

Republic of Sierra Leone

Procurement of Small Works User Guide

Preface

The Standard Bidding Document for the **Procurement of Small Works** is to be used for the procurement of works with a value of between Leones 25 million to 150 million under Restricted Bidding procedures.

This Standard Bidding Document may be used for both admeasurements (unit prices or unit rates in a bill of quantities) and lump sum types of Contract. Lump sum contracts are used in particular for buildings and other forms of construction where the Works are well defined and are unlikely to change in quantity or specification, and where encountering difficult or unforeseen site conditions (for example, hidden foundation problems) is unlikely. The main text refers to admeasurement contracts. **Alternative clauses or texts are supplied for use with lump sum contracts.**

The relevance of the wording in the Bidding Document must be checked against the requirements of the specific Works to be procured. The following general directions should be observed when using the Bidding Document.

- (a) The front cover page should be completed with the name of the Procuring Entity, the title of the contract, the Procurement Number and the date of issue.
- (b) Specific details, such as the “name of the Employer” and “address for bid submission,” must be completed in Section I – Request for Bids, in Section II – Statement of Requirements, and in Section IV – Contract. The final documents should contain neither blank spaces nor options.

- (c) Notes in italics in the Bidding Document are not part of the text of the document to be issued, although they contain instructions that should be strictly followed during preparation.
- (f) Clauses included in the User Guide for the Contract Data are given to illustrate the clauses that should be drafted specifically for each procurement.

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Section I. Request for Bids

Notes on the Request for Bids

The Request for Bids shall be issued to a shortlist of three to six pre-qualified bidders in the form of a letter on letterhead paper of the Procuring Entity.

The Request for Bids provides information to enable potential bidders to decide whether to participate in the bidding. Apart from the essential items listed in the draft format supplied, the Request for Bids should also indicate any important bid evaluation criteria, or qualification requirements (for example, a requirement for the bidder to have a minimum level of experience in construction of similar works).

Step-by-Step Preparation of the Request for Bids

The draft format in the Standard Bidding Document can only provide an outline basis for preparation of an appropriate invitation, and is given to illustrate the general format of an invitation and the major features to be included:

- Name and Address of Bidder:** Insert the details of the individual bidder
- Procurement Number:** Insert the standard identifying number for this procurement;
- Date:** Insert the date of the letter;
- Subject of Procurement:** Insert the Subject of Procurement (e.g. *“Refurbishing and reconstruction of stores office roof at Bo Police Station.”*);
- Address:** Complete with full contact information.

Section II. Bidding Procedures

Notes on the Bidding Procedures

The Bidding Procedures give the information necessary for bidders to prepare bids which are responsive to the requirements of the Employer. Detailed information is provided on bid submission, bid opening, the bid evaluation procedures to be used, and on the process of contract award. Note that the Bidding Procedures will not form part of any eventual contract.

The Employer must specify in the Bidding Procedures all required information regarding the Employer, the processing of the procurement, the applicable rules for the bid price and currency, and the bid evaluation criteria that will apply to the bids.

Step-by-Step Preparation of the Bidding Procedures

Each clause of the Request to Bid should be checked to ensure that all required data is entered in the Bidding Procedures, and that the text is appropriate for the specific requirement. Additional information or requirements to supplement or modify the standard terms of the Bidding Procedures should be added.

Any text within in square brackets [] in this User Guide, or in the Standard Bidding Document, indicates an instruction to enter the appropriate information.

Action:

Procurement Reference Number: Insert the Procurement Number.

Documents evidencing eligibility: Insert a list of all documents required to show eligibility for award of the contract.

Other Requirements: Insert a list of other requirements such as confirmed availability of specialist staff and equipment.

Validity of Bids: Enter the required period for validity of bids.

Submission of Bids: Complete the information for submission of bids including the date and time for bid submission and the address to which bids are to be submitted.

Eligibility Criteria: Insert under paragraph 5 the required Contractor Classification.

Documents Evidencing Eligibility: Insert after paragraph 4 any other documentary evidence required to be submitted.

Bid Submission Sheet

Notes on the Bid Submission Sheet

No action is required by the Employer on the Bid Submission Sheet.

The Bidder is required to complete, sign and submit the Bid Submission Sheet as the first page of the bid in accordance with the requirements included in the bidding document.

Section III: Statement of Requirements

Scope of Works

Procurement Reference Number: Insert the Procurement Number.

Brief Description of Works: Provide essential descriptive information on the requirement and scope of the works.

Location of Works: Insert detailed location of the site of works.

Commencement and Completion Periods Required: Indicate the planned target dates for commencement and for completion of the works.

Specifications and Drawings:

List the Technical Specifications and Drawings which describe the detail of the works to be performed and attach these to the Bidding Document.

Bill of Quantities/Schedule of Activities:

Select only one of these two options depending on whether a Unit Priced Contract or a Lump Sum Contract is required. Delete the unused option before issue of the Bidding Document.

Enter the Procurement Number, the Item Number, the Item Description, Quantity and Unit of Measure for the Bill of Quantities, **or** the Procurement Number, the Item Number, Description of each Activity for the Schedule of Activities.

The bidder will price and sign the form and return as the second part of his bid.

Section IV: Form of Contract

Action following award of contract:

Assemble all required documents which form a part of the Agreement as listed in the Form of Agreement, and prepare four sets of all documents for signature by both parties to the contract.

Ensure that all agreements between the Employer and the Contractor are accurately reflected in the Contract Data and that all attachments and appendices forming part of the contract are complete.

The **Form of Agreement**, when it is finalised after contract award, will incorporate any corrections or modifications to the accepted bid resulting from price corrections. The Bill of Quantities or Activity Schedule which forms part of the contract will be modified accordingly.

Complete the Form of Agreement entering in the appropriate spaces as follows:

- the date of agreement;
- the name and address of the Employer;
- the name and address of the Contractor;
- the name and Procurement Number of the contract.

For Article 2.(g), delete “Activity Schedule” for a Unit Price Contract, **or** delete “Bill of Quantities” if this is to be a Lump Sum contract.

Article 4: Insert the Contract Price in numbers and in words.

Section V: Conditions of Contract

The Conditions of Contract in Section V, when read together with the Contract Data in Section VI and other documents listed therein, should be a complete document expressing all the rights and obligations of the parties to the contract.

The Conditions of Contract should not be altered. Any changes and complementary information which may be needed, shall be introduced only through the Contract Data in Section VI.

It is important that all persons involved in the preparation of bidding documents are fully aware of the provisions and wording of the Conditions of Contract so that any necessary modifications to the clauses in the Conditions of Contract and the entry of the additional information required in the Contract Data can be completed quickly for each procurement.

Section VI: Contract Data

The clauses in the Contract Data are intended to provide contract-specific information in relation to corresponding clauses in the Conditions of Contract.

Step-by-Step Preparation of the Contract Data

Each clause of the Conditions of Contract should be checked to ensure that information required in the Contract Data is recorded and that the text is appropriate to the specific contract. Where the text of the Conditions of Contract needs to be expanded, modified or even deleted, this can only be done through the Contract Data.

The text of the clauses in the Conditions of Contract indicates some of the essential data and additional information required in the Contract Data. Where additional detail to supplement or modify the clauses of the Conditions of Contract is required, this should be added in the Contract Data. If any Clause or Sub-Clause in the Conditions of Contract is not required, this may be removed by entry of the Conditions of Contract Clause number and the words “*Not Applicable*” in the Contract Data.

Text within in square brackets [] indicates further guidance or an instruction to be completed with the appropriate information.

Most of the information required in the Contract Data should be entered before issue of the bidding document. However, information such as the name of the Contractor, and other details agreed with the winning bidder, can only be completed after approval of the contract award.

Action:

CC Clause 1.1: Insert in the Contract Data the following **Definitions:**

*“Employer: The Employer is _____
_____ [insert full name and address of Procuring Entity].”*

*“Project Manager: The Project Manager is _____
_____ [insert full name and address]”*

*“Contract: The Name and Procurement Number of the Contract are _____
_____ [Name and number of Contract].”*

“Works: The Works consist of: _____ [insert a brief summary description of the Works as indicated in the Request for Bids, including relationship to other contracts under the project].”

“Start Date: The Start Date shall be _____ [insert date]”

“Required Completion Date: The Required Completion Date shall be _____ [insert date].” [If different dates are specified for completion of the Works by section (“sectional completion”), these dates should be listed here.]

“Site: The Site is located at _____ [insert location address] and is defined in drawing Nos. _____ [insert drawing numbers] attached.”

CC Clause 1.2: Insert the type of contract either “CC Clause 1.2: This contract shall be a Unit Priced Contract based on Priced Bills of Quantities.” or “CC Clause 1.2: This contract shall be a Lump Sum Contract based on a priced Activity Schedule.”

CC Clause 5.1: If applicable, confirm that the Schedule of Key Personnel forms part of the Contract. “CC 5.1: The Schedule of Key Personnel forms part of the Contract.”

CC Clause 7.1: Insert the minimum insurance cover required for each category of risk to be borne by the Contractor.

“CC Clause 7.1: The minimum insurance covers shall be:

- (a) The minimum insurance cover for the loss of or damage to the Works, Equipment, Plant and Materials shall be _____ [amount in Leones and an equivalent in a foreign currency, usually 110% of the value of the Works], with a maximum deductible of _____ [insert amount in Leones and an equivalent in a foreign currency]
- (b) The minimum insurance cover for loss of or damage to property (except the Works, Plant, Materials and Equipment) is _____ [amount in Leones and an equivalent in a foreign currency] with a maximum deductible of _____ [insert amount in Leones and an equivalent in a foreign currency]
- (c) The minimum insurance cover for personal injury or death and Third Party Liability is [amount in Leones and an equivalent in a foreign currency] with no deductible.

CC Clause 11.1: Insert the required timing for the submission of a revised program “CC Clause 11.1: The Contractor shall submit a revised program for the Works within _____ [number of days] days following signature of the Agreement. The period between Program updates shall be _____ [number of days] days.”

CC Clause 15.1: Enter the Defects Liability Period in the Contract Data “CC Clause 15.1: The Defects Liability Period is _____ [number of days] days.”

CC Clause 17: In the case of Lump Sum Contracts, Clause 17 shall be replaced by the following new clause 17 as follows: “CC 17: Activity Schedule

17.1 The Contractor shall provide updated Activity Schedules within 14 days of being instructed by the Employer. The activities on the Activity Schedule shall be co-ordinated with the activities on the Program.

17.2 *The Contractor shall allow delivery of Materials to the site separately on the Activity Schedule if Payment for Materials on site shall be made separately.*”

CC Clause 18.1: In the case of lump sum contracts, Clause 18.1 shall be replaced by the following new Clause 18.1 as follows:

“CC 18.1: The Activity Schedule shall be amended by the Contractor to accommodate changes of program or method or working made at the Contractor’s own discretion. Prices in the Activity Schedule shall not be altered when the Contractor made such changes to the Activity Schedule.”

CC Clause 19.4: In the case of lump sum contracts, Clause 19.4 is replaced as follows:

“CC 19.4: The value of work executed shall comprise the value of completed activities in the Activity Schedule.”

CC Clause 21.1 (a): Insert the Site Possession Date. *“CC Clause 21.1 (a): The Site Possession Date shall be _____ [date].*

CC Clause 21.1 (g): Insert any additional Compensation Events which may be specific to this contract. *“CC Clause 21.1 (g) The following events shall also be Compensation Events: [list events]”*

CC Clause 23.1: Insert the rate and maximum total of Liquidated Damages *“CC Clause 23.1 Liquidated damages for the whole of the Works shall be _____ [percentage] of the final Contract Price per day.*

The maximum amount of liquidated damages for the whole of the Works shall be _____ [percent] percent of the final Contract Price.”

CC Clause 24.1: The amount of any Advance Payment cannot be entered before issue of the bidding document, but must be completed for the amount requested by the Contractor before the Letter of Acceptance is issued. *“CC Clause 24.1: The Advance Payment will be _____ [insert amount or as a percentage of the Initial Contract value].”*

CC Clause 25.1: Insert details of the amounts to be withheld from payments as retention money *“CC Clause 25.1: The amount of retention money will be _____ [percent] percent of each payment due to the Contractor up to the maximum of _____ [percent] percent of the total contract amount.”*

CC Clause 31.1: Insert the percentage to apply to the value of works uncompleted on termination of the contract to represent the additional cost to the Employer of completing the Works. *“CC Clause 31.1: The percentage to apply to the value of the work not completed, representing the Employer’s additional cost for completing the Works, is _____ [percent].”*

CC Clause 34.1: Dependant on whether arbitration is going to be used or not used retain one of the two sentences provided and delete whichever sentence is not required

Section VII. Bank Guarantee Form for Advance Payment

A sample of an acceptable form of Bank Guarantee for Advance Payment is provided in the bidding document.

The Bank Guarantee Form for Advance Payment should not be completed by the bidders at the time of their bid preparation. Only the successful Bidder will be required to provide the bank guarantee for advance payment in accordance with the format indicated.