

# **TRANSPORTATION OF FEED BARLEY BY SEAWAY FROM ABROAD**

## **TENDER SPECIFICATION**

### **I- SUBJECT AND METHOD OF THE TENDER**

**1-** Turkish Grain Board (TMO) will hold a tender for the transportation of 515.000 MT (+/- %5) feed barley subject to the importation of 515.000 MT (+/- %5) feed barley.

Turkish Grain Board (TMO) will hold a tender for the transportation of 515.000 MT (+/- %5) feed barley at Turkish Grain Board General Directorate Güvercinlik Facilities (TMO Güvercinlik Facilities İstanbul Yolu 9. Km Güvercinlik-Yenimahalle/ANKARA/TURKEY) on 03.07.2021 Thursday at 11:30 a.m. (local time in Turkey). This transportation tender is subject to the TMO's tender for the importation of 515.000 MT (+/- %5) feed barley.

The offer letter and documents of the tender in a sealed envelope should be submitted directly to TMO General Directorate Güvercinlik Facilities IT Department/Communication Division until 12.07.2021 11:30 a.m. hrs local time. The offers submitted after this date and time will not be taken into consideration. The offers sent by fax, cargo or e-mail shall not be taken into consideration.

**2-** Loading Period: 01-15.09.2021 (including both dates),

-Shipments will be done at ports of Black Sea, Aegean and Mediterranean coasts (except Greek Cypriot Administration of Southern Cyprus and Syria).

-Loading Ports: The loading port given below on a country/region basis will be considered as a single loading port.

-Russia Shallow Sea Ports, Ukraine Shallow Sea Ports, Romania Shallow Sea Ports, Bulgaria Shallow Sea Ports, Moldova Shallow Sea Ports, Russian Deep Sea Ports, Ukraine Deep Sea Ports, Romania Deep Sea Ports, Bulgaria Deep Sea Ports, Greece Deep Sea Ports, Italy Deep Sea Ports, France Deep Sea Ports and Spain Deep Sea Ports

-The Contractor shall load from any ports of that country/region to be determined by the Administration within the scope of its offer on a country/region basis.

-Discharge ports: Iskenderun, Mersin, Izmir, Bandırma, Tekirdağ, Derince, Karasu, Samsun and Trabzon Ports

-Loading Rates:

For vessels with B/L quantity

0 – 5.000 MT : 1.500 MT/day

5.251 – 10.500 MT : 3.000 MT/day

10.501 MT and over : 5.000 MT/day

- For loadings to be made from deep sea ports; for Tekirdağ, Derince, Iskenderun and Mersin ports discharged shipments will be realized with minimum (+/- 5%) 25.000 MT vessels, for İzmir, Bandırma, Samsun and Karasu ports discharged shipments will be realized with (+/- 5%) 25.000 MT vessels and for Trabzon port discharged shipments will be realized with (+/- 5%) 10.000 MT vessels. For loadings to be made from shallow sea ports, shipments will be realized with minimum (+/- 5%) 5.000 MT vessels. The Administration shall have the option to accept vessels on "full dispatch" (dispatch from the total time given for the unloading) condition when vessels are nominated to load below the amount determined on the basis of the port by the Contractor.

-The Contractor shall load only the Administration's commodity into the vessel.

**3-**The tender will be realized by way of negotiation within the scope of 3 (aa) article of Public Procurement Law.

### **II- CONDITIONS OF PARTICIPATION IN THE TENDER**

**1-** Competence criteria and documents required to participate in the tender

**1.1-**Competence rules for participation in the tender

In order to participate in the tender, the bidders must submit the following documents within the scope of their offers:

**a)**In case the bidder is a natural person, a document showing that he is registered with the chamber and a notarized signature statement taken from the chamber of commerce and/or industry or the chamber of tradesmen and craftsmen in which he is registered, in the year of the first announcement or tender.

**b)** In case the bidder is a legal entity, a document showing that the legal entity is registered with the chamber, taken from the chamber of commerce and/or industry in which he is registered in accordance with the relevant legislation, in the year of the first announcement or tender date; Trade Registry

Gazette showing the latest status indicating the partners, members or founders of the legal entity and the officials in the management of the legal entity, if all of this information is not available in a Trade Registry Gazette, all of the relevant Trade Registry Gazettes or documents showing these issues and the notarized signature circular of the legal entity.

c) Offer letter

d) Bid Bond

e) In case of participating in the tender by proxy, a notarized power of attorney showing that the person participating on behalf of the bidder is authorized to participate in the tender, and a notarized statement of signature.

**1.2** Documents related to professional and technical competence and the criteria that these documents must bear:

In relation to the tendered business or similar works undertaken under a single contract containing a value in the public or private sector domestically or abroad; it is mandatory to provide documents showing its experience in service works that have been accepted in the last five years, backwards from the first announcement or invitation date.

Documents showing the work experience of a single contract for the tendered work or similar works must be submitted which is not less than 10 % of the value offered by the bidder.

Carriage of bulk cargo by sea in international waters will be considered as similar works.

**1.3** In the event of an offer to the tender by a foreign bidder, the documents requested in these specifications and enclosures must be submitted with the equivalent documents issued in accordance with the legislation in the bidder's own country.

In case that the documents are issued in a foreign country, they shall have Apostille stamp on them. In case that they are issued in a country which is not a member of apostille convention, they should be authenticated respectively directly by foreign ministry of that country or by foreign ministry after they are authenticated by other authorities and Turkish Consulate there.

**1.4.** Language of the offers: All documents and attachments and other documents forming the offer will be in Turkish. Documents submitted in another language will be deemed valid if provided with a Turkish-approved translation. In this case, the Turkish translation is the basis for the interpretation of the proposal or document.

**2 - Cancellation of the tender before the tender time**

On the event of the cancellation of the tender, no claim shall be made by the bidders from the Administration.

**3-All or part of the service subject to the tender cannot be given to subcontractors.**

**4- The tender will not be offered as a partnership or consortium.**

**5-The ones prohibited from tenders of state institutions, foundations, State Economic Enterprises, education institutions and banks temporarily or permanently by law, by the decision of the Council of Ministers or by the prohibition decisions published in the Official Gazette; TMO personnel, members of tender commission and the spouses and up to third party blood relatives of the persons who will approve the tenders cannot enter the TMO tenders directly or by using the agent.**

### **III- CONDITIONS FOR THE PREPARATION AND SUBMISSION OF OFFERS**

#### **1 - Offer and contract type**

Bidders will make their offers in the form of unit prices on the total amount, which is the result of multiplying the unit prices offered for each job item by the quantities. As a result of the tender, the unit price contract will be signed on the total value found as a result of multiplying the unit prices offered for each job item by the quantity with the bidder awarded. Conditional offers and offers other than the specified offer amounts will not be considered.

#### **2 - Partial bids**

A partial bid can be made in this tender. The list of parts that can be partially bid is indicated in the enclosures.

The bidder can bid on as many of the specified loading port, discharging ports and tonnages (in accordance with each tonnages and format given on the attached unit price offer table). A separate contract will be signed with the bidder(s) for each awarded partial bid.

#### **3- Valid currency for offers and payments**

The currencies valid for offers are: US Dollars.

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#### **4 - Submission of offers**

**4.1.** All documents requested in this Specification are placed in an envelope or package as a condition of participation in the tender, including the offer letter and bid bond. On the envelope or package, the name, surname or trade name of the bidder, the main full address of the notification, which job the offer belongs to and the full address of the administration that made the tender are written. The affixed part of the envelope or package is signed, sealed or stamped by the bidder.

**4.2.** Bids are submitted to the Administration (where the bids will be submitted) in exchange for numbered receipts until the tender time specified in the tender document. Bids made after this time will not be accepted and will be returned unopened to the bidder.

#### **5 - Form and content of the offer letter**

**5.1.** Offer letters are submitted in writing and signed in accordance with the attached form example.

**5.2.** The following is mandatory in the offer letter:

a) Clearly writing the offered amount in accordance with the figure and writing,

b) No rasure, deletion or correction,

c) The offer letter is signed by authorized persons by writing the first name, surname or trade name,

#### **6 - Validity period of offers**

Offers will be valid until 17:00 (local time) on Tuesday 04.08.2021.

#### **7 - Expenses included in the offer price**

All expenses required for the transportation are included in the offer price except for insurance of the load.

#### **8 - Bid Bond**

**8.1.** The bid bonds in the currency of the offer to be issued by banks that carry out business in Turkey, Participation Banks and foreign banks that are permitted to carry out business in Turkey in accordance with the relevant legislation or the bid bonds in the currency of the offer to be issued by banks carrying out business in Turkey and by the participation banks on the counter guarantee of the banks or likewise loan organizations carrying out business outside Turkey are acceptable.

**8.2.** Bidders will provide a bid bond not less than 3% of the value they offer. The offer of the bidder who gives a bid bond of less than 3% of the offered value is excluded from evaluation.

**8.3.** Letters of guarantee offered as bid bond must be valid until 06.09.2021 at the earliest.

**8.4.** Offers that are not provided together with an acceptable bid bond will be excluded from consideration by the Administration on the grounds that the required participation requirements cannot be met.

**8.5.** Delivery place of bid bond

Letters of guarantee are submitted to the Administration in an envelope with the offer.

#### **8.6. Return of Bid Bond**

The bid bond of the economically most advantageous bidder shall be returned after he gives the performance bond and signs the contract. The bid bonds of the second economically advantageous bidders after the contract is signed. The bid bonds of other bidders shall be returned after the tender is finalized.

Bidder of the economically most advantageous offer shall invited to sign the contract together with his performance bond and the documents stated in the tender documents within the time stated in the Importation Specifications. If bidder of the economically most advantageous offer does not give the performance bond and / or sign the contract within the period requested, his bid bond will be forfeited. In this case, TMO has right to negotiate and sign contracts with the second most economically advantageous bidder for that section. If it is decided by TMO not to sign a contract with the most advantageous second bidder or if he refuses to make a contract then his bid bond will be returned.

### **IV- ISSUES RELATING TO THE EVALUATION OF OFFERS AND CONTRACTING**

#### **1 - Receiving and opening offers**

**1.1.** Offers will be submitted to the Administration by the tender time specified in this Specification.

**1.2.** The offers will be opened and evaluated in the order in which they are received in front of the bidders and those present by the tender commission.

#### **2. Evaluation of proposals**

**2.1.** In the evaluation of the offers, the offers of the bidders whose bid bonds are determined in the first session to be not in accordance with the procedure are excluded from the evaluation.

#### **3. Negotiation Phase**

**3.1.** No second offer will be received in a closed envelope and a direct negotiation phase will be initiated according to the prices in the initial offers.

All bidders who bid on the negotiation phase will be invited. The negotiation will be held in 3 rounds and the order of offers will be determined from highest to lowest, taking into account the unit price offers.

**3.2.** Bidders who are eligible to participate in the negotiation phase will make their negotiation offers provided that other factors other than the price in their 1st offer in a closed envelope remain the same.

**3.3.** After receiving the negotiation offers, if there is a difference of less than 10 US cents between the top 2 offers, the companies will be asked to offer once again.

**4.** Upon the decision of the tender commission, the Administration is free to cancel the tender by rejecting all offers made. The Administration does not assume any liability for the rejection of all offers.

**5. Determination of the most economically advantageous offer**

**5.1.** The most economically advantageous offer in this tender is the lowest of the prices offered.

**5.2.** Those who are not present at the first or subsequent meetings of the tender commission cannot object to the way the tender is conducted and the decisions of the commission.

**6. Evaluation of the tender**

As a result of the evaluation, the tender will be awarded to the bidder who makes the most economically advantageous bidder by the tender commission.

**7- Performance Bond**

The performance bonds in the currency of the contract to be issued by banks that carry out business in Turkey, Participation Banks and foreign banks that are permitted to carry out business in Turkey in accordance with the relevant legislation or the performance bonds in the currency of the contract to be issued by banks carrying out business in Turkey and by the participation banks on the counter guarantee of the banks or likewise loan organizations carrying out business outside Turkey are acceptable.

In the contract which will be signed as a result of the tender, Performance Bond will be in the currency of the contract and will be % 6 of the contract amount and it will be valid for min. 6 months after the expiry date of shipment/delivery period.

**8.** After the tender is finalized, the contract will be signed by 16.08.2021 (inclusive). Companies that do not come to sign contracts will be processed within the framework of the prohibition provisions of the Public Procurement Law No. 4734.

**9.** In case a domestic firm wins the tender; all taxes, additional tax, sanctions, penalties, etc. that may arise before official institutions within the scope of the laws applied within the borders of the Republic of Turkey will belong to domestic companies.

**10-** If a bidder gives a favorable offer; however, it arises that the banks located in Turkey will not be able to effect the payment for the freight because it is realized that the company is in the sanction lists published internationally, a contract will not be signed with the bidder. In this case, bidder has no right to make any claim and ask for any demand.

**V-REQUIRED DOCUMENTS FOR THE SIGNING OF THE CONTRACT**

Certificate of Authority and Signatory Circular/ Signature Declaration of persons authorised to sign the contract for the Contractor

Chamber of Commerce Document to be obtained from the country of activity (issued in current year)

Address Declaration, e-mail, KEP and electronic notification addresses, if available

Performance Bond

**VI-CONTRACT IMPLEMENTATION AND OTHER CONSIDERATIONS**

**1-** Payments will be made in USD on the basis of the offer and the terms of payment and the issues related to the implementation of the Contractor are regulated in the enclosed draft contract.

**2-** After a contract is signed with the Contractor, on the payment day if it arises that the banks located in Turkey will not be able to effect the payment for the freight because it is realized that the company is in the sanction lists published internationally, the contract signed will be invalid and payment for the freight will not be made to the Contractor. In this case, the Contractor has no right to make any claim and ask for any demand.

**ENCLS :**

- 1- Importation Programme
- 2- Offer Letter
- 3- Draft Bid Bond (in Turkish)
- 4- Draft Performance Bond (in Turkish)
- 5- Draft Contract