

**BIDDING DOCUMENT FOR THE PROCUREMENT OF SUPPLY AND  
FIXING OF OFFICE PARTITIONS**

**PROCUREMENT REFERENCE NO: ZINGSA03BM22**

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***ZIMBABWE NATIONAL  
GEOSPATIAL AND SPACE AGENCY***

**STANDARD**

**BIDDING**

**DOCUMENT**

**for the**

***SUPPLY AND FIXING OF OFFICE PARTITIONS***

<b>Bidding Document for the Procurement of</b>	SUPPLY AND FIXING OF OFFICE PARTITIONS
<b>Procuring Entity</b>	ZIMBABWE NATIONAL GEOSPATIAL AND SPACE AGENCY
<b>Date of Issue</b>	20/06/2022
<b>Procurement Reference No</b>	ZINGSA03BM22

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### PART I BIDDING PROCEDURES

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## 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 bid security or bid securing declaration in the format specified in this Part;
6. the completed qualification forms provided in this Part 1;
7. A copy of

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.

### Lots and Packages

The requirement is not divided into lots

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#### **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 27 June 2022 and should be sent to [procurement@zingsa.ac.zw](mailto:procurement@zingsa.ac.zw)

#### **Pre-bid meeting and Site Visit**

A pre-bid meeting will be a site visit on 21 June 2022 at 10.00 hrs this shall be conducted within ZINGSA block at Zimbabwe Science Park , 630 Churchill Drive Harare University of Zimbabwe opposite grounds)

#### **Validity of Bids**

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

#### **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.

The Bidder must prepare one original of the documents comprising the Bid and clearly mark it "**ORIGINAL.**" In addition, 3 (three) copies of the Bid, which must be clearly marked "**COPY.**" In the event of any discrepancy between the original and the copies, the original will prevail.

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:** 18 July 2022

**DeadlineTime:** 10:30hrs

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**Submission address:**

**The Accounting Officer**

Zimbabwe Science Park 1:**Zimbabwe National Geospatial and**

**Space Agency**

630 Churchill ,

Mount Pleasant drive(University of Zimbabwe)

Harare

**Reception**

Means of acceptance: Please place sealed bids in a marked bid box between 0900hrs -  
1500hrs

**Bid opening**

Bidders and their representatives 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.

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#### **Time for Completion**

The time for completion of the Works is 10 working days which is the Intended Time for Completion in GCC 1.1(q) of the Special Conditions of Contract (SCC) in Part 3.

#### **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. Bidders must include a contingency of 5% of their Bid price, where indicated in the Summary of Bill of Quantities).

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**

Bids should be priced in United States Dollars or any other freely convertible currency. The currency of evaluation will be United States Dollars. Bids in other currencies will be converted to this currency for evaluation purposes only, using the exchange rates published by the Reserve Bank of Zimbabwe on the date of the submission deadline, see <http://www.rbz.co.zw/>.

#### **Bid Security**

N/A

#### **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**

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

#### **Review by the Special Procurement Oversight Committee**

The requirement is not subject to review by the Special Oversight Committee

#### **Domestic Preference**

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A margin of preference, in accordance with the procedures outlined in section 8 of the Regulations, will apply.

- (a) The percentage of preference to be given to domestic providers is 7,5%.

#### **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. They must therefore :

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 open to both Zimbabwean and foreign bidders.

#### **Detailed Evaluation**

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

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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:**

<b>Signature</b> .....	<b>Name:</b> .....
<b>Position:</b> .....	<b>Date:</b> .....(DD/MM/YY)
<b>Authorised for and on behalf of:</b>	
<b>Company</b> .....	
<b>Address:</b> .....	
.....	

**Qualification Criteria**

Factor	Financial Situation				
Sub-Factor	Criteria				Documentation Required
	Requirement	Bidder			
		Single Entity	Joint Venture, Consortium or Association		
	All partners combined		Each partner	At least one partner	

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Factor	Financial Situation					
Sub-Factor	Criteria				Documentation Required	
	Requirement	Bidder				
		Single Entity	Joint Venture, Consortium or Association			
		All partners combined	Each partner	At least one partner		
1. <i>Financial Resources</i>	The Bidder must demonstrate access to, or availability of, financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet the cash-flow requirement for the contract. <i>(for determination of cashflows required, use the formula: <math>t/ct \times bv</math> where: <math>t</math> = time taken to clear and pay a certificate, <math>ct</math> = project duration, <math>bv</math> = bid value.                      For determination of turnover, either the average annual turnover for a period of the past two years must least be twice the value of the bid or a letter of commitment from a financial institution should be submitted. Letter of comfort from the financial institution will not be accepted)</i>	Must meet requirement	Must meet requirement	Must meet _____ percent (____%) of the requirement	Must meet _____ percent (____%) of the requirement	Form 3

Factor	Experience
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<i>Sub-Factor</i>	<i>Criteria</i>					<i>Documentation Required</i>
	<i>Requirement</i>	<i>Bidder</i>				
		<i>Single Entity</i>	<i>Joint Venture, Consortium or Association</i>			
			<i>All partners combined</i>	<i>Each partner</i>	<i>At least one partner</i>	
1. General Experience	Experience under contracts in the role of contractor, subcontractor, or management contractor for at least the last 3 years prior to the bid submission deadline, and with activity in at least 9 months in each year.	Must meet requirement	N / A	Must meet requirement	N / A	Form 4
2. Specific Experience	Participation as contractor, management contractor, or subcontractor, must be at least a Ministry of Public Works Category _____ <i>(Specify the Ministry of Public Works Category of the contractor required).</i>	Must meet requirement	Must meet requirements for all characteristics	N / A	Must meet requirement for one characteristic	Form 5

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#### 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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### PQ FORM 4. EXPERIENCE

#### GENERAL EXPERIENCE

Bidder's Legal Name: \_\_\_\_\_  
 JV Partner Legal Name: \_\_\_\_\_

Date: \_\_\_\_\_  
 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: \_\_\_\_\_  
 JV Partner Legal Name: \_\_\_\_\_

Date: \_\_\_\_\_  
 Bidding No.: \_\_\_\_\_  
 Page \_\_\_\_\_ of \_\_\_\_\_ pages

<b>Similar Contract Number: ___ [insert specific number] of ___ [insert total number of contracts required].</b>	<b>Information</b>		
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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**PQ Form 5a. Specific Experience (cont.)**

Bidder's Legal Name: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ pages

JV Partner Legal Name: \_\_\_\_\_

<b>Similar Contract No. <i>__</i>[insert specific number] of <i>__</i>[insert total number of contracts] required</b>	<b>Information</b>
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**

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**PART 2: PROCURING ENTITY'S REQUIREMENTS**

**Scope of Works**

Procurement Reference Number: \_\_\_\_\_ZINGSA01BM22

**Brief Description of Works**

- Design of office extension including private toilet and shower
- Supply and partition, toilet and shower including plumping and electrical fittings as per design

**Location of Works**

- ZINGSA block Zimbabwe Science park 1, 630 Churchil drive UZ

**Commencement and Completion Periods Required**

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## **Specifications**

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

- Design of office and extension including private toilet and shower
- Supply and partition, toilet and shower including plumbing and electrical fittings as per design

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**Drawings**

*To be provided by bidder*



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**Schedule of Activities**

Name of Bidder:

Bidder's Reference Number:

Currency of Bid: \_\_\_\_\_

<b>Item No</b>	<b>Activities of Works</b>	<b>Unit</b>	<b>Total Price</b>
		Lump-sum	
		Lump-sum	
		Lump-sum	
		Lump-sum	
		Lump-sum	
		Lump-sum	
		Lump-sum	
		Lump-sum	
		Lump-sum	
		<b>Grand Total</b>	



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## Form of Bid Security

*(Bank Guarantee)*

*[This Bid Security should be on the letterhead of the issuing Financial Institution and should be signed by a person with the proper authority to sign the Bid Security. It should be included by the Bidder in its bid, if so indicated in the BDS]*

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

Procurement Reference No.: *[insert Procurement Reference number]*

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

Whereas, *[insert complete name of Bidder]* (hereinafter called "the Bidder") has submitted its bid dated *[insert date (as day, month and year) of bid submission]* for Procurement Reference number *[insert Procurement Reference number]* for the construction of *[insert brief description of the Works]* (hereinafter called "the bid").

KNOW ALL PEOPLE by these presents that We *[insert complete name of institution issuing the Bid Security]* of *[insert city of domicile and country of nationality]* having our registered office at *[insert full address of the issuing institution]* (hereinafter called "the Guarantor") are bound to *[insert complete name of Procuring Entity]* (hereinafter called "the Procuring Entity") in the sum of *[specify in words and figures the amount and currency of the Bid Security]* for which payment well and truly to be made to the said Procuring Entity, the Guarantor binds itself, its successors or assignees by these presents.

Sealed with the Common Seal of the said Guarantor this *[insert day in numbers]* day of *[insert month]*, *[insert year]*.

THE CONDITIONS of this obligation are:

- (1) If the Bidder withdraws its bid during the period of bid validity specified in the bid submission sheet; or
- (2) If the Bidder having been notified of the acceptance of its bid by the Procuring Entity during the period of bid validity fails or refuses to: (a) sign the Contract., or (b) furnish the required Performance Security as required, or (c) accept correction of its bid price.

we undertake to pay to the Procuring Entity up to the above amount upon receipt of its first written demand, without the Procuring Entity's having to substantiate its demand, provided that in its demand the Procuring Entity states that the amount claimed by it is due to it, owing to the occurrence of one or more of the above conditions, specifying the occurred conditions.

This security shall remain in force up to and including *[insert date, month and year in accordance with ITB Clause 18.3]* and any demand in respect thereof should be received by the Guarantor no later than the above date.

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

Signed: *[insert signature of person whose name and capacity are shown below]*

Name: *[insert complete name of person signing the Bid Security]*

In the capacity of *[insert legal capacity of person signing the Bid Security]*

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**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.

<b>Signed</b> .....	<b>Name:</b> .....
	...
<b>In capacity of:</b> .....	<b>Date:</b> .....(DD/MM/YY)
<b>Duly authorised for and on behalf of:</b>	
<b>Company</b> .....	
<b>Address:</b> .....	
	.....

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**PART II      PROCURING ENTITY'S REQUIREMENTS**

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**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.}*

**Declaration by the Accounting Officer**

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

Name: Mr Gweme P

Position: Acting Director General

Signature :



Date: 17/06/2022

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**PART 3 CONTRACT**

# **BIDDING DOCUMENT FOR THE PROCUREMENT OF SUPPLY AND FIXING OF OFFICE PARTITIONS**

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## **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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### 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.

<b>GCC reference</b>	<b>Special Conditions</b>
<b>1.1(g)</b>	<b>The Contractor is: _____</b>
<b>1.1(q)</b>	<b>The Intended Completion Date for the Whole Works is: 2 weeks</b>
<b>1.1(t)</b>	<b>The Procuring Entity is: Zimbabwe National Geospatial and Space Agency (ZINGSA)</b>
<b>1.1(v)</b>	<b>The Project Manager is: Mr Jabulani Ndhlovu</b>
<b>1.1(w)</b>	<b>The Site is located at: ZINGSA Block Zimbabwe Science park 1</b>
<b>1.1(z)</b>	<b>The Start Date shall be: 7 July 2022</b>
<b>1.1(cc)</b>	<b>The Works consist of:</b> <b>_____ - designing store room fittings, sinks and plumbing works</b> <b>– Supply and Installation of store room fittings, sing and plumping works</b>
<b>2.2</b>	<b>The documents that form part of the Contract shall be following:</b> <ul style="list-style-type: none"><li>a. the Contract Agreement,</li><li>b. the Letter of Acceptance,</li><li>c. the Contractor’s Bid Submission Sheet,</li><li>d. the Special Conditions of Contract,</li><li>e. the General Conditions of Contract,</li><li>f. the Procuring Entity’s Requirements,</li><li>g. the Contractor’s Bill of Quantities or Schedule of Activities (as applicable), and</li><li>h. any other documents submitted by the Contractor forming part of the Contract.</li></ul> <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>
<b>2.3</b>	<b>The Contract is a lump sum contract</b>
<b>3.1</b>	<b>The Language of the Contract is English.</b> The Law governing the Contract is that of the Republic of Zimbabwe.
<b>4.1</b>	The Project Manager’s decision shall be limited to the following:

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GCC reference	Special Conditions
	<p>(a) issuing a variation order equal to 15% of the Initial Contract Amount in accordance with GCC Sub-clause 29.1(b);</p> <p>(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</p> <p>(c) any consequent extension of time that should be issued under (a) and (b).</p> <p>On circumstances that exceeded the aforementioned limits, prior approval of the Procuring Entity is required.</p>
<b>19.1</b>	The Contractor shall submit a Program for the Works within 14 days after the date of the Letter of Acceptance.
<b>19.3</b>	No program updates shall be required unless specifically requested by the Project Manager of the Procuring Entity.
<b>26.1</b>	<b>The Defects Liability Period is: 3 months.</b>
<b>34.2</b>	<b>Adjustment of the Contract Price:</b> 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

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**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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**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]*

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

Attachment: Contract Agreement

# BIDDING DOCUMENT FOR THE PROCUREMENT OF SUPPLY AND FIXING OF OFFICE PARTITIONS

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### PART III CONTRACT

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## 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**

<b>Signed:</b> .....
<b>Name:</b> .....
<b>In the capacity of:</b> ..... <i>[Title or other appropriate designation]</i>

**For and on behalf of the Contractor**

<b>Signed:</b> .....
<b>Name:</b> .....
<b>In the capacity of:</b> ..... <i>[Title or other appropriate designation]</i>

.....  
*[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**

<b>Signed:</b> .....
<b>Name of member:</b> .....
<b>In the capacity of:</b> ..... <i>[Title or other appropriate designation]</i>

<b>Signed:</b> .....
<b>Name of member:</b> .....
<b>In the capacity of:</b> ..... <i>[Title or other appropriate designation]</i>

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**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]*<sup>1</sup> .... (*[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 . . . . . , . . . . .<sup>2</sup>, 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.*

<sup>1</sup> *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.*

<sup>2</sup> *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*

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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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**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]* <sup>1</sup> (..... *[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 ..... <sup>2</sup>, 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.*