

Tender Package — Request for Bid (RFB)



1. Invitation to Tender

Tender Name: Provision of Diesel for MC Apartments and Refugees Camps	Tender No: MC-35-2020
Location: Jordan	Correspondence Language(s): English
<u>Brief Summary Description of Project:</u> <p>Mercy Corps is an international relief and development organization working in over 40 countries worldwide helping people build secure, productive and just communities. In Jordan, Mercy Corps has been actively working since 2003 to implement a variety of programs funded by US and European governments and private donors.</p> <p>Mercy Corps is seeking bids to contract with a registered and reputable diesel company under a one year master purchase agreement with the possibility of a one year extension to provide Diesel for MC Apartments and Refugees Camps.</p>	

Tender package available from: Sunday, December 13, 2020	Tender package available: https://jordan.mercycorps.org/tenders Also the package can be found on Mercy Corps website at: www.mercycorps.org/tenders
Deadline for offer submission: Sunday, December 27, 2020 till 3:00 pm (Amman Time)	Submission of offers: Option 1: Hardcopy submission: Sealed Offers to Mercy Corps, Building No. 8, Tabasheer 3 Street, 7th Circle, Amman Jordan. Option 2: Soft copy submission: Soft copy submission must be only to the following Email address: tenders@mercycorps.org <i>Any offer sent to another email address will be disregarded.</i>

Mercy Corps reserves the right to accept or reject any late offers

Questions and Answers (Q&A)	
If any, Submit Questions in writing to jo-tenders@mercycorps.org or tenders@mercycorps.org Attention: Procurement Tenders	
Last Day for Questions: Thursday, December 17, 2020 (COB) (COB i.e. 4:30 PM)	Questions will be answered by: Sunday, December 20, 2020 (COB) (COB i.e. 4:30 PM)
<ul style="list-style-type: none">Questions will be answered in writing through email on given time and date. MC has the right not to consider any more questions after Thursday, December 17, 2020 (COB).All received questions along with answers will be shared with all prospective bidders who download the tender package. They will also be posted on both MC Jordan website and MC global website. (Same websites which the bidders use to download the tender package as described above).	

Documentation Checklist

These documents are contained within this tender package:

- ✓ Invitation to Tender
- ✓ General Conditions for Tender
- ✓ Criteria and Submittals
- ✓ Offer Form
- ✓ Attachment 1 Supplier Information Form
- ✓ Attachment 2 Purchase Contract Template
- ✓ Attachment 3 Price Offer Sheet
- ✓ Attachment 4 Response Sheet
- ✓ Attachment 5 Quality Control Plan

2. General Conditions for Tender

Mercy Corps invites offers for the goods, services and/or works described and summarized in these documents, and in accordance with procedures, conditions and contract terms presented herein. Mercy Corps reserves the right to vary the quantity of work/materials specified in the Tender Package without any changes in unit price or other terms and conditions and to accept or reject any, all, or part of submitted offers.

2.1 Mercy Corps' Anti-Bribery and Anti-Corruption Statement

Mercy Corps strictly prohibits:

- Any form of bribe or kickback in relation to its activities
This prohibition includes any request from any Mercy Corps employee, consultant or agent for anything of value from any company or individual in exchange for the employee, consultant or agents taking or not taking any action related to the award of a contract or the contract once awarded. It also applies to any offer from any company or individual to provide anything of value to any Mercy Corps employee, consultant or agent in exchange for that person taking or not taking any action related to the award of the contract or the contract.
- Conflicts of interests in the awarding or management of contracts
If a company is owned by, whether directly or indirectly, in whole or in part, any Mercy Corps employee or any person who is related to a Mercy Corps employee, the company must ensure that it and the employee disclose the relationship as part of or prior to submitting the offer.
- The sharing or obtaining of confidential information
Mercy Corps prohibits its employees from sharing, and any offerors from obtaining, confidential information related to this solicitation, including information regarding Mercy Corps' price estimates, competing offerors or competing offers, etc. Any information provided to one offeror must be provided to all other offerors.
- Collusion between/among offerors
Mercy Corps requires fair and open competition for this solicitation. No two (or more) companies submitting bids can be owned or controlled by the same individual(s). Companies submitting offers cannot share prices or other offer information or take any other action intended to pre-determine which company will win the solicitation and what price will be paid.

Violations of these prohibitions, along with all evidence of such violations, should be reported to:

integrityhotline@mercycorps.org

Mercy Corps will investigate allegations fully and will take appropriate action. Any company, or individual that participates in

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any of the above prohibited conduct, will have its actions reported to the appropriate authorities, will be investigated fully, will have its offer rejected and/or contract terminated, and will not be eligible for future contracts with Mercy Corps. Employees participating in such conduct will have his/her employment terminated.

Violations will also be reported to Mercy Corps' donors, who may also choose to investigate and debar or suspend companies and their owners from receiving any contract that is funded in part by the donor, whether the contract is with Mercy Corps or any other entity.

2.2 Tender Basis:

- All offers shall be made in accordance with these instructions, and all documents requested should be furnished, including any required (but not limited to) supplier-specific information, technical specifications, drawings, bill of quantities, and/or delivery schedule. If any requested document is not furnished, a reason should be given for its omission in an exception sheet.
- No respondent should add, omit or change any item, term or condition herein.
- If suppliers have any additional requests and conditions, these shall be stipulated in an exception sheet.
- Each offeror may make one response only.
- Each offer shall be valid for the period of [90 days] from its date of submission.
- All offers should indicate whether they include taxes, compulsory payments, levies and/or duties, including VAT, if applicable.
- Suppliers should ensure that financial offers are devoid of calculation errors. If errors are identified during the evaluation process, the unit price will prevail. If there is ambiguity on the unit price, the Selection Committee may decide to disqualify the offer.
- Any requests for clarifications regarding the project that are not addressed in written documents must be presented to Mercy Corps in writing. The answer to any question raised in writing by any offeror will be issued to that offeror. In some cases, Mercy Corps may choose to issue clarifications to all offerors. It is a condition of this tender that no clarification shall be deemed to supersede, contradict, add to or detract from the conditions hereof, unless made in writing as an Addendum to Tender and signed by Mercy Corps or its designated representative.
- This Tender does not obligate Mercy Corps to execute a contract nor does it commit Mercy Corps to pay any costs incurred in the preparation and submission of bids. Furthermore, Mercy Corps reserves the right to reject any and all offers, if such action is considered to be in the best interest of Mercy Corps.
- Mercy Corps has the right not to disclose the name of the winning offeror to the losing bidders or the terms and conditions offered by the winning bidder.

2.3 Supplier Eligibility

Suppliers may not apply, and will be rejected as ineligible, if they:

- Are not registered companies
- Are bankrupt or in the process of going bankrupt
- Have been convicted of illegal/corrupt activities, and/or unprofessional conduct
- Have been guilty of grave professional misconduct
- Have not fulfilled obligations related to payment of social security and taxes

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- Are guilty of serious misinterpretation in supplying information
- Are in violation of the policies outlined in Mercy Corps Anti Bribery or Anti-Corruption Statement
- Supplier (or supplier’s principals) are on any list of sanctioned parties issued by; or are presently excluded or disqualified from participation in this transaction by: the United States Government or United Nations by the United States Government, the United Kingdom, the European Union, the United Nations, other national governments, or public international organizations.

Additional eligibility criteria, if applicable, are stated in section 3.2 of this tender package.

2.4 Response Documents

Offerors must submit an offer in their own format and ensure it contains all the required documents and information specified in this tender. Where an itemized Price Offer Sheet is included in the tender package, the offeror must complete and submit it with the rest of their offer.

2.5 Acceptance of Successful Response

Documentation submitted by offerors will be verified by Mercy Corps. The winning offeror will be required to sign a contract for the stated, agreed upon amount.

2.6 Certification Regarding Terrorism

It is Mercy Corps’ policy to comply with humanitarian principles and the laws and regulations of the United States, the European Union, the United Nations, the United Kingdom, host nations, and other applicable donors concerning transactions with or support to individuals or entities that have engaged in fraud, waste, abuse, human trafficking, corruption, or terrorist activity. These laws and regulations prohibit Mercy Corps from transacting with or providing support to any individuals or entities that are the subject of government sanctions, donor rules, or laws prohibiting transactions or support to such parties.

3. Criteria & Submittals

3.1 Contract Terms

- Mercy Corps intends to issue a Fixed Price contract to one or several company(ies) or organization(s). The successful offeror(s) shall be required to adhere to the statement of work and terms and conditions of the resulting contract. By submitting an offer, offerors certify that they understand and agree to all of the terms and clauses contained in attachment 2- Purchase Contract Template.

3.2 Specific Eligibility Criteria

Eligibility criteria must be met and the corresponding supporting documents listed below under “Tender Submittals” **must** be submitted with offers. Offerors who do not submit these documents may be **disqualified** from any further technical or financial evaluation.

Eligibility Criteria:

- Proof of local Tax registration.
- Proof of local Business registration.
- Submission of MC Supplier information form- Attachment 1 (Filled, signed and stamped).
- Tender bond equals to 7,000 JOD

3.3 Tender Submittals

Submission: the offers can be submitted either as a hard copy or a soft copy.

1. **Hard copy submission:** Offers should be submitted in three sealed envelopes mentioning the name and number on each envelope separately as shown below.
2. **Soft copy submission:** Offers must be only submitted to the following email address (tenders@mercycorps.org), and the bidder should separate the documents into folders as shown below.

✓ **Folder 1, containing documents supporting the Eligibility Criteria:**

- Business registration certificate (e.g. to whom it may concern certificate or equivalent)
- A copy of valid tax registration certificate or a copy of the latest tax clearance.
- MC Supplier information form- Attachment 1 (Filled, signed and stamped).
- Submission of 7,000 JOD tender bond.

(In case of electronic submission of the bid, the bidders still need to provide a hardcopy for the tender bond following the hardcopy submission conditions as described in section 1 of this document)

✓ **Folder 2, containing all documents for Technical Evaluation:**

- Attachment 4 –Response Sheet which includes:
 - The timeline for delivery
 - Company ability/capacity to deliver outside Amman.

✓ **Folder 3, containing all documents for Financial Offer:**

- Financial offer: Attachment 3- Price Offer Sheet

In case the bidder chooses to submit the proposal as a hard copy, the bidder shall provide a CD or Flash memory which must contain all submittals of the three envelopes. The submittals inside the CD or the flash memory must be separated in three separate folders following the submission mechanism described above in section 3.3 tender submittals.

The hard copy proposal which contains the three envelopes must be addressed to “Mercy Corps Jordan”, Sealed Offer from “Name of offering Supplier” and delivered to Mercy Corps Office, Tabasheer 3 St. Bldg. 8, 7th Circle, Amman – Jordan, Tel 55 485 70/1/2

Documents and required information listed in tender submittals are necessary in order to support the eligibility criteria and to conduct technical evaluations of received offers (and due diligence). While absence of these documents and/or information does not denote mandatory disqualification of suppliers, the lack of these items has the potential to severely and negatively impact the technical evaluation of an offer.

Price Offer :

The Price Offer is used to determine which offer represents the best value and serves as a basis of negotiation before award of a contract. As a Fixed-Price contract, the price of the contract to be awarded will be an all-inclusive fixed price basis, either in the form of a total fixed price or a per-unit/deliverable fixed price. No profit, fees, taxes, or additional costs can be added after contract signing. Offerors must show unit prices, quantities, and total price, as displayed in the Price Offer Sheets in attachments 3. All items must be clearly labeled and included in the total offered price. Not using the tender price offer sheets may have the potential to severely and negatively impact the financial evaluation of an offer.

3.4 Currency

Offers should be submitted in: Jordanian Dinars
Payments will be made in: Jordanian Dinars

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3.5 Tender Evaluation (Low Price Technically Acceptable [LPTA] Selection Method)

Based on the above submittals, a Mercy Corps Tender Committee will conduct a tender evaluation process. Mercy Corps reserves the right to accept or reject any or all bids, and to accept the offer(s) deemed to be in the best interest of Mercy Corps. MC will not be responsible for or pay for any expenses or losses which may be incurred by any Offeror in the preparation of their tender.

Evaluations will be conducted as described in the following subsections:

3.5.1 Technical Evaluation

Lowest Price, Technically Acceptable (LPTA)

Mercy Corps Tender Committee will conduct a technical evaluation which will grade technical criteria on a pass/fail basis. Supplier's bids must **meet the minimum technical standard** established here in order to receive a passing mark. Any offerors who receive a failing mark on any criteria will be automatically disqualified from the tender process.

Only offerors who pass all criteria will move on to the next round of evaluation.

Pass/fail technical criteria are as follows:

Technical Criteria	Pass Or Fail
Delivery time: MC Minimum requirement: within 24 hours from the date of issuing the order by MC. <u>Disqualifying response:</u> any company proposes delivery time more than 24 hours will be technically disqualified from the tender.	
Delivery Capacity: MC Minimum requirements: Company ability and capacity to deliver the service inside and outside Amman. <u>Disqualifying response:</u> Any company does not have the capacity/ability to deliver inside or outside Amman will be technically disqualified from the tender.	

3.5.2 Financial Evaluation and Price/Cost Analysis

All suppliers who passed all technical criteria will move on to the financial evaluation where the lowest price offer(s) will be accepted as the winning offeror(s) assuming the price is deemed fair and reasonable and subject to the additional due diligence in section 3.5.3.

3.5.3 Additional Due Diligence

Upon completion of both the technical and financial evaluations Mercy Corps may choose to engage in additional due diligence processes with a particular offeror or offeror(s). The purpose of these processes is to ensure that Mercy Corps

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engages with reputable, ethical, responsible Suppliers with solid financials and the ability to fulfill the contract. Additional due diligence may take the form of the following processes (though it is not limited to):

- Reference Checks with previous clients.
- Supplier's facility visits.
- Auditing Financial Statement.
- Samples
- Any other measures decided by MC selection committee.

4. Offer Form

Offerors must submit their own independent offer including at least (but not limited to):

- All documents requested in the "Eligibility Criteria" section of this Tender Package
- All documents requested in the "Tender Submittals" section of this Tender Package
- All information listed in the "Documents Comprising the Bid" section below

All offers must be duly signed (including position and full name of the signer) and stamped, with the date of completion.

Documents Comprising the Bid

The following information must be included in the offer of any potential offeror:

- Completed and signed Mercy Corps Supplier Information Form –Attachment 1
- Other important documents offeror feels need to be attached to support their bid

The original bid shall be signed by the offeror or a person or persons duly authorized to bind the offeror to the contract. Financial offer pages of the bid shall be initialed by the person or persons signing the bid and stamped with the company seal. Any interlineations, erasures, or overwriting shall be valid only if they are initialed by the person or persons signing the bid.

5. Tender Attachments

- ✓ Attachment 1 Supplier Information Form
- ✓ Attachment 2 Purchase Contract Template
- ✓ Attachment 3 Price Offer Sheet
- ✓ Attachment 4 Response Sheet
- ✓ Attachment 5 Quality Control Plan