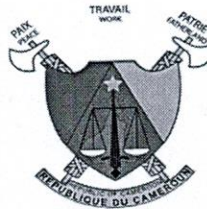


REPUBLIQUE DU CAMEROUN
Paix – Travail – Patrie

REGION DU NORD-OUEST
DEPARTEMENT DE LA MENCHUM

SERVICE DES AFFAIRES
ECONMIQUES ET FINANCIERES

COMMISSION DE PASSATION DES
MARCHE DE MENCHUM



Re: 13/12/24
REPUBLIC OF CAMEROON
Peace – Work – Fatherland

NORTH-WEST REGION
MENCHUM DIVISION

SERVICE FOR ECONOMIC AND
FINANCIAL AFFAIRS

MENCHUM DIVISIONAL TENDER'S
BOARD

PROJECT OWNER: THE DIVISIONAL DELEGATE FOR MINEPAT

CONTRACTING AUTHORITY: THE S.D.O FOR MENCHUM

TENDER'S BOARD: DIVISIONAL TENDER BOARD TENDR'S BOARD

OPEN NATIONAL INVITATION TO TENDER BY EMERGENCY PROCEDURE

N° 03 / ONIT/E28/SEFA/DTBMCH/2024 OF 05 DEC 2024

REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY SCHEME
IN WUM SUBDIVISION, MENCHUM DIVISION OF THE NORTH WEST
REGION

FUNDING: MINEPAT FUNDS 2024/2025
IMPUTATION: 9419505110000524112

CONTENT OF THE TENDER DOCUMENT (TD)

Doc 1:Tender notice (TN) (English and French version)

Doc 2: General Rules of the Tender Document (GRTD)

Doc 3:Specific Rules of the Tender Document (SRTD)

Doc4: The special Administrative Clause document (CCAP)

Doc5 :The Technical Specifications document (CPT)

Doc6: Schedule of Unit Prices (BPU)

Doc7: Schedule of the Bill of Quantities and Cost Estimates (DQE)

Doc8: Frame Work of breakdown of Prices

Document No. 9: Draft Contract

Document No. 10: Model documents to be used by bidders

10.1 Model of tender letter ;

10.2 Model of Bid Bond (Temporary Bank guarantee for tender) ;

10.3 Model of final bid bond (final bank guarantee) ;

10.4 Model of bank guarantee for the restitution of start-up advance ;

10.5 Model of The Attestation of site visit;

10.6 Model of Information on the proposed key personnel to be
deployed ;

10.7 Recapitulative Model form for the company references ;

10.8 Model form for power of attorney (in case of joint ventures) ;

10.9 Model form of agreement for joint-venture ;

Document No. 11: Noting sheet for the Technical Bid;

Document No. 12: List of banking establishments and financial bodies authorised to
issue bonds for public contracts.

Document No. 1:
Tender Notice

Document1.a

ENGLISH VERSION

REPUBLIQUE DU CAMEROUN
Paix – Travail – Patrie

REPUBLIC OF CAMEROON
Peace – Work – Fatherland

REGION DU NORD-OUEST
DEPARTEMENT DE LA MENCHUM

NORTH-WEST REGION
MENCHUM DIVISION

SERVICE DES AFFAIRES
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SERVICE FOR ECONOMIC AND
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COMMISSION DE PASSATION DES
MARCHE DE MENCHUM

MENCHUM DIVISIONAL TENDER'S
BOARD



OPEN NATIONAL INVITATION TO TENDER BY EMERGENCY PROCEDURE

N° **03** / ONIT/E28/SEFA/DTBMCH/2024 OF **15 DEC 2024**

REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY
SCHEME IN WUM SUBDIVISION, MENCHUM DIVISION OF THE
NORTH WEST REGION..

FUNDING: MINEPAT FUNDS 2024/2025
IMPUTATION: 94 195 05 110000 524112

PART 01 TENDER NOTICE

Name of Project	Amount of Project	Amount of bid bond	Cost of tender file
Reinforcement And Extension Of Bu Water Supply Scheme In Wum Subdivision, Menchum Division Of The North West Region.	80,000 000F CFA	1,600 000F CFA	80 000F CFA

The **Senior Divisional Officer for Menchum**; DELEGATED CONTRACTING AUTHORITY, initiates on the behalf of the Republic of Cameroon, an Open National Invitation to tender for the realization of the operation mentioned above:

1. PURPOSE OF THE TENDER FILE :

The purpose of the tender is the execution of works for thereinforcement and extension of Bu water supply scheme in Wum subdivision, Menchum Division of the North West

Region. The works and service required are found in the detail description mentioned in the bill of quantities and cost estimates.

2. EXECUTION DEADLINE:

The maximum execution deadline provided for by the authorization officer for the execution of the works subject of this tender shall be **one hundred and twenty calendar days (4 months)** with effect from date of notification of the Service Order to start execution.

3. ALLOTMENT:

The works subject to this invitation to tender shall be in one lot defined with specifications as in the table below:-

Lot	Works	Locality
1	Reinforcement and extension of Bu water supply scheme in Wum subdivision, Menchum Division of the North West Region	Bu Village, Wum Subdivision, Menchum Division of the North West Region

4. Description of Works :

These works comprise the following descriptions:

LOT 100: PRELIMINARY WORKS

LOT 200: CONSTRUCTION WORKS

LOT 300: PIPING NETWORK

LOT 400: ENVIRONMENTAL MITIGATION MEASURES

LOT 500: PROJECT SUSTAINABILITY

5. PARTICIPATION AND ORIGIN OF BIDDERS:

Participation is open under the same conditions to all Cameroonian companies and business concerned that have proven experience in the field of building construction and civil engineering in general.

6. FUNDING :

The Works on This tender are funded by the budget of the Ministry of Economy, Planning and Regional Development, for 2024/2025 financial year. The previewed cost of the entire works of this Open National Invitation to tender is: **80,000,000FCFA (Eighty Million Francs) FCFA** all taxes included.

7. ADMINISTRATION CHARGED WITH THE SIGNING OF THE CONTRACT

After the examination of the tender documents of the various bidders, and the choice of the successful bidder by the contracting authority, the contract will be signed between the latter and the Delegated Contracting Authority who is the **Senior Divisional Officer for Menchum.**

8. TEMPORAL BID BOND (TENDER GUARANTEE) :

The bids should be accompanied by a bid bond (Bank Tender Guarantee), established as per the indicated Model in this tender file, by a financial institution accredited by the Ministry of Finance, and of an Amount equal to: **One Million Six hundred thousand francs (1,600,000 FCFA).**

To avoid being rejected, the original copy of the bid bond (Bank tender guarantee) should be produce dating less than 3 (three) months.

The bid bond shall automatically be liberated highest 30 (thirty) days upon expiration of the validity of the bids for the unsuccessful bidders. In case where the bidder is awarded the contract, the bid bond is liberated after the production of the final bond.

9. CONSULTATION OF TENDER FILE :

The tender file can be consulted in the office of the Senior Divisional Office for Menchum (Delegated Contracting Authority).

10. ACQUISITION OF THE TENDER FILE :

The tender file can be obtained in the office of the Senior Divisional Office for Menchum, upon presentation of a payment receipt to the public treasury, of a nonrefundable purchase fee for the tender file of Eighty thousand **(80,000) Francs CFA**.

11. PRESENTATION OF THE BIDS

The bid documents will be presented in three envelopes as illustrated below:

The Envelope A containing Administrative documents (volume 1) ;

The Envelope B containing Technical documents (Volume 2) ;

The Envelope C containing financial documents (Volume 3).

All constituted documents (Envelopes A, B et C), will be put in a big sealed bearing only the title of the Open national invitation to tender.

The various documents in each bid will be numbered in the order of the tender file and with separators of different colors other than white.

12. SUBMISSION OF BIDS :

Each bid, prepared in English or in French in **(07) seven copies**, that is **(01) one original and (06) six copies** noted as such, shall be forwarded to the Delegated contracting authority, notably to the Senior Divisional Office's office of Menchum situated in Wum, latest the : **31 DEC 2024** at 10 a.m local time bearing

OPEN NATIONAL INVITATION TO TENDER BY EMERGENCY PROCEDURE

N° ___/ ONIT/E28/SEFA/DTBMCH/2024 OF _____

REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY SCHEME IN WUM SUBDIVISION, MENCHUM DIVISION OF THE NORTH WEST REGION

FUNDING: MINEPAT FUNDS FOR 2024/2025

To be opened only during the bid-opening session ».

13. ACCEPTABILITY OF BIDS :

Bids that will be submitted after the date and time mentioned above or those that will not respect the separation model indicated in the different documents in each bid shall not be accepted.

To avoid being rejected, the required Administrative documents will be imperatively produced in original or in certified true copies by the issuing service, in conformity with the stipulation of the rules and regulations of this tender.

These Administrative documents have a validity period of (03) three months. This

validity period has to begin after the date of the lunching of the tender.

14. OPENNING OF BIDS :

The opening of bids shall take place on the 31 DEC 2024 at **11 am**, in the conference hall of the SDO.

The opening of bids will be done at once and in three stages:

- Stage 1: Opening of envelope A containing Administrative document (volume 1),
- Stage 2: Opening of envelope B containing Technical document (volume 2)
- Stage 3: Opening of envelope C containing financial document (volume 3).

All the bidders can take part in this opening session or can be represented by one person duly mandated (Even in case of joint-venture) who has a perfect mastery of the tender file.

15. MAIN CRITERIA OF EVALUATION OF THE BIDS :

15-1- : ELIMINATORY CRITERIA :

- a) **Absence of submission bid bond (bank guarantee) ;**
- b) **Non-respect of 48 hours given for the absence or non-conformity of an element other than Bid Bond in the administrative file**
- c) **Non-conformity after a period of 48 hours following the deposit of bids, of at one Administrative document;**
- d) **False declaration, falsified or non authentic document;**
- e) **Incomplete technical Bid, or the absence of:**
 - Attestation of site visit and its report;
 - Personal Declaration attesting that the bidder has not abandoned any contract within the last three years, and that he does not figure on the list of defaillant enterprises established by MINMAP;
 - A works engineer with qualification as required in the tender file (five year (5) of experience in the domain;
 - Any of the key workers being a civil servant;
 - An environmental expert with at least 02 years' experience in the domain;
 - Non-existence in the technical bid of « the organization, the methodology and planning » rubrics ;
- f) **Omission of a unit price in the schedule of unit prices and the bill of quantities and cost estimates;**
- g) **Incomplete financial bid for absence of one of the following documents:**
 - The tender letter ;
 - The unit price schedule following the indicated model of prices without value added tax in figures and in words, clearly filled. ;
 - The bill of quantities and cost estimates (BOQ);
 - The unit price breakdown;
- h) **Must obtained at least 70% of the criteria, following the evaluation of the essential technical criteria.**

15-2 : Essential criteria :

The technical bids will be evaluated according to the following main criteria:

Document 1.b

FRENCH VERSION

REPUBLIQUE DU CAMEROUN
Paix – Travail – Patrie

REGION DU NORD-OUEST
DEPARTEMENT DE LA MENCHUM

SERVICE DES AFFAIRES
ECONOMIQUES ET FINANCIERES

COMMISSION DE PASSATION DES
MARCHE DE MENCHUM



REPUBLIC OF CAMEROON
Peace – Work – Fatherland

NORTH-WEST REGION
MENCHUM DIVISION

SERVICE FOR ECONOMIC AND
FINANCIAL AFFAIRS

MENCHUM DIVISIONAL TENDER'S
BOARD

Avis d'Appel d'Offres

AVIS D'APPEL D'OFFRES NATIONAL OUVERT EN PROCEDURE D'URGENCE

N° 07/AONO/E28/SEFA/DTBMCH/2024 DU 05 DEC 2024 RENFORCEMENT ET EXTENSION DU RESEAU
D'APPROVISIONNEMENT EN EAU POTABLE DANS LE VILLAGE -BU, L'ARRONDISSEMENT DE WUM,
DEPARTEMENT DE LA MENCHUM REGION DU NORD OUEST

Financement : MINEPAT 2024/2025

Autor. Depense :

Imputation :94 195 05 110000524112

1. Objet de l'Appel d'Offres

Nom du Projet	Montant du Projet	Montant du cautionnement	Coût du dossier DAO
Renforcement Et Extension Du Reseau D'approvisionnement En Eau Potable Dans Le Village -Bu, L'arrondissement De Wum, Departement De La Menchum Region Du Nord Ouest	80 000 000F CFA	1,600 000F CFA	80 000F CFA

Dans le cadre l'exercice budgétaire 2024/2025, le Préfet de la Menchum, Autorité

Contractante lance un Avis D'appel D'offres National Ouvert En Procedure D'urgence pour la Renforcement Et Extension Du Reseau D'approvisionnement En Eau Potable Dans Le Village -Bu, L'arrondissement De Wum, Departement De La Menchum Region Du Nord Ouest

2. Consistance des Travaux

Les travaux consistent notamment sur la Renforcement Et Extension Du Reseau D'approvisionnement En Eau Potable Dans Le Village -Bu, L'arrondissement De Wum, Departement De La Menchum Region Du Nord Ouest

3. Délais d'exécution

Le délai maximum prévu par le Maître d'Ouvrage ou le Maître d'Ouvrage Délégué pour la réalisation des travaux objet du présent appel d'offres est de quatre (04) mois.

4. Allotissement

Le travail est ci-après défini :

Renforcement Et Extension Du Reseau D'approvisionnement En Eau Potable Dans Le Village -Bu, L'arrondissement De Wum, Departement De La Menchum Region Du Nord Ouest

5. Coût prévisionnel

Le coût prévisionnel de l'opération à l'issue des études préalables est de **quatre-vingt million, (80,000,000) francs CFA.**

6. Participation et origine

La participation au présent appel d'offres est ouverte aux entreprises de droit camerounais.

7. Financement

Les travaux objet du présent appel d'offres sont financés par MINEPAT, le Budget d'Investissement Public du de l'exercice 2024/2025 sur la ligne d'imputation budgétaire n°94 195 05 110000 524112.

8. Cautionnement provisoire

Chaque missionnaire doit joindre à ses pièces administratives, une caution de soumission établie par une banque de premier ordre agréée par le Ministère chargé des finances et dont la liste figure dans la pièce 12 du DAO, d'un montant de **1 600 000(un million six cent mille) FCFA** et valable pendant quatre-vingt-dix(90) jours au-delà là de la date originale de validité des offres.

9. Consultation du Dossier d'Appel d'Offres

Le dossier peut être consulté et obtenu aux heures ouvrables aux services du préfet de la Menchum, Service de Passation des Marchés Publics dès Publication du présent avis

10. Acquisition du Dossier d'Appel d'Offres

Le dossier peut être obtenu aux heures ouvrables, services du Préfet de la Menchum, Service de Passation des Marchés Publics dès Publication du présent avis, contre présentation d'une quittance de versement au Trésor Public de la somme non remboursable de 80 000 (quatre vingt mille) FCFA

11. Remise des offres

Chaque offre rédigée en français ou en anglais en sept (07) exemplaires dont un (01) original et six (06) copies marquées comme telles, devra parvenir contre récépissé services du Préfet de la Menchum, Service de Passation des Marchés Publics ou plus tard le **13.1 DEC 2024** à **10^h heure** locale et devra porter la mention suivante :

AVIS D'APPEL D'OFFRES NATIONAL OUVERT EN PROCEDURE D'URGENCE

N°...../AONO/E28/SEFA/DTBMCH/2024 DU ----/-----2024 RENFORCEMENT ET EXTENSION DU RESEAU D'APPROVISIONNEMENT EN EAU POTABLE DANS LE VILLAGE -BU, L'ARRONDISSEMENT DE WUM, DEPARTEMENT DE LA MENCHUM REGION DU NORD OUEST

« A N'OUVRIR QU'EN SEANCE DE DEPOUILLEMENT »

12. Recevabilité des offres

Sous peine de rejet, les pièces du dossier administratif requises doivent être produites en originaux ou en copies certifiées conformes par le service émetteur ou une autorité administrative (Préfet, Sous-préfet,...), conformément aux stipulations du Règlement Particulier de l'Appel d'Offres.

Elles doivent dater de moins de trois (03) mois précédant la date originale de dépôt des offres ou avoir été établies postérieurement à la date de signature de l'Avis d'Appel d'Offres.

Toute offre incomplète conformément aux prescriptions du Dossier d'Appel d'Offres sera déclarée irrecevable. Notamment l'absence de la caution de soumission délivrée par une banque de premier ordre agréée par le Ministère chargé des Finances.

13. Ouverture des plis

L'ouverture des plis se fera en un temps. L'ouverture des pièces administratives et des offres techniques et financières aura lieu le **13 1 DEC 2024** à **11^h heure**, heure locale, dans la salle de conférence de la Commission Départementale de Passation de Marchés Publics siégeant en présence des soumissionnaires ou de leurs représentants dûment mandatée et ayant une parfaite connaissance du dossier

14. Critères d'évaluation

Les offres seront évaluées selon les principaux critères suivants :

A. Critères éliminatoires

Il s'agit notamment:

- Absence ou insuffisance de la caution provisoire de soumission (garantie bancaire de soumission)
- Absence après un délai de 48heurs suivant le dépôt des offres, d'au moins un des documents administratifs à l'exclusion de celui de cautionnement de soumission.
- Non-conformité après un délai de 48heurs suivant le dépôt des offres d'au moins un des documents administratifs.
- Fausses déclarations ou pièces falsifiées,
- Délai d'exécution supérieur à celui prescrit (supérieur à quatre mois)
- Offres dont l'enveloppe extérieure porte des mentions permettant de reconnaître le Soumissionnaire
- Offre technique incomplète ou l'absence de ;
 - ✓ Attestation de visite des lieux et de son rapport ;
 - ✓ Déclaration personnelle attestant que le soumissionnaire n'abandonne aucun contrat au cours des trois dernières années, et qu'il ne figure pas sur la liste des entreprises défaillantes établie par le MINMAP
 - ✓ Un ingénieur de travaux ayant la qualification requise dans le dossier d'appel d'offres (cinq ans) d'expérience dans ce domaine ;
 - ✓ L'un des travailleurs clés étant un fonctionnaire ;
 - ✓ Un expert en environnement avec au moins 02 ans d'expérience dans le domaine
 - ✓ Non-existence dans l'offre technique des rubriques « l'organisation, la méthodologie et la planification »
- Le changement d'une unité ou d'une quantité dans l'offre financière
- Offres financière incomplète pour l'absence de ;
 - ✓ Lettre d'appel d'offres
 - ✓ Le bordereau des prix unitaires suivant le modèle de prix indique hors TVA en chiffres et en lettres clairement remplir
 - ✓ Le devis quantitatif et les devis
 - ✓ La ventilation du prix unitaire

Ne pas avoir obtenu au moins sept des dix critères, suite à l'évaluation des critères techniques essentiels

B -Critères essentiels

Critères essentiels

Les critères relatifs à la qualification des candidats porteront à titre indicatif sur:

- 1- Présentation générale de l'offre ;

- 2- Capacité financière ;
- 3- Références de l'entreprise dans les réalisations similaires ;
- 4- Qualité du personnel ;
- 5- Organisation technique des travaux ;
- 6- Sécurité au chantier ;
- 7- Moyens logistiques ;
- 8- Attestation de visite du site signée par l'entrepreneur par l'honneur pour avoir visité le site et rapport de visite du site ;
- 9- Cahier des Clauses Techniques Particulières paraphé à chaque page ;
- 10- Cahier des Clauses Administratives Particulières complété et paraphé à chaque page.

Les critères essentiels sont soumis à des minima dont le détail est donné dans le Règlement Particulier de l'Appel d'Offres (RPAO).

Les critères essentiels sont soumis à des minima dont le détail est donné dans le Règlement Particulier de l'Appel d'Offres (RPAO).

15. Durée de validité des offres

Les soumissionnaires restent engagés par leur offre pendant quatre-vingt dix (90) jours à partir de la date limite fixée pour la remise des offres.

16. Attribution

Le marché sera attribué au soumissionnaire qui aura proposé l'offre la moins disant, conforme pour l'essentiel aux prescriptions du Dossier d'Appel d'Offres, ayant satisfait à 100% des critères éliminatoires et au moins (70%) des critères essentiels.

17. Renseignements complémentaires

Les renseignements complémentaires d'ordre technique peuvent être obtenus auprès des Services du Préfet de la Menchum.

Fait à Menchum, le **05 DEC 2024**

Le Préfet de la Menchum
(Autorité Contractante)



REPUBLIC OF CAMEROON
DÉPARTEMENT DE LA MENCHUM
Administrateur Civil Principal

Copie :

- DD MINMAP
- ARMP;
- Maître d'Ouvrage
- Président CPM;
- Affichage.
- Chrono/archive

Document No. 2:
General Regulations of the
Invitation to Tender

CONTENT

A. Generalities.

- Article1 :The scope of the Tender.
- Article2 :the Funding.
- Article3 :Fraud and corruption.
- Article4 :Candidates eligible to tender.
- Article5 :Materials, tools, supply, equipment and authorized services.
- Article6 :Qualification of the bidder.
- Article7 :Works site visit.

B. Tender Document.

- Article8 :Content of tender document.
- Article9 : Clarifications made on the tender document and request.
- Article10 :Modification of the tender file.

C. Préparation of Bids.

- Article11 :Tender fee.
- Article12 :Language of the bids.
- Article13 : The Documents constituting the Bids.
- Article14 :Amount of the tender.
- Article15 :Currency used for tender and payments.
- Article16 :Validity of tender.
- Article17 :Bid bond (tender bank guarantee).
- Article18 :Various proposal of bidders.
- Article19 : Preparatory Meetings towards the establishment of bids.
- Article20 :Formand signing of bids.

D. Deposit of bids...

- Article21 :Stamping and noting of bids.
- Article22 :Latest date and time of deposit of bids.
- Article23 :Late deposited bids.
- Article24 :Modification, substitution and withdrawal of bids.

E. Opening and evaluation of Bids.

- Article25 :Opening of bids and request if any.

Article26	:The confidential nature of the procedure.
Article 27	: Clarifications on the Bid and contact with the contracting authority
Article28	:Determination of the conformity of bids.
Article29	:Qualification of the bidder.
Article30	:Correction of errors.
Article31	:Conversion into a unique currency.
Article32	:Financial Evaluation of bids.
Article 33	: Preference given to national bidders

F. Award of Contract.

Article34	:Award of contract.
Article35	: The right of the contracting authority to declare an invitation to tender, unfruitful or to cancel the procedure
Article36	:Notification of the award of contract.
Article37	:Publication of the result of the award of the contract and request if any. .
Article38	:Signing of the contract.
Article39	:Final Bid Bond.

General Regulations of the invitation to tender

A. General

Article 1: Scope of offer

The SDO for MENCHUM, Contracting Authority, launches on behalf of the Republic of Cameroon, an open national invitation to tender for the

REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY SCHEME IN WUM SUBDIVISION, MENCHUM DIVISION OF THE NORTH WEST REGION

The bidders retained, must complete the works within the required period as indicated in the specific rules of the tender document (SRTD), except there is a contrary stipulation in the special administrative document, that starts from the date of notification of the service order to start works or of that indicated in the service order.

1.1. The word « Day » in this tender document, signifies a calendar day.

Article 2: Financing

The source of funding of works in this tender document have been indicated in the (SRTD).

Article 3: Fraud and corruption

3.1 The Contracting Authority requires of bidders and their contractors the strict respect of rules of professional ethics during the award and execution of public contracts. By virtue of this principle, the Contracting Authority:

a) Defines, within the context of this clause, the following expressions in the following manner:

- i. Shall be guilty of "corruption" whoever offers, gives, requests or accepts any advantage in view of influencing the action of a public official during the award or execution of a contract;
- ii. is involved in "fraudulent manoeuvres" whoever deforms or distorts facts in order to influence the award or execution of a contract;
- iii. "collusive practices" mean any form of agreement between two or among several bidders (whether the Contracting Authority is aware or not) aimed at artificially maintaining the prices of offers at levels not corresponding with those which will result from the forces of competition;
- iv. "coercive practices" mean any form of harm against persons or their property or threats against them in order to influence their action during the award or execution of a contract;

- v. Conflict of interest shall mean any situation in which the financial or personal interest of an agent or public entity is likely to compromise transparency in the award of public contracts.

- b. The Contracting Authority shall reject any award proposal if it determines that the proposed successful bidder is directly or through the intermediary of an agent, guilty of corruption or is involved in fraudulent manoeuvres, collusive or coercive practices in the award of this contract.

3.2 The Minister Delegate at the Presidency of the Republic in charge of Public Contracts may, as a temporary measure, take a decision to ban bidding for a period not exceeding two (2) years against any bidder guilty of influence peddling, conflict of interest, insider information, fraud, corruption, or production of non-authentic documents in his offer, without prejudice to legal action that may be taken against him.

Article 4: Candidates allowed to compete

- 4.1 If the invitation to tender is restricted, consultation is addressed to all candidates retained after a pre-qualification procedure.

- 4.2 Generally, the invitation to tender is addressed to all suppliers, subject to the following provisions:

- (a) a bidder (including all members of a group of enterprises and all sub-contractors to the bidder) must be from an eligible country, in accordance with the funding agreement.

- (b) a bidder (including all members of a group of enterprises and all sub-contractors to the bidder) must not be in a situation of conflict of interest.

A bidder shall be judged to be in a situation of conflict of interest if he:

- i) is or was associated in the past in an enterprise (or a subsidiary of this enterprise) which provided consultancy services for the conception, preparation of specifications and other documents used within the scope of contracts awarded for this invitation to tender; or

- ii) presents more than one bid within the context of this invitation to tender, except authorised variants according to article 17, where need be; meanwhile, this does not prevent the participation of sub-contractors in more than one bid.

- iii) The project owner is not a shareholder of any bidder so as to compromise the process of award of the contract.

- (c) The bidder must not have been excluded from bidding for public contracts.

- (d) A Cameroonian public enterprise may participate in the consultation if it can demonstrate that it is (i) legally and financially autonomous, (ii) managed

according to commercial laws and (iii) not under the direct or indirect supervisory authority of the Contracting Authority.

Article 5: Supplies and ancillary services meeting the criteria of origin

- 5.1 All supplies and ancillary services forming the subject of this contract must come from countries meeting the criteria of origin defined in the Special Regulations of the invitation to tender.
- 5.2 Within the meaning of the clause 5.1, the term "supplies" shall refer to products, raw materials, machines, equipment and industrial installations; and the term "ancillary services" shall notably refer to services such as insurance, installation, training and initial maintenance.
- 5.3 The term "originate" shall qualify the country where the supplies are extracted, cultivated, produced, manufactured or transformed; or the country where a manufacturing, transformation or assembly of components process results in the obtention of a commercial article whose basic characteristics are substantially different from those of its components.

Article 6: Qualification of bidder

- 6.1 As an integral part of their offer, bidders must:
- (a) submit a power of attorney making the signatory of the bid bound by the offer; and
 - (b) furnish all the information (to complete or update the information included in the request for pre-qualification which may have changed in the case where the candidates had to pre-qualify) requested from bidders in the Special Regulations, in order to establish their ability to execute the contract; furnish all the information (or update the information included in their request for pre-qualification which may have changed) requested from the bidders in order to establish their ability to execute the contract.

Information relating to the following points shall be requested, if need be:

- (i) The production of certified balance sheets and recent turnover;
- (ii) access to a credit line or availability of other financial resources;
- (iii) orders acquired and contracts awarded;
- (iv) pending litigations; and
- (v) availability of indispensable equipment.

- 6.2 Bids presented by two or more associated undertakings (joint-contracting) must satisfy the following conditions:

- a. The bids must include all the information listed in article 6(1) above. The Special Regulations must specify the information to be furnished by the group and the information to be furnished by each member of the group;

- b. The offer and the contract must be signed in a way that is binding on all members of the group;
- c. The nature of the group (*joint or several*) must be specified and justified with the production of a joint venture agreement in due form;
- d. The member of the group designated as the representative shall represent all the undertakings vis à vis the Contracting Authority in the execution of the contract.
- e. In case of joint co-contracting, the co-contractors shall share the sums which are paid by the Administration into a single account; on the other hand, each undertaking is paid in its own account by the Administration where it is several co-contracting.

6.3 Bidders should equally present sufficiently detailed proposals to demonstrate that they conform to the technical specifications and delivery time limits set in the Special Regulations of the invitation to tender.

6.4 Bidders seeking to benefit from a margin of preference must furnish all the information required to prove that they meet the eligibility criteria described in article 35 of the General Regulations.

Article 7: Visit of the work site

- 7.1. The bidder is advised to visit and inspect the site of works and its surroundings and to obtain by himself, and under his own responsibility, all the information that may be necessary for the preparation of the tender and the work execution. The costs related to the visit of the site are the responsibility of the Bidder.
- 7.2. the Contracting Authority is obliged to authorize the Bidder who so requests and his employees or agents to enter his premises and grounds for the purpose of the said visit, but only on the express condition that the Bidder, its employees and agents release the Owner, his employees and agents from any liability that may result and compensate them if necessary, and that he remains responsible for fatal or personal accidents, loss or damage to property, costs and expenses incurred as a result of this visit.
- 7.3. The Contracting Authority may organize a visit to the site of works at the time of the preparatory meeting for the preparation of the bids mentioned in article 19 of the GRIT.

B. Tender File

Article 8: Content of Tender File

- 8.1 The Tender File describes the works forming the subject of the contract, sets the consultation procedure by suppliers and specifies the terms of the contract. Besides the addenda published in accordance with article 9 of the General Regulations of the invitation to tender, it includes the following documents:

Document No. 1	The tender notice in English and French signed by the Delegated Contracting Authority
Document No. 2	The General Regulations of the invitation to tender which has model clauses that are not to be modified;
Document No. 3	The Special Regulations of the invitation to tender containing provisions of documents No. 2 which should be completed or specified within the context of the invitation to tender concerned
Document No. 4	The Special Administrative Conditions which deal with the execution of the contract and the related payments;
Document No. 5	The technical specification
Document No. 6	The framework of Unit Price Schedule;
Document No. 7	The framework of bill of Quantities and cost estimates
Document No. 8	Framework of breakdown of unit price;
Document No. 9	Draft contract; a. The planning of execution b. Model form for presentation of equipment, personnel, and references ; c. Model of tender letter; d. Model of tender bond; e. Model of final bond; f. Model of startup advance; g. Model of retention guarantee bond
Document No. 10	Models to be used by bidders;
Document No. 11	Justifications of preliminary studies to be filled by the Project Owner or Delegated Project Owner;
Document No. 12	List of first rate banking establishments and financial bodies approved by the Ministry in charge of finance authorised to issue bonds for public contracts

8.2 The bidder must examine all the rules, forms, conditions and specifications contained in the Tender file. It is up to him to furnish all the information requested and prepare a bid in conformity with all aspects of the said file. Any deficiency may lead to a rejection of his bid.

Article 9: Clarifications on the Tender File

9.1 Any bidder who wants to obtain clarifications on the Tender File may request them from the Contracting Authority in writing or by electronic mail (telecopy or e-mail) at the Contracting Authority's address indicated in the Special Regulations of the invitation to tender. The Contracting Authority shall reply in writing to any request for clarification received at least fourteen (14) days for

national invitations to tender and twenty-one (21) days for international invitations prior to the deadline for the submission of the offers.

A copy of the Contracting Authority's response, indicating the question posed but not mentioning the author, is addressed to all bidders who bought the Tender File.

9.2 Between the publication of the tender notice including the pre-qualification phase of candidates and the opening of bids, any bidder who feels aggrieved in the public contracts award procedure may lodge a complaint to the Contracting Authority.

9.3 The complaint must be addressed to the Contracting Authority with copies to the body in charge of the regulation of public contracts and the chairperson of the Tenders Board.

It must reach the Contracting Authority not later than fourteen (14) days before the opening of bids.

9.4 The Contracting Authority has five (5) days to react. A copy of the reaction shall be forwarded to the body in charge of the regulation of public contracts.

Article 10: Amendment of the Tender File

10.1 The Contracting Authority may at any moment prior to the deadline for the submission of offers and for any reason, be it at his initiative or in reply to a request for clarification formulated by a bidder, amend the Tender File by publishing an addendum.

10.2 Any published addendum shall be an integral part of the Tender File, in accordance with article 8.1 of the General Regulations of the invitation to tender and must be communicated in writing or made known to all bidders who bought the Tender File. The latter must acknowledge receipt of each of the addenda in writing to the Contracting Authority.

10.3 In order to give bidders sufficient time to take account of the addendum in the preparation of their bids, the Contracting Authority may postpone as is necessary, the deadline for the submission of bids, in accordance with provisions of article 23.3 of the General Regulations of the invitation to tender.

C. Preparation of bids

Article 11: Tender fees

The candidate shall bear the costs related to the preparation and presentation of his bid and the Contracting Authority shall in no case be responsible for these costs nor pay them whatever the evolution or outcome of the invitation to tender procedure.

Article 12: Language of bid

The bid as well as any correspondence and all documents concerning the bid exchanged between the bidder and the Contracting Authority shall be drafted in English or French. Complementary documents and the forms provided by the bidder may be drafted in either language on condition that a precise translation into either English or French of the passages concerning the bid is included; in which case and for reasons of interpretation of the bid, the translation shall be considered to be authentic.

Article 13: Constituent documents of the bid

13.1 The bid presented by the bidder shall include the documents detailed in the Special Regulations of the invitation to tender, duly filled and put together in three volumes:

a. Volume 1: Administrative file

It includes:

- i) all documents attesting that the bidder:
 - has subscribed to all declarations provided for by the laws and regulations in force;
 - paid all taxes, duties, contributions, fees or deductions of whatever nature;
 - is not winding up or bankrupt;
 - is not the subject of an exclusion order or forfeiture provided for by the law in force;
- ii) The bid bond established in accordance with the provisions of article 19 of the General Regulations of the invitation to tender;
- iii) the written confirmation empowering the signatory of the bid committing the bidder, in accordance with the provisions of article 6.1 the General Regulations of invitation to tender.

b. Volume 2: Technical bid

b.1 Information on qualifications

The Special Regulations of the invitation to tender specify the documents to be furnished by the bidders attesting to the qualification to bid in accordance with articles 6(1), 6(2) and 18 of the General Regulations.

b.2 Technical proposals

The Special Regulations specify the constituent elements of the technical proposals of bidders notably:

- A detailed description of the technical characteristics, performance, makes, models and references of the materials proposed including technical prospectuses in accordance with article 17 of the General Regulations;
- The calendar, schedule and delivery deadline.

b.3 Proof of acceptance of conditions of the contract

The bidder shall submit duly initialled copies of administrative and technical documents relating to the contract, namely:

1. The Special Administrative Conditions (SAC);
2. Technical specifications.

c. Volume 3: Financial bid

The Special Regulations specify the elements that will help in justifying the cost of the services, namely:

1. The signed and dated original bid prepared according to the attached model, stamped at the prevailing rate;
2. The duly filled Schedule of Unit Prices;
3. The duly filled detailed estimate;
4. The sub-details of prices and/or breakdown of all-in prices;
5. The previewed payment schedule in case:

To this effect, bidders should use the model documents and forms provided for in the Tender File, subject to the provisions of article 17(2) of the General Regulations of invitation to tender concerning the other possible forms of bid bond.

- 13.2 If in accordance with the provisions of the Special Regulations of invitation to tender, the bidders present bids for several lots of the same invitation to tender, they could indicate rebates offered in case of award of more than one lot.

Article 14: Amount of the bids

- 14.1 The general model conditions of prices shall be governed by rules prescribed in the latest edition of Incoterms published by the International Chamber of Commerce at the date of specified in the Special Regulations.
- 14.2 The bidder shall filled Prices as required in the model of price schedules furnished in annex.
- 14.3. Except as otherwise provided in the General Regulations and Special Regulations, all rights and taxes payable by the Bidder under the future Contract, or otherwise, thirty (30) days prior to the deadline for submission of bids will be included in the price and in the total amount of its offer.
- 14.4. If the price revision and / or discounting clauses are provided for in the contract, the date of establishment of the initial prices, as well as the procedures for revising and / or updating said prices must be specified. It being understood that any Contract whose execution period is not more than one (1) year can not be subject to a price revision.
- 14.5. All unit prices with quantities must be justified by sub-details established in accordance with the framework proposed in Exhibit THE TENDER FILE.

Article 15: Currency of bid

- 15.1. In the case of International Competitive Bids, the currencies of the bid must follow the provisions of either Option A or Option B below; the applicable option being that used in the Special Regulations.
- 15.2. Option A: The bid amount is denominated entirely in national currency. The bid price, the unit price of the price schedule and the estimated and quantitative retail prices are denominated entirely in CFA francs as follows:
- a). Prices will be fully denominated in the national currency. The tenderer who intends to incur expenses in other currencies for carrying out the Works, shall indicate in the Annex to the tender the percentage or percentages of the amount of

the tender necessary to cover the needs in foreign currencies, not exceeding a maximum of three currencies. Member countries of the market financing institution.

b). The exchange rates used by the Bidder to convert its bid into the national currency will be specified by the bidder as an appendix to the bid in accordance with the details of the RPAO. They will be applied for any payment under the Contract, so that no exchange risk is borne by the successful Bidder.

15.3. Option B: The bid amount is directly denominated in national and foreign currencies at the rates set out in the Special Regulations.

The bidder will quote the unit prices of the price schedule and the prices of the Quantitative and Estimated Detail as follows:

a). The prices of the inputs required for the Works that the Bidder intends to obtain in the country of the contracting authority shall be expressed in the currency of the country of the contracting authority specified in the Special Regulations and called "national currency".

b). The prices of the inputs required for the Works that the bidder intends to procure outside the country of the Contracting Authority shall be in the currency of the country of the bidders or that of an eligible Member State widely used in international trade.

15.4. The contracting authority may require bidders to express their needs in national and foreign currencies and to justify that the amounts included in the unit and total prices, and indicated in the annex to the tender, are reasonable; for this purpose, a detailed statement of its requirements in foreign currencies will be provided by the bidders.

15.5. During the execution of the works, most foreign currencies remaining to be paid on the contract price may be reviewed by agreement between the contracting authority and the contractor to take account of any changes in requirements. in foreign currency under the contract.

Article 16: Validity of bids

16.1 Bids must remain valid during the period stated in the Special Regulations from the date of submission of the offers set by the Contracting Authority in application of article 23 of the General Regulations. A bid valid for a shorter period shall be rejected by the Contracting Authority or Delegated Contracting Authority as not being in conformity.

16.2 Under exceptional circumstances, the Contracting Authority may request the consent of the bidder for the prolongation of the validity time-limit. The request and the responses that will be given shall be in writing (or by telecopy). The validity of the bid bond provided for in article 19 of the General Regulations shall equally be extended for a corresponding duration. A bidder may refuse to extend the validity of his bid without losing his bid bond.

A bidder who consents to an extension shall not be asked to modify his bid nor be authorised to do so.

- 16.3 Where the contract does not include a price revision clause and that the period of validity of offers is extended for more than sixty (60) days, the amounts payable to the bidder retained shall be updated by application of the related formula featuring in the request for extension that the Contracting Authority shall address to bidders.

The Contracting Authority's request must include a form of price revision. The updating period shall run from the date of overrun of the sixty (60) days to the date of notification of the contract or the Administrative Order for start of execution of services by the retained bidder, as specified in the Special Administrative Conditions. The effect of updating shall not be taken into account for purposes of evaluation.

Article 17: Bid bond

- 17.1 In application of article 13 of the General Regulations, the bidder shall furnish a bid bond of the amount specified in the Special Regulations and which shall become a full part of his offer.
- 17.2 The bid bond must conform to the model presented in the Tender File; other models may be authorised subject to the prior approval of the Contracting Authority. The bid bond will remain valid for thirty (30) days beyond the original date set for the validity of bids or any other validity time-limit requested by the Contracting Authority and accepted by the bidder, in accordance with article 20(2) of the General Regulations.
- 17.3 Any bid without an acceptable bid bond shall be rejected by the Contracting Authority as not being in conformity. The bid bond of associated enterprises must be established in the name of the representative submitting the bid and should mention each member of the associated grouping.
- 17.4 The bid bonds of bidders who are not retained shall be returned within fifteen (15) days after publication of the award result.
- 17.5 The bid bond of the successful bidder shall be released as soon as the latter would have signed the contract and furnished the required final bond.
- 17.6 The bid bond may be seized:
- a) if the bidder:
 - i) withdraws his bid during the time-limit which he specified in his bid;
 - ii) does not accept the correction of errors in application of article 30(4) of the General Regulations; or
 - b) if the bidder retained:
 - i) defaults in his obligation to sign the contract in application of article 42 of the General Regulations; or

- ii) defaults in his obligation to furnish the final bond in application of article 43 of the General Regulations.

Article 18: Variant proposals from bidders

- 18.1. Where the work can be performed in variable turnaround times, the special Regulations will specify these times, and indicate the method used to assess the Bidder's proposed completion time within the specified time frame. Bids offering deadlines beyond those specified will be considered non-compliant.
- 18.2. Except in the case mentioned in Article 18.3 below, bidders wishing to offer technical variants must first encrypt the basic solution of the contracting authority as described in the Tender Documents, and provide in addition, all the information that the developer needs to complete the evaluation of the proposed variant, including plans, calculation notes, technical specifications, price sub-details and proposed construction methods, and all other useful details. The developer will only examine the technical variants, if any, of the bidders whose bid in accordance with the basic solution has been evaluated as the lowest bidder.
- 18.3. When bidders are permitted, subject to the special Regulations, to submit technical variants directly for certain parts of the work, these parts of the work must be described in the Technical Specifications. Such variants will be evaluated according to their merit in accordance with the provisions of Article 32.2 (g) of the general Regulations.

Article 19: Preparatory meeting for the preparation of bids

- 19.1. Unless the special Regulations provides otherwise, the Bidder may be invited to attend a preparatory meeting to be held at the place and date indicated in the special Regulations.
- 19.2. The purpose of the preparatory meeting will be to provide clarification and answers to any questions that may be raised at this stage.
- 19.3. The Bidder is requested, as far as possible, to submit any questions in writing so that it reaches the project owner at least one week before the preparatory meeting. The project owner may not be able to answer questions received too late during the meeting. In this case, questions and answers will be sent according to the terms of Article 19.4 below.
- 19.4. The minutes of the meeting, including the text of the questions asked and answers given, including responses prepared after the meeting, will be sent without delay to all those who have purchased the Tender Documents. Any modification of the tender documents listed in Article 8 of the General Agreement that may be necessary at the end of the preparatory meeting will be made by the Contracting Authority by issuing an addendum in accordance with the provisions of Article 10 of the general Regulations, the minutes of the preparatory meeting cannot take place.
- 19.5. The fact that a bidder does not attend the pre-bid meeting will not be grounds for disqualification.

Article 20: Form and signature of the bid

20.1 The bidder shall prepare an original of the constituent documents described in article 12 of the General Regulations in a volume clearly indicated **"ORIGINAL"**. In addition, the bidder shall submit the number required in the General Regulations, bearing **"COPY"**. In case of discrepancy, the original shall be considered as authentic.

20.2 The original and copies of the bid must be typed or written in indelible ink (photocopies shall be accepted in the case of copies) and must be signed by the person(s) duly empowered to sign on behalf of the bidder, in accordance with article 6(1a) or 6(2c) of the General Regulations, as the case may be.

All the pages of the offer containing alterations or changes must be initialled by the signatory (ies) of the bid.

20.3 The bid shall bear no modification, suppression or alteration, unless such corrections are initialled by the signatory (ies) of the offer.

D. Submission of bids

Article 21: Sealing and marking of bids

21.1 The bidder shall place the original and each of the copies of the bid in separate and sealed envelopes bearing the inscription **"ORIGINAL"** and **"COPY"**, as the case may be. These envelopes should then be placed in another envelope which should equally be sealed and which provides no indication on the identity of the bidder.

21.2 The external and internal envelopes :

- a) should be addressed to the Contracting Authority at the address indicated in the Special Regulations;
- b) should bear the name of the project as well as the subject and number of the invitation to tender indicated in the Special Regulations and the inscription

"TO BE OPENED ONLY DURING THE BID-OPENING SESSION".

21.3 The internal envelopes should equally carry the name and address of the bidder in a way as to enable the Contracting Authority return the sealed offer if it is not opened.

21.4 If the external envelopes are not sealed and marked as indicated in article 21(1) and 21(2) above, the Contracting Authority shall not be responsible if the bid is misplaced or opened prematurely.

Article 22: Date and time limit for submission of bids

22.1 The bids must be received by the Contracting Authority at the address specified in article 21(2) of the Special Regulations not later than the date and time stated in the Special Regulations of the invitation to tender.

22.2 The Contracting Authority may, at his discretion, postpone the deadline set for the submission of the bids by publishing an addendum in accordance with the provisions of article 9 of the General Regulations. In this case, all the rights and obligations of the Contracting Authority and bidders previously governed by the initial date will henceforth be governed by the new date.

Article 23: Late bids

Any bid received by the Contracting Authority beyond the deadline for the submission of bids set by the Contracting Authority in application of article 22 of the General Regulations shall be declared late and consequently rejected.

Article 24: Modification, substitution and withdrawal of bids

24.1 A bidder may modify, replace or withdraw his bid after submitting it, on condition that the written notification of the modification or withdrawal is received by the Contracting Authority prior to the end of the time-limit prescribed for the submission of bids. The said notification must be signed by an authorised representative in application of article 21(2) of the General Regulations.

The modification or the corresponding replacement offer must be attached to the written notification. As the case may be, the envelopes must bear the inscription **"WITHDRAWAL"**, and **"REPLACEMENT OF BID"** or **"MODIFICATION"**.

24.2 The notification of modification, replacement or withdrawal should be prepared, sealed, marked and forwarded in accordance with the provisions of article 22 of the General Regulations. The withdrawal may equally be notified by telephone but should, in this case, be confirmed by a duly signed written notification whose date, post mark being authentic, must not be posterior to the time-limit set for the submission of offers.

24.3 Bids being requested to be withdrawn in application of article 25(1) shall be returned unopened.

24.4 No bid may be withdrawn in the interval between the deadline set for the submission of bids and the expiry of the validity period of the bids set in the model bid. The withdrawal of a bid by a bidder during this interval may lead to the confiscation of the bid bond in accordance with the provisions of article 19(6) of the General Regulations.

E. Opening of envelopes and evaluation of bids

Article 25: Opening of envelopes and petitions

25.1 The competent Tenders Board shall open the envelopes in single or two phases in the presence of the representatives of bidders who wish to attend and who have a perfect mastery of the file, at the date, time and address specified in the Special Regulations. Representatives of bidders present shall sign a register attesting to their presence. A single phase opening shall be appropriate where the qualification criteria are easily applicable.

25.2 Firstly, envelopes marked "withdrawal" shall be opened and the contents announced to the hearing of everyone, while the envelope containing the corresponding bid shall be returned to the bidder unopened. Withdrawal of a bid shall be allowed only if the corresponding notification contains a valid empowerment of the signatory to request this withdrawal and if this notification is read to the hearing of everyone. Then the envelopes marked "Replacement offer" are opened and announced to the hearing of everyone and the new corresponding bid substituted for the preceding one which will be sent to the bidder concerned unopened.

The replacement of a bid shall only be allowed if the corresponding notification contains a valid empowerment of the signatory requesting the replacement and read to the hearing of everyone. Lastly, the envelopes marked "modification" shall be opened and their contents read to the hearing of everyone with the corresponding bid. The modification of the bid shall only be allowed only if the corresponding notification contains a valid empowerment of the signatory requesting the modification and read to the hearing of everyone. Only bids which were opened and announced to the hearing of everyone during the opening of bids shall then be evaluated

25.3 All envelopes shall be opened successively and the name of the bidder announced aloud as well as the possible modification mentioned, the price offered, including any rebates [*in case of opening of financial bids*] and any variant, where necessary, the existence of a guarantee of the bid if it is required and any other details which the Contracting Authority deems useful to be mentioned. Only rebates and variants of bids announced to the hearing of everyone during the opening of bids shall be submitted for evaluation.

25.4 Bids (and modifications received in accordance with the provisions of article 24 of the General Regulations) which were not opened and read to the hearing of everyone during the bid-opening session for whatever reason, shall not be submitted for evaluation.

25.5 Bid-opening minutes are recorded on the spot mentioning the admissibility of bids, their administrative regularity, prices, rebates and time-limits as well as the composition of the Evaluation sub-committee. A copy of the said minutes to which is attached the attendance sheet is handed over to all the participants at the end of the session.

25.6 At the end of each bid-opening session, the chairperson of the Tenders Board immediately hands over to the focal point designated by ARMP an initialled copy of the bids presented by bidders and a copy to MINMAP for files requiring his prior endorsement.

25.7 In case of petition as provided for by the Public Contracts Code, it should be addressed to the Minister Delegate at the Presidency of the Republic in charge of Public Contracts with copies to the body in charge of the regulation of public contracts, the head of structure to which is attached the Tenders Board concerned.

It must reach within a maximum deadline of three (3) working days after the opening of bids in the form of a letter to which is obligatorily attached a sheet of

the petition form duly signed by the petitioner and possibly by the chairperson of the Tenders Board.

The Independent Observer must attach to his report the sheet that was handed to him, including any related commentaries or observations.

Article 26: Confidential nature of the procedure

- 26.1 No information relating to the examination, evaluation, comparison of bids and verification of the qualification of bidders and the contract award recommendation shall be given to bidders or to any other person concerned with the said procedure as long as the contract award has not been made public.
- 26.2 Any attempt by a bidder to influence the Tenders Board or the Evaluation sub-committee of the bids or the Contracting Authority in his award decision may cause the rejection of his bid.
- 26.3 Notwithstanding the provisions of article 26(2), between the opening of envelopes and the award of the contract, if a bidder wishes to enter into contact with the Contracting Authority for reasons having to do with his bid, he should do so in writing.

Article 27: Clarifications on the bids and contact with the Contracting Authority

- 27.1 To ease the examination, evaluation and comparison of bids, the Tenders Board may, if it desires, request any bidder to give clarifications on his bid. This request for clarification and the response given are formulated in writing but no change on the amount or content of the bid is sought, offered or authorised, except it is necessary to confirm the correction of calculation errors discovered by the Evaluation sub-committee during the evaluation in accordance with the provisions of article 32 of the General Regulations.
- 27.2 Subject to the provisions of paragraph 1 above, bidders shall not contact members of the Tenders Board and the Evaluation sub-committee for questions related to their bids, between the opening of envelopes and the award of the contract.

Article 28: Conformity of bids

- 28.1 The Evaluation sub-committee shall carry out a detailed examination of bids to determine if they are complete, if the required guarantees are furnished, if the documents were correctly signed and if generally the bids are in proper order.
- 28.2 The Evaluation sub-committee shall determine if the bid is essentially in conformity with the conditions fixed in the Tender File based on the content without recourse to external elements of proof.
- 28.3 A bid that conforms to the Tender File shall essentially be a bid that respects all the terms, conditions and specifications of the Tender File, without substantial divergence or reservation. A substantial divergence or omission is that:
 - a. which substantially limits the scope, quality or performance of the supplies and ancillary services specified in the contract;

- b. which substantially limits and is not in conformity with the Tender File, the rights of the Contracting Authority or the obligations of the bidder in relation to the contract; or
 - c. whose acceptance would be prejudicial to other bidders who presented bids that essentially conformed with the Tender File.
- 28.4 If a bid is essentially not in compliance, it shall be rejected by the competent Tenders Board and shall not eventually be rendered in compliance.
- 28.5 The Contracting Authority reserves the right to accept or reject any modification, divergence or reservation. Modifications, divergences, variants and other factors which are beyond the requirements of the Tender File shall not be considered during the evaluation of bids.

Article 29: Qualification of the bidder

The Evaluation sub-committee shall ensure that the bidder retained for having submitted the bid that substantially conformed to the provisions of the Tender File, meets the qualification criteria stipulated in article 6 of the Special Regulations. It is essential to avoid arbitrariness in determining qualification.

Article 30: Correction of errors

- 30.1 The Evaluation sub-committee shall verify the bids considered essentially in conformity with the Tender File to rectify the possible calculation errors. The sub-committee shall rectify the errors in the following manner:
- a) If there is a contradiction between the unit price and the total obtained by multiplying the unit price by the quantities, the unit price shall be authentic and the total price shall be corrected, unless, according to the Evaluation sub-committee, the decimal point of the unit price is manifestly badly placed. In which case the total price indicated shall prevail and the unit price corrected.
 - c) If the total obtained by the addition or subtraction of sub totals is not exact, the sub totals shall be authentic and the total corrected;
- 30.2. The amount in the Submission will be corrected by the Subcommittee of Analysis in accordance with the aforementioned error correction procedure and, with the Bidder's confirmation, said amount will be deemed to be binding.
- 30.3. If the Bidder submitting the lowest evaluated bid fails to accept the corrections made, the bid will be rejected and the bid secured.

Article 31: Conversion into a single currency

- 31.1 To facilitate the evaluation and comparison of bids, the Evaluation sub-committee shall convert the prices expressed in various currencies into an amount in which the bid is payable in CFA francs.
- 31.2 The conversion shall be done using the current exchange rate set by BEAC in force at the deadline for submission of bids under the conditions set in the Special Regulations.

Article 32: Financial evaluation of bids

- 32.1 The Evaluation sub-committee shall proceed to the evaluation and comparison of bids which it had determined essentially met the provisions of the Tender File within the meaning of articles 30, 31 and 32 of the General Regulations.
- 32.2 For this evaluation the Evaluation sub-committee shall consider the following elements:
- a) the bid price, indicated according to the provisions of article 30.2 of the General Regulations;
 - b) adjustments made on the price to correct the arithmetical errors in application of article 32(3) of the General Regulations;
 - c) adjustments made on the price as a result of rebates offered in application of paragraph 31.2 of the General Conditions;
 - d) By appropriately adjusting, on a technical or financial basis, any other modification, divergence or quantifiable reserve;
 - e) Taking into consideration the different lead times proposed by the bidders, if they are authorized by the special Regulations;
 - f) If applicable, in accordance with the provisions of Article 13.2 of the General Regulations and special Regulations, applying the discounts offered by the Bidder for the award of more than one lot, if this call for tenders is issued simultaneously for several lots.
 - g) Where applicable, in accordance with the provisions of section 18.3 of the special Regulations and the Technical Specifications, the proposed technical variants, if permitted, will be evaluated according to their merit and regardless of whether or not the Bidder will have bid for the award. technical solution specified by the Owner in the RPAO.
- 32.3. The estimated effect of the price revision formulas in the "CCAGs" and "CCAPs", applied during the period of performance of the Contract, will not be taken into account in the evaluation of the tenders.
- 32.4. If the lowest evaluated bid is found to be abnormally low or is significantly out of balance with the Owner's estimate of the work to be performed under the Contract, the commission may from the price sub-detail provided by the bidder for any element, or for all elements of the Quantitative and Estimated Detail, check whether these prices are compatible with the construction methods and the proposed schedule. In the event that the evidence submitted by the bidder does not seem satisfactory to him, the Employer may reject the tender after the technical opinion of the Public Contracts Regulation board.

Article 33: Margin of preference

If this provision is mentioned in the Special Regulations, national businesspersons may benefit from a national preference margin as provided for in the Public Contracts Code for reasons of evaluation of the bids.

F. Award of the contract

Article 34: Award of the contract

- 34.1 The Contracting Authority shall award the contract to the bidder whose offer was judged essentially in conformity with the Tender File and who has the

required technical and financial capacities to execute the contract satisfactorily and whose bid was evaluated as the lowest by including, where necessary, proposed rebates.

- 34.2 If the invitation to tender has several lots, the lowest bid shall be determined by evaluating this contract in relation with the other lots to be awarded concurrently, by taking into consideration the rebates offered by the bidders in case of award of more than one lot, as well as their financial situation at the time of award.
- 34.3 Any award of Works contracts shall be made to the Bidder fulfilling the technical and financial capacities required as a result of the evaluation criteria and presenting the bid evaluated as the lowest bidder.

Article 35: The right by the Contracting Authority to declare an invitation to tender unsuccessful or cancel a procedure

The Contracting Authority reserves the right to cancel a procedure of invitation to tender after the authorisation of the authority in charge of public contracts where the offers have been opened) or to declare an invitation to tender unsuccessful after the advice of the competent Tenders Board, without any claims being entertained.

Article 36: Notification of the award of the contract

Before the expiry of the validity of the bids set in the Special Regulations, the Contracting Authority shall notify the successful bidder by telecopy confirmed by registered mail that his bid was retained. This letter shall indicate the amount the Contracting Authority will pay the supplier to execute the contract and the execution time-limit.

Article 37: Publication of results of award and petitions

- 37.1 The Contracting Authority shall communicate to any bidder or administration concerned, upon request addressed to it within a maximum deadline of five (5) days after publication of the award results, the Independent Observer's report as well as the minutes of the award session of the related contract to which shall be attached the evaluation report of the bids.
- 37.2 The Contracting Authority is bound to communicate the reasons for the rejection of bids of the bidders concerned who so request.
- 37.3 After publication of the award results, bids that are not withdrawn within fifteen (15) days shall be destroyed, without any claims for compensation being entertained. Only the copy destined for the body in charge of regulation shall be kept.
- 37.4 In case of petition, it should be addressed to the Minister Delegate in charge of Public Contracts with copies to the Public Contracts Regulatory Agency, to the head of structure to which is attached the Tenders Board concerned and the chairperson of the said Tenders Board.
It must take place within a maximum deadline of five (5) working days after the publication of the results.

Article 38: Signing of the contract

- 38.1 After publication of the results, the draft contract subscribed by the successful bidder shall be submitted to the Tenders Board (and the competent Specialised Contracts Control Board, where need be) for approval.
- 38.2 The Contracting Authority has seven (7) days to sign the contract from the date of reception of the draft contract approved by the competent Tenders Board and subscribed by the successful bidder.
- 38.3 The contract must be notified to the successful bidder within five (5) days of its date of signature.

Article 39: Final Bond

- 39.1 Within twenty (20) days of the notification by the Contracting Authority, the contractor shall furnish the Project Owner with a final bond to guarantee the full execution of the services in the form stipulated in the Special Regulations, in accordance with the model provided in the Tender File.
- 39.2 The bond may be replaced by a guarantee from a banking establishment approved according to the instruments in force with the Contracting Authority as beneficiary or by a joint or several guarantee.
- 39.3 Small and medium-sized enterprises (SME) constituted of national capital and managed by nationals may, in lieu of the guarantee, provide a statutory lien or a bond issued by a banking establishment or a first rate financial institution approved in accordance with the instruments in force.
- 39.4 Failure to produce the final bond within the prescribed time-limit shall likely cause the termination of the contract.

Article 40: Right to modify quantities during the award of the contract

During the award of the contract, the Contracting Authority reserves the right to increase or decrease by not more than fifteen per cent (15%), the quantity of the supplies and services initially specified in the Quantity Schedule, without changing the unit prices or other terms and conditions.

Document No. 3:
Special Regulations of the
invitation to tender

Special Regulations of the invitation to tender

The following information and data concerning the acquisition of supplies should supplement or specify in the clauses of the General Regulations of the invitation to tender. In case of divergence, the following provisions will prevail over the articles of the General Regulations.

General	
1.1	Definition of Works: The SDO for MENCHUM, Contracting Authority, launches an Open National Invitation to Tender for the REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY SCHEME IN WUM SUBDIVISION, MENCHUM DIVISION OF THE NORTH WEST REGION
	The works are distributed in a batch according to the itinerary or the itineraries hereafter: REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY SCHEME IN WUM SUBDIVISION, MENCHUM DIVISION OF THE NORTH WEST REGION
	These works comprise the following descriptions: SERIE 100: PRELIMINARY WORKS • 101 Site installation • 102 project execution plan, As-Built plan and other project documentation SERIE 200: CONSTRUCTION WORKS • Construction of three spring intakes with 2m3 reinforced concrete collection chamber • Construction of two 25m2 circular storage tank in stone masonry with internal control rooms equipped with metallic doors (Float valve 1 1/2" and other plumbing accessories) • Stand tap equipped with soak-away pit • Control valve chamber (80x80x100cm) in masonry SERIE 300: PIPING NETWORK • Excavation and back filling of pipeline • Supply of PVC 63 to be laid from the three catchments to the two tanks and from the tanks to the main line. • Supply of PVC 40 to be laid along the new extensions • Plumbing accessories • Laying pipes • Supply and laying of PVC 32 NP10 (connection to all stand tap) • Supply and installation of pipe line indicator every 50m SERIE 400: ENVIRONMENTAL MITIGATION MEASURES • Environmental impact assessment • Water quality test (before and after construction) these include physio-chemical and bacteriological analysis of the sampled water, sampling and transportation of samples • Protection of the catchment area by the demarcation of its zone of influence through the erection of a fence made up of barbed wire and planting of water friendly trees. • Cleaning and disinfection of pipelines SERIE 500: PROJECT SUSTAINABILITY • Training and putting in place of a water management committee and two (2) caretakers • Supply of a complete tool box and spare parts with a dicing machine including the necessary dices ranging from 1" to 2"

	• Purchase of a metallic ladder 3m height to provide access in and out of tank • Repair of major leakages and rehabilitation of critical faulty structures of existing network
1.2	<u>PERIOD OF EXECUTION :</u> The entire period of execution of these Works is four (04) months calendar months. This duration starts as of the date of notification of the service order to start Works.
2.1	<u>FUNDING :</u> The Works on This tender are funded by the budget of the Ministry of the Economy, Planning and Regional Development, through the 2024/2025 financial year. The previewed cost of the entire works of this Open National Invitation to tender is: 80,000,000(Eighty Million) FCFA all taxes included
6.1	<u>MAIN CRITERIA OF EVALUATION OF THE BIDS :</u> -1- : <u>ELIMINATORY CRITERIA :</u> i) Absence of bid bond (tender bank guarantee) ; j) Absence after a period of 48 hours following the deposit of bids, of at least one of the administrative document, excluding that of the bid bond; k) Non-conformity after a period of 48 hours following the deposit of bids, of at one Administrative document; l) False declaration, falsified or non authentic document; m) Incomplete technical Bid, or the absence of: ➤ Attestation of site visit and its report; ➤ Personal Declaration attesting that the bidder has not abandoned any contract within the last three years, and that he does not figure on the list of defaillant enterprises established by MINMAP; ➤ A works engineer with qualification as required in the tender file (five years (5) of experience in the domain; ➤ Any of the key workers being a civil servant; ➤ Non-existence in the technical bid of « the organization, the methodology and planning » rubrics ; n) Omission of a unit price in the schedule of unit prices and the bill of quantities and cost estimates; o) Incomplete financial bid for absence of one of the following documents: ➤ The tender letter ; ➤ The unit price schedule following the indicated model of prices without value added tax in figures and in words, clearly filled. ; ➤ The bill of quantities and cost estimates (BOQ); ➤ The unit price breakdown; p) Not having obtain at least 80% of the criteria, following the evaluation of the essential technical criteria. 15-2 : <u>essential criteria :</u> The technical bids will be evaluated according to the following main criteria: The technical bids will be evaluated according to the following main criteria: 1- General presentation of the Tender Files; 2- Financial Capacity;

- 3- References of the company in similar achievements;
- 4- Quality of the personnel;
- 5- Technical organization of the works;
- 6- Safety measures on the site;
- 7- Logistics;
- 8- Attestation of site visit duly signed by the Contractor by honour to have visited the site and report of site visit;
- 9- Special Technical Clauses initialed in all the pages;
- 10- Special Administrative Clauses completed and initialed in all the pages.

12 BIDS language (s): French or English

Preparation of BIDS

The list of documents referred to in Article 13 of the General Regulations should be completed, grouped into three volumes respectively inserted in inner envelopes and detailed as follows:

Volume 1: Documents constituting the administrative file

- A.1 Certified Copy of the Business Registration, not more than three months old.
- A.2 Declaration of intention to tender stamped with the tariff in force (written by the bidder).
- A.3 Certificate of non-bankruptcy established by the Court of 1st instance or the Chamber Commerce, Industry and Trade of the place of residence of the bidder, not more than three (03) months.
- A.4 Attestation of bank account of the bidder, issued by a first rate-bank approved by the Ministry in charge of Finance or by a foreign bank the first order not more than three months.
- A.5 Purchase receipt of Tender File issued by treasury
- A.6 A bid bond of 1.600,000 (One million Six hundred thousand) FCFA issued by a first rate-bank approved by the Ministry in charge of Finance in conformity with COBAC conditions
- A.7 An attestation of non-exclusion from Public Contracts issued by the Public contract Regulatory Board (ARMP)
- A.8 An Attestation of the National Social Insurance Fund stating that the bidder has met all his obligations vis a vis the Fund; the attestation should be less than three months old.
- A.9 Business License (photocopy certified by the chief of center of Taxes, not more than three months).
- A.10 Certified Copy of a valid taxpayers card, delivered by the chief of center of Taxes.
- A.11 Attestation of fiscal conformity
- A.12 Plan of Attestation of localization of company stamped and signed
- A.13 A group agreement if necessary
- A.14 Power of attorney if necessary

Volume 2: Parts constituting the technical offer

- 2.1 Site visit; the bidder will produce the following two documents:
 - The certificate of visit of the Site following the model (Exhibit 9.4) dated, sealed and signed on the honor by the tenderer (this Certification as well as

the whole offer commits the tenderer who cannot claim the non-knowledge of the site for possible claims);

2.2 The site visit report, initialed to each and signed on the last page by the bidder. This report must be documented and illustrative.

2.3 The declaration of honor certifying that the tenderer has not abandoned a contract during the last three years, and that he does not appear on the list of failing companies established by the Ministry of Public Procurement;

2.4 Personnel

The CONTRACTOR must have, or have undertaken to hire, before the beginning of the works and for the duration of the work, the necessary technical personnel necessary, namely:

- A Work DIRECTOR

One (01) Work Supervisor, minimum level Civil Engineer, with at least FIVE (05) years of experience in the field of Water construction, with at least THREE (03) projects carried out at this position curriculum vitae signed by the candidates, a certified copy of the highest diploma signed by the Administrative Authority, and an attestation of availability signed by the candidate);

- A SITE FOREMAN

One (01) Site Manager, minimum level SENIOR Technical Civil Engineer, with at least THREE (03) years of experience in the field of water construction, with at least one (01) project carried out at this position a curriculum vitae signed by the candidate, a certified copy of the highest degree signed by the Administrative Authority, as well as an attestation of availability signed by the candidate;

2.4 equipment

The list of minimum equipment to provide is as follows:

• Materials to be supplied on own or rented:

- One (01) pick-up link vehicle;
- Two (02) Chainsaws;
- One (01) pharmacy box;
- Small equipment (at least 20 machetes, 5 spades, 5 round shovels, 5 wheelbarrows, 5 dig axes, 20 pairs of gangs).

2.6 Organization, methodology and planning:

The BIDDER must present in his tender, on pain of elimination, a technical note showing his understanding of the planned operations and a schedule of work organization.

Volume 3: Parts constituting the financial offer

3.1 The bid letter (tender form) itself, according to the model attached, stamped at the rate in force, signed and dated.

3.2. The unit price schedule duly completed, with an indication of the unit price excluding VAT in words and in figures.

3.3 Detail quantities and cost estimated of work completed.

3.4 The sub-details of prices according to the model attached

	Price and tender currency
14. 4	Contract prices are firm and non-revisable.
15. 2	The amount of the bid is denominated entirely in national currency (CFA franc).
	Preparation and submission of BIDS
16. 1	Period of validity of tenders: (a) BIDDERS remain bound by their offer for a period of ninety (90) days from the closing date for the submission of tenders, during which time the Contracting Authority will notify the firms selected (b) .In exceptional circumstances, before the expiry of the initial period of validity of tenders, the Contracting Authority may request bidders to extend the period of validity for an additional period of time. The request and answers must be in writing. A Bidder may refuse to extend the validity of its bid without losing the bid bond. The Bidder who agrees to extend the period of validity of its bid may not modify its bid, but must extend the period of validity of the Bid Deposit accordingly, in accordance with the provisions of Article 17 of the General Agreement.
17. 1	Amount of the bid bond: 1) Pursuant to Article 6 of the RPAO, the Bidder will provide, a bid bond, the amount specified in the Tender Notice, which will form an integral part of its bid. 2) The bid bond will conform to the template presented in the Tender Documents. The Submission Security will remain valid for thirty (30) days beyond the original initial date of validity of the offers, or any new expiry date requested by the Employer and accepted by the Bidder, in accordance with the provisions of Article 16.2 of the SPECIAL REGULATION. 3) Any bid not accompanied by an acceptable Bid Deposit will be rejected by the relevant Ministerial Procurement Commission as non-compliant. The Bid Deposit of a group of companies must be established in the name of a member of the group submitting the bid. 4) Bid Cautions and bids from unsuccessful bidders will be returned within fifteen (15) days after the publication of the result of the award, with the exception of the copy intended for the organization responsible for the regulation of public markets. Tenders not withdrawn within this period are destroyed, without there being grounds for complaint. 5) The Bid Deposit of the successful tenderer will be released as soon as the latter has signed the contract and provided the required Final Bond. 6) The Submission Security may be seized: (a) if the Bidder withdraws its bid during the period of validity, except in the case referred to in Article 24.2 of the RGAO (b) if, within the time limits provided for in Article 37 of the GMA, the successful tenderer fails to: i. to sign the contract, or ii. to provide the required Final Bond.
21. 2	Number of copies of the offer that must be completed and submitted: 1) The Bidder shall prepare an original of the documents constituting the offer in one (01) copy (for each of the three volumes) clearly marked "ORIGINAL". In addition, the Bidder will submit six (06) copies (for each of the three volumes) marked "COPY". In the event of any discrepancy between the original and the copies, the original will prevail.

2) The submission of tenders must take into account the principle of separation of administrative documents (volume 1) from the technical tender (volume 2) and the financial tender (volume 3).

Address of the Owner to use for sending the offers:

The tenders will be deposited against receipt under closed envelopes, in the services of the Client, _____, located in _____ (to give a very precise localization of the place).

Tenders must bear the following words:

OPEN NATIONAL INVITATION TO TENDER BY EMERGENCY PROCEDURE

N° ___/ONIT/E28/SEFA/DTBMCH/2024 OF _____

**REINFORCEMENT AND EXTENSION OF BU WATER SUPPLY SCHEME
IN WUM SUBDIVISION, MENCHUM DIVISION OF THE NORTH
WEST REGION.**

FUNDING: MINEPAT FUNDS 2024/2025

To be opened only during the bid-opening session ».

22. Deadline for submission of tenders:

1 Tenders will be submitted by _____ at _____

opening of the BIDS:

The opening of the bids will be in one (1) stage. The opening of Administrative, technical and financial documents shall take place on the _____ in the Conference hall of the **SDO'S Office**

Only bidders or their duly mandated representatives with a perfect knowledge of their offer shall attend this opening session.

Representatives of bidders will have to sign a form stating their presence at the opening of tenders.

Clarification on the bids

31. To better understand the bids, the Divisional Tender's Board has flexibility to seek for clarification from the bidders. The request for clarification and the response will be done in writing. No change of the offer price will be requested, proposed or authorized.

Examination of bids

The tenders' board shall examine the bids to determine if they are complete, if the required guarantees have been provided, if the documents were produced following the Tender File requirements, whether they contain calculation errors and if the bids are generally in good order. Any calculation errors will be corrected on the following bases:

- If there is a calculation error, the total price will be corrected on the basis of the unit price.
- If there is a contradiction between the price in words and the price in figures, the price in word will govern.
- If there is a contradiction between the amount in the unit price in the bill of quantities and estimates, and the unit price breakdown (sub-detail), the amount in the unit price break down shall govern

EVALUATION AND COMPARISON OF BIDS

	The technical subcommittee shall evaluate and compare the bids which were previously found substantially responsive to the conditions of the present invitation to tender. This evaluation will exclude and will not take into consideration any price variation clauses included in the submission. The evaluation of the bids shall be done in three (03) steps: • 1st step: Verification of the conformity of the administrative file; • 2nd step: Evaluation of the technical file; • 3rd step: Evaluation of the financial file.
	AWARD OF CONTRACT
	The contract will be awarded to the tenderer submitting the lowest evaluated bid, according to the case, fulfilling the required administrative, technical and financial criteria.
	Final guarantee
	The final Bond is fixed at two percent (2%) of the initial amount of the services envisaged in the country. It could be replaced by a guarantee personal and interdependent of a banking house approved by the Ministry of Finances following COBAC conditions. It will have to be made up in the twenty (20) days following the notification of the signature of the contract in a bank approved by the Minister in charge of Finances.

COMMENCEMENT OF WORK:

Before the commencement of work the Contractor must be installed on the site by the following:

- ❖ The Delegated Contracting Authority or his representative.....Chairperson
- ❖ The Authorizing Officer or his representative..... Member
- ❖ The Project Engineer, Divisional Delegate for MINEE;.....Secretary
- ❖ The DD MINMAP or his representative..... Observer
- ❖ The Contract Manager, a staff of DD MINEPAT.....Member
- ❖ The Village chief or representativeObserver if need be
- ❖ The Contractor.....Member