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Resilient nations.*

**Invitation for Prequalification
Constitutional Dialogue Multi-media Public Information Campaign
Assistance to Building a Constitution
Libya**

The United Nations Development Programme (UNDP) Libya office, located in Tripoli UNDP Libya calls for Prequalification from international and national companies, who have the capacity to formulate, manage, and implement specific components of the Constitutional Dialogue Public Information Campaign as detailed in the scope of works as part of the Assistance to Building a Constitution Project in Libya.

Rationale & objectives of the project “Assistance to Building a Constitution”

The purpose of the project is to promote citizen’s participation in the constitution making process through a range of initiatives that support Libyan civil society organizations, non-governmental organizations, active citizens including women and youth, political decision-makers, parliamentarians and the Constitution Drafting Assembly. The project supports UNSMIL’s mandate under UN Security Council Resolution 2009 to assist the Libyan authorities to “lead inclusive political dialogue, promote national reconciliation, and determine the constitution making and electoral processes.” Three substantive areas of support are targeted: public outreach, procedural assistance, and substantive and technical advice as needed in coordination with UNSMIL. The project ensures full Libyan ownership of the process and content with integrated capacity strengthening components in order that Libyans themselves lead the public dialogue and the substantive constitutional work.

Background

In July 2012 Libya successfully conducted its first general election in forty-two years. The newly elected General National Congress approved the establishment of Libya’s first democratically elected government in November and is now making preparations for the election of a Constitution Drafting Assembly to produce a new constitution. The new constitution will deal with important questions including national identity and human rights, Libya’s system of government, the state’s structure and the distribution of political and economic power, and the role of religion.

At the request of the Libyan authorities, the United Nations, coordinated by its Support Mission in Libya, provides support to the process of building the constitution. This involves advice to the Constitution Drafting Assembly on procedural issues and for the holding of the referendum; support for the establishment and operations of a secretariat; provision of subject matter expertise as needed; and support for initiatives enabling participatory and effective consultation for Libyan civil society including women and youth. Through its *Assistance to Constitution Building* project, UNDP is working with the government, higher education institutions and civil society across the country to boost participation and engagement in the constitutional development process. UNDP’s focus is on traditionally vulnerable groups including women, youth and minority communities.

Context of the campaign

The process of developing a new constitution presents a critical opportunity to deliver the political transformation that was the central demand of the revolution: an end to authoritarianism and a system of government that will ensure that the exercise of authority and the application of the law are not subject to the arbitrary discretion of those in power. The constitution-making process also presents an unprecedented opportunity to consolidate Libya's fragile peace by bringing communities together around the goal of developing a new vision for Libya. If the constitution-making process takes place in an atmosphere of constructive dialogue, it can contribute to peacebuilding and reconciliation, educating the population and engaging them in a national dialogue on the form and function of the future state and their place in it:

- Increasing awareness about how democratic government functions
- Openly debating solutions to dilemmas about power-sharing and the distribution of natural resources that can otherwise lead to violence
- Providing a platform for reconciliation through national dialogue
- Developing a shared sense of understanding and tolerance through education and debate about human rights
- Building consensus around a new vision for the future development of the state.

At the same time, disagreements are likely over contentious issues such as minority rights, power sharing, religion, and reconciliation. Although dozens of civil society organizations and academics have been involved in civic education, social mobilization, and other activities to raise awareness, promote popular participation, and engage the broader public in the constitution-making process, until now most of these efforts have focused on increasing people's knowledge of what a constitution is and some of the most important topics it addresses. A critical question – as Libyans learn more about the preparation of the new constitution - is how they will handle the potentially conflictive issues:

- Competing visions of the state and society
- Claims and counterclaims about the rights and responsibilities of different groups, communities, and regions
- Contested notions of the structure and diffusion of power and authority in the new Libya
- Distribution of revenue from oil and other natural resources
- The balance between tradition and modernity, continuity and change.

Campaign objectives and specific tasks

UNDP is seeking the services of an experienced organization or company to create, manage and implement a multi-media campaign aimed at enhancing people's ability to participate in, contribute to, and benefit from the process of building Libya's new constitution.

Targeting women, youth and people from minority communities across the country, the objectives of the campaign are:

1. To raise awareness about the meaning and implications of a wide range of civic and political concepts and provide regular, credible and accessible information about the 'who, what, where, when and how' of the process as it unfolds. This includes increasing understanding of the importance of the constitution by educating people about the most important choices to be made about the type of state, government, and political system when drafting the constitution.
2. To contribute to the creation of a constructive environment for dialogue and debate over constitution-related issues through the dissemination of information about the qualities of a democratic civic culture.

The closing date for submitting a complete pre-qualification application form is **August 20th, 2013** before **15:00 hours (local time)**. For further details and the Pre-qualification document, please visit <http://procurement-notices.undp.org> (reference No. 12135) or Request the document to this email: procurement.ly@undp.org

All documents on Pre-Qualification must be submitted by mail in a sealed envelope marked "**Invitation for Prequalification (EOI-002/2013) - For the supply of Services for Constitutional Dialogue Multi-Media Public Information Campaign**"

UNITED NATIONS DEVELOPMENT PROGRAMME

Attn: Mr. Alfonso Ortega

Noflien area – Abu Ojeila Ben Taleb Street

Near to Ben Othman School

Tripoli, Libya

Alternatively, to facilitate the submission of applications, the submission duly stamped and signed can be done electronically in PDF format and sent to procurement.ly@undp.org. Please note that the submission of documents over 5 MB is not possible in one email and if the size is large they should be named in the Subject line as Application for Prequalification Constitutional Dialogue Multi-Media Public Information Campaign Batch 1, Batch 2, etc. The vendor shall bear all responsibility associated with the submission of the Expression of Interest electronically through e-mail. UNDP will in no case be responsible or liable for submissions delivered after the deadline

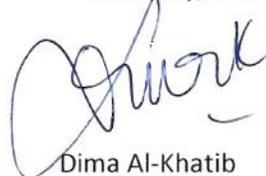
Any requests for clarification about the contents of the Prequalification Application Document shall be sent via email to alfonso.ortega@undp.org and cc: adam.styp-rekowski@undp.org. Such request for clarification should be sent no later than **5 days** before the closing date above. No phone calls will be accepted. Answers to questions/inquiries will be posted on UNDP web pages, and other web pages, on which this EOI is posted.

While UNDP would endeavor to provide response/clarification expeditiously, any delay in providing such information will not be considered a reason for extending the submission date of application for prequalification.

The submission for this EOI for Prequalification does not entail any commitment on the part of UNDP Libya, either financial or otherwise. UNDP Libya reserves the right to accept or reject any or all EOI for Prequalification without incurring any obligation to inform the affected applicant/s of the grounds.

UNDP Libya is not obliged to invite to participate in the subsequent bidding process any particular company who had submitted the Prequalification application.

Sincerely,



Dima Al-Khatib
Deputy Country Director
UNDP Libya

Annex I - Instructions to Applicants (ITA)

In addition to the essential guidance/instruction (provided through the cover letter) vis-à-vis application for the Prequalification, the followings are also to be considered during the submission.

General

1. **Scope of Application:** Procuring UNDP entity issues this EOI for Prequalification to applicants interested in bidding **“for the Prequalification Constitutional Dialogue Multi-Media Public Information Campaign”**.
2. **Eligible Applicants:**
 - (a) An applicant shall be a Joint Venture or a legally established single entity. A Joint Venture may have a maximum of three members. One of the members of the JV firm shall be the lead member of the JV who shall have a majority (at least 50%) share of interest in the JV. The other members shall have a share of not less than 20%. In case of a Joint Venture, the lead partner cannot be a real person.
 - (b) An Applicant shall submit only one application in the same Prequalification process, either individually as an Applicant or as a partner of a joint venture. No Applicant can be a subcontractor while submitting an application individually or as a partner of a joint venture in the same Prequalification process. A Subcontractor in any application may participate in more than one application, but only in that capacity. An Applicant who submits, or participates in, more than one application will cause all the applications in which the Applicant has participated to be disqualified.
 - (c) Applicants should not be associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by the Employer to provide consulting services for the preparation of the design specifications, and other documents to be used for the construction services to be procured.
3. **Contents of Prequalification Document:** The document for the prequalification of Applicants (hereinafter - “prequalification document”) consists of the annexes indicated below, and should be read in conjunction with any Addendum that may be issued by the Procuring UNDP entity.
 - (a) Annex 1: Instructions to Applicants
 - (b) Annex 2: Prequalification Data Sheet (PDS)
 - (c) Annex 3: Qualification Criteria and Requirements
 - (d) Annex 4: Application Forms
4. **Amendment of Prequalification Document:**
 - (a) At any time prior to the deadline for submission of applications, the Employer may amend the Prequalification Document by issuing addenda.
 - (b) Any addendum issued shall be part of the Prequalification Document and shall be communicated in writing by posting the addendum to the web page(s) on which the prequalification document is posted.

- (c) To give prospective Applicants reasonable time to take an addendum into account in preparing their applications, the Employer may, at its discretion, extend the deadline for the submission of applications.

Preparation of Applications

- 5. Cost of Applications:** The Applicant shall bear all costs associated with the preparation and submission of its application. The Employer will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the prequalification process.
- 6. Language of Application:** The Application prepared by the Applicant and all correspondence and documents relating to the Application exchanged by the Applicant and the procuring UNDP entity shall be in the English Language.
- 7. Documents Comprising the Application:** The provision of the pre-qualification information should include all relevant documents that are essentially required for the meeting the pre-qualification criteria as well as enable the project management to undertake the evaluation. Service providers must provide the information that they are qualified to perform the services required during the course of the proposed project. The EOI must comprise the following documents:
 - (a) Legal Registration of the firm/ company, including accreditation from APNS. *Copy of the legal registration of the firm shall be provided. In case of associations and/or Joint Ventures, a copy of the legal registration of all parties constituting the association and/or Joint Venture is required and shall be provided. [No registration in Libya is required at this stage. Request for Proposal to be issued following this Prequalification will require registration in Libya or work through a local partners registered in Libya]*
 - (b) Profile of the firm / company
 - (c) List of contracts for mass media (TV and Radio Programs) for similar jobs done with amount and name of client
 - (d) Indicate the scale of the contracts, number of programs for TV and Radio Talk shows produced and aired for the last three years
 - (e) Provision of audited reports and / or financial accounts showing the financial strength of the firm for last 3 years
 - (f) List of employees of the firms, professional and technical with their qualification and experience
 - (g) Distribution and location network of the company. All companies must have the requisite experience and proven technical and financial capacity for the areas of preference and preferred level of engagement.
 - (h) Samples of material of material produced in soft and / or hard form.
- 8. Signing of the Application and Number of Copies**
 - (a) The Applicant shall prepare one original of the documents comprising the application and clearly mark it "ORIGINAL". The original of the application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant.

Submission of Applications

9. **Sealing and Identification of Applications:** The Applicant shall enclose the original in a sealed envelope that shall.
- (a) bear the name and address of the Applicant;
 - (b) be addressed to the Employer; and
 - (c) bear the specific identification of this prequalification process indicated in the Prequalification Data Sheet

The Employer will accept no responsibility for not processing any envelope that was not identified as required. The preferred method for sealing and identifying the outer envelope is provided below.

FROM: Applicant's Name and Address	
TO:	Alfonso Ortega HEAD OF PROCUREMENT UNIT UNITED NATION DEVELOPMENT PROGRAMME (UNDP) Noflien area – Abu Ojeila Ben Taleb Street Near to Ben Othman School Tripoli, Libya
REF:	Ref: <u>EOI/002/2013</u>
SUB:	“Application for pre-qualification Constitutional Dialogue Multi-Media Public Information Campaign”
Deadline for Submission of Bids:	<u>20th August 2013</u>
DO NOT OPEN BEFORE OPENING DATE AND TIME!	

10. **Deadline for Submission of Applications:** 20th August 2013.
11. **Late Applications:** Late applications shall be rejected.

Procedures for Evaluation of Applications

12. **Confidentiality:** Information relating to the evaluation of applications, and recommendation for prequalification, shall not be disclosed to Applicants or any other persons not officially concerned with such process until the notification of prequalification is made to all Applicants.
13. **Clarification of Applications**
- (a) To assist in the evaluation of applications, the Employer may, at its discretion, ask any Applicant for a clarification of its application which shall be submitted within a stated reasonable period of time. Any request for clarification and all clarifications shall be in writing.
 - (b) If an Applicant does not provide clarifications of the information requested by the date and time set in the Employer's request for clarification, its application may be rejected.

- 14. Responsiveness of the Application:** The Employer may reject any application which is not responsive to the requirements of the prequalification document.

Evaluation of Applications and Prequalification of Applicants

- 15. Evaluation of Applications:** The Employer shall use the factors, methods, criteria, and requirements defined in Annex-III, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants. The use of other methods, criteria, or requirements shall not be permitted.
- 16. Employer's Right to Accept or Reject Applications:** All Applicants whose applications have met or exceeded ("**70%**") the specified threshold requirements will, to the exclusion of all others, be prequalified by the Employer.
- 17. Invitation to Bid**
- (a) Promptly after the notification of the results of the prequalification the Employer shall invite bids from all the Applicants that have been prequalified.
 - (b) Bidders may be required to provide a Bid Security or a Bank Guarantee acceptable to the Employer in the form and an amount to be specified in the Bidding Documents, and the successful Bidder shall be required to provide a Performance Security to be specified in the Bidding Documents.
- 14. Changes in Qualifications of Applicants:** Any change in the structure or formation of an Applicant after being prequalified and invited to bid shall be subject to a written approval of the Employer prior to the deadline for submission of bids. Such approval shall be denied if as a consequence of the change the Applicant no longer substantially meets any of the qualification criteria set forth in the Qualification Criteria and Requirements, or if in the opinion of the Employer, a substantial reduction in competition may result. Any such changes shall be submitted to the Employer not later than 14 days after the date of the Invitation for Bids.

Other

- 15.** The procuring entity also reserves the right to secure/request independent Financial Rating/Statements such as D&B rating as needed/required from the prequalified applicants (that will be invited to bid).

Introduction		
1	Employer:	United Nations Development Programme based in Libya
2	Application Process:	“Application for pre-qualification for Constitutional Dialogue Multi-Media Public Information Campaign”
3	Identification No.	<u>EOI-002/2013</u>
4	Title of the Project	Assistance to Building a Constitution
5	Employer’s Address	<p>Address: United Nations Development Programme Noflien area – Abu Ojeila Ben Taleb Street Tripoli</p> <p>Country: Libya</p> <p>email: procurement.ly@undp.org</p>
6	Clarification Requests	Requests for clarification should be received by the Employer no later than 5 (five) days prior to the deadline for submission of quotations to the fax number given above.

Preparation of Applications		
1	Language:	The language of the bid is English

Annex III: **EVALUATION CRITERIA**

Description	Total Points Obtainable
Eligibility of Firm (15)	
Constitution or legal status of Bidder (<i>Place of registration, Principal place of business, Power of attorney Company representative</i>) (<i>copy of registration is must</i>)	5
General organizational capabilities, size of the firm, geographical coverage, (<i>Name and address of offices or partnerships throughout Libya with telephone numbers, email addresses</i>)	10
Experience (30)	
At least five (5) years of experience in developing and managing large scale public service campaigns in various languages through various social media, radio and TV.	5
Participation as primary contractor in at least three (3) contracts within the last five (5) years, each with scope of works at national, provincial and district levels with multi stakeholder agencies both in the government and UN system that have been successfully and substantially completed and that are similar to the proposed services.	10
<p>For the above or other contracts executed during the period stipulated above, a minimum specific experience in the following key areas:</p> <ul style="list-style-type: none"> -<i>Organizational structure or networking capacity to work closely with local partners, or put together a team of local young talent. (5 points)</i> -<i>Demonstrated experience to have its own effective media buying capability to ensure best value for money and better campaign outreach.(5 points)</i> -<i>Ability to deliver to deadlines and in the face of challenging and logistical obstacles.(5 points)</i> 	15
Financial Situation (20)	
Financial Statements for the last three (3) years (2010-11-12) in English. Quick ratio which tests the company's financial strength and liquidity by calculation a company's liquid assets in proportion to its liabilities. Bidders with financial accounts that show a quick ration of less than one (1) will be disqualified.	5
Minimum annual average sales turnover of US\$ 300,000 calculated as total certified payments received for contracts in progress or completed, within the last three (3) years.	10
Evidence of access to financial resources to meet the qualification requirements: cash in hand, lines of credit, etc. (<i>Provide copy of the letters from reputable banks</i>)	5
Personnel Qualifications (35)	
General Qualification Key Staff in the areas of public information, media and community outreach (<i>Attached CVs</i>)	10
Specific Experience in producing Television and Advertisement and public service	10

Description	Total Points Obtainable
awareness. Availability of designers (attached list with CVs)	
Work Experience (5-7 years of experience in production and implementation of Multi-Media Campaign services (5 years minimum requirement), Project management implementation of similar services)	15
Total	100

The minimum qualifying marks - 70%.

Annex IV: Application Submission Form:
(to be printed on company letterhead, signed, dated and stamped)

Date: [insert day, month, year]

To: UNDP
Libya

We, the undersigned, apply to be prequalified for the referenced EOI and declare that:

(a) We have examined and have no reservations to the Prequalification Documents, including any Addendum (or Addenda to same effect), issued by the procuring UNDP entity in accordance with Instructions to Applicants.

(b) We understand that you may cancel the prequalification process at any time and that you are neither bound to accept any application that you may receive nor to invite the prequalified applicants to bid for the contract subject of this prequalification, without incurring any liability to the Applicants.

(c) We are not associated, or have been associated in the past, directly or indirectly, with a firm or any of its affiliates which have been engaged by the Employer to provide consulting services for the preparation of the design specifications, and other documents to be used for the services to be procured.

(d) The following information shall be used by UNDP to notify us:

Name
Title
Address:
Tel:
Fax:

Best regards,

Signed *[insert signature(s) of an authorized representative(s) of the Applicant]*

Name *[insert full name of person signing the application]*

In the Capacity of *[insert capacity of person signing the application]*

Duly authorized to sign the application for and on behalf of: Applicant's Name *[insert full name of Applicant]* Address *[insert street number/town or city/country address]*

Dated on *[insert day number]* day of *[insert month]*, *[insert year]*