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BID No. 08/21

REQUEST FOR PROPOSALS

Amendment. No. 3

FOR

**PURCHASE AND INSTALLATION OF HIGH EFFICIENCY GAS BOILERS
FOR THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES**

**DEPARTMENT OF GENERAL SERVICES (DGS)
SECRETARIAT FOR ADMINISTRATION AND FINANCE (SAF)**

**GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES
DEPARTMENT OF PROCUREMENT AND MANAGEMENT OVERSIGHT (DPMO)**

September 30, 2021

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1 BACKGROUND

The Organization of American States (OAS) is a public international organization that brings together the nations of the Western hemisphere to promote democracy, strengthen human rights, foster peace, security and cooperation and advance common interests. For more information about the OAS, please refer to the OAS's web site at www.oas.org.

The heating system used in three of the OAS buildings: Main Building (MNB), Administrative Building (ADM) and the Art Museum of the Americas (AMA), is a high pressure steam system that is purchased from The Heating Operation and Transmission District of the General Services Administration (GSA).

2 OBJECTIVE

The Department of General Services (DGS) of the General Secretariat of the OAS (GS/OAS) seeks to improve the current heating system used in the aforementioned three buildings and by doing so, reduce the heating costs by 35%.

Taking into account the above, DGS/OAS is seeking a Company to implement the Upgrade Heating Project, that consist in the installation of new high efficiency gas boilers in each building to replace the current steam system.

3 RFP SCHEDULE

The RFP Schedule represents the best estimate of the schedule that will be followed. The GS/OAS reserves the right, at its sole discretion, to adjust this schedule. Notification of any adjustment to the RFP Schedule will be provided to all Bidders registered through the Official GS/OAS Procurement Notices/Opportunities Portal directly to the email that Bidders register with.

Activities	Dates
Issue Request for Proposals	August 17, 2021
Mandatory Walkthrough	From August 23 to September 3
Bidder's inquiries due	September 17, 2021
Response to Bidder's Inquiries due	September 24, 2021
Make Up Walkthrough and Q&A Session*	October 4 to October 12
Proposal Closing Date	October 15, 2021
Proposals opening and review	October 18 – October 22
Presentations from Bidders (Optional)	October 25 – October 29
Evaluation Process	October 25 – November 5
Contract Award	November 2021

**Given that the closing date is being extended, we are giving an opportunity to perform the mandatory walkthrough and send inquiries for those who have missed the previous deadlines.*

4 TERMS OF REFERENCE

The Terms of Reference (TORs) to provide and install high efficient gas boilers to be placed at the Organization of American States (OAS) located at Washington, D.C. 20006. are outlined in **Annex A** of this RFP, and, therefore, become part of it.

5 PROPOSAL FORMAT AND CONTENT REQUIREMENTS

Proposals must be structured in four separate documents:

1. Technical Proposal
2. Pricing
3. Legal Documentation
4. Financial Documentation

5.1 Technical Proposal

The Technical Proposal shall include the following information/documents:

Documents related to Bidder's Experience

- a) A general description of the background and organization of the bidding firm.
- b) A detailed description of the Bidder's work experience similar or relevant to this Project. The description shall substantiate its qualifications and capabilities to satisfy the requirements of the RFP.
- c) A minimum of five (3) references from Bidder's clients to which similar or relevant services were provided during the last five (5) years. These references should include: the name of the client, contact person, telephone and fax numbers and e-mail address, and a description of the work performed and the duration of the Project. Please follow **Format 3 of Annex C**.

Documents related to the Project

- d) A Statement of Work (SOW) which shall include a description of the basic infrastructure and associated professional services offered, implementation methodology, deliverables, and an estimated timeline for delivery of the requested services (milestones), in accordance with the TORs, **Annex A** of this RFP.
- e) If the Bidder plans to perform the work with subcontractors and/or in joint venture with other firms, an explanation of the relationship between the firms and how potential inefficiencies in the organization, communications, and Project processes can be avoided. If the form of a joint venture is considered, the Technical Proposal

should additionally address joint and other liabilities for all partners.

Documents related to Bidder's Personnel

- f) The resume of the lead professional staff person who will be assigned to this project as "Project Manager", and two concise but descriptive summaries of this person's prior experience with similar projects. Professional skills and previous experience of the technical team to be assign to the Project is required.

Bidder's Point of Contact

- g) Information of Bidder's point(s) of contact. Provide the name, position, telephone number, email, and fax of the person or persons serving as coordinator or focal point of information of the Bidder concerning this bidding process.

5.2 Price Proposal

- a) The Bidders shall submit a Price Proposal expressed in US Dollars (US\$) for each building (MNB, ADM, AMA). Including but not limited to;
 - I. The total cost for furnishing and installing the Scope for the MNB as outlined in the TORs and MEP and ARQ documents (**Annex A and Appendix 1 and 2**).
 - II. The total cost for furnishing and installing the Scope for the ADM as outlined in the TORs and MEP and ARQ documents (**Annex A and Appendix 1 and 2**).
 - III. The total cost for furnishing and installing the Scope for the AMA as outlined in the TORs and MEP and ARQ documents (**Annex A and Appendix 1 and 2**).
- b) A fixed price contract will be signed with the selected Company, therefore the unit prices mentioned in the Quote shall include all anticipated expenses, including but not limited to, fee, taxes and other costs associated with the project.

5.3 Legal Documentation:

- a) A copy of the Bidder's certificate of incorporation issued by the competent authority of its country.
- b) A copy of the Bidder's bylaws.
- c) A copy of the Bidder's licenses and certifications in the corresponding jurisdiction (if required under the law of the duty station where the work is to be performed).
- d) A copy of the W-9 Form for US Companies and the Employer Identification Number for companies outside of the US.

- e) A list of the directors, officers, and the names of any stockholder with more than 50% of the stock.
- f) Acceptance of the Contractual Terms and Conditions Statement. The statement should follow **Format 1 of Annex C**.
- g) A disclosure statement of conflict of interest. The statement should follow **Format 2 of Annex C**. In the event of the Bidder intends to subcontract or perform the Contract in joint venture, such statement shall be also disclosure by the subcontractors and by each member of the joint venture.

5.4 Financial Documentation:

- a) A copy of the Bidder's latest general balance sheet of 2020; and copy of the Bidder's latest three (3) audited financial statements, for the years 2018, 2019, 2020.

5.5 Limited Use of Data

- 5.5.1 If the Proposal includes data that the Bidder does not want to disclose to the public for any purpose or used by the GS/OAS except for evaluation purposes, the Bidder shall include in its Proposal a statement signed by its legal representative with the following legend:

USE AND DISCLOSURE OF DATA

This Proposal includes data that shall not be disclosed outside the GS/OAS and shall not be duplicated, used, or disclosed— in whole or in part—for any purpose other than to evaluate this Proposal. If, however, a contract is awarded to this Bidder as a result of— or in connection with—the submission of this data, the GS/OAS shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the GS/OAS' right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets].

6 THE RFP PROCESS

6.1 Governing Law

This RFP process is regulated by:

- a) This RFP.
- b) The Procurement Contract Rules of the GS/OAS, approved by Executive Order No. 00-1 <https://www.oas.org/legal/english/gensec/Executive%20Order%2000-1.pdf>
- c) The Performance Contract Rules, approved by Executive Order No. 05-04, Corr. No. 1 <http://www.oas.org/legal/english/gensec/EXOR-05-04-CORR1.htm>

- d) The Executive Orders, memoranda and other dispositions and official documents of the GS/OAS applicable to this process.

6.2 Bidder's Warranties

By submitting a proposal in response to this RFP, the Bidder represents and gives express warranty of:

- 6.2.1 Its knowledge and acceptance of RFP and the rules and conditions that governs the bidding process.
- 6.2.2 That it has studied and is thoroughly familiarized with the requirements and specifications of the Engineer Services to Provide and Install High Efficient Gas Boilers in its entirety. This includes familiarity with the technical and contractual information contained in this RFP and its Attachments, with all current equipment, labor, material, market conditions, shipping and with applicable laws, such that the Bidder accepts responsibility for and is prepared to execute and shall completely fulfill all obligations outlined in **Annex B**, Contractual Terms and Conditions.
- 6.2.3 The accuracy and reliability of all information it submits in this procurement process.
- 6.2.4 Its knowledge that its proposal does not create any right in or expectation to a contract with the GS/OAS.
- 6.2.5 That the Bidder shall bear any and all costs or expenses associated with or incurred in the formulation or development of a proposal in response to this RFP.
- 6.2.6 That the Bidder accepts that it will not make any claim for or have any right to damages because of any misinterpretation or misunderstanding of the contract, or because of any information, which is known or should have been known to the Bidder.
- 6.2.7 Bidder shall be liable for improper or incorrect use of the data collected or information disclosed to Bidder by GS/OAS in connection with its Proposal, and/or in connection with any subsequent contract negotiations between GS/OAS and the Bidder.
- 6.2.8 The data and related information are legal documents and are intended to be used as such.

6.2.9 Bidder takes full responsibility for any errors or mistakes with respect to its bid proposal. Bidder has used its best efforts to ensure the accuracy, reliability, and completeness of its proposal, and agrees that any cost of any modification of proposal or contract terms based on Bidder's error in the information it has provided with its proposal shall be borne solely by Bidder.

6.3 Submitting a Proposal in a Joint Venture

Any firm may bid independently or in joint venture confirming joint and several liability, either with domestic firms and/or with foreign firms. The GS/OAS does not accept conditions of bidding which require mandatory joint ventures or other forms of mandatory association between firms.

6.4 Registration at the Official GS/OAS Procurement Portal

6.4.1 The GS/OAS will post this RFP and its appendices at the OAS website (<http://www.oas.org/OASpage/bid/default.asp>), United Nations Development Business website (www.devbusiness.com), dgMarket website (www.dgmarket.com) and at the Official GS/OAS Procurement Notices/Opportunities Portal (<https://oas.procureware.com/Bids>).

6.4.2 Companies interested in receiving updates of the RFP Schedule, requesting clarification and/or bidding will need to register before **October 15, 2021** at the Official GS/OAS Procurement Notices/Opportunities Portal (<https://oas.procureware.com/Bids>).

6.4.3 To start the registration process, Bidder must complete the following fields and then press "Next" to submit its entry. Bidders will receive an email message with instructions on how to complete the registration.

- a) Company Name
- b) First Name (Contact Person)
- c) Last Name (Contact Person)
- d) Title (Contact Person)
- e) Email Address (Contact Person. This email address will receive all further notifications)
- f) Legal ID # (EIN or Federal Tax ID of the Company)
- g) Phone (Contact Person)

- 6.4.4 Please note that some servers or SPAM filters may block important messages or send them to your junk mail folder because they do not recognize the sender. To help ensure that you receive all emails and further notifications from OAS/ProcureWare, please ensure to add our e-mail address noreply@procureware.com to your address book, contacts, and/ or "Safe Senders" list.

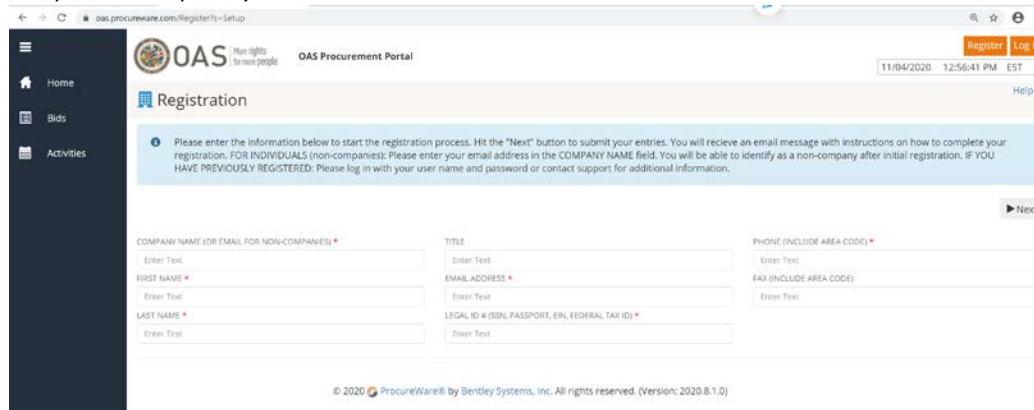


Fig 1: Screenshot of the Official GS/OAS Procurement Notices/Opportunities Portal.

Source: <https://oas.procureware.com/Register?s=Setup>

6.5 Walk-through

- 6.5.1 A walk-through of the three buildings (MNB, ADM, AMA) will be organized before the Proposals are due. Prospective Bidders interested in submitting a Proposal must request access to the building through the GS/OAS Procurement Notices/Opportunities Portal at <https://oas.procureware.com/Bids>. The walk-through would be conducted with representatives of GS/OAS during the **weeks of August 23 to September 3, 2021**.

6.6 Bidders' Inquires

- 6.6.1 Bidders may submit any inquiry or request for more information and clarification regarding terms of reference in this RFP until **September 17, 2021** through the Official GS/OAS Procurement Notices/Opportunities Portal at <https://oas.procureware.com/Bids>. Bidder must be registered to ask questions.
- 6.6.2 Bidder questions must clearly identify the number of the section of the RFP related to the question being asked.
- 6.6.3 The responses to these requests will be submitted through the Official GS/OAS Procurement Notices/Opportunities Portal directly to the email that you register with, on or before **September 24, 2021** where all submitted questions and answers (Q&A) will be available for registered Bidders.

Given that the closing date is being extended, we are giving an opportunity to perform the mandatory walkthrough and send inquiries from October 4 to October 12, for those who have missed the previous deadlines

6.7 Proposal Closing Date

- 6.7.1 Proposals shall be submitted through the GS/OAS Procurement Notices/Opportunities Portal at <https://oas.procureware.com/Bids> by **October 15, 2021**.
- 6.7.2 Bidders should not consider their proposal received unless they receive a Bid submission received confirmation email from our address noreply@procureware.com. It is the responsibility of the Bidder to ensure their proposal was received. The GS/OAS is not responsible for proposals not received due to email delivery issues.

6.8 Presentations from Bidders

- 6.8.1 Bidders may be required to give presentations and/or to have interviews (question and answer sessions). In the event that a presentation or interview is required, information given may be considered as part of the Technical Evaluation. The GS/OAS reserves the right to incorporate elements from presentations or interviews, if any, in the final Contract. The presentation or interview shall not encompass Price Proposals.
- 6.8.2 The purpose of the presentations and interviews is to validate the information provided by the Bidder in its Proposal and to test the Bidder's understanding of the service that will be performed per the SOW under the prospective Contract, which will be a factor in the overall Technical Evaluation of the Proposals.
- 6.8.3 The GS/OAS will determine the date and time for each Bidder's presentation and interview and provide the necessary instructions.
- 6.8.4 The GS/OAS will not inform Bidders of their strengths, deficiencies or weaknesses during the presentation and interviews. The GS/OAS will not engage in bargaining during the presentations and interviews. The presentations and interviews do not constitute discussions with Bidders.

6.9 Award Criteria

Proposals will be admitted for evaluation only if they comply with the mandatory minimums contained in the RFP. Once admitted, the GS/OAS will review, evaluate, and compare those Proposals according to, but not necessarily limited to, the following criteria:

Criteria	Weight
Price	40%
Project Work Plan	30%
Company Qualification	20%
Project Schedule	10%

- a) Price (40%) - The Bidder with the lowest evaluated pricing proposal (as per section 5.2) will be awarded the highest points. Price proposals from other Bidders will receive points based on the relationship of the Bidder's prices to that of the lowest evaluated pricing proposal.
- b) Project Work Plan (30%) - The Proposer will prepare and submit a Project Work Plan in regards of the Products and Services requirements included in the TORs (**Annex A**) and MEP and ARQ Sets (**Appendix 1 and 2**). The Project Work Plan shall emphasize the Proposer's understanding of the Project requirements by documenting their approach as it applies to the Project's scope of work, including but not limited to: equipment demolition, installation work and startup/testing. In addition, the Proposer should identify any constraints and issues they see affecting the Project. The proposer shall submit a work plan that minimizes disruption of utilities including steam services. Any interruption of existing utilities shall be detailed in a work plan and submitted to the OAS 2-weeks ahead of the planned outage. The plan shall identify areas that will be impacted by the outage and anticipated return of services. Disruption of steam services should be limited to 24 hours or provide other temporary measures for maintaining heat to affected spaces.
- c) Company Qualification (20%) - Bidders must include in their proposal the complete information of the company as indicated under section 5.1 of this RFP.
- **Financial Capability:** Assesses the financial condition of the Bidder to perform the Contract through the review of the Bidder's financial statements.
 - **References Check:** The GS/OAS will request performance information from Bidder's previous clients.
 - **Relevant Experience / Past Performance:** Assesses Bidder's capability, comprising of three elements: i) observation of the historical facts of Bidder's work experience (what work it did, when and where it did it, whom it did it for, and what methods it used); ii) qualitative judgments about breadth, depth, and relevance of that experience based on those observations; and iii) qualitative judgments about how well the Bidder performed, also based on

those observations. Bidder's relevant experience and past performance will be evaluated in respect to past or current efforts similar or relevant to this Bid.

- d) Project Schedule (10%) - Bidders shall submit the information regarding their proposed schedule for the Project taking into account any critical dates and including planned overtime or weekend/holiday working periods as necessary to develop the project.

6.9.1 Other Considerations:

- a) **Source of Information.** The GS/OAS shall determine to its satisfaction whether a Bidder is qualified to perform the contract satisfactorily. The determination may be based upon an examination of the documentary evidence of the Bidder's qualifications either submitted by the Bidder or being available as public information, and through reference check.

6.10 Right to Cancel the RFP and/or Reject Proposals

6.10.1 This RFP does not in any manner whatsoever constitute a commitment or obligation on the part of GS/OAS to accept any proposal, in whole or in part, received in response to this RFP, nor does it constitute any obligation by GS/OAS to acquire any goods or services.

6.10.2 The GS/OAS has the right to reject any and all proposals, and to disqualify any proposal not responsive to the minimum technical requirement and minimum proposal content specified in this RFP.

6.11 Requests for Clarification

6.11.1 In order to enhance the GS/OAS understanding of Proposals, allow reasonable interpretation of the Proposal, or facilitate the evaluation process, the GS/OAS may submit, in writing, any inquiry or request to the Bidders for explanation, substantiation or clarification of certain aspects of its Proposals.

6.11.2 Likewise, during the evaluation process, the GS/OAS may offer the Bidders an opportunity to eliminate minor irregularities, informalities, or apparent clerical mistakes in its Proposals.

6.11.3 Requests for clarifications shall not be used to cure Proposal deficiencies or material omissions that materially alter the technical or cost elements of the Proposal, and/or otherwise revise the Proposal.

6.11.4 Inquires or requests for clarification will be addressed to the point of contact indicated by the Bidders in its Proposal.

6.12 Discussions and Negotiations

6.12.1 Before granting the award, the GS/OAS may choose to have written or oral discussions and/or negotiations regarding the terms, conditions, and deliverables of the proposal with the Bidders that, in the opinion of GS/OAS, are within the competitive range.

6.12.2 For that purpose, the GS/OAS, through DPMO, will submit, in writing, any request (including interview requests) to the Bidders. Such requests will be addressed to the point of contact indicated by the Bidders in their proposal.

6.12.3 During the negotiations, the GS/OAS may request the Bidders to revise or modify their proposals. After the negotiations the GS/OAS may issue a request for Best and Final Offer (BAFO).

6.13 Award

6.13.1 Proposals will be admitted for evaluation only if they comply with the mandatory minimums contained in the RFP. Once admitted, the GS/OAS shall analyze and rate those Proposals using the award criteria described in section 6.9.

6.13.2 A technical-economic analysis will be applied for the evaluation of the Proposals. Under this rule, the GS/OAS will evaluate both price and non-price factors and will award the Contract to the Bidder proposing the combination of factors which offers best value to the GS/OAS. Therefore, the GS/OAS reserves the right to consider award to other than the lowest price bidder or the highest technically rated bidder.

6.13.3 All technical evaluation factors, when combined, have higher level of importance than cost or price.

6.13.4 The GS/OAS reserves the right to award the contract to multiple contractors rather than a single contractor.

6.13.5 The GS/OAS reserves the right to reject any or all Proposals, and to partially award the Contract.

6.13.6 The award will be notified to the winning Bidder. Such communication shall not be construed as a Contract with the GS/OAS. The award is contingent upon the winning Bidder's acceptance of the terms and conditions of the proposed Contract, which will be drafted by the GS/OAS based on this RFP and the winning Proposal. Consequently, the Contract shall come into effect when signed by both GS/OAS and the duly authorized representative of the winning Bidder.

6.13.7 The GS/OAS will promptly notify the unsuccessful Bidders in written and the awarded company will be posted at the GS/OAS website <http://www.oas.org/OASpage/bid/default.asp>.

7 CONTRACT TERMS

The Contract for physical access control system (Contract) will be drafted by the GS/OAS based on this RFP, the winning Proposal, and the results of the negotiations with the selected Bidder. The Contract shall come into effect when signed by both GS/OAS and the duly authorized representative of the winning Bidder.

Annex B of this RFP contains the General Contract Terms & Conditions. No changes to the Contract shall be accepted after the contract award. Once the Contract is awarded, the Vendor shall be bound by such Contract either as stated herein in the RFP or as mutually modified by the Parties.

The GS/OAS selection of any Bidder who proposes changes to the Contract shall not be deemed as acceptance of the Bidder's proposed changes. At all times, the GS/OAS reserves the right to use its own Contract and to negotiate changes to it. The GS/OAS reserves the right to accept or reject any changes in language to the Contract and reserves the right to make final conforming changes to the Contract.

Bidders wishing to negotiate modification of the Contract Terms & Conditions stated in **Annex B** of this RFP must attach a copy of the GS/OAS's RFP and show proposed changes (deleted sections with a strike over and added sections in boldface type). Bidder's failure to identify any such changes in its Proposal will preclude the Bidder from raising any such changes thereafter. If Proposals are subject to additional terms, that the GS/OAS decides are not in its best interest, the GS/OAS reserves the right to deem that Proposal as unresponsive.

8 GENERAL PROVISIONS

8.1 Language

All correspondence and responses to this RFP shall be made in English.

8.2 Privileges and Immunities

- 8.2.1 Nothing in this RFP shall constitute an express or implied agreement or waiver by the GS/OAS, the OAS, or their personnel of their privileges and immunities under the OAS Charter, the laws of the United States of America, or international law.
- 8.2.2 The Bidders are not entitled to any of the exemptions, privileges, or immunities, which the GS/OAS may enjoy arising from GS/OAS status as a public international organization.

8.3 Confidentiality and Privacy

- 8.3.1 Contractor shall keep all work and services carried out hereunder and proprietary information disclosed hereunder entirely confidential, and not use, publish, sell, or make known, without the GS/OAS' written approval, any information, developed by the Contractor or provided by the GS/OAS, to any persons other than personnel of the parties to this Contract. Any public representation regarding the GS/OAS shall be made by the GS/OAS and any requests for information made to the Contractor by the news media, or others, shall be referred to the GS/OAS. Additionally, Contractor shall not reference the work performed for the GS/OAS under this Contract without prior written approval of the GS/OAS. For purposes of this Paragraph, proprietary information includes, but is not limited to any information that is generally understood as proprietary under common industry practices; and any matter designated as proprietary by the GS/OAS.
- 8.3.2 In addition, information that a party considers as proprietary or confidential and which it has indicated/marked as proprietary or confidential will be treated by receiving party in the same manner as receiving party treats its own proprietary or confidential information.
- 8.3.3 Period of confidentiality: The obligations under paragraph above, shall continue, notwithstanding the expiration or termination of this Contract.

9 ATTACHMENTS

All attachments listed below form an integral part of this RFP:

- Annex A Terms of Reference
 - o Appendix 1: MEP Set
 - o Appendix 2: ARQ Set
- Annex B General Contractual Terms & Conditions
- Annex C Formats
 - o Format 1: Acceptance of the Contractual Terms and Conditions
 - o Format 2: Conflict of Interest Statement
 - o Format 3: Commercial References