

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés**DATE: 08.08.2023****INVITATION TO BID: No. UKRKI/ITB/2023-07****FOR THE PROVISION OF CYBER SECURITY SOFTWARE LICENSE FOR THE MINISTRY OF
SOCIAL POLICY (MOSP) IN UKRAINE****CLOSING DATE AND TIME: 22.08.2023 – 17:00 hrs, Ukraine time (EET)**

INTRODUCTION TO UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950, by the United Nations General Assembly. The agency is mandated to lead and coordinate 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 17,324 people in more than 137 countries continues to help about 89.3 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>.

Services purchased in the framework of this tender will be used to assist internally displaced persons in Ukraine.

1. REQUIREMENTS

The Office of the United Nations High Commissioner for Refugees (UNHCR), Representation in Ukraine (referred to hereinafter as UNHCR), invites qualified suppliers to make a firm offer for the provision of Cyber Security Software License from 01 September 2023 until 31 December 2024 for the Ministry of Social Policy in Ukraine.

IMPORTANT:

The Software specifications and quantities are detailed in Annex A of this document.

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 Purchase Orders with other UN Agencies.

IMPORTANT:

The initiation of conciliation or arbitral proceedings in accordance with **article 18** "Settlement of disputes" of the UNHCR General Conditions of Contracts for provision of Services shall not be deemed to be a "cause" for or otherwise to be in itself a termination clause.

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

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

Sub-Contracting: Please take careful note of article 5 of the attached General Terms and Conditions (Annex E).

Organizational Settings:

Awarded (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: Software Specifications
- Annex B: Technical Offer Form
- Annex C: Financial Offer Form
- Annex D: Vendor Registration Form (rev. 2018)
- Annex E: UNHCR General Conditions of Contracts for the Provision of Services (rev. 2018)
- Annex F: Documentation procedures on tax reporting (for companies with VAT payer status).
- Annex G: UN Supplier Code of Conduct.

2.2 ACKNOWLEDGMENT

You are requested of informing us of the receipt of this ITB by return e-mail to ukrkipro@unhcr.org as to:

- Your confirmation of receipt of this invitation to bid;
- Whether you will be submitting a bid;

IMPORTANT:

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

UNHCR can only send you directly tender updates, if any, if you inform UNHCR of the above requested.

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 on 15.08.2023 at 23:59 hrs EET

IMPORTANT:

Please note that Bid Submissions are **not** to be sent to the e-mail address above. Failure to comply may result in disqualification.

UNHCR will compile the questions received. UNHCR may, at its discretion, copy any reply to a particular question to all other invited bidders at once. Following the deadline of receipt of questions, a Questions & Answers document will be prepared and posted on the UNHCR website, as well as will be shared with all bidders that have expressed interest in the tender previously.

2.4 YOUR OFFER

Your offer shall be prepared in English or in Ukrainian.

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

IMPORTANT:

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

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 2.6) of this ITB.

Your offer shall compose of **two segregated sets of documents:**

i) Technical offer:

- Signed and stamped **Annex A** – Software Specifications,
 - Signed and stamped and **duly filled Annex B** - Technical Offer Form **with requested documentation attached separately.**
 - **Annex D** - Vendor Registration Form.
 - Signed **Annex E** - UNHCR General Conditions of Contracts for the Provision of Services (rev. 2018).
 - **Annex F** - Documentation procedures on tax reporting.
 - **Annex G** - UN Supplier Code of Conduct.
- and any other relevant documentation as required in **Annex B**.

And separately:

- **ii) Financial offer:**

signed and stamped: duly filled Financial Offer Form, **Annex C**.

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 services requested by UNHCR can be found in **Annex A**, Software specifications. A technical offer should be submitted strictly as per **Annex B**, Technical Offer Form.

Your technical offer should clearly state whether or not the services you are offering are fully conforming to the Annex A. Clearly state and disclose any discrepancies.

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. Registration certificates:
Company registration certificate - proof that the bidder is duly registered in the bidder's country of origin.
Your company shall be registered minimum 3 years before the date of your offer.
2. Tax certificate: Proof that the bidder is registered with the tax authorities of the bidder's country.
3. Duly completed, signed, stamped, and dated vendor registration form (**Annex D**) unless your Company is already registered with UNHCR in which case you must state your vendor ID number with UNHCR.
4. Duly signed, stamped, and dated UNHCR General terms and conditions (**Annex E**) as confirmation of acceptance.
5. Duly signed, stamped, and dated UN Supplier Code of Conduct (**Annex G**), as confirmation of acceptance.
6. Acceptance of UN exchange rates for conversion and payment as of PO issuance date.
7. Documentation procedures on tax reporting (only for companies with VAT payer status in Ukraine): Your technical offer should contain your acknowledgment of the documentation procedures on tax reporting by signing **Annex F**.

II. The following details shall also be provided in the Technical Offer.

1. Lead time: please indicate in working days the maximum time your company will need to provide the license from the date of a signed purchase order from UNHCR, in case your company is awarded.

2. Proof that your company is licensed and certified to sell and maintain the required software license package to Ukraine (i.e. Distributor agreement, reselling partner agreement, etc.):
 - A. The bidder must provide copies of the authorization letter(s) from the Vendor(s) of the software package (or its modules and components) confirming the status(es) of the official Partner of the Vendor(s) with the existing right for sale and a sufficient technical resource of the necessary qualifications for the implementation and support of the software products to the final Customers in the territory of Ukraine. The authorization letter(s) must contain the purchase number or item.
 - B. The bidder must provide copies of at least one certificate of technical accreditation by the Vendor (s) of the specialist(s) for each of the modules and components of the software package.
 - C. The bidder's obligations must include (the bidder must provide a letter of guarantee that he will fulfill the below in full and at the appropriate competent level. The letter must be drawn up on a letterhead and signed by an authorized person):
 - C.1. provision of local (Ukrainian language) technical support for the software package until 31 December 2024, in accordance with the following requirements:
 - consultations on the installation of the software package, its modernization (updating to new versions), integration with third-party solutions and services (only about software settings) and solving problems during work;
 - consultations on administration of the software package, including modules and components (consoles, agents, etc.);
 - consultations on setting up fault-resistant configurations of the software package;
 - consultations on installation and configuration of software agents of the software package;
 - consultations on the creation and setting of rules for the functioning of software components of the software package (consoles, agents, etc.) on the basis of the technical task provided in advance and agreed by the parties;
 - consultations on working with software package software journals, including modules and components (consoles, agents, etc.).
 - consultations regarding identified problems during the operation of the software package, including modules and components (consoles, agents, etc.) with recommendations for eliminating such problems;
 - consultations on interaction with the Vendor(s) of software modules and components of the software package (working with the site, opening cases, downloading keys, etc.).
 - D. The awarded bidder, if requested, shall be able to provide training of the Customer's specialists (at least three persons) on policy setting, creation of rules according to which the software package should function, configuration, administration and operation of modules and components of the software package.
3. Confirmation of full compliance of the proposed software package - license to UNHCR's requirements as per Annex A of this tender. Bidder to state any discrepancy vis a vis the required specifications, if any.

4. Past experience: please submit minimum 1 contract successfully executed from the past 2 years where your company has provided any of the software license required in Annex A in Ukraine.

2.4.2 Content of the FINANCIAL OFFER

Your separate **Annex C - Financial Offer** must contain an overall offer in a single currency, either in US Dollars, EUR or in UAH.

In case the awarded bidder is registered in Ukraine, irrespective of the currency of the offer of the successful bidder(s), any subsequent purchase order will be issued in UAH and resulting payments will be executed in UAH at the United Nations rate of exchange in effect on the date of the Purchase Order (PO) issuance, following the link:

<https://treasury.un.org/operationalrates/OperationalRates.php> .

It is to be noted that currently the UN rate of exchange into UAH is lower than the prevailing market rate, and as such it is incumbent on bidder to be prudent while quoting the rates (prices).

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 C). Bids that have a different price structure may not be accepted.

The financial offer must cover all aspects of the services to be provided (price “all inclusive”).

UNHCR is exempt from all direct taxes and customs duties. With this regard, price has to be given without VAT.

However, if the Bidder is a VAT payer in Ukraine, this must be stated, and the VAT should also be indicated as per Annex C - Financial Offer Form.

You are requested to hold your offer valid for 45 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.

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

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 of the offer.

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. Advance notice or information of award is not to be considered as a contract.

2.5 **BID EVALUATION:**

Each proposal from Bidders will be considered separately and independently. **Bidders shall submit a complete offer for the requested services.** 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 on the same subject.

2.5.1 **Supplier Registration:**

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

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

This will be followed later by performance evaluation as a supplier such as:

- Ability to respond quickly to agency's needs,
- Timely services delivery

2.5.2 **Technical and Financial evaluation**

The evaluation will be conducted in 3 stages as follows (technical and financial):

Technical Evaluation:

- a. **First Stage (Pre-qualification):** checking and verification of submitted technical offer by a Technical Evaluation Committee (TEC). The TEC will check the submitted technical offer on pre-qualification and mark 'Pass' or 'Fail' against the conditions listed in point no. 2.4.1. (I.) and as shown in **Annex B**.
- b. **Second Stage:** assessment of the technical documents by the TEC. UNHCR nominated TEC will verify the submitted technical documents including provision of hardware and software package past experience documents. **ONLY** offers scoring 'PASS' to all verification points, as shown in **Annex B**, will qualify for further 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 and based on the requirements from Annex A. Offers should meet the following requirements:

- Submission of registration and other mandatory documents, as well as the duly completed Annex B;
- Compliance with the requirements stipulated in Annex A (Software Specifications);
- Delivery lead time.
- Past experience.

Bidders' technical offers will be evaluated using the technical criteria as listed in Annex B.

Financial Evaluation:

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

All bids from suppliers will be evaluated based on:

- **Total cost for provision of the software package - license**

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: (Software Specifications – Annex A, Technical offer form- Annex B, Financial offer form – Annex C, Vendor Registration Form - Annex D, UN General Conditions of Contract - Annex E, UN Supplier Code of Conduct - Annex G, 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 B and C) 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/2023-07
- Name of your firm with the title of the attachment,
- Number of emails that are sent (example 1/3, 2/3, etc)
- Whether your email is part of your Technical or Financial offer

For example:

UKRKI/ITB/2023-07 Company XXX (Technical offer email 1 of 4)

UKRKI/ITB/2023-07 Company XXX (Financial offer email 2 of 2)

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: 22/08/2023, 17:00 hrs Ukraine Time or Earlier.

IMPORTANT:

- The technical offer and financial offer are to be sent in separate documents. Failure to do so will 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.

Bidders should use extreme vigilance to ensure that their bid 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.

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.

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 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

For bidders registered in Ukraine:

Any Purchase Order (PO) issued in response of this ITB will be made in UAH. Resulting payments will be made in UAH. The offered contract rates in US dollar value will be converted into local currency (UAH) as per the UN rate of exchange for that month. Up-to-date UN exchange rate can be found at

<https://treasury.un.org/operationalrates/OperationalRates.php>.*

*The UN exchange rate is lower than the local market rate in Ukraine. Given this situation, the suppliers may require to be prudent in quoting their prices.

Bidders who cannot or are unwilling to be paid in local currency (UAH) as per the UN exchange rate for that month cannot be considered for this tender.

For bidders that are not registered in Ukraine: Any Purchase Order (PO) issued in response of this ITB will be made in the currency of the offer of the successful bidder.

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

Please note that the General Conditions of Contracts, **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 supplier not to offer any gift, favor, hospitality, etc. to its staff.

2.11 THE UN GLOBAL COMPACT

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. UNHCR encourage bidders to sign up to this initiative at: <https://www.unglobalcompact.org/>



Kristof Horvath
Supply Officer
UNHCR Representation in Ukraine