

Current Status

Submission completed

15-Jun-2007 03:36 PM EST

Akiko Yuge **approved contract - CPO**

Submission History [[show](#)]

ACP Meeting: RACP/EXTR/002/2007 on 30-Apr-2007 05:00 PM EST

ACP Recommendation to CPO [[hide](#)]

Recorded by Krishan Batra on 4-Jun-2007

16/03/2007

PNUD Venezuela

Caso Propuesto: Solicitud de excepción a un proceso competitivo, para contratar con la empresa SETRONIX, C.A. (Venezuela), por un monto total de US\$2,375,000.00, provenientes de recursos financieros del Gobierno de Venezuela.

Objeto de la Contratación: Adquisición de equipos de inspección no intrusiva a los seres humanos (Pasajeros y/o transeúntes).

Revisión de la Presentación : El CRAA considera que el proceso fue conducido en forma transparente y el value for money es justificado al comparar el precio con las otras ofertas presentadas en el proceso, siendo estas mayores a la oferta seleccionada.

En relación al tema de la disponibilidad de fondos, solamente se observa la solicitud emitida, sin embargo, no existe la confirmación del proyecto que cuenta con los fondos necesarios para la presente contratación.

Recomendación del CRAA: El Comité Regional de Asesoría en Adquisiciones, a fin de emitir su correspondiente recomendación, solicita al PNUD Venezuela, la presentación al CRAA de la siguiente documentación: i) Confirmación de presupuesto disponible para la presente contratación; ii) Detalle más amplio de las especificaciones técnicas solicitadas; iii) Indicar si hubo consultas y aclaraciones durante el proceso de licitación; y iv) Si los rangos establecidos en las especificaciones técnicas para el diseño del equipo, consideraron la posibilidad de que se presentara más de un fabricante. De ser así, enviar folletos con las descripciones técnicas utilizadas.

Regional Advisory Committee on Procurement (RACP)

Ad Hoc Meeting No 02-09/2007

Comments on the revision

Case: ACP – RBLAC/07/0066 Venezuela

Comments of the RCPO

The case was reviewed by CAP and by the RACP, recommending the award subject to the CPO approval. In addition the RCPO considers that the procured action is in line with UNDP regulations, considering the specific products to be procured and that the financial and technical risks to UNDP is minimal.

See below some additional explanations on the process:

Detail of the submission

1. Availability of funds

According to the Venezuela CO, project funds are available and will be deposited before Contract signature, in the amount of USD 2,375,000.00, financed by the Government of Venezuela.

2. Background .

Part of the strategy of the Tax and Customs Service of Venezuela (SENIAT), in order to modernize its services and to comply with the National Security policies, is to monitor incoming and outgoing travelers to detect and/or avoid the importation/exportation of drugs, fire arms, explosives and non declared paper money, hidden by the passengers in their carry on clothes. For this reason the SENIAT has requested through this project, the procurement of nineteen (19) non-intrusive scanning equipments for passengers and pedestrians in the National airports of the country.

3. Purpose of the Contract .

The submission forwarded by the Venezuela CO, refers to a waiver to competitive bidding, to contract the firm SETRONIX C.A . (Venezuela), for a total amount of USD 2,375,000.00 for the procurement of 19 non-intrusive inspection equipments (for passengers and pedestrians) to be used in the national airports of Venezuela.

4. Procurement Process

The tender was an international publicized ITB, and bidders had up to 55 days to submit bids. 6 firms requested the bidding documents, four Explanatory notes were issued, and on technical issues only one request for clarification was received and responded. Finally 3 bids were received of which one was disqualified due to lack of the requested bid guarantee, and a second because of technical incompliance.

5. Waiver to a Competitive Process .

The international ITB process was carried out according the UNDP Procurement Guidelines, but at the end the evaluation committee, formed with a majority of

UNDP staff, out of the 3 received bids, defined that only one complied fully with all the requested documents as well as with the requested technical equipment. Since the 3 valid bids were not obtained, and that the value exceeds the Delegation of Procurement Authority granted to the CO RR, the case was submitted to the RACP as waiver to competitive bidding.

5. Value for Money

The value for money is demonstrated by comparing the offered price with the two other received bids, which were higher than the selected bid submitted by SETRONIX.

6. Quality

The bidder complied with all technical requirements requested in the tender documents for the equipment, including for the provision of Maintenance and after sales services during a period 3 years after reception. Extra parts should be provided for in a maximum of 2 weeks and maintenance is during 12 hours, 7 days a week.

7. Type of Contract .

The CO proposes to issue a Purchase Order.

8. Payment criteria.

Final payment was agreed after reception and acceptance of goods, with a 70 % initial partial payment on reception of Bill of Lading for imported goods.

9. Additional Comments

The local CAP approved the case and the RACP approved the case in a second meeting and recommended its award, subject to CPO approval. In its first meeting, the RACP requested additional information regarding i) the availability of funds; ii) clarification of the Technical Specifications; iii) if there had been requests for clarifications during the tender process; and iv) if the TS were open enough so that other firms could tender. To all issues the CO office responded to the satisfaction of the RACP members and the RCPO.

1 June 2007 OLPS New York:

The OLPS has reviewed the additional information requested on this submission.

(1) Since this contract is of a high value, over USD2million, extensive market research should have been undertaken to identify qualified suppliers of scanning equipment. The Venezuela UNDP office affirms that market research was done and that based upon such

research it decided to proceed with a public bid process of an ITB. Because there was a public bid process and not a restricted process, the top suppliers were not on the list of considered suppliers.

(2) The price of the equipment appears to be high and the ACP questioned whether the cost includes installation of the scanning equipment and training of personnel on the equipment. The Venezuela office advises that the proposed contractor offered the lowest priced bid. Setronix C.A. offered a price of USD2,375,000 which breaks down to a price of USD125,000 per piece of scanning equipment. The price includes installation and training for two months. The other two competing bids were for USD5,033,618 and USD4,844,449.

(3) Setronix, C.A. is a Venezuela based firm and the scanning equipment is “L3-Communications and Detection systems, Mod. Provision”, made by a US based manufacturer.

Information on the reliability of the brand of equipment should have been provided.

(4) The ACP questions the reason for not contracting directly with the US based manufacturer of the scanning equipment.

The country office (CO) conducted a public bid because there are several manufacturers of scanning equipment for persons and a public bid would obviate the possibility of directly contracting with a specific manufacturer. Furthermore, the technical specifications of the scanning equipment were broad enough to attract proposals for various brands and models of scanning equipment.

(5) An inquiry was made as to the level of experience of the UNDP staff members who participated in this procurement process. A professional in the unit of non-intrusive detection systems drafted the specifications and participated in the evaluation committee. Two staff members in the Procurement Unit of UNDP compared the bid's specifications with the tender document's specifications.

Based on above observations, we recommend the award of a contract with Setronix C.A. (Venezuela) for supplying 19 units of non-intrusive equipment for passengers at the airports, in the amount of USD2,375,000. The payment shall be linked to deliverables including successful installation and testing.

Request for Waiver of Competitive Process - ACP-RBLAC/07/0066

Basic Information

Request Type: ACP Review

Requesting Unit: Venezuela

ACP Meeting: RACP/EXTR/002/2007 on 30-Apr-2007 05:00 PM EST

From: (*Head of Organizational Unit or RR*)
David McLachlan-Karr

Amount of Proposed Contract:
2,375,000.00 US Dollar

Funding Source:
Recursos de Gobierno

Amount of Funds Available:
567,628.55 US Dollar

Type of Contract:
Purchase Order

Proposed Submission Resulted From:
Invitation to Bid (ITB)

Modality of Project Execution:
NEX

Name of Proposed Contractor:
SETRONIX, C.A.

Country of Contractor:
Venezuela

Purpose of Contract:

1. Background

Give brief and concise information on the background of the project such as project objectives, organization/institutional setting, financial arrangements, etc.

El Servicio Nacional de Administración Aduanera y Tributaria (SENIAT) tiene bajo su responsabilidad la recaudación y fiscalización de los tributos internos y la modernización del sistema aduanero y de las oficinas del Servicio Aduanero distribuidas por el territorio Nacional.

Las aduanas venezolanas son los órganos de la administración pública que tienen por principal objetivo percibir los derechos fiscales de importación y exportación, y hacer cumplir las disposiciones del comercio internacional.

Entre los objetivos de este proyecto están además de incrementar la recaudación fiscal, el fortalecer la capacidad de fiscalización y control desarrollando procedimientos sobre la base de la legislación nacional y la normativa aduanera internacional. Para apoyar la efectividad de los controles ejercidos en las aduanas en cuanto a fortalecer la lucha contra el tráfico de drogas, estupefacientes, armas, explosivos y divisas no declaradas, que son elementos básicos de la seguridad nacional, es necesario implementar herramientas que faciliten la verificación de los pasajeros que ingresan al país por los aeropuertos internacionales.

Los sistemas de inspección no intrusiva pueden identificar y localizar explosivos, componentes de una bomba, armamento y/o papel moneda que estén ocultos en las vestimentas de los pasajeros y/o transeúntes, al momento de ingresar a territorio nacional.

Por lo anterior, y en concordancia con la modernización que se lleva a cabo en las aduanas del país, el SENIAT requiere de la adquisición de equipos de inspección no intrusiva para los seres humanos, orientados a pasajeros y/o transeúntes.

2. Reason For Waiver

Award of procurement contracts on the basis of exceptions to the use of formal methods of solicitation Rule FR 121.05:

The Chief Procurement Officer may determine for a particular procurement action that using formal methods of solicitation is not in the best interest of UNDP:

- (vi) A formal solicitation has not produced satisfactory results within a reasonable prior period;

3. Justification for Waiver

Este proceso fue ampliamente difundido tanto nacional como internacional, tal es así que seis (6) empresas manifestaron interés en participar. De las 6 sólo 3 presentaron su oferta en la fecha y hora indicada.

Una de las empresas que presentó oferta no calificó en la evaluación preliminar al no presentar garantía de seriedad de la oferta (Seguridad con Rayos X, C.A.).

De las dos empresas habilitadas, la oferta presentada por la empresa PEMICA no calificó técnicamente, ya que la solución propuesta por ellos incluye proveer de 3 equipos que trabajan en forma consecutiva, ocupando más espacio del disponible para estos chequeos. De igual forma no cumple con todos los requerimientos solicitados tales como :

- Ell poder ajustar la sensibilidad del equipos (sólo lo cumple para metales)
- El generador de alarmas adicionales: (Ninguno lo cumple)
- indicación proporcional a la masa del objeto en tránsito (Sólo lo oferta para armas, no así para explosivos ni papel moneda)
- señalización acústico (sólo para armas)
- duración constante o proporcional a la masa del objeto en tránsito (ninguno de los equipos)

Por todo lo anteriormente indicado no calificó técnicamente la oferta presentada por la empresa PEMICA.

Sólo es habilitada para la revisión aritmética la oferta presentada por la empresa SETRONIX, C.A.

Es importante destacar que el Waiver es el resultado de un proceso abierto, difundido y competitivo.

4. Value for Money

4.1 For Goods

Price comparable to IAPSO/GSA/Other International Price List

Tal como se puede apreciar en el acta de apertura de las ofertas presentadas en este proceso, la oferta presentada por la empresa SETRONIX, C.A., es la de menor precio de las presentadas. Si bien la oferta de la empresa Seguridad Rayos X no fue evaluada técnicamente por no presentar la empresa la Garantía de Seriedad de Oferta, el precio por ella ofertado es más que el doble que la oferta de la empresa recomendada, y en el caso de la empresa Pemica, la solución que ofrece, duplica también la oferta de Setronix C.A.

Por ello, si bien tenemos solamente una oferta válida, ésta representa menos de la mitad del precio de las otras dos ofertas recibidas-

4.2 For Services

Attachments - ACP-RBLAC/07/0066

Document Type	Description	Uploaded by	
Other Documentation	recursos financieros	Selma Berlin on 2-Apr-2007	[View]
Other Documentation	Respuesta a aclaratoria Setronic	Selma Berlin on 2-Apr-2007	[View]
Other Documentation	Respuesta a aclaratoria. PEMICA	Selma Berlin on 2-Apr-2007	[View]
Other Documentation	Especificaciones tecnicas utilizadas en el proceeso	Selma Berlin on 30-Mar-2007	[View]
Other Documentation	Exposiciondemotivos y especificaciones iniciales	Selma Berlin on 30-Mar-2007	[View]
Other Documentation	Aclaratoria del proceso	Selma Berlin on 30-Mar-2007	[View]
Other Documentation	Extensión validez de la oferta SETRONIX	Selma Berlin on 13-Mar-2007	[View]
Other Documentation	Transferencia de recursos a PNUD	Selma Berlin on 13-Mar-2007	[View]
Other Documentation	Informe de Evaluación y Recomendación	Selma Berlin on 8-Mar-2007	[View]

CAP Minutes

CAP

Selma Berlin on 8-
Mar-2007

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Terms of
Reference

Pliego LPI 099 SENIAT 2006

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Mar-2007

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