

Sample Tender Package
(For your information, not to be returned)

SAMPLE

GUIDE TO TENDERERS

Philosophy

This Guide, together with the Invitation to Tender, the Tender contract itself and the supporting documentation are the Cayman Islands Recovery Fund's (the "Funds") process for tenders. The process is intended to reflect the Fund's goal to ensure open, fair and transparent tendering and contract process and to ensure that the Fund receives best value for money spent on necessary repair and reconstruction projects.

Prequalification

The Fund intends to operate a restricted procedure for pre-qualification of contractors and for soliciting bids from that pre-qualified group of contractors in an open, predictable and transparent fashion.

The pre-qualification process will work as follows:

Step 1- There will be a one time general notification to the public at large locally in the Caymanian Compass and the Cayman Net News newspapers and on the Fund's website inviting contractors to apply to the Fund to become pre-qualified to bid on the Fund's tenders by a certain date, after which applications may not be considered. The goal of such notification being to ensure the widest possible advertisement of the call for pre-qualification of contractors and to ensure a fair and transparent solicitation of tender bids.

Step 2- The applications for pre-qualification will be assessed based on the standards set out below.

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Step 3- The standards will be as follows:

1. Contractors with at least 10 years experience in general construction and in particular demonstrable experience in construction of single family dwellings and multi-residence dwellings.
2. Contractors with a valid Trade & Business License.
3. Contractors that provide a suitable Bank reference (demonstrating a minimum of fifteen (CID \$15,000.00) line of credit).
4. Contractors that provide suitable proof of public liability insurance of at least CI\$250,000 per occurrence.
5. Contractors with Workman's Compensation coverage.
6. Contractors with a proper mailing address, telephone number, fax number and email address.

Step 4- The determination of pre-qualified contractors and notification to same will be completed within 4 weeks from the deadline date set out in the notification to the public referred to above.

Step 5- Tenders invitations sent by the Fund in future will then only be sent to those pre-qualified contractors in accordance with this Guide to Tenderers and the Fund's Invitation to Tender documents.

Ethics Clause

The Fund is committed to an open, fair and transparent tender process. The Fund is committed to maintaining the confidentiality of all entities involved in the tender process. Further, the Fund will endeavour at all times to respect the diversity of those involved in the tender process and will not discriminate on the basis of age, sex, race or other prohibited grounds.

Notification of Call for Tenders

The Fund will notify all pre-qualified contractors of each invitation to tender by email.

The Form of Tender

The Form of Tender, and any other supporting documents stated on the Form of Tender together with the Abstract of Particulars and Tender Summary (if provided) when completed and signed are to be received no later than the date and time given on the Form of Tender in the enclosed envelope which must not bear any indication of the Tenderer's identity.

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Please Note

The contractor shall be deemed to have read, reviewed and considered all documents, conditions of contract and to have acquainted himself with the detailed descriptions of the works to be done and the way in which they are to be carried out.

The contractor shall further be deemed to have visited the site before preparing his tender and to have examined for himself the conditions under which the works will proceed and all other matters affecting the carrying out of the work and cost thereof.

1. The date, time and place for the return of tenders are entered on the tender form. The Fund does not undertake to consider tenders not received by the date and time specified in the Form of Tender document.
2. It is important that you use a blank envelope with only the Fund's address printed on it when returning your tender.
3. To be considered, tenders must submit all original (printed) tender documents requiring signature and all supporting documents by no later than the date and time specified in the Form of Tender document. Originals (printed) will be required to finalize the contract.
4. The Fund does not undertake to accept the lowest nor any tender.
5. If you do not wish to submit a tender, you must return all the enclosed documents using the addressed envelope which should be marked "No Tender". A letter of explanation can be enclosed should you wish to send one. The Fund reserves the right to remove a pre-qualified contractor from the list of pre-qualified contractors should no response be received.
6. The Fund is not liable for any expense whatsoever incurred by Tenderers, their agents, representatives, sub-contractors or suppliers in the preparation of the Tender nor for any other costs whatsoever entailed in any negotiations in the acceptance of a Tender or otherwise.

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QUALIFIED TENDERS

7.
 - a. Pre-qualified contractors submitting a tender bid are reminded of the need to submit complete tenders strictly in accordance with the enclosed tender documents, i.e. **without qualification**. All those documents which are required to be completed and/or signed must be completed in full and returned with your tender together with any supporting documentation.
 - b. A tender involving any modification to the design specified in the enclosed tender documents must be made by way of an alternative offer. An alternative tender must also be free of qualifications, show clearly the technical modifications (and different plant, where applicable) and be priced in detail to show how and where costs would differ from those submitted on the basis of the tender documents. **Alternative tenders may not be considered unless a tender based strictly on the tender documents is also submitted.**
 - c. Any general queries or uncertainties on interpretation arising from the tender documents should be brought to the attention of the Fund's Tenders Committee (preferably by email or by fax) at the earliest opportunity and in any event **well before the date for return of tenders**. Tenderers are accordingly advised to examine the tender documentation **immediately** upon receipt.
 - d. Tenderers who fail to comply with or resolve any matters arising from the above-described requirements during the tender period and submit qualified tenders or separate letters containing qualifications are advised that the Fund's Tenders Committee may reject such tenders without consultation.

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Commitment of Tenderers

Pre-qualified contractors submitting tenders are deemed to represent and warrant to the Fund, and will be required to submit a written letter making these representations to the Fund, as follows:

1. They have read, reviewed and fully considered the tender documentation which included:

- (1) The sample Form of Contract for this project
- (2) Notices to Tenderers / instruction to Tenderers

2. They understand that the proper law of this Contract shall be the law of the Cayman Islands.

3. They understand and accept that the essence of selective tendering is that the client receive bona fide competitive tenders from all those tendering. In recognition of this principle, they certify that this is a bona fide tender intended to be competitive, and that they have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person or based on any information from the Fund outside of the tender package. They also certify that they have not done and they undertake that they will not do at any time before the hour and date specified for the return of this tender any of the following acts:

- a. communicate to a person other than the person calling for those tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender is necessary to obtain insurance premium quotations required for the preparation of the tender;
- b. enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
- c. offer or pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

In this paragraph, the word "person" includes any persons and any body or association, corporate or unincorporated; and "any agreement or arrangement" includes any such transaction, formal or informal, and whether legally binding or not.

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4. They undertake to satisfy the Fund that the prices of the several items in the copy of the original Price Schedule which the Fund furnishes with this tender are those on which their tender is based and that they bear reasonable relation to each other.
5. They agree that this tender shall remain open for consideration for **60 days** from the date for the return of this tender.

Evaluation of the Tender Bids

The evaluation of tenders submitted by pre-qualified contractors will be in accordance with the criteria stated in the Instruction to Tenderers.

Notification

Tenderers will be notified of the results of the tendering process to which they have submitted bids. Information provided will include the name of the tenderer and the amount of the successful tenderer. Please note, that cost of the project is only one component to which the final selection is based. As such, **The decision as a result of the tendering process is final.**

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