



## **Bidders Prequalification Instruction**

**Reference: UA1-2017-301**

### **Introduction:**

This Bidder Prequalification Instruction (hereinafter referred to as the “Instructions”) are issued to guide the bidders prequalification process for the **Supply and Delivery of Hitachi Data Systems Equipment and Software for the State Migration Service of Ukraine** under the project, “**Support for Migration and Asylum Management in Ukraine**”.

Interested parties (hereinafter referred to as the “Applicants”) are required to read and follow instructions carefully in preparing and submitting their Prequalification Applications.

### **1. Scope**

- 1.1 Applicants who shall pass this prequalification process shall participate in the bidding process for the **Supply and Delivery of Hitachi Data Systems Equipment and Software for the State Migration Service of Ukraine**, hereinafter referred to as the “Goods”.
- 1.2 The Instruction to Bidders which shall include the detailed list of the Goods shall be provided only to Applicants who shall pass the prequalification process.

### **2. Minimum Qualification of Applicants**

- 2.1 This Invitation to Pre-qualify is open to Applicants with at least the following qualifications:
  - 2.1.1 Possess proper government permits to conduct business relevant to the nature of this project in the country where the Applicant is based.
  - 2.1.2 At least a Silver Partner of Hitachi Data Systems (HDS).
  - 2.1.3 Interested parties may form a consortium and submit an application to be prequalified provided that:
    - a. One of the parties, preferably the lead company of the consortium, is a Silver Partner of HDS;
    - b. The consortium shall be documented with a duly notarized agreement among participating parties clearly identifying the lead company of the consortium, holding all participating parties equally liable and accountable for the faithful fulfillment of the consortium’s contractual obligations in the event that they will be awarded the contract; and
    - c. All participating parties have proper business permits/government registration documents and shall include copies of their respective government registration documents/permits and company profiles in the Prequalification Document Package.
  - 2.1.4 With business structure to ensure the provision of warranty-related services for the HDS equipment to be purchased.
  - 2.1.5 With at least 2 years of experience in supplying HDS equipment and in providing after sales/warranty related support for HDS equipment. In case the Applicant

is a consortium, the total number of years of experience to be considered in response to this criterion shall be the number of years of experience of the lead company in the consortium.

- 2.1.6 With proven experience of handling at least 3 supply agreements (preferably for the supply of HDS products) with average contract value of at least 1 million Euros<sup>1</sup>. In case the Applicant is a consortium, the list of projects that will be used as a documentary evidence for this criterion shall consist of the consolidated projects implemented by all the participating parties of the consortium. In case the Applicant has non-disclosure agreements with its former and current customers which prohibit them from declaring the values of their contracts, the Applicant shall list in Annex 3 (using the “with NDA” sheet of Annex 4 template), only the projects that they entered into with contract value of at least 1 million Euros without declaring the actual values of the contracts. The Applicant however shall certify that all the contracts they listed have contract values of at least 1 million Euros and shall provide documentary evidences that are not covered by their non-disclosure agreements, which will help establish their declaration that the projects they listed indeed meet the required threshold. This includes but not limited to Airway Bill or Bill of Lading, commercial invoices, marine insurance policy, etc.
  - 2.1.7 Has the financial capacity to implement supply agreement with minimum contract value of at least 1 million Euros, financially sound and has not filed for bankruptcy.
  - 2.1.8 With technical and managerial capacity to implement supply agreement with minimum value of 1 million Euros. The Applicant who will win the contract shall assign a project manager and at least 2 engineers to the project in order to ensure the full and timely completion of the project.
  - 2.1.9 Applicant who are not based in Ukraine shall provide the name and contact details of the HDS partner in Ukraine who shall provide the warranty/after sales support for the equipment in case they will be awarded the contract. They shall also submit documentary evidence that will prove their ability to provide after sales/warranty support to the equipment they will supply in case they will win the bid.
- 2.2 With reference to Article 2.1.1 above, only Applicants based in countries considered eligible by the European Union shall be considered as having met the said requirement. The list of the eligible countries is specified in Annex A2a of the Practical Guide to contracting procedures for European Union external actions (PRAG) (<http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.3.1&locale=en>).
- 2.3 With reference to Article 2.1.1 above, Applicants based in Russian Federation or with stock holders based in Russian Federation, shall be deemed not qualified in cognizant

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<sup>1</sup> IOM shall not require copies of the contracts entered into by the Applicants to be submitted with their submission of their Bidder Prequalification Application Package. However, in the course of evaluating the Applicants documents, IOM may request the Applicants to provide electronic (signed) copies of specific contracts entered into by the Applicants. When requested to provide copies of the contract(s), the Applicants should provide the documents in English. If the contract is not in English, the Applicant shall submit copies of the signed contract and its official English translation.

to the Ukrainian legislation that forbids the purchase and/or use of equipment of Russian manufacturer/supplier due to the annexation of Crimea and the on-going anti-terrorist operations of the Ukrainian government in Eastern Ukraine.

- 2.4 Applicants shall not be involved in terrorist act/criminal activities or associated with individuals and/or entities associated with terrorist act/criminal activities. For this purpose, Applicants shall not be included in the list of individuals and/or entities as contained in the 1267 Committee of the UN Security Council Counter Terrorism Committee (CTC).
- 2.5 Applicants shall submit all the necessary documentary evidences to establish the qualification. IOM may request the Applicants to submit additional documentary evidences as it deems necessary. IOM reserves the right to reject any or all applications with incomplete or insufficient supporting documentary evidences.

### **3. Prequalification Application Document Package**

- 3.1 The following constitute the standard Prequalification Application Document Package all Applicants should prepare and submit:
  - 3.1.1 Application Letter (use Annex 1)
  - 3.1.2 Bidder Prequalification Form (use Annex 2)
  - 3.1.3 List of Similar Projects Implemented (use Annex 3)
  - 3.1.4 List of Technical Trainings Availed of by Technical Staff (use Annex 4)
  - 3.1.5 Vendor Information Sheet (use Annex 5)
  - 3.1.6 Valid Business Permit(s) and registration documents issued by the government where the Applicant is based
  - 3.1.7 Applicant's Tax Registration Documents issued by the government where the Applicant is based
  - 3.1.8 Proof of Tax Payment for 2015 fiscal year
  - 3.1.9 Audited Financial Statement for 2015 fiscal year
  - 3.1.10 Audited or Interim Financial Statement for 2016 year. IOM shall accept official government tax assessment reports signed and stamped with the government tax authorities, in lieu of the audited financial statements for 2015 and 2016 (for clauses 3.1.9 and 3.1.10 of this Instruction). Applicants are still required to submit proof of tax payments made for 2015.
  - 3.1.11 Certification from the HDS attesting the Applicant's Partnership Type with HDS. The certificate shall also indicate the start of the year when the Applicant started doing business with HDS.
  - 3.1.12 Certification from HDS assuring IOM Ukraine that HDS shall honor and support the contract that the Applicant will eventually sign with IOM Ukraine in the event that IOM Ukraine awards the contract to the Applicant.
  - 3.1.13 If the Applicant is going to engage an HDS partner based in Ukraine to provide the warranty-related services, the following documents shall also be submitted:
    - a. Agreement with the service provider who will provide the warranty-related services in case the Applicant will not provide such service
    - b. HDS partner's certificate from HDS authorizing them to perform warranty-related services
    - c. HDS partner's List of Technical Trainings Availed by Technical Staff (use Annex 4)

- 3.1.14 Business permits/government registration documents shall be in English or Ukrainian. In case the said documents are not in English or Ukrainian, the Applicant shall include the official English translation of the documents.
- 3.1.15 Bank Statement/Certificate or Certificate from a Credit Facility showing the Applicant's financial capacity to implement the supply agreement in the event that they will be awarded the contract. Bank Statement/Certificate or Certificate from a Credit Facility is issued by Bank or Credit Facility (hereinafter – "the Facility") in derived form. It should contain the following information: indication of time when the Applicant started banking with the Facility; general behavior of the Applicant's bank account (i.e., stagnant or active with multiple transactions both deposit and withdrawals every month); if the account is active, what is the average bank balance; existence or absence of debts; ending balance as of 31 January 2017. Information provided in such statement/certificate will solely be used to evaluate the Applicant's financial capacity to implement the project and that all information they will provide are covered by IOM Data Protection Principles and by the Confidentiality and Non-Disclosure Clause of IOM Procurement Policy.
- 3.1.16 Curriculum Vitae, Diploma, training certificates of the engineers and project manager the Applicant shall assign to the project if they will win the bidding
- 3.1.17 Curriculum Vitae of the Applicant's Key Officers listed in the Bidder Prequalification Form with clear indication of their role in the project (Managing director, Technical Director, Sales director, Customers Service director, Logistics director or equivalent positions)
- 3.2 Aside from the documents listed in 3.1 above, the Applicants shall also request at least three (3) of their major clients listed in their Annex 3 submission, to send certification of the Applicant's performance (using the template in Annex 6) directly to IOM. The Applicants shall instruct their clients to send the certification to [iomkiewtenders@iom.int](mailto:iomkiewtenders@iom.int) with subject line, "**Client Reference/UA1-2017-301/Applicant's company name/Client's company name**" with use of English language only and by the template foreseen in Annex 6 to the Instruction only.
- 3.3 Applicants should carefully and fully fill out the Bidder Prequalification Form (Annex 2) and ensure that all required documents stipulated in the said form are prepared and submitted with prequalification application document package.

#### **4. Prequalification Criteria**

- 4.1 Reference to Article 2.1 above, Applicants shall be evaluated following the criteria below:
  - 4.1.1 Valid Business Permits and Tax Registration – 10%
  - 4.1.2 HDS Valid Partner Type Certification – 20%
  - 4.1.3 Business Structure to Ensure Provision of Warranty-related Services – 15%
  - 4.1.4 Experience in Handling Similar Projects – 20%
  - 4.1.5 Financial Stability and Capability to Implement the Project – 25%
  - 4.1.6 Technical and Managerial Capability to Implement the Project – 10%
- 4.2 The detailed sub-criteria under each criterion, including detailed descriptions of the supporting documents required by IOM are contained in the Bidder Prequalification Forms (Annex 2).

- 4.3 Based on the information provided by the Applicants in the Bidder Prequalification Form and the supporting documents the Applicants shall submit, they shall be given scores ranging from 0 (for non-compliance) to 5 (for exceeding the benchmark requirement) in each of the criteria and sub-criteria. Applicants should get a minimum overall weighted score of 2.75 in order to be prequalified.
- 4.4 IOM Ukraine reserves the right not to prequalify any Applicant if in their assessment of the documents submitted and other information IOM Ukraine may be able to source, the Applicant is found not to have met the minimum qualification needed or has not declared truthfully relevant information related to this bidder prequalification process.

## **5. Cost of Preparing and Submitting the Prequalification Application**

- 5.1 The Applicants shall bear the full cost of preparing and submitting all the necessary documents related to this bidder prequalification process. IOM shall not reimburse the Applicants any cost they will incur related to this exercise.

## **6. Clarification of the Prequalification Process**

- 6.1 Applicants may seek clarifications regarding this prequalification process by sending their request for clarification to [iomkievtenders@iom.int](mailto:iomkievtenders@iom.int) with subject line, **“Clarification Request # (indicate request number)/UA1-2017-301/Applicant’s company name”** not later than 17:00 hours – EEST, 6 June 2017. IOM shall post the Clarification Request and its answer in IOM Ukraine’s website without indicating the source of the Clarification Request.

## **7. Language of the Prequalification Process**

- 7.1 The official language of this prequalification exercise shall be **English**. All correspondence and information exchange shall be in English.
- 7.2 All documents are to be submitted in English. However, business permits, registration documents, licenses, etc. issued in Ukrainian language need not be translated into English. In case Applicant’s registration documents are issued in any other language than English or Ukrainian, they should be accompanied with official translation to English.
- 7.3 As IOM sees it necessary, this Instruction, in part or in full, as well as Clarification Requests and IOM’s official answers, may be translated into Ukrainian. In the event that there will be discrepancy between the English and Ukrainian versions of the documents, the English version shall take precedence.

## **8. Submission of the Prequalification Applications**

- 8.1 Applicants based in Kyiv shall submit their Prequalification Applications by depositing the scanned copies of contents of their Prequalification Application Document Package listed in Article 3.1 in OneDrive or Dropbox and email the link to [iomkievtenders@iom.int](mailto:iomkievtenders@iom.int) with subject line, **“Submission of Prequalification Application/UA1-2017-301/Applicant’s company name”** on or before 17:00 hours – EEST, 9 June 2017.

- 8.2 Applicants based in Kyiv shall also place the hard copies of their Prequalification Application Document Package in a sealed envelope marked, “**Prequalification Application/UA1-2017-301/Applicant’s company name**” and submit them on or before 17:00 hours – EEST, 13 June 2017 to:

Bids Evaluation and Awards Committee  
International Organization for Migration Mission in Ukraine  
8 Mykhailivska Street, Kyiv, 01001, Ukraine

- 8.3 Applicants who are not based in Kyiv shall submit their Prequalification Applications by depositing the scanned copies of the contents of their Prequalification Application Document Package listed in Article 3.1 in OneDrive or Dropbox and email the link of the file to [iomkiewtenders@iom.int](mailto:iomkiewtenders@iom.int) with subject line, “**Submission of Prequalification Application/UA1-2016-301/Applicant’s company name**” on or before 17:00 hours – EEST, 9 June 2017. The hard copies of their Prequalification Application Document Package shall be sent by courier to the Bids Evaluation and Awards Committee at the address indicated in Article 8.2 above. The couriered Prequalification Application Document Package should be received by IOM Ukraine not later than 17:00 hours – EEST, 15 June 2017.
- 8.4 The actual date and time stamp of IOM Ukraine’s server shall be the official basis of determining the actual date and time of the receipt of the submission of the link containing the Applicants’ Prequalification Application Document Package.
- 8.5 The date for the submission of the hard copies of the Application Document Package indicated in Articles 8.2 and 8.3 above are intentional. It is meant to provide reasonable postage or courier time allowance for the application documents shall reach the IOM Ukraine office.
- 8.6 IOM Ukraine shall use the soft copies of the documents submitted by the Applicants as the basis for the prequalification review. In case of discrepancies in the information contained in the soft copies and the hard copies submitted by the Applicant, the information contained in the soft copy shall prevail.
- 8.7 IOM reserves the right to reject any or all Prequalification Applications received after the deadlines for the submission of the softcopies and hard copies of the Application Documents Package defined in Articles 8.2 and 8.3.

## **9. Notification of the Result of the Bidder Prequalification Process**

- 9.1 IOM Ukraine’s Bids Evaluation and Awards Committee shall inform Applicants of the result of their application not later than 19 June 2017.
- 9.2 Prequalified Applicants shall be sent the Bidding Document Package within 24 hours upon receipt of confirmation of Applicant’s intention to participate in the bidding exercise with Letter of Confirmation signed by official representative and stamped with official stamp of the Applicant’s company, using the IOM template.

## **10. Venue for Addressing Applicant’s Complaints**

- 10.1 Applicants who may have complaints about the conduct of this bidder prequalification process may refer their complaints to IOM Ukraine at [iomkiewtenders@iom.int](mailto:iomkiewtenders@iom.int) with

subject line, “**Complaint # (assign the complaint #)/UA1-2017-301/Applicant’s company name**”. IOM Ukraine shall do its best to address the complaint of the Applicant within the earliest possible time.

- 10.2 In case the Applicant’s complaint is not satisfactorily addressed, the Applicant may elevate the complaint to IOM’s Global Procurement and Supply Unit at [gpsu@iom.int](mailto:gpsu@iom.int) with the same subject line used when the Applicant first referred their complaint to IOM Ukraine.

**Bids Evaluation and Awards Committee**  
**IOM Ukraine**