

Government of Zimbabwe

STANDARD BIDDING DOCUMENT

for the Procurement of Goods

July 2022



BIDDING DOCUMENT FOR THE Supply and Delivery of Wireless Access Points and Controller Licence Upgrade.

PROCUREMENT REFERENCE NO: NCT/PWT/08/2022

| | |
|---|--|
| Standard Bidding Document for the Procurement of: | Supply and Delivery of Wireless Access Points and Controller Licence Upgrade |
| Procurement Reference No: | NCT/PWT/08/2022 |
| Procuring Entity: | Powertel Communications |
| Date of Issue: | 1 July 2022 |



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PART 1 BIDDING PROCEDURES

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PART 1 BIDDING PROCEDURES

PART 1: BIDDING PROCEDURES

References:

References to the Act are to the Public Procurement and Disposal of Public Assets Act [Chapter22:23] and references to the Regulations are to the Public Procurement and Disposal of Public Assets (General) Regulations (Statutory Instrument No. 5 of 2018). The terms and requirements in the Act and Regulations govern the submission of Bids and should be read by all Bidders.

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1.1 PREPARATION OF BIDS

You are requested to bid for the supply of the goods specified in the Statement of Requirements below, by completing and returning the following documentation:

1. the Bid Submission Sheet in this Part;
2. the Statement of Requirements in Part 2;
3. a copy of every document necessary to demonstrate eligibility in terms of section 28 (1) of the Regulations;
4. Supplier Registration number showing that you are registered with the Procurement Regulatory Authority of Zimbabwe;
5. A bid security in the format specified in this Part;
6. A copy of the following administrative documents
 - a) Valid Letter of authorisation from manufacturer to be provided by Agents/Non-manufacturers.
 - b) At least two manufacturer's trade references on an official letter head shall be submitted with the bid.
 - c) Technical Brochures with detailed literature covering the tendered items to be included in the bid.
 - d) Manufacturer's supply history of at least 3 years to be provided with the bid.
 - e) A completed bidders declaration form.

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PART 1 BIDDING PROCEDURES

The bidder must provide Images and full data sheets for all the quoted items with your proposal. Please provide reference pages to where each of the specified line items are satisfied

You are advised to carefully read the complete Bidding Document, as well as the General Conditions of Contract which are available on the Authority's website, before preparing your Bid. Part 3: Contract is provided not for completion at this stage but to enable Bidders to note the Contract terms they will enter into if their Bid is successful.

The standard forms in this document may be retyped for completion but the Bidder is responsible for their accurate reproduction. All pages of the Bid must be clearly marked with the Procurement Reference Number above and the Bidder's name and any reference number.

1.2 NUMBER OF BIDS ALLOWED

No Bidder may submit more than one bid, either individually or as a joint venture partner in another Bid, except as a subcontractor. Where the procurement is divided into lots and packages, only one Bid can be submitted. A conflict of interest will be deemed to arise if bids are received from more than one Bidder owned, directly or indirectly, by the same person.

1.3 CLARIFICATION

Clarification of the bidding document may be requested in writing by any Bidder before 17 July 2022 and should be sent to:

The Procurement Manager,
Powertel Communications (Private) Limited,
Number 16 Birmingham Road,
Southerton,
Harare
E-mail: mbhunu@powertel.co.zw

All responses to clarifications will be available on the Powertel website:

<http://www.powertel.co.zw/tenders/>



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Bidders must regularly check the website until the tender closes for updates and responses to queries.

1.4 VALIDITY OF BIDS

The minimum period for which the Bidder's bid must remain valid is sixty (60) days from the deadline for the submission of bids. Failure to state Bid Validity will lead to disqualification. Powertel may seek for an extension of bid validity before the expiring of the 60-day period to allow finalization of the tender process.

1.5 SUBMISSION OF BIDS

Bids must be submitted in writing in a sealed envelope to the address below, no later than the date and time of the deadline below. It is the Bidder's responsibility to ensure that they receive a receipt confirming submission of their bid that has correct details of the Bidder and the number of the Bid.

The Bidder must mark the envelope with the Bidder's name and address and the Procurement Reference Number.

The Bidder must prepare three (3) complete sets of its Tender, identifying and clearly marking the "ORIGINAL TENDER", "COPY 1 & 2 OF TENDER", as appropriate. Each set must be properly bound. Each copy will be a replica of the Original and must contain the same information as the Original. In the event of any discrepancy between the original and the copies, the original will prevail.

Late bids will be rejected. The Procuring Entity reserves the right to extend the bid submission deadline but will notify all potential bidders who have collected the bidding documents of the amended bid submission deadline.

| | | | |
|-------------------|----------------|----------------|-------------------------|
| Date of deadline: | 02 August 2022 | Deadline Time: | 1000hrs (local Time) |
|-------------------|----------------|----------------|-------------------------|



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PART I BIDDING PROCEDURES

| | |
|----------------------|---|
| Submission address: | Powertel Communications Number 16 Birmingham Road Southerton Harare Zimbabwe |
| Means of acceptance: | Tenders must be properly addressed to the Procurement Manager and enclosed in sealed envelopes clearly endorsed on the outside with the advertised Tender/Request for Proposal (RFP) Number, tender description and tender closing date. Tenders should be deposited into the tender Box at Powertel Communications, Number 16 Birmingham Road, Southerton, Harare, Zimbabwe, on or before 1000hrs on the closing date. |

1.6 BID OPENING

In line with Section 46(2) of the PPDPA Act, all participating bidders and Members of the Public are invited to tender opening meeting to be held immediately after the end of the bidding period at Powertel Head Office, 16 Birmingham Road, Harare.

In line with the current Covid-19 protocols, only one representative per each bidder shall be allowed to enter Powertel premises for purposes of bids submission and witnessing of the bids opening ceremony.

1.7 WITHDRAWAL, AMENDMENT OR MODIFICATION OF BIDS

A Bidder may withdraw, substitute, or modify its Bid after it has been submitted by sending a written notice, duly signed by an authorized representative. However, no Bid may be withdrawn, substituted, or modified in the interval between the deadline for submission of Bids and the expiration of the period of Bid validity specified by the Bidder or any extension of that period.

1.8 DELIVERY REQUIREMENTS

The delivery period required (from the date of contract signing) and the final destination for delivery are as indicated in the Delivery Schedule in Part 2. Preference may be given



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to the bidder with the earliest delivery period due to the urgency of the requirement. Failure to state Delivery period will lead to automatic disqualification.

1.9 BID PRICES AND DISCOUNTS

The prices and discounts quoted by the Bidder in the Bid Submission Form and in the Price Schedules must conform to the requirements specified below.

Prices must be quoted as specified in the Price Schedule included in Part 2 Statement of Requirements. In quoting prices, the Bidder is free to use transportation through carriers registered in any eligible country and similarly may obtain insurance services from any eligible country. Prices quoted must include the following costs and components:

- (a) For Goods
 - (i) the price of the Goods and the cost of delivery to the final destination, including the relevant INCOTERM, as stated in the Delivery Schedule;
 - (ii) the custom duties to be paid on the Goods on entry in Zimbabwe, if not already included;
 - (iii) Any other applicable import taxes;
 - (iv) any sales and other taxes due within Zimbabwe which will be payable on the Goods, if not already included;
 - (v) any rebate or mark-up of the local agent or representative.
- (b) for Related Services, (other than inland transportation and other services required to convey the Goods to their final destination), whenever such Related Services are specified in the Schedule of Requirements: the price of each item comprising the Related Services (inclusive of any applicable taxes).

NB: All bidders will be bound by the governing tax laws of the Republic of Zimbabwe and Powertel will withhold any applicable statutory tax. It is hence the bidders' responsibility to acquaint themselves with the tax laws of the country.

Bidders who do not charge VAT **must** state that in their bids



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1.10 BID SECURITY

In terms of Section 26 of the Regulations Bidders must provide a refundable bid security of One Hundred Thousand Zimbabwe Dollars (ZW\$100,000). The bid security shall be payable using any one of the below options:

Option 1.....A certified Bank Cheque

Option 2.....A Bank Guarantee

Option 3.....A cash deposit to the Procurement Regulatory Authority of Zimbabwe

If Option 3 is chosen bidders must also submit proof of payment from PRAZ of non-refundable cash bid bond establishment fee of ZW\$20,000 or US\$250 in line with Part V of the Public Procurement and Disposal of Public Assets (General)(Amendment) Regulations, 2021 (No.3).

Any bid not accompanied by a Bid Security, where this is a requirement of bidding, will be rejected by the Procuring Entity as non-responsive.

The Bid Security or Bid- Securing Declaration of a Joint Venture (JV) must be in the name of the JV that submits the Bid. If the JV has not been legally constituted at the time of bidding, the Bid Security or Bid-Securing Declaration must be in the names of all intended partners.

Failure to comply with the above will lead to automatic disqualification.

The Bid Bonds of the unsuccessful bidders will be released immediately after award of tender while that of the winning bidder will only be released after submission of the Performance Bond as specified below. Bid bonds from insurance or insurance brokers are not acceptable.

The Bid Security may be forfeited;

- (i) If the Bidder withdraws, except as provided in Sub-clause 18.1;
- (ii) If the bidder does not accept the correction of its bid price, pursuant; or
- (iii) In case of the successful bidder, if they fail within the specified time limit to
 - Sign the Agreement, or
 - Furnish the required performance security.



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CONTRACT ADMINISTRATION FEES

The Contract awarded through the Tender Process will only be valid subject to payment of contract administration fees by the winning bidder(s) as set out in Part VI of the Statutory Instrument 299 of 2021. The fee is payable to the Authority upon winning the tender and proof of payment should be submitted to Powertel.

1.11 EVALUATION OF BIDS

Bids will be evaluated using the following methodology:

1. Preliminary examination to confirm that all documents required have been provided, to confirm the eligibility of Bidders in terms of section 28 (1) of the Regulations and to confirm that the Bid is administratively compliant in terms of section 28 (2) of the Regulations.
2. Technical evaluation to determine substantial responsiveness to the specifications in the Statement of Requirements;
3. Financial evaluation and comparison to determine the evaluated price of bids and to determine the lowest evaluated bid.

Bids failing any stage will be eliminated and not considered in subsequent stages.

1.12 REVIEW BY THE SPECIAL PROCUREMENT OVERSIGHT COMMITTEE

Section 54 of the Act provides for review by the Special Procurement Oversight Committee for certain especially sensitive or especially valuable contracts. This requirement will not be subject to this.



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PART 1 BIDDING PROCEDURES

1.13 EVALUATION CRITERIA

The Procuring Entity's evaluation of a Bid will take into account, in addition to the Bid Price, the following criteria and methodologies.

- (a) Delivery schedule: The specified Goods are required to be delivered by the date indicated in the Delivery Schedule in Part 2. Bids offering delivery after the date shall be treated as non-responsive.
- (b) Deviation in payment schedule: The payment schedule is stated in the Special Conditions of Contract (SCC) in Part 3. A Bidder may propose a deviation from the schedule and if the deviation is considered acceptable to the Procuring Entity, the Bid will be evaluated by calculating interest earned for any earlier payments involved in the terms outlined in the Bid as compared with those stipulated in the SCC, at the rate of interest indicated by the Reserve Bank of Zimbabwe on the closing date for submission of bids. **Note that Powertel does not accept a request for payment in advance, a bid with a proposal for advance payment terms will be rejected.**

1.14 DOMESTIC PREFERENCE

A margin of preference, in accordance with the procedures outlined in section 8 of the Regulations, will not apply.

1.15 ELIGIBILITY AND QUALIFICATION CRITERIA

Bidders are required to meet the criteria in section 28 of the Act to be eligible to participate in public procurement and to be qualified for the proposed contract. They must therefore provide any available documentation and certify their eligibility in the Bid Submission Sheet.

To be eligible, Bidders must provide the following documentation:

1. Copy of certificate of incorporation and CR14 form.



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2. A valid copy of tax clearance certificate IT263 or equivalent document in country of origin for foreign bidders.
3. A clearance letter from NSSA to confirm that the company is up to date with its obligations with NSSA or equivalent document in country of origin for foreign bidders.
4. Proof of valid registration with the Procurement Regulatory Authority of Zimbabwe (PRAZ).
5. **Completed and signed Bidder's Declaration Form. Failure to provide a completed and signed Bidder's declaration form will lead to automatic Disqualification**

The above documents are required to demonstrate the criteria listed below, that the bidder

1. have the legal capacity to enter into a contract;
2. is not insolvent, in receivership, bankrupt or being wound up, not have had business activities suspended and not be the subject of legal proceedings for any of these circumstances;
3. have fulfilled their obligations to pay taxes and social security contributions in Zimbabwe;
4. does not have a conflict of interest in relation to this procurement requirement;
5. is not debarred from participation in public procurement under section 72 (6) of the Act and section 74(1) (c), (d) or (e) of the Regulations or declared ineligible under section 99 of the Act;
6. have the nationality of an eligible country as specified in the Special Conditions of Contract; and
7. have been registered with the Authority as a Supplier and have paid the applicable Supplier Registration Fee set out in Part III of the Fifth Schedule to the Regulations.

1.16 ORIGIN OF GOODS

All goods and related services must have as their country of origin an eligible country, as specified in the Special Conditions of Contract.

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PART 1 BIDDING PROCEDURES

1.17 TECHNICAL CRITERIA

The Technical Specifications Sheet details the minimum specification of the goods required. The goods offered must meet this specification, but no credit will be given for exceeding the specification.

1.18 CURRENCY

Bids should be priced in United States Dollars (USD). The currency of evaluation will be the United States Dollar but payment to local companies will be made in Zimbabwe Local Currency (ZW\$) at the prevailing mid exchange rate as guided by the Reserve Bank of Zimbabwe (RBZ). Foreign bidders will be paid in United States Dollars (US\$).

1.19 AWARD OF CONTRACT

The lowest evaluated bid, after application of any additional evaluation criteria, including any margin of preference, which is substantially responsive to the requirements of this bidding document will be recommended for award of contract. The proposed award of contract will be by issue of a Notification of Contract Award in terms of section 55 of the Act which will be effective until signature of the contract documents in accordance with Part 3: Contract. Unsuccessful Bidders will receive the Notification of Contract Award and, if they consider they have suffered prejudice from the process, they may within 14 days of receiving this Notification, submit to the Procuring Entity a Challenge in terms of section 73 of the Act, subject to payment of the applicable fee set out in section 44 of the Third Schedule to the Regulations.

1.20 RIGHT TO REJECT

- 1.19.1. The Procuring Entity reserves the right to accept or reject any Bids or to cancel the procurement process and reject all Bids at any time prior to contract award. Powertel reserves the right to reject unrealistically lower prices

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PART 1 BIDDING PROCEDURES

1.21 CORRUPT PRACTICES

The Government of Zimbabwe requires that Procuring Entities, as well as Bidders and Contractors, observe the highest standard of ethics during the procurement and execution of contracts. In pursuit of this policy:

1. the Procuring Entity will reject a recommendation for award if it determines that the Bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for the Contract or been declared ineligible to be awarded a procurement contract under section 99 of the Act;
2. the Authority may under section 72 (6) of the Act impose the sanctions under section 74 (1) of the Regulations; and
3. any conflict of interest on the part of the Bidder must be declared.



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PART 1 BIDDING PROCEDURES

1.22 BID SUBMISSION SHEET

{Note to Bidders: Complete this form with all the requested details and submit it as the first page of your Bid. Attach the completed Statement of Requirements and any other documents requested in Part 1. Ensure that your Bid is authorised in the signature block below. A signature and authorisation on this form will confirm that the terms and conditions of this Bid prevail over any attachments. If your Bid is not authorised, it may be rejected. If the Bidder is a Joint Venture (JV), the Bid must be signed by an authorized representative of the JV on behalf of the JV, and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives.

Bidders must mark as "CONFIDENTIAL" information in their Bids which is confidential to their business. This may include proprietary information, trade secrets or commercial or financially sensitive information}.

| | |
|-------------------------------|--|
| Procurement Reference Number: | |
| Subject of Procurement: | |
| Name of Bidder: | |
| Bidder's Reference Number: | |
| Date of Bid: | |

We offer to supply the items listed in the attached Statement of Requirements, at the prices indicated on the attached Price Schedule and in accordance with the terms and conditions stated in your Bidding Document referenced above.

We confirm that we meet the eligibility criteria specified in Part 1: Procedures of Bidding.

We declare that we are not debarred from bidding and that the documents we submit are true and correct.

The validity period of our bid is: 60 {days} from the date of submission.

We confirm that the prices quoted in the attached Price Schedule are fixed and firm for the duration of the validity period and will not be subject to revision, variation or adjustment.

Bid Authorised by:

| | |
|----------------------------------|-----------------------|
| Signature | Name: |
| Position: | Date:(DD/MM/YY) |
| Authorised for and on behalf of: | |
| Company | |
| Address: | |
| | |



PART 2 STATEMENT OF REQUIREMENTS

On evaluation of a Bid, Powertel shall take into account, in addition to the Bid Price, the following criteria and methodologies, as well as all other factors in Part 1 and 2 of this RFP document;

| No. | Subject | Criteria | Documentation Required |
|-----|------------------------------|--|--|
| 1. | Legal Status | Vendor must be a legally registered entity and should have the legal capacity to enter into contract | Company Registration Documents 1. Certificate of Incorporation 2. CR14 3. Company Profile |
| 2. | Bankruptcy | Bidder must not be insolvent, in receivership, bankrupt or being wound up, not have had business activities suspended and not be the subject of legal proceedings for any of these circumstances | 1. Declaration by completing and signing the bidders declaration form. |
| 3. | Taxes Requirements | Bidders should have fulfilled their obligations to pay taxes and social security contributions in Zimbabwe | 1. Attach Valid and Current tax clearance certificate issued by the Zimbabwe Revenue Authority (ZIMRA) |
| 4. | Social Security Requirements | Contractor to be registered and compliant to social security requirements (NSSA Statutes) | 1. Attach valid and current NSSA (Social Security) clearance certificate |
| 5. | Conflict of Interest | Bidders must not be debarred from participation in public procurement under section 72 (6) of the Act and section 74 (1)(c) (d) (e) of the Regulations or declared ineligible under section 99 of the Act | Bidder must declare non-debarment and non-conflict of interest by completing and signing the bidders declaration form. |
| 6. | PRAZ registration | Bidder must be registered with the Procurement Regulatory Authority of Zimbabwe and should have paid the applicable Supplier registration fees set out in Part III of the fifth schedule of the Regulation | 1. Bidder to attach Proof of PRAZ registration, Details for registration and applicable fees are available on www.praz.gov.zw |
| 7. | Eligibility | All bidders from countries eligible to trade with Zimbabwe are eligible to apply | All Bidders registered with PRAZ are eligible to participate |
| 8. | Bid Security | Bidders are required to pay a refundable bid security of ZWD\$100 000.00 | 1. Receipt from PRAZ OR Bid security from a registered commercial bank to be attached. The Bid Security should be from a registered |

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PART 2 STATEMENT OF REQUIREMENTS

| | | | |
|-----|------------------------|--|--|
| | | | commercial bank and redeemable in Zimbabwe. |
| 9. | Bid Validity | Bids are required to remain valid for 60 days from the closing date of the tender | 1. To state bid validity period on the bid submission sheet. The minimum bid validity period required in 60 days. |
| 10. | References | A minimum of three (3) reference letters/testimonial letters must be provided | Bidders must submit 3 verifiable Reference Letters on Client's Letterhead where similar services were provided within the last two (2) years. The reference letters should be signed and dated. |
| 12. | BOQ and Price Schedule | Bidder must provide price schedule for the works against a BOQ clearly indicating cost against activity. | Bidder must provide price schedule for the works and services against a BOQ clearly indicating major costs against activity. |

PART 2: STATEMENT OF REQUIREMENTS

| | |
|----------------------------|--|
| Name of Bidder: | |
| Bidder's Reference Number: | |

List of Goods and Price Schedule

Currency of Bid:.....

Note 1: Lots and packages should be shown as separate items.

Note 2: The description or quantity must indicate the unit of measure where relevant.

Note 3: Unit and total prices must be for delivery through to the final destination stated in Part 1.

Note 4: Include any additional costs, such as installation or commissioning.

The price to be quoted in the Price Schedule must be the total price of the bid, excluding any discounts offered.



PART 2 STATEMENT OF REQUIREMENTS

Delivery Schedule

| | |
|----------------------------|--|
| Name of Bidder: | |
| Bidder's Reference Number: | |

{Note to Bidders: If the delivery period offered, or any other details, differ from the requirements below, this should be stated in your tender}.

| No | Name | Type or usage | Delivery Date Required by Procuring Entity and applicable INCOTERM | Bidder's offered Delivery period |
|----|---------------------------|---------------------------------|--|----------------------------------|
| | | | [Completed by Procuring Entity] | {to be provided by the Bidder} |
| 1 | Wireless Access Points | Hardware delivery | Within four (4) weeks, DDP Harare | |
| 2 | Contoller Licence Upgrade | Installations and configuration | Within one (1) weeks, DDP Harare | |

The delivery period required is measured from the date of the signing of issuing a Purchase Order by the Procuring Entity.

| | |
|--|---|
| The Project Site for delivery of the goods is the final destination: | PowerTel Communications 16 Birmingham Road Southerton Harare |
|--|---|

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PART 2 STATEMENT OF REQUIREMENTS

Introduction

Powertel Communications (Pvt) Ltd is a wholly owned subsidiary of the Zimbabwe Electricity Supply Authority (ZESA), licensed by the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) as a Class 'A' Internet Access Provider. The company commissioned a Ruckus wifi enterprise system, to which we need the wireless Access points and upgrading the licence thereof so that it can support the new Aps.

| Comprehensive Bill Of Material | | | | | |
|--------------------------------|-----------------------|----------------------|-------|----------|----------------------------------|
| Item Number | Equipment Description | Name of manufacturer | Model | Quantity | Comments(Eg License limitations) |
| 1 | | | | | |
| 2 | | | | | |

TECHNICAL EVALUATION CRITERIA

The technical evaluation criteria shall be done as below; *(Service providers should meet all the minimum Requirements listed)*

DATA SERVICES POLICY CONTROLLER (DSPC) SPECIFICATIONS FOR POWERTEL

| Item | Minimum Specification | Compliant / Not compliant |
|------------------------------|--|---------------------------|
| Quantity | One hundred (100) | |
| Description | Outdoor Ruckus T300 or better, 802.11ac AP with integrated omni or external antennas | |
| Radio chains: Streams | 2 x 2.2 | |
| Maximum PHY rate | 867Mbps (5GHZ) 300Mbps (2.4GHz) | |
| BeamFlex gains | 4dB | |
| Smart meshing | Yes | |
| Wi-fi Technology | 802.11ac Wave 2 (5GHz) or better 802.11n (2.4GHz) or better | |
| Max. Interference mitigation | 10Db | |
| PD-MRC | Yes | |
| Gigabit Ethernet ports | ≥ 1 | |
| Concurrent users | ≥ 512 | |
| Rx Sensitivity | -100dBm | |
| Operating temperature | -40°F (-40°C) to 149°F (65°C) | |
| Mounting Options | Wall mount, Pole mount Diameter 1" to 2.5" | |
| Power | 240V AC PoE Adapters | |

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PART 2 STATEMENT OF REQUIREMENTS

FINANCIAL TABLE

| Description | Qty | Unit Cost (USD) | Total Price (USD) | VAT @14.5% | Total Cost (USD) |
|----------------------------|-----|-----------------|-------------------|------------|------------------|
| Wireless Access Points | 100 | | | | |
| Controller Licence Upgrade | | | | | |
| Total Cost | | | | | |

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PART 2 STATEMENT OF REQUIREMENTS

Declaration by the Accounting Officer

I declare that the procurement is based on neutral and fair technical requirements.

Accounting Officer signature.....

Accounting Officer Name.....

Accounting Officer Designation.....



PART 2 STATEMENT OF REQUIREMENTS

Appendix A: Bidder's Declaration Form (Mandatory)

To
The Accounting Officer
Powertel Communications
16 Birmingham Road
Southerton
Harare

We (name of company and address)

..... declare the following:

- a) That as bidders we are not debarred from bidding and that the document submitted is true and correct.
- b) That the company is not insolvent, is not in liquidation or under Judicial management and its affairs are not being administered by a court or judicial officer and that its business has not been suspended or stopped
- c) That neither the company and its officers have in the past five (5) years immediately preceding initiation of procurement proceedings:
 - i. Been convicted in any country of an offence related to their professional conduct or the making of false statements or misrepresentation of their qualifications, or
 - ii. Been censured or subjected to any penalty in any country following disciplinary proceedings arising out of any conduct involving the making of false statements or misrepresentations.
 - iii. Have a conflict of interest in relation to this procurement requirement.

.....
Name of Bidder

.....
Signature

.....
Date

(To be signed by authorised representative)



PART 3: CONTRACT

Contract Agreement

Procurement Reference:

THIS CONTRACT AGREEMENT is made the [insert: date] day of [insert: month], [insert: year].

BETWEEN

- (1) [insert complete name of Procuring Entity], a [insert description of type of legal entity, for example, an agency of the Ministry of of the Government of Zimbabwe, or corporation incorporated under the laws of Zimbabwe] and having its principal place of business at [insert full postal address of Procuring Entity] (hereinafter called "the Procuring Entity"), and
- (2) [insert name of Contractor], a corporation incorporated under the laws of [insert: country of Contractor] and having its principal place of business at [insert full postal address of Contractor] (hereinafter called "the Contractor").

WHEREAS the Procuring Entity invited Bids for certain Goods and ancillary services, viz., [insert brief description of Goods and Services] and has accepted a Bid by the Contractor for the supply of those Goods and Services in the sum of [insert Contract Price in words and figures, expressed in the Contract currency] (hereinafter called "the Contract Price").

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are assigned to them in the General and Special Conditions of Contract referred to below.
2. The following documents shall constitute the Contract between the Procuring Entity and the Contractor, and each shall be read and construed as an integral part of the Contract:
 - (a) This Contract Agreement;
 - (b) Special Conditions of Contract;
 - (c) General Conditions of Contract;
 - (d) Technical Requirements (including Schedule of Requirements and Technical Specifications);
 - (e) The Contractor's Bid, original Price Schedules and Delivery Schedule;
 - (f) The Procuring Entity's Notification of Contract Award;
 - (g) [Add here any other document(s)].



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PART 3 CONTRACT

3. This Contract Agreement shall prevail over all other Contract Documents. In the event of any discrepancy or inconsistency within the Contract Documents, then the documents shall prevail in the order listed above.
4. In consideration of the payments to be made by the Procuring Entity to the Contractor as mentioned below, the Contractor hereby agrees with the Procuring Entity to provide the Goods and Services and to remedy any defects in them in conformity with the Contract.
5. The Procuring Entity hereby agrees to pay the Contractor in consideration of the provision of the Goods and Services and the remedying of any defects in them, the Contract Price or such other sum as may become payable under the Contract at the times and in the manner prescribed by the Contract.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of Zimbabwe on the day, month and year indicated above.

For and on behalf of the Procuring Entity

Signed:

Name:

In the capacity of: [Title or other appropriate designation]

For and on behalf of the Contractor

Signed:

Name:

In the capacity of: [Title or other appropriate designation]

POWERTEL COMMUNICATIONS
SIGNED: *[Signature]*
DATE: 4/07/2022
PROCUREMENT DEPT

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PART 3 CONTRACT

General Conditions of Contract

Any resulting contract is subject to the Zimbabwe General Conditions of Contract (GCC) for the Procurement of Goods (copy available on request) except where modified by the Special Conditions below.

Special Conditions of Contract

Procurement Reference Number:

The clause numbers given in the first column correspond with the relevant clause number of the General Conditions of Contract.

| GCC reference | Special Conditions |
|-----------------|--|
| GCC 7.5 | Eligible Countries: All countries are eligible, except for [N/A]. |
| GCC 8.1 | Notices: Any notice shall be sent to the following addresses: For the Procuring Entity, the address shall be as given in the Contract document and the contact shall be [state name of contact and the location where he/she can be found]. For the Contractor, the address shall be as given in the Bid and the contact shall be {state name of contact} |
| GCC 19.1 | Liquidated Damages: Liquidated Damages in terms of section 88 of the Act shall/ apply at a rate of one percent (1%) of the total cost of the contract per week up to a maximum of three (3) weeks after which the contract may be cancelled. |
| GCC 22.1 | Insurance: The goods shall be insured as specified in the incoterms Delivered Duty Paid, Harare, Zimbabwe |
| GCC 23.1 & 23.2 | Inspections and tests: the tests and/or inspections of the Goods and Related Services that the Contractor is required to carry at its own expense are: Local acceptance test at Powertel Communication number 16 Birmingham Road, Southerton, Harare, Zimbabwe and any location in the field. |
| GCC 25.1 | Warranty: The period of the warranty shall be 12 months. |
| GCC 25.6 | Failure to remedy a defect: The period allowed to the Contractor to remedy a defect during the period of the Warranty shall be one month. |



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PART 3 CONTRACT

| GCC reference | Special Conditions |
|---------------|---|
| GCC 29.1 | <p>Price adjustment: The following price adjustments are applicable based on the formula below:</p> <p>Price variation formulae for local bidders.</p> $\text{ZW\$P}_0 = \text{US\$P}_0 \times R_0$ $\text{ZW\$P}_t = \text{US\$P}_0 \times R_t$ <p>Where ZW\\$P₀ = Contract price in Zimbabwe Dollars US\\$P₀ = Contract price in US\$ as per bid document R₀ = US\$/ZW\$ mid exchange rate on 29 July 2022 as published by Reserve Bank of Zimbabwe. R_t = US\$/ZW\$ mid exchange rate as published by Reserve Bank of Zimbabwe at time T. ZW\\$P_t = Contract price at the point of payment at time T</p> |
| GCC 30.1 | <p>Terms of Payment: The structure of payments shall be:</p> <p>On Delivery: Ninety (90) per cent of the Contract Price shall be paid within a maximum of thirty (30) days of receipt of the Goods and upon submission of the documents specified in GCC Clause 13.</p> <p>On Acceptance: The remaining ten (10) per cent of the Contract Price shall be paid to the Contractor within thirty (30) days after the date of the acceptance certificate for the respective delivery issued by the Procuring Entity.</p> |
| GCC 31.1 | <p>Contract Administration Fee: The Contract Administration Fee set out in Part V of the Fifth Schedule of the Regulations is due upon the signing of the Contract and the applicable Fee is \$ [State applicable Fee or delete].</p> |

POWERTEL COMMUNICATIONS
SIGNED: DMC
DATE: 4/07/2022
PROCUREMENT DEPT