working conditions of employees or subcontractor

ACF will exclude from a procurement procedure any candidate or Bidder falling into one of the following cases::

* To be **bankrupt** or to be wound up, to have affairs administered by the courts, to have enter into an arrangement with creditors, to have suspended business activities, to be 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
* To have been **convicted of an offence** concerning professional conduct by a judgement that has the force of *res judicata*
* To have been **guilty of grave professional misconduct** proven by any means that ACF can justify
* To 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 with those of the country where ACF mission is operating or those of the country where the contract is to be performed
* They have been the **subject of a judgement** that has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests
* To have been declared to be in **serious breach of contract** for failure to comply with their contractual obligations in another previous procurement procedure

ACF will not award contracts to candidates or Bidder who, during the procurement procedure:

* Are subject to a conflict of interest
* Are guilty of misrepresentation in supplying the information required ACF as a condition of participation in the contract procedure or fail to supply this information.

###### Administrative and financial sanctions

In the event a supplier, candidate or bidder is engaged in corrupt, fraudulent, collusive or coercive practices ACF will impose:

* **Administrative sanctions:**

Administrative sanctions are the official notification of the misconduct to the relevant civil or commercial authorities and the immediate termination of all existing working relationships.

**Financial sanctions:**

ACF will request the reimbursement of the cost linked directly and directly to the conduct of a new tendering process or market award. If any, the tender or performance guarantee will be kept by ACF.

###### Information of and access for the Donors

ACF will inform immediately the Institutional Donors and will provide all the relevant information in the event a supplier, candidate or Bidders engaged in corrupt, fraudulent, collusive or coercive practices.

Furthermore, the Service Provider agree to guarantee a right of access to their financial and accounting documents to the representatives of ACF’s institutional donors for the purposes of checks and audits..

###### Documents to be a supplier

Hereafter is the minimal documentation a contractor working with ACF will have to provide:

* Personnel national ID document of the supplier/company representative
* Status and registration of the company
* Mission order or power of attorney authorising the representative to contact

**Important note:** Additional documentation may be required for a particular market.

In addition the contractor must have the capacity to issue invoices, receipts and waybills (or delivery notes), to provide a tax clearance certificate and certify documents with an official stamp.

###### Anti-Corruption Policy

If you believe that the action of anyone (or a group of people) working or volunteering for ACF programs is responsible for violating the above rules, you should file a report through the Whistle-blower Email Hotline.

In order to enable the treatment, reports should give as precise information as possible; your name and contact are optional but encouraged. All reports are treated confidentially to the extent permissible by law. ACF will use all reasonable efforts to preserve the confidentiality of the whistle-blower and to protect whistle-blowers against any possible retaliation.

Reports are to be sent as follows: **[**Mr. Alex Nawa, Country Director. Email: cd@ye-actioncontrelafaim.org, abusereport@ye-actioncontrelafaim.org or feedback@ye-actioncontrelafaim.org **]**

**ACTION CONTRE LA FAIM**

**INTERNATIONAL CHARTER**

Action Contre la Faim is a non-governmental, non-profit, non-political, non-religious organization. Created in France in 1979, it is now an international network that intervenes worldwide. Its aim is to save lives by combating hunger, disease, and those crises that threaten the lives of helpless men, women and children.

Action Contre la Faim intervenes in the following situations:

* In natural or man-made disasters which threaten food security or result in famine,
* In situations of social/economic breakdown, linked to internal or external circumstances which place particular groups of people in extremely vulnerable positions,
* In situations where survival depends on humanitarian aid.

Action Contre la Faim brings assistance both during a crisis and afterwards through rehabilitation and sustainable development programmes. It can also intervene in risk prevention.

The ultimate goal of Action Contre la Faim’s programmes is to enable communities to regain their autonomy and self-sufficiency as soon as possible.

All members of Action Contre la Faim’s International Network adhere to a Charter of Principles that forms the foundation of it’s humanitarian commitment: independence, impartiality, non-discrimination, free and direct access to victims, professionalism and transparency.

1. **INDEPENDENCE**

Action Contre la Faim acts according to its own principles so as to maintain its moral and financial independence. Action Contre la Faim actions are not defined in terms of domestic or foreign policies or in the interest of any government.

1. **NEUTRALITY**

Action Contre la Faim maintains a strict political and religious neutrality. Nevertheless, Action Contre la Faim can denounce human rights violation it witnesses as well as obstacles put in the way of its humanitarian action.

1. **NON-DISCRIMINATION**

A victim is a victim. Action Contre la Faim refutes all discrimination based on race, sex, ethnicity, religion, nationality, opinion or social class.

1. **FREE AND DIRECT ACCESS TO VICTIMS**

Action Contre la Faim demands free access to victims and direct control of its programmes. Action Contre la Faim uses all the means available to achieve this goal, and will denounce and act against obstacle preventing it from doing so. Action Contre la Faim also verifies the allocation of its resources in order to ensure that they really do reach those individuals for whom they are destined. Under no circumstances can partners working together with or alongside Action Contre la Faim become the ultimate beneficiaries of Action Contre la Faim 's aid programmes.

1. **PROFESSIONNALISM**

Action Contre la Faim bases the conception, realization, management and assessment of its programmes on professional standards and years of experience, in order to maximize its efficiency and use of resources.

1. **TRANSPARENCY**

Action Contre la Faim is committed to respecting a policy of transparency and disclosure for beneficiaries, its partners and donors by making available all information on the allocation and management of its funds, and providing guarantees of its good management.

**FIELD WORKER CODE OF CONDUCT**

All Action Contre la Faim field workers undertake to abide by a minimum number of principles and duties in all places and under all circumstances.

***I. BASIC PRINCIPLES***

**1. ACTION**

Whatever the circumstances, concrete, direct actions speak louder than words.

**2. IMPARTIALITY**

Act without making any distinction based on the nationality, race, religion or political affiliation of the native population. There are no “good victims” who must be helped, and “bad victims” who can be neglected.

**3. NEUTRALITY**

Action Contre la Faim intervenes in a country with the agreement of the government there, and takes no part in controversy or hostility of a political, racial, religious or philosophical nature.

**4. INDEPENDANCE**

Action Contre la Faim works alongside the local public authorities in their social and humanitarian activities and as a result is subject to the laws of the land. Action Contre la Faim works in co-ordination or in association with other non-governmental organizations, but in all circumstances keeps its autonomy in order to act according to its own basic principles.

**5. UNITY**

There is only one Action Contre la Faim in any one country. Expatriates must provide a level of internal unity which alone can engender and maintain the confidence of others.

***II – THE FIELD WORKER’S DUTIES - BEHAVIOR, LIFESTYLE, AND RULES OF CONDUCT***

Every Action Contre la Faim employee must be aware that any mistake could compromise the entire mission, and therefore Action Contre la Faim’s effectiveness and credibility. As a result, every Action Contre la Faim expatriate follows the following core principles:

1. Respect international laws.
2. Strictly observe the laws and rules of the country you are staying in throughout the period of the mission, especially security and traffic regulations. The laws of the host country apply to you, just as they apply to every citizen of the host country.
3. Have a respectful attitude towards the religious beliefs, habits and customs of the people you meet.
4. Be correctly dressed and avoid giving the impression of being on holiday.
5. Never express a political opinion on the country’s internal situation, whether it be in private or in public.
6. Refrain from referring to the political or military situation in either official or private communication, especially in conversation, telephone calls, radio messages, telegrams or letters.
7. Neither keep nor use arms and ammunition
8. Refuse any gift, whether in cash or in kind, with the exception of traditional presents of a symbolic nature and value.
9. Manage carefully and precisely all funds and supplies entrusted to her/him, and be ready to account for them throughout the duration of the mission.
10. Take on no commitments for Action contre la faim, whether financial or otherwise, without official authorization.
11. Act according to all instructions and directives as sent from the Managing HQ and passed on by the mission controller.
12. Under the responsibility of the coordinator and administrator, all volunteers guarantee control over income and expenditure connected to their projects. All expenditures made must be within a predefined budget category and be supported by the necessary documentation (invoices or other proof of payment).
13. Keep the Action contre la faim Managing HQ informed of his/her movements, and do not leave the country assigned to without the authorization of the Managing HQ.

While on the mission you may notice contradictions between the local laws, customs or habits of your assignment country and accepted international law (International Humanitarian law, Human Rights Law, Children’s Rights…etc.) and / or values that we respect and enforce in our own countries. In such cases, the expatriate will ensure that (s)he will not encourage or create such transgressions, whether by omission or by displaying behaviour that permits such violations. The expatriate, as a humanitarian worker, should develop and share his / her critical view.

**Sexual exploitation and et abuse**

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age consent locally. Mistaken belief in the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other form of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to the beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are forbidden since they are based in inherently unequal power dynamics. Such relationships undermine the credibility of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse, and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

**Drugs and alcohol consumption**

1. The national laws forbid drug consumption, Action Contre la Faim will consider any behaviour that may endanger the mission, as gross misconduct and therefore grounds for termination of employment.
2. In any case, excess (inebriety, use of psychotropic substances...) gives Action contre la faim a negative image and may damage Action Contre la Faim’s credibility. Moreover, the consumption of drugs helps sustain the international criminal network that feeds conflicts and generates human distress. Such behaviours will therefore lead to the termination of employment

**TO BE FILLED OUT BY THE BIDDE**

**ANNEXE 5 :**

 **CHARTE D’ACTION CONTRE LA FAIM**

I, ...................................**as the authorised signatory on behalf of ...........................,** certify that I have read and understood these regulations.

I accept the terms of Action Contre la Faim Good Business Regulations and I commit to achieve the best performances in the event Service Provider is awarded the assignment.

By signing, I certify that............................has not provided, and will take all reasonable steps to ensure that it does not and will not knowingly provide material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in fraud, active corruption, collusion, coercive practice, bribery, involvement in a criminal organization or illegal activity, or immoral Human Resources practices, such as the use of Child labour or overriding basic social rights and work conditions or the standards defined by the International Labour Organisation (ILO), particularly in terms of non-discrimination, freedom of association, payment of the legal national minimum wage, no forced labour, and the respect of working and hygiene conditions .

Last, I hereby certify, to the best of my knowledge and belief, that is not involved in any pending lawsuit, claim or action in the Company’s name, or on behalf of any other person or entity, against the Company, regarding fraud, corruption, bribery or any illegal activity, and has not been convicted guilty of such practices.

Name: Date:

Position:

Signature: