

**INVITATION TO TENDER FOR SUPPLY AND DELIVERY OF FOODSTUFFS TO  
SCHOOLS IN SOUTHWEST STATE SOMALIA**

**Tender for Supply and Delivery of Foodstuffs to Schools in Baidoa, South West  
State**

**Tender Ref. No.: PRN-022-2020**

**Date: 05 October 2020  
Invitation to Tender (ITT) Reference No:**

**PRN-022-2020**



Dear Sir/Madam,

Adventist Development Relief Agency (ADRA) and the Ministry of Education, Culture and Higher Education (MOECHE) invites you to tender for the supply and delivery of foodstuff to schools in Baidoa, South West State. This tender pack has been specifically created to provide you with all the information required to understand the requirements, and complete a response to the tender, should you wish, below is a summary of all the information included in the tender pack (you can use the hyperlinks to navigate the document).

**Part 1: Invitation to Tender Document**

- 1) Introduction to ADRA and MOECHE
- 2) Project Overview and Requirements
- 3) Award Criteria
- 4) Instructions & Key Information

**Part 2: Core Requirements and Specification**

- Provides a detailed description of MOECHE specific requirements

**Part 3: Bidder Response Document**

- A template to be used to submit your response to this Invitation to Tender.
- Includes the Terms & Conditions of Bidding.

**Part 4: Appendices**

- Appendix 1 – The IAPG Code of Conduct

Responses should be submitted no later than **12<sup>th</sup> October 2020, 5.00 pm East Africa time** using the Bidder Response Document provided in Part 3 of this tender pack. For further guidance on how to submit your response, please follow the instructions detailed [here](#).

**Blank Tender Documents to be obtained as follows:**

- Collected from the ADRA offices in Baidoa.
- Downloaded through the ADRA Somalia website: <https://adrasom.org/jobs/>

We look forward to receiving your response.

Yours faithfully,

**ADRA/MOECHE Joint Procurement Committee**



## PART 1 – INVITATION TO TENDER

### 1. INTRODUCTION

- i) Ministry of Education, Culture & Higher Education is the national lead entity of the education sector in Somalia and it is mandated to ensure that Somali citizens have easy access to quality educational services in an affordable, sustainable, and safe manner.

For more information please visit the Ministry website on <http://moe.gov.so/>.

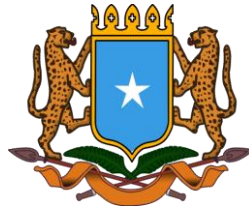
- ii) Adventist Development and Relief Agency Somalia (ADRA Somalia) is part of the ADRA network's development and relief agencies in 125 countries. ADRA Somalia is a humanitarian agency committed to build and enhance the capacity of vulnerable communities in Somalia. ADRA Somalia projects are designed to attain sustainable positive change in the lives of the people of Somalia through development and relief initiatives. ADRA Somalia has been implementing emergency relief and development interventions in different sectors since 1992. Since then, ADRA has managed over 100 projects funded by different donors in 7 sectors namely: water & sanitation; education; food security; infrastructure; institutional capacity building; micro-enterprise development and emergency response interventions.

### 2. PROJECT OVERVIEW AND REQUIREMENTS

#### 2.1 PROJECT OVERVIEW

Please see below a summary of the requirements for which ADRA and the Ministry of Education, Culture and Higher Education invites you to bid on. Further details on the specific requirements of the project (volumes, dates, product specifications / drawings etc.) can be found in Part 2 (Core Requirements & Specifications) of this Tender Pack.

Item	Description
<b>Field Office/Country</b>	Baidoa, Somalia
<b>Description of goods or services</b>	Tender for Supply and Delivery of Foodstuffs to Schools in Baidoa, South West State Specifications is as in the annex
<b>Duration</b>	The duration of the contract will be Oct-22 to May-31 2021, with full delivery during this period.
<b>Agreement Type</b>	ADRA intends, but reserves the right not to, enter into a Contract which commits us to buying the goods or services listed in Part 2.



### 3. AWARD CRITERIA

ADRA/MOECHE is committed to running a fair and transparent tender process and ensuring that all bidders are treated and assessed equally during this tender process.

Bidder responses will be evaluated against three categories of criteria: **Essential Criteria**, **Capability Criteria**, and **Commercial Criteria**.

These criteria have been especially created to help ADRA/MOECHE determine which bidder is able to offer the best quality and most commercially competitive solution to meet our needs and deliver the most effective programming to our beneficiaries.

#### 4.1 ESSENTIAL CRITERIA

These are criteria which bidders **must** meet in order to be successful and progress to the next round of evaluation. If a bidder does not meet any of the Essential Criteria, they will be excluded from the tender process. These criteria are scored as Pass or Fail; and bidders who fail will not be evaluated against capability and commercial criteria.

The essential criteria are listed below:

- a) Bidder accepts ADRA terms and conditions detailed in this Invitation to tender
- b) Bidder has a legitimate business address
- c) Bidder is not a prohibited party under applicable sanctions laws or anti-terrorism laws or provides goods under sanction by the US or EU.
- d) Bidder submits Tax Registration number & certificate
- e) Bidder submits Business Registration certificate
- f) Bidder submits Trade License
- g) Bidder confirms goods offered meet specifications provided in invitation to tender

#### **CAPABILITY CRITERIA (60%)**

The maximum score for capability criteria is 60% - broken down as below. Only bids with a Capability score of 48% or more will be considered for Commercial evaluation.

##### **I) Previous experience in supply of food - 20%**

Provide past signed and stamp contracts as evidence

- a. 20 Points for three or more supply contracts with Government, INGOs or UN for supply of food. Copies of signed contracts with official signature and stamp to be submitted
- b. 10 points for two supply contracts with Government, INGOs or UN for supply of food. Copies of signed contracts with official signature and stamp to be submitted.
- c. 5 points for points for one supply contract with Government, INGOs or UN for supply of food. Copies of signed contracts with official signature and stamp to be submitted
- d. 0 Points for zero food supply contract

##### **II) Financial Capacity - 20%**



Provide an official bank statement for the last 2 years (June 2018 - June 2020) as an evidence with genuine transactions.

- a. 20 points for more than three traceable contract payments of value comparable to estimated value of current tender
- b. 10 points for two traceable contract payments of value comparable to estimated value of current tender
- c. 5 points for one traceable contract payments of value comparable to estimated value of current tender
- d. 0 points for no traceable contract payments of value comparable to estimated value of current tender

### **III) Lead Time - 20%**

Provide the deliverable lead-time.

Note: Delivery lead-time is the time from date contract is signed to delivery of supplies to the agreed location in full compliance with contract terms and conditions.

- a. 20 points for delivery lead time of up to 2 weeks
- b. 10 points for delivery lead time of up to 4 weeks
- c. 5 Points for delivery lead time of up to 6 weeks
- d. 0 points for delivery lead time of over 6 weeks.

### **COMMERCIAL CRITERIA - 40%**

The lowest evaluated financial proposal will be awarded the maximum commercial criteria score of 40%.

The commercial criteria score for all other bidders will be calculated using the formula below:

$$\text{Commercial criteria score} = \left[ \frac{100 \times \text{Lowest bid value}}{\text{Current bid value}} \right] \times 0.4$$

All Capability and Commercial Criteria will be weighted accordingly to reflect their importance. The Commercial Criteria will account for at least 40%. The Capability Criteria will account for up to 60% of the score.

## **4. BIDDER RESPONSE DOCUMENT**

To ensure bidders provide all the required information in order for ADRA/MOECHE to be able to effectively evaluate bidders' bids against the Evaluation Criteria, a Bidder Response Document has been created. Bidders must complete the Bidder Response Document and provide various pieces of information as part of their submission.

Further information on the Bidder Response Document can be found in Section 4 of this Tender Pack, and a copy of the Bidder Response is provided in Schedule 2.

## **5. VETTING**



Prior to a bidder supplying any goods / services they must first be vetted and cleared to work with ADRA. This involves checking bidders and key personnel against Global Watch Lists, Enhanced Due Diligence Lists and Politically Exposed Persons Lists.

The vetting of bidders will be completed after the award decision has been made. If any information provided by the Bidder throughout the tender process is proved to be incorrect during the vetting process (or at any other point), ADRA may reverse their award decision.

## 6. BIDDER INSTRUCTIONS

### 6.1 TIMESCALES

The below table indicates the key dates for this tender process. The issuing of this Invitation to Tender and Tender Pack represents the start of the tender process.

Activity	Date
Issue Invitation to Tender	6 <sup>th</sup> October 2020
Deadline for bid clarification requests from Bidders	9 <sup>th</sup> October 2020
Deadline for Return of Bids	12 <sup>th</sup> October- 2020
Bids Evaluation	14 <sup>th</sup> October 2020
Award Contract	16 <sup>th</sup> October 2020
Mobilisation	20 <sup>th</sup> October 2020
Go Live	22 <sup>nd</sup> October 2020

Please note that the above timings / dates are being shared for indicative purposes only and are subject to change. However, ADRA commits to ensure Bidders are treated fairly, equally and have sufficient time made available to participate in this tender process.

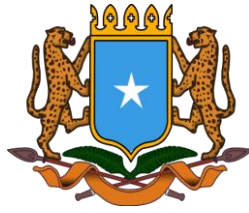
### 6.2 DOCUMENTATION FOR SUBMISSION

Bidders wishing to submit a proposal to this Invitation to Tender **must** use the Bidder Response Document template in Part 3 of this Tender Pack. Any bids received using different formats will not be accepted.

This document has been created specifically for this tender and allows Bidders to demonstrate their ability to deliver the required goods and / or services. The Bidder Response document is linked to the Essential, Capability and Commercial Criteria which will be used to evaluate the quality of the bids received.

Within the Bidder Response Document instructions are provided on how to complete the document and specific guidance is provided on what information / supporting documentation is required.

The Bidders expected to sign the statement in Section 3 of the Bidder Response Document to confirm that the bidder response is accurate and can be relied upon



### 6.3 SUBMISSION OF BIDS

- (a) Blank Tender Documents to be collected from ADRA Baidoa Offices Or downloaded through the following link:

<https://adrasom.org/job/invitation-to-tender-supply-and-delivery-of-foodstuffs-to-schools-in-baidoa-south-west-state/>

- (b) **A hard copy of the tender in a sealed envelope to be dropped into the ADRA Tender Box at ADRA offices in Baidoa.**
- (c) All tenders received after close of business on **12th October 2020** will not be considered.
- (d) Heading on the envelope should be: **“Tender for Supply and Delivery of Food Stuff to Schools in Baidoa.”**

**Printed hard copies of bids shall be submitted in sealed envelopes addressed as follows:**

**Tender Ref: PRN-022-2020  
Joint ADRA/MOECHE Procurement Committee  
ADRA Somalia  
Baidoa, District  
Baidoa, Somalia**

**Electronic Submission of bids shall not be allowed.**

**IMPORTANT:** Offers submitted in any other manner than that indicated above will not be considered. Responses will only be accepted in the requested format. **Any incomplete responses or responses not in the format of the provide templates may be treated as void.**

### 6.4 CLOSING DATE FOR BID SUBMISSION

Your bid shall be deposited in the tender box at the above address no later than **12<sup>th</sup> October 2020, 5.00 pm East Africa time.** Failure to submit your bid prior to the Closing Date may result in your bid being void.

All Bids must remain valid and open for consideration for a period of not less than 60 days from the Closing Date – **12<sup>th</sup> October 2020.**

### 6.5 OPENING OF BIDS

Bids shall be opened on **14<sup>th</sup> October 2020, 10.00am East Africa Time** at the ADRA office at address below.

ADRA Somalia Program  
Baidoa, District  
Baidoa, Somalia



The following details will be read out during bid opening: Bidders name, Total bid amount.  
The opening of bids is open to bidders who chose to attend.

#### **6.5 KEY CONTACTS**

Should you have any questions about ADRA, this invitation to tender or anything related to this document, please contact the ADRA via email [info@adrasom.org](mailto:info@adrasom.org)  
Enquiries should be submitted in writing via email ONLY.

Please be advised local working hours are 8.00AM to 3.30PM.

Please allow up to 2days for a response.

Where the enquiry may have an impact on other parties within the process, ADRA may at its discretion notify other bidders that have expressed interest to maintain a fair and transparent process.





## PART 2 – CORE REQUIREMENTS & SPECIFICATIONS

ADRA jointly with consortium partners (FGS/FMS MoEs, SCI, ALIGHT & DAN) are currently implementing 13 months GPE funded SOM-Accelerated Education for Federal Republic of Somalia with the objective of improved educational attainment, safety of Somali girls and boys affected by crisis, contributing to resilience building within increasingly peaceful, secure and democratic environment. The project has four (4) outcomes; Increase equitable access to education, improved quality learning outcomes, increase gender equity and equality and Safe Re-opening of schools. The project will be implemented in Banadir, Galmudug, Hirshabelle, Jubaland and South West states.

One of the key outputs under outcome is the provision of school feeding to crisis-affected children in target schools. The Federal Government of Somalia (FGS) MoECHE and Federal Member States (FMS) MoEs in collaboration with ADRA selected target schools that are largely locations hit worst by the emergency (floods, droughts, conflict) and location with the largest IDP children concentration. ADRA and Consortium partners will directly purchase food for schools.

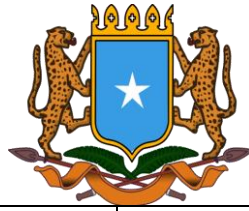
In this regard, ADRA is seeking potential vendors to supply assorted food in Baidoa supported schools (list of schools annexed) **for a period of 8 months.**

### 1. SPECIFIC REQUIREMENTS

	Food Item description	Unit
1	Porridge Flour (locally available) <i>(Boreej isku dar dar ah)</i>	50 Kilo Bag
2	Sugar (imported but locally available) <i>(Sonkor)</i>	50 Kilo Bag
3	Basmati Rice (imported) but locally available <i>(Bariis Basmati)</i>	50 Kilo Bag
3	Red Beans /Cow Pea (locally available) <i>(Dirig guduud-gidir beerad)</i>	50 Kilo Bag
4	Liquid Cooking Oil (Salad) <i>(Saliid Cunto)</i>	20 Litre
5	Iodized Salt <i>(Milix/ Cusbo)</i>	2 Kilo Packet
10	Transportation, Delivery and Distribution of Food items to Schools (including Packaging, security, loading and offloading) as per attached below Distribution Plan	Service

#### Delivery Location of the food

S/N	NAME	District	Village
1	Dr Abdula Derow SS	Baidoa	h/wadag
2	Arafat PSS	Baidoa	Horsed
3	KGS PS	Baidoa	Wadajir
4	Towfiiq PS	Baidoa	Towfii
5	Burgaduud	Baidoa	Wadajir



6	Edkiyaal PS	Baidoa	Horsed
7	Elheeji PS	Baidoa	Tawfii
8	Abow Asharow PS	Baidoa	Abow Asharow
9	Awul Barwaqo	Bidoa	Waaberi
10	Dr Ayuub	Baidoa	Wadajir

### Food Quantity Distribution Per Month

S/ N	Name of school	Porridge Flour (locally available) (Kilos)	Sugar (imported but locally available) (Kilos)	Basmati Rice (imported) but locally available (Kilos)	Red Beans /Cow Pea (locally available) (Kilos)	Liquid Cooking Oil (Salad) (Litres)	Iodized Salt (Kilos)	Total Qty
1	Dr. Abdula Derow SS	1,215	485	2,920	2,920	1,215	45	8,800
2	Arafat PSS	950	380	2,275	2,275	950	35	6,865
3	KGS	265	105	630	630	265	10	1,905
4	Towfiiq	310	125	750	750	310	12	2,257
5	Burgaduud	200	80	490	490	200	10	1,470
6	Edkiyaal	165	65	390	390	165	8	1,183
7	Elheeji	190	75	455	455	190	10	1,375
8	Abow Asharow PS	210	85	500	500	210	10	1,515
9	Awul Barwaqo	390	155	935	935	390	15	2,820
10	Dr Ayuub	1,230	495	2,955	2,955	1,230	45	8,910
	<b>Totals</b>	<b>5,125 Kg</b>	<b>2,050 Kg</b>	<b>12,300 Kg</b>	<b>12,300 Kg</b>	<b>5,125 Ltr</b>	<b>200 Kg</b>	<b>37,100</b>

## PART 3 – BIDDER RESPONSE DOCUMENT

### 1. INTRODUCTION

This Schedule is to be used by Bidders wishing to submit a response to this Tender Process. The Bidder Response is split into the 5 sections detailed below (including hyperlinks), all of which correspond to the Evaluation Criteria referenced in the Invitation to Tender.

- Section 1 - Key information
- Section 2 – Essential Criteria
- Section 3 – Capability Questions
- Section 4 – Commercial Questions
- Section 5 – Bidder Submission Checklist
- Schedule 1 – Terms & Conditions of Bidding



At the end of the Bidder Response Document is a checklist. This should be completed by the Bidder prior to submitting their response to ensure all the relevant information and supporting documents have been included in the response.

**The Bidder is required to sign a copy of the Check list as part of their submission.**

## 2. INSTRUCTIONS

Where a response is required from a Bidder, instructions and commentary is provided to illustrate what ADRA and the Ministry of Education, Culture and Higher Education expects and requires. The guidance provides details of the **MINIMUM** requirements expected by ADRA and MOECHE. If a Bidder wishes to add further information which it believes is relevant, this is acceptable, but the additional information should be limited to only items which are relevant to the tender.

- For the avoidance of doubt, bidders are required to complete all items within the Bidder Response Document unless clear instruction is provided otherwise.
- If a Bidder does not complete the entire Bidder Response document, their submission may be declared void.
- If a Bidder is unable to complete any element of the Bidder Response Document, they should contact ADRA through the using the contact details provided for guidance.

By submitting a response, the bidder confirms that all information provided can be relied upon for validity and accuracy.

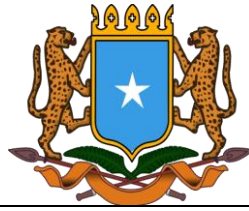
### SECTION 1 – KEY INFORMATION

*Instructions – Bidders are required to complete all sections of the below table.*

KEY INFORMATION	
Company Name	
Please provide details of the primary products / services supplied by your organisation	
Please explain your experience of supplying food or comparable items requested in this tender document.	



Address (Physical location)	Main Address	Registered Address (if different)	Address for Payments (if different)
Company Registration Number (from SWS)		Tax Number if available	
Year of Registration		Country of Registration	
Type of Business (e.g. Manufacturer, Distributor, Contractor, Service sector)		Primary Country of Operation	
Total Annual Revenue (USD)	2017	2018	2019
Annual Revenue (from sales of foodstuffs requested in this tender)			
Have you supplied goods or services to ADRA or MOECHE previously? If so, please provide a summary.			
<b>KEY CONTACT DETAILS</b>			
	Primary Contact	Secondary Contact	Emergency Contact
Name			
Job Title			
Phone / Mobile			
Email			
Address			
<b>OTHER KEY INFORMATION</b>			



**KEY ROLES & PERSONNEL**

	Job Title	Role	E-mail Address
<p><b>Which employees will be responsible for providing goods and services to ADRA? Please list names, and job titles and contact details (e.g. account managers).</b></p>			



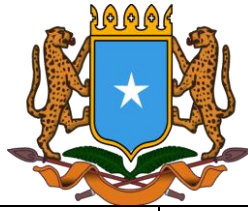
## SECTION 2 - ESSENTIAL CRITERIA

**Instructions – Bidders are required to complete all sections of the below table.**

Notes:

- 1) Only Bids that meet all essential criteria will be considered for Capability and Commercial evaluation
- 2) Bids that do not meet all essential criteria will be disqualified and not considered for Capability and Commercial evaluation

Item	Question	Bidder Response	
		Yes / No	Comments / Attachments
1	Bidder accepts ADRA's 'Terms and Conditions of Purchase' included within Appendix 1 of the ITT, and that any work awarded from this tender process will be completed under the attached 'Terms and Conditions of Purchase'.		
2	The Bidder and its staff (and any sub-contractors used) agree to comply with ADRA's and the IAPG's policies and code of conducts listed below, throughout this tender process and during the term of any contract awarded.  1) IAPG Code of Conduct 2) Conditions of Tendering		
3	The bidder must not be a prohibited party under applicable sanctions laws or anti-terrorism laws or provide goods under sanction by the US or EU.		
4	The Bidder confirms it is fully qualified, licensed and registered to trade with ADRA (including compliance with all relevant local Country legislation).  This includes the Bidder providing details of the following requirements and submitting copies of the relevant documents:  - Legitimate business address	Yes / No	Comments
		Requirement	Bidder Response / Attachments
		Legitimate Business Address	Indicate full physical address
		Tax Registration	Indicate Tax registration number and attach copy of certificate

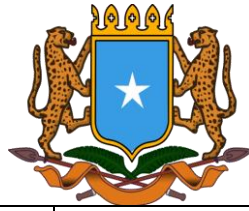


	<ul style="list-style-type: none"> <li>- Tax registration number &amp; certificate</li> <li>- Business registration certificate</li> <li>- Trading license</li> </ul>	<b>Number &amp; Certificate</b>	
		<b>Business Registration Certificate</b>	<i>Indicate business registration number and attach copy of certificate</i>
		<b>Trading license</b>	<i>Indicate trading license number and attach copy of license</i>
<b>5</b>	The food proposed meet the specifications defined in part 2 above.	<b>Yes / No</b>	<b>Comments</b>
			Please submit full specifications of the food offered

### SECTION 3 – CAPABILITY QUESTIONS

**Instructions – Bidders are required to complete all sections of the below table (60% mark).**

Item	Question	Bidder Response		
		Client Name	Contact Details (Name & Email)	Project/Service Description
<b>1</b>	<b>REFERENCES</b>  Please provide details of three customers / clients that ADRA may contact as references	1)		
		2)		
		3)		



	1. Please attach Three (3) previous signed/stamped contracts for supply of food similar goods in the recent years (2017,2018, 2019 and 2020)			
	2. Please attach Bank account statement for the period June-2018- to June -2020.			
	3. How many days will you take to deliver the food to the project location after you sign the contract?			
	4. Can you deliver the food on monthly basis to the targeted schools after you sign the contract?			
	5. Please attach Updated Company profile stating address locations, contacts, emails, supply/service experience with Company organogram and full names company owners			





## SECTION 4 – COMMERCIAL QUESTIONS

Incoterm applicable: **Delivered at Place (DAP) at named delivery location.**

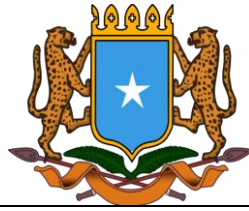
Prices quoted to include all cost of goods, transport and insurance to the named locations

No.	Item Description/Specifications	UoM	Units	Unit Price (USD)	Total Cost (USD)
1	Porridge Flour (locally available) <i>(Boreej isku dar dar ah)</i>	50 Kilo Bag	820 bags		
2	Sugar (imported but locally available) <i>(Sonkor)</i>	50 Kilo Bag	328 Bags		
3	Basmati Rice (imported) but locally available <i>(Bariis Basmati)</i>	50 Kilo Bag	1,968 Bags		
4	Red Beans /Cow Pea (locally available) <i>(Dirig guduud-gidir beerad)</i>	50 Kilo Bag	1,968 Bags		
5	Liquid Cooking Oil (Salad) <i>(Saliid Cunto)</i>	20 Litre	2,050 Jerry cans		
6	Iodized Salt <i>(Milix/ Cusbo)</i>	2 Kilo Packet	800 Packets		
<b>Distribution cost to the 10 schools two times a week for 8 months.</b>					
<b>GRAND TOTAL</b>					

## SECTION 5 –BIDDER SUBMISSION CHECKLIST

We, the Bidder, hereby confirm we have completed all sections of the Bidder Response Document:

No	Section	Please Tick
1.	Section 1 – Key Information	
2.	Section 2 – Essential Criteria	
3.	Section 3 – Capability Questions	
4.	Section 4 – Commercial Questions	



We, the Bidder, confirm we have attached all the required information and supporting evidence:

Section	Required Document / Evidence	Please Tick
<b>Essential Criteria Evidence</b>	Completed Bidder Response Document	
	Tax registration certificate	
	Business registration certificate	
	Trading license	
	Attached specifications of goods offered	
<b>Capability Criteria Evidence</b>	Attached Bank account with a proof of statement from June-2018- to June 2020	
	Attached Three previous stamped Local Purchase Orders or contracts attached as evidence in the recent years (2017,2018, 2019 and 2020 year)	
	Entered lead time details in Bidder response form	
	Attached company profile Completed Supplier profile form of ADRA International	
<b>Commercial Criteria Evidence</b>	Entered price and total cost in bidder response form	

I/We, the Bidder, hereby confirm we are in compliance with the following policies and requirements:

Policy	Signature
Conditions of Tendering	
Terms & Conditions of Purchase	
IAPG Code of Conduct	

We confirm that ADRA and Ministry of Education, Culture and Higher Education may in its consideration of our offer, and subsequently, rely on the statements made herein.

Signature



.....

Name

.....

Job Title

.....

Company Stamp

.....

Date

.....

## SCHEDULE 1 – TERMS & CONDITIONS OF BIDDING

### Definitions

In addition to the terms defined in the Cover Letter, in these Conditions, the following definitions apply:

- (a) **Award Criteria** - the award criteria set out in the Invitation to Tender.
- (b) **Potential supplier** - a person or organisation who bids for the tender.
- (c) **Conditions** - the conditions set out in this 'Conditions of Tendering' document.
- (d) **Cover Letter** - the cover letter attached to the Tender Information Pack.
- (e) **Goods and/or Services** - everything purchased by ADRA under the contract.
- (f) **Invitation to Tender** - the Tender Information, these Conditions, ADRA's Terms and Conditions of Purchase, ADRA's Child Safeguarding Policy, ADRA's Anti Bribery and Corruption Policy and the IAPG Code of Conduct.
- (g) **Specification** - any specification for the Goods and/or Services, including any related plans and drawings, supplied by ADRA to the Supplier, or specifically produced by the Supplier for ADRA, in connection with the tender.
- (i) **Supplier** - the party which provides Goods and/or Services to ADRA.

### 1. The Contract



The contract awarded shall be for the supply of goods and/or services, subject to the Terms and Conditions of Purchase (attached to these Conditions). ADRA reserves the right to undertake a formal review of the contract after twelve (12) months.

## 2. Late tenders

Tenders received after the Closing Date will not be considered, unless there are in ADRA's sole discretion exceptional circumstances which have caused the delay.

## 3. Correspondence

All communications from Potential suppliers to ADRA relating to the tender must be in writing and addressed to the person identified in this Invitation to Tender. Any request for information should be received at least 5 days before the Closing Date, as defined in the Invitation to Tender. Where appropriate responses to questions submitted by any Potential supplier will be circulated by ADRA to all Potential suppliers to ensure fairness in the process.

## 4. Acceptance of tenders

ADRA/MOECHE may, unless the Potential supplier expressly stipulates to the contrary in the tender, accept whatever part of a tender that ADRA/MOECHE so wishes. ADRA/MOECHE is under no obligation to accept the lowest or any tender.

## 5. Alternative offer

If the Potential supplier wishes to propose modifications to the tender (which may provide a better way to achieve ADRA's Specification) these may, at ADRA's discretion, be considered as an Alternative Offer. The Potential supplier must make any Alternative Offer in a separate letter to accompany the Tender. ADRA/MOECHE is under no obligation to accept Alternative Offers.

## 6. Prices

Tendered prices must be shown as both inclusive of and exclusive of any Value Added Tax chargeable or any similar tax (if applicable).

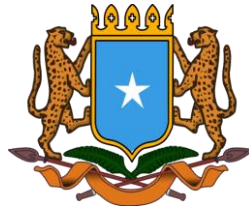
## 7. No reimbursement of tender expenses

Expenses incurred in the preparation and dispatch of the tender will not be reimbursed.

## 8. Non-Disclosure and Confidentiality

Potential suppliers must treat the Invitation to Tender, contract and all associated documentation (including the Specification) and any other information relating to ADRA's employees, servants, officers, partners or its business or affairs (the "**Confidential Information**") as confidential. All Potential suppliers shall:

- recognise the confidential nature of the Confidential Information;
- respect the confidence placed in the Potential supplier by ADRA/MOECHE by maintaining the secrecy of the Confidential Information;
- not employ any part of the Confidential Information without ADRA's prior written consent, for any purpose except that of tendering for business from ADRA;
- not disclose the Confidential Information to third parties without ADRA's prior written consent;
- not employ their knowledge of the Confidential Information in any way that would be detrimental or harmful to ADRA;
- use all reasonable efforts to prevent the disclosure of the Confidential Information to third parties;
- notify ADRA/MOECHE immediately of any possible breach of the provisions of this Condition 9 and acknowledge that damages may not be an adequate remedy for such a breach.



#### **9. Award Procedure**

ADRA's Procurement Committee will review the Potential suppliers and their tenders to determine, in accordance with the Award Criteria, whether they will award the contract to any one of them.

#### **10. Information and Record Keeping**

ADRA shall consider any reasonable request from any unsuccessful Potential supplier for feedback on its bid and, where it is appropriate and proportionate to do so, provide the unsuccessful Potential supplier with reasons why the bid was rejected. Where applicable, this information shall be provided within 30 business days from (but not including) the date on which ADRA receives the request.

#### **11. Anti-Bribery and Corruption**

All Potential suppliers are required to comply fully with ADRA's Anti-Bribery and Corruption Policy (attached to these Conditions).

#### **12. Child Protection**

All Potential suppliers are required to comply fully with ADRA's Child Safeguarding Policy (attached to these Conditions).

#### **13. Human Trafficking and Modern Slavery**

All Potential suppliers are required to comply fully with ADRA's Human Trafficking and Modern Slavery Policy (attached to these Conditions).

#### **14. Exclusion Criteria**

Any Potential supplier is required to confirm in writing that:

- Neither it nor any related company to which it regularly subcontracts is insolvent or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- Neither it nor a company to which it regularly subcontracts has been convicted of fraud, corruption, involvement in a criminal organisation, any money laundering offence, any offence concerning professional conduct, breaches of applicable labour law or labour tax legislation or any other illegal activity by a judgment in any court of law whether national or international;
- Neither it nor a company to which it regularly subcontracts has failed to comply with its obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the relevant country in which it the Potential supplier operates.

Any Potential supplier will automatically be excluded from the tender process if it is found that they are guilty of misrepresentation in supplying the required information within their tender bid or fail to supply the required information.

#### **15. Conflict of Interest / Non-Collusion**

Any Potential supplier is required to confirm in writing:

- That it is not aware of any connection between it or any of its directors or senior managers and the directors and staff of ADRA which may affect the outcome of the selection process. If there are such connections the Potential supplier is required to disclose them.
- Whether or not there are any existing contacts between ADRA, and any other ADRA entity, and it and if there are any arrangements which have been put in place over the last twenty-four (24) months.



- That it has not communicated to anyone other than ADRA the amount or approximate amount of the tender.
- That it has not and will not offer pay or give any sum of money commission, gift, inducement or other financial benefit directly or indirectly to any person for doing or omitting to do any act in relation to the tender process.

#### **16. Assignment and novation**

All Potential suppliers are required to confirm that they will if required be willing to enter into a contract on similar terms with either ADRA or any other ADRA entity if so required.



## PART 4 - APPENDICES

### Appendix 1 – Code of Conduct for IAPG Agencies and Suppliers

#### APPENDIX 1 – CODE OF CONDUCT FOR IAPG AGENCIES & SUPPLIERS



Suppliers and manufacturers to Non-Governmental Organisations (NGO's) should be aware of the Code of Conduct initiatives that the Inter-Agency Procurement Group (IAPG) support. This information is to advise you, our suppliers, of the Corporate Social Responsibility (CSR) element in our supplier relationships.

- Goods and services purchased are produced and developed under conditions that do not involve the abuse or exploitation of any persons.
- Goods produced and delivered by organisations subscribe to no exploitation of children
- Goods produced and manufactured have the least impact on the environment

#### **Code of Conduct for Suppliers:**

Goods and services are produced and delivered under conditions where:

- Employment is freely chosen
- The rights of staff to freedom of association and collective bargaining are respected.
- Living wages are paid
- There is no exploitation of children
- Working conditions are safe and hygienic
- Working hours are not excessive
- No discrimination is practiced
- Regular employment is provided
- No harsh or inhumane treatment of staff is allowed.

#### **Environmental Standards:**

Suppliers should as a minimum comply with all statutory and other legal requirements relating to environmental impacts of their business. Areas to be considered are:

- Waste Management
- Packaging and Paper
- Conservation
- Energy Use
- Sustainability

#### **Business Behaviour:**

IAPG members will seek alternative sources where the conduct of suppliers demonstrably violates anyone's basic human rights, and there is no willingness to address the situation within a reasonable timeframe.



IAPG members will seek alternative sources where companies in the supply chain are involved in the manufacture of arms or the sale of arms to governments which systematically violate the human rights of their citizens.

**Qualifications to the statement**

Where speed of deployment is essential in saving lives, IAPG members will purchase necessary goods and services from the most appropriate available source.

**Disclaimer**

This Code of Conduct does not supersede IAPG Members' individual Codes of Conduct. Suppliers are recommended to check the Agencies' own websites.