

**STANDARD BIDDING DOCUMENT FOR
TRAINING ON LEGISLATION DRAFTING**



**DOMESTIC TENDER
ZIMRA NCB25/2024**

**PROCUREMENT REFERENCE NUMBER: DOMESTIC TENDER ZIMRA
NCB25/2024**

PROCURING ENTITY: ZIMBABWE REVENUE AUTHORITY

ISSUE DATE: 05 JULY 2024

CLOSING DATE: 02 AUGUST 2024

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PART 1: BIDDING PROCEDURES

References:

References to the Act are to the Public Procurement and Disposal of Public Assets Act [*Chapter 22:23*] and references to the Regulations are to the Public Procurement and Disposal of Public Assets (General) Regulations (Statutory Instrument No. 5 of 2018). The terms and requirements in the Act and Regulations govern the submission of Bids and should be read by all Bidders.

Procurement Reference Number: ZIMRA NCB25/2024

Preparation of Bids

You are requested to submit a bid document for the *Legislation Drafting* as specified in the Statement of Requirements below, by completing and returning the following documentation:

1. The Bid Submission Sheet in this Part;
2. The Statement of Requirements in Part 2;
3. A copy of every document necessary to demonstrate eligibility in terms of section 28 (1) of the Regulations;
4. Proof of supplier registration with the Procurement Regulatory Authority of Zimbabwe (PRAZ) in the category of Insurance
5. Endorse PRAZ Registration Number and Verification Code Number on Cover page of the Original and Copy bid documents.
6. A copy of CR 5, CR6 and a Certificate of Incorporation or equivalent documents
7. A valid Tax Clearance Certificate (ITF 263)
8. A copy of your company profile
9. At least three (3) signed reference letters on company letter heads from whom you have rendered such a service excluding Zimbabwe Revenue Authority (ZIMRA) if you have supplied services before.
10. The standard forms in this document may be retyped for completion but the Bidder is responsible for their accurate reproduction. All pages of the Bid must be clearly marked with the Procurement Reference Number above and the Bidder's name and any reference number.
- 11. Number of bids allowed**
12. No Bidder may submit more than one bid, either individually or as a joint venture partner in another Bid, except as a subcontractor. Where the procurement is divided into lots and packages, only one Bid can be submitted. A conflict of interest will be deemed to arise if bids are received from more than one Bidder owned, directly or indirectly, by the same person.

Clarification

Clarification of the bidding document may be requested in writing on or before **22 July 2024**. The responses will be given on or before **30 July 2024**.

Queries should be addressed to:

**Director Procurement
Zimbabwe Revenue Authority (ZIMRA)
10th Floor, ZB Centre
Cnr Kwame Nkrumah / First Street
Harare, Zimbabwe.**

Evaluation criteria

1. Eligibility and Qualification Criteria

Evaluation Parameter	Compliant /Non - Compliant
Suppliers/Service providers must be registered with the Procurement Regulatory Authority of Zimbabwe (PRAZ) for this particular Category Legislation Drafting and proof of registration must be submitted with the bid.	
A valid Tax Clearance Certificate (ITF 263)	
A valid NSSA Certificate Optional	
A copy of CR 5, CR6 and a Certificate of Incorporation or equivalent documents	

2. Administrative Evaluation

Evaluation Parameter	Compliant /Non - Compliant
Bid validity of 120 days	
The Bid Submission Sheet in this Part; signed (pg. 9)	
The Statement of Requirements in Part 2 (pg. 11)	
Bid Securing Declaration (pg. 14)	
Bidders to state Payment Terms	
A copy of your company profile	
At least three (3) reference letters showing experiences in Legislation Drafting	

3. Technical Evaluation

Evaluation Parameter	Compliant /Non - Compliant
Provide Legislative Training Material for retention by the participants.	
Provide the Legislative Training Sessions in accordance with the course outline approved by the Division.	
Submit a detailed written report on the Legislative Training Assignment within two (2) weeks from the date of completion of the training	

NOTE: your Cover Page should have the following information:

1. Name of bidder (your organisation)
2. Number of copies submitted
3. Tender Price
4. Reference-point person from your organisation with his/her Direct Line, Cell and e-mail address.

Pre-bid meeting

There is no pre-bid meeting for this tender, however, ZIMRA may request an on-line meeting through MS Teams hence send us your contact person.

Validity of Bids

The minimum period for which the Bidder's bid must remain valid is **120 days** from the deadline for the submission of bids.

Submission of Bids

Bids must be submitted in writing in a sealed envelope to the address below, not later than the date and time of the deadline stated below. It is the Bidder's responsibility to ensure that they record their tenders in the Tender Register provided with correct details of the Bidder and the number of the Bid.

The Bidder must mark the envelope with the Bidder's name and address and the Procurement Reference Number.

Bids should be submitted in triplicate with one (1) original copy marked "ORIGINAL" and two (2) copies each marked "COPY" All 3 copies should be in sealed envelopes clearly marked with the details of the tender, and should be deposited in a tender box situated at the below address. In the event of any discrepancy between the original and the copies, the original will prevail.

Late bids will be rejected. The Procuring Entity reserves the right to extend the bid submission deadline but will notify all potential bidders who have collected the bidding documents of the amended bid submission deadline.

Date of deadline:	02 August 2024	Deadline Time:	1000Hours CAT
Submission address:	Zimbabwe Revenue Authority 10th Floor, ZB Centre Cnr Kwame Nkrumah / First Street Harare; Zimbabwe		
Means of acceptance:	Bids in the sealed envelopes shall be deposited in a tender box situated at the above address. All the bidders should record their bids in the tender submission register situated thereto in the format prescribed in the register.		

Bid Prices and Discounts

The prices and discounts quoted by the Bidder in the Bid Submission Form and in the Price Schedules must conform to the requirements specified below.

Prices must be quoted as specified in the **Price Schedule included in Part 2 Statement of Requirements**. In quoting prices, the Bidder is free to use transportation through carriers registered in any eligible country and similarly may obtain insurance services from any eligible country. Prices quoted must include the following costs and components:

- (a) For Goods
 - (i) the price of the Goods and the cost of delivery to the final destination, including the relevant INCOTERM, as stated in the Delivery Schedule;

- (ii) the custom duties to be paid on the Goods on entry in Zimbabwe, if not already included;
 - (iii) Any other applicable import taxes;
 - (iv) any VAT and other taxes due within Zimbabwe which will be payable on the Goods, if not already included;
 - (v) any rebate or mark-up of the local agent or representative.
- (b) for Related Services, (other than inland transportation and other services required to convey the Goods to their final destination), whenever such Related Services are specified in the Schedule of Requirements – the price of each item comprising the Related Services (inclusive of any applicable taxes).

Evaluation of Bids

Bids will be evaluated using the following methodology:

1. **Preliminary examination** to confirm that all documents required have been provided, to confirm the eligibility of Bidders in terms of section 28 (1) of the Regulations and to confirm that the Bid is administratively compliant in terms of section 28 (2) of the Regulations.
2. **Technical evaluation** to determine substantial responsiveness to the specifications in the Statement of Requirements;
3. **Financial evaluation** and comparison to determine the evaluated price of bids and to determine the lowest evaluated bid.

****BIDS FAILING ANY STAGE WILL NOT BE CONSIDERED IN SUBSEQUENT STAGES.***

Evaluation criteria

The Procuring Entity's evaluation of a Bid will take into account, in addition to the Bid Price, the following criteria and methodologies.

- (a) **Delivery schedule:** The specified Goods are required to be delivered by the date indicated in the Delivery Schedule in Part 2. Bids offering delivery after the date shall be treated as non-responsive.
- (b) **Deviation in payment schedule:** The payment schedule is stated in the Special Conditions of Contract (SCC) in Part 3. A Bidder may propose a deviation from the schedule and if the deviation is considered acceptable to the Procuring Entity, the Bid will be evaluated by calculating interest earned for any earlier payments involved in the terms outlined in the Bid as compared with those stipulated in the SCC, at the rate of interest indicated by the Reserve Bank of Zimbabwe on the closing date for submission of bids.

Eligibility and qualification requirements

Bidders are required to meet the criteria in section 28 of the Act and section 28 (1) of the Regulations to be eligible to participate in public procurement and to be qualified for the proposed Contract.

1. have the legal capacity to enter into a contract;
2. not be insolvent, in receivership, bankrupt or being wound up, not have had business activities suspended and not be the subject of legal proceedings for any of these circumstances;
3. not have a conflict of interest in relation to this procurement requirement;
4. have the nationality of an eligible country as specified in the Special Conditions of Contract; and

5. In addition to these eligibility requirements, Bidders must demonstrate that they have the qualifications, resources and experience to perform the contract to satisfactory standards, as indicated in the Statement of Requirements.
6. have the nationality of an eligible country as specified in the Special Conditions of Contract; and
7. Have been registered with the Authority as a Supplier and have paid the applicable Supplier Registration Fee set out in Part III of the Fifth Schedule to the Regulations.

Participation in this bidding procedure is open to Zimbabwean bidders

Origin of Goods

All goods and related services must have as their country of origin an eligible country, as specified in the Special Conditions of Contract.

Technical Criteria

The Technical Specifications Sheet details the minimum specification of the goods required. The goods offered must meet this specification, but no credit will be given for exceeding the specification. No alternatives to technical specifications given shall be accepted for evaluation.

Currency

Bids should be priced in United States Dollars (US\$). The currency of evaluation is the *United States Dollars* and the currency of payment will be the Zimbabwean Gold (ZiGS) at the prevailing Interbank rate.

Award of Contract

The lowest evaluated bid, after application of any additional evaluation criteria, including any margin of preference, which is substantially responsive to the requirements of this bidding document will be recommended for award of contract. The proposed award of contract will be by issue of a Notification of Contract Award in terms of section 55 of the Act which will be effective until signature of the contract documents in accordance with Part 3: Contract. Unsuccessful Bidders will receive the Notification of Contract Award and, if they consider they have suffered prejudice from the process, they may within 14 days of receiving this Notification, submit to the Procuring Entity a Challenge in terms of section 73 of the Act, subject to payment of the applicable fee set out in section 44 of and the Third Schedule to the Regulations.

Right to Reject

The Procuring Entity reserves the right to accept or reject any Bids or to cancel the procurement process and reject all Bids at any time prior to contract award.

Corrupt Practices

The Government of Zimbabwe requires that Procuring Entities, as well as Bidders and Contractors, observe the highest standard of ethics during the procurement and execution of contracts. In pursuit of this policy:

1. the Procuring Entity will reject a recommendation for award if it determines that the Bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for the Contract or been declared ineligible to be awarded a procurement contract under section 99 of the Act;
2. the Authority may under section 72 (6) of the Act impose the sanctions under section 74 (1) of the Regulations; and
3. Any conflict of interest on the part of the Bidder must be declared.

Bid opening: Bidders are free to witness the bid opening.

Withdrawal, amendment or modification of Bids

A Bidder may withdraw, substitute, or modify its Bid after it has been submitted by sending a written notice, duly signed by an authorized representative. However, 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 or any extension of that period.

Delivery Requirements

The delivery period required (from the date of contract signing) and the final destination for delivery are as indicated in the Delivery Schedule in Part 2.

Bid Submission Sheet

{Note to Bidders: Complete this form with all the requested details and submit it. Attach the completed Statement of Requirements and any other documents requested in Part 1. Ensure that your Bid is authorised in the signature block below. A signature and authorisation on this form will confirm that the terms and conditions of this Bid prevail over any attachments. If your Bid is not authorised, it may be rejected. If the Bidder is a Joint Venture (JV), the Bid must be signed by an authorized representative of the JV on behalf of the JV, and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives.

Bidders must mark as "CONFIDENTIAL" information in their Bids which is confidential to their business. This may include proprietary information, trade secrets or commercial or financially sensitive information}.

Procurement Reference Number:

Subject of Procurement:

Name of Bidder:

Bidder's Reference Number:

Date of Bid:

We offer to supply the items listed in the attached Statement of Requirements, at the prices indicated on the attached Price Schedule and in accordance with the terms and conditions stated in your Bidding Document referenced above.

We confirm that we meet the eligibility criteria specified in Part 1: Procedures of Bidding.

We declare that we are not debarred from bidding and that the documents we submit are true and correct.

The validity period of our bid is: {Days} from the date of submission.

We confirm that the prices quoted in the attached Price Schedule are fixed and firm for the duration of the validity period and will not be subject to revision, variation or adjustment.

Bid Authorised by:

Signature	Name:
Position:	Date:(DD/MM/YY)

Authorised for and on behalf of:
Company
Address:
.....

PART 2: STATEMENT OF REQUIREMENTS

Name of Bidder:

Bidder's Reference Number:

List of Goods and Price Schedule

Currency of Bid: US\$.....

QTY	Description of Goods	Sum Insured (USD) Exch. Rate of ...dated...	Total Price Inclusive of Taxes	Total Price Inclusive Taxes (USD)
1.	Legislation Drafting		[to be provided by the Bidder]	[to be provided by the Bidder]
2.	A detailed written report on the legislative training assignment within two (2) weeks			

Note 1: The bid should be priced in both ZiG/United States Dollars (US\$).

Note 2: Price to include any additional costs as below:

1. Transport
2. Accommodation and other related expenses

Delivery Schedule

Name of Bidder:

Bidder's Reference Number:

{Note to Bidders: If the delivery period offered, or any other details, differ from the requirements below, this should be stated in your tender}.

Expected delivery period

The delivery period required is measured from the date of the signing of the Contract between the Procuring Entity and the Bidder.

<p>a) The site for delivery of the goods/service or the system is:</p> <p>or</p> <p>b) The one mentioned in contract</p>	<p><i>Zimbabwe Revenue Authority Central Stores</i></p> <p><i>ZB Centre</i></p> <p><i>59 Kwame Nkrumah</i></p> <p><i>Harare</i></p>
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Technical Specification and Compliance Sheet

Name of Bidder:

Bidder's Reference Number:

The Services/Goods must comply with following Technical Specifications and Standards:

[Columns a and b are completed by the Procuring Entity. Column c must be completed by the Bidder to indicate the full specification of the items offered and their compliance with the specification required (in Column b)]

PROCUREMENT REFERENCE NO: ZIMRA BIC004/2024: BIDDING PROCEDURES

PART 3 CONTRACT

NCB25/2024

<i>Item No</i>	<i>a</i> <i>Item description and full technical Specification required (including applicable standards)</i>	<i>B</i> <i>Item description and full technical Specification required (including applicable standards)</i>	<i>c</i> <i>{Confirm full specification of items offered and compliance of items to detail in column b}</i>
	<ol style="list-style-type: none"> 1) Submit for ZIMRA's approval, the training course Outline at least ten days before the commencement of the proposed training dates. The Division will review and approve the course outline before the training commences; 2) Prepare modules and other course material relating to course objectives, in accordance with the approved training course outline for distribution to the participants; 3) Ensure that participants complete the Course Registration form and Attendance Register which will be furnished by the Division. 4) Deliver the legislative training within a reasonable period agreed between the facilitator and Division. 	<ol style="list-style-type: none"> 1) Submit for ZIMRA's approval, the training course outline at least ten days before the commencement of the proposed training dates. The Division will review and approve the course outline before the training commences; 2) Prepare modules and other course material relating to course objectives, in accordance with the approved training course outline for distribution to the participants 3) Ensure that participants complete the Course Registration form and Attendance Register which will be furnished by the Division. 4) Deliver the legislative training within a reasonable period agreed between the facilitator and Division. 	

The detailed technical evaluation will examine the technical specification of the items offered in column c and determine whether this meets the minimum specification in column b. Bidders must complete column c. Bidders are required to include technical literature to positively support the details provided in column b.

Declaration by the Accounting Officer

I declare that the procurement is based on neutral and fair technical requirements and bidder qualifications.

B.D. Chasirwa

17/4/2024

Bid-Securing Declaration

{The Bidder must fill in this Form in accordance with the instructions indicated, where it has been stated in the Bidding Procedures that a Bid-Securing Declaration is a requirement of bidding}.

Procurement Reference number:

Date:[date (in day, month and year format)]

Bidder's Reference Number:

To: *{full name of Procuring Entity}*

We, the undersigned, declare that:

We understand that, according to the terms and conditions of your bidding documents, bids must be supported by a Bid-Securing Declaration.

We accept that we may be debarred from bidding for any contract with a Procuring Entity in Zimbabwe for a period of time to be determined by the Authority, if we are in breach of our obligation(s) under the bidding conditions, because:

- (a) We have withdrawn our Bid during the period of Bid validity; or
- (b) Having been notified of the acceptance of our Bid by the Procuring Entity during the period of bid validity, we fail or refuse to execute the Contract.

We understand this Bid Securing Declaration will expire if we are not the successful Bidder, either when we receive your notification to us of the name of the successful Bidder, or twenty-eight days after the expiration of our Bid, whichever is the earlier.

Signed	Name:
In capacity of:	Date:(DD/MM/YY)
Duly authorised for and on behalf of:	
Company	
Address:	
.....	
Corporate Seal (where appropriate)	

{Note: In case of a Joint Venture, the Bid Securing Declaration must be in the name of all the partners to the Joint Venture that submits the Bid.}

PART 3 CONTRACT

Contract Agreement

Procurement Reference: ZIMRA NCB25/2024/2024

THIS CONTRACT AGREEMENT is made on the *[insert: date]* day of *[insert: month]*, *[insert: year]*.

BETWEEN

- (1) *[insert complete name of Procuring Entity]*, a *[insert description of type of legal entity, for example, an agency of the Ministry of ... of the Government of Zimbabwe, or corporation incorporated under the laws of Zimbabwe]* and having its principal place of business at *[insert full postal address of Procuring Entity]* (hereinafter called “the Procuring Entity”), and
- (2) *[insert name of Contractor]*, a corporation incorporated under the laws of *[insert: country of Contractor]* and having its principal place of business at *[insert full postal address of Contractor]* (hereinafter called “the Contractor”).

WHEREAS the Procuring Entity invited Bids for certain Goods and ancillary services, viz., *[insert brief description of Goods and Services]* and has accepted a Bid by the Contractor for the supply of those Goods and Services in the sum of *[insert Contract Price in words and figures, expressed in the Contract currency]* (hereinafter called “the Contract Price”).

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement words and expressions shall have the same meanings as are assigned to them in the General and Special Conditions of Contract referred to below.
2. The following documents shall constitute the Contract between the Procuring Entity and the Contractor, and each shall be read and construed as an integral part of the Contract:
 - (a) This Contract Agreement;
 - (b) Special Conditions of Contract;
 - (c) General Conditions of Contract;
 - (d) Technical Requirements (including Schedule of Requirements and Technical Specifications);
 - (e) The Contractor’s Bid, original Price Schedules and Delivery Schedule;
 - (f) The Procuring Entity’s Notification of Contract Award;
 - (g) *[Add here any other document(s)]*.
3. This Contract Agreement shall prevail over all other Contract Documents. In the event of any discrepancy or inconsistency within the Contract Documents, then the documents shall prevail in the order listed above.

PART 3 CONTRACT

4. In consideration of the payments to be made by the Procuring Entity to the Contractor as mentioned below, the Contractor hereby agrees with the Procuring Entity to provide the Goods and Services and to remedy any defects in them in conformity with the Contract.
5. The Procuring Entity hereby agrees to pay the Contractor in consideration of the provision of the Goods and Services and the remedying of any defects in them, the Contract Price or such other sum as may become payable under the Contract at the times and in the manner prescribed by the Contract.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed in accordance with the laws of Zimbabwe on the day, month and year indicated above.

For and on behalf of the Procuring Entity

Signed:
Name:
In the capacity of: <i>[Title or other appropriate designation]</i>

For and on behalf of the Contractor

Signed:
Name:
In the capacity of: <i>[Title or other appropriate designation]</i>

General Conditions of Contract

Any resulting contract is subject to the Zimbabwe General Conditions of Contract (GCC) for the Procurement of Goods (copy available on request) except where modified by the Special Conditions below.

Special Conditions of Contract

Procurement Reference Number... **NCB25/20243**

The clause numbers given in the first column correspond with the relevant clause number of the General Conditions of Contract.



TERMS OF REFERENCE

Procurement of the services of a Facilitator(s) to train the Zimbabwe Revenue Authority (ZIMRA) Legal Services Division staff in Legislative Drafting.

1. Background

ZIMRA's Legal Services Division ("the Division") has the following responsibilities amongst others: drafting subsidiary legislation, assisting in the drafting of primary legislation and drafting contracts and other legal documents that bind or govern the Authority in various engagements and relationships with third parties. Legal drafting is therefore one of the key components of the functions of the Division and it is against this background that a need to enhance the drafting skills of the Division's personnel was identified.

2. Objectives

ZIMRA is seeking the services of adequately skilled and appropriately experienced facilitators (legal practitioners or other knowledgeable persons) to provide legislative drafting training to all 17 of its legal practitioners in the Division.

It is expected that at the end of the legislative drafting training, the Division's legal practitioners should be able to:

- i) Appreciate Zimbabwe's legislative drafting process and framework in comparison to regional and international benchmarks;
- ii) apply best practice drafting techniques and principles to produce draft primary and subsidiary legislation of a high technical standard; and
- iii) appreciate developments in the area of legislative drafting in both primary and subsidiary legislation.

3. Tasks and Responsibilities

Having regard to the objectives above the facilitator(s) shall:-

- i) Submit for ZIMRA's approval, the training course outline at least ten days before the commencement of the proposed training dates. The Division will review and approve the course outline before the training commences;
- ii) Prepare modules and other course material relating to course objectives, in accordance with the approved training course outline for distribution to the participants;
- iii) Ensure that participants complete the Course Registration form and Attendance Register which will be furnished by the Division.
- iv) Deliver the legislative training within a reasonable period agreed between the facilitator and Division. The proposed duration of the training will be considered as part of the review of the course content referred to in (i) above.

4. Deliverables

The Facilitator(s) will be expected to deliver the following outputs in their provision of the legislative drafting training under this assignment:

- i) The legislative training material for retention by the participants.
- ii) The legislative training sessions in accordance with the course outline approved by the Division.
- iii) A detailed written report on the legislative training assignment within two (2) weeks from the date of completion of the training.

5. Time-frame

It is expected that the facilitator will provide for the amount of time that they believe will be sufficient to deliver on the stated mandate. The specific dates for the delivery of the trainings will be discussed with the facilitator(s). The training is expected to be done on or before 29 February 2024. ***Dates will be advised.