

DATE: 21 February 2023

REQUEST FOR PROPOSAL: No. UKRKI/RFP/2023-001

FOR THE ESTABLISHMENT OF FRAME AGREEMENT(S) FOR HOUSE REPAIR WORKS INCLUDING CONSTRUCTION SERVICES AND CONSTRUCTION MATERIALS IN KYIVSKA, CHERNIHVSKA, SUMSKA, KHARKHIVSKA AND MIKOLAYIVSKA OBLASTS (5 LOTS)

CLOSING DATE AND TIME: 14 March 2023– 23:59 HRS Kyiv time

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 environment, 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 armed conflict 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.

1. REQUIREMENTS

The Office of the United Nations High Commissioner for Refugees (UNHCR), Representation in Ukraine (referred to hereinafter as UNHCR), invites qualified companies which are registered with the Government of Ukraine to make a firm proposal for the provision of house repair and rehabilitation works including construction services and construction materials in five (5) lots in Kyivska, Chernihvska, Sumska, Kharkivska and Mikolayivska oblasts (hereinafter referred to as "Construction Services").

UNHCR will conduct an evaluation on a per lot basis. Interested Bidders may bid for any LOT(s) or for all five LOTs. Please note a partial offer for any LOT will not be accepted.

UNHCR reserves the right to award a primary and a back-up supplier (or several back-up suppliers), where, if the primary supplier is unable to fulfil the requirement of a purchase order resulting from the Frame Agreement, such order will be cancelled with a new purchase order

issued to the back-up supplier for the provision of the required goods and services; or to award multiple primary contracts for each LOT due to the need for faster implementation.

UNHCR may award Frame Agreement(s) with an initial duration of one (1) year, potentially extendable for a further period of one (1) year. The successful bidders will be requested to maintain their quoted prices for the entire duration of the Frame Agreement(s).

The estimated requirements of UNHCR attributed to each of the corresponding LOTs are contained in Annex B.

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

IMPORTANT: Terms of Reference (ToR) and Bill of Quantities (BOQ) along with detailed specifications are detailed in Annexes A, B and B.1 of this document respectively.

It is strongly recommended that this Request for Proposal and its annexes be read thoroughly. Failure to observe the procedures laid out herein may result in disqualification from the evaluation process.

Sub-Contracting: Please take careful note of article 7 of the attached General Terms and Conditions (Annex E).

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

2. BIDDING INFORMATION:

2.1. RFP DOCUMENTS

The following annexes form integral part of this Request for Proposal:

- Annex A: Terms of Reference (ToR)
- Annex B: Financial Proposal Form (BOQ) for all five (5) LOTs.
- Annex B.1: Technical Specifications
- Annex C: Technical Proposal Form – Technical Evaluation Methodology
- Annex D: Vendor Registration Form.
- Annex E: UNHCR General Conditions of Contract for Civil Works.
- Annex F: Documentation procedures on tax reporting (for companies with VAT payer status).
- Annex G: Supplier's Code of Conduct.

2.2 ACKNOWLEDGMENT

You are requested to inform us of the receipt of this RFP by return e-mail to ukrki@unhcr.org as to:

- Your confirmation of receipt of this Request for Proposal No. **UKRKI/RFP/2023-001**
- Whether or not you will be submitting a bid

IMPORTANT:

Failure to send the above-requested information may result in the disqualification of your proposal from further evaluation.

2.3 REQUESTS FOR CLARIFICATION

Bidders are required to submit any request for clarification or any question in respect of this RFP by e-mail to ukrkipro@unhcr.org with the Subject reading: *Inquiry: RFP No. UKRKI/RFP/2023-001*. **The deadline for receipt of written inquiries/questions is 23:59 hours Ukraine time on 07 March 2023.** Bidders are requested to keep all questions concise.

UNHCR will compile the questions received on a weekly basis and will reply via email to all the bidders that previously expressed their interest in the subject tender, as well as will publish the answers on UNHCR Ukraine webpage.

Bidders should use extreme vigilance to ensure that their proposal is submitted on time. UNHCR will not be responsible for, and will not take into consideration, any bids that are late due to a server failure or power outage, either locally or globally.

IMPORTANT:

Please note that Bid Submissions are **not** to be sent to the e-mail address above.

PRE-BID CONFERENCE

An online supplier pre-bid conference will be arranged on **03 March 2023** between **10:00 hrs and 11:30 hrs**. A maximum of two representatives per company are allowed. Names and contact details of the company's representatives must be provided in writing latest by **02 March 2023 13:00 Ukraine time by e-mail to: ukrkipro@unhcr.org**

Changes in participating staff need to be shared in advance, otherwise, they will not be able to participate.

Participation in the pre-bid conference shall be at the bidders' own expenses. There will be no reimbursement from UNHCR. UNHCR will share the link with interested bidders to attend the meeting on Microsoft Teams.

Participation in the pre-bid conference is **STRONGLY RECOMMENDED** given the complexity of the requirements. After the event, a Questions & Answers document will be prepared and distributed among all interested bidders to reiterate responses to the voiced question as well as to respond to the queries which could not be answered during the event.

2.4 YOUR PROPOSAL**IMPORTANT:**

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

Your proposal shall be prepared in English or Ukrainian languages.

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

IMPORTANT:

Inclusion of copies of your proposal 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 proposal.

Please send your proposal directly to the address provided in the “Submission of Bid” section 2.6) of this RFP.

Your proposal shall comprise the following two sets of documents:

- Technical proposal
- Financial proposal

2.4.1 Content of the TECHNICAL PROPOSAL

IMPORTANT:

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

The Terms of Reference (TOR) of the works requested by UNHCR, the Bill of Quantities (BOQ) and construction materials specifications can be found respectively in **Annex A and Annex B and Annex B.1** attached hereto.

Bidders are to submit a separate technical and financial offer for each LOT. In each submitted file/zip folder, the LOT number (i.e., LOT 1, or LOT 2, or LOT 3 or LOT 4 or LOT 5) shall be clearly specified in the name of the file/zip folder.

Your Technical Offer should be concisely presented and structured in the following order to include, but not necessarily be limited to the following information:

▪ **Description of the company and the company’s qualifications.**

A description of your company with the following documents: company profile, registration certificate and balance sheets as well as indicating turnover of company:

- Year founded;
- If multi location company, specify headquarters location;
- Number of similar and successfully completed projects;
- Number of similar projects currently underway;
- Total number of clients.
- Company Licenses

Include any information that will facilitate our evaluation of your company’s substantive reliability, financial and managerial capacity to provide the contracted works.

- **Understanding of the requirements for the works, proposed approach, solutions, methodology and outputs.**

Any comments or suggestions on the TOR and the specifications of the materials, as well as your detailed description of the manner in which your company would respond to the requirements:

- A description of your organization's capacity to provide the works;
- A description of your organization's experience in rendering these works;
- Compliance with the requirements stated in the Annexes A, B and B.1 (TOR, BOQ and Specifications and testing of materials).

- **Proposed personnel to carry out the assignment.**

The composition of the team you propose to provide.

- Curriculum Vitae of core staff as per **Annex C**.

- **Vendor Registration Form.**

If your company is not already registered with UNHCR, you should complete, sign and submit with your technical proposal the Vendor Registration Form (**Annex D**).

- **UNHCR General Conditions of Contract for Civil Works.**

Your Technical Offer should contain your acknowledgement of the UNHCR General Conditions of Contract for Civil Works by signing **Annex E**.

- **Company Past Experience and Performance.**

Bidders shall demonstrate their technical experience, i.e., including documented evidence projects stating about their company's past experience and performance evaluation of the rendered work. In addition, bidders shall demonstrate their local knowledge of laws and standards and experience in similar projects done in the country.

Please provide list of similar (type of works) contracts completed in the last 3 years., up to 5 projects.

By similar, it is considered any building construction, including but not limited: to schools, residential apartments, municipality buildings, hospitals, clinics. Also included is house construction, bridges and any construction, rehabilitation or refurbishment of the above.

- **Experience and qualifications of the proposed personnel.**

Bidders must be able to provide the adequately skilled people to assume the responsibilities and perform the full range of tasks included in the Terms of Reference (TOR) contained in **Annex A**.

The bidders shall provide a clear composition of the team and the work tasks, including supervisory, which will be assigned to each member of the team to fulfil the requirements of the TOR. An organigram illustrating the reporting lines, together with a description of such organization of the team structure, shall support the proposal.

Bidders to state number of construction workers teams (brigades) including composition (supervisor, mason, etc.) that can perform the full range of repair works and management of materials in several objects concurrently – taking into consideration the average size of repair works as per Annex A (TOR).

The curriculum vitae of the key experts shall be submitted for evaluation.

- **Understanding of the requirements for services, proposed approach, solutions and methodology.**

Bidders shall provide an executive summary that defines the overall approach to manage and operate all of the required works and services, including an outline of the plan for all contracted activities.

- **Insurance of Works.**
The awarded company shall be required to comply with all national safety standards upon signing the contract.
- **UN Supplier's Code of Conduct.**
Your technical offer should contain your acknowledgement of the UN Supplier's code of conduct by signing **Annex G**.

2.4.2 Content of the FINANCIAL PROPOSAL

Your separate **Financial Offer** must contain an overall proposal in US Dollars.

However, all Purchase Orders will be issued, and all payments will be made in hryvnya (UAH) at the United Nations rate of exchange in effect on the date the Purchase Order was issued by UNHCR.

The United Nations rate of exchange can be found here: <https://treasury.un.org/operationalrates/OperationalRates.php>.

The financial offer must cover all the services to be provided (price "all inclusive").

The financial offer is to be made using **Annex B** (the BOQ) for each LOT. Bids that have a different price structure may not be accepted. **The financial offer should be provided in both PDF and Excel format.** Failure to comply will lead to disqualification.

The quoted prices must remain unchanged for the duration of the Frame Agreement (1+ 1 years).

UNHCR is exempt from all direct taxes and customs duties. In this regard, price has to be given without VAT. However, if you are a VAT payer in Ukraine, you are requested to indicate clearly and separately the VAT component in your financial offer.

You are requested to hold your proposal valid for ninety (90) calendar 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 calendar days after satisfactory implementation of the projects and receipt of documents in order.

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. Any activity undertaken or expenses incurred in preparation of a contract before an actual contract is signed shall be borne by the Bidder. An advance notice or information of award is not to be considered as a contract.

UNHCR will not provide any advance payments or payments by letter of credit.

The standard payment terms are by bank transfer net thirty (30) days after acceptance of contractor's invoice and acceptance by UNHCR of the works.

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 not be 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. Contract will be awarded to the vendor scoring highest on the overall combined technical and financial scores.

2.5.1 Supplier Registration:

The qualified supplier(s) will be added to the Vendor Database after validation of suitability based on the submitted Vendor Registration Form and supporting documents. The validation involves consideration of several factors such as:

- Financial standing;
- Core business;
- Track record;
- Contract capacity.

Failure to provide the above-mentioned documentation might lead to disqualification.

2.5.2 Technical and Financial evaluation:

For the award of this project, UNHCR has established two-stage evaluation criteria which govern the selection of proposals received. The evaluation of proposals will be done on a technical and financial basis according to a point scoring system. The final proposal points are the sum of the technical and financial points. The percentage assigned to each component is determined in advance as follows:

The **Technical proposal** will be evaluated using inter alia the following criteria and percentage distribution: **70%** from the total score:

#	MANDATORY PRE-QUALIFICATION CRITERIA	Pass/Fail
1	Copy of certificate of registration with the Government of Ukraine, with a foundation year min 3 years before the tender deadline.	
2	Document(s) of the company registration with the tax services in Ukraine.	
3	Acceptance of UNHCR Conditions of Contract for Civil Works (signed/stamped Annex E).	
4	Acceptance of UNHCR Supplier Code of Conduct (Annex G)	
5	Acceptance of UNHCR payment terms as detailed in Annex A and Annex E.	
6	Submission of Balance Sheets for 2020 – 2021, and 2022 if available, also clearly indicating the turnover of the company during these years (minimum 2020 and 2021, if available, for 2022).	

(Companies not submitting any of the above-mentioned pre-qualification documents with their technical proposal may be contacted by UNHCR and given one more opportunity to submit them within a specific deadline. Should these companies still not submit the missing documents, they will be excluded from further evaluation)

Only bidders scoring 'Pass' on all above six (6) Pre-Qualification Criteria will be further considered, as per the below technical scoring mechanism (further detailed in Annex C):

#	TECHNICAL EVALUATION CRITERIA POINTS	Maximum Score
1	Company's capacity and proven experience in similar fields	210
2	Company's personnel - qualified engineers and technical support staff	175

3	Understanding of the requirement/Quality of Technical Proposal vis-a-vis proposed SoW/BoQ and specs	105
4	Methodology, approach and workplan, reporting	210
	TOTAL	700

The cut-off points for submissions to be considered as technically compliant **will be a minimum of 420 points out of the maximum 700 points available. After the evaluation, this will be converted out of 70% allocated to the technical proposal.**

IMPORTANT:

All suppliers must have bank account capable of receiving Ukrainian Hryvna (UAH), and must have legal entity registered in compliance with the applicable legal framework of the state. Failure to provide evidence of the above two criteria may result in disqualification of your proposal from further evaluation.

A financial proposal will only be considered if the technical part of the supplier's proposal passed a minimum of 420 points out of 700 points allocated to technical proposal, is accepted by UNHCR as complying with the technical requirements listed in RFP documentation.

The **Financial Proposal** will use the following percentage distribution: **30%** from the total score.

The maximum number of points will be allotted to the lowest price proposal that is opened and compared among those technically compliant firms. All other price offers will receive points in inverse proportion to the lowest price, e.g., $[\text{lowest Price Component}] \times [100] / [\text{total price component}] \times 30\%] = \text{points for other supplier's Price Component}$.

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

The award will be made to the most responsive bidder, reaching the highest overall (technical + financial) score.

Clarifications of Proposals:

To assist in the examination, evaluation, and comparison of proposals UNHCR may at its discretion ask the bidder for clarification about the content of the proposal. The request for clarification and the response shall be in writing and no change in price or substance of the proposal shall be sought, offered, or accepted. All such queries with the vendors will be made by Procurement Function.

2.6 SUBMISSION OF BID:

Bids should be submitted by e-mail and all attachments should be in PDF format. (copies of the PDF format documents may, as an addition, be included in Excel or other formats).

Bids must be sent by e-mail ONLY to: UNHCR-UKR-tendercommittee@unhcr.org

IMPORTANT:

The technical proposal and financial proposal are to be **sent in separate emails**. Failure to do so will result in disqualification.

Deadline for submission of proposals: 14 March 2023– 23:59 HRS Kyiv time

IMPORTANT:

Any bid received after this date or sent to another UNHCR address may be rejected. UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective bidders simultaneously.

It is your responsibility to verify that all e-mails have been received properly before the deadline. Please be aware of the fact that the e-mail policy employed by UNHCR limits the size of attachments to a maximum of **20 Mb** so it may be necessary to send more than one e-mail for the whole submission.

Please indicate in e-mail subject field:

- Bid Reference: **UKRKI/RFP/2023-001**
- Name of your firm with the title of the attachment
- Number of e-mails that are sent (example: 1/3, 2/3, 3/4).
- Whether it is part of the technical and financial bid

For example:

UKRKI/RFP/2023-001 Company ABC – Technical (email 1 of 3)

UKRKI/RFP/2023-001 Company ABC – Financial (email 2 of 2)

Bidders are to submit a separate file or zip folder (in case of several files) for each of the thirteen (13) technical assessment criteria from 1.1 to 5.2 as per Annex C, naming all files as per the serial number of the assessment criterion.

E.g., bidder is bidding for LOT 1, assessment criterion 2.2: *“Proven record of successfully rendering similar services (copies of contracts for the same requirements, reference letters from clients). Number and description of similar construction projects that have been satisfactorily completed within the last 3 years. Please include up to 5 projects”*, bidder is to submit a zip folder named "LOT 1, 2.2", with the submitted pdf files for each contract/reference letters submitted, etc.

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 proposal.

2.7 BID ACCEPTANCE:

UNHCR reserves the right to accept the whole or part of your bid or allow split or partial awards on this project.

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 bidder as part of the finalization of the Purchase Orders for Services.

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.

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, 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 will be made in hryvnya (UAH) at the United Nations rate of exchange in effect on the date Purchase Order was issued following the link <https://treasury.un.org/operationalrates/OperationalRates.php>.

Currently the United Nations exchange rate between UAH and USD is lower than the market rate, therefore bidders are requested to carefully consider this in their price offer, which prices shall be kept fixed for the entire duration of the frame agreement.

2.9 UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF CIVIL WORKS

Please note that the General Conditions of Contracts for Civil Works (**Annex E**) 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 TENDER ARE AVAILABLE FREE OF CHARGE.](#)

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