

**BROADCASTING
AUTHORITY OF
ZIMBABWE**

BIDDING DOCUMENT

for

**Cutting and Bending of
Aluminium Rods for
Antenna Fabrication**

**BIDDING DOCUMENT FOR THE PROCUREMENT OF CUTTING AND BENDING OF
ALUMINIUM RODS FOR ANTENNA FABRICATION**

PROCUREMENT REFERENCE No: BAZ01/2020

**Bidding Document :Cutting and Bending of Aluminium Rods
for Antenna Fabrication**

Procurement Reference No : 24 SEPTEMBER 2020

Date of issue : 10:00HRS

**BIDDING DOCUMENT FOR THE PROCUREMENT OF CUTTING AND BENDING OF
ALUMINIUM RODS FOR ANTENNA FABRICATION**

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PART I BIDDING PROCEDURES

PART 1: BIDDING PROCEDURES

References:

References to the Act are to the Public Procurement and Disposal of Public Assets Act [*Chapter22:23*] and references to the Regulations are to the Public Procurement and Disposal of Public Assets (General) Regulations (Statutory Instrument No. 5 of 2018). The terms and requirements in the Act and Regulations govern the submission of Bids and should be read by all Bidders.

Procurement Reference Number:

Preparation of Bids

You are requested to bid for the items specified in the Statement of Requirements below, by completing and returning the following documentation:

1. the Bid Submission Sheet in this Part 1;
2. the Priced Bill of Quantities or Schedule of Activities (in Part 2) supported by an equipment schedule, manpower schedule and a financial disbursement schedule.
3. a copy of documentation necessary to demonstrate eligibility in terms of section 28 (1) of the Regulations;
4. Supplier Registration number showing that you are registered with the Procurement Regulatory Authority of Zimbabwe;
5. A signed **Bid Securing Declaration form** found in page 28 of this document under Part 3 of the contract;
6. A signed **Declaration of conflict/non conflict of interest and non-disclosure form** found in page 27 of this document under Part 3 of the Contract
7. Reference list with a minimum of three (3) customers with active contact details showing bidders' direct experience in the successful execution of cutting and bending of aluminium rods

The following documents are also required:

1. A copy of CR 14 (List of Directors),
2. Copy CR6 (Company Address)
3. Copy Certificate of Incorporation
4. A valid tax clearance
5. A copy of your company profile

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8. The completed qualification forms provided

You are advised to carefully read the complete Bidding Document, as well as the Special Conditions of Contract in Part 3: Contract, before preparing your Bid. The standard forms in this document may be retyped for completion but the Bidder is responsible for their accurate reproduction. All pages of the Bid must be clearly marked with the Procurement Reference Number above and the Bidder's name and any reference number.

Number of bids allowed

No Bidder may submit more than one bid, either individually or as a joint venture partner in another Bid, except as a subcontractor. Where the works are divided into lots and packages, only one Bid can be submitted. A conflict of interest will be deemed to arise if Bids are received from more than one Bidder owned, directly or indirectly, by the same person.

Clarification

Clarification of the bidding document may be requested in writing by any Bidder up to **17th of September 2020** and should be sent to

**CHIEF EXECUTIVE OFFICER(A)
27 BOSCOBEL DRIVE WEST
HIGHLANDS
HARARE**

EMAIL: matthias@baz.co.zw OR procurement@baz.co.zw

Site Visit

A site visit conducted by Broadcasting Authority of Zimbabwe on the **11th of September 2020 at 10:00hrs at Broadcasting Authority of Zimbabwe, 27 Boscobel Drive West, Highlands, Harare**

Validity of Bids

The minimum period that the Bidder's bid must remain valid is **sixty (60) days** from the deadline for the submission of bids.

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Submission of Bids

Bids must be submitted in writing in a sealed envelope to the address below, no later than the date and time of the deadline below. It is the Bidder's responsibility to ensure that they receive a receipt confirming submission of their Bid with correct details of the Bidder and the number of the Bid.

The Bidder must mark the envelope with the Bidder's name and address and the Procurement Reference Number.

Late bids will be rejected. The Procuring Entity reserves the right to extend the bid submission deadline but will notify all potential bidders who have collected the bidding documents of the amended bid submission deadline.

Date of deadline: 24 September 2020 **Deadline Time:** 1000hrs

Submission address: 27 Boscobel Drive West, Highlands, Harare

Means of acceptance: Sealed bids marked with the tender number and closing date and time to be deposited in the Tender Box at the Broadcasting Authority of Zimbabwe reception. Or alternatively send an email to procurement@baz.co.zw

Bid opening

One (1) representative for each bidder may witness the opening of bids, which will take place at the submission address immediately following the deadline.

Withdrawal, amendment or modification of Bids

A Bidder may withdraw, substitute, or modify its Bid after it has been submitted by sending a written notice, duly signed by an authorized representative. However, no Bid may be withdrawn, substituted, or modified in the interval between the deadline for submission of Bids and the expiration of the period of Bid validity specified by the Bidder or any extension of that period.

Time for Completion

The time for completion of the Works is **thirty (30) days** which is the Intended Time for Completion in GCC 1.1(q) of the Special Conditions of Contract (SCC) in Part 3.

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Bid Prices and Discounts

The bid rates and prices must cover all costs of labour, materials, equipment, overheads, profits and all associated costs for performing the Works and must include all taxes and duties. The whole cost of performing the Works must be included in the items stated, and the cost of any incidental works will be deemed to be included in the prices quoted.

The Bidder must fill in rates and prices for all items of the Works described in the Bill of Quantities or Schedule of Activities. Items against which no rate or price is entered by the Bidder will be deemed to be covered by the rates or prices for other items in the Bill of Quantities or Schedule of Activities.

The price quoted in the Bid Submission Sheet must be the total price of the Bid, excluding discount. The Bidder must quote any discounts and the methodology of its application in the Bid Submission Sheet.

Currency

Tenders should be priced in **United States Dollars**, payment will be made in Zimbabwean Dollars at prevailing auction rate.

Bid Security

The Bidder must include:

A “Bid-Securing Declaration” using the form included in Part 2.

Any bid not accompanied by a Bid Securing Declaration in accordance with section 26 (4) of the Regulations, where this is a requirement of bidding, will be rejected by the Procuring Entity as non-responsive.

The Bid Security or Bid-Securing Declaration of a Joint Venture (JV) must be in the name of the JV that submits the Bid. If the JV has not been legally constituted at the time of bidding, the Bid-Securing Declaration must be in the names of all intended partners.

Origin of Materials, Equipment and Services:

All materials, equipment and services to be used in the performance of the contract shall have as their country of origin an eligible country, as defined in the Special Conditions of Contract.

Evaluation of Bids

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Bids will be evaluated using the methodology set out in Part V of the Regulations.

Review by the Special Procurement Oversight Committee

Section 54 of the Act provides for review by the Special Procurement Oversight Committee for certain especially sensitive or especially valuable contracts. This tender will not require Special Procurement Oversight Committee review.

Eligibility and Qualification Criteria

Bidders are required to meet the criteria in section 28 of the Act and section 28(1) of the Regulations to be eligible to participate in public procurement and to be qualified for the proposed contract.

1. have the legal capacity to enter into a contract;
2. not be insolvent, in receivership, bankrupt or being wound up, not have had business activities suspended and not be the subject of legal proceedings for any of these circumstances;
3. have fulfilled their obligations to pay taxes and social security contributions in Zimbabwe;
4. not have a conflict of interest in relation to this procurement requirement;
5. not be debarred from participation in public procurement under section 72 (6) of the Act and section 74(1) (c), (d) or (e) of the Regulations or declared ineligible under section 99 of the Act;
6. have the nationality of an eligible country as specified in the Special Conditions of Contract;
7. passed the minimum qualification criteria indicated in this Part 1; and
8. have been registered with the Authority as a Supplier and have paid the applicable Supplier Registration Fee set out in Part III of the Fifth Schedule to the Regulations.

Participation in this bidding procedure is restricted to Zimbabwean bidders, therefore bidders must attach **Certificate of Incorporation** to confirm this

Detailed Evaluation

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The Bids will be examined to confirm that all terms, conditions and requirements of the bidding document have been compiled with by the Bidder. The assessment of responsiveness shall be determined in accordance with the criteria in section 28 of the Regulations.

Evaluation of Technical Bids will include an assessment of the Bidder's technical capacity to mobilize key equipment and manpower which is substantially responsive to the Procuring Entity's Requirements.

Award of Contract

The lowest evaluated bid, after the application of any additional evaluation criteria, including any margin of preference, which is substantially responsive to the requirements of this bidding document will be recommended for award of the Contract. The proposed award of contract will be by issue of a Notification of Contract Award in terms of section 55 of the Act which will be effective on receipt of a Letter of Acceptance in accordance with Part 3: Contract.

Unsuccessful Bidders will receive the Notification of Contract Award and if they consider they have suffered prejudice from the process, they may, within 14 days of receiving this Notification, submit to the Procuring Entity a Challenge in terms of section 73 of the Act, subject to payment of the applicable fee set out in section 44 of and the Third Schedule to the Regulations.

Right to Reject

The Procuring Entity reserves the right to accept or reject any Bids or to cancel the procurement process and reject all Bids at any time prior to contract award.

Corrupt Practices

The Government of Zimbabwe requires that Procuring Entities, as well as Bidders and Contractors, observe the highest standard of ethics during the procurement and execution of contracts. In pursuit of this policy:

1. the Procuring Entity will reject a recommendation for award if it determines that the Bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for the Contract or has been declared ineligible to be awarded a procurement contract under section 99 of the Act;
2. the Authority may under section 72 (6) of the Act impose the debarment sanctions under section 74(1) of the Regulations; and
3. any conflict of interest on the part of the Bidder must be declared.

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Bid Submission Sheet

{Note to Bidders: Complete this form with all the requested details and submit it as the first page of your Bid. Attach the completed Statement of Requirements and any other documents requested in Part 1. Ensure that your Bid is authorised in the signature block below. A signature and authorisation on this form will confirm that the terms and conditions of this Bid prevail over any attachments. If your Bid is not authorised, it may be rejected. If the Bidder is a Joint Venture (JV), the Bid must be signed by an authorized representative of the JV on behalf of the JV, and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives.

Bidders should mark as “CONFIDENTIAL” information in their Bids which is confidential to their business. This may include proprietary information, trade secrets, or commercial or financially sensitive information.}

Procurement Reference Number:

Subject of Procurement:

Name of Bidder

Bidder’s Reference Number:

Date of Bid:

We offer to supply the items listed in the attached Statement of Requirements, at the prices indicated on the attached Price Schedule and in accordance with the terms and conditions stated in your Bidding Document referenced above.

We confirm that we meet the eligibility criteria specified in Part 1: Procedures of Bidding.

We declare that we are not debarred from bidding and that the documents we submit are true and correct.

The validity period of our bid is:{days} from the date of submission.

We confirm that the prices quoted in the attached Price Schedule are fixed and firm for the duration of the validity period and will not be subject to revision, variation or adjustment.

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Bid Authorised By:

| | |
|---|------------------------------|
| Signature | Name: |
| Position: | Date:(DD/MM/YY) |
| Authorised for and on behalf of: | |
| Company | |
| Address: | |
| | |

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PART I BIDDING PROCEDURES

PQ FORM 1 – FINANCIAL SITUATION

Historical Financial Performance

Bidder's Legal Name: _____

Date: _____

JV Partner Legal Name: _____

Bidding No.: _____

Page _____ of _____ pages

To be completed by the Bidder and, if Joint Venture (JV), by each partner

| Financial information in USD equivalent | Information for previous year (USD equivalent) |
|---|--|
| Information from Balance Sheet | |
| Total Assets (TA) | |
| Total Liabilities (TL) | |
| Net Worth (NW) | |
| Current Assets (CA) | |
| Current Liabilities (CL) | |
| Information from Income Statement | |
| Total Revenue (TR) | |
| Profits Before Taxes (PBT) | |

- Attached are copies of financial statements (balance sheets, including all related notes, and income statements) for the previous year as required above complying with the following conditions:
- Must reflect the financial situation of the Bidder or partner to a JV, and not sister or parent companies
 - Must be audited by a certified accountant
 - Must be complete, including all notes to the financial statements
 - Must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted)

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PQ FORM 2. ANNUAL TURNOVER (PREVIOUS YEAR)

Bidder's Legal Name: _____
JV Partner Legal Name: _____

Date: _____
Bidding No.: _____
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| Year | USD |
|------|-------|
| | _____ |

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PQ FORM 3. FINANCIAL RESOURCES

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract.

| Source of financing | Amount (USD) |
|---------------------|--------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

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PART I BIDDING PROCEDURES

PQ FORM 4. EXPERIENCE

GENERAL EXPERIENCE

Bidder's Legal Name: _____

Date: _____

JV Partner Legal Name: _____

Bidding No.: _____

Page _____ of _____ pages

| Starting Month / Year | Ending Month / Year | Years* | Contract Identification | Role of Bidder |
|-----------------------|---------------------|--------|---|----------------|
| _____ | _____ | | Contract name: Brief Description of the Works performed by the Bidder: Name of Purchaser: Address: | _____ |
| _____ | _____ | | Contract name: Brief Description of the Works performed by the Bidder: Name of Purchaser: Address: | _____ |
| _____ | _____ | | Contract name: Brief Description of the Works performed by the Bidder: Name of Purchaser: Address: | _____ |
| _____ | _____ | | Contract name: Brief Description of the Works performed by the Bidder: Name of Purchaser: Address: | _____ |
| _____ | _____ | | Contract name: Brief Description of the Works performed by the Bidder: Name of Purchaser: Address: | _____ |
| _____ | _____ | | Contract name: Brief Description of the Works performed by the Bidder: Name of Purchaser: Address: | _____ |

*List calendar year for years with contracts with at least nine (9) months' activity per year starting with the earliest year

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PQ FORM 5. SPECIFIC EXPERIENCE

Bidder's Legal Name: _____

Date: _____

JV Partner Legal Name: _____

Bidding No.: _____

Page _____ of _____ pages

| | | | |
|---|--|---|--|
| Similar Contract Number: ___ <i>[insert specific number]</i> of ___ <i>[insert total number of contracts required]</i> . | Information | | |
| Contract Identification | _____ | | |
| Award date | _____ | | |
| Completion date | _____ | | |
| | | | |
| Role in Contract | <input type="checkbox"/> Contractor | <input type="checkbox"/> Management Contractor | <input type="checkbox"/> Subcontractor |
| Total contract amount | _____ | | UGX _____ |
| If partner in a JV or subcontractor, specify participation of total contract amount | _____ % | _____ | UGX _____ |
| Procuring Entity's Name: | _____ | | |
| Address: | _____ _____ _____ | | |
| Telephone/fax number: | _____ _____ | | |
| E-mail: | _____ | | |

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PART I BIDDING PROCEDURES

PQ Form 5a. Specific Experience (cont.)

Bidder's Legal Name: _____

Page _____ of _____ pages

JV Partner Legal Name: _____

| Similar Contract No. <i>__</i>[insert specific number] of <i>__</i>[insert total number of contracts] required | Information |
|---|--------------------|
| Description of the similarity in accordance with Sub-Factor 2.4.2a) of Section III (Evaluation and Qualification Criteria): | |
| Amount | _____ |
| Physical size | _____ |
| Complexity | _____ |
| Methods/Technology | _____ |
| Physical Production Rate | _____ |

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PART II PROCURING ENTITY'S REQUIREMENTS

PART 2: PROCURING ENTITY'S REQUIREMENTS

Scope of Works

Procurement Reference Number: BAZ01/2020

Brief Description of Works : Cutting and Bending of Aluminium Rods for Antenna Fabrication

Location of Works: : Contractor's workshop

Commencement Date : October 2020

Completion Periods Required : Thirty (30) days

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PART II PROCURING ENTITY'S REQUIREMENTS

Specifications

The Works are to be performed in accordance with the following attached specifications:

1. Whiskers – bending of aluminium rods at 60 degrees centre angle and of 7inches lengths from centre to edge and quantity of 200 000.
2. Connecting rods – cutting of aluminium rods to lengths of 9.5inches and quantity of 100 000.

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PART II PROCURING ENTITY'S REQUIREMENTS

Bill of Quantities

Name of Bidder:

Bidder's Reference Number:

Currency of Bid: _____

| Item No | Description of Works | Quantity | Unit of Measure | Unit Price | Total Price |
|----------------|--|-----------------|------------------------|----------------------|--------------------|
| | 1. Whiskers – bending of aluminium rods at 60 degrees centre angle and of 7 inches lengths from centre to edge | 200000 | | | |
| | 2. Connecting rods – cutting of aluminium rods to lengths of 9.5 inches and quantity of | 100000 | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | Contingency * | |
| | | | | Grand Total | |

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PART II PROCURING ENTITY'S REQUIREMENTS

Bid-Securing Declaration

{The Bidder must fill in this Form in accordance with the instructions indicated, where it has been stated in the Bidding Procedures that a Bid-Securing Declaration is a requirement of bidding}.

Procurement Reference number:

Date:[date (in day, month and year format)]

Bidder's Reference Number:

To: *{full name of Procuring Entity}*

We, the undersigned, declare that:

We understand that, according to the terms and conditions of your bidding documents, bids must be supported by a Bid-Securing Declaration.

We accept that we may be debarred from being eligible for bidding for any contract with a Procuring Entity in Zimbabwe for a period of time to be determined by the Authority, if we are in breach of our obligation(s) under the bidding conditions, because:

- (a) we have withdrawn our Bid during the period of Bid validity; or
- (b) having been notified of the acceptance of our Bid by the Procuring Entity during the period of bid validity, we fail or refuse to execute the Contract.

We understand this Bid Securing Declaration will expire if we are not the successful Bidder, either when we receive your notification to us of the name of the successful Bidder; or twenty-eight days after the expiration of our Bid, whichever is the earlier.

| | |
|--|------------------------------|
| Signed | Name: |
| | ... |
| In capacity of: | Date:(DD/MM/YY) |
| Duly authorised for and on behalf of: | |
| Company | |
| Address: | |
| | |
| Corporate Seal (where appropriate) | |

{Note: In case of a Joint Venture, the Bid Securing Declaration must be in the name of all the partners to the Joint Venture that submits the Bid.}

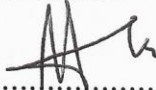
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PART II PROCURING ENTITY'S REQUIREMENTS

Declaration by the Accounting Officer

I declare that the procurement is based on neutral and fair technical requirements and bidder qualifications.



.....
M. CHAKANYUKA

CHIEF EXECUTIVE OFFICER (A)

BROADCASTING AUTHORITY OF ZIMBABWE

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PART III CONTRACT

PART 3 CONTRACT

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PART III CONTRACT

General Conditions of Contract

Any resulting contract is subject to the Zimbabwe General Conditions of Contract (GCC) for the Procurement of Non-Complex Works (copy available on request) except where modified by the Special Conditions below.

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PART III CONTRACT

Special Conditions of Contract

Procurement Reference Number:

The clause numbers given in the first column correspond with the relevant clause number of the General Conditions of Contract.

| GCC reference | Special Conditions |
|----------------------|---|
| 1.1(g) | The Contractor is: _____ [<i>insert the name, address and contact details of Contractor</i>]. |
| 1.1(q) | The Intended Completion Date for the Whole Works is: 30 days |
| 1.1(t) | The Procuring Entity is: Broadcasting Authority of Zimbabwe, 27 Boscobel Drive West, Highlands, Harare |
| 1.1(v) | The Project Manager is: _____ [<i>insert the name, address and contact details of Project Manager. If there would be no Project Manager appointed for the Contract, the authorised representative of the Procuring Entity shall act as the Project Manager</i>] |
| 1.1(w) | The Site is located at: _____ [<i>insert the</i> |
| 1.1(z) | The Start Date shall be: October 2020 |
| 1.1(cc) | The Works consist of: Cutting and Bending of Aluminium Rods for Antenna Fabrication |
| 2.2 | The documents that form part of the Contract shall be following: <ul style="list-style-type: none">a. the Contract Agreement,b. the Letter of Acceptance,c. the Contractor's Bid Submission Sheet,d. the Special Conditions of Contract,e. the General Conditions of Contract,f. the Procuring Entity's Requirements,g. the Contractor's Bill of Quantities or Schedule of Activities (as applicable), andh. any other documents submitted by the Contractor forming part of the Contract. <p>The priority of the documents shall be in the aforementioned order. If there is any discrepancy or inconsistency, the Project Manager shall issue any necessary clarification.</p> |
| 2.3 | The Contract is a: Admeasurement contract |
| 3.1 | The Language of the Contract is English. The Law governing the Contract is that |

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PART III CONTRACT

| GCC reference | Special Conditions |
|---------------|---|
| | of the Republic of Zimbabwe. |
| 4.1 | <p>The Project Manager’s decision shall be limited to the following:</p> <ul style="list-style-type: none"> (a) issuing a variation order equal to 15% of the Initial Contract Amount in accordance with GCC Sub-clause 29.1(b); (b) adjusting the Contract Price by up to 10% of the Contract Amount when a Compensation Event causes additional cost in accordance with GCC Sub-clause 33; and (c) any consequent extension of time that should be issued under (a) and (b). <p>On circumstances that exceeded the aforementioned limits, prior approval of the Procuring Entity is required.</p> <p><i>[These provisions should be carefully inserted by the procuring entity. Please delete these provisions if procuring entity believes that the Project Manager should carry out all contract management responsibility on its behalf.]</i></p> |
| 10.1 | <p>The minimum insurance amounts and deductibles shall be:</p> <ul style="list-style-type: none"> (a) for loss or damage to the Works, Plant and Materials: <i>[insert currency and amount]</i>. (b) For loss or damage to Equipment: <i>[insert currency and amount]</i>. (c) for loss or damage to property (except the Works, Plant, Materials, and Equipment) in connection with Contract <i>[insert currency and amount]</i>. (d) for personal injury or death: <ul style="list-style-type: none"> (i) of the Contractor’s employees: <i>[insert currency and amount]</i>. (ii) of other people: <i>[insert currency and amount]</i>. |
| 11.2 | <p>The data on Site are outlined in the following documents:</p> <p>_____</p> <p>_____</p> <p><i>[insert any documents provided by Procuring Entity that relates to site data. If there is none, please delete]</i></p> |
| 16.1 | The Site Possession Date shall be: <i>[insert location(s) and date(s)]</i> |
| 19.1 | The Contractor shall submit a Program for the Works within 14 days after the date of the Letter of Acceptance. |
| 19.3 | <p>No program updates shall be required unless specifically requested by the Project Manager of the Procuring Entity.</p> <p><i>[If program updates are required, amend to the following text and insert SCC 19.3]</i></p> <p>The Contractor shall submit for approval an updated Program for the Works within 14 days from the date of any change made to the Contract.</p> |

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PART III CONTRACT

| GCC reference | Special Conditions |
|---------------|--|
| 26.1 | <p>The Defects Liability Period is: <i>[insert number]</i> months.</p> <p><i>[The Defects Liability Period is usually limited to 12 months, but could be less in very simple cases]</i></p> |
| 34.2 | <p>Adjustment of the Contract Price: The Project Manager shall not adjust the Contract Price if taxes, duties, and other levies are changed during the period from Start date to the date the Completion certificate <i>[State any arrangement under which the Contract Price may be adjusted or delete if inapplicable.]</i></p> |
| 35.1 | <p>The retention shall be <i>[State percentage to be retained, normally five percent (5%) of each payment certificate].</i></p> |
| 36.1 | <p>The Liquidated Damages shall be 0.01% of the contract amount per day of delay].</p> <p>The total liquidated damages (LD) shall not exceed 10% of the Contract Amount.</p> |
| 38.1 | <p>Payment shall be made within 30 days of completion of work. Payment will be made in Zimbabwean Dollars at prevailing auction rate.</p> |
| 39.1 | <p>The Performance Security shall be in the form of a Bank Guarantee and in the amount of 10% of the Contract Amount in the form of</p> |
| 42.1 | <p>The Contract Administration Fee set out in Part V of the Fifth Schedule of the Regulations is due upon the signing of the Contract and the applicable Fee is \$1750.00.</p> |
| 46 | <p>46.1 The date to supply “as-built drawings and/or operating manuals shall be within 14 days following issue of Completion Certificate.</p> <p>46.2 The amount to be withheld shall be _____ <i>[normally 0.01 percent of the Contract amount per day of delay or any appropriate amount]</i> per day of delay.</p> |
| 49.1 | <p>The percentage to apply to the value of the work not completed, representing the Procuring Entity’s additional cost for completing the Works, is <i>[insert percentage]</i>.</p> |

BIDDING DOCUMENT FOR THE PROCUREMENT OF CUTTING AND BENDING OF ALUMINIUM RODS FOR ANTENNA FABRICATION

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PART III CONTRACT

Contract Forms

This Section contains forms which, once completed, will form part of the Contract. The forms for Performance Security and Advance Payment Security, when required, should only be completed by the successful Bidder after contract award.

Table of Forms

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PART III CONTRACT

LETTER OF ACCEPTANCE

[To be produced on letterhead paper of the Procuring Entity]

To:

[name and address of the successful Tenderer]

Subject: Letter of Acceptance

This is to notify you that your Bid dated..... *[insert date]* for the execution of the
.*[insert name of the contract and procurement reference number,]* for the Accepted Contract
Amount of the equivalent of *[insert amount in numbers and words and name of
currency]*, as corrected and modified in accordance with the Instructions to Bidders is hereby
accepted by the Procuring Entity.

You are requested to furnish the Performance Security within 28 days in accordance with the
Conditions of Contract, using for that purpose the of the Performance Security Form included in
Section 3 (Contract Forms) of the Bidding Document. *[Delete page if no Performance Security is
required in the SCC]*

| | |
|--|---|
| Signed: | <i>[insert signature of authorised person]</i> |
| Name: | <i>[insert complete name of person signing]</i> |
| In the capacity of: | <i>[insert legal capacity of person signing]</i> |
| Duly authorized to sign the letter of acceptance for and on behalf of | <i>[insert complete name of Procuring Entity]</i> |
| Date: | day of {DD/MM/YY} |

Attachment: Contract Agreement

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PART III CONTRACT

CONTRACT AGREEMENT

Procurement Reference:.....

THIS CONTRACT AGREEMENT is made the *[insert: date]* day of *[insert: month]*, *[insert: year]*.

BETWEEN

- (1) *[insert complete name of Procuring Entity]*, a *[insert description of type of legal entity, for example, an agency of the Ministry of of the Government of Zimbabwe, or corporation incorporated under the laws of Zimbabwe]* and having its principal place of business at *[insert full postal address of Procuring Entity]* (hereinafter called “the Procuring Entity”), and
- (2) *[insert name of Contractor]*, a corporation incorporated under the laws of *[insert: country of Contractor]* and having its principal place of business at *[insert full postal address of Contractor]* (hereinafter called “the Contractor”).

WHEREAS the Procuring Entity desires that the Works known as *[name of the Contract]* should be executed by the Contractor, and has accepted a Bid by the Contractor for the execution and completion of these Works and for the remedying of any defects in them,

THE PROCURING ENTITY AND THE CONTRACTOR AGREE AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are assigned to them in the General and Special Conditions of Contract referred to below.
2. The following documents shall constitute the Contract between the Procuring Entity and the Contractor, and each shall be read and construed as an integral part of the Contract:
 - (a) This Contract Agreement;
 - (b) The Letter of Acceptance;
 - (c) The Contractor’s Bid;
 - (d) The Special Conditions of Contract;
 - (e) The General Conditions of Contract;
 - (f) The Procuring Entity’s requirements (Specifications and Drawings);
 - (g) The completed Bill of Quantities or Schedule of Activities; and
 - (h) *[Add here any other document(s)]*.
3. This Contract Agreement shall prevail over all other Contract Documents. In the event of any discrepancy or inconsistency within the Contract Documents, then the documents shall prevail in the order listed above.
4. In consideration for the payments to be made by the Procuring Entity to the Contractor as mentioned below, the Contractor hereby agrees with the Procuring Entity to execute the Works and to remedy any defects in them in conformity with the Contract.

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5. The Procuring Entity hereby agrees to pay the Contractor, in consideration for the execution and completion of the Works and the remedying of any defects in them, the Contract Price or such other sum as may become payable under the Contract at the times and in the manner prescribed by the Contract.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed in accordance with the laws of Zimbabwe on the day, month and year indicated above.

For and on behalf of the Procuring Entity

Signed:

Name:

In the capacity of: *[Title or other appropriate designation]*

For and on behalf of the Contractor

Signed:

Name:

In the capacity of: *[Title or other appropriate designation]*

.....
[Note: If the Contractor consists of more than one entity, all these entities should appear as signatories, e.g., in the following manner:]

For and on behalf of each member of the Joint Venture

Signed:

Name of member:

In the capacity of: *[Title or other appropriate designation]*

Signed:

Name of member:

In the capacity of: *[Title or other appropriate designation]*

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PART III CONTRACT

BANK GUARANTEE FOR PERFORMANCE SECURITY

[Delete page if no Performance Security is required in the SCC]

[The issuing bank, as requested by the successful Bidder, must fill in this form in accordance with the instructions indicated]

Date: *[insert date (as day, month, and year)]*

Title of the procurement: *[Insert general title of the procurement]*

Procurement Reference No: *[insert reference]*

Bank's Branch or Office: *[insert complete name of Guarantor]*

Beneficiary: *[insert complete name of Procuring Entity]*

Performance Guarantee No:

We have been informed that *[name of the Contractor]*, (hereinafter called "the Contractor") has entered into Contract No. *[procurement reference number of the Contract]*. dated *[insert day and month]*, *[insert year]*, with you, for the execution of *[name of contract and brief description of Works]* (hereinafter called "the Contract").

Furthermore, we understand that, according to the conditions of the Contract, a performance guarantee is required.

At the request of the Contractor, we *[name of the Bank]* hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of *[name of the currency and amount in figures]* ¹.... (. *[amount in words]*) such sum being payable in the types and proportions of currencies in which the Contract Price is payable, upon receipt by us of your first demand in writing accompanied by a written statement stating that the Contractor is in breach of its obligation(s) under the Contract, without your needing to prove or to show grounds for your demand or the sum specified therein.

This guarantee shall expire, no later than the day of , ², and any demand for payment under it must be received by us at this office on or before that date. The Guarantor agrees to a one-time extension of this guarantee for a period not to exceed ...*[six months][one year]*, in response to the Procuring Entity's written request for such extension, such request to be presented to the Guarantor before the expiry of the guarantee.

This guarantee is subject to the Uniform Rules for Demand Guarantees, ICC Publication No. 758, except that subparagraph (ii) of Sub-article 20(a) is hereby excluded.

.....

[Seal of Bank and Signature(s)]

Note –

All italicized text is for guidance on how to prepare this demand guarantee and shall be deleted from the final document.

¹ *The Guarantor shall insert an amount representing the percentage of the Contract Price specified in the Contract and denominated either in the currency(ies) of the Contract or a freely convertible currency acceptable to the Procuring Entity.*

² *Insert the date twenty-eight days after the expected completion date. The Procuring Entity should note that in the event of an extension of the time for completion of the Contract, the Procuring Entity would need to request an extension of this*

**BIDDING DOCUMENT FOR THE PROCUREMENT OF CUTTING AND BENDING OF
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guarantee from the Guarantor. Such request must be in writing and must be made prior to the expiration date established in the guarantee.

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PART III CONTRACT

ADVANCE PAYMENT SECURITY

[Delete page if no Advance Payment is required in the SCC]

[The bank, as requested by the successful Tenderer, shall fill in this form in accordance with the instructions indicated.]

Date: *[insert date (as day, month, and year)]*
Procurement Reference No: *[insert reference]*

[Issuing bank's letterhead]

Beneficiary: *[insert legal name and address of Procuring Entity]*

ADVANCE PAYMENT GUARANTEE No.: *[insert Advance Payment Guarantee no.]*

We have been informed that *[name of the Contractor]* (hereinafter called "the Contractor") has entered into Contract No..... *[procurement reference number of the Contract]*, dated *[insert day and month]*, *[insert year]* with you, for the execution of *[name of contract and brief description of Works]* (hereinafter called "the Contract").

Furthermore, we understand that, according to the Conditions of the Contract, an advance payment in the sum *[name of the currency and amount in figures]* ¹ (..... *[amount in words]*) is to be made against an advance payment guarantee.

At the request of the Contractor, we *[name of the Bank]*. hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of *[name of the currency and amount in figures]** (..... *[amount in words]*) upon receipt by us of your first demand in writing accompanied by a written statement stating that the Contractor is in breach of its obligation under the Contract because the Contractor used the advance payment for purposes other than the costs of mobilization in respect of the Works.

It is a condition for any claim and payment under this guarantee to be made that the advance payment referred to above must have been received by the Contractor on its account number*[Contractor's account number]*. at *[name and address of the Contractor's Bank]*.

The maximum amount of this guarantee shall be progressively reduced by the amount of the advance payment repaid by the Contractor as indicated in copies of interim statements or payment certificates which shall be presented to us. This guarantee shall expire, at the latest, upon our receipt of a copy of the interim payment certificate indicating that eighty (80) percent of the Contract Price has been certified for payment, or on the day of ², whichever is earlier. Consequently, any demand for payment under this guarantee must be received by us at this office on or before that date. The Guarantor agrees to a one-time extension of this guarantee for a period not to exceed *[six months][one year]*, in response to the Procuring Entity's written request for such extension, such request to be presented to the Guarantor before the expiry of the guarantee.

This guarantee is subject to the Uniform Rules for Demand Guarantees, ICC Publication No. 758.
.....

[Seal of Bank and Signature(s)].....

Note –

All italicized text is for guidance in preparing this demand guarantee and shall be deleted from the final document.

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1 The Guarantor shall insert an amount representing the amount of the advance payment denominated either in the currency(ies) of the advance payment as specified in the Contract, or in a freely convertible currency acceptable to the Procuring Entity.

2 Insert the expected expiration date of the Time for Completion. The Procuring Entity should note that in the event of an extension of the time for completion of the Contract, the Procuring Entity would need to request an extension of this guarantee from the Guarantor. Such request must be in writing and must be made prior to the expiration date established in the guarantee.