

## **Terms and conditions for application of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH for the award of contracts for services and work (local 2022)**

These conditions apply unless different conditions are set out in specific invitations to tender.

### **1. Submission of requests to participate and tenders**

Requests to participate or tenders must be submitted in hard copy in closed envelopes before the deadline stated in the covering letter, using the editable templates provided.

### **2. No remuneration or reimbursement of costs**

GIZ will not provide any remuneration or reimbursement to cover the preparation of requests to participate or tenders, or to cover presentations given as part of the competitive tender.

### **3. Terms and conditions of contract**

Tenders are subject to the General Terms and Conditions of Contract ('local terms and conditions') for supplying services and works on behalf of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. These will form part of the contract at the point when the contract is awarded to the selected tenderer.

Further to this, the special terms and conditions of contract contained in the tender documents will apply to the implementation of the assignment.

The contractor's terms of delivery, conditions of contract and conditions of payment are not part of the contract.

### **4. Questions about the procedure for the award of contract and the tender documents**

Any commercial, technical or procedural questions shall be raised promptly, and no later than the 'deadline for submission of questions to be clarified' stated in the tender invitation letter.

Questions can only be submitted electronically via the Tender Platforms: <https://etenders.ge/> and <https://tenders.ge> . Answers to the submitted questions will be posted on the mentioned Tender Platforms. Insofar as questions and answers posted on one of the mentioned Tender Platforms are of general interest, they will be made available on another Tender Platforms as well. The Questions & Answers module is available to all interested parties.

Failure to comply with the rules may result in the exclusion of your tender from the award procedure. During ongoing tender procedures, candidates/tenderers may not enter into contact with people involved in the procedure, apart from GIZ Contract Management.

### **5. Eligibility**

The contract will only be awarded to companies with the required expertise and capacity (eligible companies) which meet the criteria listed in the self-declaration of eligibility and which are not excluded under the terms of Sections 123 or 124 of the German Act against Restraints on Competition (GWB).

If there is a previously announced limit to the number of candidates, an assessment will be carried out according to the relevant evaluation scale included in the tender documents.

### **6. Contents of the technical bid**

The requirements for the technical bid are derived from the terms of reference.

- 6.1 If CVs are required for the proposed experts, these must be submitted in the language specified for the competitive tender.
- 6.2 The contractor ensures that the experts proposed by them are available to carry out the contract. As proof of availability, the experts in question shall issue a declaration to this effect.
- 6.3 Should any of the proposed experts have an existing work contract or development service contract with GIZ, or an existing subsidy agreement as an integrated expert, the bid must specify the contract/agreement end date.

**Note**

The technical bid may not contain any information on the financial bid, neither full nor in part.

**7. Financial bid**

- 7.1 The financial bid must be in Georgian Lari (GEL) and structured in accordance with the price sheet and GIZ's General Terms and Conditions of Contract ('local terms and conditions'); all items must be costed in accordance with the established financial bid configuration rules.
- 7.2 The financial bid is to contain the specification of inputs as required in the terms of reference (number of experts and number of corresponding expert days) and, where applicable, the budget as defined by the commissioning party.
- 7.3 All prices are to be quoted excluding VAT.

**8. Presentation**

GIZ reserves the right to require tenderers to give a presentation outlining the tender and the proposed personnel. This presentation must include information showing that the concept and proposed long-term experts provide sufficient guarantee of the successful implementation of the measure for which the invitation to tender has been issued.

**9. Award criteria and the evaluation of tenders**

Tenders are first rated on their technical merits in accordance with the technical assessment grid for offers specified in the tender documentation.

Once the tenders have been evaluated in this way, only technical bids awarded more than 500 points will be included in the evaluation of financial bids. Technical bids that fail to reach this cut-off point will be regarded as unsuitable. The technical bid is weighted at T: 70%, the financial bid at F: 30%. Set budgets items stated in the tender documents for the financial bid are not part of the evaluation and weighting of the financial bids. Weighting is based on the formula:

$$= 0,7 \times \frac{\text{Technical assessment of tenderer}}{\text{Assessment of best technical bid}} + 0,3 \times \frac{\text{Lowest financial bid}}{\text{Tenderer price}}$$

**10. Candidate/bidding consortia**

Candidate/bidding consortia must designate a lead member and authorise this member to represent the consortium and receive payments for all members in discharge of GIZ's liability. A formal agreement to this effect must be signed by each member of the consortium and attached to the request to participate or the tender. This can be done using the template provided by GIZ.

The data requested in section A.I (General information – Commercial information) of the self-declaration must be entered for each member of the candidate consortium or bidding consortium on the same document.

## **11. Subcontractors and deferred eligibility**

### **11.1 Subcontractors with deferred eligibility**

candidates/tenderers intend to make use of the capacities of another company to implement a contract, they are required to provide a letter of intent declaring that the relevant capacities are at their disposal or will be delivered by the subcontractor in question.

### **11.2 Subcontractors**

If a tenderer intends to let a subcontractor implement some of the services, the nature and extent of these services must be stated with the submission of the tender, and the subcontractor must be named.

## **12. Changes**

Corrections of, or changes to requests to participate or tenders must be submitted in the same form as the original request to participate or tender. They must be unequivocal.

## **13. Storage and use of personal data**

The candidate/tenderer must ensure that any personal data passed on to the commissioning party for the purposes of submitting their request to participate or tender was collected in accordance with data protection laws and that the data subjects have been duly informed of the intended use of the data (in particular, in accordance with Article 14 GDPR, the intention to transfer the data to the commissioning party). The commissioning party may process the personal data solely for the purposes of implementing and documenting the contract award procedure and administering the contract. This refers to individual personal data, in particular to names, address, scope of work, qualifications, location/measure of assignment, evaluation of results and the contract and conditions agreed with the contractor.

## **14. Other provisions**

If the list of proposed experts includes GIZ employees or former GIZ employees who were involved in drawing up the tender documentation, the tenderer must draw attention to this fact in the tender.