

DATE: 29/05/2024

REQUEST FOR PROPOSAL: HCR/IRQ/COE/2024/RFP/017

Construction works of 18-Classroom School in Sitak Sub-District, Sulaymaniyah Governorate, Iraq

CLOSING DATE AND TIME: 02/07/2024 - 23:59 HRS IRAQ LOCAL TIME

INTRODUCTION TO UNHCR

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950, by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to help stateless people.

In more than seven decades, the agency has helped tens of millions of people restart their lives. Today, a staff of some 6,600 people in more than 110 countries continues to help about 60 million persons. To help and protect some of the world's most vulnerable people in so many places and types of environments, UNHCR must purchase goods and services worldwide. For further information on UNHCR, its mandate and operations please see <http://www.unhcr.org>.

1. REQUIREMENTS

The Office of the United Nations High Commissioner for Refugees (UNHCR), Iraq Operations, invites qualified construction firms to make a firm offer for the **provision of construction works of 18-classroom school in Sitak Sub-District, Sulaymaniyah Governorate, Iraq**.

IMPORTANT: Scope of Work and Bill of Quantities are detailed in Annex A and B of this document.
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Note: this document is not construed in any way as an offer to contract with your firm.

2. BIDDING INFORMATION

2.1 RFP DOCUMENTS

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

Annex A: Scope of Work (SOW)

Annex B: Bill of Quantities (BOQ)

Annex C: Design and Structure (Drawings)

Annex D: Technical Offer Form (*to be filled in, stamped and signed*)

Annex E: Financial Offer Form (*to be filled in, stamped and signed*)

Annex F: Vendor Registration Form (*to be filled in, stamped and signed*)

Annex G: Eligibility of Joint Ventures (*to be filled in, stamped and signed - if applicable*)

Annex H: UNHCR's General conditions of Contracts for the provision of Good and Services (July 2018) (*to be stamped and signed*)

Annex I: UNHCR's General Conditions of Contracts for Civil works (October 2000) (*to be stamped and signed*)

Annex J: Supplier's Code of conduct (*to be stamped and signed*)

Annex K: e-Tender Box Supplier user manual

Annex L: How to Join Microsoft Teams without account

IMPORTANT: It is strongly recommended that this Request for Proposal and its annexes be read thoroughly.

2.2 ACKNOWLEDGEMENT

We would appreciate your informing us of the receipt of this RFP by return e-mail to IRQERPROC@unhcr.org, CC: Jelo@unhcr.org as to:

- Your confirmation of receipt of this RFP
- Whether or not you will be submitting a bid

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

2.3 REQUESTS FOR CLARIFICATION

Bidders are required to submit any request for clarification or any question in respect of this RFP by e-mail to IRQERPROC@unhcr.org, CC: Jelo@unhcr.org. The deadline for receipt of questions is 23:59 HRS IRAQ Local Time on **12/06/2024**. Bidders are requested to keep all questions concise. UNHCR may, at its discretion, copy any reply to a question to all other invited firms.

All the emails sent requesting clarification MUST have the following subject otherwise UNHCR reserves the right NOT TO REPLY.

EMAIL SUBJECT: HCR/IRQ/COE/2024/RFP/017 - Query

UNHCR will compile all questions and reply to the questions received as soon as possible by means of publication on the UNGM, UNHCR websites and by email to all bidders participating in the tender competition.

IMPORTANT: Please note that Bid Submissions are NOT to be sent to the e-mail address above. Bid Submissions sent directly to the e-mail addresses above will result in disqualification of the offer.

2.3.1 SITE VISIT:

All the participating construction companies/contractors are **required to send the company engineer to attend the mandatory site visits** to inspect the construction site before submitting their offer. The contractors are required to send an email for booking an appointment for the visit to the email address: IRQERPROC@unhcr.org, CC: Jelo@unhcr.org before **10/06/2024**. The date of the site visit is **11/06/2024 at 09:30 AM** (the date and the time of the site visit is fixed no changes can be made to this date and time upon the request of a potential bidder). The company engineer should bring any proof of Engineering (engineering union ID card, graduation certificate, or any proof of engineering).

Location: Sitak, Sulaymaniyah Governorate
GPS Coordinates: 35°38'25.1"N 45°31'05.9"E

Please Note: UNHCR does not provide means of transport to the site.

2.3.2 PRE-BID CONFERENCE:

UNHCR will organize a supplier pre-bid conference on MS Teams, on **12/06/2024 at 10:00 HRS**. A maximum of One representative per company is allowed. Name and contact details of the company's representatives must be provided, at least two working days in advance, by e-mail to IRQERPROC@unhcr.org, CC: Jelo@unhcr.org before **10/06/2024**. Changes in staff need to be shared in advance; otherwise, they will not be able to participate.

Participation to the pre-tender conference shall be at the bidders' own expenses. There will be no reimbursement from UNHCR.

Participation to the pre-tender conference is **STRONGLY RECOMMENDED** given the complexity of the requirements. However, after the supplier conference, a Questions & Answers document will be prepared and posted on UNGM and/or distributed by email to all invited bidders.

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

2.4 YOUR OFFER

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

Your offer shall be prepared in English.

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

IMPORTANT: Please submit your proposal in accordance with the instructions provided in the "Submission of Bid" section 2.6 of this RFP.

Inclusion of copies of your proposals with any correspondence submitted directly to the attention of the responsible buyer or any other UNHCR staff other than the instructions provided under "Submission of Bid" Section 2.6 of this RFP will result in disqualification of the offer/proposal.

Your offer shall comprise the following sets of documents:

- Technical offer
- Financial offer

IMPORTANT: No pricing information should be included in the technical offer. Failure to comply with instructions provided under Section 2.6 SUBMISSION OF PROPOSAL will result in disqualification of your offer/proposal. The technical offer should contain all information required.

2.4.1 Content of the TECHNICAL OFFER

The technical details of the services requested by UNHCR can be found in Annex A (SOW) and Annex B (BOQ).

The technical offer shall include the information requested in the technical evaluation criteria and conform to the requirement of the SOW (Annex A) and BOQ (BOQ) (Annex B), and design and structure (Drawings) (Annex C).

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

A) Description of the company and the company's qualifications

A description of your company with the following information and document:

- Company profile, registration certificate, qualifications (including ISO 9001 certification *or equivalent*), company management structure
- Year founded
- If multi-location company, specify headquarters location
- Number of similar projects currently underway and successfully completed in the past ten (10) years
- Total number of clients (previous and current). Please submit proof of contract, such as copy of contract or POs.
- List of references for similar projects performed by contractor with contacts of the references
- Audit reports for the last consecutive 2 years (2021-2022-2023) including balance sheets
- Valid construction classification ID issued by the Ministry of Planning (Central Government and/or KRI)
- Scanned copy of the **bid security** valued at IQD 10,000,000 in the form of a (good for

payment) certified bank cheque. The selected company will be required to submit the original bid security/cheque issued in the name of UNHCR covering the offer's validity of 180 Days after the closing date of the tender. The bid security should be a certified cheque (not personal) and indicate the RFP reference number. The selected company will be required to submit the original bid security/cheque.

- Valid **tax registration certificate**.
- Valid **Registration Certificate in Construction or General Contracting company in IRAQ (Federal Government or Kurdistan Region)**. Company with less than 5 years of business from the date of registration/incorporation will not be considered for evaluation. Eligibility of bidders participating under a Joint Venture scheme is available under **Annex G**.

Offers without the above-mentioned certificates and bid security may not be further assessed.

B) Understanding of the requirements of the services requested in the solicitation documents such as proposed approach, solutions, methodology, and outputs.

Any comments or suggestions on the project, as well as your detailed description of the manner in which your company would respond to Annex A, B and C:

- Organization's understanding of the requirement – i.e. description of methodology and approach to address the published Annex A, B and C (including the proposed implementation time).
- List of Equipment to be mobilized by the bidder for the execution of the works,
- Submission of the **catalogues** with datasheets of project equipment's as well as catalogues with technical specifications of the construction, finishing, sanitation and electrical materials.
- Detailed work plan for execution of the project including the main project milestones, work schedules and Gantt charts.
- Project assumptions and constraints based on your understanding of the project.
- Any information that will facilitate our evaluation of your company's substantive reliability, financial and managerial capacity to provide the requested requirements by UNHCR as specified in Annex A, B and C.

C) Proposed personnel:

- List and relevant CV (maximum 2 pages) of the Project Manager(s)/Civil Engineer with proof of graduation (Graduation certificate, syndicate ID, Union ID).
- List and relevant CV (maximum 2 pages) of the Electrical Engineer(s) dedicated to the project.
- List and relevant CV (maximum 2 pages) of the Surveyor (diploma in Surveying).

D) Vendor Registration Form: If your company is not already registered with UNHCR, you should complete, sign, and submit with your technical proposal the Vendor Registration Form (Annex F). If your company is registered, please submit an empty Vendor Registration Form clearly indicating your supplier/vendor ID.

E) Technical Offer Form: Annex D should be filled and submitted along with the technical proposal package.

F) UNHCR General Conditions for Provision of Goods and Services (Annex H) and UNHCR General Conditions of Contracts for Civil Works (Annex I): Annexes H and I are to be stamped, dated and signed and submitted as part of the technical offer.

G) UN Supplier Code of Conduct: Annex J is to be stamped, dated and signed and submitted as part of the technical offer.

Award and bank guarantee: The Firm that submits the successful proposal will be notified by "Letter of Award" before the expiration of the validity period of the Bank Guarantee. The letter, referred to as the "Letter of Award" will state the sum of the fees to be paid to the Firm for the services rendered and will indicate the terms under which the Contract must be finalized. The Contract must be signed within 14 days of the issuance of the Letter of Acceptance.

2.4.2 Content of the FINANCIAL OFFER

Your separate Financial Offer must contain an overall offer in Iraqi Dinar (IQD). The financial offer must cover all the services to be provided (price “all inclusive”). If no financial offer is received, the bid shall be automatically disqualified.

The Financial Offer is to be submitted as per the **Financial Offer Form (Annex E)**. Bids that have a different price structure may not be accepted.

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

You are requested to hold your offer valid for a minimum of **180 days** from the deadline for submission. UNHCR will make its best effort to select a company within this period. UNHCR's standard payment terms are within 30 days after satisfactory implementation and receipt of documents in order.

The cost of preparing a bid and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment. Any activity undertaken or expenses incurred in preparation of a contract before an actual contract is signed shall be borne by the Bidder. An advance notice or information of award is not to be considered as a contract.

UNHCR will not provide any advance payments or payments by letter of credit. The standard payment terms are by bank transfer net thirty (30) days after acceptance of contractor's invoice and delivery and acceptance of services by UNHCR in shape of a partial or substantial works completion certificate issued by the designated Project Manager / Engineer.

IMPORTANT: Bidders are required to submit the financial offer both in PDF (stamped, dated and signed) and Excel version.

Please Note: UNHCR accepts only Commercial Bank Account carrying the name of the registered business/company. Bids with Personal Bank Account will not be accepted.

2.5 BID EVALUATION:

For the award of this contract, UNHCR has established evaluation criteria, which govern the selection of offers received. Evaluation is made in three (3) steps (1. Eligibility Check, 2. Technical, 3. Financial) described in the following sections.

2.5.1 Eligibility Check:

A prerequisite for any supplier to be deemed eligible for an award of contract is, that the company is not, or not associated with a company or individual, under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Consolidated United Nations Security Council Sanctions List, available at: <https://www.un.org/securitycouncil/#entities>.

The qualified supplier(s) will be added to the Vendor Database after investigation of suitability based on the submitted Vendor Registration Form (Annex F) and supporting documents.

Supplier Registration:

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

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

2.5.2 Technical evaluation:

For the award of this project, UNHCR has established evaluation criteria which governs the selection of offers received. Evaluation is made on a technical and financial basis. The percentage assigned to each component is determined in advance as follows:

PASS/FAIL CRITERIA
Attendance to the site visit
Submission of a valid business registration certificate: Submission of registration certificate as Construction or General Contracting Company in IRAQ (Federal Government or Kurdistan Region) Companies with an age of less than 5 years at the time of the submission will be disqualified.
Valid company business bank account (as per para 2.4.2)
Submission of a valid tax registration certificate
Submission of the bid security

The bidder passing the above verification will be recommended for further evaluation - Technical evaluation represents 60% from the total score - using the below technical criteria:

Main Criteria	Sub-Criteria	Specific Requirements	Score
General Company Qualification & experience	Company profile and Capability	The company has ISO 9001 certification <i>or equivalent</i> recognized certifications. (1 Point)	1
		Company age from the registration date (min 5 years). From 5-10 years (1 point) More than 10 years (2 points)	2
	Company classification	The company has a valid construction classification ID issued by the Ministry of Planning (Central Government and/or KRI), with a classification range between 1-5 classes. Classification from 1-3 (2 Points)	2
		Classification 4-5 (1 point)	
	Staff qualifications,	Project Manager (civil engineer) with a bachelor's academic degree in civil engineering (minimum of 10 years of experience) with proof of graduation (Graduation certificate, syndicate ID, Union ID) (3 Points)	3
		Electrical Engineer (bachelor's degree) with at least 5 years' experience (1 Point).	1
		Surveyor (diploma in Surveying) with at least 3 years of experience. (1 Point)	1
	Financial Auditing report	The latest 2 consecutive years, financial audit reports for the years (2021-2022-2023). The audit financial reports (including the Balance Sheet) must be certified by the Iraqi Association of Accountants. Minimum cumulative annual turnover of IQD 500,000,000. <u>The bidder will receive zero points if the baseline turnover is not demonstrated.</u>	4
		Submission of latest 2 consecutive years' financial audit reports with a minimum company annual turnover of IQD 500,000,000	
		Submission of the latest 2 consecutive years' financial audit reports with less than a minimum annual turnover of IQD 500,000,000/ not submitted.	
Total score			14
Relevant Experiences	Proof of relevant	Experiences Copies of Purchase Orders (POs), contract agreements, or work orders attached <u>with proof of project completion certificate/ performance letter issued by the client (Showing value, time completed, organization or firm for which completed, contact details of the organizations) awarded and served within the past 10 years.</u> The actual copies of POs, contracts, or work orders should relate to similar projects (Construction or rehabilitation works only).	5

		- 5 (and above) Projects = 5 Points - 4 Projects = 4 Points - 3 Projects = 3 Points - 2 Projects = 2 Points - 1 Projects = 1 Point - No project = 0 Points Note: PO or contract amount less than 200,000,000 IQD (equivalent to 150,000 USD) will not be considered.		
	Past experience with clients	List of similar projects showing (project name, client name, project cost, reference contact (phone No. or email). UNHCR will conduct a reference check per project to be considered.	3	
		- 3 or more different clients (3 Points) - 2 different clients (2 Points) - 1 client (1 Point) - No list (0 Points)		
Total score			8	
Technical Specifications of Works		Catalogs, Datasheet, or design Confirming that the specification of the below items complies with the BoQ:		
	<u>Construction & Finishing Materials</u>	- Painting (internal & external) (1 Points). - Wooden Doors (2 Points).	3	
	<u>Sanitation Materials</u>	- Western W.C/ Wall Hung (1 Points). - Wash Basin and Wall Hung Basis (1 Points). - Water mixer and taps (2 Points). - PVC and composite PPR water Pipes (2 Points). - UV-resistant HDPE water tank 1000 liters (2 Points). - PVC and Corrugated sewage pipes (2 Points). - 32 m3 galvanized water tank (3 Points).	13	
	<u>Electrical fittings Materials</u>	- Led lights 12 W, 18 W, and 72 W (1 Point). - lightning arrestor ESE- sat (1 Points). - Electrical Transformer (3 Points). - Water pump sets (3 points) - AC 2 tons (3 points)	11	
Total Score (Min. Passing point is 20 Points)			27	
Work Plan & Method of Implementation	Works plan Detailed and realistic work plan with work schedule/ Gantt Chart	- Implement realistic timelines as indicated in the Scope of work, between (345-415) days. Including a Gantt Chart indicating a detailed sequence of activities. (3 Points).	3	
		- Implement realistic timelines as indicated in the Scope of work, between 345-415 days. Including a Gantt Chart indicating a detailed sequence of activities (2 Points).		
		Incomplete Gantt chart, no Gantt Chart, Proposed Gantt chart (less than 345 or more than 415 days) or Project Schedule not indicating a detailed sequence of activities (0 Point).		
	Method of implementation	Submission of the minimum equipment list, which should comprise 1 Truck, 1 Pick-up, 1 Excavator, 1 Loader, 1 Compactor, and 1 Concrete Mixture Machine	Full list (6 Equipment)- (2 Points).	2
			Submission of 4 to 5 Equipment-Partial list (1 point)	
			Submission of less than 4 Equipment (0 points)	
The logistics plan includes access to the site and material delivery with the needed workforce. (2 Points)		Well-detailed plan (2 points)	2	
	Partial plan (1 point)			
	Not Submitted/Irrelevant (0 points)			

		Environmental Impact Assessment Plan should include the specific methods used to assess the impact, the assessment's findings, and recommendations (2 Points)	Well-detailed plan (2 points)	2
			Partial plan (1 point)	
			Not Submitted/Irrelevant (0 points)	
		The risk mitigation plan should include Risk identification, analysis, and traction plan (2 Points).	Well-detailed plan (2 points)	2
			Partial plan (1 point)	
			Not Submitted/Irrelevant (0 points)	
Total Score				11
Total Score for Technical Evaluation				60

The cut-off points for submissions to be considered technically compliant is **36 points** out of the 60 overall score assigned to the technical component, and minimum **20** out of 27 points for “Technical specification of works” session.

2.5.3 Financial Evaluation:

The Financial offer will use the following percentage distribution: **40%** from the total score. The financial component will be analyzed only for those suppliers that pass the technical evaluation.

The maximum number of points will be allotted to the lowest price offer that is opened and compared among those invited firms. All other price offers will receive points in inverse proportion to the lowest price, e.g., [total Price Component] x [US\$ lowest] \ [US\$ other] = points for other supplier's Price Component.

Clarifications of Proposals:

To assist in the examination, evaluation, and comparison of proposals UNHCR may at its discretion ask the Bidder for clarification about the content of the proposal. The request for clarification and the response shall be in writing and no change in price or substance of the proposal shall be sought, offered, or accepted.

UNHCR reserves the right to award without clarifications and/or discussions. If there are arithmetic mistakes in the budget of the technically acceptable applicants, UNHCR will rectify these mistakes on the following basis:

- If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail, and the total price shall be corrected; and
- If there is a discrepancy between the amounts in figures and in words, advantage will be given to the amounts in words.

If the correction(s) leads to a different total cost, this new total cost will be evaluated against other technically acceptable Proposals and considered as being part of the Best Value evaluation and selection. UNHCR reserves the right to reject the Proposal if the technically acceptable applicant does not accept the correction of mistakes in the budget by UNHCR.

2.6 SUBMISSION OF BID:

The offers must bear your official letter head, clearly identifying your company. The Technical and Financial offers shall be clearly separated.

Please submit your proposal through an online eTenderBox Tool, which can be accessed at <http://etenderbox.unhcr.org>.

To submit a proposal against UNHCR tender, the bidder needs to register in e-Tenderbox system. Please refer to the e-Tenderbox user manual for bidders at **Annex K: e-Tender Box Supplier user manual**. You are requested to get familiar with this tool and create a login by registering your company in the system for access to the current and upcoming UNHCR tenders. Once the login is

created, the bidder will be given access to the UNHCR available tenders. Bidders can access the specific tender by clicking on the “tender reference number”, the system will then navigate to the detailed tender review page, where the separate technical and financial submissions can be done. It is the bidder’s responsibility to upload only technical documentation under the “Technical” category and financial documentation under the “Financial” category. Failure to do so will result in disqualification.

Note: The official submission of the selected files for upload is done by clicking the ‘Save & Submit’ button, therefore, this button has to be clicked before the deadline expires. If done so, the selected files will be submitted and uploaded successfully even if the deadline expires during the file upload. It is the Supplier’s responsibility to ensure that all files of the final offer are submitted before the tender expiration deadline. In order to ensure the safe submission of the full and final offer, it is recommended to have all files uploaded well before the tender deadline.

Allowed extensions for files to upload are .doc, .docx, .xls, .xlsx, .rtf, .png, .jpg, .jpeg, .pdf, .txt, .zip, .ppt, .pptx, .bmp, .rar, .gif, .tif and .tiff, however it is preferable to upload PDF files. Executable files (.exe, .bat, .cmd etc.) should not be uploaded. All files should be clearly labeled. The maximum size limit per file is 10MB.

UNHCR Iraq encourages suppliers to make their offer well in advance of the deadline to avoid last minute technical glitches in the submission. In case of technical query regarding the eTenderBox, please send an email to the following helpdesk email address: hqsmsbid@unhcr.org.

IMPORTANT: The technical offer and financial offer are to be sent in separate documents. Failure to do so may result in disqualification.

IMPORTANT: DEADLINE TO SUBMIT YOUR BID: 02/07/2024 BY 23:59 HOURS LOCAL TIME: Any bid uploaded after this date and time will be rejected. UNHCR may, at its discretion, extend the deadline for the submission of bids by notifying through eTenderbox.unhcr.org and WWW.UNGM.ORG.

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

UNHCR will not be responsible for locating or securing any information that is not identified in the bid. Accordingly, to ensure that sufficient information is available, the bidder shall furnish, as part of the bid, any descriptive material such as extracts, descriptions, and other necessary information it deems necessary for a comprehensive understanding of its proposal by UNHCR.

IMPORTANT: The Financial offer will only be opened for evaluation if the supplier’s technical part of the offer has passed the test and has been accepted by UNHCR as meeting the technical specifications.

2.7 BID ACCEPTANCE:

This project will be awarded on all or nothing basis. UNHCR may at its discretion increase or decrease the proposed content when awarding the contract and would not accept a change to the rates submitted. Any such increase or decrease in the contract duration would be notified the successful bidder as part of the finalization of the Purchase Orders for the Services.

UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective suppliers in writing. The extension of the deadline may accompany a modification of the solicitation documents prepared by UNHCR at its own initiative or in response to a clarification requested by a prospective supplier.

Please note that UNHCR is not bound to select any of the firms submitting bids and does not bind itself in any way to select the firm offering the lowest price. Furthermore, the contract will be awarded to the bid considered most responsive to the needs, as well as conforming to UNHCR’s general principles, including economy and efficiency and best value for money.

Important: Any missing cost for a line in BOQ and Financial Offer will be considered invalid.

Please note that UNHCR is not bound to select any of the firms submitting bids and does not bind itself in any way to select the firm offering the lowest price. Furthermore, the contract will be awarded to the bid considered most responsive to the needs, as well as conforming to UNHCR's general principles, including economy and efficiency and best value for money.

2.8 CURRENCY AND PAYMENT TERMS FOR PURCHASE ORDERS

Any Purchase Order (PO) issued as a result of this RFP will be made in the currency of the winning offer(s). Payment will be made in accordance with the General Conditions for the Provision of Goods and Services and in the currency in which the PO is issued. Payments shall only be initiated after confirmation of successful completion by UNHCR business owner.

Any Purchase Order (PO) issued as a result of this RFP will be made in IQD. Payment will be as follows:

- a) 1st Payment (30%) of contract value after completing 35% of work stipulated in the BOQ.
- b) 2nd Payment (30%) of contract value after completing 65% of work stipulated in the BOQ.
- c) 3rd Payment (30%) of contract value after completing 100% of work stipulated in the BOQ.
- d) Payment Retention: 10% will be released after Defect Liability Period of 365 Days of completion of 100% of works and project handover to observe the defect liability period. The retention fee of 10% will be released to the contractor upon inspection of the works/site by the UNHCR Engineer and issuance of a Handover Certificate.

All works should be completed within 345-415 Days calendar days.

2.9 UNHCR GENERAL CONDITIONS OF CONTRACTS FOR CIVIL WORKS (OCTOBER 2000)

Please note that the **UNHCR General Conditions of Contracts for Civil works (Annex I)** will be strictly adhered to for the purpose of any future contract. The Bidder must confirm the acceptance of these terms and conditions in writing.

2.10 UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF GOODS AND SERVICES

Please note that the **Annex H: General conditions of Contracts for the provision of Good and Services** will be strictly adhered to for the purpose of any future contract. The Bidder must confirm the acceptance of these terms and conditions in writing.

2.11 Liquidated Damages

2.11.1 In accordance with the provisions made in Article 45 of (The UNHCR General Conditions of Contract for Civil Works (October 2000 version) and in Article 17 of the UNHCR Standard Contract for Construction Services. The Contractor acknowledges the requirement of UNHCR to be completed in accordance with the time frames stipulated contract resulting from this solicitation process with the successful bidder. The successful bidders will therefore be required to acknowledge, that time is of the essence in relation to the performance of its obligations.

2.11.2 Should the Contractor be in delay, without prejudice to UNHCR's other rights and remedies, UNHCR may, at its sole option, demand liquidated damages for such delay, in an amount equal to 0.1% for each [DAY for the portion of the incomplete portion of the works] of delay beyond the date upon which the Services were due to be completed. The Parties agree and acknowledge that the calculation of damages from a breach would be difficult to estimate accurately and that the foregoing [The assessment will not exceed 10 percent of the Contract value] is a reasonable approximation thereof and is intended as the fair allocation and liquidation of damages and not as a penalty against the Contractor.

2.11.3 UNHCR shall have the right to deduct any liquidated damages to which it is entitled under the

terms of its standard contract for construction services from any monies due from UNHCR to the potential Contractor (resulting from this solicitation process), or to recover the same as a debt due from the Potential Contractor.

2.11.4 Liquidated damages shall be payable by virtue of the sole fact of the delay without the need for any previous notice or any legal or arbitral proceedings, or proof of damage, which shall in all cases be considered as ascertained.

**Giorgia Anesin
Senior Supply Officer
UNHCR Iraq**