

Tender Reference: LSF/29/ORS-T

A. Instructions to Tenderers

In submitting their tenders, tenderers must respect all instructions, forms, Terms of Reference, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified will lead to the rejection of the tender.

1. Services to be provided

The services required are described in the Terms of Reference.

2. Timetable

	DATE	TIME*
Deadline for request for any clarifications from the Legal Services Facility	01 September,2017	16.00
Site visit (if any)	Not applicable	Not applicable
Clarification meeting (if any)	28 August,2017	14.00-15.00
Last date on which clarifications are issued by the LSF	05 September,2017	17.00
Deadline for submission of tenders	07 September,2017	16.00
Notification of award to the selected tenderer	14 September,2017	-
Contract signature	15 September,2017	-
Commencement date	18 September,2017	-

3. Content of tenders

Each tender must comprise a **Technical offer** and a **Financial offer**, each of which must be submitted separately. Each Technical offer and Financial offer must contain one original, clearly marked "**Original**", and 2 (two) copies, each marked "**Copy**". **Failure to respect these requirements will constitute a formal error and will result in the rejection of the tender.**

4.1 Technical offer

The Technical offer must include the following documents:

- (1) **A.2. Tender submission form** including:
 - a) **Signed statements of exclusivity and availability** (using the template included with the tender submission form), one for each key expert, the purpose of which are as follows:
 - ❑ The key experts proposed in this tender must not be part of any other tender being submitted for this tender procedure. They must therefore engage themselves **exclusively** to the tenderer.
 - ❑ Each key expert must also undertake to be **available**, able and willing to work for all the period foreseen for his/her input during the implementation of the contract as indicated in the Terms of Reference and/or in the Organisation and Methodology.

Note that non-key experts must not be asked to sign statements of exclusivity and availability.

If a key expert has been proposed by more than one tenderer with the agreement of the key expert, the corresponding tenders may be rejected.

Having selected a firm partly on the basis of an evaluation of the key experts presented in the tender, the Legal Services Facility expects the contract to be executed by these specific experts. The desire of a tenderer to use an expert on another project or a change of mind on the part of an expert about the contract will not be accepted as a reason for substitution of any of the key experts.
 - b) **A signed declaration** from each legal entity identified in the tender submission form, using the format attached to the tender submission form.
 - c) **A completed Financial Identification form** (see Annex B.5. of the draft contract) to nominate the bank account into which payments would be made in the event that the tender is successful.
- (2) **Organisation and methodology** (To become Annex B.2. of the contract), to be drawn up by the tenderer using the format in Annex B.2. of the draft contract.
- (3) **Key experts** (To become Annex B.3. of the contract). The key experts are those whose involvement is considered to be instrumental in the achievement of the contract objectives. The Terms of Reference in Annex B.1. of the draft contract mentions key experts and they are subject to evaluation according to the evaluation grid in Part C of this tender dossier.

Annex B.3. of the draft contract contains the templates which must be completed by the tenderer, including:

- a) a list of the names of the key experts;
 - b) the CVs of each of the key experts. **Each CV must be confined to 4 pages and only one CV should be provided for each position identified in the Terms of Reference.** Note that the CV's of non-key experts must not be submitted.
- (4) Tenderers must provide the following documents in the case of the key experts proposed:
- a copy of the diplomas mentioned in their CVs,

A CD-ROM containing the electronic version of the technical offer must be included with the printed version in the separate envelope in which the technical offer is submitted. In case of any discrepancies between the electronic version and the original, printed version, the latter will prevail.

4.2 Financial offer

The Financial offer must be presented in Tanzania Shillings and will contain.

- 1) Fees
- 2) Incidental expenditures

A CD-ROM containing the electronic version of the financial offer must be included with the printed version in the separate envelope in which the financial offer is submitted. In case of any discrepancies between the electronic version and the original, printed version, the latter will prevail.

Payments under this contract will be made in Tanzania Shillings to a bank account as specified by the selected tenderer in its Tender submission documents. Any applicable taxes are the full responsibility of the tenderer

5. Additional information before the deadline for submission of tenders

The tender dossier and subsequent clarification meeting should be clear enough to avoid candidates invited to tender from having to request additional information during the procedure.

Tenderers may submit questions via email to the following address up to 16.00 hrs on 01st September, 2017 specifying the **publication reference** and the **contract title**:

Contact name Chief Executive Officer

Address Legal Services Facility, Bima Str, Nyati Rd, Mikocheni B, Dar es Salaam

E-mail: said.chitung@lsftz.org

C/c gerald@cgatez.com; mahada.erick@lsftz.org; bonney.majila@lsftz.org;

Any prospective tenderers seeking to arrange individual meetings with the Legal Services Facility concerning this contract during the tender period may be excluded from the tender procedure.

A **clarification meeting** will be held on **Monday 28th August, 2017 14.00-15.00 hrs at Legal Services Facility, Bima Street / Nyati Rd, Mikocheni B, Dar Es Salaam**, to answer any questions on the tender dossier raised at the meeting. Minutes will be taken during the meeting and these will be communicated - together with any clarifications in response to written requests which are not addressed during the meeting - in writing to all the tenderers at the latest **Tuesday 05th September, 2017 at 17.00 hrs**. No further clarifications will be given after this date. All costs of attending this meeting must be met by the tenderers.

6. Submission of tenders

Tenders must be submitted in English such that they are **received** before the deadline specified in these instructions to tender. They must include the Tender Submission form in part D of this tender dossier and be submitted:

- **hand delivered** (including courier services) **directly** to the Legal Services Facility in return for a **signed and dated receipt** to:

Chief Executive Officer

Legal Services Facility

Bima Street, Nyati Rd, Mikocheni B, Dar es Salaam

Tenders submitted by any other means will not be considered. Tenders must be submitted using the double envelope system, i.e. in an outer parcel or envelope containing two separate, sealed envelopes, one bearing the words "**Envelope A - Technical offer**" and the other "**Envelope B - Financial offer**". **All parts of the tender other than the financial offer must be submitted in Envelope A (i.e. including the Tender Submission form, statements of exclusivity and availability of the key experts and declarations).**

Any infringement of these rules (eg, unsealed envelopes or references to price in the technical offer) is to be considered a breach of the rules, and will lead to rejection of the tender.

The outer envelope should carry the following information:

- a) the address for submission of tenders indicated above;
- b) the reference code of the tender procedure to which the tenderer is responding (ie, **LSF/29/ORS-T**);
- c) the words "Not to be opened before the tender-opening session";
- d) the name of the tenderer.

The pages of the Technical and Financial offers must be numbered sequentially.

The tender submission deadline is Thursday 07th September, 2017 at 16.00 hrs local time.

7. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after the deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Clause 6. The outer envelope (and the relevant inner envelope) must be marked 'Alteration' or 'Withdrawal' as appropriate.

8. Costs for preparing tenders

No costs incurred by the tenderer in preparing and submitting the tender shall be reimbursable. All such costs shall be borne by the tenderer. In particular, if proposed experts were interviewed, all cost shall be borne by the tenderer.

9. Ownership of tenders

The Legal Services Facility retains ownership of all tenders received under this tendering procedure. Consequently, tenderers have no right to have their tenders returned to them.

10. Evaluation of tenders

10.1 Evaluation of technical offers

The quality of each technical offer will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid in Part C of this tender dossier. No other award criteria will be used. The award criteria will be examined in accordance with the requirements as indicated in the Terms of Reference.

10.2 Evaluation of financial offers

Upon completion of the technical evaluation, the envelopes containing the financial offers for tenders which were not eliminated during the technical evaluation (ie, those which have achieved an average score of 80 points or more) will be opened. Tenders exceeding the maximum budget available for the contract will be eliminated.

10.3 Choice of selected tenderer

The most economically advantageous tender is established by weighing technical quality against price on an 80/20 basis.

10.4 Confidentiality

The entire evaluation procedure is confidential. The Evaluation Committee's decisions are collective and its deliberations are held in closed session. The members of the Evaluation Committee are bound to secrecy.

The evaluation reports and written records, in particular, are for official use only and may be communicated neither to the tenderers nor to any party other than the Legal Services Facility and the Auditors.

11. Ethics clauses / Corrupt practices

- a) Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the Evaluation Committee or the Legal Services Facility during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender.
- b) The tenderer must not be affected by any potential conflict of interest and shall have no particular link with other tenderers or parties involved in the project.
- c) The Legal Services Facility reserves the right to suspend or cancel this tender and its financing if corrupt practices of any kind are discovered at any stage of the award process or during the implementation of a contract. For the purposes of this provision, "corrupt practices" are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or implementation of the contract already concluded.

Failure to comply with one or more of the ethics clauses may result in the exclusion of the tenderer.

12. Signature of contract

12.1 The successful tenderer will be informed in writing that its tender has been accepted (notification of award).

12.2 Signature of the contract

Within 2 calendar days of receipt of the contract already signed by the Legal Services Facility, the selected tenderer shall sign and date the contract and return it to the Legal Services Facility.

Failure of the selected tenderer to comply with this requirement may constitute grounds for the annulment of the decision to award the contract. In such a case, the Legal Services Facility may award the tender to another tenderer or cancel the tender procedure.

The other candidates will be informed that their tenders were not accepted, by means of a standard letter, which includes an indication of the relative weaknesses of their tender by way of a comparative table of the scores for the winning tender and the ones for the unsuccessful tender.

13. Cancellation of the tender procedure

In the event of cancellation of the tender procedure, tenderers will be notified of the cancellation by the Legal Services Facility. If the tender procedure is cancelled before the outer envelope of any tender has been opened, the unopened and sealed envelopes will be returned to the tenderers.

Cancellation may occur where:

- the tender procedure has been unsuccessful, ie, no qualitatively or financially worthwhile tender has been received or there is no response at all;
- exceptional circumstances or *force majeure* render normal performance of the contract impossible;
- all technically compliant tenders exceed the financial resources available;
- there have been irregularities in the procedure, in particular where these have prevented fair competition.

In no event shall the Legal Services Facility be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if the Legal Services Facility has been advised of the possibility of damages.

Appeals

Tenderers believing that they have been harmed by an error or irregularity during the award process may petition the Legal Services Facility directly. The Legal Services Facility must reply within 5 days of receipt of the complaint.

Where informed of such a complaint, the Legal Services Facility will do all it can to facilitate an amicable solution with the complainant (tenderer).

If the above procedure fails, the tenderer may have recourse to procedures established under the national legislation.