Schedule No. 5
Contract Notice

Polska Akcja Humanitarna, hereinafter PAH, known under the English translation Polish Humanitarian Action, with its registered office at Al. Solidarnosci 78a, Warsaw, Poland, entered into the National Court Register under KRS No. 136833 and TIN NO. 525-14-41-253, with a Country office in South Sudan, Tongping, Juba Lake State Road, hereinafter referred to as the Investor, plans to execute a tender for supply of fuel provision under Framework Agreement.

A Framework Agreement (FWA) is an agreement with a single service provider (or group of service providers) to establish terms governing contracts that may be awarded during the period of the FWA. PAH, as contracting authority, does not guarantee any volume of orders under FWAs as all orders will be based on the needs and activities of PAH.

The FWA will set prices for the FWA duration (initially for 2 years with the possibility to renew on an annual basis for another 1 year). Prices and the quality of the services received will be reviewed jointly on an annual basis by PAH and framework service providers to make sure it’s satisfactory and within current market value. To sign the FWA, respondents will need to be successful in this Tender exercise.
When the FWA is established with a service provider, the purchasing mechanism will be based on a Purchase Order - so when PAH requires a service provision, a Purchase Order will be sent to the service provider to contract each specific order and confirm terms. Each Purchase Order will be an individual contract based on the agreed terms in the FWA. The winning bidder(s) will be required to enter into a Framework Agreement with PAH for the provision of fuel supply services on the conditions set out here.
In case of establishing a multi-service provider Framework Agreement the purchasing mechanism will be based on a rotation or priority system, with individual orders placed according to PAH’s internal priorities at the time of order.

# Conditions for Participation in Tender:

Only companies that meet the following conditions may participate in this tender:

1. Those entitled to carry out business activities, in compliance with the legal rules and regulations of South Sudan, and who possess the necessary permissions or licenses required to carry out their business activities;
2. Those possessing the experience, knowledge and technical potential, as well as the personnel necessary to deliver the order;
3. Those with their residence in the territory of South Sudan
4. Those whose financial and economic condition guarantees the delivery of the order;
5. Those not subject to exclusion from the tender procedure for the reasons set forth in the attached Tenderer’s Statement.

# Formal Criteria of Tender Documents:

* 1. The indispensable documents that must be attached to the Bid Submission Form, in order for it to be considered valid, are:
		1. Schedule 4 Cover Letter
		2. Schedule 5 Contract notice
		3. Schedule 7 Bid Submission Form
		4. Schedule 8 Tenderer’s Statement;
		5. Registration in South Sudan for supply of fuel with an office in any of the region
		6. Statement of the absence of outstanding liabilities in respect of taxes and other compulsory payments, and of breaches of tax regulations; in case of the inability to submit the necessary documents within the time-period set forth in Article 5.3 hereof, a declaration shall be provided by the given company of zero debts (Valid TAX compliance certificate from NRA)
		7. Power of attorney or any other document that grants the power to represent the Company and to assume financial obligations on behalf of the company;
		8. Submission is in a correct format and in the provided method
		9. The Tenderers must confirm that the period of validity of their proposal is not less than 90 days.
		10. Company Profile
		11. Schedule 27 personnel information
		12. Schedule 28 financial statement. Bank statement for the last two months
		13. Schedule 29 current agreements of the company

All of the above jointly referred as “**Tender Documents**”.

* 1. All blank spaces in the Tender Documents must be filled in by the company submitting the bid. Erasing or omitting is not permitted.
	2. All Tender Documents, where required, must be sealed and signed by an authorized representative of the company, and the certificate of such authorization must be attached to the bid (in accordance with Clause 2.1(h)). Any and all pages that do not require a signature must be initialed and/or stamped.
	3. No Tender Document is to be copied. Any Tender Document will be considered private and confidential.
	4. Tender Documents may be amended or withdrawn until the deadline for the submission of bids. The amendment thereof can only be done in the same form as stated in the Bid Submission Form, while withdrawal at any written form indicating the Bid, however both amendment and withdrawal must clearly state at the top of the envelope if delivered by hand and in the subject of the email if submitted electronically either AMENDMENT or WITHDRAWAL. Applications for the amendment or withdrawal of bids received after the deadline or without WITHDRAWAL or AMENDMENT at the top of the envelope or in the subject of the email will not be taken into consideration. Whenever a bid has been withdrawn before the closing date and time, such bid will remain unopened. If any tender document was withdrawn or amended after the deadline, such amendment or withdrawal will be considered invalid.

# Minimum Requirement

Tenderers will be considered for participation in the Contract subject to the following qualification process:

This stage will determine whether the tender which has been submitted meets the minimum requirement. Only those tenders meeting the minimum requirement will go forward to the second phase of the evaluation.

1. At least 3 recent references confirming experience in performing similar activities with NGOs’ or other reputable institutions with at least 3 years’ experience (schedule 25),
2. Existence of petrol station or fuel depot in Juba and other locations
3. Valid Operation license for supply of Petroleum products.
4. Payment term only accepted through bank transfers

# Selection Criteria (Qualitative Criteria)

A comprehensive and clear breakdown of prices must be shown as part of the financial offer – any transport fees, taxes, customs charges, component parts, packing fees etc. must be shown separately if any. Prices offered will be evaluated on full cost basis (including all fees and taxes).

Marks for cost will be awarded on the inverse proportion principle (shown below):

Scorevendor = maximum score x (pricemin / pricevendor)

* + 1. At least 3 recent references confirming experience in performing similar activities with NGOs’ or other reputable institutions with extensive experience (schedule 25)
		2. Existence of petrol station or fuel depot in Juba and other locations
		3. Delivery period per location after receiving the order
		4. Credit period on the invoice
		5. Quality certification of the company petroleum products
		6. Capacity to supply over 3000 liters per location per month
		7. Environmental aspects (how does your company address the current challenges related to climate change and/or loss of biodiversity?)
		8. Price

# Requirements for Bid Submission:

* 1. The bid should include comprehensive subject matter and should be drawn-up in accordance with the following terms and conditions:
		1. The bids of interested companies and all required Tender Documents to be delivered in the following ways:
* Submit in a sealed envelope marked **PAH\_06\_2024\_676\_SS** tender number **PAH/ South Sudan/2024/01** with the documents required in clause 2.1 stating “not be opened before the deadline mentioned below by the tender commission” to the Private Tender Box which will be placed in PAH office in Juba, Tongping, Lake state road next to Nile Fortune Hotel.

Envelopes may be delivered by hand and be placed in the private tender box. You need to

register your company name in the tender deliver sheet.

* Electronically to procurement.ssud@pah.org.pl and in the subject field state:
	+ PAH/South Sudan/2024/01 tender for supply of fuel
	+ Name of your firm with the title of the attachment
	+ Number of emails that are sent e.g. 1 of 3, 2 of 3, 3 of 3.
		1. **The deadline for submission is by Monday 27th September 2024 by 3:30 PM Juba Local time**
		2. The bid should be prepared on the form that can be obtained:
* at address specified above, or
* downloaded from our website at: <https://www.pah.org.pl/en/resources>
	+ 1. The bid should be prepared in English language
		2. The bid should state the gross amount in the USD currency
	1. The bid and all the annexed documents should be signed and numbered. Pages that do not require a signature must be initialed and/or stamped.
	2. The Investor shall in no case cover any expenses incurred while preparing the bid, irrespective of the outcome of the tender procedure (also in case of the cancellation of the tender procedure or a delay in bid acceptance).
	3. Bids submitted upon expiration of the submission date and time shall not be considered.
	4. Tenderers must write sums in figures as well as in words. Where the amount given in figures differs from the amount in words, the amount in words shall be taken as correct. However, if the amount expressed in figures and in words differs from each other significantly, the bid may be rejected. If **no** amount is stated in words, the bid may be rejected.
	5. Clarification and Query handling

 PAH has taken care to be as clear as possible in the language and terms it has used in compiling this contract notice. PAH will not accept responsibility for any misunderstanding of this document or any others relating to this tender.

 Requests for additional information or clarifications can be made up to 5 working days before the deadline, and no later. Any queries about this contract notice should be addressed in writing to PAH via email to procurement@pah.org.pl and answers shall be through the same email address.

# Bid Acceptance:

* 1. Bids will be opened after the deadline for bid submission. The criteria for bid acceptance are as explained in clause 2 and clause 3.
	2. The bid process will be comprised of two stages. The first stage involves the evaluation of the bids with regard to formal requirements, minimum requirement and completeness, while the second stage is the substantive evaluation according to the Selection Criteria defined by the Tender Commission. Tenderer whose bid will be rejected will receive a Letter of rejection at the last stage of tender evaluation the tenderer whose bid is selected will receive the award letter at the last stage of the tender evaluation.
	3. The winning bid shall be chosen by the Investor within 10 days after the opening of bids.

# Notice of Invalidation of Tender or Rejection of Bid:

* 1. Only bids fulfilling the criteria set forth in Clause 1 (Conditions for Participation in Tender), Clause 2 (Formal Criteria of Tender Documents), Clause 3 (minimum requirement) and Clause 5 (Requirements for Bid Submission) of this document will be considered eligible for tender. Non-conformity with such clauses may result in bid rejection.
	2. Other reasons for the invalidation of the tender or rejection of the bid are:
1. The Investor shall decline any bid of a firm or cancel the contract if it finds out that the firm used corrupt, fraudulent, collusive or coercive practices.
2. The Investor shall exclude from the procedure companies that do not conform to the tender requirements or if it is found that materials received of importance for the tender procedure are untrue.
	1. The Investor reserves the right to invalidate the tender at any stage, without further explanation.

# Winning Tenderer:

* 1. In case of winning the tender, the Tenderer shall be obliged to conclude the contract within

10 working days from receipt of the Letter of Selection under the threat of the bid being declined.

* 1. The bid is valid until the final selection is made by the Tender Commission.
	2. The delivery of services shall be executed within 24 months from the day of signing of the contract.

# Right to Appeal:

The Tenderer has a right to file a written appeal to the Chairperson of the Tender Commission regarding a breach of the tender procedure. The appeal may be filed within 4 days to the Country Director of South Sudan Mission via email address; cd.ssud@pah.org.pl or personally after recognition of such breach, but not later than 4 days after receiving a Letter of Rejection, if applicable.

Signature:

Country Director, PAH South Sudan

Date: 27/8/2024