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# SECTION-I: PROCUREMENT PLANNING

Contract management encompasses within it the management and implementation of all activities that are concerned and related with contract in close coordination with the overall planning of District Development Committee (DDC) such as acquiring and filing the necessary Bill of Quantities (BOQ), cost estimates and other relevant documents and publication of bid notice, evaluation of bids, award of contract, signing of contract agreement, issuing work order and monitoring work executed by the contractors etc. Furthermore, the problems accruing during the contract administration have to be put forward to the management and contribute actively towards its solution. As the contract management is incomplete without the quality control/assurance, supervision of overall construction, coordination in personnel management and other related activities should be within the scope of contract management.

The procedure to administer any type of contract for any type of work packages within and as defined by the DDC's Office, starts from the actual implementation plan or the construction execution in line with the set target according to the overall planning of the DDC and ends when the final account with the Firm is settled, the file closed with all the necessary documentation and forwarded for the audit.

Bidding procedures involves all the procedures and steps since the publication of bid notice until completion of the contracted job and final settlement of account including final check, third party technical audit and audit of books and account.

# 1. DISTRICT DEVELOPMENT PLAN

District Development plan for the procurement of Civil Works, Consulting Services and Goods in the district should be prepared and approved as per Local Self Governance Act and its Regulations.

- (1.1) For all Trail Bridges that have to construct, a procurement plan shall be prepared, and such plan should outline following aspects:
  - a. Number of trail bridges (new construction and maintenance), that are to be constructed;
  - b. Slicing and packaging (i.e., list of individual contract packages) for Engineering Package (EP), Fabrication Package (FP) and Construction Turnkey package (CTP);
  - c. the method of procurement bid for Long Span Trail Bridge(LSTB) and through community for Short Span Trail Bridge(SSTB) procurement scheduling for each package, i.e. time table for events such as date of Issue of Bidding SBDs, Opening of bids. Award of contract Completion of works, etc.;
  - d. Identification of the critical path (i.e., the most important contract whose delay will affect the scheduling of other contract packages.
- (1.2) The procurement plan shall be updated periodically to reflect realities in the implementation.

# 2. ANNUAL PROCUREMENT PLAN

Annual Procurement Plan (APP) is the segregation of District Development Plan (DDP) for the procurement of Civil Works, Consulting Services and Goods in the district. The annual procurement plan of Trail Bridges should be made as per master or periodic plan of the district and should be prepared and approved as per Local Self Governance Act (LSGA) and its Regulations.

Primary Considerations given to the annual procurement plan are as follows:

- (2.1) DDC's Office shall plan procurement so that it is carried out within available financial resources and other applicable limitations, and at the most favorable time, and, when possible, in bulk form so as to achieve economies of scale in procurement.
- (2.2) Prior to the commencement of the fiscal year, each DDC's Office shall prepare an Annual Procurement Plan of the procurement that it intends to carry out during that year for the construction of trail bridges. This plan shall be made in way that bridges are constructed in one construction season. The Annual Procurement Plan shall include information on the:
  - a) types and quantities of the goods, works and services to be procured;
  - b) the timing of the procurement and the implementation of the related contracts;
  - c) an indication of possible packages of procurement, and their value;
- (2.3) Procurement procedure for "Construction Turnkey Package" and Consultant for "Construction Supervision and Quality Control" should be initiated in parallel and contract award should be made simultaneously.
- (2.4) As needed, the DDCs' Office shall periodically update and revise the annual procurement plan.

# **3.** COST ESTIMATE

During the invitation of bids, the estimate amount shall be made apparent to the firms as per Local Governance Financial Administration Regulations (LGFAR). However, the following considerations shall be noted by the bidders in advance:

- i. The amount thus mentioned is exclusive of the overhead costs.
- ii. The estimated amount shall be considered only as a base line for the preparation of bid, its costing, pricing and fixing the final "lump sum amount".
- iii. Firms intended to bid for EP are to visit the sites or to collect the first hand information regarding the site condition and the same shall be reflected in their lump sum price of the bid considering all possible inaccuracy and other risk factors.
- iv. Any rates thus quoted and approved by the DDC's Office shall be binding upon both the concerned parties, and any request for the change in such rates, whatsoever is the reason shown by the Firm later on, shall not be entertained.

### 4. IMPLEMENTATION AND CONTRACT PACKAGES

#### 4.1 Implementation of Long Span Trail Bridge (LSTB)

The **LSTB** construction program is implemented through private sector, i.e. consultants for engineering works and contractor for bridge construction and erection works under construction turnkey package through the following contract packages:

A.	Engineering Package	[EP]
B.	Construction Turnkey Package <sup>1</sup>	[CTP]

The Engineering Packages are executed by the Engineering Consultants. The Construction Turnkey Package is executed by the Contractor.

### 4.2 Implementation of Short Span Trail Bridge (SSTB)

A SSTB is basically a Community Bridge. The community initiates, mobilizes resources and manages the construction of the bridge by forming a User's Committee (refer to "Social Organizational Support Manual"). The DDC nominates the NGO to support the communities to build SSTB bridges in the district. A detailed engineering survey and detailed design of a SSTB is executed by a nominated NGO. The community manages the construction of the bridge with social and technical support from the NGO. The DDC provides the Foreign Materials, which are not available at or near the construction site to the communities. Foreign Materials are steel wire ropes, steel parts, cement, G.I.Wire and tools. Steel wire ropes are procured centrally. Other materials are procured by the DDC. The steel parts are procured under the Fabrication package **[FP]**. The [FP] is executed by the Fabricator.

# 5. ENGINEERING PACKAGE [EP]

Engineering packages may consist of one of the following at a time:

- 1. Socio-economic and Technical Feasibility Study (SETFS),
- 2. Detailed Engineering Survey & Detailed Design (DESDD),
- 3. Construction Supervision & Quality Control (CSQC),
- 4. Third Party Technical Audit (TPTA).

Except "Third Party Technical Audit", all engineering packages are applicable only for LSTB.

In case of SSTB/Community Bridges, a nominated NGO shall provide the engineering and social support to the community for construction of the said bridges from planning phase up to the construction phase.

"Third Party Technical Audit" is applicable for all bridges of the District, which includes both SSTB/Community Bridges and LSTB.

The detail tasks and responsibilities of the above are given in the Terms of Reference (ToR) of respective packages and Standard Bidding Documents (SBDs)<sup>2</sup>.

<sup>&</sup>lt;sup>1</sup> Refer to "Manual for Contractor – Trail Bridge Construction"

<sup>&</sup>lt;sup>2</sup> Refer to Bidding Document for EP.

# **SECTION-II: PROCUREMENT METHODS**

### 6. SELECTION OF PROCUREMENT METHOD

#### 6.1 Community Based Procurement Method

Short Span Trail bridge (SSTB) is basically a Community Bridge. So as per LFAR, community based procurement method is applied for the construction of SSTB.

For detail refer to 4.2.

#### 6.2 **Open Bid Method for Engineering Services**

A Open Bid system is necessary in order to short list capable consulting firms from among many bidders. The objectives of the open bid are:

- i. To avoid tenuous pre-qualification process;
- ii. To discourage the cartel system between the Firms;
- iii. To simplify the process both in terms of time and efficiency
- iv. To promote professionalism regarding the bid and contract management for both concerned parties.

This manual is prepared for the application of all open bid procedure only. Open bid method is applied through the open invitation of bid for all eligible and qualified bidders concerned. The bidders can purchase the SBDs without any restrictions from the DDC office and can make their bid within the stipulated time. In order for sufficient number of firms to participate in the bidding process, an Invitation For Bid (IFB) shall be made from eligible firms. Such invitation shall be made on the National Daily Newspaper with all the necessary information.

The DDC's Office shall determine to its satisfaction whether the Bidder that is identified as having submitted the lowest evaluated responsive bid is qualified to perform the contract satisfactorily, in accordance with the criteria listed in Standard Bidding Documents (SBDs). The determination shall be based upon an examination of the documentary evidence submitted by the Bidder in accordance with the requirements set forth in the SBDs. Following packages are procured through open bid method as per LFAR.

#### 6.2.1 Socio-economic and Technical Feasibility Study Package

The objectives of the present socio-economic and technical feasibility study are to investigate/acquire data/information as per the set criteria for off the Main Trail LSTB bridges and Main Trail LSTB bridges costlier than Rs. 8 million. In particular, the study will concentrate on following three areas :

- economic and social benefits after the bridge construction;
- technical feasibility to built a LSTB bridge; and
- existing, ongoing and planned development activities (construction of road, hydropower, etc.).

Detailed description of this package consists the works specified in the TOR of respective SBD.

Contract price is fixed on lump sum basis.

#### 6.2.2 Detailed Engineering Survey & Detailed Design Package

The main objective of the assignment is to execute Detailed Engineering Survey and Detailed Design of LSTB bridges.

- Desk study of maps, preliminary geological reports and other relevant documents,
- Geo-technical, hydrological investigation and site selection, topographic survey,
- Detailed design and Cost Estimate.

Detailed description of this package consists the works specified in TOR of the respective SBD. Contract price is fixed on lump sum basis.

#### Procurement of Consulting Service (EP)

#### 6.2.3 Construction Supervision & Quality Control Package

The scope of work includes conducting construction supervision and quality control of trail bridges to ensure that quality of the constructed bridge, i.e., steel parts and its fixtures, construction material used, civil structures and erection works meet stipulated design standards, technical norms and specifications according to sound engineering practices and as per LSTB standard. The job of construction supervision and quality control of trail bridges includes:

- (a) to ascertain that smooth work flow is maintained by the Contractor/Fabricator according to schedule as agreed in the Contract Agreement.
- (b) to ascertain that construction materials of standard quality are used and meet specifications.
  - to ascertain that works are regularly supervised on behalf of contractor / fabricator by the persons as given in the technical proposal of contractor / fabricator or agreed during the signing of contract agreement or as consented by the Employer.
  - to ascertain that all items of work stipulated for the bridge construction are carried out as per design, norms, specifications and standards.
  - to ascertain and make available with recommendation to the EMPLOYER a listing of any additional works and volume of work, not originally conceived, but necessary in order to make the bridge safe in a long run, e.g. bank protection, retaining walls, drainage structures and environmental works etc.

Detailed description of this package consists the works specified in TOR of the respective SBD.

Contract price is fixed on lump sum basis.

### 6.2.4 Third Party Technical Audit

The primary objective of conducting third party technical audit of all LSTB and SSTB bridges of the district is to ensure the following:

- proper planning, prioritization and budget allocation,
- proper site selection,
- cost effective design,
- rational cost estimate,
- quality of completed bridges is as per design, norms, specifications and LSTB and SSTB standards,
- actual cost of the bridge is realistic (not inflated),
- good governance, gender and equity.

Detailed description of this package consists the works specified in TOR of the respective SBD.

Contract price is fixed on lump sum basis.

# **SECTION-III: BIDDING PROCEDURES**

# 7. **BIDDING PROCEDURES**

Bidding for all packages shall be done according to established practices, approved criteria and shall not contradict with prevailing rules. Bids shall be invited in the lump sum basis for contract ignoring the detailed bill of quantities of cost estimates. Bids shall be called from eligible and qualified consultants under Double Envelopes System (DES) and contract shall be signed with the successful bidder for implementation.

Contract management encompasses within it the management and implementation of all activities that are concerned and related with contract in close coordination with the overall planning of DDC, acquiring and filing the necessary proposals and other relevant documents and publication of bid notice, evaluation of SBDs, award of contract, signing of contract agreement, issuing work order and monitoring work executed by the contractors etc. Furthermore, the problems accruing during the contract administration have to be put forward to the management and contribute actively towards its solution. As the contract management is incomplete without the quality control/assurance, supervision of overall construction, coordination in personnel management and other related activities shall be within the scope of contract management.

The procedure to administer any type of contract for any type of work packages within and as defined by the DDC's Office, starts from the actual implementation plan or the construction execution in line with the set target according to the overall planning of the DDC and ends when the final account with the Firm/s is settled, the file closed with all the necessary documentation and forwarded for the audit.

Bidding procedures involves all the procedures and steps since the publication of bid notice until completion of the contracted job and final settlement of account including final check, third party technical audit and audit of books and account. Consulting Firms interested to bid shall fill in and provide all information required of them as follows :

#### Envelope no. 1 should consist of :

- Technical Proposal with all forms duly filled
- Technical Proposal as required for the specific type of package consisting of:
  - Company profile
  - Recently signed Cvs of proposed personnel for the particular work
  - package
  - Equipments
  - Financial status
  - Work program
  - Firm's Experience in the related field
- All Bid documents as required for the specific type of package

Envelope no. 2 should consist of :

• Financial Proposal

#### 7.1 Tender Packages

The packages offered can be of any combination, that is, the package may consist of entirely new construction projects or major maintenance projects or any combination of new construction and major maintenance projects. However, effort shall be made to consider the spatial proximity, common travel route, and the similar nature of work, while preparing a package.

#### 7.2 Contract Limits and Re-Bidding

Irrespective of any aforementioned clauses or conditions, the number of packages that can be offered to any one firm is limited to 3 in numbers of bridges in a single running fiscal year. However, this limitation does not apply to Third Party Technical Audit. Third Party Technical Audit should cover all LSTB and SSTB Community bridges of the district and shall be executed by a single Consultant under single Contract. Those Consultants involved in the "Detailed Engineering Survey and Detailed Design" or Construction Supervision and Quality Control" of the same bridge is not eligible to bid for "Third Party Technical Audit"

#### Procurement of Consulting Service (EP)

For the first time, if less than three firms bid or post qualified, the package shall be re-tendered without opening the earlier financial proposals. In any case regarding the minimum number of bidders required for opening up of financial proposals, the LFAR rules shall prevail.

### 7.3 Two Envelop System

In order to ensure a healthy competition between capable firms a bidding procedure with two envelopes, each separately sealed envelope consisting of technical and financial proposal shall be followed in all packages of engineering works.

#### ⇒ Envelope No. 1: Technical Proposal

On the opening date mentioned in the invitation of the bid, all technical proposals submitted shall be opened with or without the presence of bidder's representative.

#### ⇒ Envelope No. 2: Financial Proposal

Financial proposal containing proposed price of post-qualified firms shall be opened with or without the presence of bidder's representative on the date fixed by the DDC's Office (generally within one week of opening up of envelope no. 1 - technical proposal and duly communicated to the successful bidders by reliable means).

All sealed envelopes containing financial proposal of firms which are not post-qualified shall be returned unopened to the respective firms upon their written request. The DDC's Office shall analyze the data submitted by firms, evaluate the responsive technical proposal of firms, and establish a short-list of post qualified Firms (minimum 3 Firms) based on evaluation criteria for post qualification as per <u>Bidding Data</u> <u>Sheet of respective SBD</u>. Only the firms whose technical proposal fulfill the minimum required score according to the criteria shall be post qualified. In re-tenders, Local Financial Administration Rule (LFAR) shall govern.

After post qualification and opening of financial proposal, lowest price evaluated shall be the basis for contract implementation. However, and whenever required a negotiation can be held in case when all the financial bids are in the opinion of the Employer unnecessarily higher than the estimate, first, to negotiate a lower contract amount, second to identify why the bids were high (suggestions with authentic justifications shall only be considered responsive).

#### 7.4 Preparation of Standard Bidding Documents (SBDs)

The DDC's Office shall use one of the following SBDs for the type of procurement in question. These SBDs are prepared by Trial Bridge Section (TBS) of DoLIDAR for the use of DDC's specially for the Trial Bridge related procurement.

- 1) SBDs for the Procurement of Services for SETFS
- 2) SBDs for the Procurement of Services for DESDD
- 3) SBDs for the Procurement of Services for CSQC
- 4) SBDs for the Procurement of Services for TPTA

The information specific to the procurement in hand shall be inserted in the spaces provided in the brackets and italics. Local Development Officer (LDO) prior to publication of the invitation for bid should approve the completed SBDs along with the bid evaluation criteria.

#### 7.4.1 Instruction to Bidders (ITB)

• This ITB section of the SBDs provides the information necessary for Bidders to prepare responsive bids in accordance with the requirements of the Employer. It also gives much information on bid submission, opening and evaluation, and award of Contract. So Consultants are requested to follow the instructions on this section.

- Matters governing the performance of the Contractor, payments under the Contract, or matters affecting the risks, rights and obligations of the parties under the Contract are not normally included in this ITB Section, but rather under General Conditions of Contract (GCC) and/or Special Conditions of Contract (SCC). If duplication of a subject is inevitable in the different sections of the documents, care must be exercised to avoid contradiction between clauses dealing with the same matter.
- These Instructions to Bidders will not be part of the Contract.

#### 7.4.2 Bidding Data Sheet (BDS)

- Section III Bidding Data Sheet (BDS) consists of provisions that complement, supplement or amend the provision of the Instruction to Bidders (ITB). Whenever there is a conflict the provision herein shall prevail over those in ITB Clauses. So specify in detail information or requirements included in this Section and which are specific to each procurement.
- These provisions shall prevail over the Clauses of the Instructions to Bidders.
- Instructions for completing the Bidding Data Sheet are provided, as needed, in the notes in italics mentioning the relevant ITB Clauses.

# 7.4.3 General Conditions of Contract (GCC)

- The General Conditions of Contract, read in conjunction with the Special Condition of Contract and other documents listed therein, should be a complete document expressing fairly the rights and obligations of both parties.
- The use of General Conditions of Contract for building and civil works will promote comprehensiveness of coverage, general acceptability of its provisions, savings in cost and time in bid preparation and review, and the development of a solid background of legal case histories.
- Matters governing the performance of the Consultant, payments under the Contract, or matters affecting the risks, rights, and obligations of the parties under the Contract are normally included in this section of General Conditions of Contract and/or Special Conditions of Contract. If duplication of a subject is inevitable in the different sections of the documents, care must be exercised to avoid contradiction between clauses dealing with the same matter.

#### 7.4.4 Special Conditions of Contract (SCC)

- This section of the SBDs provides the necessary provisions for contract .
- Special Condition of Contract consists of provisions that supplement, amend, or specify in detail information or requirements included in General Condition of Contract and which are specific to each procurement. The provisions of SCC that are specific to each procurement can be used changing the provisions over GCC.
- Matters governing the performance of the Contractor, payments under the contract, or matters affecting the risks, rights, and obligations of the parties under the contract are normally included in this section.
- The Special Condition of Contract shall supplement the General Conditions of Contract. Whenever there is a conflict, the provisions herein shall prevail over those in General Conditions of Contract. The corresponding clause number in the General Conditions is indicated in parentheses. Where sample provisions are furnished, they are only illustrative of the provisions that the Employer should draft specifically for each procurement.

#### 7.5 Invitation for Bid (IFB)

- 1) Invitation for bid shall be published in the national daily newspaper with all the necessary information as per *sample Invitation For Bid as specified in SBDs*. Such an invitation to bid shall be displayed at the office of the DDC's Office, the concerned District Administration Office, Land Revenue Office, DDC, the District Treasury and Comptroller Office and at the Office of construction enterprises or FNCCI; if any, at the head quarters of such district.
- 2) The IFB provides information that enables potential Bidders to decide whether to participate. Apart from the essential items listed in the SBDs, the IFB should also indicate any important Bid evaluation criteria (for example, the application of a margin of preference in Bid evaluation) or qualification requirement (for example, a requirement for a minimum level of experience in releavnt job).
- 3) The IFB should be incorporated into the SBDs. The information contained in the IFB must conform to the SBDs and in particular to the relevant information in the Bidding Data Sheet.

#### 7.6 Distribution of Standard Bidding Documents

- 1) Bidders are required to pay NRs.....for each package of these SBDs. In response to a written request and payment of the cost and postage, the DDC's Office may mail/courier the documents; however the DDC's Office shall not be responsible if the documents are not received in time or not at all.
- 2) However, the competitive bidding is open to any Firm, the bidding document have clearly disclosed the following eligibility requirements applicable to bidder in the procurement proceedings, and the documentation required to prove conformity with those requirements.
  - registered in HMG/N with valid License;
  - Tax and VAT registration;
  - Firms should be enlisted by Trail Bridge Section/DoLIDAR.
  - at least previous experience of minimum three bridges successfully completed LSTB type (former SBD type) bridges within last five years are eligible to apply individually.
- 3) However, to encourage the new comers to work and acquire the required experience, they can bid for any such bid, but in a joint venture (JV) with any eligible firms. In case of a Joint Venture (JV) or support from another firm, a JV agreement or a Memorandum of Understanding (MOU) signed between the concerned parties shall be made available. The leading firm shall be defined and it shall submit its letter of intent in consensus with other firms, if there are any, along with the proposals.
- 4) The details of sale of SBDs and submission of the bid shall be recorded in a register maintained for the purpose. After the expiry of the time for submission of the bids, the Local Development Officer or office employee designated by him shall close the entries having signed it. The account of the revenue obtained from the sale of bids be maintained and shall be deposited in the bank account of District Development Fund (DDF).

#### 7.7 Pre-bid Conference & Site Visits

- 1) The DDC's Office will organize a conference on the specified date and place in the bidding document for the purpose of briefing bidders and taking their questions on the SBDs, including the technical specifications and other requirements so as to allow bidders to take the information they obtain at the conference into account in preparing their bids. Agenda for pre-bid meeting shall be mainly:
  - Bidding procedures,
  - Terms of Reference,
  - Other relevant information,
  - Clarification, if any confusion to the bidders.

- 2) The DDC's Office shall prepare minutes of the meeting containing the questions submitted at the meeting and its responses to those questions, without identifying the sources of the questioner. The minutes shall be provided promptly to all bidders to which the DDC's Office provided the SBDs, so as to enable those bidders to take the minutes into account in preparing their bids.
- 3) The DDC's Office shall issue an amendment to the bidding document if the pre-bid conference or other requests for clarification submitted in writing result in a modification of any technical or commercial aspect of the SBDs. The amendment shall be mailed to all those who purchased or received the SBDs.
- 4) The DDC's Office shall not arrange for site visits during or after the pre-bid conference, bidders may arrange site visits at their own cost.

### 7.8 Preparation and Submission of Bid

- (1) The invitation to bid shall provide bidders with a period of at least 30 days from the date of publication to prepare and submit bids.
- (2) Bids shall be submitted in only one place, in accordance with the instructions in the SBDs.
- (3) The bidder shall submit the bid signed, and accompanied by a power of attorney, if so required, and in a sealed envelope, as prescribed in the SBDs. Bidders shall submit their technical and financial proposals enclosing both proposal separately in each envelope and enclosed both envelope in a single envelope (**two envelop system**).
- (4) The bidder shall have the option to submit the bid by post/mail, courier or personal delivery. If the bid is delivered by hand, the DDC's Office shall provide a receipt showing the date and time when its bid was received.
- (5) Before the submission of Bid, Firms that are interested to bid shall check in and provide all information required of them as follows :
  - $\Rightarrow$  Technical Proposal of the Bid should consist of:
    - Bid Form with all forms duly filled
    - Technical Proposal as required for the specific type of package consisting of:
      - Company profile
      - Recently signed CVs of proposed personnel for the particular work package
      - Equipments
      - Financial status
      - Work program
      - Firm's Experience in the related field
  - $\Rightarrow$  Financial Proposal of the Bid should consist of:
    - Financial proposal.

# 8. BID-VALIDITY PERIOD

The SBDs shall specify the bid-validity date. Such date shall be 90 days from the deadline of submission of bids. The DDC's Office shall complete the examination, evaluation and comparison of bids and to obtain all the necessary approvals of the proposed award within 90 days from bid opening date.

# **SECTION-IV: BID EVALUATION**

# 9. BID EVALUATION

The main purpose of bid evaluation is to determine <u>the lowest evaluated bid</u> among the bids submitted before the bid closing time on the date specified in the SBDs. The lowest evaluated bid may or may not necessarily be the lowest priced bid. In order to determine accurately the lowest evaluated bid in accordance with the terms and conditions of the SBDs. Following principles and practices in bid evaluation must be clearly understood and observed in the bid evaluation process:

### 9.1 Confidentiality of Procedures

After the public opening of bids, no information relating to the examination, clarification and evaluation of bids, and recommendations concerning awards, shall be communicated to any person not officially concerned with these procedures until the announcement of the award of the contract to the successful Bidder has been made.

# 9.2 Clarifications of Bids

Clarifications, which do not change the substance or price of the bid, may be requested or accepted by DDC's Office. The request for clarifications and the response by the Bidder shall be in writing or by fax (the term "fax" is deemed to include electronic transmission such as facsimile, email, cable and telex). Any response to an inquiry, which leads to a change in the bid price shall be considered as an alteration and shall not be considered in the bid evaluation. The records of all clarifications sought and received must be kept.

# 9.3 Rejection of Bids

All valid bids received shall be evaluated in accordance with the terms and conditions of the SBDs and only those bids which do not substantially meet the specifications or the bidding requirements may be rejected.

A bid received by the DDC's Office after the deadline for the submission of bids shall not be opened and shall be returned to the bidder that submitted it after noting the date and time of arrival.

The rejection of all bids is justified when the bids submitted are not responsive or where none of the bids received meets the specifications or where there is evidence of lack of competition or Where all bid prices have exceeded by ten percent of the cost estimate. Where all bid prices have substantially exceeded the cost estimate.

# 9.4 Extension of Bid Validity Period

The DDC's Office shall make every effort to complete bid evaluation and contract award before the expiration of bid validity. The validity of bids may only be extended in exceptional circumstances. If, prior to the expiry of the validity period of bids the DDC's Office feels that additional time will be required to complete all steps and notify an award, it should request all responsive bidders to extend the validity by the minimum period required to do so. Bidders who are willing to extend the validity of their bids shall not be permitted to modify the substance or price of their bids. Extension of validity is a decision of the bidder. A refusal to extend the bid-validity period shall not result in forfeiture of the bid security. Extension of the bid-validity period shall, however, be subject to extension of the bid security if one was required in the first place. Without such an extension of the bid security, a bid shall be deemed not extended.

#### 9.5 Reception of Bids

- (1) The DDC's Office shall receive bids and keep them in a secured manner that does not permit the bids to be opened by accident or viewed and handed over to the bid opening committee at the bid opening time.
- (2) Prior to opening of bids, disclosure of the number of the bids received shall be made only to public officials who as part of their official duties require that information.

#### 9.6 Bid Evaluation Committee

Bidder's Envelope containing Application Form, Technical Proposal and bid documents will be evaluated by a committee consisting as per LFAR but including minimum of below listed personnel.

- DDC Engineer
- DDC Account Officer
- Representative of Donor Agency, if applicable

#### 9.7 Bid Evaluation Procedure

Bids should be evaluated to determine the lowest evaluated bid in accordance with the terms, conditions and specifications stipulated in the SBDs. Further, the evaluation procedure, will provide fairness to all Bidders as it will produce a transparent, fair and accurate outcome of the bidding. There are four distinct stages in the bid evaluation process, which should be followed in a logical sequence.

Following categories of tender packages are to be evaluated separately based on a set of criteria for each category because of the different nature and kind of work involved in each package. It is intended to keep the guideline for evaluation simple, relevant and easy. A standard criteria is set for evaluation of each package. These criteria incorporate within them requirements for each said package in order to make a rational selection of capable firm according to the Terms of Reference (ToR) of corresponding packages.

The entire job for a specific package shall be undertaken by a single firm (in case of JV, a leading Firm), which shall be accountable for all the responsibility bestowed to them, and has to organize, manage and coordinate all the activities included in any package by itself, a default on which shall entirely be accredited to the firm's account as a liability towards the Employer. In order to post-qualify for any package, a firm has to acquire a minimum number of 70.

Considering the importance of study/engineering phase in any project cycle, the quality in this package is of utmost importance. The quality depends on the performance of a team involved in the actual work. Thus the emphasis is given to the experience of the proposed team of personnel in the technical proposal the replacement for whom with personnel of higher competence can only be realized with approval from the Employer.

#### 9.8 Collection of Information

#### 9.8.1 Basic Data

Before starting the actual evaluation it is necessary to collect all the key information pertaining to the bidding so that it is readily available and the evaluation process is kept in proper perspective.

#### 9.8.2 Public Bid Opening

- (1) Bid opening shall follow immediately after the closing time for the submission of bids or exceptionally very soon thereafter allowing time for logistics,
- (2) Bids should be opened in the presence of bidders' authorized representatives who choose to attend at the time, date and place specified in the SBDs.
- (3) Bidders' and their authorized representatives alone shall be allowed to be present and shall sign the record to ensure that the data have been read out and recorded correctly,
- (4) Bids shall be segregate in a following manner:
  - (a) Late bids
  - (b) Modification envelope
  - (c) Withdrawal envelope
  - (d) Bids received in time
- (5) Bids for which an acceptable notice of withdrawal has been submitted shall not be opened.
- (6) All bids received prior to the deadline for submissions shall be opened.
- (7) At the opening, the committee shall open first envelopes marked "Withdrawal" and "Modifications" and all bids received prior to the deadline for submissions and <u>read out the name and address of the bidder</u>, the bid price, discounts if any,

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- (8) <u>Any other important infirmity noticed shall be announced and recorded in the minutes</u> which shall be signed by those present such as:
  - discrepancy between figures and words,
  - absence of signature, unsigned corrections,
  - any other material deviation from the SBDs.
- (9) The read out matter shall be circled.
- (10) The committee shall prepare minutes (MUCHULKA) of the bid-opening proceeding, which shall contain the information read out at the bid-opening and be signed by all those present.
- (11) No decision as to the acceptance or rejection of any bid shall be taken or announced in the bid opening session.

# 9.9 Preliminary Examination for Completeness of Bids

The purpose of this step is to examine whether the bids received were complete as required by the SBDs before further detailed evaluation. The areas to be covered by the examination are:

Co	npleteness					N	ame o	f Bidd	er				
req	uirements	Bidd	ler 1	Bidd	ler 2	Bidd	ler 3	Bido	ler 4	Bidd	ler 5	Bide	ler 6
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1.	Bid form was purchased from the concerned DDC's office												
2.	The person or firm submitting the bid purchased the bid form												
3.	The bid is sealed												
4.	Bid documents are properly signed by the bidder or authorized representative												
5.	A power of attorney for the authorized persons is submitted, if authorized representative has signed the bid												
6.	Joint venture agreements are submitted, if joint venture proposed												
7.	Documents establishing the eligibility of Bidders are furnished												
	Registered in HMG/N with valid License												
	Tax and VAT registration												
	Enlisted by Trail Bridge Section/DoLIDAR												
7.4	Previous experience of minimum three bridges within last five years												

# **Examination for Completeness of Bids**

#### 9.9.1 Determination of Responsiveness of Bids

The scrutiny of bids for responsiveness to the provisions of the SBDs is one of the most important aspects of the evaluation of bids. If a bid fails to meet any of the above tests, it shall be rejected and excluded from further consideration. Those bids that contain minor deviations or reservations, but that may be considered responsive, shall be included in the detailed evaluation and comparison of bids.

#### 9.9.2 Clarification of Bids

In the process of evaluation, Bidders may be requested to provide clarifications of their bids where such clarifications are deemed necessary. Bidders are not permitted, however, to change the substance or price of their bids. The records of all clarifications sought and received must be kept by DDC's office for bid evaluation.

#### 9.9.3 Detailed Evaluation of Responsive Bids

Following the preliminary examination of bids, the DDC's Office shall proceed to the detailed evaluation and comparison of the bids that have not been rejected in the preliminary examination stage. In order to ensure that a thorough check of the responsiveness of all bids is carried out, a Table of Responsiveness to Technical Requirements should be prepared. The tables should list all major conditions for Technical Requirements, which the Bidders must meet for their bids to be considered responsive. The responsiveness of each bid received should then be checked against this list and its conformance to each item should be entered in the tables. All bids must be checked for responsiveness to the technical requirements (evaluation criteria) of the SBDs. Non conformance to technical requirements shall be justifiable grounds for rejection of a bid. Technical Evaluation Format for post-qualification based on Technical Evaluation Criteria for all five type of package separately and these format for Technical Evaluation are given in the Form No. 9.9.3.1, 9.9.3.2, 9.9.3.3 and 9.9.3.4.

#### 9.9.4 Evaluation of Financial Proposal

The lowest evaluated bid shall be awarded the contract to execute the said work as per LFAR. The financial evaluation of bids involves the determination of the cost to the DDC's Office of each bid so that it may select the bid with the lowest cost, though not the lowest price. Such evaluation of each bid shall be carried solely in accordance with the criteria and methodology disclosed in the SBDs.

For all tender packages of Consulting Services, the financial proposal shall be given weightage of 30%. Financial evaluation of Firm shall be performed based on proposed bid prices submitted by the Firm. The ranking based on the merit list of evaluated bid amount of the Firm shall be prepared on the basis of amount quoted on the financial proposal and their evaluation. This might be helpful in two ways: first, to expedite a further negotiation, if required, and second to invite the next on line bidder, in case the lowest bidder defaults to enter into a legal agreement of the said contract. Financial evaluation format 9.9.4.1 to be filled after post-qualification has been made based on financial proposal format to be submitted by bidders. It shall be compatible with the lump sum amount quoted in financial proposal.

#### 9.9.5 Determination of Lowest Evaluated Responsive Bid

After completing the above evaluation, and comparing the evaluated cost of each bid, the lowest evaluated responsive bid shall be determined in accordance with the provisions of the SBDs in consideration of Final (Technical and Financial Combined Weightage) Evaluation . The final evaluation (total score) is made giving weightage to both technical and financial proposals as per following formula.

# Total Score (Points) = Points on Technical Proposal x 0.7 +100 x 0.3 (Lowest Bid Amount / Bidder's Amount)

Final evaluation format 9.9.5.1 to be filled after post-qualification has been made based on technical proposal and evaluation of financial proposal. The contract will be awarded to the Firm with highest total score.

#### 9.9.6 Confidentiality of Bid Evaluation

Information relating to the examination, clarification, evaluation and comparison of bids shall not be disclosed to bidders or to any other person not involved officially in the process or in the decision on which bid should be accepted, except as provided in the LFAR.

# 9.9.3.1 Socio-Economic and Technical Feasibility Study

Bridge No. and Name:....

		Ро	ints	Firm (1)	Firm (2)	Firm (3)	Firm (4)	Firm (5)	Firm (6)	Firm (7)	Firm (8)
Selec	ction Factors for Evaluation	min.	max.								
1	Personnel :										
	Team Leader (Coordinator)	5	10								
	Socio-Economist	13	15								
	Engineer Geologist	12	15								
2	Equipments	7	10								
3	Financial Status	8	10								
4	Work Programme	5	10								
5	Firm's Experience and Performance	20	30								
Tota	Total Points for Technical Proposal70100										
Tech	nical Ranking of Firm										

Name of Firms :	Results :	Remarks :	Evaluated by :	Approved by :
Name of Firm (1)				
Name of Firm (2)				
Name of Firm (3)				
Name of Firm (4)			DDC Engineer	
Name of Firm (5)				
Name of Firm (6)				
Name of Firm (7)				Chief
Name of Firm (8)			AO/DDC	DDC's Office

# 9.9.3.2 Detailed Engineering Survey and Detailed Design

Bridge No. and Name:....

		Po	ints	Firm (1)	Firm (2)	Firm (3)	Firm (4)	Firm (5)	Firm (6)	Firm (7)	Firm (8)
Selec	ction Factors for Evaluation	min.	max.								
1	Personnel :										
	Team Leader (Coordinator)	5	10								
	Survey/Design Engineer (Engineer Geologist)	18	20								
	Geologist (optional)	7	10								
2	Equipments	7	10								
3	Financial Status	8	10								
4	Work Programme	5	10								
5	Firm's Experience and Performance	20	30								
Tota	l Points for Technical Proposal	70	100								
Tech	nical Ranking of Firm										

Name of Firms :	Results :	Remarks :	Evaluated by :	Approved by :
Name of Firm (1)				
Name of Firm (2)				
Name of Firm (3)				
Name of Firm (4)			DDC Engineer	
Name of Firm (5)				
Name of Firm (6)				
Name of Firm (7)				Chief
Name of Firm (8)			AO/DDC	DDC's Office

# 9.9.3.3 Construction Supervision and Quality Control

Bridge No. and Name:....

		Poi	ints	Firm (1)	Firm (2)	Firm (3)	Firm (4)	Firm (5)	Firm (6)	Firm (7)	Firm (8)
Selec	tion Factors for Evaluation	min.	max.								
1	Personnel :										
	Team Leader (Coordinator)	5	10								
	Quality Control Engineer (Civil)	25	30								
2	Equipments	7	10								
3	Financial Status	8	10								
4	Work Programme	5	10								
5	Firm's Experience and Performance	20	30								
Tota	Total Points for Technical Proposal70100										
Tech	nical Ranking of Firm										

Name of Firms :	Results :	Remarks :	Evaluated by :	Approved by :
Name of Firm (1)				
Name of Firm (2)				
Name of Firm (3)				
Name of Firm (4)			DDC Engineer	
Name of Firm (5)				
Name of Firm (6)				
Name of Firm (7)				Chief
Name of Firm (8)			AO/DDC	DDC's Office

# 9.9.3.4 Third Party Technical Audit

#### \* Bridge No. and Name:....

		Ро	ints	Firm (1)	Firm (2)	Firm (3)	Firm (4)	Firm (5)	Firm (6)	Firm (7)	Firm (8)
Selec	ction Factors for Evaluation	min.	max.								
1	Personnel :										
	Team Leader (Coordinator)	5	10								
	Socio-Economist	12	15								
	Quality Control Engineer (Civil)	13	15								
2	Equipments	7	10								
3	Financial Status	8	10								
4	Work Programme	5	10								
5	Firm's Experience and Performance	20	30								
Tota	Total Points for Technical Proposal70100										
Tech	nnical Ranking of Firm										

Name of Firms :	Results :	Remarks :	Evaluated by :	Approved by :
Name of Firm (1)				
Name of Firm (2)				
Name of Firm (3)				
Name of Firm (4)			DDC Engineer	
Name of Firm (5)				
Name of Firm (6)				
Name of Firm (7)				Chief
Name of Firm (8)			AO/DDC	DDC's Office

\* Attach list of bridges to be audited.

# 9.9.4 FINANCIAL EVALUATION FORMAT FOR EP (Engineering Package)

# **9.9.4.1** Description of EP\* .....

S.	Bridge		Cost	Firm (1)	Firm (2)	Firm (3)	Firm (4)	Firm (5)
N.	No.	Name	Estimate	Rs.	Rs.	Rs.	Rs.	Rs.
1								
2								
2								
3								
4								
5								
	Sub-Total							
	Discount							
	Total							

Name of Firms :	Results :	Remarks :	Evaluated by :	Approved by :
Name of Firm (1)				
Name of Firm (2)				
Name of Firm (3)				
Name of Firm (4)			DDC Engineer	_
Name of Firm (5)				
				Chief
			AO/DDC	DDC's Office

\*Socio-Economic and Technical Feasibility Study/Detailed Engineering Survey and Detailed Design/Construction Supervision and Quality Control/Third Party Technical Audit.

# 9.9.5 FINAL EVALUATION FORMAT FOR EP (Engineering Package)

# 9.9.5.1 Description of EP\*\* .....

S.	Bridge	1	Cost	Firm	n (1)	Firm	n (2)	Firn	n (3)	Firm	n (4)	Firr	n (5)
N.	No.	Name	Estimate	Rs.	T. Score*								
1													
2													
3													
4													
5													
	Ranking	g as per merit											

Name of Firms :	Results :	Remarks :	Evaluated by :	Approved by :
Name of Firm (1)				
Name of Firm (2)				
Name of Firm (3)				
Name of Firm (4)			DDC Engineer	
Name of Firm (5)				
				Chief
			AO/DDC	DDC's Office

\* Total Score = Points on Technical Proposal x 0.7 + 100 x 0.3 x (Lowest Bid Amount / Bidders Amount)

\*\* Socio-Economic and Technical Feasibility Study/Detailed Engineering Survey and Detailed Design/Construction Supervision and Quality Control/Third Party Technical Audit.

\*\* For Third Party Technical Audit attach list of bridges to be audited

# SECTION-V: CONTRACT MANAGEMENT

#### **10.** NOTIFICATION OF AWARD

- (1) Following the identification of the successful bidder the DDC's Office shall then provide notification of award of the contract to the successful bidder in writing.
- (2) Award of the contract shall be made within the validity period of the bid.

## 11. **PERFORMANCE SECURITY**

Performance security equivalent to 1% of contract amount shall be required. The performance security is to be valid up to 6 months after the completion of the job. Initial validity period for performance security should be minimum of 6 months.

### **12.** CONTRACT AWARD

The successful bidder should be present within the time thus stipulated to enter into legal commitment by signing an agreement. The Firm should provide the Employer with a performance security either in the form of a Bank voucher of a deposit in the specified Bank A/C or in the form of a valid performance security issued by an authorized Bank in favor of DDC's Office,..... prior to signing the agreement.

Upon submission of performance security by the Firm the office shall immediately process the document and make arrangement for signing the Agreement. In the event of a failure of the bidder whose bid has been accepted to sign a contract in accordance with the SBDs, to provide security for the performance of the contract, the DDC's Office shall select a successful bid in accordance with the evaluation criteria set forth in the SBDs from among the remaining bids that are in force.

#### 12.1 Contract Limit

Irrespective of whatsoever have been said earlier, the number of contracts which can be offered to any one Consultant is limited to 3 in numbers of bridges in one fiscal year, except for "Third Party Technical Auditing". Third Party Technical Auditing shall include all new and major maintenance bridges of the district.

#### 12.2 Witness

From DDC Office witness for Contract Agreement shall be DDC Engineer and the Account Office

#### **13.** THE SERVICES

The services for the packages described in Instruction to Bidder under these Contracts in accordance with the Terms of Reference set forth in the respective SBDs shall be performed professionally and accurately by the Firm.

#### **14.** COMMENCEMENT DATE

Services shall be commenced not later than seven days after the Employer notifies the Firm to proceed with the work. On the contrary case, if the firm does not commence work within aforesaid time without any reasonable cause, the contract may be terminated by the Employer.

# **15. ORIENTATION**

An orientation program to the Firm, to whom job was awarded, shall be conducted by the Employer. The main objectives of the orientation program shall be to brief the Firm about the Scope of Works and ToR, methodology and quality requirements

## 16. QUALITY MONITORING

Over all quality monitoring of all engineering work packages has to be performed as per ToR of respective engineering work and "Quality Control Manual for Trail Bridges".

# 17. CHECKING OF ENGINEERING PACKAGE

Responsibility of checking and approval of Engineering Package lies with the DDC Engineer.

### **18. PAYMENT PROCEDURES**

#### 18.1 Advance

As the contract is comparatively small, no advance payment shall be made.

#### 18.2 Payment

Payment for work done shall be according to the "Mode of Payment" as per "Condition of Contract" for each package. Provision for advances shall be governed by the LFAR, accepted practice and the contract documents.

#### **18.3** Place of Payment

Payment for all contract packages shall be done at DDC Office.

### **19. NOTICE OF DELAY**

In the event that the Firm encounters a delay in obtaining the required services and facilities set forth for the provision of service, the Firm shall promptly notify the Employer of such delay with documentary evidence and may request for time extension for completion of the project before expiry of the stipulated time.

## **20.** TIME EXTENSION

Time extension will be granted according to prevailing fiscal rules of LFAR only if the reasons are acceptable to Employer.

#### 21. PENALTIES FOR DELAY

In case of reported delays in the performance of the service beyond the specified time of completion due to Firm's default, the penalty will be determined on the basis of prevailing LFAR.

### **22.EVIDENCE**

Evidences regarding contractor and its representative's presence at site all the time and photographs to supplement the physical progress achieved have to be submitted to the Employer.

#### 23. SETTLEMENT OF DISPUTE

Any dispute or difference arising out of the Contract which can not be amicably settled between the parties shall be finally settled under the prevailing rules of arbitration and litigation in Nepal.

24.	INTERNAL	DDC	CONTRACT	MANAGEMENT	PROCEDURE
	TABLE				

S. N.	Job type	Bill Sub-	Reporting &	Payment Procedure	Approval of	Pay- ment	Quality Control
		mission	Checking		payment	at	
1.	EP	Firm	DDC	Account	Chief,	DDC's	DDC Engineer
			Engineer	Section	DDC's Office	Office	

# SECTION-VI: RECORD KEEPING REQUIREMENTS

# 25. RECORD KEEPING REQUIREMENTS

- (1) DDC's Office shall open a special file for every procurement proceeding. All the documentation relating to the proceeding such as the invitation to bid, decision of award, work take-over certificate and any other information on the method of the Contractor or Supplier's completion of his commitment shall be kept in the file. A contract file index shall be established for each contract file.
- (2) Contract files shall include, at a minimum, the following documentation:
  - i. contract file index;
  - ii. invitation to bid,
  - iii. SBDs;
  - iv. requests for clarification and responses thereto, and record of circulation of responses to all participating bidders;
  - v. minutes of pre-bid meeting with bidders
  - vi. minutes of bid opening;
  - vii. bids;
  - viii. bid evaluation report
  - ix. documentation of requests for and responses to clarifications of bids;
  - x. copies of notice of acceptance sent to winning bidder;
  - xi. procurement contract;
  - xii. minutes of Orientation meeting;
  - xiii. documentation related to contract implementation, including progress reports, invoices and other documents such as inspection reports and any supporting documentation;
  - xiv. documentation related to change orders and contract modification ,if any;
  - xv. documentation related to inspections, acceptance and receiving, including any exercise of the DDC's Office's right to reject defective performance;
  - xvi. copies of all correspondence with the Consultant;
  - xvii. requests to subcontract and responses thereto; and the record of the procurement proceedings, as well as all of the documentation referred to therein.

# **SECTION-VII: SERVICE CHARGES**

# 1. SERVICE CHARGE FOR CONSULTING SERVICES (ENGINEERING PACKAGES)

The Service Charges for Consulting Services is fixed as below.

# 1.1 Socio-Economic and Technical Feasibility Study for LSTB<sup>3</sup>

Personnel :		
Socio-Economist	5 Man Days @ Rs	= (1)
Engineer Geologist	5 Man Days @ Rs	=(2)
<b>Traveling :</b> Socio-Economist	Days @ Rs	=(3)
Engineer Geologist	Days @ Rs	=(4)
Sub Total (A=1+2+3+4	)	=(A)
Supporting Staff and I	Labour: 10% of Sub Total (A)	=(5)
Equipment and Station	hary: 10% of Sub Total (A)	=(6)
<b>Report Preparation :</b>	10% of Sub Total (A)	=(7)
Sub Total (B=A+5+6+7	7)	=( <b>B</b> )
Overhead (15%) and V	/AT (%) of (B)	= (C)
Total (B+C)	=	
<b>Transportation : As pe</b> (Public Transport and by transport is not available	Air where road	

# 1.2 Detailed Engineering Survey & Detailed Design for LSTB<sup>1</sup>

• Desk study		
<b>Personnel :</b> Engineer Geologist	3 Man Days @ Rs	=(1)
Detailed Geological Stu	dy and Survey	
<b>Personnel :</b> Civil Engineer	5 Man Days @ Rs	=(2)
Engineer Geologist	4 Man Days @ Rs	=(3)
Traveling :		
Civil Engineer	Days @ Rs	=(4)
Engineer Geologist	Days @ Rs	=(5)
Sub Total (A=1+2+3+4-	+5)	=(A)
Supporting Staff and L	abour: 20% of Sub Total (A)	=(6)
Equipment and Station	ary: 10% of Sub Total (A)	=(7)
<b>Report Preparation</b>	10% of Sub Total (A)	=(8)
Sub Total (B=A+6+7+8	)	=( <b>B</b> )

<sup>&</sup>lt;sup>3</sup> LSTB = Long Span Trail Bridge

#### **Detailed Design**

<b>Personnel :</b> Design Engineer	10 Man Days @ Rs	=(9)
Supporting Staff :	10 % of Sub Total (B)	=(10)
Equipment and Stationary	: 10 % of Sub Total (B)	=(11)
Drawing and Report Prepa	ration :20 % of Sub Total (B)	=(12)
Sub Total (C=B+9+10+11+ Overhead (15%) and VAT	,	=(C) =(D)
Total (C+D)	()	=
<b>Transportation : As per act</b> (Public Transport and by Air transport is not available)		

#### **1.3** Construction Supervision and Quality Control for LSTB<sup>1</sup> (CSQC)

Consultant 's service charge per running meter bridge span for "CSQC" service =

1.5 x NGO Service Charge<sup>4</sup> per running meter bridge span for technical support for SSTB

# 1.4 Third Party Technical Audit for SSTB<sup>5</sup> and LSTB<sup>1</sup>(TPTA)

Consultant 's service charge per running meter bridge span for "TPTA" service

 0.40 x NGO Service Charge<sup>4</sup> per running meter bridge span for technical support for SSTB

<sup>&</sup>lt;sup>4</sup> Refer to website, <u>www.nepaltrailbridges.org</u> or Trail Bridge Section of MoLD/DoLIDAR

<sup>&</sup>lt;sup>5</sup> SSTB = Short Span Trail Bridge