

**STANDARD BIDDING DOCUMENT
FOR
THE PROCUREMENT OF GOODS
INTERNATIONAL TENDER
ZIMRA ICB 03/2021**



**BIDDING DOCUMENT FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF 2
DISASTER RECOVERY SITE DATA CENTRE CORE SWITCHES**

PROCUREMENT REFERENCE NO: INTERNATIONAL TENDER ZIMRA ICB 03/2021

**INTERNATIONAL TENDER FOR THE SUPPLY, DELIVERY, INSTALLATION AND
COMMISSIONING OF 2 DISASTER RECOVERY SITE DATA CENTRE CORE SWITCHES**

PROCUREMENT REFERENCE NUMBER: INTERNATIONAL TENDER ZIMRA ICB 03/2021

PROCURING ENTITY: ZIMBABWE REVENUE AUTHORITY

DATE OF ISSUE: 26 FEBRUARY 2021

CLOSING DATE: 26 APRIL 2021

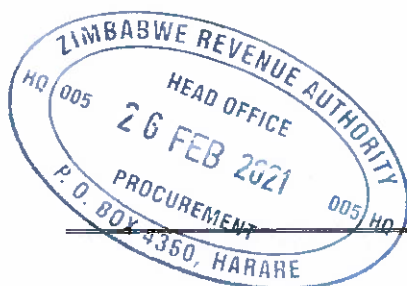
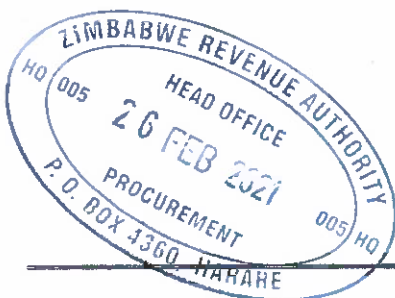


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PART 1 BIDDING PROCEDURES

PART 1: BIDDING PROCEDURES

References:

References to the Act are to the Public Procurement and Disposal of Public Assets Act [Chapter 22:23] 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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Preparation of Bids

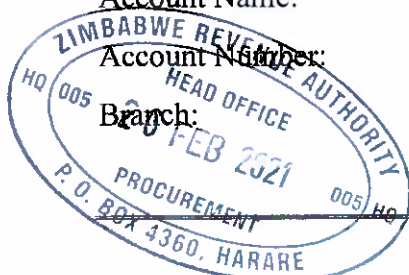
You are requested to bid for the supply and delivery of **2 Disaster Recovery Site Data Centre Core Switches** specified in the Statement of Requirements below, by completing and returning the following documentation:

1. the Bid Submission Sheet in this Part;
2. the Statement of Requirements in Part 2;
3. Technical specification and Compliance Sheet.
4. a copy of every document necessary to demonstrate eligibility in terms of section 28 (1) of the Regulations;
5. Proof of supplier registration with the Procurement Regulatory Authority of Zimbabwe (PRAZ)
6. A bid security;
7. A copy of CR 14, CR6 and a Certificate of Incorporation or equivalent documents (foreign companies should submit similar company documents from country of company registration)
8. A valid tax clearance (ITF 263) or equivalent document/s
9. A copy of your company profile
10. At least three (3) reference letters showing bidders' direct experience in the successful supply of similar quality of the required products.
11. Warranty
12. Original Equipment Manufacturer (OEM)

You are also required to pay the administration fee of **ZWLS80,000.00 for Domestic Bidders and US\$1,000.00 for International Bidders**, payable for bids subject to prior review by the Special Procurement Oversight Committee in terms of section 54 of the Act and as set-out in Part IV of the Fifth Schedule to the Regulations. This fee is paid directly to the Procurement Regulatory Authority of Zimbabwe (PRAZ) or to the following account FCA Account (foreign deposits);

Payment Instructions Local Bidders:

Bank Name:	Commercial Bank of Zimbabwe
Account Name:	Procurement Regulatory Authority of Zimbabwe
Account Number:	01121064850040
Branch:	Kwame Nkrumah



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PART I BIDDING PROCEDURES

FCA ACCOUNT (FOREIGN DEPOSITS)

BANK NAME: COMMERCIAL BANK OF ZIMBABWE
ACCOUNT NAME: PROCUREMENT REGULATORY AUTHORITY OF
ZIMBABWE
ACCOUNT NUMBER: 01121064850040
BRANCH: KWAME NKRUMAH

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, the Bidder's name, and any reference number.

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.

Clarification

Clarification of the bidding document may be requested in writing by any Bidder and should be sent to;

**The Acting Principal Procurement Manager
Zimbabwe Revenue Authority (ZIMRA)
10th Floor, ZB Centre
Corner Kwame Nkrumah Ave/ First Street
Harare, Zimbabwe.**

Or via Email to procurement@zimra.co.zw

Such queries should be submitted within 20 days from the date of publication and responses to questions / queries will be made in writing to all prospective bidders at least 10 days before tender closing.

Pre-bid meeting

There is no pre-bid meeting for this tender.

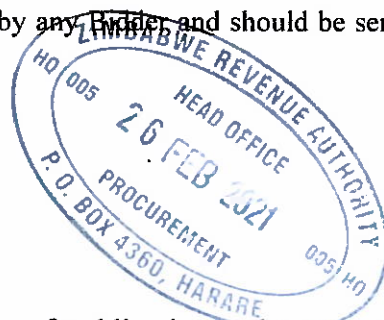
Validity of Bids

The minimum period for which the Bidder's bid must remain valid is **120 days** from the deadline for the submission of bids.

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.



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PART 1 BIDDING PROCEDURES

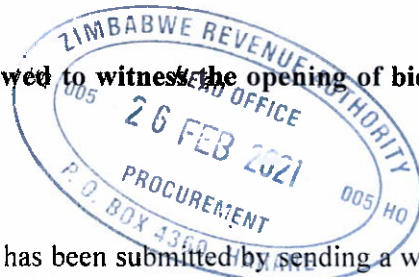
Bids should be submitted in triplicate with one (1) original copy marked "ORIGINAL" and two (2) copies each marked "COPY" All 3 copies should be in sealed envelopes clearly marked with the details of the tender, and should be deposited in a tender box situated at the below address. In the event of any 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	26 APRIL 2021	Deadline Time:	10:00 hours Harare time (GMT + 2 hours)
Submission address:	The Acting Principal Procurement Manager Zimbabwe Revenue Authority (ZIMRA) 6 th Floor ZB Centre Corner Kwame Nkrumah Ave/ First Street Harare Zimbabwe		
Means of acceptance:	Bids in the sealed envelopes shall be deposited in a tender box situated at the above address. All the bidders should record their bids in the tender submission register situated thereto, in the format prescribed in the register.		

Bid opening

Due to the COVID 19 pandemic, NO Bidders will be allowed to witness the opening of bids on the closing day.



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.

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.

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;

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- (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).

Bid Security

The Bidder must include Bid Security of **ZWL\$680,000.00 or equivalent USD\$ for international bidders**), (in *either* of the following forms;

Option 1 ----- A Certified Bank Cheque in the ZIMRA name.

Option 2 -----A Bank Guarantee in the ZIMRA name

Option 3 ----- A Cash Deposit to the Authority PRAZ

(Foreign contractors shall pay an equivalent in the currency of their contract)

The bid security shall be valid for a period of 120 days after the end of the bidding period.

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.

If a bidder chooses options 2 or 3, the following should be noted;

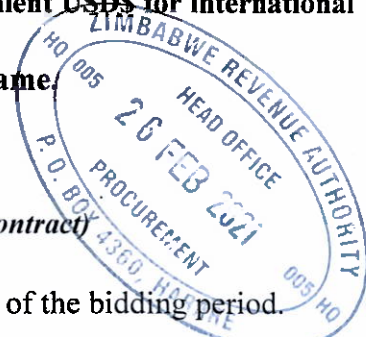
Option 2

Submission of bank guarantee

A standard bank Guarantee of **ZWL\$680,000.00 or equivalent USD\$ for international bidders** which is valid for 120 days, obtainable from a reputable Registered Commercial Bank.

Please note: The required Bank Guarantee should include the following features and be redeemable in Zimbabwe in order for it to be considered valid:

1. Letterhead of registered commercial bank (i.e. the Supplier of the Bank Guarantee)
2. The Header has to clearly state that it is a Bank Guarantee.
3. Purpose of the Bank Guarantee to be clearly stated.
4. The date when the Common Seal of the said Surety was effected should be clearly shown.
5. Conditions of the said Obligations must be stated.
6. The physical address of the Surety should be given.
7. The validity period of the Bank Guarantee must be clearly stated.
8. Signature of surety and the date when it was endorsed must be clearly shown.
9. It must be an original document that is date stamped.
10. Bid Bonds from Insurance Companies are not acceptable.
11. All foreign Bank Guarantee to be confirmed by a local corresponding Commercial bank in Zimbabwe.



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The Bank Guarantee of the unsuccessful bidders will be released immediately after the award of the Tender while that of the winning bidder will only be released after submission of the Performance Bond as specified in the tender document section 1.9

Option 3

If **Option 3** is chosen bidders must pay **ZWL\$680,000.00** or equivalent for international bidders for the Bid Security that shall be Refundable at the end of the bid validity period plus establishment fees **ZWL\$30,000.00 for domestic bidders and US\$375.00 for International Bidders** that shall be non-refundable for cash bid bond establishment fee in line with Part IV of the Procurement Regulations (S.I.5 of 2018). The amount is payable at Procurement Regulatory Authority of Zimbabwe (PRAZ), 76 Samora Machel Avenue, Harare or to be deposited into the following Account numbers:

1. NON-REFUNDABLE (LOCAL)

BANK NAME: COMMERCIAL BANK OF ZIMBABWE
ACCOUNT NAME: PROCUREMENT REGULATORY AUTHORITY OF ZIMBABWE
ACCOUNT NUMBER: 01121064850020
BRANCH: KWAME NKRUMAH



2. REFUNDABLE (LOCAL)

BANK NAME: COMMERCIAL BANK OF ZIMBABWE
ACCOUNT NAME: PROCUREMENT REGULATORY AUTHORITY OF ZIMBABWE
ACCOUNT NUMBER: 01121064850030
BRANCH: KWAME NKRUMAH

3. FCA ACCOUNT (FOREIGN DEPOSITS)

BANK NAME: COMMERCIAL BANK OF ZIMBABWE
ACCOUNT NAME: PROCUREMENT REGULATORY AUTHORITY OF ZIMBABWE
ACCOUNT NUMBER: 01121064850040
BRANCH: KWAME NKRUMAH

The Bid Security 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 must be in the names of all intended partners.

Payment Summary of payment to PRAZ

No	Item	Domestic Bidders (Zimbabwean Dollars)	International Bidders (United States Dollars)
1	Bid Security	ZWL\$680,000.00	USDS equivalent for international bidders using Official RBZ exchange rate. http://www.rbz.co.zw/ .
2	Establishment Fee	ZWL\$30,000.00	USDS\$375.00
3	Annual Contract Administration Fee	ZWL\$80,000.00	USDS\$1,000.00

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

Review by the Special Procurement Oversight Committee

Section 54 of the Act provides for review by the Special Procurement Oversight Committee especially sensitive or especially valuable contracts. This requirement will be subject to this review; hence, at least two identical copies of the bid document are required. Where the copies are not identical, the contents of the bid marked original will alone be considered.

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.
- (c) **Cost of major replacement components, mandatory spare parts, and service:**
Bidders must state the unit prices for these items. The total cost of these items and quantities will be added to the Bid price, for evaluation purposes only.

Domestic Preference

A margin of preference, in accordance with the procedures outlined in section 8 of the Regulations, will apply.

- (a) The percentage of preference to be given to domestic providers is **15%**
- (b) The percentage of preference to be given to women-owned businesses is **15%**
- (c) Eligibility for the margin of preference will be based on the following factors: ownership, location of bidder or production facilities, origin of labour, raw material or components, extent of proposed sub-contracting or association with local partners

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- (d) Documentation required from the Bidder as evidence of eligibility for the margin of preference is/are: **CR14, CR6**, Certificate of Incorporation and other relevant or equivalent documents.

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

1. have the legal capacity to enter into a contract;
2. 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;
3. have fulfilled their obligations to pay taxes and social security contributions in Zimbabwe;
4. not have a conflict of interest in relation to this procurement requirement;
5. not be 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.

Participation in this bidding procedure is open to both Zimbabwean and foreign bidders

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.

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. No alternatives to technical specifications given shall be accepted for evaluation.

Currency

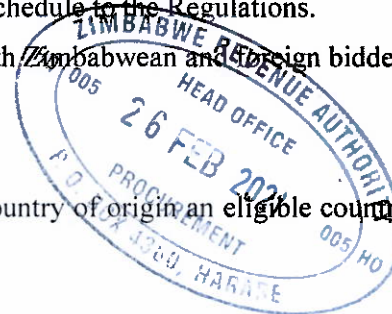
Bids should be priced in both Zimbabwean (Z\$) and United States Dollars (USD). The currency of evaluation will be Zimbabwean Dollars (Z\$) and the currency of payment for local companies will be the Zimbabwean Dollars, using the exchange rates published by the Reserve Bank of Zimbabwe on the date of the invoice, see <http://www.rbz.co.zw/>.

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 and the Third Schedule to the Regulations.

Right to Reject

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.



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PART 1 BIDDING PROCEDURES

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.



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: {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

Name of Bidder:

Bidder's Reference Number:

List of Goods and Price Schedule



	Description of Goods	Quantity ²	Unit Price US\$	Total Price US\$ ⁴
	DISASTER RECOVERY SITE DATA CENTRE CORE SWITCH	2	[to be provided by the Bidder]	[to be provided by the Bidder]
	VAT			
	OTHER COSTS			
	TOTAL COSTS			

Note 1: The description or quantity must indicate the unit of measure where relevant.

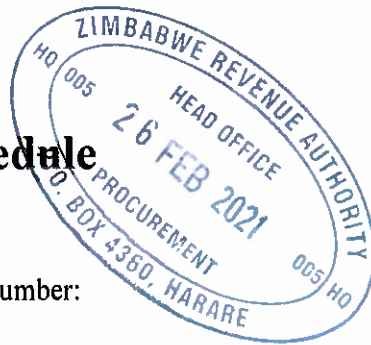
Note 2: Unit and total prices must be for delivery through to the final destination stated in Part 1.

Note 3: Acceptance testing: the equipment will be deemed acceptable only when the ZIMRA ICT Division has tested it.

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}.

Expected delivery period is 8 weeks

The delivery period required is measured from the date of the signing of the Contract between the Procuring Entity and the Bidder.

The Project Site for delivery of the goods is the final destination:

**ZIMBABWE REVENUE AUTHORITY
DISASTER RECOVERY SITE,
HARARE
ZIMBABWE.**

Technical Specification and Compliance Sheet

Name of Bidder:

Bidder's Reference Number:

The Goods and Related Services must comply with following Technical Specifications and Standards:

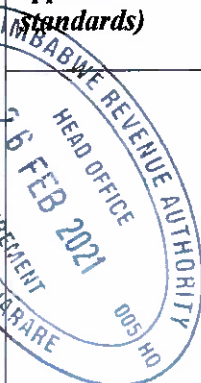
[Columns a and b are completed by the Procuring Entity. Column c must be completed by the Bidder to indicate the full specification of the items offered and their compliance with the specification required (in Column b)]

A <i>Item description and full technical Specification required (including applicable standards)</i>	B <i>Item description and full technical Specification required (including applicable standards)</i> MINIMUM REQUIREMENTS			C <i>{Confirm full specification of items offered by Bidder and compliance of items to detail in column b}</i>
DISASTER RECOVERY SITE DATA CENTRE CORE SWITCH 	Item	Feature	Description	
	1	Spanning Tree Protocol	Whether these are global or per interface 802.1D, 802.1W, 802.1S	
	2	Additional Spanning tree protection features	Such as BPDU/Loopguard/Rootguard, loopguard port fast features	
	3	Support for 3 First Hop Redundancy Protocols		
	4	Static Routes	IPv4 and IPv6	
	5	OSPF, BGP	IPv4 and IPv6	
	6	Redistribution between routing protocols		
	7	Access Control Lists (ACLs)	Routing controls, SNMP controls etc	
	8	SNMP	v1, v2c and v3	
	9	VLAN tagging	Using 802.1q (including ability for tagged/un-tagged frames, default/native VLAN etc	
10	Port-based Network Access Control (802.1x)			

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PART 2 STATEMENT OF REQUIREMENTS

A	B			C
<p><i>Item description and full technical Specification required (including applicable standards)</i></p>	<p><i>Item description and full technical Specification required (including applicable standards)</i></p> <p>MINIMUM REQUIREMENTS</p>			<p><i>{Confirm full specification of items offered by Bidder and compliance of items to detail in column b}</i></p>
	11	Port Mirroring	Over Layer 2 and Layer 3 Networks	
	12	"Neighbour" discovery		
	13	Layer 2 Tunneling Protocol	(L2TP) or other equivalent protocols	
	14	VXLAN Support		
	15	Link Aggregation Control Protocol (LACP), IPSLA, Network Time Protocol (NTP), Secure Shell (SSH), Secure File Transfer Protocol (SFTP), SSL,		
	16	Layer 2 Data Center Interconnect		
	17	Multicast Routing Capability		
	18	Flow statistics and their integration into the management system		
	19	UDLD uni-directional link detection type features		
	20	Logging capabilities – internal and external syslog		
	21	NTP master capabilities		
	22	Support for Fibre		

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PART 2 STATEMENT OF REQUIREMENTS

A	B			C
<p><i>Item description and full technical Specification required (including applicable standards)</i></p>	<p><i>Item description and full technical Specification required (including applicable standards)</i></p> <p>MINIMUM REQUIREMENTS</p>			<p><i>{Confirm full specification of items offered by Bidder and compliance of items to detail in column b}</i></p>
		Channel over Ethernet (FCoE)		
	23	Interface options	1G, 10G, 40G	
	24	Minimum of 1x 48 1/10Gbps SPF/SFP+ Line Card		
	25	Minimum of 1x 12 40Gbps QSFP Line Card		
	26	DHCP and other UDP port forwarding		
	27	6 Line Card Slots		
	28	User Authentication	Local, TACACS+, RADIUS, LDAP	
	29	Layer 2 Security	Dynamic ARP Inspection, IP Source Guard	
	30	Bidirectional Forwarding Detection		
	31	Integrated cable management system		
	32	Front-to-back airflow		
	33	Minimum of 3 redundant fan trays		
	34	Mandatory door and air filter kit		
	35	N+1 Redundancy for Power Supplies		
36	Minimum inter slot and local switching capacity	1.2tbps		

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PART 2 STATEMENT OF REQUIREMENTS

A	B		C
<p><i>Item description and full technical Specification required (including applicable standards)</i></p>	<p><i>Item description and full technical Specification required (including applicable standards)</i></p> <p>MINIMUM REQUIREMENTS</p>		<p><i>{Confirm full specification of items offered by Bidder and compliance of items to detail in column b}</i></p>
	37	Original Equipment Manufacturer	<p>OEM</p> <p><u>Bidders should also include the following:</u></p> <p>Associated licenses</p> <p>Associated fiber modules</p> <p>1 year warranty</p> <p>Training and Certification for 7 people</p> <p>Rack</p>



The detailed technical evaluation will examine the technical specification of the items offered in column c and determine whether this meets the minimum specification in column b. Bidders must complete column c or their tender will be rejected. **Bidders are required to include technical literature to positively support the details provided in column c.**

Declaration by the Accounting Officer

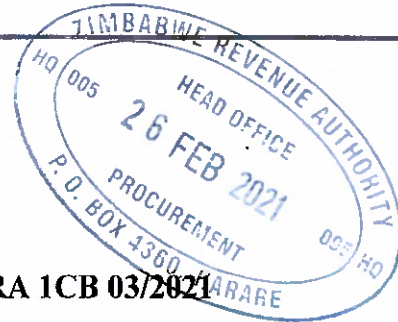
.....
A. Anne

.....
26/02/2021

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

PART 3 CONTRACT

Contract Agreement



Procurement Reference: International tender ZIMRA ICB 03/2021

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)].
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.

**BIDDING DOCUMENT FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF 2
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PART 3 CONTRACT

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:	<i>[Title or other appropriate designation]</i>

For and on behalf of the Contractor

Signed:
Name:	
In the capacity of:	<i>[Title or other appropriate designation]</i>



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 **International Tender ICB 03/2021**

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,
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, 6th Floor ZB Centre, Corner Kwame Nkrumah Avenue and First Street, Harare Zimbabwe. For the Contractor, the address shall be as given in the Bid and the contact shall be <i>{state name of contact}</i>
GCC 19.1	Liquidated Damages: Liquidated Damages in terms of section 88 of the Act shall apply. In the case of delays in the delivery of goods, the Contractor will be liable to pay damages of 0.5% of contract price per week of delay up to a maximum of 10% of contract value. If 10% is exceeded, the contract may be cancelled NB. The contractor will not be charged liquidated damages when the delay in delivery or performance is beyond the contractor's control and is not caused by fault or negligence on the part of the contractor.

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GCC reference	Special Conditions
<p>GCC 21.2</p>	<p>Packing, Marking and Documentation: The goods shall meet the following special packing requirements in addition to the general requirements stated in GCC clause 21.1</p> <p>The documents to be furnished by the Contractor are:</p> <ol style="list-style-type: none"> 1. A negotiable bill of lading when the goods are coming by sea 2. An airway bill, when the goods are coming by Air 3. A road consignment note, when the goods are coming by road 4. Insurance certificate, <p>Sample provision - For Goods supplied from abroad:</p> <p>Upon shipment, the Contractor shall notify the Procuring Entity and the insurance company in writing of the full details of the shipment. In the event of Goods sent by airfreight, the Contractor shall notify the Procuring Entity a minimum of forty-eight (48) hours ahead of dispatch, the name of the carrier, the flight number, the expected time of arrival, and the waybill number. The Contractor shall email and then send by courier the following documents to the Procuring Entity, with a copy to the insurance company:</p> <ol style="list-style-type: none"> (i) one original and two copies of the Contractor's invoice, showing the Procuring Entity as the consignee; the Contract number, Goods description, quantity, unit price, and total amount. Invoices must be signed in original; (ii) one original and two copies of the negotiable, clean, on-board through bill of lading marked "freight prepaid" and showing Procuring Entity as the consignee and Notify Party as stated in the Contract, with delivery through to final destination as per the Schedule of Requirements and two copies of non-negotiable bill of lading, road consignment note, truck or air waybill, or multimodal transport document, marked "freight prepaid" and showing delivery through to final destination as per the Schedule of Requirements; (iii) two copies of the packing list identifying contents of each package; (iv) copy of the Insurance Certificate, showing the Procuring Entity as the beneficiary; (v) one original of the manufacturer's or Contractor's Warranty Certificate covering all items supplied; (vi) original copy of the Certificate of Inspection furnished to the Contractor by the nominated inspection agency and six copies <i>[state whether inspection is required]</i>; (vii) <i>[any other procurement-specific documents required for delivery/payment purposes]</i>. (vi) original copy of the Certificate of Inspection furnished to the Contractor by the nominated inspection agency and six copies (where inspection is required); (vii) <i>[other procurement-specific documents required for delivery/payment purposes]</i>.



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GCC reference	Special Conditions
	<p>Sample provision - For Goods from within Zimbabwe</p> <p>Upon or before delivery of the Goods, the Contractor shall notify the Procuring Entity in writing and deliver the following documents to the Procuring Entity:</p> <ul style="list-style-type: none">(i) one original and two copies of the Contractor's invoice, showing the Procuring Entity, the Contract number, Goods' description, quantity, unit price, and total amount. Invoices must be signed in original;(ii) two copies of delivery note, road consignment note, truck or air waybill, or multimodal transport document showing Procuring Entity as the consignee and delivery through to final destination as stated in the Contract;(iii) copy of the Insurance Certificate, showing the Procuring Entity as the beneficiary;(iv) four copies of the packing list identifying contents of each package;(v) one original of the manufacturer's or Contractor's Warranty certificate covering all items supplied; <p>The above documents shall be received by the Procuring Entity before arrival of the Goods and, if not received, the Contractor will be responsible for any consequent expenses.</p>

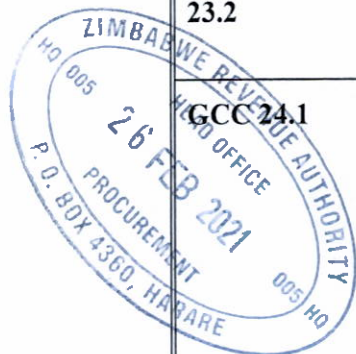


BIDDING DOCUMENT FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF 2 DISASTER RECOVERY SITE DATA CENTRE CORE SWITCHES

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GCC reference	Special Conditions
GCC 22.1	Insurance: The Goods shall be insured in accordance with the specified Incoterms.
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: 100% inspection on technical compliance.
GCC 24.1	<p>Performance security:</p> <p>The winning bidder must furnish ZIMRA with a performance guarantee within 14 days after contract signature by the last party This guarantee will be in the form of a Performance Bond or guarantee equivalent to the value of 10% of the total cost of the supplier's proposal, valid for the duration of the contract and endorsed by a registered reputable Commercial Bank in Zimbabwe.</p>
GCC 24.4	Reduction of performance security (Not applicable)
GCC 25.1	Warranty: The period of the warranty shall be one (1) year manufacturer warranty.
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 (30) days
GCC 29.1	<p>Price adjustments: The following price adjustments are applicable.</p> <p>When the application of price adjustment would modify the initial price by more than twenty per centum or would modify the balance owing under the contract by more than twenty per centum, the procuring entity may terminate the contract</p>
GCC 30.1	<p>Terms of Payment: The structure of payments shall be:</p> <p>Contracts with local suppliers will be paid in Zimbabwean Dollars (ZWS) at the prevailing inter- bank rate</p> <p>Contracts with all foreign suppliers will be signed and paid in United States Dollars</p> <p>Acceptance: 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> <p>In the event that advance payment is required, the Contractor must avail a bank guarantee of the equivalent amount from a reputable registered commercial bank</p>
GCC 31.1	Contract Administration Fee: The Contract Administration Fee set out in S.I 219 of 2020 is due upon the signing of the Contract and the applicable Fee is ZWL\$80,000.00 for Domestic Bidders and US\$1,000.00 for International Bidders.



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GCC reference	Special Conditions
GCC 32.1	1. Declaration of any Litigation. This should be on your company letter head or from your attorney. Bidders should give, if there is any, details of the litigation which they may have been involved in and any, which they are involved in.



Bank Guarantee for Performance Security

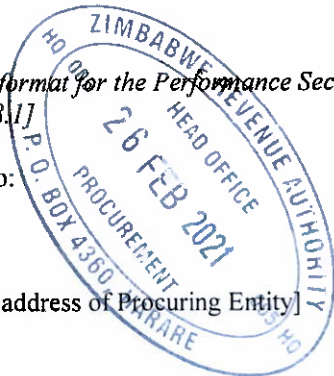
[This is the format for the Performance Security to be issued by a commercial bank in Zimbabwe in accordance with GCC 18.1]

Contract No:

Date:

To:

[Name and address of Procuring Entity]



PERFORMANCE GUARANTEES No:

We have been informed that *[name of supplier]* (hereinafter called "the Supplier") has undertaken, pursuant to Contract No *[reference number of Contract]* dated *[date of Contract]* (hereinafter called "the Contract") for the supply of *[description of goods and related services]* under the Contract.

Furthermore, we understand that, according to your conditions, Contracts must be supported by a performance guarantee.

At the request of the Supplier, we *[name of bank]* hereby irrevocably undertake to pay you, without cavil, delay or argument, any sum or sums not exceeding in total an amount of *[insert amount in figures and in words]* upon receipt by us of your first written demand accompanied by a written statement that the Supplier is in breach of its obligation(s) under the Contract conditions, without you needing to prove or show grounds or reasons for your demand of the sum specified therein.

This guarantee is valid until full recovery of the entire sum of money above stated, consequently, we must receive at the above-mentioned office any demand for payment under this guarantee in case of default.

Signature

Signature

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