



GOVERNMENT OF BERMUDA
Ministry of Economic Development

Department of E-Commerce

INSTRUCTIONS TO BIDDERS

MED/DOEC/2016/001

PROJECT NAME: THE STATE OF ICT IN BERMUDA SURVEYS

PROJECT ADDRESS: DEPARTMENT OF E-COMMERCE

30 PARLIAMENT STREET, 3RD FLOOR, HAMILTON HM12

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INSTRUCTIONS TO BIDDERS

These are the conditions that will govern this procurement process.

Part 1 Introduction

1.1 Invitation to Bidders

This Request for Proposals (“RFP”) is an invitation by the Department of E-Commerce (“Department”) to prospective bidders to submit proposals for the provision of the State of ICT in Bermuda Surveys for 2016 that will document the state of residential and corporate technology, communications and Internet-related activities in Bermuda, as further described in Appendix I – The Terms of Reference Deliverables.

For the purposes of this procurement process, the “Department Contact” shall be Maryem Biadillah Starling, Senior Analyst. She may be contacted at mbstarling@gov.bm.

1.2 Introduction to the Department of E-Commerce

The Department of E-Commerce within the Ministry of Economic Development is primarily outward facing, concerned with the technology and e-business agenda of the country and its strategic development, ensuring that the appropriate legislative and policy framework is in place for both business and citizens to flourish and leverage the benefits of living in the digital age.

In all its programs and activities, it is accountable to the Ministry responsible for Economic Development.

1.3 Brief Description of Scope of Works/Services

The Department of E-Commerce within the Ministry of Economic Development requests the services of a contractor to coordinate the State of ICT in Bermuda Surveys for 2016 that will document the state of residential and corporate technology, communications and Internet-related activities in Bermuda.

1.4 Timetable of Events

The following table outlines the schedule associated with this procurement.

- i. This schedule provided is for information only. The Government does not guarantee that the dates referred to therein will be respected as they may depend on variable factors beyond the control of the Government. Therefore, the timing and sequence of events may vary and the Government will ultimately determine the sequence of events.
- ii. Should the Government, at its discretion, decide to extend the submission deadline, it shall promptly communicate its intentions by issuing an extension to all bidders before the submission deadline, by issuing an addendum.

Actions	Dates and Times
Issuing of the bidding documents	07/05/2016
Deadline for Clarifications and Questions from bidders. Requests must be made in writing and transmitted by e-mailing mbstarling@gov.bm	07/8/2016 at 12:00 p.m.
Posting of the responses to bidder questions and/ or Government Addenda	07/15/2016.
Submission Deadline (Closing) Bid submissions must be made in writing and transmitted by e-mail to mbstarling@gov.bm . Late Bids will not be considered.	07/22/2016 at 12:00 p.m.
Bid Opening	07/25/2016 at 2:00 p.m.
Step 1 Review and Evaluation Shortlisting bidders	07/26/2016



Step 2 Oral Presentations for Proof of Concept (if required) Oral Presentation(s) bidder(s) finalist(s)	The exact times and dates slots will be communicated to finalist(s) in due time
Step 3 Completion of the Selection and Evaluation Process	08/05/2016
Award of Contract(s)	08/12/2016

1.5 Public Access to Information

Any information collected or used by or on behalf of the Government of Bermuda under this solicitation document is subject to the Public Access to Information Act 2010 (“Act”). The information belongs to a class of information that might be made available to the general public unless it is contained in a record that is exempt from disclosure under the Act. Any questions regarding the collection, use, or disclosure of the information should be directed to the public authority that issued this solicitation document.

1.6 Sustainable Procurement

The Government is committed to sustainable solutions whereby both environmentally and socially responsible practices are incorporated into our procurement practices and impact the products and services we procure. This is achieved through pre-determined evaluation criteria that take into consideration the social enterprise of providing opportunities for Bermudian-owned small businesses, apprenticeship and training opportunities, and a variety of environmental considerations. We ask that you take this under consideration when bidding on Government Contracts.

1.7 Submission Deadline (Closing Date)

- .1 All bids must be received no later than July 22nd, 2016 at 12:00pm. Late submissions will not be accepted.
- .2 All submissions become the property of the Government of Bermuda and will not be returned. All conditions contained in the solicitation documents are considered accepted by the bidder in any information submitted.
- .3 Late bids will not be considered. The deadline is absolute and bids received after the due date and time shall be rejected. Bidders must ensure that their bid will be delivered to the correct destination by the due date and time.
- .4 Bids received after the stated deadline will be considered as 'NO BID' and 'VOID'. The time stamp for bids submitted electronically will be that of the Information Technology Office (ITO) mail server. It is the Bidder’s responsibility to allow enough time for electronic transmission and delivery, especially in the case of large files.
- .5 Bids must be submitted by way of an electronic mail (email), the subject of which is clearly marked: “State of ICT in Bermuda Surveys” to the Department of E-Commerce’s Maryem Biadillah Starling, Senior Analyst at mbstarling@gov.bm.

1.8 Eligible Bidders

This opportunity is open to bidders who meet the additional terms and conditions described herein.

- .1 A professional team and necessary equipment capable of performing the services and technical supervision for all activities related to this Bid;
- .2 The Bidder and the Bidder’s subcontractors must meet certain requirements, specified herein, in order to be considered as eligible Bidders for the project.
- .3 Bidders, sub-contractors and contracting teams which fail to meet the requirements specified herein will not qualify for this project and their Bid will not be accepted.
- .4 Bids submitted by a bidder with subcontractors shall comply with the following requirements:
 - .4.1 The Bidder shall note the names of proposed subcontractors in their Bid submission;



.4.2 The Bid and any Contract pursuant hereto shall be signed by the Bidder only; and

.4.3 The Bidder shall be liable, solely, for the execution of the Contract in accordance with the Contract terms.

.5 Bid submitted by a joint venture of two or more firms as partners shall comply with the following requirements:

.5.1 The Bid and any contract pursuant hereto shall be signed so as to be legally binding on all partners;

.5.2 The joint venture shall identify the partner or person(s) who shall be authorised to incur legally binding obligations on behalf of the joint venture. Such authorisation shall be evidenced by a fully executed Power of Attorney, joint venture agreement, resolution of the joint venture or such other documentation as the Government may determine to be acceptable, in its sole discretion;

.5.3 All partners of the joint venture shall agree to be held jointly and severally liable for the execution of the Contract in accordance with the Contract terms; and

.5.4 A copy of the Agreement entered into by the joint venture partners shall be submitted with the Bid.

1.9 Certificate of Confirmation of Non-Collusion

The Certificate of Confirmation of Non Collusion is a mandatory requirement for all bidders. Any forms of bid or agreement submitted which do not include a signed copy of this Certificate will be wholly rejected and will not be included in the evaluation process. If it is later found that the undertakings made below have been breached at any stage of the process, the Bidder will be expelled from the process immediately. In the event that this is discovered after a contract award, legal action may be taken against the Bidder and/or any party involved in the matter. False submissions may also exclude the Bidder, and any other person or company involved in collusion, from involvement in future contracts with the Government of Bermuda.

1.10 Cost of Preparation of Bid

The Bidder shall bear all costs associated with the preparation and submission of this Bid and the Government will in no case be responsible or liable for these costs regardless of the outcome of the bidding process.

Part 2 SOLICITATION DOCUMENTS

2.1 Content of Solicitation documents

.1 **Examination of RFP documents** - The Bidder is expected to examine all corresponding instructions, conditions, forms, terms, specifications and drawings in the documents. Failure to comply with these documents will be at the Bidder's risk and may affect the evaluation of the bid.

.2 **The Solicitation documents** are those stated below and should be read in conjunction with any Addenda thereto issued in accordance with Clause 2.3, for the purpose of bidding.

- .1 Letter of Invitation,
- .2 Instructions to Bidders,
- .3 Terms of Reference, and
- .4 Bid Submission.

2.2 Clarification of Solicitation Documents

.1 Prospective bidders requiring any clarification of the solicitation documents may contact Maryem Biadillah Starling in writing by emailing her at mbstarling@gov.bm. Bidders should not rely on communication with any other person(s) with regard to this process and should use the appointed Department Contact only.

.2 It is the responsibility of the Bidder to request any clarification or additional information arising from analysis of the RFP and



- (a) to report any errors, omissions, or ambiguities; and
- (b) to direct questions or seek additional information in writing.

.3 The Government will respond in writing by email to any request for clarification which they receive no later than July 8th at 12.00pm.

.4 Written copies of the Government's response, where necessary (including a description of the inquiry, but without identifying its source), will be sent to all prospective bidders who have provided contact details and posted on <https://www.gov.bm/procurement-notice>.

2.3 Amendment of Solicitation Documents

.1 At any time prior to the deadline for submission of bids, the Government may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, modify the solicitation documents by the issuance of an Addendum.

.2 The Addendum will be sent in writing by email to all prospective bidders who have been sent by email the solicitation documents from the Government and will be binding upon them. Prospective bidders shall promptly acknowledge receipt thereof by email to Maryem Biadillah Starling at mbstarling@gov.bm.

.3 In order to afford prospective bidders reasonable time in which to take an Addendum into account in preparing their bids, the Government may, in its sole discretion, extend the deadline for the submission of bids in accordance with Clause 4.4.

Part 3 PREPARATION OF BID

3.1 Language of the Bid

The Bid prepared by the Bidder and all correspondence and documents relating to the Bid shall be written in the English language.

3.2 Documents Comprising the Bid

Each bid submitted must include the following in order to be accepted by the Government.

Proposal: The information outlined below is the minimum submission requirement. Bidders may supply additional information if desired. The Proposal, at a minimum, shall consist of:

.1 Executive Summary: Each bid shall include an introduction to the Bidder's company and an overview of the Bidder's response. The executive summary should include an outline of services offered by the company, a company history, the number of current employees with the company, and any other information about the Bidder that may help the Government better understand the company's capabilities.

.2 Bidder Background: If the proposal is suggesting that the complete provisioning of the requirements in the solicitation document will be met by multiple companies, Bidders should provide answers to the following for **each** company in the partnership.

1. How long has your company been in existence?
2. Does your company owe outstanding taxes to the Bermuda Government?
3. Does your company have any pending litigation?
4. How many clients does your company currently service?
5. Does your company have experience working with Government entities?
6. Describe your company's proposed Service Level Agreement
7. Describe the process for providing status information and problem resolution timeframes



8. What is the physical location of the company and the employees who will be provisioning the requirements in the solicitation document?

.3 Description of Services: Each bid must include a description of the Services offered by the Bidder.

.4 Pricing: Each bid must include a completed Bid Submission that is signed by authorized signatories. Pricing should include all recurring and non-recurring costs that the Government will incur over the term of the Contract with the Bidder, including startup costs, installation fees, telecommunication costs, labor, travel, overtime, supplies, shipping, fees, services and any other expense as may be required or necessary to successfully provide the needed services.

.5 References: Each bid must include three references. Each reference shall include the name of the organization and the name, title and telephone number of a contact person within the organization. The reference information is to be provided on the reference sheet.

.6 Proposal Exceptions: Exceptions that a Bidder may have to any of the requirements found in this solicitation documents must be fully explained and outlined in the Bidder's submitted response in a separate section under the heading "Proposal Exceptions".

.7 Assumptions: The Bidder shall list any assumptions made in formulating their bid in a separate section under the heading "Assumptions". Any questions about the Terms of Reference should be addressed during the Bidder question period ending at 12.00pm on July 8th, 2016 to Maryem Biadillah Starling at mbstarling@gov.bm prior to submitting a bid response.

.8 Additional Information: Additional information not specifically required as a part of our requirements may be provided in a separate section under the heading "Additional Information".

.9 Work Plan: In this section you should propose:

- The main activities of the assignment, their content and duration,
- Phasing and interrelations of the main activities, and
- Milestones - including interim approvals by the Client and delivery dates of the documentation.

The proposed work plan should be consistent with the technical approach and methodology, showing understanding of the scope of work and ability to translate them into a feasible working plan.

- A list of the final documents, including respondents' data, reports, charts, and tables to be delivered as the final output, should be included here.
- The work plan should be consistent with the Work Schedule.

1. Organization and Staffing: In this section, you should propose the structure and composition of your team. The Bidder should list the main disciplines of the assignment, the key expert(s) responsible, and the tasks to be addressed by each team member and proposed technical and support staff. The Bidder should also provide CVs for the key staff positions you are proposing for this project.

2. Agreement to Specifications: By submitting a bid, the Bidder agrees to the specifications (terms of reference) presented except as noted in Bidder's Proposal Exceptions. The Contract between the Government and the successful Bidder will include and fully incorporate the successful Bidder's Bid.

3.3 Bid Prices

1. **Currencies** - The fixed rates shall be quoted in Bermuda dollars.
2. The Bidder shall provide a detailed schedule of values supporting the proposed **Bid Sum Price** in the Bid Submission (Appendix II).



3. Items against which no price is entered by the Bidder will not be paid for by the Government when executed and shall be deemed covered by the other **Bid sum price** in the form provided.
4. The Bidder price shall include all labour, materials, equipment, tools, and expenses necessary to perform the Terms of Reference, including overhead and profit in the rates and prices listed. The price shall include and indicate separately the cost of any work permits, and taxes.
5. The Bid shall include an estimated schedule for progress payments, if any.
6. All duties, taxes and other levies payable by the Bidder under the Contract, or for any other cause, as of the closing date for submission of Bid, shall be included in the rates and prices and total Bid.
7. If this solicitation is amended, all terms and conditions that are not amended remain unchanged.
8. Unless stated otherwise in the solicitation documents, the Contract shall be for the specific works as detailed in the Bid, Terms of References and other RFP documents and based on the completion and submission of the requested Forms.

3.4 Special Pricing Requirements

The Bidder shall provide hourly and monthly fixed rates for the Services where indicated in the Price List.

3.5 Period of Validity of Bids

.1 All prices offered shall remain firm for ninety (90) calendar days from the deadline for Bids which is specified as July 22nd at 12.00pm, unless the deadline is modified by an amendment to this solicitation. A Bid valid for a shorter period may be rejected as non-responsive pursuant to Clause 4 of these Instructions to Bidders.

.2 In exceptional circumstances, prior to expiry of the original period of validity, the Government may request that the Bid validity period be extended. The request and the responses thereto shall be made in writing by email. A Bidder may refuse the request and withdraw his Bid. A Bidder agreeing to the request will not be required, nor permitted to modify his Bid.

3.6 Safety and Health

All works must be carried out in strict accordance with the Bermuda Occupational Safety and Health Act, 1982 and the Occupational Safety and Health Regulations of 2009.

3.7 Alcohol, Smoke and Drug-Free Policy

All Government buildings and work sites are designated as alcohol, smoke and drug-free.

3.8 Confidentiality Agreement

The successful firm and key individuals may be required to sign a project confidentiality agreement limiting information that may be discussed outside the team.

Part 4 SUBMISSION OF BID

4.1 Format and Signing of Bid

.1 The Bid shall be typed or written in indelible ink and all be signed by the Bidder or a person or persons who are duly authorized to bind the Bidder to the contract.

.2 The bid shall contain no interlineations, erasures, or overwriting except as necessary to correct error made by the Bidder, in which case the person or persons signing the Bid shall initial such corrections.

.3 Only one bid may be submitted by each bidder. No bidder may participate in the Bid of



another for the same Contract in any relation whatsoever.

4.2 Sealing and Marking of Bids

Bids may be submitted by electronic mail (email) as noted below.

.1 The time stamp for Bids submitted electronically will be that of the Bermuda Government's Information Technology Office (ITO) mail server. It is the Bidder's responsibility to allow enough time for electronic transmission and delivery, especially in the case of large files.

.2 All bids must be signed and submitted in pdf format.

.3 The subject of the email submission must be clearly marked: "State of ICT in Bermuda Surveys" and sent to Maryem Biadillah Starling, Senior Analyst at mbstarling@gov.bm no later than 12:00pm on July 22nd, 2016.

.4 Bids may be withdrawn at any time by written notice, only provided such notice is received at the office of the Government prior to the date/time set as the closing time for receiving Bids.

4.3 Deadline for Submission of Bids

.1 Bids must be received in the inbox of Maryem Biadillah Starling at mbstarling@gov.bm on or before the date and time specified.

.2 Any Bid received by the Government after the deadline for submission of Bids will not be accepted and will be rejected.

4.4 Extension of Deadline for Submission of Bids

.1 The Government may, at its discretion, extend the deadline for submission of Bid by issuing an amendment in which case all rights and obligations of the Government and the Bidders previously subject to the original deadline shall thereafter be subject to the new deadline as extended.

.2 Any bid received by the Government after that deadline for submission of bids will not be opened nor considered further for evaluation, irrespective of the circumstances.

4.5 Modifications and Withdrawal of Bids

.1 The Bidder may modify or withdraw his bid after submission, provided that the modification or notice of withdrawal is received in writing by the Government prior to the deadline for submission.

.2 The Bidder's modification of a Bid must be submitted by email, the subject of which is clearly marked: "State of ICT in Bermuda Surveys – MODIFICATION OF BID" to the Department of E-Commerce's Maryem Biadillah Starling, Senior Analyst at mbstarling@gov.bm.

.3 The Bidder's withdrawal of a Bid must be submitted by email, the subject of which is clearly marked: "State of ICT in Bermuda Surveys – WITHDRAWAL OF BID" to the Department of E-Commerce's Maryem Biadillah Starling, Senior Analyst at mbstarling@gov.bm.

.4 No bid may be withdrawn in the interval between the deadline for submission of bids and the expiration of the period of bid validity.

4.6 Late Bids WILL NOT BE CONSIDERED

.1 The deadline is absolute and bids received after the due date and time shall be rejected.

.2 Bidders must ensure that bids are delivered to the correct inbox by the due date and time.

.3 The time stamp for bids submitted electronically will be that of the Information Technology Office (ITO) mail server. It is the Bidder's responsibility to allow enough time for electronic transmission and delivery, especially in the case of large files.



Part 5 OPENING AND EVALUATION

5.1 Opening

- .1 The Bid opening will not be held in public.
- .2 Bids for which an acceptable notice of withdrawal has been submitted pursuant to Clause 4.5 shall not be opened nor considered further for evaluation, irrespective of the circumstances.
- .3 The Department will prepare minutes of the bid opening for the project file and for audit purposes.

5.2 Process to be Confidential

- .1 Information relating to the examination, clarification, evaluation and comparison of Bids and recommendations concerning any award of contract shall not be disclosed to bidders or other persons not officially concerned with such process until a decision is made.
- .2 Any efforts by a bidder to influence the Government in the process of examination, clarification, evaluation and comparison of bids, and in decisions concerning any award of Contract, shall result in the rejection of the Bid.
- .3 All submissions shall be regarded as containing proprietary information and shall remain confidential from the public. However, details regarding the final contract award (name of recipient and price) may be publicly announced.

5.3 Preliminary Examination – Determination of Responsiveness

- .1 Preliminary Examination of Bids
 - .1.1 Prior to the detailed evaluation, the Government will determine whether each bid is substantially responsive to the requirement of the RFP.
 - .1.2 The Government will examine the bids to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.
 - .1.3 Government may reject any bid or all bids at this stage.
- .2 For the purpose of this clause, a substantially responsive bid is one which conforms to all the terms, conditions and specifications of the bid documents without material deviation or reservation.
- .3 A material deviation or reservation is one which affects or could affect, in any substantial way, the scope, quality, or performance of the Services or which limits, in any substantial way, the Government's rights or the Bidder's obligations under the Contract and rectification of which deviation or reservation would affect unfairly the competitive position of other bidders presenting substantially responsive bids.
- .4 A Bid determined as not substantially responsive will be rejected by the Government.
- .5 The Evaluation and Selection Committee composed of representatives of Government will evaluate all Bids that have passed the preliminary examination stage. Its evaluation will be based on the pre-determined quantitative and qualitative criteria.

5.4 Correction of Computational Errors

Computational errors will be rectified on the following basis:

- .1 Where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the Bidder does not accept the correction of errors, its Bid will be rejected.
- .2 Where there is a discrepancy between the amounts in figures and in words, the amounts in words will govern; and



.3 Where there is a discrepancy between the individual lump sums and the total amounts derived from the sum of the individual lump sum, the individual lump sum as quoted will govern, and the total amount will be corrected.

5.5 Clarification of Bids

To assist in the examination, evaluation and comparison of bids, the Government may at its discretion ask the Bidder for clarification of its bid. The request for clarification and the response shall be in writing and no change in price or the substance of the bid shall be sought, offered or permitted, except as required to confirm the correction of computational errors discovered by the Government during the evaluation of the bids in accordance with Clause 5.4. The Government may revisit and re-evaluate the Bidder's Bid or ranking on the basis of such information.

5.6 Evaluation

.1 Evaluation Process

.1.1 Each Bid will be reviewed by the Evaluation and Selection Committee to determine if it meets the Bid requirements. Failure to meet the requirements for the RFP may be cause for rejection of the Bid.

.1.2 The final selection of a bidder will be determined following the review of all bids and the formal oral presentations, if included in the process. The Bid price alone will not be the sole determining factor in the selection of the Bidder for this work. The Government will consider the Bid prices for all Bid items identified herein, together with the Bidder's qualifications, references, and understanding of the scope of work to form the basis for its decision on who will be selected. The Government reserves the right to reject any or all bids and to determine which bid is, in the Government's judgment, the most responsive.

.1.3 The evaluation committee may, at its sole option, create a short list and ask for interviews or oral presentations by any bidder(s) participating in this process. Attendance at any such interview will be at the Bidder's expense.

.2 Phases of the Bid Evaluation

The Government will conduct the evaluation of the bids in the following phases. Bids will be evaluated to determine the best value offered to the Government.

Phase 1 - Bid Responsiveness - Pass/ Fail

Required documentation: Bids will be reviewed to determine if all required documentation was included with Bid submission as described in this solicitation document.

Each bid will be reviewed by the evaluation committee to determine if it meets the RFP's mandatory requirements. Failure to meet the requirements may be cause for rejection of the Bid.

Phase 2 - Technical Evaluation

The submissions will be evaluated according to the Evaluation/ Weighting Criteria below.

The evaluation committee may seek written clarification from any or all prospective bidders in order to better understand and evaluate the responses.

Phase 3 - Presentations/ Oral Interviews

Responses determined to have scored in the competitive range may be invited to present oral presentations for the purpose of introducing key members of the evaluation team, and allowing the Government to fully understand the prospective Bidder's ability to meet the evaluation criteria. Oral presentations



will not be scored separately. Instead, the Government may modify scores and resulting rankings based on the oral presentation.

The service manager identified in the Bid must be the lead presenter in the oral presentation. This process may not be used as an opportunity to submit missing documentation or to make substantive revisions to the original Bid.

Phase 4 - Financial Evaluation

After the technical and oral presentations, the financial offers will be evaluated last.

Evaluation weighted scoring: Bids will be evaluated and scored in accordance with the table below.

Experience and Capacity	50%
Financial	30%
Social, Economic and Environmental	20%

.3 Cumulative Score

At the conclusion of Phase 4, all the scores for the prior phases will be added and the highest ranking bidder will be recommended from contract award.

Part 6 AWARD OF CONTRACT

6.1 Award Criteria

.1 The Government will award the contract to the highest ranking bidder according to the criteria above.

.2 The Government may award contracts to multiple bidders pursuant to this Request for Proposals. Additionally, a bidder may be awarded multiple works packages.

.3 Where multiple works packages are available, the Government does not bind itself to accept the lowest bid of each package. The Government reserves the right to award the work packages in their entirety to a single bidder or to separate bidders.

.4 The Bidder whose Bid has been determined to be substantially responsive to the solicitation documents and who, in the opinion of the Government, has offered the best overall submission, taking into consideration the price, the contractor's capability and available resources to carry out the contract effectively and the Bidder's schedule, may be awarded the contract. This may not be the lowest priced Bid received.

.5 The government does not bind itself to accept the lowest or any Bid and reserves the right to reject any bid and to annul the tendering process and reject all bids, at any time prior to the award of contract, without thereby incurring any liability to the affected bidder or bidders, or being under any obligation to inform the affected bidder or bidders of the grounds for the Government's action.

.6 Prior to expiration of the period of the bid validity, the Government shall award a single or multiple contract(s) to the qualified bidder or bidders with the highest total score based on the evaluation method stated within the instructions to bidders;

.7 The Government may declare the bidding process void when it is evident that there is a lack of competition or there has been collusion.

.8 All bids may be rejected if substantially higher than the budget.

.9 **References** - Before awarding any contract, the Government reserves the right to require the Bidder to submit such evidence of qualifications as it may deem appropriate. This evidence may be concerning financial, technical and other qualifications as well as the relevant experience and skills of the Bidder. At least three written references from product end-users are required prior to the offer being made.



6.2 Government Right to Vary Requirement at Time of Award

The Government reserves the right at the time of making the award of contract to increase or decrease items in the bill of Quantity, if possible, without any change in unit price or other terms and conditions, by the amount of ten (10) percent. This shall only be done in a manner that does not affect the overall completion of the works.

6.3 Notification of Award

.1 Prior to the expiration of the period of bid validity prescribed in clause 3.5 of these instructions, the Government will notify the successful bidder by email that its bid has been accepted. This letter (hereinafter and in the Conditions of Contract called "Letter of Acceptance") shall name the sum which the Government will pay to the Contractor in consideration of the execution and completion of the Works by the Contractor as prescribed by the Contract (hereinafter and in the Conditions of Contract called "the Contract Amount").

.2 The successful bid together with the Letter of Acceptance will constitute the formation of a binding contract unless and until a formal agreement is executed.

.3 The Contract may only be accepted by the Contractor signing and returning the acknowledgment copy of the contract. Such acceptance shall effect a contract between the parties under which the rights and obligation of the parties shall be governed solely by the terms and condition of this contract.

.4 The Government will promptly notify the unsuccessful bidders in writing.

.5 Registration should be concurrent with the commencement of business activities and the consultant will be provided with instruction to complete the relevant returns. The Government will advise the contractor of the requirement to register whether they are Bermuda Resident or not.

The contractor is required to register with the following:

- .1 The Office of the Tax Commissioner as required by the Payroll Tax Act 1995.
- .2 The Department of Social insurance as required by the Contributory Pensions Act 1970.
- .3 Consultants are responsible for their own health insurance.

6.4 Signing of the Contract

At the same time that the successful bidder is notified that his Bid has been accepted, the Government will arrange for the contract signing.

6.5 Payment;

.1 Time of Payment: unless otherwise indicated in the special terms and conditions of the contract, Government will normally effect payment within 30 days after receipt of a commercial invoice.

.2 It is not the normal policy of Government to approve advance payments, unless specifically stated in the payment terms and prior approval is required by senior management.

.3 Currency of Payment: Payment will be made in the currency in which the contract is issued.

6.6 Complaints

If at any time during the Procurement process, a bidder considers that it has been unfairly treated, the Bidder must first notify the Department of E-Commerce in writing. If the matter is not resolved, the bidder may then contact the nominated procurement complaints officer below, and request in writing for the issue to be dealt with in accordance with the OPMP complaint management process.

Director of Office of Project Management and Procurement

Email: procurement@gov.bm

Phone: (441) 294-9116

END OF INSTRUCTIONS TO BIDDERS