

**DATE: 27/08/2024**

**INVITATION TO BID: NO. UKRKI/ITB/2024-003**

**REVISION No.1**

**FOR THE ESTABLISHMENT OF FRAME AGREEMENT FOR THE SUPPLY AND DELIVERY OF PORTABLE POWER STATIONS**

**CLOSING DATE AND TIME: 23.09.2024 – 23:59 HRS, KYIV TIME OR EARLIER**

### **IMPORTANT NOTICE ON ETHICAL CONDUCT**

Under no circumstances should a vendor pay UNHCR or a UNHCR Staff Member for the submission of a quotation, bid or proposal or for the fulfilment of a Contract. This includes any gifts, favors, hospitality, etc. to its Staff Members. Please note that UNHCR strictly follows zero tolerance policy and as such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff. Be aware that if such payment or non-gifts or favors are made, it would result in the immediate termination of the vendor agreement or contract and the vendor would be disqualified from further Request for Quotations/Invitation to Bid/Request for Proposals with UNHCR. You are advised to read and understand the UN Supplier's Code of Conduct specifically its articles 18 to 21 on Ethical Conduct.

### **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.

UNHCR must purchase goods and services worldwide. For further information on UNHCR, its mandate and operations please see <http://www.unhcr.org>.

### **UNHCR ACTIVITIES IN UKRAINE**

Since the start of the recent armed conflict in Ukraine, approximately 7.1 million Ukrainians have been internally displaced, while the number of refugees fleeing into neighboring countries has reached a staggering 5.2 million. UNHCR intends to provide assistance in rebuilding as well as to repair damaged houses.

This tender refers to UNHCR's ongoing humanitarian assistance in support of the conflict affected population who have been displaced in various locations within Ukraine. UNHCR aims

to provide to both displaced and non-displaced population affected by the conflict some Construction Materials, Sanitary Equipment and Electrical Appliances to improve their living conditions.

## **1. REQUIREMENTS**

The Office of the United Nations High Commissioner for Refugees (UNHCR) in Ukraine, invites qualified suppliers and manufacturers to make a firm offer **for the establishment of frame agreement(s) for the supply and delivery of Portable Power Stations for the UNHCR Operation in Ukraine.**

<b>IMPORTANT:</b>
Exact requirements and technical specifications are detailed in Annex A (Terms of Reference) and Annex B (Technical Offer Form).
The projected requirements (quantities) are stipulated in Annex A.

UNHCR may award Frame Agreement(s) with an initial duration of one (1) year, potentially extendable for a further period of one (1) year, for supplying its operations locally. The successful bidder(s) will be required to maintain their quoted price model for the duration of the Frame Agreement(s). However, due to global inflation, for the second year of the Frame Agreement, the rates quoted by the awarded bidder(s) in the Frame Agreement(s) can be indexed with the official inflation rate<sup>1</sup> of the currency proposed. Any adjustments to the rates are subject to prior written confirmation from UNHCR.

Please note that quantities have been stated in order to enable bidders to have an indication of the projected requirements. It does not represent a commitment that UNHCR will require the totality of the above quantity. Quantities may vary and will depend on the actual requirements and funds available regulated by issuance of individual Purchase Orders against the Frame Agreement.

UNHCR may award multiple Frame Agreements as a result of this ITB and might conduct Secondary Bidding throughout the FA validity period<sup>2</sup>. Submitted Unit prices will be considered as CAP rates throughout the contract validity period for awarded bidders. Quotes submitted to secondary bidding must remain equivalent or below the Unit Prices (CAP rates) submitted in this financial offer form.

**Delivery Location/Incoterm:** DAP UNHCR warehouses in Kyiv.

Other United Nations Agencies, Funds and Programmes shall be entitled to the same prices and terms as those contained in the offers of the successful bidders and could form the basis for a Frame Agreement with other UN Agencies.

<b>IMPORTANT:</b>
When a Frame Agreement is awarded, either party can terminate the agreement only upon 90 days' notice, in writing to the other party.

<sup>1</sup> YOY in% as published by the National Bank issuing the respective currency

<sup>2</sup> In case of order award under secondary bidding provision, up to five (5) vendors might be awarded

The initiation of conciliation or arbitral proceedings in accordance with **article 18** “settlement of disputes” of the UNHCR General Conditions of Contracts for provision of Goods shall not be deemed to be a “cause” for or otherwise to be a termination clause.

It is strongly recommended that this Invitation to Bid document and its annexes should be read thoroughly. Failure to observe the procedures laid out therein, may result in disqualification from the evaluation process.

#### **QUALITY CONTROL THROUGHOUT THE FRAME AGREEMENT:**

UNHCR may carry random quality inspections from samples selected during production, upon departure, loading, unloading, arrival to destination or from any storage location. The cost of the quality control inspections will be covered by UNHCR. In case repeated inspection is required due to supplier’s quality default, in addition to the good’s PO liquidated damage clauses, the inspection cost will be charged to the supplier.

Please also note that the items delivered to UNHCR by the selected supplier might also be inspected at the time of its delivery at UNHCR to confirm the correct receipt of items according to UNHCR’s specifications. In case of rejection and non-acceptance of any item due to wrong specifications or bad quality, UNHCR will not be responsible for its return and transportation, or any cost involved. Furthermore, in such cases, the selected supplier shall replace the rejected items free of charge within the timeframe stipulated in Annex A of this document. In case repeated inspection is required due to supplier’s quality default, in addition to the good’s PO liquidated damage clauses, the inspection cost will be charged to the supplier.

Sub-Contracting: Please take careful note of article 4 of the attached General Terms and Conditions (Annex E).

Note: this document is not to be construed in any way as an offer to contract with your firm.

#### **Organizational Settings:**

Qualified bidders shall provide the name and contact information of a Customer Relations Manager or similar, responsible for the smooth running and execution of orders placed by UNHCR in Ukraine.

## **2. BIDDING INFORMATION:**

### **2.1. ITB DOCUMENTS**

The following annexes form integral part of this Invitation to Bid:

ANNEX A: Terms of Reference

ANNEX B: Technical Offer Form

ANNEX C: Financial Offer Form

ANNEX D: UNHCR Vendor Registration Form

ANNEX E: UNHCR General Conditions of Contracts for the provision of Goods-Rev: July 2018

ANNEX F: UN Supplier Code of Conduct

ANNEX G: Documentation procedures on tax reporting (for companies with VAT payer status – only for companies registered in Ukraine).

### **2.2 ACKNOWLEDGMENT**

We would appreciate your informing us of the receipt of this ITB by return e-mail to [ukrkipro@unhcr.org](mailto:ukrkipro@unhcr.org) as to:

- Your confirmation of receipt of this “Invitation to Bid (ITB)”;
- Whether or not you will be submitting a bid.

This is important to communicate with the bidders in case of any changes in the tender requirements, tender closing date, etc.

**IMPORTANT:**

Please note that Bid Submissions are not to be sent to the e-mail address: [ukrkipro@unhcr.org](mailto:ukrkipro@unhcr.org). Failure to comply with this provision will result in disqualification.

### **2.3 REQUESTS FOR CLARIFICATION AND PRE-BID CONFERENCE**

Bidders are required to submit any request for clarification in respect of this ITB by e-mail to [ukrkipro@unhcr.org](mailto:ukrkipro@unhcr.org). **The deadline for receipt of questions is 8 September 2024 at 23:59hrs, Kyiv time.**

UNHCR will compile the questions received and plan to respond to the questions shortly after the query closing date. UNHCR may, at its discretion, copy any reply to a particular question to all other invited bidders at once.

#### **PRE-BID CONFERENCE**

An online supplier pre-bid conference will be arranged on MS Teams on 6 **September 2024 between 10:00 hrs and 12:00 hrs**. A maximum of two representatives per company are allowed. Names and contact details of the company’s representatives must be provided in writing latest by 5 **September 2024 15:00** Ukraine time by e-mail to: [ukrkipro@unhcr.org](mailto:ukrkipro@unhcr.org)

Changes in participating staff need to be shared in advance, otherwise, they will not be able to participate. Participation in the pre-bid conference shall be at the bidders’ own expenses. There will be no reimbursement from UNHCR. UNHCR will share the link with interested bidders to attend the meeting on Microsoft Teams.

### **2.4 YOUR OFFER**

**Your offer shall be prepared in English or in Ukrainian.**

**IMPORTANT:**

**Cancellation of Solicitation: UNHCR reserves the right to cancel a Solicitation at any stage of the procurement process prior to final signature of the awarded contract.**

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

**IMPORTANT:**

**Inclusion of copies of your offer with any correspondence sent directly to the attention of the responsible buyer or any other UNHCR staff other than the submission e-mail address will**

result in disqualification of the offer. Please send your bid directly to the address provided in the “Submission of Bid” (section 2.6) of this ITB.

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.

### **Special Instructions:**

- **Transportation:** the cost must be inclusive of transportation to UNHCR warehouse located in Kyiv as stated in the financial offer form.
- **Pre-loading inspection:** the selected supplier must check/inspect all the items before dispatching them to UNHCR warehouse.
- **Rejected items:** all rejected items must be replaced by the supplier at no extra cost to UNHCR (See above paragraph 1 - Requirements, and Annex A)
- **Change in quantity:** the quantity shown may go up as well as come down.

Your offer shall comprise the following two sets of documents:

- Technical offer
- Financial offer

### **2.4.1 Content of the TECHNICAL OFFER**

#### **IMPORTANT:**

No pricing information should be included in the technical offer. Failure to comply may risk disqualification. The technical offer should contain all information required.

The technical details of the products requested by UNHCR can be found in **Annex A**. Your technical offer should clearly demonstrate whether or not the goods you are offering fully conform to the product specifications given. Clearly state and disclose any discrepancies with the specifications given.

#### **I. Mandatory Requirements (Pre-conditions): Pass/Fail criteria**

The following **seven (7) pre-conditions** must be met by the bidder for your offer to be eligible for competition. The following documents / confirmations should be submitted:

1. Company registration certificate. Proof that your company was registered for three (3) or more years from the date of your offer. Please attach company registration certificate.
2. VAT/Tax registration certificate (or Unite tax certificate, in case of bidders registered in Ukraine).
3. Duly completed, signed, stamped, and dated vendor registration form (**Annex D**) unless your Company is already registered with UNHCR in which case you must submit an empty Vendor registration form with your vendor ID number.
4. Duly signed, stamped, and dated UNHCR General terms and conditions (**Annex E**) including payment terms which is within 30 days from the date of receipt of invoices following satisfactory delivery of goods/services, as confirmation of acceptance.

5. Duly signed, stamped, and dated UN Supplier Code of Conduct (**Annex F**), as confirmation of acceptance.
6. Acceptance of application of the UN exchange rates for conversion and payment as of PO issuance date (for bidders registered in Ukraine) – to be confirmed in Annex B
7. Acceptance of documentation procedures on tax reporting (only for companies with VAT payer status in Ukraine): Your technical offer should contain your acknowledgement of the documentation procedures on tax reporting by signing, stamping **Annex G**.
8. Acceptance and compliance with the delivery term (delivered at place-DAP) to the UNHCR warehouse in Kyiv, Ukraine – to be confirmed in Annex B
9. Provision of key financial data: Please provide the bidding company's balance sheets for the last three years (most recent), clearly indicating the turnover of the company.

**II. The following details shall also be provided along with your offer:**

**Technical Offer Form (Annex B):** Bidders are required to fill in, attach all documents required, sign, stamp and provide a response to each point stated in **Annex B**.

**Specification documents and data Sheets:** Bidders are required to demonstrate compliance of the offered items to UNHCR's product specifications and requirements (as listed in Annex A and Annex B). Bidders are required to duly complete Annex B, clearly stipulate the Brand and Model of the proposed item and **submit s catalog and/or detailed technical description/product data sheet, issued by the Manufacturer, as part of their Technical Offer. All technical details should be clearly described and include product specifications of the item offered against all the technical criteria stipulated in Annex A.**

**Warranty:** The bidder shall indicate the proposed warranty period (Official Warranty applicable in Ukraine).

**Availability of an authorized service center in Ukraine for warranty and post-warranty service:** The Technical Offer must include a detailed description of the authorized service centers in Ukraine for the provision of troubleshooting and maintenance during the Warranty and post-warranty period.

**Compliance with EU (European Union) and Ukrainian standards:** the bidder shall submit a copy of the proposed product's CE or equivalent certificate. The proposed item must possess all the necessary licenses, authorizations, and certificates for utilization for the intended purpose in Ukraine.

**Packing utilization details:** The technical offer shall clearly indicate compliance with the packing and transport requirements of **Annex A** to this ITB – to be confirmed in Annex B

**Delivery capacity/lead time:** The bidder must indicate its capacity to deliver the items to the indicated delivery location (Kyiv) in Annex C.

**IMPORTANT:** order quantities may vary and include relatively small requirements. Bidders must be able to deliver irrespective of the Container load requirement (less than full container load quantities to be available for delivery as well).

**Replacement of rejected items:** If any items are rejected by UNHCR following delivery being non-compliant to UNHCR's tender specifications, the awarded supplier shall replace such rejected items as per the timeframe stipulated in Annex A.

#### **2.4.2 Content of the FINANCIAL OFFER**

The Financial Offer is to be submitted as per the Financial Offer Form Annex C. Bids that have a different price structure **may not be accepted**. Offers should be submitted in a single currency, in US Dollars, EUR or in UAH (Companies registered in Ukraine, if they prefer, can submit their offer in UAH).

If the awarded bidder is registered in Ukraine, irrespective of the currency of the offer, any subsequent purchase order will be issued in UAH and resulting payments will be executed in UAH at United Nations rate of exchange in effect on the date Purchase Order (PO) issuance. UNORE rate, including historical data is available via the following link: <https://treasury.un.org/operationalrates/OperationalRates.php>.

If the awarded bidder is not registered in Ukraine, all purchase orders will be issued and resulting payments will be executed in the currency of the respective offer.

**IMPORTANT:** Please carefully consider the pricing model applicable to this invitation to bid.

#### **Price has to be submitted without VAT.**

**Unit costs:** UNHCR is exempt from all direct taxes and customs duties. In this regard, price has to be given without VAT. However, if the Bidder is a registered VAT payer in Ukraine, this must be stated, and the VAT rate in % must be clearly indicated in the financial offer form (**Annex B**).

All prices shall be offered on DAP delivery terms (Kyiv).

You are requested to hold your offer valid for 90 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.

For evaluation purposes only, the offers submitted in currency other than US Dollars may be converted into US Dollars using the United Nations rate of exchange in effect on the date the offers are due.

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.

#### **2.5 BID EVALUATION:**

The evaluation will be conducted in 3 stages as follows:

**2.5.1 Technical Evaluation:** The technical component of the submission will be evaluated using the criteria PASS or FAIL by using the exact same structure as outlined in Annex B, and based on the requirements from Annex A and Annex B.

**Only complete offers shall be considered for evaluation**

- a. First Stage (Preliminary): checking and verification of submitted technical offer by UNHCR Technical Evaluation Committee (TEC). UNHCR's TEC will check the submitted technical offer on the pre-qualification and mark 'Pass' or 'Fail' against the conditions listed at point no. 2.4.1. (I.).
- b. Second Stage: assessment of the technical documents (including product data sheets, etc.) by the TEC. UNHCR nominated TEC will verify the submitted technical documents including all product-related information/documents and general requirements. **ONLY offers scoring 'PASS' to all verification points for all items**, as shown in **Annex B** will qualify for further evaluation. Offers should meet the following requirements.
  - Compliance with the Mandatory eligibility criteria – Documents to be submitted as listed in Annex B.
  - Compliance of the offered items with UNHCR's product specifications and requirements (as listed in Annex A and Annex B) – to be confirmed by the bidder in Annex B. Product details and specifications are to be added/attached for all items, wherever applicable, by the bidder in Annex B.
  - Compliance with the General Requirements, including INCOTERMS, Payment Terms, Delivery Capacity, Replacement capacity, Packaging requirements, etc.

**2.5.2 Financial evaluation:**

As the third stage of the evaluation, the financial component will be analyzed only for those bidders that pass the technical evaluation (**see above paragraph 2.5.1**).

All bids from suppliers will be evaluated based on:

- DAP Kyiv, Ukraine Unit cost, VAT excluded and DAP Kyiv, Ukraine Total cost, VAT excluded.

For evaluation purposes only, the offers submitted in currency other than US Dollars will be converted into US Dollars using the United Nations rate of exchange in effect on the date the submissions are due.

**3. SUBMISSION OF BID:**

The offers must bear your official letter head, clearly identifying your company.

Bids should be submitted by e-mail and all attachments (Annex A, Annex B, Annex C, Annex D, Annex E and Annex F and Annex G-if applicable) should be in PDF format (the pdf file shall be clear and readable), signed and stamped. (Copies of the PDF format documents as an addition, shall also be included in Excel (**Annexes B and Annex C**)).



**The Technical and Financial offers shall be clearly separated (sent by separate e-mails), and no price information shall be mentioned in the technical offer.**

Bids must be sent by e-mail ONLY to: **UNHCR-UKR-tendercommittee@unhcr.org** - with all supporting documents, one email shall not exceed 15 Mb.

**Bids sent via Google drive, etc. will not be considered! All bid documentation (all files, folders, etc.) must be sent to UNHCR-UKR-tendercommittee@unhcr.org.**

Kindly indicate in the email subject field:

- Bid *UKRKI/ITB/2024-003*
- Name of your firm with the title of the attachment,
- Number of emails that are sent (example 1/3, 2/3, etc.)
- Whether your email is part of your Technical or Financial offer

*For example:*

- ***UKRKI/ITB/2024-003 Company XXX - Technical Offer (email 1 of 4)***
- ***UKRKI/ITB/2024-003 Company XXX - Financial Offer (email 1 of 2)***

**Please follow the below instructions for submitting the offers via email:**

- a. Format: PDF files (Preferred);
- b. Email size must not exceed 15 MB;
- c. For big attachment over 15MB please split into multiple numbered emails (e.g. 1 of 3, 2 of 3 and 3 of 3);
- d. No document downloading links are accepted. All documents must be attached with the email.
- e. If you are uploading number of small files, please move the files into a “ZIP folder” and send a zip file instead of each file individually.
- f. The Technical offers and Financial offers must be submitted in separate emails.
- g. All files must be free of viruses and not corrupted.
- h. UNHCR reserves the right to accept or reject any offers that is not following the email submission instructions.
- i. No other person from UNHCR to be copied on the tender emails otherwise the supplier may be disqualified.

**Deadline for submission: 23/09/2024, 23:59:00hrs Kyiv Time or Earlier.**

**IMPORTANT:**

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

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

**LATE SUBMISSION OF BIDS: Bids received after the deadline for submission of bids and bids transmitted in any other manner than those indicated above will not be considered.**

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 would enhance the comprehension of its offer.

**IMPORTANT:**

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

**4. BID ACCEPTANCE:**

UNHCR reserves the right to accept the whole or part of your bid.

UNHCR may at its discretion increase or decrease the proposed content when awarding the contract and would not expect a significant variation of the rate submitted. Any such increase or decrease in the contract duration would be negotiated with the successful pre-qualified bidder as part of the finalization of the Purchase Orders for Goods.

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.

UNHCR at its own discretion reserve the rights to accept or cancel the whole tender at any stage.

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, delivery time, as well as conforming to UNHCR's general principles, including economy and efficiency and best value for money.

**4.1 CURRENCY AND PAYMENT TERMS FOR PURCHASE ORDERS**

1. In case the awarded bidder is registered in Ukraine: any Purchase Order (PO) issued in response of this ITB **will be made in UAH**. Resulting payments **will be made in UAH**. Contract rates offered in USD or EUR will be converted into local currency (UAH) as per the UN rate of exchange applicable on the day the PO is issued. All resulting payments in UAH will also be based on the UNORE exchange rate applicable on the day the PO is issued. Up to date UN exchange rate can be found at <https://treasury.un.org/operationalrates/OperationalRates.php>.
2. In case the awarded bidder is not registered in Ukraine, all purchase orders and subsequent payments will be made in the currency of the submitted offer.

Bidders who cannot or are unwilling to be paid in local currency (UAH) as per the UN exchange rate applicable on the day the PO is issued cannot be considered for this tender (**applicable only to companies registered in Ukraine**).

**UNHCR DOES NOT UNDERTAKE TO PAY ADVANCES, BY LETTERS OF CREDIT OR IN ADVANCE OF DELIVERY OF SERVICE.**

**5. UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF GOODS**

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

**6. ZERO TOLERANCE POLICY**

Please note that UNHCR strictly follows zero tolerance policy and as such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff.

**7. THE UN GLOBAL COMPACT**

UN Global Compact and other factors: UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary-General Kofi Annan that would bring companies together with UN agencies, labor and civil society to support ten principles in the areas of the human rights, labor, environment, and anti-corruption. We encourage our suppliers to sign up with the UN Global Compact Initiative. UNHCR encourages bidders to sign up to this initiative at: <https://www.unglobalcompact.org/>

[UNHCR'S TENDER ARE AVAILABLE FREE OF CHARGE.](#)

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