

## GENERAL PROVISIONS

for the execution and contracting of projects administered by the  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
in Suriname

### Article 2. OPEN CONTRACTING PROCEDURE

#### Sec. 76 General provisions

1. The specifications shall be drawn up by the Minister; the contracting shall be done publicly.
2. The invitation to bid shall be announced at least 14 days in advance through publication in the Government Advertiser [*Gouvernements Advertentieblad*] and, if necessary, also in a manner specified by the Minister.
3. The specifications shall be made available for inspection at the places indicated in the announcement; they shall be offered for sale and the names of the buyers are recorded.

#### Sec. 77 Registration, information

1. The announcement of the invitation to bid shall state where and when the registration will be held and information will be provided to applicants.
2. Anyone who wishes to enter a bid must be present at the registration, in person or by way of an agent.  
The agent must present a sealed power of attorney to the contracting authority at the registration.  
He must be present for the entire registration and to that end sign an attendance list.
3. Applicants shall be notified that the awarding will be made dependent in part on attendance of the required registration.
4. The information provided to applicants is binding on both parties insofar as such information is included in the information memorandum drawn up and signed by the principal.
5. The information memorandum shall be available for inspection at the Ministry as of the second Saturday subsequent and shall be sent at no charge to the registered buyers of the specifications.

6. Applicants shall be given the opportunity, to the greatest extent possible, to familiarize themselves with samples indicating the general character of delivery and with the details of the main structures and important components. If this opportunity is afforded, then that shall be noted in the information memorandum.  
Applicants are free to affix their seals or signature on such samples and details.
7. The principal shall give the applicants the opportunity to affix their signature on the information memorandum or on certified copies thereof.

Sec. 78 Requirements for bidding, contractor

1. Bidders are presumed to have duly examined the object and terms of bidding in advance, to have ascertained that the representations in the specifications are accurate, to have duly inspected the area where the activities are to be carried out, and to be adequately familiar with what constitutes good execution and with the nature of the work.
2. Each bidder must be a registered holder of the specifications, must have a valid contractor license, and must also be registered in the Commercial Register of the Chamber of Commerce and Industry in Suriname for performing the activities to which the bid relates. Bidders not domiciled in Suriname must be listed in a Register in their country of establishment that is equivalent to the aforementioned Commercial Register.  
A copy of the contractor license and an extract from the respective Register must be enclosed with the bid form as attachments.  
If a copy of the contractor license and an extract from the respective Register have been submitted to the Department of Public Works and Transportation for a previous bid in the same calendar year, for subsequent bids the bidder may simply make reference to that previous bid (date and project bid on) to which said copy and extract were attached. If those documents were not received by the Department with the indicated previous bid, however, it will be found that said copy and extract were not submitted for the bid in question.
3. The principal shall judge the extent to which the nature of the activities to be carried out matches the registration with the Chamber of Commerce and Industry in Suriname or with an equivalent body in the bidder's country of establishment, with regard to performing the respective activities.
4. Acceptance as contractor is limited to individuals and legal entities that are domiciled in or have chosen domicile in Suriname and whose suitability to carry out the work is beyond doubt.

In assessing suitability, attention shall be paid to whether the bidder can dispose of adequate financial resources to carry out the work properly.

5. Members of a general partnership are accepted as contractor for a project that is in the partnership's line of business only if the articles of the partnership stipulate that they may act as contractor for their own account.  
By signing the bid form, the bidder declares that he is not subject to the terms of exclusion.
6. If two or more persons bid jointly, they shall each be jointly and severally liable for all obligations arising from the contracting agreement, and a written power of attorney must be attached to the bid form in which one of them is designated as the authorized representative of all of them in all regards and for all matters concerned with the project.

#### Sec. 79 Bidding

1. The contracting procedure is conducted through bidding. The bid forms must be submitted in duplicate, in sealed envelope, and postage paid to the address indicated in the specifications, where they are put in a closed and sealed box placed there for that purpose.  
The forms can be inserted into the box until the announced time of the opening of the bids.
2. If the project is divided into sections, the applicant is free to bid on each of the sections separately unless stipulated otherwise in the specifications; the same applies to combining sections and to bidding on all sections.
3. The bid forms are subject to provisions of law pertaining to stamped documents.
4. The project to which the bid pertains must be clearly indicated on the outside of the envelope containing the form.
5. Each form must be laid out in accordance with the model in Annex 1 (appended to these General Provisions).
6. If the bidding relates to a project of unspecified size in accordance with an established amount, the specifications shall state how the declaration by the bidder in the form is to be worded.
7. If the bidder lives abroad, the bid form must indicate the residence to be chosen within Suriname.
8. Unless stipulated otherwise in the specifications, attaching conditions to the bid is prohibited.

9. As an attachment to his bid form, the bidder must enclose proof that he has lodged a bid bond with a bank in the amount of at least 1% of his bid price. [illegible handwritten text]
10. Said bond shall be released at the end of the period during which the bidder must maintain his bid.
11. The bidder must submit with his bid an overall time schedule in duplicate, indicating the manner of execution, the order and duration of the individual project elements, and a summary of the materials to be used in accordance with Annex 5 (appended to these General Provisions).
12. The bid form (in duplicate) including the declaration of commitment named in sec. 21 (1) must be accompanied by the following attachments:
  1. proof of the “lodged bid bond” (1% of the bid price); (sec. 78 (1))
  2. the schedules of standard prices and rates for incidental work; (sec. 28
- (1))
  3. the categories of employees with standard wages and social security costs and any increases, with effective dates, factored into the bid as referred to in sec. 34 (10).
  4. information on the wage component as referred to in sec. 34 (11).
  5. the overall time schedule; (sec. 79 (11)).
  6. the copy of the contractor license (sec. 78 (2)) (in the case of a second bid in the same calendar year, the references indicated in sec. 78 (2) can be substituted for this)
  7. the extract from the Commercial Register of the Chamber of Commerce or an equivalent register; (in the case of a second bid in the same calendar year, the references indicated in sec. 78 (2) can be substituted for this)
  8. information on any subcontractors;
  9. any power of attorney (sec. 78 (5)) must be submitted in duplicate.
13. The bidder is obligated to maintain his bid for 60 days following the date of the opening of the bids, unless another period is named in the specifications.

Sec. 80   Opening of the bids

1. The opening of the bids shall be carried out by the principal at the time and place indicated in the announcement of the contracting procedure.
2. At the time and place specified in the announcement, the box and the bid forms shall be opened publicly.  
The names of the bidders and the amounts indicated in the forms for which they offer to carry out the work or the volume of work that they are willing to do for an established amount shall be read aloud clearly.
3. A written record shall be kept of the opening of the bids.  
This written record shall be prepared on the basis of a model prescribed by the Minister. It shall be signed by the principal.
4. Forms that do not fully satisfy the requirements of sec. 79 are invalid unless, in the estimation of the principal, they provide absolute certainty concerning the person and the intention of the bidder.

Article 13. REGULATIONS PERTAINING TO THE AWARDING OF CONTRACTS

Sec. 81 Evaluation of bidders

1. The principal shall evaluate the bidders.  
In so doing he can obtain the advice of third parties.
2. The principal shall send a letter to the bidder whose bid is most acceptable to him in which he informs him that he qualifies for the awarding of the contract.
3. If two or more bidders simultaneously qualify for awarding, they shall also be notified thereof in writing.

Sec. 82 Obligations of the bidder who qualifies for awarding

1. Within two weeks of service of the letter referred to in sec. 81 (2), said bidder(s) must submit the following signed documents to the principal:
  - a. cost budget, namely a “breakdown of the contract price.”  
Information must be furnished by mail concerning the wage costs and social security costs, specified by category of employee as referred to in sec. 34 (12).  
This breakdown of the contract price must be based on the project elements named in the specifications (cost items and estimates) with the quantities indicated there.  
The total of the breakdown of the contract price laid out in this way must be equal to the bid price less the amount of the provisional sums.

- b. a work plan in triplicate in accordance with Annexes 6, 7, and 8 P.M. (appended to these General Provisions), laid out on the basis of the breakdown of the contract price.  
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  - c. a list of the persons who are to act as authorized representative, as builder's manager, and as supervisors on the project, accompanied by information concerning their experience, previous jobs, etc.
  - d. a list of any subcontractors to be presented by the bidder for approval, including an indication of which project elements will be carried out by them, accompanied by a statement from such subcontractors that they and the bidder have reached an agreement pertaining thereto.
12. The information referred to in par. 1 of this section must be verifiable by the principal.  
The awarding of the contract will be dependent in part on whether or not this information is approved.  
The principal's approval of the breakdown of the contract price and the work plan, as well as any changes stipulated by the principal, do not absolve the contractor of his responsibility for good and prompt execution in accordance with the established requirements and within the prescribed time.
3. If the principal or his authorized agent does not approve the breakdown of the contract price and the work plan, then those documents shall be modified in consultation with him and resubmitted within a period to be specified by the principal.  
The provision of par. 2 of this section applies accordingly.
4. If the contractor wishes to make a change in the breakdown of the contract price and the work plan after any awarding of contract, then he must subject that in writing and in a timely manner to approval by the directorate. The directorate is entitled, even after approval of the breakdown of the contract price and the work plan, to order changes therein or deviations therefrom. If the contractor can show that he has incurred higher costs in executing the project as a result of these changes or deviations, then such costs shall be compensated pursuant to sec. 32 of these General Provisions.  
The directorate and the contractor shall consult regularly over the elements of the work plan during execution of the project.

Sec. 83    Default by a bidder who qualifies for awarding

- 1. If the bidder who qualifies for awarding is in default in submitting the documents prescribed in the specifications to the principal within the prescribed period(s), an amount of 10% can be withheld from the bid bond for each day of default.

