

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés**DATE: 06/09/2022****INVITATION TO BID: NO. UKRKI/ITB/2022-017****ESTABLISHMENT OF A FRAME AGREEMENT FOR THE SUPPLY OF ELECTRIC
WATER HEATERS****CLOSING DATE AND TIME: 20/09/2022– 23:59 HRS, KYIV TIME OR EARLIER****IMPORTANT NOTICE ON ETHICAL CONDUCT**

Under no circumstances should a vendor pay UNHCR or a UNHCR Staff Member for the submission of a quotation, bid or proposal or for the fulfilment of a Contract. This includes any gifts, favors, hospitality, etc. to its Staff Members. Please note that UNHCR strictly follows zero tolerance policy and a such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff. Be aware that if such payment or non-gifts or favors are made, it would result in the immediate termination of the vendor agreement or contract and the vendor would be disqualified from further Request for Quotations/Invitation to Bid/Request for Proposals with UNHCR. you are advised to read and understand the UN Supplier's Code of Conduct specifically its articles 18 to 21 on Ethical Conduct.

INTRODUCTION TO UNHCR

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to help stateless people.

In more than seven decades, the agency has helped tens of millions of people restart their lives. Today, a staff of some 17,000 people in more than 135 countries continues to help about 79.5 million persons. To help and protect some of the world's most vulnerable people in so many places and types of environments, UNHCR must purchase goods and services worldwide. For further information on UNHCR, its mandate and operations please see <http://www.unhcr.org>.

UNHCR ACTIVITIES IN UKRAINE

Since the start of the recent war in Ukraine, approximately 7.1 million Ukrainians have been internally displaced, while the number of refugees fleeing into neighboring countries has reached a staggering 5.2 million. UNHCR intends to rebuild houses in Kyiv Oblast and elsewhere, as well as to repair damaged houses.

This tender refers to UNHCR's ongoing humanitarian assistance in support of the conflict affected population who have been displaced in various locations within Ukraine. UNHCR aims to provide to both displaced and non-displaced populations affected by the war some household appliances to improve their living conditions. UNHCR intends to supply electric water heaters to those displaced population.

1. REQUIREMENTS

The Office of the United Nations High Commissioner for Refugees (UNHCR) in Ukraine, invites qualified suppliers and manufacturers to make a firm offer for the establishment of Frame Agreement(s) for the supply of electric water heaters.

IMPORTANT:

Exact technical specifications and the quantities of each item are detailed in Annex A of this document.

UNHCR may award Frame Agreement(s) with an initial duration of two-year(s), potentially extendable for a further period of one (1) year, for supplying its operations locally. The successful bidders will be required to maintain their quoted price model for the duration of the Frame Agreement(s).

Please note that quantiles have been stated in order to enable bidders to have an indication of the projected requirements. It does not represent a commitment that UNHCR will require the totality of the above quantity. Quantities may vary and will depend on the actual requirements and funds available regulated by issuance of individual Purchase Orders against the Frame Agreement.

Delivery Location: UNHCR warehouse located in Ukraine Kyiv region, Boryspil district, village Velyka Oleksandrivka, street Kyivsky Shliakh, 121 - warehouse Berger Cargo Ukraine

Delivery Lead time: Please mention your best delivery lead time to Kyiv. Offers with a shorter delivery lead time will be given preference. The selected supplier(s) will be required to deliver up to 20% of the estimated total quantity within 3 weeks' time from the PO date. Due to the exigency, bidders who will deliver more than 20% within 3 weeks' time will be given preference.

Other United Nations Agencies, Funds and Programmes shall be entitled to the same prices and terms as those contained in the offers of the successful bidders and could form the basis for a Frame Agreement with other UN Agencies.

IMPORTANT:

When a Frame Agreement is awarded, either party can terminate the agreement only upon 30 days' notice, in writing to the other party.

The initiation of conciliation or arbitral proceedings in accordance with **article 19** "settlement of disputes" of the UNHCR General Conditions of Contracts for provision of Goods and Services shall not be deemed to be a "cause" for or otherwise to be a termination clause.

It is strongly recommended that this Invitation to Bid document and its annexes should be read thoroughly. Failure to observe the procedures laid out therein, may result in disqualification from the evaluation process.

QUALITY CONTROL THROUGHOUT THE FRAME AGREEMENT:

UNHCR will carry random quality inspections, including specific selected criteria for laboratory test to products or items selected by UNHCR or by an independent surveyor appointed by UNHCR from samples selected during production, upon departure, loading, unloading, arrival to destination or from any storage location. The cost of the quality control inspections and laboratory tests will be covered by UNHCR.

In cases of supplier's quality default, in addition to the good's PO liquidated damage clauses, the inspection and laboratory cost will be charged to the supplier.

Sub-Contracting: Please take careful note of article 4 of the attached General Terms and Conditions (Annex D).

Note: this document is not to be construed in any way as an offer to contract with your firm.

Organizational Settings:

Qualified bidders shall provide the name and contact information of a Customer Relations Manager or similar, responsible for the smooth running and execution of orders placed by UNHCR in Ukraine.

2. BIDDING INFORMATION:**2.1 ITB DOCUMENTS**

The following annexes form integral part of this Invitation to Bid:

ANNEX A: Specifications / BoQ and financial offer form

ANNEX B Technical Offer Form

ANNEX C: UNHCR Vendor Registration Form

ANNEX D: UNHCR General Conditions of Contracts for provision of Goods and Services-Rev: July 2018

ANNEX E: UN Supplier Code of Conduct

ANNEX F: Documentation procedures on tax reporting (for companies with VAT payer status).

2.2 ACKNOWLEDGMENT

We would appreciate you informing us of the receipt of this ITB by return e-mail to

UNHCR-UKR-Procurement@unhcr.org

- Your confirmation of receipt of this “Invitation to Bid (ITB) UKRKI/ITB/2022-017”;
- Whether or not you will be submitting a bid.

2.3 REQUESTS FOR CLARIFICATION

Bidders are required to submit any request for clarification in respect of this ITB by e-mail to ukrkipro@unhcr.org

The deadline for receipt of questions is 13/09/2022 at 23:59 hrs, Kyiv time

UNHCR will compile the questions received and plan to respond to the questions shortly after the query closing date. UNHCR may, at its discretion, copy any reply to a particular question to all other invited bidders at once.

Please note that the items delivered to UNHCR by the selected supplier will also be inspected at the time of its delivery at UNHCR to confirm the correct receipt of items according to UNHCR’s specifications. In case of rejection and non-acceptance of any item due to wrong specifications or bad quality, UNHCR will not be responsible for its return and transportation, or any cost involved.

2.4 YOUR OFFER

Your offer shall be prepared in English or in Ukrainian.

IMPORTANT:

Cancellation of Solicitation: UNHCR reserves the right to cancel a Solicitation at any stage of the procurement process prior to final signature of the awarded contract.

Please submit your offer using the Annexes provided. Offers not conforming to the requested formats may be not taken into consideration.

IMPORTANT:

Inclusion of copies of your offer with any correspondence sent directly to the attention of the responsible buyer or any other UNHCR staff other than the submission e-mail address will result in disqualification of the offer. Please send your bid directly to the address provided in the “Submission of Bid” (section 2.7) of this ITB.

The cost of preparing a bid and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment.

Special Instructions:

- **Transportation**: the cost must be inclusive of transportation to UNHCR warehouses located in Ukraine as stated in the financial offer form.
- **Pre-loading inspection**: the selected supplier must check/inspect all the items before dispatching them to UNHCR warehouse.
- **Rejected items**: all rejected items must be replaced by the supplier at no extra cost to UNHCR.

- **Change in quantity**: the quantity shown may go up as well as come down.

Your offer shall comprise the following two sets of documents:

- Technical offer (Annex B)
- Financial offer (Annex A)

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2.4.1 Content of the TECHNICAL OFFER

IMPORTANT:

No pricing information should be included in the technical offer. Failure to comply may risk disqualification. The technical offer should contain all information required.

The technical details of the products requested by UNHCR can be found in **Annex A**. Your technical offer should clearly state whether or not the goods you are offering are fully conforming to the product specifications given. Clearly state and disclose any discrepancies with the specifications given.

I. Mandatory Requirements (Pre-conditions): Pass/Fail criteria

The following **seven (7) pre-conditions** must be met by the bidder for your offer to be eligible for competition. The following should be submitted:

1. Company registration certificate. Proof that your company is registered and licensed to do business of the same/similar nature of goods requested by this tender. For bidders bidding in Ukraine, must be VAT registered.
2. Proof that your company was established and has experience in supplying similar goods for three (3) or more years.
3. Proof of fulfillment of at least one similar past contract, i.e. supply of similar goods by nature, i.e. supply of identical items + similar by scope (with contact details) or duly signed reference letters showing the nature, timing, and scope of implemented contracts required.
4. Duly completed, signed, stamped, and dated vendor registration form (**Annex C**) unless your Company is already registered with UNHCR in which case you must state your vendor ID number with UNHCR.
5. Submit a written confirmation of acceptance of UNHCR General terms and conditions including payment which is within 30 days from the date of receipt of invoices following satisfactory delivery of goods/services.
6. Submit a written confirmation of acceptance of the UN Supplier Code of Conduct(**Annex E**).

7. Acceptance of UN exchange rates for conversion and payment as of PO issuance date.

II. The following details shall also be provided along with your offer:

Technical Offer Form (Annex B): Bidders are required to fill in, sign, stamp and provide response to each point stated in **Annex B**.

Specification documents and data Sheets: Bidders are required to submit any documents showing that the specifications of quoted goods are in line with requirements stipulated in **Annex A**.

Written statement to confirm that your company accepts the delivery term (delivered at place-DAP) to UNHCR warehouses as stated in the Financial Offer Form to UNHCR warehouse located in Ukraine Kyiv region, Boryspil district, village Velyka Oleksandrivka, street Kyivsky Shliakh, 121 - warehouse Berger Cargo Ukraine and will commit to requested delivery lead time.

2.4.2 Content of the FINANCIAL OFFER

Your separate **Annex A - Financial Offer** must contain an overall offer in a single currency, either in US Dollars, Euros or in the currency of your company's country.

IMPORTANT:

Please carefully consider and comply with the pricing model applicable to this invitation to bid.

The Financial Offer is to be submitted as per the Financial Offer Form (Annex A). Bids that have a different price structure may not be accepted.

The financial offer must cover all the goods / services to be provided (price "all inclusive"). Bidders are required to submit a unit price to be maintained throughout the duration of the Frame Agreement.

Price quoted without VAT.

You are requested to hold your offer valid for 90 days from the deadline for submission. UNHCR will make its best effort to select a company within this period. UNHCR's standard payment terms are within 30 days after satisfactory implementation and receipt of documents in order.

For evaluation purposes only, the offers submitted in currency other than US Dollars may be converted into US Dollars using the United Nations rate of exchange in effect on the date your offers are due.

The cost of preparing a bid and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment.

2.5 BID EVALUATION:

Each proposal from a Bidder will be considered separately and independently. Bidders shall submit a complete proposal for each solicitation in which they wish to participate. References to previous or on-going proposals will be not considered. Award of a previous contract with UNHCR will not be considered in itself as a preference or guarantee for the award of future solicitations on the same subject.

2.5.1 Technical evaluation:

The technical component of the submission will be evaluated using the PASS or FAIL criteria (see below) and using the same structure as outlined in Annex B.

- a. First Stage (Pre-qualification): checking and verification of submitted technical offer by UNHCR Technical Evaluation Committee (TEC). UNHCR's TEC will check the submitted technical offer on the seven (7) pre-conditions and mark 'Pass' or 'Fail' against the conditions listed at point no. 2.4.1.as shown in **Annex B**. Missing documents, if any, will be requested from the bidder(s) through the Supply Unit. Vendor(s) not being able to provide missing document(s), when requested, will be excluded from further evaluation.

Important: Only bidders passing all eligibility criteria above will have their bids evaluated against technical parameters outlined in this ITB.

- b. Second Stage:

The Technical Evaluation Committee will evaluate received bids based on the Technical specifications and Delivery capacity of requested goods to ensure compliance.

2.5.2 Financial evaluation:

The financial component will be analyzed only for those suppliers that pass the technical evaluation.

All bids from suppliers will be evaluated based on:

- Compliance with the established UNHCR specifications.
- Unit cost, VAT excluded; Total cost, VAT excluded;
- Delivery Lead Time.

The Frame Agreement(s) will be awarded to the lowest priced pre-qualified (eligible and technically compliant) companies.

UN Global Compact and other factors: UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary-General Kofi Annan that would bring companies together with UN agencies, labor and civil society to support ten principles in the areas of the human rights, labour, environment and anti-corruption. We encourage our suppliers to sign up with the UN Global Compact Initiative.

2.6 SUBMISSION OF BID:

The offers must bear your official letterhead, clearly identifying your company. Bids should be submitted by e-mail and all attachments (Financial offer - Annexes A, Technical offer - Annex B, Vendor Registration Form - Annex C, UN General Conditions of Contract - Annex D, UN Supplier Code of Conduct - Annex E, and Documentation on reporting of tax procedures of Ukraine - Annex F). All annexes should be in PDF format, signed and stamped. (Copies of the PDF format documents may, as an addition, be included in Excel (Annexes A and B) or other formats, etc.

The Technical and Financial offers shall be clearly separated (sent in separate e-mails), and no financial information shall be mentioned in the technical offer.

Bid must be sent by e-mail ONLY to: **UNHCR-UKR-tendercommittee@unhcr.org** - with all supporting documents not exceeding 20 Mb (copies of the PDF format documents may, as an addition, be included in Excel or other formats).

Kindly indicate in the email subject field:

- UKRKI/ITB/2022-017
- Name of your firm with the title of the attachment,
- Number of emails that are sent (example 1/3, 2/3, etc)

Please follow the below instructions for submitting the offers via email:

- a. Format: PDF files (Preferred);
- b. Email size must not exceed 20 MB;
- c. For big attachment over 20MB please split into multiple numbered emails (e.g. 1/3, 2/3 and 3/3);
- d. No document downloading links are accepted. All documents must be attached with the email.
- e. If you are uploading number of small files, please move the files into a “ZIP folder” and send a zip file instead of each file individually.
- f. The Technical offers and financial offers must be submitted in separate emails.
- g. All files must be free of viruses and not corrupted.
- h. UNHCR reserves the right to accept or reject any offers that is not following the email submission instructions.
- i. No other person from UNHCR to be copied on the tender emails otherwise the supplier may be disqualified.

Deadline for submission: 20/09/2022, 23:59 hrs Kyiv Time or Earlier.

IMPORTANT:

- The technical offer and financial offer are to be sent in separate documents. Failure to do so may result in disqualification.
- Any bid received after this date or sent to another UNHCR email address will be rejected. UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective bidders simultaneously.

LATE SUBMISSION OF BIDS: Bids received after the deadline for submission of bids and bids transmitted in any other manner than those indicated above will be rejected.

UNHCR will not be responsible for locating or securing any information that is not identified in the bid. Accordingly, to ensure that sufficient information is available, the bidder shall furnish, as part of the bid, any descriptive material such as extracts, descriptions, and other necessary information it deems would enhance the comprehension of its offer.

IMPORTANT:

The Financial offer will only be opened for evaluation if the supplier's technical part of the offer has passed and has been accepted by UNHCR as meeting the technical specifications

2.7 BID ACCEPTANCE:

UNHCR reserves the right to accept the whole or part of your bid.

UNHCR may at its discretion increase or decrease the proposed content when awarding the contract and would not expect a significant variation of the rate submitted. Any such increase or decrease in the contract duration would be negotiated with the successful pre-qualified bidder as part of the finalization of the Purchase Orders for Goods.

UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective suppliers in writing. The extension of the deadline may accompany a modification of the solicitation documents prepared by UNHCR at its own initiative or in response to a clarification requested by a prospective supplier.

UNHCR at its own discretion reserve the rights to accept or cancel the whole tender at any stage.

Please note that UNHCR is not bound to select any of the firms' submitting bids and does not bind itself in any way to select the firm offering the lowest price. Furthermore, the contract will be awarded to the bid considered most responsive to the needs, delivery time, as well as conforming to UNHCR's general principles, including economy and efficiency and best value for money.

2.8 CURRENCY AND PAYMENT TERMS FOR PURCHASE ORDERS

Payment can be made in US Dollars if the suppliers hold valid USD accounts with Ukrainian banks, or in UAH at the United Nations rate of exchange in effect on the date the Invoice and Act of Acceptance following the link

<https://treasury.un.org/operationalrates/OperationalRates.php>. **(Applicable for bidders registered in Ukraine).**

Any Purchase Order (PO) issued as a result of this ITB will be made in the currency of the winning offer(s). However, UNHCR might change the currency of the PO, following applicable local/international regulations and applying UN rates of exchange. Payment will be made in accordance with the General Conditions for the Purchase of Goods and Services and in the currency in which the PO is issued. Payments shall only be initiated after confirmation of successful completion by UNHCR business owner.

UNHCR DOES NOT UNDERTAKE TO PAY ADVANCES, BY LETTERS OF CREDIT OR IN ADVANCE OF DELIVERY OF SERVICE.

2.9 UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF GOODS AND SERVICES

Please note that the General Conditions of Contracts (**Annex D**) will be strictly adhered to for the purpose of any future contract. The Bidder must confirm the acceptance of these terms and conditions in writing.

2.10 ZERO TOLERANCE POLICY

Please note that UNHCR strictly follows zero tolerance policy and as such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff

2.11 THE UN GLOBAL COMPACT

UN Global Compact and other factors: UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary-General Kofi Annan that would bring companies together with UN agencies, labor and civil society to support ten principles in the areas of the human rights, labor, environment, and anti-corruption. We encourage our suppliers to sign up with the UN Global Compact Initiative. UNHCR encourages bidders to sign up to this initiative at: <https://www.unglobalcompact.org/>

UNHCR'S TENDERS ARE AVAILABLE FREE OF CHARGE.

Yohannes Hailu Gebre - Mariam
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UNHCR Representation in Ukraine