

**Project: “Reducing the Demand for Ivory in China”
granted under the German governmental founding scheme of the BMZ/GiZ**

Terms of Reference for the Procurement of Tender Agent Services

Applicable law: Chinese Law, but at least GIZ's Contract Award Procedure for Supplies and Services

Contracting agency and address: WWF China, 3rd Floor, Building #2, 22 Baiwanzhuang Street, Xicheng District, Beijing 100037 P.R. China

Type of contracting agency: Non-profit, non-governmental, charity organisation

Title: Procurement of Tender Agent consulting services

Type of Contract: Services

Short description: Tender Agent consults and accompanies WWF China during three contract award procedures for services of three companies with different order values and thus different procedures

Information about lots: the contract is not divided into lots

Award criteria: Price is not the only award criterion and all criteria are stated only in the procurement documents

Duration of the contract:

Estimated Start of the contract: end of March/early April 2019

Flexible service during the project

The contract is subject to renewal: no

Information about funds:

The procurement is related to a project and/or programme financed by the German Government (grant) and Project Partners (own funds)

Additional information:

Right of the granting governmental organization for audit accordingly to the project approval

Type of procedure: Restricted

Time limit for sending the proposals: 1 April 2019

Language in which tenders, requests are requested:

Bilingual: English and Chinese

Address where the tenders shall be sent in original, within the time limit:

WWF China

Baiwanzhuang Road

Court 22, Building 2,

Floor 3, Area B

Postcode 100037

Beijing, China

Background to this procurement procedure

While the ivory trade in China is illegal, there are groups of consumers still demanding ivory and thus, breaking the law. In the project “Reducing the Demand for Ivory in China” WWF China in cooperation with WWF Germany and TRAFFIC INT supports the Chinese Government in observing the law. Using online marketing methods the consortium wants to influence the customer’s behaviour to that effect that the consumers stop buying ivory products. To achieve the project goals WWF China intends to engage business companies via tender procurement completed in China.

Along the “Reducing the Demand for Ivory in China” project **two tendering procedures** are envisaged by the contracting organisations. The tender agent will be responsible to carry out, on behalf of WWF China, and assist the implementation of the two procedures. The tender procedures are the following:

- 1) an online platform company (open competition according to the PRC procurement laws)
- 2) a creative agency

The maximum total contract value of the “online platform company” services tender is 1,500,000 EUR (cc. 11,500,000 CNY).

The maximum total contract value for the “creative agency” services tender is 168,000 EUR (cc. 1,000,000 CNY).

The Tender Agent shall assist to carry out the two procurement procedures according to the valid public procurement laws in China.

Specific tasks of the Tender Agent: Preparation of procurement documents in Chinese and preferably in English.

The Tender Agent shall provide full assistance to WWF China in implementing the tender competitions according to the Chinese procurement regulation. More precisely, the Tender Agent shall support WWF China in the following tasks:

- (1) Preparation of all necessary tender documents for altogether three open or restricted tenders launched in China (in full compliance with the Chinese procurement regulations)
- (2) The Tender Agent develops the evaluation grid, including a corresponding point system following the consultation with WWF China. The Tender Agent shall quality check and when necessary revises the evaluation grid through external input from WWF China.
- (3) Publication of the necessary tender documentation on the official tender website in China (in line with the legal requirements), assist WWF China in further dissemination of the tender documents (if required)
- (4) During the tender phases, the Tender Agent shall assist WWF China in answering the bidder's questions
- (5) In the opening of the bids the tender agent assists WWF China. The Tender Agent shall prepare the necessary documentation for opening of the bids.
- (6) The Tender Agent shall assist the Tender Committee established by the WWF China in the evaluation of the tenders received as long as it is compliant with the national procurement laws. The Tender Agent needs to be available to reply to WWF China if question arises related to the application of the national procurement laws.
- (7) The Tender Agent ensures that communication on the results of the procedures will be done according to the Chinese bidding laws. Moreover it shall draft and disseminate the necessary information on the required platforms. The Tender Agent ensures that proper communication will be done towards all bidders on the results of the procedure; this written communication shall comply with the Chinese procurement laws. If there is any question from the bidder, the Tender Agent shall reply to those after consulting with WWF China.
- (8) Any other task that is related to the tender procedure, per request of the WWF China.

Selection Criteria and Technical and professional ability

Required Expertise regarding the team delivering the services	Proof to verify the compliance
Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers that is relevant to pursue this activity	Original or certified copy of the Chinese trade or professional register certification The successful bidder needs to prove the existence of a valid liability insurance for its operations. The liability insurance shall cover at least the value of the two procurement tenders that it is responsible for the insurance shall cover, at least, the amount of 1.7million EURO.
The company shall not be in any of the situation that would exclude the applicant from this tender procedure	Signed declaration of honor (non-exclusion criteria form)
The absence of any professional or personal conflict of interest	Signed declaration of honor (non-exclusion criteria form)
Required Expertise regarding the team delivering the services	Proof to verify the compliance
At least 3 years of expertise to carry out public tendering procedure on behalf of public entities in the territory of China	The tenderer must provide references for 3 procurement projects that altogether demonstrate the requested capacity and were delivered in the last 3 years. The project references should include at least title, duration, geographical scope,

	public entity's name and the type of the procurement procedure The successful agent is not permitted to outsource the tender service or transfer to any other agent to provide the service
Native level of Chinese language	CV and language certificate or past experience + project references
Fluent in English language (C1 according to the European common reference system)	CV and language certificate or past experience + project references

Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points. Tenders that receive less than 70% of the maximum possible mark for the whole quality evaluation or less than 60% for one of the quality criteria will be eliminated and their final score will not be calculated. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

Quality Criteria	Points
Customer services <u>We ask the tenderer to give a detailed explanation on this matter.</u> This criterion assesses the understanding of the customer's (WWF) needs as for the procurement procedure is concerned. Previous experience on tendering on behalf of third sector organisations (such as NGOs) is highly desirable.	20 point – minimum threshold 60% (12 points)
Market experience and insurance for a broad, national wide dissemination <u>We ask the tenderer to give a detailed explanation on this matter.</u> This criterion assesses the experience of the tender agent in reaching out to a broad range of service providers. This is important as the contracting organisation's interest is to reach out to as many suppliers on the market as possible. In case the tender agent has previously set up vendors lists that can be used in any of the procurement procedures that it has been introduced here.	30 points - minimum threshold 60% (18 points)
Project management and quality control <u>We ask the tenderer to give a detailed explanation on this matter.</u> This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.	50 points – minimum threshold 60% (30 points)
Total number of points	100 points minimum threshold 60% (60 points)

Ranking of the offers/tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio in accordance with the formula below.

A weighting of 80 - 20 is given to price and quality.

After evaluation of the quality of the tenders, the evaluation committee will proceed with the financial comparison of the tenders retained for further consideration according to the following formula:
score for tender X = [(Lowest price / Price of tender X) x 80] + [(Total quality score for all award criteria of tender X / 100) x 20]

Other Stipulations

Supplier compliance, code of conduct, conflict of interest

All activities of the Tender Agent will meet the requirements of fairness and transparency, ensuring that all bidders taking part in the tender will have equal opportunities and that the contract will be awarded to the bidder that offer provides the best price-quality ratio.

Bidders are requested to comply with the exclusion criteria requirements that are stated in the declaration of honour. Bidders are requested to declare any conflict of interest on the same form.

Before signing the contract with WWF China, the successful bidders will be requested to take on a note on the supplier code of codex on social requirements. This supplier code of codex will be integral part of the contract that WWF China signs with the successful bidder.

The Tender Agent must be neutral towards and independent from any potential bidder for the tender. In the selection process and in communicating with the participating bidders the Tender Agent is bound by the principle of confidentiality.

The Tender Agent and any persons with whom he or she is in close contact will be permitted to have any ongoing business relations with the firms taking part in the tender as bidders. The tender agent shall inform WWF China in written, if he/she had any business with any of the bidders in the last 12 Months (the basis for the calculation is the opening date of the bids). Under business we understand joint ventures, short-term or long-term assignments in ongoing or planned projects and joint participation in tender procedure. In case of any previous or ongoing business the situation of conflict of interest shall be examined by WWF China and WWF Germany. If conflict of interest occurs WWF China reserves the right to immediately terminate the contractual agreements with the tender agent. Any legal disputes existing with a participating bidder must also be disclosed at any stage of the procedure, in written form to WWF China.

Communication between the bidder and the contracting organisation

Unless it is required by law or the procurement procedure, all communication between the bidder and the Tender Agent is permitted. Communication between the Tender Agent and WWF China and WWF Germany shall be done in written form, in principle. Any documentation of the procedure shall be sent by the Tender Agent to WWF China, on request. The Tender Agent is required to store all tender documentation that he/she process during the procedure as long as it is required according to the Chinese procurement laws, but at least for 5 years following the signature of the contract with the winning bidder. All documents deemed necessary for the procurement procedure will be made available by the Tender Agent to WWF China, upon request.

Documentation

The tender agent is requested to forward (in original and if original does not exist electronically) to WWF China any documentation that is being prepared under the tender procedures. The tender agent has to forward all procurement documentation incl. the bidder communication that it processes once a tender procedure has been successfully closed. If there is a request from WWF China the tender agent shall provide any procurement document (in paper form or electronically) at its earliest convenience independently from the stage of the procedure.

Date protection

The Tender Agent shall ensure that he/she processes, disclose, manage and store data according to the procurement legislation in China. The Tender Agent shall ensure the application of the GDPR (2016/679 EU Regulation on General Data Protection) if the data protection and privacy of individual from the EU/EEA is concerned in relation to the procurement procedure.

Time Schedule

After the signature of the contract with the Tender Agent the first tender procedure shall start immediately. The tender agent shall provide its services along the whole procurement procedures up until the communication and dissemination of the results towards the public and the bidders (according to the Chinese procurement laws). If there is any request/question from a bidder after the communication of the results the Tender Agent shall reply to that request and liaise with WWF China, if necessary.