**Request for Tender**



[Name of Project]

|  |  |
| --- | --- |
| Reference No: | [Reference Number] |
| Date of Release: | [Date, Month, Year] |

[Name of Agency]

All queries regarding this Request for Tender should be directed to:

Contact Officer

[Contact person email address]

TENDER CLOSING TIME: [Time] (CI Time) [Day, Date, Month, Year]

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Glossary and Definitions

|  |  |
| --- | --- |
| TERM | EXPLANATION |
| BTIB | Business Trade Investment Board |
| Manual | The Cook Islands Government Financial Policies and Procedures manual |
| Policy | The Cook Islands Government Purchase and Sale of Goods and Services Policy |
| Principal | [name of principal or name of tendering agency] |
| RFT | Request for Tender |
| Tender Team | The group of people responsible for the management of the tender process and includes those people who are specifically responsible to evaluate Tenders. |

Introduction

# Summary of Requirements

Through this Request for Tender (RFT) the Principal wishes to implement [insert name of parent programme, if relevant]. This RFT is for [briefly describe the goods and/or services to be supplied under the terms of the tender].

[Insert a brief description of the requirements for this RFT. The description should capture the critical elements of the Specifications. Provide an overview of what you are purchasing with further details included in Attachment 1.

* State whether tenders will be accepted for part/whole of the tender requirements as per Appendix A.
* Include any details necessary in regards to freight and delivery.
* State whether a site visit is necessary, if yes the following statement should be included: “It is the tenderers responsibility to carry out any site visits in order to assess the true costs to complete the project where necessary.”
* Include where and how copies of the tender documentation may be uplifted.]

CONDITIONS OF TENDERING

All tenders should conform to the Conditions of Tendering, but must conform to the Mandatory Conditions as set out in this RFT.

# Contact Officer

The Contact Officer for this tender is:

**Name of Person:
Title:
Address:
Phone:
E-mail:**

# Tender Registration

Prospective tenderers should register their interest to participate in this RFT process by emailing the Contact Officer who will acknowledge receipt of the registration. Only registered tenderers will receive notices directly as and when they are issued. It is the responsibility of the tenderer to ensure they are properly registered for this RFT. The Principal reserves the right to extend the list of registered Tenderers beyond those who register interest in this RFT.

# Tender Closing Time

Tenders must be received by the Electronic Tender Account or in the tender box specified by the following deadline, or they will not be considered:

**Tender Closing Time and Date: 3.00pm (CI Time) Friday 26th August 2016**

It is the tenderer’s responsibility to ensure that their tender reaches the [designated venue – please indicate where the tender box is located and/or refer to the Electronic Tender Account, is applicable] by the specified closing date and time.

Late tenders will not be accepted.

# Submission of Tender

The cost of preparing and submitting the Tender shall be borne by the Tenderer.

The Principal may vary the Tender Specifications described in Attachment 1 at any time, including the closing date, by notice in writing to the Tenderers still involved in the RFT at the time the Tender Specifications are varied.

Tenders shall be submitted in either hard copy or electronic copy, as specified below only.

Telefax tenders will not be accepted.

## Hard Copy Submission:

Original hard copy tenders shall be packaged and labelled “CONFIDENTIAL” and have the following information clearly exhibited on the outside:

* Name of the [Crown agency responsible for the RFT].
* Tender [title and Reference No].
* Tender [closing time and date].

Hard copy tenders must be placed in the Tender Box located at the [Location of Tender Box] and submitted in the format contained in Attachment 2 – Forms to be submitted, by the due date. Failure to do so will result in the tender being disqualified.

## Electronic Copy Submission:

Electronic copy tenders shall be submitted by emailing the tender bid as a pdf file to tenders@cookislands.gov.ck with the subject line [Name of Subject Line]. Tenders must be received in the inbox of tenders@cookislands.gov.ck in the format contained in Attachment 2 – Forms to be submitted, by the due date. Failure to do so will result in the tender being disqualified. The receipt time on the inbox will be used as the receipt time for the purposes of ensuring a tender is within the time limits.

The Electronic Tender Account will send a confirmation of receipt email in response to your electronic submission. If you do not receive a confirmation of receipt email within five working days please contact the Contact Officer for this tender.

# Conflict of Interest Declaration

Tenderers must complete the Conflict of Interest Declaration form in Attachment 2 to disclose any potential or actual conflicts of interest that they may have or may be perceived to have, in respect of their responsibilities to the Principal and other parties should they be selected as the successful Tenderer. Where potential or actual conflicts of interests are identified, the Tenderer must specify how this will be managed in order to provide assurance that it will not adversely impact the performance of any services.

# Further information or clarifications

Negotiations will not be permitted between the Tender Team and any prospective tenderers during the tender advertising period. However, prospective tenderers may seek clarification of the tender documents prior to submitting their tenders.

Any further information or clarification required by a Tenderer in relation to this RFT must be directed to the **Contact Officer**. Tenderers should note that to ensure no disadvantage to any tenderers, responses to questions pertaining to this RFT will be circulated to all those who have registered their interest.

Where the Principal considers that the competitive advantage of the individual Tenderer may be compromised by the distribution of responses to such requests for information and/or clarification to all Tenderers, the Principal reserves the right to issue such response(s) only to that particular Tenderer.

Any additional information relating to this RFT will be uploaded to [[www.procurement.gov.ck](http://www.procurement.gov.ck) or list other places information will be made available]

[*Insert details of the process for sharing responses to tender questions. This could take the form of a Question and Answer section on the procurement website or a specified section within the newspaper or both*].

# Probity

No gifts or entertainment of any nature will be permitted between any parties involved throughout the tender process, including: tenderers or potential tenderers, tender team members, evaluation team members, the Head of Agency, or any other member or organisation that may have an involvement with any aspect of the tender process.

# Selection Process

All tenders received in the [Tender Box or Electronic Tender Box] by the closing date and time will be assessed on whether they have conformed to the Mandatory Conditions. Failure to comply with these conditions will result in immediate exclusion from the Evaluation process. All Tenders deemed compliant will then proceed to the evaluation stage.

Evaluation of the responses to this RFT will be in accordance with the Evaluation Criteria described in Attachment 3.

[Further information in regards to how tenders will be evaluated should be included here. For example if tenders are going to be shortlisted this should be included in this section].

# Notification of Acceptance

Tenders shall remain valid for acceptance and shall not be withdrawn for a period of sixty (60) working days from the Closing Date of the tender.

Unsuccessful tenderers shall be notified in writing by the Principal or their representative within ten (10) working days of acceptance of the successful tender.

If no tender is accepted by the Principal within twenty (20) working days after the Closing Date, each tenderer will be notified in writing by the Principal or their representative whether their tender is still under consideration or is no longer being considered.

When the preferred Tenderer has been identified, the Principal will invite the Tenderer to enter into negotiations based on the draft contract in Attachment 4 to this RFT. Only when both parties have agreed to the terms of the contract and executed the contract, will the Principal formally issue a Letter of Acceptance to the successful Tenderer

The successful tenderer will be notified by the Principal or their representative in writing on a date yet to be confirmed, but within sixty (60) working days from the Closing Date of the tender.

The Tender Team reserves the right to contact referees and/or customers regarding the performance of the tenderer as it may pertain to this RFT.

The Principal shall not be bound to accept the lowest priced tender or the highest scored tender or any tender.

Tenderers are entitled to the release of their evaluation report on request. Any requests for evaluation reports of other tenders must be processed under the Official Information Act 2009.

If no tender has been accepted within the period stated, the Principal will notify all Tenderers that no tender was accepted and may:

* Invite all Tenderers to provide additional information; and/or
* Re-advertise the RFT and extend the closing date of the Tender. Tenderers may either resubmit their tender or provide additional information to support their existing Tender already received by the Principal; and/or

# Confidentiality

[Place a standard Confidentiality Statement into this Section if required, otherwise delete entire section.]

Drawings, Specifications, Schedules and written technical information supplied to Tenderers shall not be used for purposes other than the preparation of a Tender without the approval of the Principal. Information submitted by a Tenderer shall be regarded as confidential and shall not be disclosed to a third party except with the prior written agreement of the Tenderer.

# Non-Resident Tenderer

In order for foreign companies to carry out business in the Cook Islands, an application for, and approval, must be sought from the Business Trade Investment Board (BTIB). Any fees associated with the registration are to be covered by the Tenderer. Tenderers should inform themselves of the registration process and confirm in their Tender that they are willing to register once a Letter of Acceptance is issued. Information can be found at [www.btib.gov.ck](http://www.btib.gov.ck).

Mandatory Conditions

All tenders must conform to the Mandatory Conditions below. Any tender that fails to comply with one or more of the mandatory requirements will be deemed non-compliant and will be excluded from the evaluation process. Mandatory Conditions below are also reflected in Attachment 3 – Evaluation Criteria.

1. Tenders must be completed in the format contained in Attachment 2 of this RFT. If offers do not comply with the format contained in Attachment 2, they will be deemed non-compliant and may not be accepted.
2. Tenders must be deposited in the required form in the Tender Box or the Electronic Tender Account by the closing time as specified in this RFT.
3. All tenders and related documentation in respect of this RFT may be presented in the English or Maori language. Tenders presented in Maori or any other language must be provided with an English translation.
4. Tenderers must tender to provide services or supply materials for the whole of the works/goods/services as specified in the Tender Specifications. *[In some circumstances Tenderers may be able to tender for part of the requirement.][This Clause may be omitted if there is discretion in the works to be provided under this RFT.]*
5. Tenders must be presented in hard copy format and/or electronic copy format as specified in this RFT. Telefax tenders will not be accepted.
6. All prices quoted must be landed inclusive of freight and relevant charges to the final point of delivery. *[This Clause may be omitted if it is not relevant.]*
7. All prices must be in New Zealand dollars.
8. Any other item that is critical to the delivery of the requirement and cannot be compromised. For example, there might be pre-qualification conditions attached to the RFT and tenderers not meeting such requirements should be excluded.

Special Conditions

[In this section describe the elements that are unique to this RFT which are not compulsory – i.e. the tender will still be assessed if it does not meet these requirements. For example, tenderers might be required to provide staff with specific professional qualifications or equipment that conforms to certain operational or safety requirements. ] *[This section may be omitted if it is not relevant.]*

Attachment 1 – Tender Specification Requirements

# Tender Specifications

[Refer to Step 4 – Specifications at clause 5.6 of the Policy for guidance on what should be included in this section. Note that the Policy requires that specifications should be prepared by an appropriately qualified person and should be peer reviewed by another suitably qualified person.]

Attachment 2 – Tender Forms To Be Submitted

Instructions

1. Tenderers must complete and submit all of the following forms, in the formats provided in this Attachment:

* A1 – Tender Form
* A2 – Conflict of Interest Declaration
* A3 – Completed Schedule of Prices
* A4 – Proposed Subcontractors *(if applicable)*
* A5 – Preliminary Delivery Programme
* A6 – List of Referees you may contact in relation to this offer.

2. Tenderers who fail to supply all of the items listed in above, will be deemed non-compliant and will be excluded from the tender evaluation process.

# A1 – Form of Tender

**[Insert the address to which
responses to this RFT must
be directed]**

|  |  |
| --- | --- |
| **Tender For:** |  |
| **Supplier:** | [Name of supplier] |

Having examined the Tender Documents in relation to Tender Reference No. \_\_\_\_\_\_\_\_ and dated \_\_/\_\_/\_\_ , released by [insert the title of the Principal or tendering agency], we submit the following offer.

We offer to complete, handover to the Principal and remedy defects in the whole of the said Tender Specifications in conformity with these Tender Documents for the sum of [insert the price offered in text with the value in numbers thus (NZD$\_\_\_\_\_\_\_\_\_\_.\_\_)] stated exclusive of Value Added Tax, together with such other sums as may be ascertained in accordance with the Contract.

We acknowledge receipt of Notices \_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_.

We **agree/do not agree** to the Terms and Conditions of the Purchase Agreement in Attachment 4 of the said tender and do not propose any amendments.

We undertake to complete and handover of the **whole/parts** of the Contract Works/Goods/Services within the period stated in the Conditions of Tendering.

We agree to abide by this Tender for a period of sixty (60) days from the date fixed for receiving the same and it shall remain binding upon us and may be accepted by you at any time before the expiry of that period.

Unless and until a Contract Agreement is prepared and executed, this Tender together with your written acceptance thereof, shall constitute a binding contract between us.

We understand that you are not bound to accept the lowest or any Tender you may receive.

We understand that no contract shall come into existence, and no legal or other obligations shall arise between us and you (or between us and any other agent of the Principal) in relation to the conduct, outcome or otherwise of the Tender process, prior to and apart from your acceptance of our Tender.

We understand that you may contact the referees nominated by us in this offer and make whatever enquiries you deem necessary regarding our financial health and ability to deliver the Contract Works/Goods/Services. Further, during the assessment stage we understand and agree that you may request specific information from all tenderers in order to assist your assessment. We acknowledge that a failure to provide such information may result in disqualification from the process.

We provide the following information required to be submitted with this Tender:

* A2 – Conflict of Interest Declaration
* A3 – Completed Schedule of Prices
* A4 – Proposed Subcontractors *(if applicable)*
* A5 – Preliminary Delivery Programme
* A6 – List of Referees you may contact in relation to this offer.

*If the tenderer is unable to agree to any clauses included in the Conditions to the Contract, it must set out in a table form the clause reference, reason why the tenderer cannot accept it and proposed alternative wording.*

|  |  |
| --- | --- |
| **Tenderers details:** |  |
| *Tenderers full name:* |  |
| *Tenderers trading name (if Company):* |  |
| *Contact person (if Company):* |  |
| *Postal address:* |  |
| *Physical address:* |  |
| *Phone number:* |  |
| *Mobile:* |  |
| *Email address:* |  |
|  |
| *Signature*  |  | *Date* |
| *Full Name* |  | *Position (if Company)* |

# A2 – Conflict of Interest Declaration

In submitting this tender I make the following declarations:

* I understand that an actual, potential or perceived conflict of interest may arise in participating in this tender and that I am obliged to declare any such conflict of interest.
* I confirm that in submitting this information that I have either declared any potential conflicts of interest in my Tender or that I am not be aware of any situation or issue that would conflict with the interest of the Principal.
* If a conflict of interest arises at any time before or until the selected tenderer has been awarded this tender, I will advise the Contact Officer or the Principal immediately.
* I have personally completed this declaration on behalf of the Tenderer(s) and declare that the above particulars provided here and in the attached documents are true and correct.

|  |
| --- |
| Potential or actual conflicts of interest identified, if applicable: |
|  |
|  |
|  |
|  |
| Please note how this conflict of interest(s) will be managed, if applicable: |
|  |
|  |
|  |
| **Signed for and on behalf of the Tenderer(s) by an authorised contracting officer / contract signatory:** |
| *Signature*  |  | *Date* |
| *Full Name* |  | *Position (if Company)* |

# A3 – Completed Schedule of Prices

[Clause 5.7.4 of the Policy notes that a standard form should be drawn up to separate price into relevant columns or sections which matches the specifications. The tender team must be easily able to compare different tenders and understand if there is anything missing or additional in tenders that requires a price adjustment. This will vary according to the level of complexity of the RFT and the nature of the item(s) being procured. ]

[A Schedule of Prices must be included and must clearly show the VAT exclusive amount, the VAT amount and the total inclusive VAT amount as required under section 5.7.5 of the Policy.]

# A4 – Proposed Subcontractors (if applicable)

|  |  |
| --- | --- |
| **Subcontractor details:** |  |
| *Subcontractors* *full name:* |  |
| *Subcontractor s trading name (if Company):* |  |
| *Contact person (if Company):* |  |
| *Postal address:* |  |
| *Physical address:* |  |
| *Phone number:* |  |
| *Mobile:* |  |
| *Email address:* |  |
| *Works/Skills to be performed:* |  |
| *Educational/Technical Qualifications:* |  |
| *Work Experience:* |  |
| *Potential or Actual Conflicts of Interest:* |  |

# A5 – Preliminary Delivery Programme

[This should include the delivery schedule, if any and may include a provision for the Tenderer to comment on the proposed schedule, or suggest an alternative. This could be driven by the availability of required supplies/services, prevailing weather conditions or other external factors that might need to be taken into consideration during the evaluation process.]

[Agencies may include a template for delivery programme in this section or they may allow the tenderer to submit in their own format.]

# A6 – List of Referees who may be Contacted

|  |  |
| --- | --- |
| *Name:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Company:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Address:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *E-mail Address:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Phone No.:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Facsimile No.:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Nature of Relationship with Tenderer:* |  |

|  |  |
| --- | --- |
| *Name:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Company:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Address:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *E-mail Address:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Phone No.:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Facsimile No.:* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| *Nature of Relationship with Tenderer:* |  |

Attachment 3 – Evaluation Criteria

[The Evaluation Criteria must be established at the outset and included in the Tender documents so potential tenderers know how their tender will be assessed. The Evaluation Criteria should be divided into two sections, Mandatory Conditions and the Evaluation Criteria. Both of these criteria must align with the Conditions of Tendering included in the RFT. Mandatory Conditions are mandatory and failure to comply with any of these requirements will result in automatic exclusion from the evaluation process.]

[The Evaluation Criteria must use a ‘Weighted Scoring’ method to ensure that Value for Money (VfM) can be assessed taking into account all factors weighted according to their importance. Please refer to the following sections of the policy for further guidance:

* Clause 5.7.7 Tender Documentation and Contract
* Clause 5.11.2 Tender Compliance
* Clause 5.11.3 Evaluation Criteria
* Clause 5.11.4 Short Listing
* Clause 5.11.5 Tender Proposal Evaluation]

The Mandatory Conditions have been drawn from the Conditions of Tendering in this RFT. Tenders that do not meet the Mandatory Conditions are deemed non-compliant, and will not proceed into Evaluation.

# Mandatory Conditions

Tenders must pass all of the following requirements. Tenders that do not meet one or more of these conditions are deemed non-compliant and will not be considered.

|  |  |
| --- | --- |
| Criterion | CompliesYes or No |
| 1. Tender must be completed in the format contained in Attachment 2 of the RFT.
 |  |
| 1. Tenders must be deposited in the required form in the Tender Box by the closing time specified in the RFT
 |  |
| 1. Proposal and related documentation must be in the English language or translated into English.
 |  |
| 1. Tenderers must tender to provide the whole of the works/goods/services specified in the RFT. [*In some circumstances Tenderers may be able to tender for part of the requirement. This criterion should reflect the conditions of the RFT.*]
 |  |
| 1. Tenders must be presented in hard copy and/or electronic copy format as specified in this RFT only.
 |  |
| 1. All prices quoted must be landed inclusive of freight and relevant charges to final point of delivery.
 |  |
| 1. All prices must be in NZ dollars
 |  |

# Evaluation Criteria

[The assignment of weightings is based on the following principles:

* The items that reflect the critical elements of the project will be assigned a weight
* Weightings will reflect the relative importance of each criterion
* Scores will be based on the information provided in the submitted Tender
* Non‑price criteria will not have a value exceeding 50% unless justification for assigning a higher amount is provided and approved by the tender secretariat with Crown Law advise during the Tender Committee Secretariat Sign off prior to advertising step of the tender process.
* All tenders must include the following evaluation criteria: Locally established company/locally supplied resources (labour and/or materials), compliance with contract terms and price unless approved by the tender secretariat with Crown Law advice during the Tender Committee Secretariat sign off prior to advertising step of the tender process.]

A Weighted Criteria methodology will apply to the evaluation of this RFT as follows:

|  |  |
| --- | --- |
| Criteria | Weight% |
| **Non-Price Criteria** |  |
| 1. Locally established company Locally supplied resources (labour and/or materials)
 | 5 |
| 1. Acceptance of the contract terms
 | 5 |
| 1. Relevant skills
 | 10 |
| 1. Past Performance
 | 5 |
| 1. Technical Skills
 | 10 |
| 1. Resources
 | 5 |
| **Total Non-Price Elements** |  **40** |
| Price | 60 |
| **TOTAL WEIGHTING** | **100** |

# Risk

The Evaluation Committee will conduct a Risk Assessment for each Tender submitted. This will identify the most significant risks presented by the Tender and consider the likelihood of the risk occurring; the consequence of that risk; and a risk mitigation strategy. In conclusion, the mitigated risk will be determined to form an overall measure of the risk represented by each Tender.

The risk mitigation strategy may include the inclusion of specific clauses in the executed contract. Therefore, a Tender considered to be high risk might still be selected subject to the Tenderer’s willingness to accept the proposed contract amendments.

Attachment 4 – Contract Conditions

Clause 5.7.3 Template Contracts must be attached to tenders. If the template contracts do not meet your requirements you should seek advice from Crown Law who will assist by directing you to the appropriate contracts or drafting a contract for you. The tender evaluation criteria must include a provision for the tenderer to accept the contract terms or to propose amendments.

There are standard contracts which have been approved for use by Crown Law which include:

* Contract for the Supply of Product;
* Contract for the Supply of Product and Services:
* Contract for the Engagement of a Consultant;
* Contract for Low Value Construction Works;
* Contract for Construction Works up to $500,000;