



## INSTRUCTIONS TO TENDERERS

### (1) Public Access to Information

Any information collected or used by or on behalf of the Government of Bermuda (“Government”) 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 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.

### (2) Submission of Tenders

- a) All completed tenders must be returned in sealed envelopes and clearly marked “The Cabinet Building - Tender for the Supply of Timber Windows” and returned no later than **3:00 p.m. on 20<sup>th</sup> July 2015**.
- b) Tenders received later than this time will not be considered.
- c) Tenders shall be submitted on the forms furnished and sealed in an envelope.

### **IMPORTANT:**

**Tenders Must Be Placed In The Tender Box Of The Ministry Of Public Works, The Department Of Public Lands And Buildings Located At Prospect Maintenance Depot, 2 Aeolia Drive, Devonshire, DV05.**

### (3) Rejection of Tenders

The Government reserves the right to reject any or all Tenders and is not bound to accept the lowest Tender.

### (4) Tender Documents and Site Conditions

Each Tenderer, by submitting its Tender, represents that an authorized representative of the Tenderer has read and understands the Tender Documents, and has visited the site and familiarized himself with the conditions under which the works are to be performed.

### (5) Alterations

No alterations are to be made to the Form of Tender except in filling in the blanks as indicated. If any such alterations are made, or if these instructions are not fully complied with, the Tender may be rejected.

### (6) Period of Validity of Tender

The Tenderer shall abide by this Tender for a period of One Hundred and Twenty (120) calendar days from the deadline for receipt of Tenders.



(7) 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.

Alcohol, Smoke and Drug-Free Policy: All Government buildings and work sites are designated as alcohol, smoke and drug-free.

(8) Other Submissions

Tenderers must submit with their Tenders a proposed operational plan containing the following:-

- a) Overall methodology for execution of the works including crew size, number of crews and planned days.

Tenderers shall also submit with their tender a complete list of any sub-contractors utilized.

(9) Tenderer's Responsibility & Clarification Questions

It is the tenderer's responsibility to ensure that it completely understands the requirements and instructions set out in this Invitation to Tender. In the event that clarification is required, tenderers should submit questions via e-mail to Dennis Reid at [ddreid@gov.bm](mailto:ddreid@gov.bm).

**The deadline for submitting questions is 12:00 p.m. on Monday, July 13<sup>th</sup> 2015.**

Tenderers should seek to clarify any points of doubt or difficulty with the Government before submitting a Tender.

Tenderers are encouraged to visit the sites of the said works.

(10) Insurance

The Tenderer shall submit evidence with its Tender, such as a copy of a certificate or a letter from its insurers, confirming Third Party Insurance has been retained for the amount shown in the Schedule to the Agreement and for the duration of the Works.

(11) Evaluation and Comparison of Tenders

- a) The tenders submitted will be evaluated in a two-stage process. During the preliminary stage, a determination will be made as to whether all requested information has been provided. A short list of potential contractors will be developed, and their tenders will be scored utilizing an evaluation matrix with the following evaluation criteria: (i) experience and capacity; (ii) financial analysis; and (iii) any previous work performed for the Government. Scores will be entered in to the evaluation matrix.
- b) The tender assessment will take into consideration the submitted tender documents inclusive of each Tenderer's prices, schedule of rates, proposed methodology, qualifications, overall relevant experience in relation to this type of work, and the applicable qualifications of the



team and each team member proposed to be used to undertake the work. The Government reserves the right to accept or reject any variations, deviations or alternative offers. Variations, deviations and alternative offers and other factors which are in excess of the requirement of the tendering documents or otherwise result in the accrual of unsolicited benefits to the Government shall not be taken into account in the tender evaluation.

To assist with this process, please provide the following information:-

- i. Details of up to three projects completed by your company which are similar to the works described.
- ii. Indicate the number of incidences that have occurred within the last five years where an employee has been injured on the job, if any. Please also indicate how much time such employees were off work because of the sustained injury (ies).
- iii. Provide three (3) references from prior clients. These may be in the form of written letters from the clients or contact information.
- iv. Provide a reference from your banking institution as to your standing with the bank. Please also indicate whether your company has filed for bankruptcy within the last two years or whether your company is currently insolvent.
- v. Proof of company payroll status and social insurance status.
- vi. Indicate whether your company provides apprenticeships/training positions. If no apprenticeship or training positions exist, indicate whether your company provides training to current employees.
- vii. Indicate the total number of employees working at your company and the number and percentage of Bermudian employees.
- viii. Indicate whether your company has an environmental policy and, if so, please provide a copy.
- ix. Indicate whether your company has a Safety and Health policy and, if so, please provide a copy.
- x. Provide a list of your company's principals on the provided form.
- xi. Indicate whether your company or its principals have participated in any business skills training either with the Bermuda Economic Development Corporation or otherwise.
- xii. A Certificate of Confirmation of Non-Collusion. The Certificate of Confirmation of Non-Collusion form must be signed and returned with contractor's response.

(12) Award of Contract

- a) The Government will award the contract to the tenderer whose proposal has been determined to be substantially responsive to the tender documents and who, in the opinion of the Government, has offered the best proposal taking into consideration the price, the contractor's capability and available resources to carry out the contract



effectively and the contractor's schedule. This may not be the lowest priced proposal received.

- b) The Government does not bind itself to accept the lowest or any proposal and reserves the right to reject any proposal and, and to annul the tendering process and reject all tenders, at any time prior to award of contract, without thereby incurring any liability to the affected tenderer or tenderers, or being under any obligation to inform the affected tenderer or tenderers of the grounds for the Government's action.
- c) The Government may declare the tender void when it is evident that there is a lack of competition or there has been collusion. All proposals may be rejected if substantially higher than the budget.

(13) Notification of Award

- a) Prior to the expiration of the period of tender validity prescribed in paragraph 6 of these instructions the Government will notify the successful tenderer by email and/or registered letter that its tender 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, completion and maintenance of the Works by the Contractor as prescribed by the Contract (hereinafter and in the Conditions of Contract called "the Contract Amount").
- b) The successful Tender together with the Letter of Acceptance will constitute the formation of a binding contract unless and until a formal agreement is executed.
- c) The Government will promptly notify the unsuccessful tenderers in writing.

(14) Signing of Contract Agreement

- a) At the same time that the Government notifies the successful tenderer(s) that its tender has been accepted, the Government will send the tenderer, the Form of Agreement provided in the tendering documents, incorporating all agreements between the parties.
- b) Within 14 days of receipt of the Form of Agreement, the successful tenderer shall sign the Form and return it to the Government.

**End of Instructions to Tenderers**



**TENDER FORM**

(Note: all sheets form part of the tender)

**The Cabinet Building  
 105 Front Street  
 Hamilton  
 HM12**

**Buildings #0403**

**Supply of Timber Sliding Sash Windows**

**TO: PERMANENT SECRETARY, Ministry of Public Works**

Having examined the tender documents and visited the sites for the above work, we the undersigned, offer to supply of timber sliding sash windows at the above property, in accordance with the terms and conditions outlined in the draft contract for the specification.

**Tenders will only be accepted in respect of the entire scope of works and not on individual elements.**

**TO BE COMPLETED BY CONTRACTOR**

<b>Materials Supply Cost:</b>	\$
<b>Total Fixed Tender Sum:</b>	\$
<b>Total Fixed Tender Sum (words):</b>	
<b>Contract Period:</b>	.....calendar weeks
<b>Proposed Start Date:</b>	..... 2015
<b>Proposed Completion Date:</b>	.....2015



General:

1. We declare that this tender is made without any connection, comparison of figures or arrangements with or knowledge of any other corporation, firm or person making a tender for the same work and is in all respects fair and without collusion or fraud.
2. We acknowledge that the Government is not bound to accept the lowest or any tender, and will not accept any late tender.
3. We confirm that we, the undersigned, are conducting business as a proper legal entity and are not delinquent in making payments to the Government for Social Insurance contributions, Payroll Tax or any other debt recorded by the Accountant General's Debt Collection Section.
4. We confirm that we have submitted a bona fide Tender, intended to be competitive and we have not fixed or adjusted our Price by or under or in accordance with any agreement or arrangement with any other tenderer.
5. Having examined the Site, the Tender Documents and Addenda Nos. \_\_\_\_\_ inclusive for the execution of the above named Work we, the undersigned, offer to provide the Named Work in accordance with the **Instructions to Tenderers, Forms of Tender and related documents**, specification ..... (Herein called the *Tender Documents*).
6. We undertake, if our Tender is accepted, to commence the Works as soon as is reasonably possible after the receipt of the Project Manager's notice to commence, and to provide the Works comprised in the *Contract Documents*.
7. We confirm that our Tender shall remain open for acceptance by the Government of Bermuda for a period of **One Hundred and Twenty (120) calendar days** from the date of this undertaking and shall be irrevocable during this period.
8. We understand that Government may accept/reject any tender it may receive.
9. We undertake to commence the work within **FOURTEEN (14) calendar days** of the date of the acceptance of this tender.
10. Unless and until a formal agreement is prepared and executed, this Tender, together with your written acceptance thereof, shall constitute a binding contract between us.
11. We consent to the collection and use of any information we give to the Government in response to this solicitation document and waive any right to



challenge any decision made by the Government to disclose the information.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

(Name)

\_\_\_\_\_

(Signature)

\_\_\_\_\_

Duly authorized to sign tenders for and on behalf of:

(Firm)

\_\_\_\_\_

(Address)

\_\_\_\_\_



**CERTIFICATE OF CONFIRMATION OF NON-COLLUSION**

**Notes for the tenderer**

The essence of Open Tendering is that the Government of Bermuda shall receive bona fide competitive Tenders from all persons tendering. In recognition of this principle, each company that submits a tender will be required, by way of the signature of a duly authorized representative of the company, to confirm that the tender has been submitted without any form of collusion.

All tenderers must complete and sign a Certificate of Confirmation of Non-Collusion. Any tenders submitted which do not include a signed copy of the 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 procurement process, then the tenderer 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 tenderer and/or any party involved in the matter.

Any tenderer that submits false information in response to a tender, and any other person or company involved in collusion, may be excluded from tendering for future contracts tendered by the Government of Bermuda.

**Confirmation of non-collusion**

I/We certify that this is a bona fide Tender, intended to be competitive and that I/We have not fixed or adjusted the amount of the Tender or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.

I/We confirm that we have not received any information, other than that contained within the tender pack, or supplementary information provided to all tenderers.

I/We also certify that I/We have not done and undertake that I/We will not do at any time any of the following acts:

- (a) Communicating to a person other than the tender administrator the amount or approximate amount of my/our proposed Tender (other than in confidence in order to obtain quotations necessary for the preparation of the Tender for insurance) or
- (b) Entering into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any Tender to be submitted; or
- (c) Offering or agreeing to pay or give or paying any sum of money, inducement, gift /hospitality or valuable consideration directly or indirectly to any person in relation to this tender.

Signed

(1) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

(2) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

For and on behalf of

\_\_\_\_\_





**COMPANY PROFILE**

This tender is submitted by the authorized representative of the company as indicated below:

<b>Company's Authorized Representative</b>	
<b>Company Name:</b>	
<b>Company Address:</b>	
<b>E-mail Address:</b>	
<b>Work Tel.:</b>	
<b>Cell:</b>	
<b>Fax:</b>	
<b>Today's Date:</b>	
<b>Social Insurance No:</b>	
<b>9 Digit Payroll Tax No:</b>	
<b>List of Company Directors:</b>	

**Sub-Contractors**

In the event that we, the undersigned, are awarded the Contract for the work, we will employ the firms listed below as sub-contractors.

All sub-contractors shall be approved by the Government; such approvals being finalized prior to the award of the contract. The successful tenderer will not be permitted to change any sub-contractor without the Government's approval.

In the event that we employ a sub-contractor not approved by the Government, we will agree to immediately replace this sub-contractor with an approved sub-contractor. We



will accept full responsibility for all damages and costs incurred by the Government (including, but not limited to, any and all costs relating to the discharging of liens brought on by any unapproved sub-contractor) as a result of employing an unapproved sub-contractor.

Trade	Sub-Contractor

The Bermuda Government is committed to having a sustainable workforce and therefore makes it a compulsory requirement for all Tenderers to provide a company profile of employees [the number and names of Bermudians and non-Bermudian employees, their job categories and information with respect to training that is provided for employees] with their tender for these works.

Employee Name	Bermudian Yes / No?	Job Category

Note: Continue on another page if necessary



**FORM OF TENDER (CONTINUATION)**  
(Note: all sheets form part of the tender)

Addenda Acknowledgement form

FOR THE SUPPLY OF TIMBER WINDOWS TO THE CABINET BUILDING

We confirm having completed all parts of this form; and received and complied with all addenda (if any) as follows:

Insert addenda # \_\_\_\_\_

**SIGNED:**

(Signature) \_\_\_\_\_

(Block letters) \_\_\_\_\_

**ON BEHALF OF:**

(Company) \_\_\_\_\_

(Mailing address) \_\_\_\_\_

(Email) \_\_\_\_\_

(Contact #'s) (Telephone) \_\_\_\_\_

(Cell#) \_\_\_\_\_

DATE: \_\_\_\_\_