

**MINUTES FOR CLARIFICATION MEETING
TENDER NO. TZ/FED/022-076/2014/WKS/01 FOR CONSTRUCTION OF COTTON
SEED WAREHOUSES IN SIMIYU REGION TANZANIA HELD ON 7TH NOVEMBER
2014 AT PAMBA HOUSE MWANZA**

Attendance - As per attachment

Agenda

- 1. Opening of the meeting**
- 2. Clarifications**
- 3. Questions from tenderers**
- 4. Closing the meeting**

Agenda No.1: Opening of the meeting

Chairperson opened the meeting at 11:15 a.m by welcoming prospective tenderers who attended the clarification meeting. The participants were informed that the meeting was organized in line with Article 13 of the Contract Notice and Article No 6.2 of the Instructions to Tenderers

Agenda No. 2: Clarifications

The Engineer from European Development Fund - Programme Support Unit (EDF-PSU), Ministry of Finance clarified that, the tendering procedures are conducted in accordance with Practical Guide for European Union External Actions version 2014. Therefore, tenderers have to use standard documents provided in the tender dossier without alterations. Those are Tender Form, Appendix to the tender, tender guarantee, questionnaire, financial identification form and legal entity form.

Tenderers were advised to visit the site for construction at their own time and cost before submitting tenders.

It was further clarified that the “Tender form and appendix to tender” i.e. Section 2 of Volume 1 is missing in the tender documents collected by prospective tenderers. This document was therefore distributed to all tenderers who attended the meeting and was added on the other tender documents to be issued later. The same is also attached to these minutes.

It was also clarified that, on the contract notice published on the daily newspaper and Mwananchi on Friday, October 31, 2014, there was a mix up of names on point number 7 regarding names of lots;

- While it is indicated that Lot 2 comprises 8 cotton seed warehouses and is in Maswa District, this lot is in Meatu District
- Lot 3 which comprises 10 cotton seed warehouses is in Maswa District and not Meatu District.

Agenda No. 3: Questions from prospective tenderers

The table below shows questions from prospective tenderers and responses/ clarifications from the Contracting Authority.

SN	Questions	Responses/clarifications
1	The tenderer wanted to know why temporary structures are constructed instead of permanent.	The structures to be constructed will be permanent.
2	Is it allowed to tender for alternative tender/design such as use of steel instead of timber?	Alternative tender/design is not allowed
3	Is it allowed to bid for all lots?	Yes, it is allowed, The tenderer may tender for one or two or All three lots but each lot will form a separate contract.
4	Is the BOQ provided in the tender document for one lot or all lots?	The BOQ provided is for only one warehouse. The tenderers have to multiply with number of warehouse in the particular lot when entering the tender price in the Tender Form .
5	If a tenderer need to tender for all lots, does he need to purchase 3 tender documents?	Not necessary, the tenderer can buy only one set of tender documents and tender for two or all three lots.
6	In the specifications, iron sheet is gauge 26 but in drawings it is gauge 28, please clarify?	Gauge 28 iron Sheets will be applicable
7	Clarify on how Floor finishing will be?	Floor finishing will be by applying steel trowelled smooth finish on Mass concrete.
8	Why fixing preliminary cost, is it for one warehouse, or for whole lot?	It is fixed for consistency and confining competition of tenderers on physical works. The fixed amount is for one lot only.
9	Is tenderer allowed to price on preliminary	Yes, but with total limited to the given fixed amount
10	Clarify on fascia board, it is shown on drawings but not included in BOQ	Fascia boards not to be placed. Therefore, not to be tendered.
11	Please may you elaborate for us about the drawings to be supplied to the supervisor either should be submitted during the tender submission or when?	No drawings to be supplied by the bidder to the Supervisor during tendering stage.
12	Please may you elaborate for us about the drawings to be supplied to the supervisor either should be submitted during the tender submission or when?	No drawings to be supplied by the bidder to the Supervisor during tendering stage.

Agenda 4: Closing the meeting

Chairperson thanked tenderers for participating and closed the meeting at 12:30 am

VOLUME 1

**SECTION 2
TENDER FORM
APPENDIX TO THE TENDER**

TENDER FORM FOR A WORKS CONTRACT

Publication reference: < Publication reference >

Name of contract: < Name of contract >

<Place and date>

A: <Name and address of Contracting Authority >.

One signed form must be supplied (for each lot, if the tender procedure is divided into lots), together with the number of copies specified in the Instruction to Tenderers. The form must include a signed declaration using the annexed format from each legal entity making the application. **All data included in this form must concern only the legal entity or entities making the application.** The attachments to this form (i.e. declarations, statements, proofs) may be in original or copy. If copies are submitted the originals must be sent to the Contracting Authority upon request. For economical and ecological reasons, we strongly recommend that you submit your files on paper (no plastic folder or divider). We also suggest you use double-sided printing as much as possible.

Any additional documentation (brochures, letters, etc.) sent with the form will not be taken into consideration. Applications submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary to perform the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator.

1 SUBMITTED BY

	Name(s) of tenderer(s)	Nationality¹
Leader²		
Member 2*		
Etc ...		

2 CONTACT PERSON (for this tender)

Name	
Address	
Telephone	
Fax	
E-mail	

3 TENDERER'S DECLARATION(S)

As part of their tender, each legal entity identified under point 1 of this form, including every consortium member, must submit a signed declaration using this format.

In response to your letter of invitation to tender for the above contract,

we, the undersigned, hereby declare that:

1. We have examined and accept in full the content of the dossier for invitation to tender No [.....] of [../..]. We hereby accept its provisions in their entirety, without reservation or restriction.
2. We offer to execute, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction, the following works:

¹ Country in which the legal entity is established.

² Add/delete additional lines for members as appropriate. Note that a subcontractor is not considered to be a member for the purposes of this tender procedure. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as 'leader' (and all other lines should be deleted).

Lot No 1: *[description of works]*

Lot No 2: *[description of works]*

Etc.

3. The price of our tender *[excluding the discounts described under point 4]* is:

Lot No 1: [.....]

Lot No 2: [.....]

Etc.

4. We will grant a discount of [%], or [.....] *[in the event of our being awarded Lot No ...and Lot No]*.

5. This tender is valid for a period of 90 days from the final date for submission of tenders.

6. If our tender is accepted, we undertake to provide a performance guarantee, as required by Article 15 of the Special Conditions.

7. Our firm/company *[and our subcontractors]* has/have the following nationality:

<.....>

8. We are making this tender *[on an individual basis/as member of the consortium led by < name of the leader / ourselves >]*. We confirm that we are not tendering for the same contract in any other form. *[We confirm, as a member of the consortium, that all members are jointly and severally liable by law for the execution of the contract, that the lead member is authorised to bind, and receive instructions for and on behalf of, each member, that the execution of the contract, including payments, is the responsibility of the lead member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract's execution].*

9. We are not in any of the situations excluding us from participating in contracts listed in section 2.3.3 of the Practical Guide. In the event that our tender is successful, we undertake, if required, to provide the proof usual under the law of the country in which we are established that we do not fall into these exclusion situations. The date on the evidence or documents provided will be no earlier than one year before the date of submission of tender and, in addition, we will provide a statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up.

We also understand that if we fail to provide this proof within 15 calendar days after receiving the notification of award, or if the information provided is proved false, the award may be considered null and void.

10. We agree to abide by the ethics clauses in Clause 28 of the instructions to tenderers and, in particular, have no conflict of interests or any equivalent relation in that respect with other

candidates or other parties in the tender procedure at the time of the submission of this application. We have no interest of any nature whatsoever in any other tender in this procedure.

11. We will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the EU/EDF.
12. We note that the Contracting Authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract. It will incur no liability towards us should it do so.
13. We fully recognise and accept that we may be excluded from tender procedures and contracts, in accordance with the Section 2.3.4 of the Practical Guide, for a maximum period of 5 years from the date on which the infringement is established and up to 10 years in the event of a repeated offence within five years of the above-mentioned date. Furthermore, we acknowledge that, should we make false declarations, commit substantial errors, irregularities or fraud, we shall also be subject to financial penalties representing 2 % to 10 % of the total estimated value of the contract being awarded. This rate may be increased to 4 % to 20 % in the event of a repeat offence within five years of the first infringement.
14. We are aware that, for the purposes of safeguarding the financial interests of the European Union, our personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

[* Delete as applicable]

Name and first name: [.....]

Duly authorised to sign this tender on behalf of:

[.....]

Place and date: [.....]

Stamp of the firm/company:

This tender includes the following annexes:

[Numbered list of annexes with titles]

APPENDIX TO TENDER FOR A WORKS CONTRACT

Publication reference: TZ/FED/022-076/2014/WKS/01

Title of contract: **CONSTRUCTION OF COTTON SEED WAREHOUSES
SIMIYU REGION - TANZANIA**

(Note: Tenderers are required to fill in the blank spaces in this Appendix)

	Subclauses of General Conditions or Special Conditions	
Name and address of the Contracting Authority	To be completed by the Contracting Authority	National Authorizing Officer for EDF, Ministry of Finance, 2 nd Floor, Room No. 330 1 Madaraka Avenue, P. o. Box 1851, 11468Dar es Salaam
Name and address of the tenderer	To be completed by the tenderer	
Name and address of the representative of the Contracting Authority	To be completed by the Contracting Authority	Director General Tanzania Cotton Board P.o Box 9161 Dar es Salaam
Financing Authority	Article 4	Head of Delegation, Delegation of the European Commission in the United republic of Tanzania, P. O Box 9514, <u>DAR ES SALAAM.</u> Tel: + 255-22-2117473; Fax: +255-22-2113277
Deadline for notice to commence	Article 33	N/A

Period of Implementation	Article 34.1	Eight (8) Calendar Months for one, several or all lots excluding (This includes one month of Mobilization) followed by 6 Months of Defect Liability period
Currency	Article 44.1	Euro
Law of the contract	Article 2.1	United Republic of Tanzania
Language of the contract	Article 2.3	English
Language of communication	Article 4	English
Period of access to the site		
Amount of performance guarantee	Article 15.1	5% of the contract amount
Deadline for submitting the programme	Article 34.1	Thirty (30) days after signing of contract
Normal working hours		Eight (8) hrs per day
Period after the effective date during which the Contracting Authority's representative must issue notice to commence the works	Article 33.1	Thirty (30) days
Liquidated damages for the works	Article 36.1	0.1% of contract per day of delay
Limit of liquidated damages for delays	Article 36.2	10% of contract amount
Percentage of retention monies	Article 47.7	10% of amount due
Minimum amount of interim payment certificates	Article 50.1	10% of contract amount
Percentage for adjustment of provisional sums		N/A

Amount of insurance for design		N/A
Amount of third-party insurance	Article 16.1	20% per accident with the number of occurrences unlimited
Periods for submitting insurance	Article 16.5	Thirty (30) days after signing of contract

	Subclauses of General Conditions or Special Conditions	
Number of members of dispute-settlement committee		3 (Three)
Member of dispute-settlement committee (if not agreed) to be nominated by		National Construction Council (NCC) of Tanzania
Arbitration rules	Art. 68.4 of SC	NCC Arbitration Rules
Number of arbitrators	Art. 68.4 of SC	As per NCC Arbitration Rules
Language of arbitration	Art. 68 of SC	English
Place of arbitration	Art. 68 of SC	Dar es Salaam, Tanzania.

Signature _____

Capacity _____

duly authorised to sign for and on behalf of _____