



REQUEST FOR QUOTATION (RFQ)

RFQ Reference: 15-2022-UNDP-UKR-RFQ-RPP	Date: 09 February 2022
--	------------------------

SECTION 1: REQUEST FOR QUOTATION (RFQ)

UNDP kindly requests your quotation for the provision of:

Overhaul of the SportsHub (dormitory premises, 1st floor) at the address: 44A Khimikiv street, Sievierodonetsk, Luhansk Oblast as detailed in Annex 1 of this RFQ.

This Request for Quotation comprises the following documents:

Section 1: This request letter

Section 2: RFQ Instructions and Data

Annex 1: Schedule of Requirements

Annex 2: Quotation Submission Form

Annex 3: Technical and Financial Offer

Annex 4: Performance Security

When preparing your quotation, please be guided by the RFQ Instructions and Data. Please note that quotations must be submitted using Annex 2: Quotation Submission Form and Annex 3 Technical and Financial Offer, by the method and by the date and time indicated in Section 2. It is your responsibility to ensure that your quotation is submitted on or before the deadline. Quotations received after the submission deadline, for whatever reason, will not be considered for evaluation.

Thank you and we look forward to receiving your quotations.

Issued by:

Signature:  5866F218C2264C1...

Name: **Ms. Agnes Kochan**

Title: **UNDP Operations Manager**

Date: **February 09, 2022**

 DS

SECTION 2: RFQ INSTRUCTIONS AND DATA

Introduction	<p>Bidders shall adhere to all the requirements of this RFQ, including any amendments made in writing by UNDP. This RFQ is conducted in accordance with the UNDP Programme and Operations Policies and Procedures (POPP) on Contracts and Procurement</p> <p>Any Bid submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Bid by UNDP. UNDP is under no obligation to award a contract to any Bidder as a result of this RFQ.</p> <p>UNDP reserves the right to cancel the procurement process at any stage without any liability of any kind for UNDP, upon notice to the bidders or publication of cancellation notice on UNDP website.</p> <p>NB. If after deadline the number of bids is not enough to proceed with evaluation process, the decision about deadline prolongation can be made. For security point of view It is recommended to create 2 archive files (*.zip format only!): one should include technical proposal, another one should include financial proposal and be encrypted with password. Both files should be attached to the email letter. Herewith, absence of archives protected <u>does not lead</u> to rejection of bids.</p> <p>During evaluation process companies will be officially asked by UNDP procurement unit via email to provide password to archive with financial proposal. Please do not include the password either to email letter or technical proposal and disclose before official request.</p>
Deadline for the Submission of Quotation	<p>23:59 (Kyiv time), February 23, 2022</p> <p>If any doubt exists as to the time zone in which the quotation should be submitted, refer to http://www.timeanddate.com/worldclock/.</p> <p>For eTendering submission - as indicated in eTendering system. Note that system time zone is in EST/EDT (New York) time zone.</p>
Method of Submission	<p>Quotations must be submitted as follows:</p> <p><input type="checkbox"/> E-tendering</p> <p><input checked="" type="checkbox"/> Dedicated Email Address</p> <p><input type="checkbox"/> Courier / Hand delivery</p> <p><input type="checkbox"/> Other Click or tap here to enter text.</p> <p>Bid submission address: tenders.ua@undp.org</p> <ul style="list-style-type: none"> ▪ File Format: .ZIP, .PDF ▪ File names must be maximum 60 characters long and must not contain any letter or special character other than from Latin alphabet/keyboard. ▪ All files must be free of viruses and not corrupted. ▪ Max. File Size per transmission: 20 MB ▪ Mandatory subject of email: 15-2022-UNDP-UKR-RFQ-RPP ▪ Multiple emails must be clearly identified by indicating in the subject line “email no. X of Y”, and the final “email no. Y of Y.” ▪ It is recommended that the entire Quotation be consolidated into as few attachments as possible. ▪ The bidder should receive an email acknowledging email receipt.
Cost of preparation of quotation	<p>UNDP shall not be responsible for any costs associated with a Supplier’s preparation and submission of a quotation, regardless of the outcome or the manner of conducting the selection process.</p>
Supplier Code of Conduct,	<p>All prospective suppliers must read the United Nations Supplier Code of Conduct and acknowledge that it provides the minimum standards expected of suppliers to the UN. The Code of Conduct, which includes principles on labour, human rights, environment and ethical conduct may be found at: https://www.un.org/Depts/ptd/about-us/un-supplier-code-conduct</p>

Fraud, Corruption,	Moreover, UNDP strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, and obstruction of UNDP vendors and requires all bidders/vendors to observe the highest standard of ethics during the procurement process and contract implementation. UNDP's Anti-Fraud Policy can be found at http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_an_dinvestigation.html#anti
Gifts and Hospitality	Bidders/vendors shall not offer gifts or hospitality of any kind to UNDP staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches, dinners or similar. In pursuance of this policy, UNDP: (a) Shall reject a bid if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question; (b) Shall declare a vendor ineligible, either indefinitely or for a stated period, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNDP contract.
Conflict of Interest	<p>UNDP requires every prospective Supplier to avoid and prevent conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, specifications, cost estimates, and other information used in this RFQ. Bidders shall strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified.</p> <p>Bidders must disclose in their Bid their knowledge of the following: a) If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel who are family members of UNDP staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving goods and/or services under this RFQ.</p> <p>The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNDP's further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFQ, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Bid.</p>
General Conditions of Contract	<p>Any Purchase Order or contract that will be issued as a result of this RFQ shall be subject to the General Conditions of Contract</p> <p>Select the applicable GTC:</p> <p><input type="checkbox"/> General Terms and Conditions / Special Conditions for Contract</p> <p><input type="checkbox"/> General Terms and Conditions for de minimis contracts (services only, less than \$50,000)</p> <p><input checked="" type="checkbox"/> General Terms and Conditions for Works</p> <p>Applicable Terms and Conditions and other provisions are available at UNDP/How-we-buy</p>
Special Conditions of Contract	<p><input checked="" type="checkbox"/> Cancellation of PO/Contract if the delivery/completion is delayed by 30 days.</p> <p><input checked="" type="checkbox"/> Others: Liquidated damages: the liquidated damages for delay shall be 0.5% of the total amount for each day of delay until actual completion, up to maximum deduction of 10% of the value of the Civil Works Contract. Once the maximum is reached, UNDP may consider termination of the Civil Works Contract.</p>
Eligibility	<p>A vendor who will be engaged by UNDP may not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNDP whether they are subject to any sanction or temporary suspension imposed by these organizations. Failure to do so may result in termination of any contract or PO subsequently issued to the vendor by UNDP.</p> <p>It is the Bidder's responsibility to ensure that its employees, joint venture members, sub-contractors, service providers, suppliers and/or their employees meet the eligibility requirements as established by UNDP.</p> <p>Bidders must have the legal capacity to enter a binding contract with UNDP and to deliver in the country, or through an authorized representative.</p>
Currency of Quotation	<p>Quotations shall be quoted in:</p> <p><input checked="" type="checkbox"/> United States Dollars.</p> <p>or</p> <p><input checked="" type="checkbox"/> Local Currency: UAH</p>

Joint Venture, Consortium or Association	<p>If the Bidder is a group of legal entities that will form or have formed a Joint Venture (JV), Consortium or Association for the Bid, they shall confirm in their Bid that : (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the JV, Consortium or Association jointly and severally, which shall be evidenced by a duly notarized Agreement among the legal entities, and submitted with the Bid; and (ii) if they are awarded the contract, the contract shall be entered into, by and between UNDP and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture, Consortium or Association.</p> <p>Refer to Clauses 19 – 24 under Solicitation policy for details on the applicable provisions on Joint Ventures, Consortium or Association.</p>
Only one Bid	<p>The Bidder (including the Lead Entity on behalf of the individual members of any Joint Venture, Consortium or Association) shall submit only one Bid, either in its own name or, if a joint venture, Consortium or Association, as the lead entity of such Joint Venture, Consortium or Association.</p> <p>Bids submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:</p> <ul style="list-style-type: none"> a) they have at least one controlling partner, director or shareholder in common; or b) any one of them receive or have received any direct or indirect subsidy from the other/s; or b) they have the same legal representative for purposes of this RFQ; or c) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Bid of, another Bidder regarding this RFQ process; d) they are subcontractors to each other's Bid, or a subcontractor to one Bid also submits another Bid under its name as lead Bidder; or e) some key personnel proposed to be in the team of one Bidder participates in more than one Bid received for this RFQ process. This condition relating to the personnel, does not apply to subcontractors being included in more than one Bid.
Duties and taxes	<p>Article II, Section 7, of the Convention on the Privileges and Immunities provides, inter alia, that the United Nations, including UNDP as a subsidiary organ of the General Assembly of the United Nations, is exempt from all direct taxes, except charges for public utility services, and is exempt from customs restrictions, duties, and charges of a similar nature in respect of articles imported or exported for its official use. All quotations shall be submitted net of any direct taxes and any other taxes and duties, unless otherwise specified below:</p> <p>All prices must:</p> <p><input type="checkbox"/> be inclusive of VAT and other applicable indirect taxes</p> <p><input checked="" type="checkbox"/> be exclusive of VAT and other applicable indirect taxes</p> <p>[according to Project Card Registration № 4206-02]</p>
Language of quotation	<p>English or Ukrainian, or Russian</p> <p>In case of submission in Ukrainian or Russian languages, bidders may be requested for provision of English translation for separate parts of the bid or bid as a whole.</p> <p>All the documentation including catalogues, instructions and operating manuals should be in Russian or Ukrainian (additionally in English if present).</p>
Documents to be submitted	<p>Bidders shall include the following documents in their quotation:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Annex 2: Quotation Submission Form duly completed and signed. <input checked="" type="checkbox"/> Annex 3: Technical and Financial Offer duly completed and signed and in accordance with the Schedule of Requirements in Annex 1. <input checked="" type="checkbox"/> Copy of Latest Business Registration Certificate. <input checked="" type="checkbox"/> Extract from the Register of VAT payers or single taxpayers (not mandatory on submission stage but will be required if Offeror is selected for contract award). <input checked="" type="checkbox"/> Company Profile, indicating minimum 4 (four) years of engagement in similar to the Terms of Reference projects and at least 3 (three) projects of similar to the Terms of Reference nature have been completed for the last 4 (four) years. <input checked="" type="checkbox"/> Certified copy of the License to carry out activities related to the creation of architectural objects. <input checked="" type="checkbox"/> Copies of equipment lease agreements, if any equipment is planned to be rented. <input checked="" type="checkbox"/> A copy of the certificate of knowledge verification of the engineer responsible for labour protection, a copy of the order of appointment. <input checked="" type="checkbox"/> CV of a site manager who will organize a working process.

	<input checked="" type="checkbox"/> Document, confirming electrical safety group 4 or higher of electrician. <input checked="" type="checkbox"/> Latest Audited Financial Statement (Income Statement and Balance Sheet) for the any 2 (two) years from 2018 to 2021. Auditor's Report if available. <input checked="" type="checkbox"/> Completed List of volumes of works and materials for Terms of Reference (BOQ). <input checked="" type="checkbox"/> At least 2 (two) letters of recommendation from previous customers, reflecting the relevant to the Terms of Reference nature of the implemented projects, their results and the role of the applicant. <input checked="" type="checkbox"/> Certificate of tax clearance (no debts of taxes, duties, obligatory payments) controlled by state fiscal authorities. <input checked="" type="checkbox"/> Quality Certificates (ISO, etc.) if available.
Quotation validity period	Quotations shall remain valid for 60 days from the deadline for the Submission of Quotation.
Price variation	No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted at any time during the validity of the quotation after the quotation has been received.
Partial Quotes	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted: The offers may be submitted to different Lots.
Alternative Quotes	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted If permitted, an alternative quote may be submitted only if a conforming quote to the RFQ requirements is submitted. Where the conditions for its acceptance are met, or justifications are clearly established, Click or tap here to enter text. reserves the right to award a contract based on an alternative quote. If multiple/alternative quotes are being submitted, they must be clearly marked as "Main Quote" and "Alternative Quote"
Payment Terms	<input type="checkbox"/> 100% within 30 days after receipt of goods, works and/or services and submission of payment documentation. <input checked="" type="checkbox"/> Other: -The advance payment (not exceeding 20% of the total contract amount, or USD 30,000, whichever is less) may be considered should this requirement be clearly indicated in the proposal. The payment may be provided upon the contract signing. -70% of the total contract amount shall be paid in stages, based on the actual amount of work completed by the Contractor in the last month (certificates of works performed must be approved by a UNDP representative and a representative of the organization providing technical supervision of construction, and must be submitted no later than 5 days following the reporting month). - 10% of the total contract amount shall be paid upon the issuance and signing of all the Certificates of Substantial Completion with respect to the whole Works and issuance of Act of Handover and Acceptance of Completed Works, signed by a UNDP representative, Contractor and beneficiary and after submission by the Contractor on-demand bank guarantee for the last 10% of the contract amount valid during 12 months of the defect liability period, in a form, and from a source, acceptable to UNDP. Upon the expiration of the Defect Liability Period for the Works and signing of the Certificate of Final Completion, the on-demand bank guarantee will be returned to the Contractor.
Conditions for Release of Payment	<input type="checkbox"/> Passing Inspection [specify method, if possible] <input type="checkbox"/> Complete Installation <input type="checkbox"/> Passing all Testing [specify standard, if possible] <input type="checkbox"/> Completion of Training on Operation and Maintenance [specify no. of trainees, and location of training, if possible] <input checked="" type="checkbox"/> Written Acceptance of Goods, Services and Works, based on full compliance with RFQ requirements. Payment for completed works shall be made through bank transfer to the Contractor's account during 30 (thirty) days from the date of receipt of the original invoice, registered VAT certificate and the Certificate of Substantial Completion in respect of any Section or part of the Works signed by a UNDP representative, Contractor, a representative of the organization providing technical supervision of construction and UNDP Engineer. <input type="checkbox"/> Others [pls. specify]

Contact Person for correspondence, notifications and clarifications	E-mail address: Procurement Unit, UNDP Ukraine, procurement.rpp.ua@undp.org Attention: Quotations shall not be submitted to this address but to the address for quotation submission above. Otherwise, offer shall be disqualified. Any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the Proposers.
Clarifications	Requests for clarification from bidders will not be accepted any later than 3 (three) days before the submission deadline. Responses to request for clarification will be communicated via direct sharing the responses to requester's email as well as announcement on UNDP Procurement Notices by 23 February 2022 .
Evaluation method	<input checked="" type="checkbox"/> The Contract or Purchase Order will be awarded to the lowest price substantially compliant offer <input type="checkbox"/> Other Click or tap here to enter text.
Evaluation criteria	<u>Administrative Requirements:</u> <input checked="" type="checkbox"/> Offers must be submitted within the stipulated deadline. <input checked="" type="checkbox"/> Offers must meet required Offer Validity. <input checked="" type="checkbox"/> Offers have been signed by the proper authority. <input checked="" type="checkbox"/> Offers include requested company/organization documentation as mentioned above in "Documents to be submitted" section. <input checked="" type="checkbox"/> Construction company with a valid registration at least minimum 4 (four) years (for Ukrainian companies – registration must be obtained on the territory controlled by the government of Ukraine). <input checked="" type="checkbox"/> Full acceptance of the Contract General Terms and Conditions. <u>Technical Requirements:</u> <input checked="" type="checkbox"/> Minimum annual turnover for any 2 (two) years between 2018 and 2021 years USD 95,000.00. <input checked="" type="checkbox"/> Minimum 4 (four) years of engagement in similar to the Terms of Reference projects. <input checked="" type="checkbox"/> At least 3 (three) projects of similar to these Terms of Reference nature have been completed for the last 4 (four) years. <input checked="" type="checkbox"/> Availability of a license for the requested works, based on technical documentation: License to perform activities related to creation of architectural projects. <input checked="" type="checkbox"/> Availability of appropriate equipment and mechanisms. <input checked="" type="checkbox"/> Availability of qualified technical staff to perform the work (including at list one electrician with electrical safety group 4 or higher). <input checked="" type="checkbox"/> At least 2 (two) letters of recommendation from previous customers, reflecting the relevant to the Terms of Reference nature of the implemented projects, their results and the role of the applicant. <input checked="" type="checkbox"/> Warranty certificates for automatic and other equipment to be installed on site shall be mandatory (warranty period 12 months minimum, warranty services available in Ukraine). <input checked="" type="checkbox"/> Number of calendar days to complete construction works must be done within 120 (one hundred twenty), starting from the date of contract signing.
Right not to accept any quotation	UNDP is not bound to accept any quotation, nor award a contract or Purchase Order
Right to vary requirement at time of award	At the time of award of Contract or Purchase Order, UNDP reserves the right to vary (increase or decrease) the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.
Type of Contract to be awarded	<input type="checkbox"/> Purchase Order <input type="checkbox"/> Contract Face Sheet (Goods and-or Services) (this template is also utilised for Long-Term Agreement) and if an LTA will be signed, specify the document that will trigger the call-off. E.g., PO, etc.) <input checked="" type="checkbox"/> Contract for Works <input type="checkbox"/> Other Type/s of Contract [pls. specify]
Expected date for	15 March 2022

contract award.	
Publication of Contract Award	UNDP will publish the contract awards valued at USD 100,000.00 and more on the websites of the CO and the corporate UNDP Web site.
Policies and procedures	This RFQ is conducted in accordance with UNDP Programme and Operations Policies and Procedures
UNGM registration	Any Contract resulting from this RFQ exercise will be subject to the supplier being registered at the appropriate level on the United Nations Global Marketplace (UNGM) website at www.ungm.org . The Bidder may still submit a quotation even if not registered with the UNGM, however, if the Bidder is selected for Contract award, the Bidder must register on the UNGM prior to contract signature.

ANNEX 1: SCHEDULE OF REQUIREMENTS**TERMS OF REFERENCE**

Project Name:	UN Recovery and Peacebuilding Programme, Community Security and Social Cohesion Component
Description of the Assignment:	Overhaul of the SportsHub (dormitory premises, 1 st floor) at the address: 44A Khimikiv street, Sievierodonetsk, Luhansk Oblast
Country/Duty Station:	Ukraine, Luhansk Oblast
Starting Date of Assignment:	March 2022
Duration of Assignment:	No more than 120 calendar days for construction works

1. Background/Project Description

The current armed conflict in eastern Ukraine has had a direct and extremely negative impact on social cohesion, community security and the rule of law. While accepting the urgent need to address the challenges of restoration, economic recovery and peacebuilding in the areas directly and indirectly affected by the conflict in late 2014, the Government of Ukraine requested the international community to provide technical assistance and financial support to assess priority recovery needs. At the end of 2014, the United Nations, the World Bank and the European Union assessed the recovery and peacebuilding later approved by the Cabinet of Ministers in mid-2015.

Before the conflict over the last decade, UNDP had been actively represented in eastern Ukraine, with a focus on community development, civil society development and environmental protection. The work to address the specific development challenges occurring from the conflict and the above-mentioned is based on previous work and established partnership relations. It was initiated in 2015 through the United Nations Recovery and Peacebuilding Programme, which is a multilateral donor framework program jointly implemented by four UN partner agencies in cooperation with the Government of Ukraine.

Four United Nations agencies are implementing the United Nations Recovery and Peacebuilding Programme (UN RPP): the United Nations Development Programme (UNDP), the UN Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA) and the Food and Agriculture Organization of the United Nations (FAO).

Twelve international partners support the Programme: the European Union (EU), the European Investment Bank (EIB), the U.S. Embassy in Ukraine, and the governments of Canada, Denmark, Germany, Japan, the Netherlands, Norway, Poland, Sweden & Switzerland.

The United Nations Recovery and Peacebuilding Programme is implemented to address and mitigate the causes and effects of the conflict. It is based on the results of the Assessment of Recovery and Peacebuilding and is consistent with the State Target Reconstruction and Peacebuilding Programme in the Eastern Regions of Ukraine, as well as with two regional development strategies until 2020. The United Nations Recovery and Peacebuilding Programme (UN RPP) provides for three main areas of activity: (i) supporting economic recovery in conflict-affected communities; (ii) promoting decentralisation and health care reform; (iii) strengthening public safety and social cohesion. The Programme is strongly consistent with the Framework Programme for Partnership between the Government of Ukraine and the United Nations. The Programme is closely associated with the Democratic Governance and Reform Programme which is implemented nationwide in all regions of Ukraine and complies with the Sustainable Development Goals (SDGs), in particular, SDG 16 (Peace, Justice and Strong Institutions).

As a territorial programme designed specifically for conflict-affected areas in eastern Ukraine, the United Nations Recovery and Peacebuilding Programme is focused on the main priority needs for stabilisation, peace development, economy and governance in eastern Ukraine after the outbreak of the conflict. It takes into account the opportunities provided by the Minsk Protocol dated September 2014 and revival of its cease-fire provisions and is fully adapted to create a link between humanitarian and developmental needs.

The Programme activities are grouped according to the following key components of the Programme, which reflect the priority needs of the region:

- Component I: Economic Recovery and Restoration of Critical Infrastructure;
- Component II: Local Governance and Decentralisation Reform;
- Component III: Community Security and Social Cohesion.

As a part of the work on supporting Community Security and Social Cohesion" (CSSC), the UN RPP aims to achieve some of its objectives by enhancing community security; community policing; supporting civic mobilization and empowerment of communities; reconciliation and restoration of social cohesion.

To strengthen the interaction between the police and community, increase trust in police and improve the sports and educational activities of police officers, UN Recovery and Peacebuilding Programme in coordination with the Main Department of National Police in Luhansk Oblast supports the creation of SportsHub in Sievierodonetsk city of Luhansk Oblast. In this regard, UN RPP is looking for a company to perform the Construction works according to the developed technical design documentation for the reconstruction of a part of the dormitory premises to create the SportsHub with office for police officers.

The SportsHub creation is to be provided under the support of the government of Netherlands.

The financial management of the task is entrusted to the United Nations Development Programme (UNDP).

In this regard, UN RPP is to select a qualified company to perform the Overhaul of SportsHub (dormitory premises, 1st floor) in accordance with the technical design documentation (Annex 1).

2. Scope of work

2.1. Construction works must be carried out in accordance with the attached technical design documentation (Annex 1).

2.2. Contractor must ensure delivery of all materials and necessary equipment to the construction site. All types of construction debris should be collected and disposed properly.

- 2.3. Works must be conducted in accordance with, and comply with the applicable national regulatory framework, including applicable environmental, labor, building and safety regulations. The obligation to comply with national law vests solely with the contractor. The work must be conducted in full compliance with applicable national standards and regulations: DBN A.2.2-3-2004, DBN B.2.2-40:2018, DBN B.2.2-9-2018, DBN B.2.2-3-2018, DBN B.1.1-7-2016, DBN B.1.2-2:2006, DBN B.1.2-7, DBN B.1.2-2, DBN B.1.2-14, DBN A.3.1-5, DBN A.3.2-2-2009, DBN B.2.6-161:2017, DBN B.2.6-220:2017, DBN B.2.6-163:2010, SNiP 2.08.02-89, DSTU Б А.2.4-4-2009 and other.
- 2.4. Construction process should be performed in compliance with the requirements, conditions, instructions and standards provided in the technical design documentation (Annex 1).
- 2.5. Within 5 working days after signing the contract, the Contractor must provide a work schedule, site work execution program (in accordance with the State Construction Regulations (ДБН) А.3.1-5: 2016), copy of the Order on the appointment of the responsible work executor (site manager), copy of the Order on the appointment of a person responsible for labor safety at the site.
- 2.6. In accordance with the provided site work execution program it is necessary to provide confirmation of the official employment of key personnel, engineering personnel responsible for labor protection at the site, workers engaged in performing high-risk works. Legal relationships with working personnel who are not related to the performance of high-risk work can be arranged both official employment or civil-law contracts concluded between the contractor and the employee, copies of the relevant documents must be provided together with the site work execution program.
- 2.7. Defect liability period for the works during which the Contractor shall eliminate any defects, deficiencies, inconsistencies of design decisions, substandard materials, works, devices, structures revealed will last 12 months after signing of the Certificate of Substantial Completion of works unless it is proved that mentioned defects. Deficiencies, inconsistencies etc., occurred due to: normal wear and tear of the site or its parts; improper operation; improper servicing of the site by the Customer or by third parties involved by the Customer.
- 2.8. The Contractor must ensure all personnel safety standards in accordance with national recommendations. Clothing (helmets, gloves, boots, safety glasses, etc.) and personnel protection measures must be strictly adhered to and comply with ISO or other national standards (ДБН А.3.2-2-2009)
- 2.9. All garbage and site waste must be collected in a proper place on the construction site during the works, and disposed properly before final cleaning and commissioning.
- 2.10. List of sites:

No.	Name of site	Address	Technical specification
1.	Overhaul of SportsHub (dormitory premises, 1 st floor)	44A Khimikiv street, Sievierodonetsk, Luhansk Oblast	See Annex 1

3. Work progress monitoring

- 3.1. The contractor's work will be supervised by representatives of the organizations responsible for author and technical supervision, UNDP representatives and building owners.
- 3.2. The final work acceptance will be performed by: a UNDP representative, a representative of the organization conducting technical supervision, and owner's representative.

3.3. In addition to regular reporting, the contractor is required to notify UNDP of any major incidents within 24 hours. These include an incident or accident related to the implementation of the project, regarding:

- a. ecology; and / or
- b. health and safety of workers; and / or
- c. health and safety of the population

4. Duration of work

4.1. The contractor must complete the work in the following terms:

No.	Name	Number of calendar days to complete construction works
1	Overhaul of SportsHub (dormitory premises, 1 st floor)	120 (one hundred twenty) , starting from the date of contract signing

If UNDP has already awarded the contract(s) to perform other similar works to the participant, UNDP reserves the right to request additional information from the participant, namely: evidence of the company's technical ability to perform works at several sites at the same time (availability of appropriate personnel and equipment for each site). Confirmation of availability of different resources to complete the task for each site (personnel, equipment, etc.) is a prerequisite for awarding the contract.

5. Qualification requirements

- 5.1. Construction company with a valid registration at least minimum 4 (four) years (for Ukrainian companies – registration must be obtained on the territory controlled by the government of Ukraine).
- 5.2. Minimum annual turnover for any 2 (two) years between 2018 and 2021 years USD 95,000.00.
- 5.3. Minimum 4 (four) years of engagement in similar to these Terms of Reference projects.
- 5.4. At least 3 (three) projects of similar to these Terms of Reference nature have been completed for the last 4 (four) years.
- 5.5. Availability of a license for the requested works, based on technical documentation: License to perform activities related to creation of architectural projects.
- 5.6. Availability of appropriate equipment and mechanisms.
- 5.7. Availability of qualified technical staff to perform the work (including at list one electrician with electrical safety group 4 or higher).
- 5.8. At least 2 (two) letters of recommendation from previous customers, reflecting the relevant to the Terms of Reference nature of the implemented projects, their results and the role of the contractor.

6. Requirements for the materials used

6.1. The Contractor is obliged to ensure procurement and delivery of all materials and necessary equipment to the construction site. The contractor is obliged to include in the price offer the cost of all necessary materials, equipment and all related costs needed to carry out the respective type of work.

6.2. Delivery of the equipment must be accompanied by installation, testing, commissioning and availability of mandatory warranty service, according to the project documentation. All necessary technical documentation, warranty letters, as well as quality certificates (certificates of conformity, sanitary and epidemiological findings, fire test reports (if necessary), etc.) for materials/equipment must be provided by the Contractor on the day of delivery. Warranty certificates for automatic and other equipment to be installed on site shall be mandatory (warranty period 12 months minimum, warranty services available in Ukraine).

6.3. The use of asbestos and materials containing asbestos is prohibited.

6.4 The Contractor shall promote environmental sustainability and the reduction of adverse effects on the environment (use of non-toxic substances, recycled raw materials, energy efficient equipment, reduction of carbon emissions, etc.). The Contractor should take action to reduce energy consumption, prevent, minimize and remedy significant impacts on biodiversity, have emergency procedures in place to effectively prevent and address industrial accidents affecting the environment and human health. The Contractor must provide information on measures aimed to ensure the above-mentioned requirements upon UNDP request.

6.5. Requirements for basic building materials:

No.	Name of structures and materials	Basic requirements	Regulatory document
1	Cables and wires	With a copper core; When wiring is open or in boxes – isolation that does not spread the combustion and does not emit toxic gases/smoke	DNAOP (state construction regulation) 0.00-1.32-01. “Rules of arrangement of electrical installations. Electrical equipment of special installations” DBN B.2.5-23: 2010 “Designing of electrical equipment of sites of civilian use”
2	Pipes	In accordance with technical design documentation Polyethylene pressure pipes of high and low pressure, type T drinking	(EN12201-2: 2003, MOD) DSTU B B.2.7-151: 2008 “Pipes for cold water supply. Specifications”
3	Metallic structures	In accordance with technical design documentation	DSTU B B.2.6-200 is valid till: 2014 Metal building constructions. Requirements for installation
4	Concrete	In accordance with technical design documentation	DSTU B B.2.7-176: 2008 “Concrete mixtures. Concrete”
5	Ceramic tile	In accordance with technical design documentation Glazed, for interior works	DSTU B B.2.7-117-2002 “Ceramic floor tile”; GOST 6141-91 “Ceramic glazed tiles for interior work”
6	Paint	In accordance with technical design documentation Acrylic front for exterior works, polyvinyl acetate water emulsion for interior works	DSTU 28196-89 “Water-dispersive paints. Specifications”

7	PVC windows and doors	In accordance with technical design documentation	DSTU Б В.2.6-23:2009 “PVC windows and doors, general specifications” DSTU Б Ст.2.6-15:2011 “Buildings and structures, general specifications for windows and doors”
For supply of materials (linoleum, wallpaper, tiles, etc.), it is also necessary to provide a certificate of compliance, health and epidemiological report and fire test reports.			

6.6. Premises to be repaired must be accessible to persons with disabilities, including incorporating building codes that meet international and local standards for universal access, wherever possible.

7. The tender package documents

- Profile of the Construction company with current registration at least minimum 4 (four) years (for Ukrainian companies - registration must be obtained in the territory controlled by the government of Ukraine).
- The participant's proposal is filled in the format according to p. 9 of these Terms of Reference.
- Certified copy of the License to carry out activities related to the creation of architectural objects.
- Copies of equipment lease agreements, if any equipment is planned to be rented.
- A copy of the certificate of knowledge verification of the engineer responsible for labor protection, a copy of the order of appointment
- CV of a site manager who will organize a working process.
- Document, confirming electrical safety group 4 or higher of electrician.
- Certified copies of financial documents confirming the minimum annual turnover for any 2 (two) years in the period from 2018 to 2021: USD 95,000.00.
- Completed List of volumes of works and materials for this Terms of Reference (BOQ).
- At least 2 (two) letters of recommendation from previous customers, reflecting the relevant to this Terms of Reference nature of the implemented projects, their results and the role of the applicant.
- Financial proposal as per p. 10 of these Terms of Reference.

8. Price offer and payment schedule

8.1. The contract value shall remain fixed for the duration of the contract.

8.2. Applicants shall include all costs associated with the execution of works in their price offer (such as supply of all materials, equipment, travel expenses, per diem payments, staff salary, office expenses, etc.). Participants must be guided by the technical design documentation (Annex 1) during preparation of the price proposal.

8.3. Payments shall be distributed as follows:

- The advance payment (not exceeding 20% of the total contract amount, or USD 30,000, whichever is less) may be considered should this requirement be clearly indicated in the proposal. The payment may be provided upon the contract signing.
- 70% of the total contract amount shall be paid in stages, based on the actual amount of work completed by the Contractor in the last month (certificates of works performed must be approved by a UNDP representative and a representative of the organization providing technical supervision of construction, and must be submitted no later than 5 days following the reporting month).

- 10% of the total contract amount shall be paid upon the issuance and signing of all the Certificates of Substantial Completion with respect to the whole Works and issuance of Act of Handover and Acceptance of Completed Works, signed by a UNDP representative, Contractor and beneficiary and after submission by the Contractor on-demand bank guarantee for the last 10% of the contract amount valid during 12 months of the defect liability period, in a form, and from a source, acceptable to UNDP.

Upon the expiration of the Defect Liability Period for the Works and signing of the Certificate of Final Completion, the on-demand bank guarantee will be returned to the Contractor.

9. Contractor's Detailed information

Applicants' proposals must conform to the format below and provide the detailed information on:

9.1. All the works performed as a contractor for construction projects of a similar to these Terms of Reference nature in the past:

No.	Project name	Customer name and contact information	Description of works	Contract amount (USD)	Actual start date	Actual completion date
1						
2						
3						
...						

9.2. Current liabilities:

No.	Short description of the contract (type of work, scope)	% of work completed on the date of bidding	Full names of the staff involved in the work (please indicate if the same staff is offered for the current tender)
1			
2			
3			
...			

9.3. Availability of staff to perform the work (enough to perform works on each site):

No.	Full names of the staff	Position	Qualification	Work experience, years	Status: temporary/permanent
1					
2					
3					
...					

9.4. List of equipment available for works (enough to perform works on each site):

No.	Name of equipment	Capacity	Condition (good/needs repair)	Own/rented
1				
2				
3				
...				

9.5. Works schedule – Overhaul of the SportsHub (dormitory premises, 1st floor):

No.	Type of works	Timing of the performance of works from the date of signing the contract	Duration of work
1			
2			
3			
...			

10. Estimated value of the offer

Applicants must submit their price quotations in the following format. All costs associated with the works must be included in the price quotation (such as delivery of all materials and equipment, transport costs, per diem payments, staff salaries, office expenses, etc.).

In addition, Tenderers must provide a table of costs with breakdown of the above cost for each of the sites in the format specified in Excel files BoQ. UNDP will use the cost table with breakdown to evaluate the reasonableness of prices and to calculate the price if both parties decide to add new goods and services to the range of goods and services to be provided under the contract.

No.	Name	Total, excluding VAT, indicate currency
1.	Overhaul of SportsHub (dormitory premises, 1 st floor) address: 44A, Khimikiv street, Sievierodonetsk, Luhansk Oblast.	

11. Annexes to the Terms of Reference

Engineering specification, design documentation and the table of costs are attached.

Annex 1. Specification and project documentation

Link with to the Specification and project documentation is below:

https://drive.google.com/drive/folders/18ZlzDOuAp3fn6MbeHG_4hN9XW6huoctS?usp=sharing

ANNEX 2: QUOTATION SUBMISSION FORM

Bidders are requested to complete this form, including the Company Profile and Bidder's Declaration, sign it and return it as part of their quotation along with Annex 3: Technical and Financial Offer. The Bidder shall fill in this form in accordance with the instructions indicated. No alterations to its format shall be permitted and no substitutions shall be accepted.

Name of Bidder:	Click or tap here to enter text.	
RFQ reference:	Click or tap here to enter text.	Date: Click or tap to enter a date.

Company Profile

Item Description	Detail
Legal name of bidder or Lead entity for JVs	Click or tap here to enter text.
Legal Address, City, Country	Click or tap here to enter text.
Actual Address, City, Country	Click or tap here to enter text.
Website	Click or tap here to enter text.
Year of Registration	Click or tap here to enter text.
Legal structure	Choose an item.
VAT payer status	Click or tap here to enter text.
Contract person name	Click or tap here to enter text.
Contact person email	Click or tap here to enter text.
Contact person phone	Click or tap here to enter text.
Company's core activities	Click or tap here to enter text.
Profile – describing the nature of business, field of expertise.	Click or tap here to enter text.
Business Licenses – Registration Papers, Extract from the Register of VAT payers or single taxpayers, etc.	EDRPOU, ID tax number. Copies of State registration and Extract from the Register of VAT payers or single taxpayers should be attached.
Latest Audited Financial Statement or Financial results for any 2 (two) years (2017 - 2020)	Copies of income statement and balance sheet to indicate Its financial stability, liquidity, credit standing, and market reputation.
Are you a UNGM registered vendor?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, insert UNGM Vendor Number
Quality Assurance Certification (e.g. ISO 9000 or Equivalent) (If yes, provide a Copy of the valid Certificate):	<input type="checkbox"/> Yes <input type="checkbox"/> No

Does your Company hold any accreditation such as ISO 14001 or ISO 14064 or equivalent related to the environment? <i>(If yes, provide a Copy of the valid Certificate):</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does your Company have a written Statement of its Environmental Policy? <i>(If yes, provide a Copy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does your organization demonstrate significant commitment to sustainability through some other means, for example internal company policy documents on women empowerment, renewable energies or membership of trade institutions promoting such issues <i>(If yes, provide a Copy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is your company a member of the UN Global Compact	<input type="checkbox"/> Yes <input type="checkbox"/> No
Bank Information	<p>Bank Name: Click or tap here to enter text.</p> <p>Bank Address: Click or tap here to enter text.</p> <p>IBAN: Click or tap here to enter text.</p> <p>SWIFT/BIC: Click or tap here to enter text.</p> <p>Account Currency: Click or tap here to enter text.</p> <p>Bank Account Number: Click or tap here to enter text.</p>
Track Record performed within the last 5 years	Please indicate here the List of clients for similar services as those required by UNDP, indicating description of contract scope, contract duration, contract value, contact references.
References	Please provide at least 2 (two) letters of recommendation from previous customers, reflecting the relevant to the Terms of Reference nature of the implemented projects, their results and the role of the applicant and contact details of respective customers.

Bidder's Declaration

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Requirements and Terms and Conditions: I/We have read and fully understand the RFQ, including the RFQ Information and Data, Schedule of Requirements, the General Conditions of Contract, and any Special Conditions of Contract. I/we confirm that the Bidder agrees to be bound by them.
<input type="checkbox"/>	<input type="checkbox"/>	I/We confirm that the Bidder has the necessary capacity, capability, and necessary licenses to fully meet or exceed the Requirements and will be available to deliver throughout the relevant Contract period.
<input type="checkbox"/>	<input type="checkbox"/>	Ethics: In submitting this Quote I/we warrant that the bidder: has not entered into any improper, illegal, collusive or anti-competitive arrangements with any Competitor; has not directly or indirectly approached any representative of the Buyer (other than the Point of Contact) to lobby or solicit information in relation to the RFQ ;has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Buyer.
<input type="checkbox"/>	<input type="checkbox"/>	I/We confirm to undertake not to engage in proscribed practices, , or any other unethical practice, with the UN or any other party, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the UN and we have read the United Nations Supplier Code of Conduct: https://www.un.org/Depts/ptd/about-us/un-supplier-code-conduct and acknowledge that it provides the minimum standards expected of suppliers to the UN.
<input type="checkbox"/>	<input type="checkbox"/>	Conflict of interest: I/We warrant that the bidder has no actual, potential, or perceived Conflict of Interest in submitting this Quote or entering a Contract to deliver the Requirements. Where a Conflict of Interest arises during the RFQ process the bidder will report it immediately to the Procuring Organisation's Point of Contact.
<input type="checkbox"/>	<input type="checkbox"/>	Prohibitions, Sanctions: I/We hereby declare that our firm, its affiliates or subsidiaries or employees, including any JV/Consortium members or subcontractors or suppliers for any part of the contract is not under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Compendium of United Nations Security Council Sanctions Lists and have not been suspended, debarred, sanctioned or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization.
<input type="checkbox"/>	<input type="checkbox"/>	Bankruptcy: I/We have not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against them that could impair their operations in the foreseeable future.
<input type="checkbox"/>	<input type="checkbox"/>	Offer Validity Period: I/We confirm that this Quote, including the price, remains open for acceptance for the Offer Validity.
<input type="checkbox"/>	<input type="checkbox"/>	I/We understand and recognize that you are not bound to accept any Quotation you receive, and we certify that the goods offered in our Quotation are new and unused.
<input type="checkbox"/>	<input type="checkbox"/>	By signing this declaration, the signatory below represents, warrants and agrees that he/she has been authorised by the Organization/s to make this declaration on its/their behalf.

Signature: _____

Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Date: Click or tap to enter a date.

ANNEX 3: TECHNICAL AND FINANCIAL OFFER - WORKS

Bidders are requested to complete this form, sign it and return it as part of their bid along with Annex 2: Quotation Submission Form. The Bidder shall fill in this form in accordance with the instructions indicated. No alterations to its format shall be permitted and no substitutions shall be accepted.

Name of Bidder:	Click or tap here to enter text.	
RFQ reference:	Click or tap here to enter text.	Date: Click or tap to enter a date.

Table 1. Estimated value of the offer

Applicants must submit their price quotations in the following format. All costs associated with the works must be included in the price quotation (such as delivery of all materials and equipment, transport costs, per diem payments, staff salaries, office expenses, etc.).

In addition, Tenderers must provide a table of costs with breakdown of the above cost for each of the sites in the format specified in Excel files BoQ, UNDP will use the cost table with breakdown to evaluate the reasonableness of prices and to calculate the price if both parties decide to add new goods and services to the range of goods and services to be provided under the contract.

No.	Name	Total, excluding VAT*, indicate currency
1.	Overhaul of SportsHub (dormitory premises, 1st floor) address: 44A, Khimikiv street, Sievierodonetsk, Luhansk Oblast.	

**Dear Partners!*

The UN Office in Ukraine kindly informs you, that the purchase of goods and services, announced in the UN Office Tenders, is conducted within the framework of international technical assistance project.

Provisions of the Tax Code of Ukraine (paragraph 197.11) foresee the VAT tax exemption for operations, financed by material and technical assistance.

The procedure for obtaining the tax exemption right for operations, performed in the framework of international technical assistance projects, is regulated by the Decree #153 of the Cabinet of Ministers of Ukraine dated February 15, 2002.

In case you already have the right to apply this VAT allowance, on the date of UNDP prepayment receipt you should prepare and register a tax invoice (hereinafter - TI) in the United Register of Tax Invoices (URTI), filled in as follows:

- the column "Comprised on the operation, exempted from taxation" on the upper left part - with the mark "Without VAT";*
- Section A of the TI table section (lines I-X) should contain the summarizing data on TI transactions, namely: line I - the total amount to be paid, including VAT; line IX - the total volume of goods and services delivered. Lines II-VIII of section A are not filled;*
- in column 2 of section B – supplier's (seller's) services nomenclature;*
- in section 3.3 of section B - service code according to the SCPS. Box 3.3 should be filled in at all stages of the services delivery;*

- in columns 4 and 5 - unit of services measurement;
- in column 6 - quantity (volume) of services delivery;
- in column 7 - the price of the service unit supply, excluding VAT;
- in column 8 - VAT rate code 903;
- in column 9 – tax allowance code according to the Handbook of other tax benefits, approved by the SFS as of the date of TI submission - "14060523".
- in column 10 - supply volume, excluding VAT (prepayment amount).

Detailed instructions to be found in the materials "Tax invoice - 2017: instruction on filling out" and "New tax invoice in the samples."

Credit against VAT tax, applied on the materials purchase for the relevant construction works performance, cannot be compensated as per the paragraph #198.5 of Tax Code of Ukraine. According to the Tax Code paragraph #198.5, goods and services supply operations, exempted from VAT based on the Tax Code paragraph #197.11, the rules for calculating tax liabilities do not apply.

Using the materials bought with VAT, there is no need to compensate the credit against VAT, as well as no need to accrue tax liabilities.

Considering all mentioned above, you are kindly asked to submit your tender applications / invoices for payment without VAT, referring to the Ukrainian legislation provisions, stated in the mentioned regulatory acts.

Should you have any additional questions, please contact the offices of the State Fiscal Service of Ukraine at the place of your enterprise registration for additional clarifications of Article 52 of the Tax Code of Ukraine.

Table 2. All the works performed as a contractor for construction projects of a similar to these Terms of Reference nature in the past

No.	Project name	Customer name and contact information	Description of works	Contract amount (USD)	Actual start date	Actual completion date
1						
2						
3						
...						

Table 3. Current liabilities

No.	Short description of the contract (type of work, scope)	% of work completed on the date of bidding	Full names of the staff involved in the work (please indicate if the same staff is offered for the current tender)
1			
2			
3			
...			

Table 4. Availability of staff to perform the work (enough to perform works on each site)

No.	Full names of the staff	Position	Qualification	Work experience, years	Status: temporary/permanent
1					
2					
3					
...					

Table 5. List of equipment available for works (enough to perform works on each site)

No.	Name of equipment	Capacity	Condition (good/needs repair)	Own/rented
1				
2				
3				
...				

Table 6. Works schedule – Overhaul of the SportsHub (dormitory premises, 1st floor)

No.	Type of works	Timing of the performance of works from the date of signing the contract	Duration of work
1			
2			
3			
...			

Table 7. Compliance with Requirements

	You Responses		
	Yes, we will comply	No, we cannot comply	If you cannot comply, pls. indicate counter - offer
Compliance with the requirements of the Terms of Reference	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.
Products / materials meet the required quality standards	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.
Delivery Lead Time (Number of calendar days to complete construction works should not be more, than 120 (one hundred twenty) from the date of the contract signing)	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.
Warranty period for automatic and other equipment to be installed on site must be not less than 12 (twelve) months.	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.
Availability of warranty service in Ukraine	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.
Validity of Quotation (min. 60 days)	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.

Payment terms	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.
Free of charge to the Customer to eliminate any defects, deficiencies, inconsistencies of design decisions, substandard materials, works, devices, structures, revealed within 12 months after the site was put into operation.	<input type="checkbox"/>	<input type="checkbox"/>	Click or tap here to enter text.

I, the undersigned, certify that I am duly authorized to sign this quotation and bind the company below in event that the quotation is accepted.	
<i>Exact name and address of company</i> Company Name: Click or tap here to enter text. Address: Click or tap here to enter text. Click or tap here to enter text. Phone No.: Click or tap here to enter text. Email Address: Click or tap here to enter text.	Authorized Signature: Date: Click or tap here to enter text. Name: Click or tap here to enter text. Functional Title of Authorised Signatory: Click or tap here to enter text. Email Address: Click or tap here to enter text.

ANNEX 4: PERFORMANCE SECURITY

PERFORMANCE SECURITY

(on-demand bank guarantee for the last 10% of the contract amount)

- 1.This document must be finalized **using the official letterhead of the Issuing Bank.**
- 2.Except for indicated fields, no changes may be made on this template.
- 3.The Performance Security that the Proposer’s Bank will issue shall be based on use the contents of this template. No change can be made to this template without the prior approval of the Legal Office, Bureau of Management Services, UNDP.

INSERT LETTERHEAD OF THE BANK

[date]

To:Beneficiary

United Nations Development Programme (UNDP)

[insert address]

Contractor

[insert information on contractor]

Reference: Guarantee No. **[insert number]**

Dear Sirs,

WHEREAS, the United Nations Development Programme (the “Beneficiary”) and **[Name of Contractor]** (the “Contractor”) have entered into Contract No. **[contract number]** for **[insert description of contract]**, which entered into force on **[date]** (the “Contract”);

WHEREAS, the Contract requires that the Contractor furnishes a bank guarantee for a sum specified in the Contract as security for the Contractor’s satisfactory compliance with its obligations under the Contract;

WHEREAS, we **[Name of the Bank]** (the “Guarantor”), have agreed to give the Contractor such Guarantee;

NOW THEREFORE, we, the Guarantor, hereby undertake to pay to the Beneficiary, upon the Beneficiary's first written demand and without cavil or arguments any sum or sums not exceeding in the aggregate **[currency][amount in words and figures]** or such lesser sum of money as the Beneficiary may by such written demand require to be paid, accompanied by the Beneficiary's written statement that the Contractor is in breach of its obligations under the Contract, without the need to specify, prove or show grounds or reasons for such demand. Such statement shall be conclusive evidence of the Beneficiary's entitlement to payment in the amount demanded, up to the amount of this Guarantee.

The maximum guaranteed amount under this Guarantee is **[currency] [amount in words and figures]**.

We, the Guarantor, further agree that no change or addition to or other modification of the terms of the Contract or of the works, goods and services acquired thereunder, which may be made between the Beneficiary and the Contractor, shall in any way release us, the Guarantor, from any liability under this Guarantee, and we hereby waive the notice of any such change, addition or modification.

This Guarantee shall be valid until thirty (30) days after the date of issuance by the Beneficiary of a certificate of satisfactory performance and full completion by the Contractor of its obligations under the Contract.

Subject to the paragraph below, this Guarantee is governed by the Uniform Rules for Demand Guarantees, ICC Publication No. 758. The supporting statement under Article 15(a) thereof is excluded.

Nothing herein or related hereto shall be deemed a waiver express or implied of the privileges and immunities of the United Nations, including its subsidiary organs nor shall it be interpreted or applied in a manner inconsistent with such privileges and immunities.

SIGNATURE AND SEAL OF THE GUARANTOR BANK

Date:

Name of Bank:

Address: