



REPUBLIC OF NAMIBIA



OSHIKOTO REGIONAL COUNCIL

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OMUTHIYA

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Open National Bidding

**Drilling one borehole at Omboto in Nehale Lya
Mpingana (Procurement Reference No: W/ONB/ORC
WSSC-02/2024**

Name of Bidder: _____

Contact Number of Bidder: _____

Postal Address of Bidder: _____

E-mail Address of Bidder: _____

Total Bid Amount N\$ _____

Issued on: 27 January 2025

Cost: N\$ 100.00

Closing Date & Time: 11 March 2025 @ 10h00

Bid Opening: 11 March 2025 @ 10h30

Standard Bidding Document

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PART 1 – Bidding Procedures

Section 1 - Instructions to Bidders

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Section I - Instructions to Bidders

A. General

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| <p>1. Scope of Bid</p> | <p>1.1 The Public Entity as defined¹ in Section II “Bidding Data Sheet” (BDS) also referred to herein as Employer invites bids for the construction of Works, as described in the BDS and Section VII, “Special Conditions of Contract” (SCC).
The name and identification number of the Contract are provided in the BDS and the SCC.</p> <p>1.2 The successful Bidder shall be expected to complete the Works by the Intended Completion Period specified in the BDS.</p> <p>1.3 Throughout these bidding documents, the terms:</p> <ul style="list-style-type: none"> (a) the term “in writing” means communicated in written form (e.g. by mail, e-mail, fax,) with proof of receipt; (b) if the context so requires, “singular” means “plural” and vice versa; (c) “day” means calendar day unless otherwise stated; and |
| <p>2. Source of Fund</p> | <p>2.1 The Works shall be financed by the Public Entity’s own budgetary allocation, unless otherwise stated in the BDS.</p> |
| <p>3. Public Entities Related to Bidding Documents & to application for review</p> | <p>3.1 The public entities related to these bidding documents are the Public Entity, acting as procurement entity (Purchaser), the Procurement Policy Unit, in charge of issuing standard bidding documents and responsible for any amendment these may require, the Central Procurement Board in charge of vetting Bidding document, receiving and evaluation of bids in respect of major contracts and the Review Panel, set up under the Public Procurement Act, 2015 (hereinafter referred to as the Act.)</p> |
| <p>The Chairperson
Review Panel
Ministry of Finance
Private Bag 13295
Windhoek, Namibia</p> | |
| <p>4. Fraud and Corruption</p> | <p>4.1 The Government of the Republic of Namibia requires that bidders/suppliers/contractors, participating in procurement in Namibia, observe the highest standard of ethics during the procurement process and execution of contracts.</p> <p>4.2 The Employer will reject a proposal for award if it determines that the Bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for</p> |

¹ See Section IV, “General Conditions of Contract,” Clause 1. Definitions.

the contract in question;

For the purposes of this Sub-Clause:

- (i) “corrupt practice” is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
- (ii) “fraudulent practice” is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
- (iii) “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;
- (iv) “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- (v) “obstructive practice” is deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation.

4.3. Bidders, suppliers and public officials shall also be aware of the provisions stated in section 67 and 68 of the Public Procurement Act, 2015 which can be consulted on the website of the Procurement Policy Unit (PPU) : www.mof.gov.na/procurement-policy-unit

5. Eligible Bidders

- 5.1 A Bidder may be a natural person, private entity, or government-owned entity or any combination of them in the form of a joint venture, under an existing agreement, or with the intent to constitute a legally-enforceable joint venture. All partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.
- 5.2 A Bidder shall not have a conflict of interest. All Bidders found to have a conflict of interest shall be disqualified. A Bidder may be considered to have a conflict of interest with one or more parties in this bidding process, if :
 - (a) they have a controlling partner in common; or
 - (b) they receive or have received any direct or indirect subsidy from any of them; or
 - (c) they have the same legal representative for purposes of

- this bid; or
- (d) 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, or influence the decisions of the Employer regarding this bidding process; or
 - (e) a Bidder participates in more than one bid in this bidding process. Participation by a Bidder in more than one Bid will result in the disqualification of all Bids in which the party is involved. However, this does not limit the inclusion of the same subcontractor in more than one bid; or
 - (f) a Bidder or any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the contract that is the subject of the Bid; or
 - (g) a Bidder, or any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the contract.
- 5.3 (a) A bidder that is under a declaration of ineligibility by the Government of Namibia in accordance with applicable laws at the date of the deadline for bid submission and thereafter shall be disqualified
- (b) Bids from contractors appearing on the ineligibility lists of African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank Group and World Bank Group shall be rejected.
- 5.4 Government-owned enterprises in the Republic of Namibia shall be eligible only if they can establish that they are legally and financially autonomous and operate under commercial law, and that they are not a dependent agency of the Government.
- 6. Qualifications of Bidders**
- 6.1 All bidders shall provide in Section III, a preliminary description of the proposed work method and schedule, including drawings and charts, as necessary.

- 6.2 Bidders shall include the information and documents listed hereunder with their bids, unless otherwise **stated in the BDS**. The non-submission of the documents by the Bidder within the prescribed period may lead to the rejection of its bid.
- (a) copies of original documents defining the constitution or legal status, place of registration, and principal place of business of the Bidder;
 - (b) total monetary value of construction works performed for the last three years;
 - (c) experience in works of a similar nature for the past three years or as otherwise **stated in the BDS**; and clients who may be contacted for further information on those contracts;
 - (d) major items of construction equipment proposed to carry out the Contract;
 - (e) qualifications and experience of key site personnel and technical personnel proposed for the contract;
 - (f) report on the financial standing of the Bidder for the last three (2022-2024) years, such as certified copies of Financial Statements/Audited Accounts as filed at the Registrar of Companies;
 - (g) evidence of adequacy of working capital for this Contract (access to line(s) of credit and availability of other financial resources);
 - (h) authority to seek references from the Bidder's bankers;
and
 - (i) proposals for subcontracting components of the Works amounting to more than 10 percent of the Contract Price.

- 6.3 To qualify for award of the Contract, bidders shall meet the following minimum qualifying criteria:
- (a) a minimum average annual financial amount of construction work over the period **specified in the BDS**.
 - (b) experience as prime contractor in the construction of a minimum number of works of a nature and complexity equivalent to the Works over a period as **specified in the BDS** (To comply with this requirement, works cited should be at least 70 percent complete);
 - (c) proposals for the timely acquisition (own, lease, hire, etc.) of the essential equipment **listed in the BDS**;
 - (d) a Contract Manager/Supervisor with five years' experience in works of an equivalent nature and volume, including no less than three years as Manager or as otherwise **specified in the BDS**; and
 - (e) liquid assets and/or credit facilities, net of other contractual commitments and exclusive of any advance payments which may be made under the Contract, of no less than the amount **specified in the BDS**.²

A consistent history of litigation or arbitration awards against the Applicant or any partner of a Joint Venture may result in disqualification.

B. Contents of Bidding Document

7. **Sections of Bidding Document**
- 7.1 The Bidding Document consists of all the Sections indicated below, and should be read in conjunction with any Addenda issued in accordance with ITB 10.
- Section I - Instructions to Bidders (ITB)
 - Section II- Bidding Data Sheet
 - Section III - Evaluation Criteria
 - Section IV - Bidding Forms
 - Section V - Employer's Requirements
- 7.2 The Invitation for Bids issued by the Employer is not part of the Bidding Document.
8. **Clarification of Bidding Document**
- 8.1 A prospective Bidder requiring any clarification of the Bidding Document shall contact the Employer in writing at the Employer's address **indicated in the BDS**. The Employer will respond in writing to any request for clarification, provided that such request is received 14 days prior to the deadline for submission of bids. Should the Employer deem it necessary to amend the Bidding Document as a result of a request for clarification, it shall do so following the procedure under ITB 10.

- 9. Site visit/Pre-bid meeting** 9.1 Bidders, at the Bidders' own responsibility and risk, are encouraged to visit and examine the Site of Works and its surroundings and obtain all information that may be necessary for preparing their Bids and entering into a contract for construction of the Works. The costs of visiting the Site shall be at the Bidders' own expense.
Non-attendance at the pre-bid meeting will not be a cause for disqualification of a bidder.
- 10. Amendment of Bidding Document** 10.1 At any time prior to the deadline for submission of bids, the Employer may amend the Bidding Document by issuing addenda and extend the deadline for submission of bids, if needed.
- C. Preparation of Bids**
- 11. Cost of Bidding** 11.1 The Bidder shall bear all costs associated with the preparation and submission of its Bid, and the Employer shall in no case be responsible or liable for those costs irrespective of the outcome of the bidding process.
- 12. Language of Bid** 12.1 The Bid, supporting documents as well as all correspondence relating to the bid exchanged by the Bidder and the Employer shall be in English Language.
- 13. Documents Comprising the Bid** 13.1 The Bid shall comprise the following:
- (a) Bid submission Form (in the format indicated in Section IV);
 - (b) Qualification information and documentary evidence establishing the Bidder's qualifications to perform the contract;
 - (c) completed Bill of Quantities / Activity Schedule;
 - (d) the following documentary evidence is required
 - 1. Certified copy of a valid company Registration Certificate;
 - 2. Certified copy or an original valid good Standing Tax Certificate;
 - 3. Certified copy of a valid good Standing Social Security Certificate;
 - 4. Certified copy of a valid Affirmative Action Compliance Certificate, proof from Employment Equity Commissioner that bidder is not a relevant employer, or exemption issued in terms of Section 42 of the Affirmative Action Act, 1998;
 - 5. have a certificate indicating SME Status (for Bids reserved for SMEs) – This bid is not reserved for SMEs; and
 - 6. An undertaking on the part of the Bidder that the salaries and wages payable to its personnel in respect of this proposal are compliant to the relevant laws, Remuneration Order, and Award, where applicable and that it will abide to sub-clause 4.6 of the General conditions of Contract if it is awarded the contract or part thereof.
- 14. Bid Submission** 14.1 The Bid Submission Form, Schedules, and all documents

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|---|---|
| <p>Form and Schedules</p> | <p>listed under ITB 13.1 shall be prepared using the relevant forms, if so provided.</p> |
| <p>15. Alternative Proposal</p> | <p>15.1 Alternative Technical Proposals and completion dates if allowed shall be indicated in Section V- Specifications. The evaluation methodologies for their consideration shall be given in Section III.</p> |
| <p>16. Bid Prices and Discounts</p> | <p>16.1 The Contract shall be for the whole Works, as described in ITB Sub-Clause 1.1, based on the priced Activity Schedule/Bill of Quantities³ submitted by the Bidder.</p> <p>16.2 Bidders shall fill in rates and prices for all items of the Works described in the Bill of Quantities.⁴ Items for which no rate or price is entered by Bidders, shall not be paid for by the Public Entity when executed and shall be deemed covered by the other rates and prices in the Bill of Quantities. Corrections, if any, shall be made by crossing out, initialing, dating and rewriting.</p> <p>16.3 All duties, taxes, and other levies payable by the Contractor under the Contract, or for any other cause, as of the date 14 days prior to the deadline for submission of bids, shall be included in the rates, prices, and total Bid price submitted by Bidders.⁵</p> <p>16.4 The price to be quoted in the Bid Submission Form shall be the total price of bid after any discount offered.
The discount if any and the conditions of its application shall be indicated separately.</p> |
| <p>17. Currencies of Bid and Payment</p> | <p>17.1 The bid price and rates shall be in Namibian Dollars and fixed for the duration of the contract unless otherwise specified in the BDS.</p> <p>17.2 Unless otherwise specified in BDS interim payment for Plant and Material on site is applicable as per GCC 39.7.</p> |
| <p>18. Documents Comprising the Technical Proposal</p> | <p>18.1 The Bidder shall furnish a Technical Proposal including a statement of work methods, equipment, personnel, schedule and any other information as stipulated in the Bidder Qualification Form (section IV), in sufficient details to demonstrate the adequacy of the Bidders' proposal to meet the work requirements and the completion time.</p> |
| <p>19. Period of Validity of Bids</p> | <p>19.1 Bids shall remain valid for a period specified in the BDS. The Bid Validity period should not exceed 180 days.</p> |
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- 19.2 In exceptional circumstances, prior to expiry of the original bid validity period, the Employer may request that the bidders extend the period of validity for a specified additional period. The request and the responses thereto shall be made in writing.
- 20. Bid Security/Bid Securing Declaration**
- 20.1 The Bidder shall furnish a subscription to a Bid Securing Declaration if so **required in the BDS**.
- 20.2 Bid Security shall be in the form of a Bank Guarantee from a local commercial bank as per the format contained in section IV and shall be valid for a period of 30 days beyond the validity period of the bid or beyond any period of extension.
- 20.3 Any bid not accompanied by an enforceable and substantially compliant Bid Security or a subscription to a Bid Securing Declaration in the Bid Submission Form, if required in accordance with ITB 20.1, shall be rejected by the Employer as non-responsive.
- 20.4 Bid Security shall be forfeited or the Bid Securing declaration exercised for non-compliance on the part of the Bidder for reasons mentioned in the Bid Security format contained in Section III or the Bid Suring Declaration contained as Appendix to the Bid Submission Form.
- 21. Format and Signing of Bid**
- 21.1 The Bidder shall prepare one original of the documents comprising the bid as described in ITB 13.1 and clearly mark it "ORIGINAL". In addition, the Bidder shall submit the number of copies **as specified in the BDS**, clearly mark with the label "COPY." In the event of any discrepancy between the original and the copies, the original shall prevail.
- 21.2 The original and all copies of the bid shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Bidder.
- D. Submission and Opening of Bids**
- 22. Sealing and Marking of Bids**
- 22.1 Bidders may always submit their bids by mail or by hand. Procedures for submission, sealing and marking are as follows:
- (a) Bidders submitting bids by mail or by hand shall enclose the original and each copy of the Bid, including alternative bids, if permitted in accordance with ITB 15, in separate sealed envelopes, duly marking the envelopes as "ORIGINAL", "ALTERNATIVE" and "COPY." These envelopes containing the original and the copies shall then be enclosed in one single envelope. The rest of the procedure shall be in accordance with ITB sub-Clauses 22.2.
- 22.2 The inner and outer envelopes shall:
- (a) bear the name and address of the Bidder;
- (b) be addressed to the Employer as indicated in ITB 22.1;

- (c) bear the specific identification of this bidding process indicated in accordance with ITB 1.1; and
 - (d) bear a warning not to open before the time and date for bid opening.
- 23. Deadline for Submission of Bids**
 - 23.1 Bids shall be delivered to the Employer at the address and no later than the time and date **specified in the BDS**.
The Employer may, at its discretion, extend the deadline for the submission of bids by amending the Bidding Document in accordance with ITB 10.
- 24. Late Bids**
 - 24.1 Late bids shall not be considered. They will be returned unopened
- 25. Withdrawal, Substitution, and Modification of Bids**
 - 25.1 No bid may be withdrawn, substituted, or modified in the interval between the deadline for submission of bids and the expiration of the period of bid validity specified by the Bidder on the Bid submission Form or any extension thereof.
- 26. Bid Opening**
 - 26.1 The Employer shall open the bids at the time place and address **specified in the BDS** in the presence of Bidders' designated representatives who choose to attend.
 - 26.2 The bidders' names, the Bid Prices, the total amount of each bid, any discounts, any alternative bid, bid modifications and withdrawals, the presence or absence of bid security, and such other details as the Employer may consider appropriate, will be announced and recorded by the Employer at the opening.
- E. Evaluation and Comparison of Bids**
- 27. Confidentiality**
 - 27.1 Information relating to the examination, evaluation, comparison, and post-qualification of bids and recommendation of contract award, shall not be disclosed to Bidders or any other person not officially concerned with such process.
 - 27.2 Any attempt by a Bidder to influence the Employer in the evaluation of the bids or Contract award decisions may result in the rejection of its bid.
- 28. Clarification of Bids**
 - 28.1 To assist in the examination, evaluation, and comparison of the bids, and qualification of the Bidders, the Employer may, at its discretion, ask any Bidder for a clarification of its bid. No change in the prices or substance of the bid shall be sought, offered, or permitted, except to confirm the correction of arithmetical errors discovered by the Employer in the evaluation of the bids, in accordance with ITB 31.
- 29. Determination of Responsiveness**
 - 29.1 The Employer's determination of a bid's responsiveness is to be based on the contents of the bid itself, as defined in ITB13.
 - 29.2 A substantially responsive bid is one that meets the requirements of the Bidding Document without material deviation, reservation, or omission.
 - 29.3 The Employer shall examine the technical aspects of the bid

submitted in accordance with ITB 18, Technical Proposal, in particular, to confirm that all requirements of Section V (Employer's Requirements) have been met without any material deviation, reservation or omission.

29.4 If a bid is not substantially responsive to the requirements of the Bidding Document, it shall be rejected by the Employer and may not subsequently be made responsive by correction of the material deviation, reservation, or omission.

30. Nonconformities, Errors, and Omissions

30.1 Provided that a bid is substantially responsive, the Employer may waive any non-material non-conformity in the bid, request that the Bidder submit the necessary information or documentation, to rectify nonmaterial nonconformities in the bid related to documentation requirements but not related to any aspect of the price of the bid; and shall rectify quantifiable nonmaterial nonconformities related to the Bid Price.

31. Correction of Arithmetical Errors

31.1 Provided that the bid is substantially responsive, the Employer shall correct arithmetical errors on the following basis:

- (a) only for unit price contracts, if there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Employer there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;
- (b) if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
- (c) if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to (a) and (b) above.

32. Margin of Preference

32.1 **Unless otherwise specified in the BDS**, Margin of preference shall not apply.

33. Evaluation of Bids

33.1 The Employer shall use the criteria and methodology defined in this clause and no other evaluation criteria or methodologies shall be permitted.

33.2 To evaluate a bid, the Employer shall consider the following:

- (a) the bid price, excluding Provisional Sums and the provision, if any, for contingencies in the Summary Bill of Quantities for admeasurement contracts or Schedule of Prices for lump sum contracts, but including Daywork items, where priced competitively; and
- (b) price adjustment for correction of arithmetic errors, discounts, non-conformities, due to the supplementary criteria as defined

in Section III, and Margin of Preference, if applicable.

- 33.3 If this Bidding Document allows Bidders to quote separate prices for different contracts, and to award multiple contracts to a single Bidder, the methodology to determine the lowest evaluated price of the contract combinations, including any discount offered in the Bid Submission Form, is specified in Section III (Evaluation and Qualification Criteria).
- 33.4 If the bid for an admeasurement contract, which results in the lowest Evaluated Bid Price, is seriously unbalanced, front loaded or substantially below updated estimates or if any item in the Priced Activity Schedule is front loaded or contains an erroneous amount in the opinion of the Employer, the Employer may after clarification require the Bidder to produce detailed price analysis for any or all items that the amount of the performance security be increased at the expense of the Bidder.
- 34. Comparison of Bids** 34.1 The Employer shall compare all substantially responsive bids in accordance with ITB 33 to determine the lowest evaluated bid.
- 35. Qualification of the Bidder** 35.1 The Employer shall determine to its satisfaction whether the Bidder that is selected as having submitted the lowest evaluated substantially responsive bid meets the qualifying criteria.
- 36. Employer's Right to Accept Any Bid, and to Reject Any or All Bids** 36.1 The Employer reserves the right to accept or reject any bid, and to annul the bidding process and reject all bids at any time prior to contract award, without thereby incurring any liability to Bidders.

F. Award of Contract

- 37. Award Criteria** 37.1 Subject to ITB 36.1, the Employer shall award the Contract to the Bidder whose offer has been determined to be the lowest evaluated bid and is substantially responsive to the Bidding Document, provided further that the Bidder is determined to be qualified to perform the Contract satisfactorily.
- 38. Notification of Award** 38.1 Prior to the expiration of the period of bid validity, the Employer shall, for contract amount above the prescribed threshold of N\$ 2 M, notify the selected bidder of the proposed award and accordingly notify unsuccessful bidders. Subject to Challenge, the Employer shall notify the selected Bidder, in writing, by a Notification of award for award of contract. The Notification of award shall specify the sum that the Employer will pay the Contractor in consideration of the execution and completion of the Works (hereinafter and in the Conditions of Contract and Contract Forms called "the Contract Price") and the requirement for the Contractor to remedy any defects therein as prescribed by the Contract. Within seven days

from the issue of notification of award, the Purchaser shall publish on the Public Procurement Portal (www.mof.gov.na/procurement-policy-unit) and the Purchaser's website, the results of the Bidding Process identifying the bid and lot numbers and the following information:

(i) name of the successful Bidder, and the Price it offered, as well as the duration and summary scope of the contract awarded; and

(ii) an executive summary of the Bid Evaluation Report.

38.2 Until a formal contract is prepared and executed, the notification of award shall constitute a binding Contract.

39. Signing of Contract

39.1 Promptly upon issue of notification of award, the Employer shall send to the successful Bidder the Contract Agreement.

39.2 Within thirty (30) days of receipt of the Contract Agreement, the successful Bidder shall sign, date, and return it to the Employer.

40. Performance Security

40.1 Within thirty (30) days of the receipt of the notification of award from the Employer, the successful Bidder shall furnish the Performance Security in accordance with the conditions of contract, using for that purpose the Performance Security Form included in Section VIII (Contract Forms).

40.2 Failure of the successful Bidder to submit the above-mentioned Performance Security or to sign the Contract Agreement within the prescribed delay shall constitute sufficient grounds for the annulment of the award and forfeiture of the bid security.

41. Advance Payment and Security

41.1 The Public Entity shall provide an Advance Payment on the Contract Price as stipulated in the GCC, subject to a maximum amount, **as stated in the BDS**. The Advance Payment shall be guaranteed by a security as per the format contained in Section VIII.

42. Plant and Materials on site

42.1 Unless otherwise **specified in BDS** interim payment for Plant and Material on site is applicable as per GCC 39.7.

43. Debriefing

43.1 The Purchaser shall promptly attend to all debriefing for the contract made in writing and within 30 days from the date of the publication of the award or date the unsuccessful bidders are informed about the award.

Section II. Bidding Data Sheet (BDS)

The following specific data for the works to be procured shall complement, supplement, or amend the provisions in the Instructions to Bidders (ITB). Whenever there is a conflict, the provisions herein shall prevail over those in ITB.

A. General	
ITB 1.1	The Public Entity is: Oshikoto Regional Council (Subdivision: Water Supply and Sanitation Coordination) The Works are drilling of one borehole . The name and identification of the Contract are drilling one borehole at Omboto in Nehale Lyampingana Constituency and identification number of Contract is W/ONB/ORC WSSC – 02/2024
ITB 1.2	The Intended Completion period is one (1) month
ITB 2.1	The Funding Agency is: Oshikoto Regional Council
ITB 5.3	A list of firms debarred from participating in Public Procurement in Namibia is available at http://www.mof.gov.na/procurement-policy-unit A list of firms debarred by World Bank is available at http://www.worldbank.org/debarr NB: Debarred bidders are not encouraged to apply.
ITB 6.2	The information required from bidders in ITB Sub-Clause 5.2 is modified as follows: ITB Sub-Clause 6.2 (a) – (i) shall apply.
ITB 6.2 (d)	Contractors should have at least three (3) years of experience for works of similar nature.
ITB 6.3 (a)	Not applicable for this bid.
ITB 6.3 (b)	The number of works is: three (3) projects of similar nature to this bid. At least three (3) years' experience in terms of the nature, complexity and works method as acceptable in line of similar works is required for this bid. (Proof of evidence should be submitted in the form of certified copies of completion certificates).
ITB 6.3 (c)	The essential equipment to be made available for the Contract by the successful Bidder shall be: Depth Meter 200-300, Generator, EC and PH Meter, Safety Gear, GPS, Drilling Rig, 4x4 / 6x6 Truck and 6x6 Water Tanker. Attach proof of ownership / lease agreement.
ITB 6.3 (d)	<ul style="list-style-type: none"> • A Contract Manager/Supervisor should have five years' experience in works of similar nature and volume. • Foreman should have at least 5 years' experience in works of similar nature. NB: Attach copies certified by the Namibian Police (qualifications and Identity Documents) and CV for the Manager and Site Foreman.
ITB 6.3 (e)	The minimum amount of liquid assets and/or credit facilities net of other contractual commitments of the successful Bidder shall be: Not applicable for this bid.
B. Bidding Documents	

ITB 8.1	The Public Entity's address for clarification is: Oshikoto Regional Council, e-mail: procurement@oshikotorc.gov.na
ITB 9.2	A pre-bid meeting has been scheduled for: Not compulsory for this bid however, bidders are encouraged to familiarize themselves with the site before submitting the bid.
C. Preparation of Bids	
ITB 13.1(e)	Any additional materials required to be completed and submitted by the Bidders are as per ITB Sub-Clause 13.1 and Completeness of the bid and initial all pages. (Please verify information in the ITB and Bidding Data Sheet) There is no point e under ITB 13.1 on page 9
ITB 17.1	The Contract is not subject to price adjustment in accordance with GCC Clause 44.
ITB 17.2	Interim Payment for Plant and Material on site is not applicable.
ITB 19.1	The Bid shall be valid for 180 Calendar days after the deadline set for the submission of bid, the deadline date being counted as day one of the validity period.
ITB 20.1	GCC applies.
D. Submission and Opening of Bids	
ITB 21.1	Submit the original full bid document, with the Bill of Quantities
ITB 23.1	The deadline for submission of bids shall be 11 March 2025, Time 10h00 a.m.
ITB 23.1	The Employer's address for the purpose of Bid submission is: PMU Bid Box, Oshikoto Regional Council, P. O. Box 19247, Omuthiya. Hon. Penda Ya Ndakolo Street, ORC Building, Omuthiya
ITB 26.1	The bid opening shall take place at: ORC PMU, Ground Floor, Omuthiya Date: 11 March 2025 Time: 10h30 a.m.
E. Evaluation and Comparison of Bids	
ITB 32.1	A margin of preference shall not apply.
F. Award of Contract	
ITB 40.	Not Applicable for this bid.
ITB 41.	Not applicable for this bid.

Section III - Evaluation Criteria

This section contains supplementary criteria that the Employer shall use to evaluate bids.

1. Evaluation

1.1. All criteria listed in ITB 6.2, 13.1 and 33 shall apply.

1.2. This Section complements the Instructions to Bidders. It contains the criteria that Oshikoto Regional Council will use to evaluate a bid and determine whether a Bidder has the required qualifications. No other criteria but the one indicated here shall be used during evaluation.

Evaluation Methodology

Evaluation is going to be conducted by an ad hoc Bid Evaluation Committee (BEC) in accordance with the criteria stated in the following three phases.

Phase 1:

Mandatory Documents

The eligibility criteria will be assessed on the basis of the bidders stating a **Yes or No** to the statements given. Only bidders who have confirmed with a **Yes** in all instances (100%), have physically submitted and attached all the mandatory documents stated in table 1, will proceed to the next stage of evaluation.

Phase 2:

2.1 Technical Scoring

2.1.1 Experience in works of the same/similar nature in the past three (3) years or as otherwise **stated in the BDS**; and clients who may be contacted for further information on those contacts;

2.1.2 Major items proposed to carry out the Contract;

2.1.3 Qualifications and experience of key site personnel and technical personnel proposed for the contract;

2.1.4 Company profile indicating competence of the bidder for same/similar works.

2.2 Financial Evaluation Scoring

Bidders will further be assessed on their financial offers based on the following documents;

2.2.1 Report on the financial standing (such as copies of Financial Statements/Audited Accounts as filed at the Registrar of Companies) of the Bidder in the last three years,

2.2.3 Authority to seek references from the Bidder's bankers.

Phase 3: Procurement contract award

The procurement contract will be awarded to one (1) successful bidder who has submitted the lowest evaluated substantially responsive bid which meets the requirements and specifications indicated in the bidding document.

Qualification and eligibility

Table 1: Mandatory Requirements

NB: This table is to be completed by the BEC. Bidders should only initial the page, as an indication that they read and fully understand this page. Bidders must ensure that they are compliant with the requirements stipulated on this page, as it will be used to disqualify bids.

Description	Yes	No
1. Attach a certified copy of the valid Company Registration Certificate or Registration defensive name applicable issued by BIPA or the Ministry of Industrialization and Trade.		
2. Certified copies of identification documents (IDs) of the owner(s) of the company or shareholders or members of the trustee.		
3. Original or certified copy of a valid Good Standing Tax Certificate from Receiver of Revenue (NAMRA).		
4. Certified copy of a valid Good Standing Certificate from Social Security Commission.		
5. A valid certified copy of an Affirmative Action Compliance Certificate certified by a Commissioner of Oath or in its absence, proof that the Bidder is not a relevant employer, or exemption issued by the Employment Equity Commissioner in terms of Section 42 of the Affirmative Action Act, 1998.		
6. An undertaking on the part of the Bidder that the salaries and wages payable to its personnel in respect of this bid are compliant to the relevant laws, wage determinations, and award, where applicable and that it will abide to sub-clause 6.2 of the General Conditions of Contract if it is awarded the Contract.		
7. A duly completed and signed Bid Securing Declaration form.		
8. Certified copy of proof of confirmation of account from a Namibian Banking Institution. Issued within the past six (6) months. (Proof of confirmation must have a bank date stamp).		
9. The Bidder must prepare the Bid Submission Form with its letterhead clearly showing the Bidder's complete name and address.		
10. Duly signed and completed Bid Submission Form.		
11. The bidders ensure that all pages of the bidding document are fully completed with accurate information at the correct spaces and ensure that all pages of the bidding document are initialled.		
12. Principal business must be in line (Construction with focus on borehole drilling).		
13. The bidding document must have a date stamp of the Finance Division (Oshikoto Regional Council) and a signature of an Accountant, as proof that the bidder paid the N\$100.00 for the bidding document.		
14. A duly completed, initialised and signed Joint Venture Agreement (if applicable).		
15. Bidders' attachments (documents) must be arranged in the order of this Table 1 (Mandatory Requirements).		
16. Bidder must prepare and attach a letter confirming that they have no outstanding and / or delayed works or services under Oshikoto Regional Council or its Delegated Functions.		
17. Attach proof of vehicles ownership/lease agreement to lease a vehicle (with proof of ownership from the lessor). The vehicles must be a truck 4x4 / 6x6, water tanker truck 6x6 and attach a valid license disc.		
18. Provide proof of experience in works of a similar nature (at least three completion certificates or reference letters from reputable institutions for the drilling of boreholes or water related infrastructures). The Council reserves the right to contact issuers of completion certificates to confirm work done, in accordance with Section 52 (1) of the Public Procurement Act, 2015 (Act No. 15 of 2015), as amended.		

Bidders are expected to be 100% compliant with the requirements, as per the attached Specifications.

Annexure 13: Specifications

Take Note: technical specifications and performance requirements (**see attached Annexure 13**) are hereto attached, and shall be submitted with the Bid document

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Section IV - Bidding Forms

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Bid Submission Form

Date: _____

Bidder's Reference No.: _____

Procurement Reference No.:.....

To:

We, the undersigned, declare that:

- (a) We have examined and have no reservations to the Bidding Documents, including Addenda issued in accordance with Instructions to Bidders (ITB) Clause 10;
- (b) We offer to execute in conformity with the Bidding Documents the following Works:
_____;
- (c) The total price of our Bid after discounts, if any, offered in item (d) below is:
_____;
- (d) The discounts offered and the methodology for their application are:

_____;
- (e) Our bid shall be valid for a period of 180 days from the date fixed for the bid submission deadline in accordance with the Bidding Documents, and it shall remain binding upon us and may be accepted at any time before the expiration of that period;
- (f) We hereby confirm that we have read and understood the content of the Bid Securing Declaration attached hereto and subscribe fully to the terms and conditions contained therein, if required. We understand that non-compliance to the conditions mentioned may lead to disqualification.
- (g) If our bid is accepted, we commit to obtain a Performance Security and a Preference Security (if applicable) in accordance with the Bidding Document;
- (h) We, including any subcontractors or suppliers for any part of the contract, do not have any conflict of interest in accordance with ITB 5.2;
- (i) We are not participating, as a Bidder in more than one bid in this bidding process other than alternative offers submitted in accordance with ITB 15;
- (j) Our firm, its affiliates or subsidiaries, including any Subcontractors or Suppliers for any part of the contract, has not been declared ineligible under the laws of Namibia;
- (k) We are not a government owned entity / We are a government owned entity but meet the requirements of ITB 5.4;⁶
- (l) We understand that this bid, together with your written acceptance thereof included in your notification of award, shall constitute a binding contract between us, until a formal contract is prepared and executed;
- (m) We understand that you are not bound to accept the lowest evaluated bid or any other bid that you may receive; and
- (n) If awarded the contract, the person named below shall act as Contractor's Representative: _____

Name:	
-------	--

In the capacity of:	
Signed:	
Duly authorized to sign the Bid for and on behalf of:	
Date:	
Seal of Company	

BID SECURING DECLARATION

(Section 45 of Act)
(Regulation 37(1)(b) and 37(5))

Date:
[Day/month/year]

Procurement Ref No.:

To:
[insert complete name of Public Entity and address]

I/We* understand that in terms of section 45 of the Act a public entity must include in the bidding document the requirement for a declaration as an alternative form of bid security.

I/We* accept that under section 45 of the Act, I/we* may be suspended or disqualified in the event of

- (a) a modification or withdrawal of a bid after the deadline for submission of bids during the period of validity;
- (b) refusal by a bidder to accept a correction of an error appearing on the face of a bid;
- (c) failure to sign a procurement contract in accordance with the terms and conditions set forth in the bidding document, should I/We* be successful bidder; or

(d) failure to provide security for the performance of the procurement contract if required to do so by the bidding document.

I/We* understand this bid securing declaration ceases to be valid if I am/We are* not the successful Bidder

Signed:

[insert signature of person whose name and capacity are shown]

Capacity of:

[indicate legal capacity of person(s) signing the Bid Securing Declaration]

Name:

[insert complete name of person signing the Bid Securing Declaration]

Duly authorized to sign the bid for and on behalf of: [insert complete name of Bidder]

Dated on _____ day of _____, _____

[insert date of signing]

Corporate Seal (where appropriate)

[Note*: In case of a joint venture, the bid securing declaration must be in the name of all partners to the joint venture that submits the bid.]

****delete if not applicable / appropriate***



Republic of Namibia

Ministry of Labour, Industrial Relations and Employment Creation

Written undertaking in terms of Section 138 of the Labour Act, 2007 (Act No. 11 of 2007) and Section 50(2)(d) of the Public Procurement Act, 2015 (Act No. 15 of 2015)

1. EMPLOYERS DETAILS

Company Trade Name: _____

Registration Number: _____

Vat Number: _____

Industry/Sector: _____

Place of Business: _____

Physical Address: _____

Telephone Number: _____

Cellphone: _____ Fax No: _____

Email Address: _____

Postal Address: _____

Full name of Owner/Accounting Officer: _____

Email Address: _____

2. PROCUREMENT DETAILS

Procurement Reference No: _____

Procurement Description: _____

Anticipated Contract Duration: _____

Location where work will be done, good/services will be delivered: _____

3. UNDERTAKING

I _____ *[insert full name]*, owner/representative

of _____ *[insert full name of company]*

hereby undertake in writing that my company will, at all relevant times, comply fully with the relevant provisions of the Labour Act, 2007 and the Terms and Conditions of Collective Agreements, as applicable.

I am fully aware that, failure to abide to such, shall lead to the action(s) as stipulated in Section 138 of the Labour Act, 2007, which includes (but not limited to) the cancellation of the contract/licence/grant/permit or concession.

Signature: _____

Date: _____

Seal: _____

Please take note:

- 1. A labour inspector may conduct unannounced inspections to assess the level of compliance*
- 2. This undertaking must be displayed at the workplace where it will be readily accessible and visible by the employees rendering service(s) in relations to the goods and services being procured under this contract.*

Qualification Information

1. Individual Bidders or Individual Members of Joint Ventures

- 1.1 Constitution or legal status of Bidder: *[attach copy]*
 Place of registration:
 Principal place of business:
 Evidence of signatory authorized to sign the bid (if applicable):
[attach]
- 1.2 Annual amounts of construction works performed during the last *[insert number.....]* years *[insert amounts in the national currency equivalent.....]*
- 1.3 Number *[insert number.....]* of works of a nature and amount similar to the Works performed as prime Contractor over the last *[insert number.....]* years. *[Also list details of work under way or committed, including expected completion date(s).]*

Project/Contract name and country	Name of client and contact person	Type of work performed and year of completion	Value of contract in NAD
(a)			
(b)			
(c)			

- 1.4 Major items of Contractor's Equipment proposed for carrying out the Works. *[List all information requested below. Refer also to ITB Sub-Clause 6.3 (c).]*

Item of equipment	Description, make, and age (years)	Condition (new, good, poor) and number available	Owned, leased (from whom?), or to be purchased (from whom?)
(a)			
(b)			
(c)			
(d)			
(e)			
(f)			
(g)			

- 1.5 Qualifications and experience of key personnel proposed for administration and execution of the Contract. *[Attach biographical data. Refer also to ITB Sub-Clause 6.3 (d).]*

Position	Name	Years of experience (general)	Years of experience in proposed position
(a)			
(b)			

1.6 Proposed subcontracts and firms involved. Refer to General Conditions of Contract Clause 7.

Sections of the Works	Value of subcontract	Subcontractor (name and address)	Experience in similar work
(a)			
(b)			

1.7 Financial reports for the last *[insert number; usually 3]* years: Financial Statements, Audited Accounts, etc. *[List below and attach copies.]*

1.8 Evidence of access to financial resources to meet the qualification requirements: cash in hand, lines of credit, etc. List below and attach copies of support documents.

1.9 Name, address, and telephone, telex, and facsimile numbers of banks that may provide references if contacted by the Public Entity.

1.10 Information on current litigation(s) in which the Bidder is involved.

Other party(ies)	Cause of dispute	Amount involved
(a)		
(b)		

1.11 Proposed Program (work method and schedule). Descriptions, drawings, and charts, as necessary, to comply with the requirements of the Bidding Documents.

2. Additional Requirements

2.1 Bidders should provide any additional information requested in the Bidding Document.

Bill of Quantities⁷

Take Note: That the Bill of Quantities is hereto attached, and shall be submitted with the Bid document.

PART 2 – Employer’s Requirements

Specifications

Specifications are incorporated within the Bill of Quantities, and any deviations from the specifications, as per the Bill of Quantities the Bidder shall provide that deviation in writing.

Scope of Works

Constituency	Place	Module	Mark
Nehale Lya Mpingana	Omboto	Drilling of a borehole	

Drawings

There is no Drawings for this bid

Supplementary Information

No supplementary information. Any additional information will be communicated to bidders in a form of the Addendum.

Invitation for Bids (IFB)

Drilling one borehole at Omboto in Nehale LyaMpingana Constituency Procurement reference No: W/ONB/ORC WSSC – 02/2024

1. Bids are invited through Open National Bidding (ONB) procedures for drilling of one (1) borehole (Omboto) in Nehale Lya Mpingana Constituency and the invitation is open to all Namibian bidders.
2. Interested eligible bidders may obtain further information from: **Oshikoto Regional Council – WSSC**, Contact:

2.1. Administrative Enquiries

Ms. Katrina Matheus Tel: (065) 286320
Email address: wssc@oshikotorc.gov.na

2.2 Technical Enquiries

Mr. Florian Niipare Tel: (065) 286320
Email address: wssc@oshikotorc.gov.na

Enquiries should only be done during working hours: 09h00 – 16h00.

3. Qualifications requirements include: **As per the ITB**. A margin of preference for certain goods manufactured domestically **shall not** be applied. Additional details are provided in the bidding documents.
4. A complete set of bidding document in **English** may be purchased by interested bidders to the address below and upon payment of a non-refundable fee of **N\$ 100.00**. The method of payment will be; **Deposit the money into: The Oshikoto Regional Council-General Expenses, First National Bank, Account Number: 62017952236, Branch Number: 28-00-72, Omuthiya**. The Bidding Documents will be collected upon providing a proof of a deposit slip.
5. Bid document (hardcopy) must be delivered to the address below on or before **11 March 2025**. Late bids will be rejected. Bids will be opened in the presence of the bidders' representatives who choose to attend in person at **Oshikoto Regional Council Head Office and will be lived streamed at the Regional Council's Facebook page, P O Box 19247, Omuthiya, Ground floor, Procurement Management Unit at 10h30 on 11 March 2025**. All bids must be accompanied by a **proof of payment on top of the bid document**.
6. The address(s) referred to above is: **Oshikoto Regional Council Head Office, P O Box 19247, Omuthiya, Ground floor, Procurement Management Unit**.