

**DESCRIPTION OF FORMS USED IN TENDER FORMS (RETURNABLE DOCUMENTS)**

**The Tender Documentation**

**Front Cover Sheet** of the Tender Document; gives details of the contract (Name & Address of the Procuring Entity, Contract.

**Volume 1 Cover Sheet**; used in all tender documents.

T1.1 **Tender Notice & Invitation to Tender**; used in all formal tender documents as an official notification that alerts prospective Bidders of the proposed tender. The document outlines the requirements (what the procurement intends to achieve) and eligibility criteria (for tendering and award of the tender) as well as specifying where the actual tender documents can be collected and the conditions of collecting such documents.

T1.2 **Tender Data**; used in all tender documents to specify applicable Standardized and Specific Conditions of the particular tender (Submission of bids, Supplier and Requirements Selection Process). Failure to follow the instructions may mean the bid is rejected and /or not evaluated with no possibility of award part or whole tender.

**Volume 2 Cover Sheet**; used in all tender documents and it lists forms that are to be completed and returned by the Bidder to the Procuring Entity.

T2.1 **List of Returnable Documents**; used in all tender documents and it lists forms (*by category of use*) that are to be completed and returned by the Bidder to the Procuring Entity. Failure to submit these forms (by the Bidder) may result in the Bidder being removed from the evaluation process and shall not be awarded part of the whole tender. Therefore, care must be taken in requesting for only absolutely necessary documents, because requesting for unnecessary documentation and eliminating Bidders because they have not completed it is not only unacceptable but also unfair.

T2.2GA **Certificate for Authority**; used in all tender documents and it is to be signed by the Bidder, giving details and position of the person who has the authority (legal position) to sign the bid and any contract resulting from it (formally commit to contractual relationships of the Bidder).

T2.2GB **Certificate of Attendance at a Clarification Meeting**; used when contents of tender documents and /or expected outputs need explaining to the prospective Bidders. This may be due to the complexity and /or technical nature of the proposed tender. When the Procuring Entity decides that a clarification meeting will be held, all potential Bidders should attend. Failure to attend the meeting may result in the Bidder being disqualified. However, all prospective bidders (whether they attended the meeting or not) should receive the minutes to constitute the only legal statements that are used in the tender preparation.

T2.2GC **Record of Addenda to Tender Documents**; used in all tender documents to record of any alterations that need to be made to the tender documents. The PE has to ensure that communication has reached and been received, by the prospective Bidder, on time (usually 14 days before deadline for submission for bids).

T2.2GD **Tender Security**; used for projects that are complex, multi-faceted, have strategic and security implications, are of high profile (national importance) and /or are technically difficult when the PE wants to guard against Bidders who may submit bids only to withdraw from the Tender during the tendering process. The Tender Security form is filled in by a financial institution acceptable to Bank of Botswana and is often up to 10% of the total bid value.

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- T2.2GE **Form of Intent to Provide a Performance Bond**; used issued for high value, complex, high profile, multi-faceted and /or technically difficult projects that have strategic and security implications. Bidders are to indicate that, when awarded the tender, they shall provide a performance bond filled in by a financial institution acceptable to Bank of Botswana and is often up to 10% of the total contract value.
- T2.2GF **Form of Intent to Provide a Parent Guarantee**; The term “guarantee” can apply to any form of guarantee such as parent guarantee, debt-purchase agreement, surety bond and letter of credit. Used for high value, complex, high profile, multi-faceted and /or technically difficult projects that have strategic and security implications. The Bidder is to indicate their willingness to provide a Parent Guarantee, when awarded a tender.
- T2.2GG **Proposed Subcontractors** used for high value, complex, high profile, multi-faceted and /or technically difficult projects that have strategic and security implications to advise the PE of the names of the proposed sub-contractors that the bidder intends to use and the type of work they will be used for.
- T2.2GH **Quality Plan**; used in technically complex projects where there is a need to control outputs and /or maintain standards of a particular contract.
- T2.2GI **Provision of Samples**; used when the PE wants to ensure that the produced product will meet certain technical aspects (quality and /or standard) that the PE may have not been able to describe. Sample (prototype, mannequin or model) may be provided by the manufacturer or PE.
- T2.2GJ **Stock Holding of Spare Parts**; used when procuring new equipment or plant that requires maintenance (replacement of some worn out parts) and the PE wants to ensure that the required parts are available during the use of such equipment or plant. Spare parts may be held by a Supplier as a critical spares list or a minimum guaranteed list.
- T2.2GK **Curriculum Vitae of Key Personnel**; used for projects where knowledge of the requirements is critical. This may also be applicable the Bidder has to have a particular monetary turnover per year.
- T2.2GL **Experience of Bidder**; used for complex, sensitive projects when the PE cannot take risks of engaging a non-experienced bidder.
- T2.2WA **Certificate of Attendance at the Site Meeting**; used for contracts whose performance depends on environmental conditions such as type of soil, community access and /or climatic conditions. When the Procuring Entity decides that a clarification meeting will be held, all potential Bidders should attend. Failure to attend the meeting may result in the Bidder being disqualified. However, all prospective bidders (whether they attended the meeting or not) should receive the minutes to constitute the only legal statements that are used in the tender preparation.
- T2.2WB **Basis of Design**; used for high value, high profile design projects.
- T2.2WC **Plant & Equipment**; use for high value, high profile projects that require the use of specific plants and /or equipment.
- T2.2WD **Management Plan**; used in management projects where the PE has not been able to outline the management process.
- TW2.2WF **NEC Model Tender Assessment Sheet**; used for medium to high value projects when the PE has not been able to set milestones of the project.

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Volume 3 **Cover Sheet**; lists parts and documents of the resulting contract.

- C1.1: **Form of Offer and Acceptance**; used in all formal tenders. The Bidder certifies that they OFFER to perform the obligations and liabilities of the Contractor and PE certifies that they ACCEPT the offer.
- C1.2: **Contract Data**; used to specify applicable General and Specific Conditions of Contract. Failure to follow these may result in the application of penalties.
- C1.3a **Parent Company Guarantee**; used on high value, high profile and /or strategic projects when as well as when an advance payment was issued and T2.2GF (*Form of Intent to provide a Parent Guarantee*) was used and the Bidder is awarded the contract. The parent company irrevocably and unconditionally guarantees the PE, as a primary obligation, the due performance of all the Contractors obligations and liabilities under the contract, including the Contractors compliance with all its terms and conditions according to their true intent and meaning.
- C1.3b **Performance Security Demand Guarantee**; used T2.2GE (*Form of Intent to Provide a Performance Bond*) was used OR advance payment was issued and the Bidder is awarded the tender. It is the formal and legal document that will irrevocably undertake to pay the PE, a stated sum or sums, not exceeding a certain amount, upon receipt, by a financial institution, the PE demand in writing.
- C1.3c **Advance Payment Guarantee**; used in construction where an advanced percentage of the fee is requested, normally as mobilization costs.
- C1.3d **Pro-forma Parent Company Guarantee; (Option X4-NEC3 TSC)**; same principles apply as the C1.3a (*Parent Company Guarantee*), but this one is to Option X4-NEC3 TSC.
- C1.3e **Pro-forma Performance Bond (Option X3-NEC Tern Service Contract)**; same principles apply as C1.3b (*Performance Security Demand Guarantee*), but is specific to Option X13-NEC3 TSC.
- C1.4 **Forms for Adjudicators Appointment**; used when the contracting parties do not want to use the Courts of Law to solve problems that may arise. The adjudicator's decision is binding upon all parties.
- C2.1 **Pricing Instructions**; used to specify the award criteria (either as single items or group of items) and the assumptions which will Bidder assumed and taken into account when developing their prices or targets. (*Refer to appendix 2B of the Users Guide for specific guidance in respect of each standard conditions of contract provided for in the Standardized Bidding Packages*).
- C3 **Scope of Work**; used to define the objectives of the main and subsidiary tasks (purpose and extent of requirements as well as expected outputs), in terms of quality of the required elements and expected role of the potential contractors.
- C4 **Site Information**; used when the site may have influence on the work to be done, the site may need to be prepared for the required work OR the site (itself) is to be worked on such as in Environmental Impact Assessments (EIA).
- T1 **Standardized Conditions of Tender**; provide formal details of how the tender processes should be undertaken, by both the PE and the potential Bidder. It states the obligations and the expectations that are placed on both parties. The contents of the document are fixed, but any variation is provided for under the Tender Data

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- C1      **General Conditions of Contracts**; provide formal details of the conditions contract; responsibilities and obligations of the contracting parties during the performance of the contract. The contents of the document are fixed, but any variation is provided for under the Contract Data.
- S1      **Reserved Procurement Scheme 1**; used when a reserved procurement scheme is required.
- S2      **Direct Preference Scheme 2**; used when the procurement is per a CAB Memo OR Directive that excludes all other participants.
- S3      **Direct Participation Scheme 3**; when the procurement is per a CAB Memo OR Directive that directs that requires subcontracting of the requirements. The sub-forms are specific to the various groups.