

Tender**Tender Process**

A **tender** is a formal invitation sent by a buyer to potential suppliers or contractors to submit proposals for a specific job or project. The process involves detailed documentation to ensure transparency and competitiveness when selecting a supplier based on factors such as price, availability, and delivery terms. Below is a simple breakdown of the key components in the tender process:

1. Tender Documents

Tender documents typically include various parts to guide the potential suppliers or contractors in making their submissions:

1.1 Cover Letter

A formal invitation letter that tells contractors when and where to submit their tender.

1.2 Invitation to Tender

This document provides instructions on how to fill out the tender documents.

1.3 Form of Tender

A signed document that confirms the contractor understands and accepts the terms of the tender.

1.4 Terms and Conditions of the Contract

Sets out the legal obligations and responsibilities of both the buyer and the supplier.

1.5 Bill of Quantities

A detailed list of work items and their prices, helping contractors estimate costs and making it easier to compare different tenders.

1.6 Design Drawings

Detailed plans of the construction or work site that inform the contractors of what is required for the project.

1.7 Specifications

Describes the materials, standards, and work quality required for the project.

1.8 Quality Requirements

Details about the quality of work and evidence the contractor must provide to prove their experience.

1.9 Tender Evaluation Criteria

Guidelines on how the submitted tenders will be evaluated.

1.10 Tender Return Label

A simple label with the date and time for returning the tender.

1.11 Pre-Construction Information

Details that might affect health and safety during construction.

2. Steps in the Tendering Process

2.1 Writing the Tender Response

To write a successful tender response, follow these steps:

- **Use Provided Templates:** If the buyer provides a template, use it to ensure that your bid is easy to compare with others.
- **Structure the Document Clearly:** Organize your tender logically, with an introduction explaining your approach, followed by supporting evidence and cost breakdowns.
- **Include All Required Information:** This may include your company profile, experience, price breakdown, delivery details, and insurance information.
- **Address Selection Criteria:** Make sure your tender answers all the buyer's requirements and highlights your strengths.

- **Choose Good Referees:** Provide references from clients who know your work and can vouch for your capabilities.
- **Proofread the Tender:** Review your submission carefully to ensure it is error-free and consistent.
- **Submit on Time:** Always submit the tender before the deadline to avoid disqualification.

2.2 Decision Making

The buyer will evaluate the tenders based on several factors:

- **Suitability of the Proposal:** How well the tender meets the buyer's needs.
 - **Cost:** Price and value for money.
 - **Experience:** Relevant previous work and expertise.
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3. Example Tender Document

Invitation to Tender for Memorial Repair

Dear Sir or Madam,

Re: Invitation to Tender, War Memorial Repair

The **Nowhere Parish Council** is inviting tenders for the repair of the **Nowhere War Memorial**. The work must be completed before **Remembrance Sunday** this year.

The required repairs include:

- Cleaning algae from the memorial.
- Repointing open joints with lime mortar.
- Minor repairs to water traps.

The successful bidder will be chosen based on the method statement, technical approach, and price. Submit your tender by **February 28th**.

Please include:

- Your price (with VAT).

- Availability based on the completion date.
- Relevant previous work and references.

Contact: Mrs. A. N. Other
Nowhere Parish Council
[Contact Details]

4. Tips for a Successful Tender Response

1. **Follow the Template:** If the buyer provides a format, stick to it.
 2. **Clear Structure:** Organize the response well for easy evaluation.
 3. **Provide All Details:** Include company info, pricing, and experience.
 4. **Address Selection Criteria:** Highlight your strengths and explain why you're the best choice.
 5. **Choose the Right Referees:** Use references who know your work well.
 6. **Proofread:** Ensure your submission is clear and free of errors.
 7. **Submit on Time:** Always submit before the deadline.
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The **tendering process** is crucial for selecting suppliers or contractors in a fair, transparent manner. By providing the right documents and following the correct process, you ensure a smooth and successful selection of the best contractor for the job.

Copyright

Copyright is a law that gives creators exclusive rights to use and control their original works, like books, music, and art.

The evolution of copyright

The evolution of copyright began with the British Statute of Anne (1709), the first law granting authors control over their works. The U.S. Constitution (1787) followed, establishing copyright protection to promote innovation. The Berne Convention (1886) created international recognition of copyright, and the Universal Copyright Convention (1952) offered a simpler alternative. In 1995, the TRIPS agreement integrated copyright rules into global trade, and the WIPO Copyright Treaty (2002) introduced stronger regulations on digital technology and copyright enforcement.

Copyright is related to four main types of works:

1. **Literary, Dramatic, and Musical Works:**

- **Literary work:** Includes all types of literature such as books, articles, and works on topics like humanity, religion, and social science.
- **Dramatic works:** Includes drama, recitation, choreography, and other forms of performance.
- **Musical work:** Any combination of melody or harmony, whether written, printed, or produced.

2. **Artistic Works:**

- Includes painting, sculpture, drawing, photography, architectural works, and other forms of artistic craftsmanship.

3. **Cinematographic Works:**

- Refers to any sequence of visual images fixed on materials, like films.

4. **Record:**

- Refers to sound recordings, such as discs or tapes, in which sounds are stored and can be reproduced.

Bangladesh copyright law

The current copyright law in Bangladesh has its origins in the British Copyright Act of 1911, which was implemented in British India in 1914 to protect creative works. After Bangladesh became independent (formerly East Pakistan), creative works were protected under the Copyright Ordinance of 1962, which replaced the British Indian Copyright Laws of 1914.

This ordinance was amended in 1967. In 1974, it was further amended and approved as Act No. LIV of 1974. The previous act was eventually replaced by the Bangladesh Copyright Ordinance of 2000, passed on July 18, 2000. This ordinance was amended again on May 18, 2005, for further updates and improvements.

The major parts of the Bangladesh Copyright Act include:

Types of Works Covered: The law protects four main types of works:

- **Literature, Drama, Music, or Arts**
- **Cinematography**
- **Sound Recordings**
- **Broadcasting**

Nature & Scope of Copyright Protection:

1. **Originality:** A work must be original and not copied from another. Copyright is granted only to works that originate from the author.
2. **Independent Creation:** If two authors independently create identical works, both are entitled to copyright for their respective works.
3. **Focus on Effort:** The protection emphasizes the labor, skill, judgment, and resources spent in creating the work.

Rights Under Copyright (Sections 14 and 15 of the Copyright Act 2000-2005):

- **Reproduction:** The right to reproduce the work in material form.
- **Publication:** The right to publish the work.
- **Public Performance:** The right to perform the work publicly.
- **Translation Rights:** The right to produce, reproduce, perform, or publish any translation of the work.
- **Broadcasting:** The right to broadcast the work or communicate it to the public using instruments like loudspeakers.
- **Adaptation:** The right to adapt the work for other formats.
- **Cinematography and Record Use:** The right to use the work in films or sound recordings.
- **Media Display:** The right to show the work in media.

Ownership of Copyright:

- If an author works for a newspaper or magazine, the employer is the first owner unless stated otherwise.

- If a photograph, painting, or portrait is created for payment, the person who paid is the first owner.
- For government work, the government owns the copyright.
- If a speech is delivered in public, the speaker is the first owner. If delivered on behalf of someone else, that person is the first owner.
- Works made by public organizations are owned by the organization.

Duration of Copyright:

- **Literature, music, drama, & arts:** Copyright lasts for the lifetime of the author + 60 years.
- **Cinema:** Copyright lasts for the release year + 60 years.
- **Sound recording:** Copyright lasts for the year of recording + 60 years.
- **Photographs:** Copyright lasts for the published year + 60 years.
- **Anonymous writing:** Copyright lasts for the published year + 60 years, or if the author is identified, it lasts for the year of death + 60 years.
- **Computer-related works:** Copyright lasts for the published year + 60 years.
- **Broadcasting:** Copyright lasts for the published year + 25 years of broadcasting and reproduction.

Works that do not violate copyright:

- Using parts of literature, music, drama, and arts for personal purposes with reference.
- Criticism of literature, music, drama, and arts.
- Clippings from newspapers, TV, or drama used with reference.
- Judicial reports and reports on literature, music, drama, and arts can be reproduced.
- Reproduction of literature, music, drama, and arts for use in parliament.
- Citation of published literature and drama in public places.
- Using clippings for educational purposes.

Works that violate copyright:

- Using literature for commercial purposes without permission.
- Reproducing or transforming art without permission.

- Editing dramatic works without permission.
- Using clippings from newspapers, TV, drama, or arts without permission.
- Using clippings, videos in DVD, VCP, CD, or on the internet without permission.
- Using creative, research, or informative works without permission.
- Using sound recordings without permission.
- Broadcasting programs without permission.
- Using intellectual works for profit without permission.

Copyright Board

The **Copyright Act** establishes a quasi-judicial body known as the **Copyright Board**, which includes a **Chairman** and up to **six members**.

The Chairman of the Board must be one of the following:

- A current or former district judge.
- A civil servant with the rank of Additional Secretary.
- A lawyer qualified to become a judge in the **High Court Division**.

Copyright library

In Bangladesh, the **Copyright Library** is the only designated copyright library under the **Copyright Ordinance**. The laws regarding this library include the following requirements:

1. Every publisher must provide a copy of their publication to the library at their own cost within **2 months** of publication.
2. Publishers must also provide newspapers and journals to the library at their own cost.
3. Failure to comply with these rules will result in a **fine of 1000 taka**.
4. For **cinema**, the producer must provide a copy of the film to the **Film Archive**.

Steps for Copyright Registration:

1. Submit the application in triplicate with the required fees.
2. Notify all parties with an interest in the work.
3. If objections are received, the Registrar will hold an inquiry and make necessary entries in the copyright register.
4. Copies of the register entries are sent to the concerned parties.

Copyright Law & Current Status in Bangladesh:

Bangladesh's Copyright Ordinance (2000, amended in 2005) is strict, but enforcement is weak, and violations are common.

- **Books:** Both local and foreign books are often pirated.
- **Cinema:** Most films in Bangladesh are pirated.
- **Computer Programs:** Almost all software is pirated.
- **Photographs:** Piracy of photographs is widespread.
- **Music:** The music industry faces a major threat from pirated CDs, DVDs, and websites. Even FM radio stations and restaurants often violate copyright laws.

Solutions to Combat Piracy in Bangladesh: piracy mean illegal copying

1. **Anti-piracy Force:** Establish a dedicated team to take action against book piracy, illegal photocopying, and widespread CD, DVD, and software piracy.
2. **Customs Cell:** Set up a cell within Bangladesh Customs to intercept illegal imports and exports of pirated goods.
3. **Optical Disc Plant Inspections:** Regularly inspect optical disc manufacturing plants, seize pirated materials, and prosecute plant owners and managers involved in piracy.
4. **Effective Optical Disc Regulation:** Implement strict regulations for optical disc manufacturing, including licensing, mandatory inspections, and use of identification codes for discs.
5. **Awareness Campaigns:** The government should create public awareness about the importance of respecting copyright laws.

By implementing these measures, Bangladesh can significantly reduce piracy and improve its global image.

