



Ministry of Environment, Climate Change and Technology
Republic of Maldives

Enhancing National Development through Environmentally Resilient Islands (ENDhERI)

**TERMS OF REFERENCE
(IUL)438-ENV/438/2022/398**

Financial Audit

Issued on: 20th September 2022

Issued By: Enhancing National Development through Environmentally Resilient Islands
(ENDhERI)

Project – Project Management Unit

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i. SCHEDULE OF CRITICAL DATES

Activity	Action Date
Advertised date	20 th September 2022
Bid queries submission timeline	20 th September 2022 to 26 th September at 1200hrs
Bid clarification deadline	26 th September 2022 at 1200hrs
Proposal submission deadline	2 nd October 2022 at 1000hrs

ii. SUBMISSION REQUIREMENTS

The following related documents shall be submitted for the bids to be considered sufficiently responsive.

Applicants should submit their proposals containing the following documents and applicable Technical Proposal – Standard Forms and Financial Proposal – Standard Forms under ANNEX A.

a. Technical Proposal – Standard Forms

1. Proposal submission form (**signed by the owner of the entity or person with power of attorney to sign**) – (Tech Form 1)
2. Approach, Methodology and Work Plan – (Tech Form 2)
3. A summary of the work plan must be presented in the format in Work Schedule (Tech Form 3) showing in the form of a bar chart the timing proposed for each activity.
4. Curriculum Vitae (CV) of the identified key Experts (Consultant). **Copy of academic certificates and reference letters** demonstrating experiences listed in this TOR (required experiences and other experiences relevant to this TOR must be specified clearly or highlighted) – (Tech Form 4)
5. Completed **Letter of Commitment (signed by the Team Leader, Expert and Team members)** – (Tech Form 5 & 6)
6. Copy of Business (Sole Proprietorship/company/partnerships/institutions) registration certificate.
7. Copy of SME Registration
8. Copy of GST Registration certificate issued by MIRA (Maldives Inland Revenue Authority) – if registered
9. Tax payer registration Certificate / Notification Copy - if registered

b. Financial Proposal – Standard Forms

1. FIN FORM 1 – Financial Proposal Submission Form (**signed by the owner of the entity or person with power of attorney to sign**)
2. Form FIN – 2 Financial Breakdown Form
3. Form FIN - 3: Details Financial Situation
4. Financial statements of the business for the year 2021,2020 and 2019

5. Business entities that have not completed one year (from the date of business registration to date of bid announcement) are required to submit the bank statement of the business's bank account. (Bank statement should be from the date of account opening to date of bid announcement)
6. FIN FORM – 4: Average Annual Turnover
7. FIN FORM -5: Financial Resources
8. FIN FORM -6: Line of Credit Letter – if applicable
9. FIN FORM -7 Current Contract Commitments / Work in Progress

Note 01: All bidders should clearly identify Specialist (herein referred to as the 'Consultant') carrying out the task. If the Specialist is not clearly identified, for bids submitted by Company/Institution, the Key Experts signed in Form 5 will be considered for the evaluation.

Note 02: If bidder fails to submit any of the above listed document, their proposal may not be considered for further evaluation.

Note 03: Foreign parties are not allowed to bid for this tender individually or as a joint venture with a Maldivian business entity.

Note 04: After the evaluation, highest scoring party will be notified to submit tax clearance report. Tender will be awarded upon submission of tax clearance report.

1. BACKGROUND

The Government of the Republic of Maldives through the Ministry of Environment, Climate Change and Technology is implementing Enhancing National Development through Environmentally Resilient Islands (ENDhERI) project financed by Global Environment Facility (GEF) and assisted by United Nations Environment Program (UNEP) with the objective of enhancing reef protection, resilience and ecosystem recovery by reducing development impacts in a selected project site in the Maldives, enabled for replication nationally through public awareness and integrating the values of marine biodiversity and other natural capital in national accounts.

The cost of the project by GEF Trust Fund is USD 3.5 Million. The project technical completion date is 30th September 2024 and project closure is set to be by 30th September 2025.

2. OBJECTIVE:

The objective of the audit is to enable the auditor to express a professional opinion on the financial position of the ENDhERI of the funds received and expenditures. The financial audit shall be for the year 2022 to 2025. The audit shall also determine whether the Project Management Unit (PMU) in Male' and Project Implementation Unit (PIU) at Laamu Atoll has made adequate arrangements to ensure that the proceeds from the Government of Maldives are used for the purpose of the money received with attention and considerations of economy and efficiency without regard to political or other non-economic influences or considerations. The books of account of the PMU will provide the basis for preparation of the financial audit to reflect the financial transactions.

3. TASK OF AUDITOR

The audit will be carried out in accordance with the International Auditing and Assurance standards (ISA) and will include such tests and controls as the auditor considers necessary under the circumstances. In costing the audit, special attention should be paid to the following.

- All external funds have been used (including procurements of good and services) in accordance with the conditions of the relevant financing agreements, with due

attention to economy and efficiency and only for the purpose for which the finances were provided.

- All necessary supporting documents, records and accounts have been kept in respect of all project ventures including expenditures reported via financial monitoring reports.
- Clear linkages should exist between the books of account and reports presented to the donor.
- Procedures and controls exist in the project to conduct physical verification of the fixed assets and inventories exits, which will be tested as may be deemed necessary under the assurance standards by the auditor.
- The project accounts have been prepared in accordance with consistently applied International Accounting Standards as adopted by the PMU and gives a true and fair view of the financial situation of the project at the year end and of recourses and expenditure for the year ended on that date.

4. FINANCIAL STATEMENTS

The project financial statement shall include the following:

- Summary of Funds received.
- A balance sheet showing the accumulated funds of the project, bank balances, other assets of the project and liabilities.
- A statement of significant accounting policies.
- Explanatory notes to the financial statements if any.

5. AUDITORS OPINION

Besides a primary opinion on the project financial statements, the annual audit report of the project shall include separate paragraph commenting on the accuracy and propriety of expenditure withdrawn under each expenditure category. The auditor should submit the two copies of the audit accounts and audit reports.

6. MANAGEMENT LETTER

In addition to the other areas, the auditor will also comment on:

- Observations the accounting records, systems and controls that were examined during the course of the audit.
- Identify deficiencies and areas weakness in system, internal audit and other controls and make recommendation for their improvement. Also recommend specific areas that may require performance audit to substantiate economy and efficiency in operations.
- Report on the degree of the compliance of the financial covenants on the financing agreements.
- Communicate matters that have come to attention during the audit which might have a significant impact on the implementation of the project.
- Comment on the implementation of recommendations from previous management letter if any, including any issues which remain to be addressed and any issues which recurred.
- Bring to attention any other matters that the auditor considers pertinent.

7. GENERAL

The auditor should be given access to all legal documents, correspondences and any other information associated with the project and deemed necessary by the auditor. Confirmation should also be obtained of amounts disbursed and outstanding. It is highly desirable that the auditor become familiar with related guidelines and requirements of the various donors.

8. DELIVERABLE

The assignment is to be delivered as specified below:

Details	Date of Submission
Financial Audit of the year 2022	Within 60 days from 1 st February 2023
Financial Audit of the year 2023	Within 60 days from 1 st February 2024
Financial Audit of the year 2024	Within 60 days from 1 st February 2025
Financial Audit of the year 2025	Within 60 days from 30 th September 2025

9. TENTATIVE PAYMENT SCHEDULE:

Suggest any workable workplan that will enable to reach the outputs and the deliverables as per this assignment. The consultant may submit the work schedule as give in the “TECH FORM 3 – Work Schedule”.

Details	Date of Submission	Weightage
Financial Audit 2022	Within 60 days from 1 st February 2023	20%
Financial Audit 2023	Within 60 days from 1 st February 2024	20%
Financial Audit 2024	Within 60 days from 1 st February 2025	20%
Financial Audit 2025	Within 60 days from 30 th September 2025	20%

10. Requirements for Experience and Qualifications

- a. To be eligible for this assignment, the Consultant Firm must demonstrate past experience in performing the services (description of similar assignments, Value of such assignments) and shall have carried out a minimum of two (2) similar assignments with an average contract value of **MVR 49,300.00**.
- b. In executing this TOR, the consultancy is expected to meet the following eligibility criteria and should provide CVs and commitment letters of the following requirements:

#	Post	Nos
1	Financial Auditor	1

- c. Details of any other support persons and positions must be included in Technical Form 4,5 and 6.
- d. The team leader can be the above Specialist /or additional team leader can be added separately; who will be responsible for all the deliverables, who would also be the main focal point for all the communications.

Financial Auditor

Minimum qualification:

- Minimum Bachelor's degree in accounting, accounting science or in a relevant field.
- Must be a licensed auditor by the respective Maldivian authorities.
- Minimum of two (2) similar assignments in a related field or similar capacity.

Other Qualifications:

- Strong inter-personal and communications skills, including the ability to work with high level stakeholders, facilitate trainings, make presentations and communicate effectively by email
- Proficiency in the use of computer software applications, especially MS Word and MS Excel and web-site software and proven ability to write technical reports
- Excellent language skills in English and Dhivehi (writing, speaking and reading)

11. Evaluation criteria

Criteria, sub-criteria, and point system for the evaluation of Full Technical Proposals are:

The following criteria will be applied during the evaluation of the proposals and attention should be paid while preparing the proposals. **Points will be awarded only for assignments with supporting documents.**

Technical Score:

DETAILS	MAXIMUM POINTS
(A) Company Profile:	[100]
Company Profile	[20]
Organizational Structure of the firm/JV	[20]
No. of similar project / assignments	[60]

<i>20 points for each documented assignment, up to a maximum of 3.</i>	
Total A=	[]

(B) Specialist team	[100]
Financial Auditor	[100]
Total B=	[]

The number of points to be assigned to the above position or discipline shall be determined considering the following two sub criteria. Only Specialist who meet the minimum qualification requirements will be qualified for technical evaluation.

Specialist Team (per team member)	
Relevant education and qualifications <i>[40%] to be awarded for minimum education and license stated in 10</i>	[40%]
Experience in similar assignments <i>20% will be awarded for each previously completed similar assignments with proof of completion, up to a maximum of three assignments [60%].</i>	[60%]

Technical score (St) = $A/100*[W1] + B/100*[W2]$

Weight distribution

W1	Company profile with relevant to similar or related assignments	[40]
W2	Project team	[60]

Only the proposals that will obtain a minimum of 60% out of 100 obtainable points will be qualified for the financial evaluation.

Financial Score:

The formula for determining the financial scores is the following:

$S_f = 100 * F_m / F$, in which S_f is the financial score, F_m is the lowest price and F is the price of the proposal under consideration.

The weights given the technical and financial score are:

$T = [0.6] * S_t$, and

$P = [0.4] * S_f$

Final score (FS) is $T + P$

Total technical score (s): 100

- The minimum technical score (s) required to pass is: 60 Points, proposal that does not qualify the minimum technical score will be disqualified from further evaluation.
- The formula for determining the financial scores is the following:

$S_f = 100 * F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the proposal under consideration.

- The weights given to the Technical and Financial Proposals are:
- $T = [0.6]$, and $F = [0.4]$

Financial Situation evaluation

- To be eligible the financial statements of the bidding party must show, minimum annual turnover of MVR 49,300.00 or the year 2021,2020 and 2019. **(Submit Form FIN-4: Average Annual Turnover)**

(OR)

- To be eligible the financial statements of the bidding party must show, Minimum value of MVR 49,300.00 for liquid asset, for the year 2021 ,2020 and 2019. – **(Submit Form FIN -3: Financial Situation)**

(OR)

- Business entities that have not completed one year (from the date of business registration to date of bid announcement) are required to submit the bank statement of the business's bank account. (bank statement should be from the date of account opening to date of bid announcement). To be eligible the business's bank statement must show a credit balance of minimum MVR 49,300.00

(OR)

- If bidding party is unable to meet any of the above requirement they shall submit 'Line of Credit Letter' As per the template in fin form 6. Credit limit shall be no less than MVR 49,300.00– **(Submission Form Fin -6: Line of Credit Letter)**

Selection Criteria of Regional Based business and MSME business

Between MVR 2,500,000 – MVR 5,000,000

- a) Among bidders who pass the technical and financial evaluation, those bidders who belong to the same island as the project is carried out will be assessed accordingly:
The bidder with the highest ranking with a proposed price that doesn't exceed 10% of the price of the bidder with the overall highest ranking will be awarded
- b) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a), bidders who belong to the same atoll as the project is being carried out is checked and assessed accordingly:
The bidder with the highest ranking with a proposed price that doesn't exceed 5% of the price of the bidder with the overall highest ranking will be awarded.
- c) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a) and (b), all Maldivian bidders will be checked and assessed accordingly.
The bidder with the highest ranking with the lowest proposed price will be awarded.
- d) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a), (b) and (c), all bidders will be assessed accordingly.
The bidder with the highest ranking with the lowest proposed price will be awarded.

Below MVR 2,500,000

- a) Among bidders who pass the technical and financial evaluation, Micro, Small and Medium Enterprises (MSME's) will be assessed accordingly:
The bidder with the highest ranking with a proposed price that doesn't exceed 15% of the price of the bidder with the overall highest ranking will be awarded.
- b) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a), bidders who belong to the same island as the project is carried out will be assessed accordingly:
The bidder with the highest ranking with a proposed price that doesn't exceed 10% of the price of the bidder with the overall highest ranking will be awarded.
- c) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a) and (b), bidders who belong to the same atoll as the project is being carried out is checked and assessed accordingly:
The bidder with the highest ranking with a proposed price that doesn't exceed 5% of the price of the bidder with the overall highest ranking will be awarded.
- d) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a), (b) and (c), all Maldivian bidders will be checked and assessed accordingly.

The bidder with the highest ranking with the lowest proposed price will be awarded

- e) Among bidders who pass the technical and financial evaluation if there is no bidder as described in (a), (b), (c) and (d) all bidders will be assessed accordingly.

The bidder with the highest ranking with the lowest proposed price will be awarded

Criteria on classifying regional based business

- a) Check the bidders permanent address, if the bidder is a sole proprietorship
- b) Check the island to which the business is registered, if the bidder is not a sole proprietorship
- c) The bidder will be considered as a business working in one certain area, as per (a) and (b) accordingly:
- If the bidder is a sole proprietorship, the bidder's registered permanent address as of 1st January of the year the invitation for bid was issued will be considered OR
 - If the business had been registered before the year in which the invitation for bid was issued, the island to which the business was registered as of 1st January of the year the invitation for bid was issued will be considered
- OR
- If the business had been registered within the year in which the invitation for bid was issued, the island to which the business was first registered will be considered.

12. Additional Information

Ministry of Environment, Climate Change and technology has overall responsibility for the management of the contract and contractual reporting obligations.

Documents and data provided by the government for the purpose of this assessment which is not of public nature shall be considered confidential and should not be disclosed to any other party.

All outputs and materials produced as part of this TOR shall be handed over to the ENDhERI project at the end of the contract and will become the sole property of Ministry of Environment, Climate Change and Technology.

13. Submission

Bid submission	On or before 2 nd October 2022 at 1000 hours local time
Bid opening	Proposals will be opened in the presence of the proponents' representatives who choose to be present at the address below at the time of proposal opening. Proposals must be delivered in sealed envelopes titled
Submission instruction	"Do not Open Before 2nd October 2022 at 1000 hours – Financial Audit of ENDhERI Project "and the submitting party's name and address Late proposals will be rejected.
Submission address	Procurement Section Ministry of Environment, Climate Change and Technology Green Building, Handhuvaree Hingun, Maafannu Male', 20392, Republic of Maldives Email: Website: www.environment.gov.mv Project name: Enhancing National Development through Environmentally Resilient Islands (ENDhERI)

Annex A

TECH FORM 1 – Proposal Submission Form

[Location, Date]

To: [Name and address of Client]

Dear Madam/Sir:

I, the undersigned, offer to provide the consultancy service for “ **Financial Audit of ENDhERI Project**” in accordance with your Request for Proposal dated (.....xxx.....). I hereby submit my Proposal, which includes all required documents as per Request for Proposal.

I hereby declare that all the information and statements made in this Proposal are true and accept that any misinterpretation contained in it may lead to our disqualification.

If negotiations are held during the period of validity of the Proposal, I undertake to negotiate on the basis of the proposed staff. my Proposal is binding upon myself and subject to the modifications resulting from Contract negotiations.

I undertake, if my Proposal is accepted, to initiate the services and fulfil the terms and conditions related this contract.

I understand you are not bound to accept any Proposal you receive.

Yours sincerely,

Authorized Signature [In full and initials]:

Name and Title of Signatory:

Name of Consultant (company/partnerships/institutions):

Address:

TECH FORM 2 – Approach, Methodology and Work Plan

[Technical approach, methodology and work plan are key components of this Proposal. the Consultant is suggested to submit Proposal with the following areas clearly described:

- a) Methodology for each activity,*
- b) Work Plan*

a) Technical Approach and Methodology

[In this chapter the Consultant should explain your understanding of the objectives of the assignment, approach to the services, methodology for carrying out the activities and obtaining the expected output, and the degree of detail of such output. You should highlight the problems being addressed and their importance, and explain the technical approach you would adopt to address them. You should also explain the methodologies you propose to adopt and highlight the compatibility of those methodologies with the proposed approach.]

b) Work Plan

[In this chapter the Consultant should highlight the main activities and sub-activities of the assignment, their content and duration, phasing and interrelations, milestones (including interim approvals by the Client), and delivery dates of the reports. The proposed work plan should be consistent with the technical approach and methodology, showing understanding of the TOR and ability to translate them into a feasible working plan.]

TECH FORM 3 – Work Schedule

Financial Audit of ENDhERI Project																
Deliverables	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	

TECH FORM 4 – Curriculum Vitae**1. Name of Consultant:**

2. Education *[Indicate college/university and other specialized education of staff member, giving names of institutions, degrees obtained, and dates of obtainment]:*

3. Membership of professional associations**4. Other Training**

5. Countries of work experience *[List countries where the Consultant has worked in the last ten years]:*

6. Languages *[For each language indicate proficiency: good, fair, or poor in speaking, reading, and writing]:*

7. Experience/ employment record *[Starting with present position, list in reverse order every employment held the Consultant since graduation, giving for each employment (see format here below): dates of employment, name of employing organization, positions held.]*

From [Month/Year] – To [Month/Year]:

Employer:

Positions held:

Job description:

8. Summary of projects/assignments undertaken/ role

Name of project/ assignment:

Experience classification: General / specific

Scope of project/ assignment:

From [Month/Year] – To [Month/Year]:

Positions held:

9. Past commitments in projects with the Ministry of Environment, Climate Change and Technology

Name of the Contract/Project:

From [Month/Year] – To [Month/Year]:

Positions held:

Summary of role

TECH FORM 5: Letter of Commitment (Team Leader)

[Location, Date]

To: [Name and address of Client]

Ref no: _____

Dear Sir/Madam,

I am writing to confirm my availability to provide services as the **Team Leader** to “Financial Audit of ENDhERI Project”- for the Ministry of Environment, Climate Change and Technology.

I undertake, if this proposal is accepted, to complete and deliver the whole of the services assigned to me in the scope of services.

I undertake, if this proposal is accepted upon receipt of the Ministry of Environment, Climate Change and Technology’s notice, to commence performance of the services with due expedition and without delay.

Yours sincerely,

Name:

ID card No:

Date:

Signatory:

Note: CV should be submitted along with the supporting documents of the Team Leader (CV without the supporting documents will be rejected)

TECH FORM 6: Letter of Commitment (Specialists)

[Location, Date]

To: [Name and address of Client]

Ref no: _____

Dear Sir/Madam,

I am writing to confirm my availability to provide services as the **(please Specify)** to “Financial Audit of ENDhERI Project” for the Ministry of Environment, Climate Change and Technology.

I undertake, if this proposal is accepted, to complete and deliver the whole of the services assigned to me in the scope of services.

I undertake, if this proposal is accepted upon receipt of the Ministry of Environment, Climate Change and Technology’s notice, to commence performance of the services with due expedition and without delay.

Yours sincerely,

Name:

ID card No:

Date:

Signatory:

Note: CV should be submitted along with the supporting documents of the Specialist (CV without the supporting documents will be rejected)

FIN FORM 1 – Financial Proposal Submission Form

[Location, Date]

To: [Name and address of Client]

Dear Madam/Sir:

I, the undersigned, offer to provide services for “Financial Audit of ENDhERI Project” in accordance with your Request for Proposal dated [xxx] and our Technical Proposal. Our attached Financial Proposal is for the sum of [Insert amount(s) in words and figures in MVR]. This amount is inclusive of the all local taxes.

My Financial Proposal shall be binding upon me subject to the modifications resulting from Contract negotiations, up to expiration of the validity period of the Proposal.

I understand you are not bound to accept any Proposal you receive.

Yours sincerely,

Authorized Signature [In full and initials]:

Name and Title of Signatory:

Name of Consultant (company/partnerships/institutions)

Address:

FIN FORM 3 – Details of Financial Situation

Each Applicant must fill in this form

Financial Data for Previous 3 Years [MVR Equivalent]			
	Year 2021:	Year 2020:	Year 2019:

Information from Balance Sheet

Total Assets			
Total Liabilities			
Net Worth			
Current Assets			
Current Liabilities			
Working Capital			

Information from Income Statement

Total Revenues			
Profits Before Taxes			
Profits After Taxes			
<p><input type="checkbox"/> Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last three years, as indicated above, complying with the following conditions.</p> <ul style="list-style-type: none"> • All such documents reflect the financial situation of the Bidder. • Historic financial statements must be complete, including all notes to the financial statements. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <ul style="list-style-type: none"> • Historic financial statements must correspond to accounting periods </div>			

FIN FORM 4 – Average Annual Turnover

Each Bidder must fill in this form

Annual Turnover Data for the Last 3 Years		
Year	Amount Currency	MVR Equivalent
2021		
2020		
2019		
Average Annual Turnover		

The information supplied should be the Annual Turnover of the Bidder in terms of the amounts billed to clients for each year for contracts in progress or completed at the end of the period reported.

FIN FORM 5 – Financial Resources

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract or contracts as indicated in Section 3 (Evaluation and Qualification Criteria)

Financial Resources		
No.	Source of financing	Amount (MVR equivalent)
1		
2		
3		

FIN FORM 6 – Line of Credit Letter

[letterhead of the Bank/Financing Institution/Supplier]

[date]

To:*[Name and address of the Contractor]*

Dear,

You have requested {name of the bank/financing institution) to establish a line of credit for the purpose of executing {insert Name and identification of Project}.

We hereby undertake to establish a line of credit for the aforementioned purpose, in the amount of {insert amount}, effective upon receipt of evidence that you have been selected as successful bidder.

This line of credit will be valid through the duration of the contract awarded to you.

Authorized Signature: _____

Name and Title of Signatory: _____

Name of Agency: _____

FIN FORM 7 – Current Contract Commitments / Work in Progress

Current Contract Commitments/Works in Progress

Tenderers and each partner to a JV should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

No	Name of contract	Employer, contact address/tel/fax	Value of outstanding work (current MVR equiv)	Estimated completion date	Average monthly invoicing over last six months (MVR/month)
1.					
2.					
3.					
4.					
5.					

General Information

1 Bid Awarding

- 1.1 Bidder will be informed of the decision to award a bid via an official intent to award the bid.
- 1.2 If the value of the bid exceeds **MVR 500,000** the bidder will be required to submit a performance guarantee of **(10%)** of the total contract value prior to signing the contract. The performance guarantee must be issued by a Bank or a Financial Institution located in any eligible country. If the institution issuing the guarantee is located outside the Republic of Maldives, it shall have a correspondent financial institution located in the Republic of Maldives to make it enforceable.

(Excluding Consultancy Service)

- 1.3 Failure of the successful bidding party to submit the aforementioned performance guarantee, or sign the Contract, shall constitute sufficient grounds for the annulment of the award and forfeiture of the Bid Security. In that event the Ministry may award the contract to the next lowest evaluated bidder, provided the bidder is capable of performing the contract satisfactorily.

1.4 Standstill period

The Contract shall be awarded not earlier than the expiry of the Standstill Period. The duration of the Standstill Period is 5 days. The Standstill Period commences the day after the date the Employer has transmitted to each Bidder (that has not already been notified that it has been unsuccessful) the Notification of Intention to Award the Contract. Where only one Bid is submitted, the Standstill Period shall not apply.

2 Liquidated Damages (Excluding Consultancy Service)

- 2.1 The Contractor shall pay liquidated damages to the Employer at the rate per day **stated in the Public Procurement Regulation** for each day that the Completion Date is later than the Intended Completion Date. The total amount of liquidated damages shall not exceed the amount **defined in the Public Procurement Regulation**. The Employer may deduct liquidated damages from payments due to the Contractor. Payment of liquidated damages shall not affect the Contractor's liabilities.

3 Advance Payment (Excluding Consultancy Service)

- 3.1 Vendor has to request for Advance payment within 45 days from the contract date start.
- 3.2 Vendor has to submit Advance payment guarantee with the Invoice (15% of Contract price Maximum)

4 Arithmetic

- 4.1 Provided that the Tender is substantially responsive, the Employer shall correct arithmetical errors on the following basis:

- 4.1.1 only for unit price contracts, if there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Employer there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;
- 4.1.2 if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
- 4.1.3 if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to (a) and (b) above.
- 4.2 If the Tenderer that submitted the lowest evaluated Tender does not accept the correction of errors, its Tender shall be declared non-responsive.