

INSTRUCTIONS TO TENDERERS
Tender reference: IRQ_ERB_CFT_2023-001

INSTRUCTIONS TO TENDERERS

Contracting authority: Terre des Hommes Foundation, Iraq delegation

Type of market: Hotel services (Only in Baghdad)

Tender reference: IRQ_ERB_CFT_2023-001

FINANCING:

The project is funded by Multiple Donors

The beneficiary of the funding is the Terre des hommes Foundation (Tdh) Iraq.

Important note: By submitting a tender, the tenderer fully and unreservedly accepts the contents of these Instructions as the sole basis for this tender procedure, irrespective of its own terms and conditions of sale, which it hereby waives. Tenderers must carefully review and comply with all instructions, forms, contractual provisions and specifications contained in these tender documents. Failure to submit a tender containing all the required information and documentation within the specified time limits may result in the rejection of the tender. No reservations regarding the tender documents may be considered and will result in the immediate rejection of the tender without further evaluation.

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1. General instructions

- 1.1 Tenderers must apply for the entirety of the services
- 1.2 Tenders will not be accepted if its not complete.
- 1.3 The tenderer will bear all the costs associated with the preparation and submission of the tender. The contracting authority will in no case be responsible or liable for such costs, whatever the conduct or outcome of the procedure will be.

2. Services to be provided

- Providing all the type of accommodation.
- Providing the conference rooms.
- Providing Lunch service in both type (open buffet and set menu).
- Providing Dinner service in both type (open buffet and set menu).
- Providing different type of the coffee break.
- Providing parking Garage.

3. Lot

- 3.1 **This call for tenders comprises One Lot:**

Tenderer should quote for all the type of services in the attached Annex 1.

4. Methods of payment:

4.1 General principles

4.1.1

Payments less than 2,000 USD shall be made in US Dollars in a bank approved by the Country of the Contracting Authority or by Cash under the hotel Name.

Payments more than 2,000 USD shall be made in US Dollars through bank transfer to a bank approved by the Country of the Contracting Authority in such cases the payment will be done by bank transfer OR cheque under the hotel name only. The means of payment will be mentioned clearly in the contract.

Tdh will not bear any fees, deduction, tax, etc. that is imposed by the supplier bank or the Iraqi Government.

The payment will occur 15 days after receiving the service.

Payment will not be paid under individual name.

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4.2 Price revision

4.2.1 The contracts shall be at fixed prices which shall not be revised.

4.3 Delayed payments

4.3.1 The Contracting Authority shall pay the Contractor sums due within 20 days of the date on which an admissible payment is registered.

5. Planning of the call for tenders:

Steps	Dates*
Publication of the Call for Tenders	21/June/2023
Deadline for requesting clarification from Tdh	19/July/2023 to 04:00 PM
Last day when Tdh gives clarifications	19/July/2022 to 04:00 PM
Deadline date and time for receipt of tenders	20/July/2023 to 04:00 PM
Offer opening session	Between 23/July/2022 – 27/July/2022
Notification of award to the successful tenderer	01/August/2023
Signature of the contract	01/August/2023 10/August/2023

*Tentative dates / All times are in the time zone of the country of the contracting authority.
This schedule is subject to change by Tdh according to the constraints encountered.

6. Presentation of the offer:

- 6.1 Tenders associated documents and correspondence between the tenderer and Tdh must be written in the language of the procedure, which is English.
- 6.2 The financial offer must cover all the goods / services described in **Annex 1 and 2** and must be expressed **all taxes included in USD Dollar** (USD).
- 6.3
- 6.4 Tenders must be submitted by **20/July/2023 to 04:00 PM**. Late tenders will be rejected and will not be evaluated. Nevertheless, all tenders received after the submission deadline will be retained by the contracting authority.
- 6.5 All tenders must be submitted, in the original version in a sealed envelope, either by registered letter or private courier service with acknowledgment of receipt, or by hand in return for a signed receipt to the following address:
- 6.6 The contracting authority will keep received Tenders **in the tender locked box/box** provided for this purpose

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**Terre des Hommes Office Iraq, Erbil, House 535 Ainkawa Aveen Street Behind Damasqino
Restaurant Second Alley on the left.
Telephone: (964) 783 446 7601**

6.7 An electronic copy of the offer (on a USB stick) – in addition to the original paper offer – will be highly appreciated.

6.8 The envelope should be marked as follows:

- A. Call for tenders N° IRQ_ERB_CFT_2023-001, *followed by* “Hotel services “
- B. “Not to be opened before the opening session of the offers.
- C. Including full address for the supplier.
- D. Email address for the supplier
- E. At least 2 phone numbers for the supplier
- F. Envelop sign and stamp.

6.9 Prices written in pencil will not be considered. All deletions, modifications or changes must be initialled by the signatory of the offer. All bids must be signed by an authorized representative of the bidder.

7. Contents of the offers:

All tenders submitted must comply with the requirements of the tender dossier and the dossier submitted by the tenderer must contain at least the following documents. Bidders who do not provide all the documents below and in the formats requested may be excluded from the selection process:

#	Documents to be submitted	Instructions
1	Financial offer	Presented on the Terre des hommes financial offer format in <u>Annex 1</u> of this file – <u>all taxes included and in USD Dollars.</u> Sign and stamp <u>ALL PAGES</u>
2	This Instructions to tenderers	Sign and stamp <u>ALL PAGES</u>
3	<u>Annex 2:</u> Profile & Supplier Questionnaire	Complete ALL sections in full, sign, stamp <u>ALL PAGES</u> and submit
4	Hotel registration	Providing Hotel registration

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5	updated tax clearance minimum for 2022	updated tax clearance minimum for 2022
6	Previous agreement with NGOs	All the previous agreement with NGOs
7	Original Bank account details	The bank details must be in the name of the hotel. Tdh requesting bank account under company name on bank template, not company template.
8	Owner ID or Passport or representative of the hotel	A copy of the owner's ID or passport
9	Power of attorney of the company's representative (if applicable)	If the representative is different than the owner
10	The electronic version of the Documentation	Supplier is responsible to submit all the documentation by a hard copy and soft copy version stored in a Flash disk or Normal disk and stored inside the sealed envelope.

8. Questions and clarifications regarding the tender dossier

- 8.1 If Tdh, on its own initiative or in response to a request from a tenderer, adds or clarifies information to the tender dossier, this information will be sent in writing and shared at the same time with all other potential tenderers.
- 8.2 Tenderers should submit their questions by e-mail to the following address, **until 19 July 2023 to 04:00 PM**, specifying **the publication reference and the contract title**: irq.tenders@tdh.ch and peeran.ameer@tdh.ch.
- 8.3 Any bidder seeking to organize a private meeting with Tdh during the tender period will be excluded from the tender procedure.
- 8.4 The contracting authority may, if necessary, extend the deadline for the submission of tenders to give tenderers sufficient time to consider any changes that may be made to the tender dossier.

9. Clarification meeting

- 9.1 No clarification meeting is planned on the Tdh premises.

10. Location for the service:

- Tdh kindly welcoming all the hotels in **(Baghdad city only)** to submit their Bids.

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11. Period of validity of offers

- 11.1 Tenders must remain valid for a period of **360 days from the** deadline for submission of tenders. In exceptional cases and before expiry of the initial period of validity, Tdh may request in writing that this period be extended by **40 days**. Tenderers accepting this request are not authorised to modify their offer. In case of refusal, tenderers cease to participate in the procedure. The successful tenderer remains bound by its offer for a period of **360 days** from the date of receipt of the notification informing it that it has been selected.

12. Modification and withdrawal of offers

- 12.1 Tenderers may modify or withdraw their tenders by written notification before the submission deadline. No tender may be modified after this date.
- 12.2 Any notification of modification or withdrawal shall be prepared, sealed, marked, and submitted in accordance with Article 7. The envelope shall also be marked "modification" or "withdrawal". Withdrawals shall be unconditional and shall terminate all participation in the tendering procedure.

13. Opening and evaluation of tenders

a) Opening of offers:

- 13.1 The purpose of opening the tenders is to check whether the tenders are complete, whether the documents have been correctly completed and signed and whether the tenders are generally in order.
- 13.2 The bid evaluation committee will not take an immediate decision on the admissibility or inadmissibility of bids at the time of bid opening.
- 13.3 After the opening of the tenders, no information relating to the examination, clarification, evaluation and comparison of the tenders and recommendations concerning the award of the contract will be disclosed until the contract has been awarded.

b) Administrative evaluation:

- 13.4 The purpose of this stage is to verify the conformity of the tenders received, in terms of substance and the requirements of the tender documents. A tender is deemed to be compliant when it complies with all the conditions, terms and specifications contained in the tender documents, without any significant deviations or restrictions. Substantial deviations or restrictions are those which affect the scope, quality, or performance of the contract, or which substantially depart from or limit the rights of the contracting authority or the obligations of the tenderer under the contract and adversely affect the competitive position of tenderers who have submitted compliant tenders. Tenders that are administratively found to be non-compliant will be rejected and will not proceed to the technical evaluation stage.

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c) Technical evaluation:

- 13.5 In order to be considered technically compliant, the offer must meet or exceed the required conditions and technical specifications without significant deviations or restrictions.

Any bid that is clearly not suitable and capable of providing the services requested in the call for tenders will be excluded from the selection process. Bids that are found to be technically non-compliant will not be evaluated financially.

d) Financial evaluation:

- 13.6 The financial evaluation aims to identify the accepted bid among the technically compliant bids.

e) Request for clarification:

- 13.7 During the evaluation process, in the interests of transparency and equal treatment, the evaluation committee may ask tenderers, in writing, to clarify their tender within a reasonable period of time, without them being able to modify it. None of these requests for clarification must aimed to correct any initial errors or failures affecting the performance of the contract or distorting competition.

- 13.8 Tdh also reserves the right to visit the premises and examine the hotel of the bidders whose bids have been pre-selected before making the final selection. This step may have an impact on the decision of the evaluation committee if the capacity of the bidder is not considered adequate or compatible with that indicated in the tender documents.

f) Criteria for awarding the contract:

- 13.9 The contract will be awarded to the tender that is both **technically** and **administratively compliant** and to the **most economically advantageous, taking into** account the quality of the services offered and the price of the tender.

Offers will be evaluated according to the criteria listed below:

- Ability to meet the conditions required by the call for tenders
- Compliance with Tdh terms and conditions
- Price competitiveness
- Proven experience in the sector of activity concerned (copies of contracts, references, etc ...)
- Terms of payment (Tdh prefers 100% payment after receiving the service).

14. Signature of the contract

- 14.1 Within three (3) working days following receipt of the contract, the selected Supplier must sign, date and return it to Tdh.
- 14.2 If the successful tenderer does not return the signed contract within three (3) working days, Tdh may, after notification, consider the award null and void and award the contract to the second-place tenderer.

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- 14.3 Unsuccessful tenderers will be informed by e-mail within 10 days from the date of award of the contract.
- 14.4 The successful tenderer will be informed by e-mail that his offer has been accepted. Before the contract is signed between the contracting authority and the successful tenderer, the latter must provide the documentary evidence or declarations required by the legislation of the country where the company (or each company in the case of a consortium) is established which are not already provided with the tender documentation. Such evidence, declarations or documents must bear a date which may not be more than one year prior to the date of submission of the tender.
- 14.5 If the successful tenderer does not provide these documents within 10 calendar days of notification of the contract award or if it is found that he has provided false information, the contract award shall be considered null and void.

15. Cancellation of the tender procedure

- 15.1 In particular, a cancellation may occur when:
- the tender procedure was unsuccessful, i.e. when no adequate, qualitatively or financially acceptable offer was received or when there was no valid reply;
 - the technical or economic elements of the project have been fundamentally modified.
 - exceptional circumstances or force majeure make the normal execution of the project impossible.
 - all technically acceptable offers exceed the available budget.
 - Substantial errors, irregularities or acts of fraud have been found in the course of the process, in particular where they have prevented fair competition.
 - where the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate to the contract price.

Under no circumstances Tdh can be held liable for any damages whatsoever, including and without limitation, damages for loss of profit, related in any way to the cancellation of the tender procedure, even if the contracting authority has been informed of the possibility of damages. The publication of a contract notice does not commit the contracting authority to implement the programme or project announced.

16. Ethics

Failure to comply with the following ethical rules will result in the immediate exclusion of the tenderer from this procedure:

(a) Child labour:

Child labour is prohibited by international conventions. As such, no child under the age of 18 may work directly or indirectly for a contract signed with Terre des hommes.

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b) Exploitation/slavery:

The working conditions of the employees of the holder of contracts signed with Terre des hommes must comply with the regulations in force in the country, in particular with regard to minimum wages and working hours. In the absence of these regulations, working conditions must be downgraded and wages must be equivalent to the average wages practiced in the area. Any physical constraints or sanctions against employees are excluded.

(c) Links with the production and trade of anti-personnel mines :

In compliance with the international treaty banning anti-personnel mines (the Ottawa Treaty), no contractor will be able to claim a contract with Terre des hommes if it is proven that the latter participates in any way whatsoever in the spread of anti-personnel mines (production, trade, assets, shareholders, transport, storage, etc.). In this precise case, any contract awarded may be terminated immediately by Terre des hommes without the contractor being able to claim any compensation whatsoever.

(d) Links with weapons trade :

In respect of our status as an international solidarity organisation, no company or supplier can claim to do business with Terre des hommes if it is proven that it participates in any way whatsoever in the weapons trade (production, trade, assets, shareholders, fundraising, transport, storage, etc.).

(e) Links with terrorist networks :

No company or supplier may claim to carry out a contract with Terre des hommes if it is proven that the latter has links, in any form whatsoever, with terrorist networks of any kind (acts of violence perpetrated against civilian populations or civilians installations committed by an organisation).

f) Respect for the environment :

Terre des hommes market holders must strive to use production techniques and processes that respect the fundamental rules of environmental protection, (mainly with regard to deforestation and the use of chemical agents affecting the protection of biodiversity).

g) Conflict of interest :

No employee or member of Terre des hommes may accept or solicit any gratuities, favours or personal benefits related to his or her position or contracts. Similarly, no company or supplier may claim to carry out a contract if there is a direct family or interest link with a member of the staff of Terre des hommes.

h) Practices of Corruption, Fraud, Collusion or Coercion:

Terre des hommes will reject any proposal made by tenderers, suppliers or candidates, if it is established that they have engaged in practices of corruption, fraud, collusion or coercion. In such a case, Terre des hommes will terminate their contract.

16.1 Tenderers certify that they are aware of the following documents:

- Tdh Code of Conduct: <https://www.tdh.ch/en/media-library/documents/general-code-conduct-tdh>
- TdH Child Protection Policy: https://www.tdh.ch/sites/default/files/6535c480-43ad-4dba-985a-486828fc4f42_r_pse_d_pol_fr_original.pdf
- Tdh's policy - protection - exploitation - sexual - abuse:
<https://www.tdh.ch/en/media-library/documents/policy-protection-sexual-exploitation-abuse>

17. Situations of exclusion

17.1 Tdh will exclude from this procedure any tenderer in one of the following situations:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities or

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are in any analogous situation arising from a similar procedure in national legislation or regulations.

- b) have been convicted by a judgment having the force of res judicata for any offence committed in the exercise of his professional activity.
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authorities can justify.
- d) not having fulfilled obligations relating to the payment of social security contributions or taxes in accordance with the legal provisions of Iraq country in which he is established or with those of the country of the contracting authority or those of the country where the contract is to be performed.
- e) have been the subject of a judgment which has the force of res judicata for fraud, corruption, participation in a criminal organisation, money laundering or terrorist financing, or any other illegal activity detrimental to the Communities' financial interests.
- f) have been declared to be in serious breach of contract in a previous procurement procedure for failure to comply with its contractual obligations.
- g) candidates who are subject to a conflict of interest.
- h) Be guilty of misrepresentation.
- i) have been guilty of attempting to influence the evaluation committee in the process of examining, clarifying, evaluating and comparing tenders, obtaining information on the progress of the process or influencing Tdh in its decision on the award of the contract.
- j) have tendered for more than one offer either individually or as a partner in a joint venture/consortium. The participation of a Tenderer in more than one tender will result in the disqualification of all tenders in which the Tenderer is involved in this procedure.
- k) be guilty of exploitative child labour or other forms of human trafficking. It must in any case respect the fundamental social rights and the dignity of working conditions of everyone in its enterprise but also with the subcontractors with whom it works in the course of its activities.
- l) be in one of the situations mentioned in the "Ethics" article of this document.

18. Subcontracting

- 18.1 Subcontracting will not be accepted except in exceptional circumstances and with the prior authorisation of Tdh.

19. Contents of the tender dossier

- 19.1 The tender dossier contains the following elements:

- a) These Instructions to Tenderers
- b) Annex 1 - Technical & financial specifications on Tdh format.
- c) Annex 2 - Supplier profile & questionnaire all the documents that has been mentioned in the article 7 should be provided in sealed sign and stamp.

Annex 1: Lot 1: Application form for hotels-Baghdad
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Price Offer Sheet

1- Rooms including Breakfast

No.	Room Description	Number of Available Rooms in Hotel	Size of bed (e.g. twin/single, queen size, king size)	Unit Price (USD)
1	Single room			
2	Double room			
3	Triple room			

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4	Suite room					
2- Conference rooms						
No.	Conference room name or number	Size of the conference room in M2	Capacity/ per person	Equipped with: Please list number and type of equipment available in the conference room (e.g. number of projectors, screens, white boards, flip chart stands; conference call equipment, microphone, etc.	Supplied with: Please list Supplies with the Conference Room Pen, Notebook, Flipchart paper, Flipchart stands, Whiteboards, Pin boards, Sticky notes, etc.	Unit Price (USD)
1						
2						

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3						
4						
5						
6						
7						

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3- Meals

3.1 Lunch

No.	Options	List of contents: Please list the type of starters, Example: (meat, chicken, fish, rice, soup, salads, sweets, water, juice, soft drinks, fruits, and how many types of each).	Unit Price (USD)
1	Option #1 Annex can be attached		

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2	Option #2 Annex can be attached		
3	Option #3 Annex can be attached		

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3.2 Dinner

No.	Options	List of contents: Please list the type of starters, Example (meat, chicken, fish, rice, soup, salads, sweets, water, juice, soft drinks, fruits, and how many types of each).	Unit Price (USD)
1	Option #1 Annex can be attached		

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2	Option #2 Annex can be attached		
3	Option #3 Annex can be attached		

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4- Coffee breaks

No.	Options	List of contents: Please list the type of the coffee, snacks, fruits, tea, Milk, juices, cakes and how many types of each.	Unit Price (USD)
1	Option #1 Annex can be attached		
2	Option #2 Annex can be attached		

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3	Option #3 Annex can be attached			
4	Extra Coffee, during meeting period.	Turkish Coffee	Unit price in USD	
		Filter coffee	Unit price in USD	
		Espresso	Unit price in USD	
		Cappuccino	Unit price in USD	

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5- Parking Facility	
Number of available parking spots and capacity	



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Annex 2 Supplier Profile & Questionnaire

From: Terre des hommes Foundation (Tdh), Delegation Iraq

Submitted by:

	names of tenderers	nationality
Contractor		
partner 1		
partner 2		

* Add/delete additional lines for partners where appropriate. note that a subcontractor is not considered a partner for the purposes of this tender procedure, if this tender is submitted by an individual tenderer, the name of the tenderer must be entered as "Contractor" (and the other lines must be deleted).

Contact person

name	
address	
telephone	
e-mail	

We, the undersigned, declare that:

- 1** We have examined and accepted in its entirety the contents of the tender documents. We accept its provisions in full, without reservation or restriction. We certify that we are not in any of the situations mentioned in the clause of the Instructions to Tenderers, prohibiting submission to the tender.
- 2** we comply to carry out, in accordance with the terms of the tender documents, the conditions (general and special), the technical specifications, and the time limits set, without reservation or restriction, the following work:
- 3** we make this request in our own right and for this tender. We confirm that we are not bidding for the same contract in any other form.
- 4** we note that the contracting authority is not obliged to pursue this invitation to tender and reserves the right to award only part of the contract. It does not incur any liability towards us.

Legal Representative, name and surname

Date:

Company stamp