

PROCUREMENT DOCUMENT

Provision of logistics services, U-LEAD round 3


Reference number:
UA-NIRAS-LS-2020-3.07

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1. General orientation

NIRAS Sweden AB (NIRAS) operates according to the signed framework agreement with Sida for the Ukraine Local Empowerment, Accountability and Development Programme (U-LEAD Programme), round 3.

1.1 Purpose and background of the procurement

In compliance with the Delegation Agreement between Sida and the EU Delegation in Ukraine, Sida has the overall responsibility for implementation of the second component of the "U-LEAD with Europe" Programme that aims at improving accessibility to national, regional and local administrative services through establishment of up to 600 Administrative Service Centres (ASCs) across Ukraine, as well as through development of IT solutions that will enhance exchange of data needed for delivery of the services concerned. The U-LEAD Programme has been divided into an inception phase, implemented from October 2016 through April 2018 and a roll-out phase, launched in March 2018.

The key objective of the U-LEAD Programme is to support the creation of the ASCs in the amalgamated territorial hromadas and in the hromadas that are in the process of amalgamation. The Roll-Out Phase carried out in four rounds - each includes cooperation with up to 150 hromadas.

To support creation of the ASCs, the U-LEAD Programme provides the following support:

1. Institutional support of the ASCs: establishment of the ASCs' institutional structure, staff training, raising awareness and citizens participation;
2. Physical support: furniture, office equipment, software, development of the new design of the ASCs;
3. Special types of assistance that include setting up an electronic queue system and a mobile ASC.

As the result of round 3, 134 hromadas were selected by the U-LEAD Programme. NIRAS Sweden AB (NIRAS) operates according to the signed contract with Sida for the round 3.

1.2 Description of the procurement

1. Scope of procurement

In the framework of the round 3, NIRAS invites interested tenderers to submit a tender proposal for provision of the logistic services (hereinafter referred to as «services»).

Services to be purchased under this tender include, but not limited to:

- Transportation services by public transport: provision of travellers with bus / taxi, train, airplane tickets;
- Transportation services by transfer: provision of transfer by car, minivan, minibus or bus throughout the territory of Ukraine;
- Accommodation services: booking of hotel rooms / apartments throughout the territory of Ukraine;
- Catering services during business trips or during events (trainings, seminars, meetings etc);
- Provision of premises for project events.

Services to be provided on the whole territory of Ukraine, including villages and remote areas. List of partners (Chapter I.5 of the ToR) will give an overview of the possible geographical coverage of service provision.

Related services include, but not limited to:

- elaboration of routes and detailed description of services to be provided for each logistic request;
- development of itinerary for each traveller;
- provision of 27/4 support to NIRAS and/or travellers during a period of service provision.

2. Eligible Tenderers

This procurement is open to all legal entities or natural persons who meet the rule of nationality according to the Practical guide on contract procedures for European Union external action (PRAG). Refer to the link below:

<http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.3.1&locale=en>

Tenderers shall not be involved in terrorist act/criminal activities or associated with individuals and/or entities associated with terrorist act/criminal activities. For this purpose, tenderers shall not be included in the prescribed list of individuals and/or entities as contained in the 1267 Committee of the UN Security Council Counter Terrorism Committee.

Tenderers should not be associated, with a firm or any of its affiliates which have been engaged by NIRAS to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of the goods to be purchased under this procurement.

Government-owned enterprises in Ukraine can participate in this procurement only if they are legally and financially autonomous, if they operate under commercial law, and if they are not a beneficiary of NIRAS.

Cognizant with the Ukrainian legislation, the legal entities or natural persons with shareholders, with ties to or registered in the Russian Federation and included in the sanction list adopted by Decree of the President of Ukraine #184/2020 dated 20 of May 2020 are excluded from eligible tenderers.

The legal entities or natural persons who are registered in tax heavens defined by Decree of the Cabinet of Ministers of Ukraine #1045 dated 27 December 2017 and/or #143-p dated 23 February 2011 can be limited in financial transactions by the Financial monitoring Service of Ukraine. As the result such legal entities and natural persons are excluded from eligible tenderers.

Tenderers shall sign as the part of their tenders Letter of compliance in accordance with Appendix VI, Form-5.]

1.3 Contract period

The contract period runs for 6 calendar months. NIRAS is entitled (though not obligated) to extend the contract once or twice with 2 calendar months respectively, with unaltered terms and conditions. The total contract period shall not exceed 12 calendar months.

The contract start date is estimated at: September 2020.

1.4 Volumes

During the contract period, the estimated value is approximately 250 000 EUR, excl. VAT.

No guarantee of obtaining a certain volume is provided.

1.5 Options

n/a]

1.6 Appendices

The procurement document relating to this procurement includes the following appendices:

Appendix I - Terms of Reference

Appendix II - Draft of the contract

Appendix III - Using the SmartME system

Appendix IV - Price and Payments

Appendix V - Tender preparation

Appendix VI - Sample forms

2. Administrative terms and conditions

2.1. Procurement procedure

The procurement is carried out through an open tendering.

2.2. Prerequisites for tender submission

2.2.1. Submission of the tender

The tender shall be submitted electronically via SmartME.

For registration in SmartME, follow the instructions:

- Visit <https://smartme.adalia.fi/supplier/login/U-LEAD> and fill in the registration form
- Confirm your registration by following the instructions sent by email
- Login to SmartME (<https://smartme.adalia.fi/login>) and fill in the tender documents

The tenderer is not entitled to claim compensation for work or other costs associated with participating in the procurement.

2.2.2. The form of the tender

All electronic documents in the tender shall be saved in a commonly used format, i.e. .doc, .docx, .xls, .xlsx, .ppt, .pptx, .pdf, .txt, .jpg and .tif. Use the file format .zip or .rar if it is necessary to send the documents in a compressed form.

The tender shall consist of scanned pages (.pdf format) of the original hardcopy which shall be duly signed by authorized representative of the tenderer and sealed with a company stamp (if applicable) on each page of the tender.

The tender shall include all the documents according to the Appendix V.

References to information in the form of links to web pages and unsolicited attachments will not be considered to constitute part of the tender and will not be taken into account in the review and evaluation of the tender.

2.2.3. The language of the tender

The tender shall be written in English. However, the following may be drafted in Ukrainian:

- Single words, phrases and accepted terms
- Curriculum Vitae (CV)
- Financial statements
- Bank accounts information
- Statute
- Registration documents
- Reference letters
- Testimonials, certifications, or certificates issued by a party other than the tenderer
- Documents issued by parties other than the tenderer, such as technical specifications, product information, or similar information and documents

The successful tenderer should submit to NIRAS translation into English of all documents prepared in Ukrainian together with original hardcopy of the Tender.]

If the above-mentioned documents exist only in languages other than the above mentioned languages [Ukrainian], then in addition to the document in the original language, a translation into [English] shall also be attached.

2.2.4. Tender submission deadline

The deadline to submit a tender is [18:00, 10 August 2020]. Tenders submitted after the submission deadline will be rejected.

2.2.5. Period of validity of the tender

The tender shall be valid until [10 November 2020].

2.2.6. Variant tenders or alternative tenders

Variant tenders or alternative tenders are not permitted. If the tenderer submits provisions or reservations pertaining to the conditions in the procurement document, the tender may be rejected. The tenderer is therefore asked to avoid providing information and attachments that have not been requested.

2.2.7. Tender guarantee

The tenderer shall furnish, as part of the tender, a tender guarantee in the amount of 5% of estimated volume of procurement defined under pt 1.4.

Tender guarantee is aimed at protecting NIRAS against the risk of tenderer's misconduct, which would warrant the guarantee's forfeiture. Tender guarantee shall be denominated in the form of a bank guarantee from a reputable commercial banking institution.

Non-successful tenderers' guarantee will be discharged or returned as promptly as possible but not later than thirty (30) days after the expiration of the period of tender validity.

The successful tenderer's tender guarantee will be discharged upon the tenderer signing the contract.

The tender guarantee may be forfeited:

- if a tenderer withdraws its tender during the period of tender validity; or
- in case of a successful tenderer, if the tenderer fails to sign the contract in accordance with pt 2.5 of this document.

A tender without appropriate tender guarantee shall be rejected as non-responsive.

2.3. Clarification, additions, or questions on the procurement document

If the procurement document is considered to be unclear, or if some of the requirements set forth are unreasonable, abnormally costly or restrictive of competition in any respect, it is important that NIRAS is contacted as soon as possible so that misunderstandings can be avoided.

Requests for clarification shall be submitted through SmartME marked with [UA-NIRAS-LS-2020-3.07]. The deadline for submitting questions is: [18:00, 27 July 2020].

Responses to questions will be posted at [SmartME system as the separate file and will be accessible for all registered tenderers in SmartME system]. Published questions and answers, as well as any clarifications and additions submitted during the tender period, constitute part of the procurement document.

NIRAS is under no obligation to request additions or clarifications by the tenderers, and the opportunities for correcting shortcomings in submitted tenders are limited and depend on the nature of the deficiency. It is therefore important that the tenderer ensure that all requested information and documents are provided in the tender.

2.4. Notification of award decision

Notification of award decisions will be sent out to the tenderers contact person on the address stated in the tender.

Unsuccessful tenderers can submit a complaint to NIRAS through SmartME within 5 (five) working days upon the receipt of notification of award decision.

2.5. Contract signing

NIRAS will sign the contract with successful tenderer not earlier than 5 (five) working days after the notification of award decision.

The successful tenderer should return the signed contract to NIRAS within 5 (five) days of receipt of the contract by tenderer.

The original hardcopy of the tender together with the proof from the successful tenderer that the reference assignments have been implemented to the full satisfaction of the client (as per pt. 3.7) should be delivered to NIRAS together with the signed contract.

2.6. Confidentiality

As soon as the award decision has been sent to all tenderers, all documents relating to the procurement, including tenders, become subject to the principle of public access to official documents. If a tenderer considers that it may suffer damages if information provided in the tender should become public, the tenderer shall, together with the tender, submit a written request for confidentiality containing a) the information to which the request for confidentiality pertains and b) what economic damages the tenderer would be suffered if the information should be disclosed.

Upon request for disclosure of tender documents, NIRAS on behalf of Sida (see 1. General orientation) will in each case review any request for confidentiality submitted by a tenderer. NIRAS may reach a decision that a request for confidentiality cannot be met, in part or in full. Furthermore NIRAS assessment regarding confidentiality may be appealed to the administrative court. NIRAS can therefore not guarantee that the information in the tender will not be revealed to the public.

2.7. Examination and evaluation

The contract will be awarded to the most economically advantageous tender, as determined according to the following basis:

[Lowest price.]

The examination and evaluation of submitted tenders will be carried out in steps (described below), on the basis of the information provided in the tender, together with the supplementary documents.

NIRAS reserves the right to request original hardcopies of all the documents specified in Appendix V during the examination and evaluation of submitted tenders.

Reverse evaluation

NIRAS will conduct a simplified reverse evaluation whereby the tenders are evaluated first. Only the winning tender will in such case proceed to evaluation of the tenderer's qualifications and eligibility. In this case the examination and evaluation process will follow the following steps:

Step 1 – Evaluation

In Step 1, the tenders are evaluated in accordance with the evaluation methodology, as set forth in Section 6 "Opening and evaluation of tenders." The tenderer scoring the lowest number of points (hereinafter - the highest ranked tenderer) will advance to Step 2.

Step 2 – Examination of tenders

In the second step, NIRAS will examine whether the tender of the highest ranked tenderer is complete and whether the requirements outlined in Section 2 "Administrative terms and conditions" are met. If the tender meets these requirements, it will advance to Step 3; otherwise, the same examination will be done for the second highest ranked tenderer in Step 1.

Step 3 – Qualification of tenderers

In Step 3, NIRAS will examine whether the requirements set forth in Section 3 "Requirements for tenderers" are fulfilled for the tenderer that has passed Steps 1 and 2. If the tender meets these requirements, it will advance to Step 4; otherwise, the same examination (Steps 2 and 3) will be done for the next highest ranked tenderer in Step 1.

Step 4 – Examination of the object of the procurement

In Step 4, NIRAS will examine whether the requirements set forth in Section 4 "Requirements for Services" are fulfilled for the tenderer that has passed Steps 1,2 and 3. If the tender meets these requirements, a contract will be awarded to this tenderer. Otherwise, the same examination (Steps 2, 3 and 4) will be done for the next highest ranked tenderer in Step 1.

A contract will be awarded to the highest ranked tenderer that has passed the Steps 2, 3 and 4.

2.8. Contract

In this procurement, a contract will be drawn up with a supplier in which all terms and conditions are laid out.

2.9. Contract terms and conditions

The tenderer shall accept the attached contract draft, including appendices.

3. Requirements for tenderers

3.1. Registration in a trade register

The tenderer shall be registered in a company, trade or association register or a corresponding register used by the company in which the tenderer's business is located.

The tenderer shall in its tender provide documentation attesting compliance with respect to registration in a register that is equivalent to the Swedish Register of Companies or trade register, or a similar register.

3.2. Payment of taxes

Tenders shall be registered for either VAT or single tax or both.

The tenderer shall in its tender provide documentation issued by a competent government authority attesting to compliance with respect to the payment of taxes and social security contributions in the home country of the tenderer and of any subcontractors on which the tenderer relies or consortium parties.

3.3. Economic and financial standing

The tenderer shall have such an economic and financial standing position that it can maintain a long-term agreement.

The prerequisites for that are the following indicators:

- the total income for last fiscal year [2019] shall be at least twice greater than expected volume of procurement (pt 1.4);
- the total income for each of two years preceding the last fiscal year shall be not less than expected volume of procurement (pt 1.4);
- tenderer should have a positive financial result (net profit) for the last fiscal year.

Any newly started company shall demonstrate that it has a stable financial position by submitting the documentation proving its share capital or equivalent, income or balance sheets with last adopted financial statements, and should meet the following indicators:

- tenderer should, in the last adopted financial statement, have the current assets not less than expected volume of procurement (pt 1.4).

3.4. Criminal convictions

By participating in this procurement, the tenderer confirms that it or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein, its subcontractors or consortium partners has not been subject to conviction by final judgment for; a) participation in a criminal organisation, b) corruption, c) fraud, d) terrorist offences or offences linked to terrorist activities, e) money laundering or terrorist financing f) child labour and other forms of trafficking, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable.

3.5. Business integrity

NIRAS has a zero-tolerance policy to corruption, tax evasion and fraud, as well as to any form of modern slavery, discrimination and harassment. NIRAS requires that all tenderers, manufacturers, suppliers or distributors, observe NIRAS' Business Integrity and Ethics Policy as presented on NIRAS' website <http://niras.com/about-niras/corporate-social-responsibility/>.

In this respect, no offer, payment, promotion, or any benefit, which constitutes illegal or corrupt practices, shall be made, either directly or indirectly, as an inducement or reward in relation to (a) tender, (b) the tender contract, or (c) the execution of the tender contract. Any such event is defined grounds for the immediate cancellation of the tender contract and for such additional actions, civil and/or criminal as may be appropriate.

NIRAS requires that all tenderers fill and sign, as the part of their tenders, Letter of compliance to NIRAS' Business Integrity and Ethics Policy (Appendix VI, Form-5).

3.6. Consultant conflicts of interest

If NIRAS is using an external consultant for the formulation of this procurement document (or for other preparatory work prior to this procurement) and the consultant also plans to submit a tender in the procurement, improper competitive advantages may arise. A consultant who has been engaged for the formulation of this procurement document or other preparatory work may therefore be excluded from submitting a tender in this procurement. This applies regardless of whether the consultant was hired by NIRAS or if the consultant participated as a subconsultant.

3.7. Reference assignments

3.7.1. Performance of services/delivery of goods

The tenderer shall submit at least one reference assignments carried out in the past two years, and which correspond to the nature and scope of this procurement. The reference should demonstrate/confirm that the tenderer has carried out assignments that correspond to the nature and scope of the procurement in question.

According to the scope and nature of this procurement, eligible reference assignment is a contract, performed during past two years, that covers 2 (two) criteria below:

1). Provision of catering services: services were provided for at least 30 000 EUR;

and

2). Provision of catering services with similar geographical coverage: services were provided in at least 10 (ten) oblasts of Ukraine (except Kyiv city and oblast city centres) or in an area of similar size if elsewhere. NIRAS reserves the right to determine whether the referenced project is deemed similar and sufficient.

As the part of tender proposal, tenderer shall provide information about staff to be involved in provision of services to NIRAS: at least 4 (four) logistic specialists with at least 3-years' work experience in provision of logistic services during last 5 (five) years shall be engaged in work with NIRAS.

The tenderer shall submit a description that contains information regarding the following:

- The scope of the assignment, a short description of the assignment that includes e.g. the contract value and the number of people involved.
- The implementation date, whether the assignment has been completed or is ongoing (incl. the date on which the assignment was completed, if applicable).
- Results or "output" of the assignment.
- Contact information for the reference person (the company/organisation, contact person, telephone number, e-mail address).

The tenderer is encouraged to contact the reference person to inform them of their role as referee, and also to ensure that the contact details are valid. NIRAS reserves the right to contact the reference persons to verify the submitted information. NIRAS will try to contact the referee during working hours, once by email and three times via telephone. If no contact is made, the reference assignment is deemed invalid and the tender is rejected.

NIRAS will require further proof from the successful tenderer that the reference assignments have been implemented to the full satisfaction of the client. Such proof may be in the form of a copy of the signed contract, a second referee from the client, etc. NIRAS decides, on its own discretion, whether the supplied proof is deemed adequate.

3.8. Quality management

[n/a]

3.9. Subcontractors for the implementation of the assignment

The supplier will not be allowed to subcontract other logistics companies to perform any of the duties of the selected contract supplier. Subcontractors shall only be those companies that provide direct transport, accommodation (hotel), catering services or rental of premises. Subcontractors are only allowed to be contracted in one level, i.e. all subcontractors shall have a contract directly with the contract supplier who in turn signs the contract with NIRAS. This means that subcontractors may not in turn sign any contracts with subcontractors for the delivery of services under this contract.

The term "subcontractor" refers to any contractor that acts in the contract supplier's stead to provide parts of the contract. The subcontractor provides goods or services that are *directly related to the object of the procurement*, and the delivery of which are absolutely necessary in order for the contract supplier to uphold its end of the contract. Contractors which supply various goods and services to the contract supplier are not to be considered as subcontractors.

If subcontractors are hired by the tenderer, NIRAS reserves the right to request information on the subcontractor, such as complete name and company registration number of the subcontractor, which duties the subcontractor will perform, as well as how the tenderer will make use of the resources of the subcontractor that are necessary to the accomplishment of the contract.

The contract supplier has the same responsibility for the work of the subcontractor as it does for its own work. The contract supplier is also responsible for ensuring that the subcontractor adheres to the requirements, criteria, and conditions set forth in the contract.

At the request of NIRAS, a tenderer that hires a subcontractor must (by providing a certificate or a copy of the signed cooperation agreement) demonstrate a cooperative working relationship with the subcontractor that applies throughout the contract period, including any extensions.

4. Requirements for Services

The description of services to be provided is presented in Appendix I, section "I.1. Description and scope of services".

All the requirements of the Terms of reference in Appendix I are mandatory. Failure to comply with the requirements or failure to provide correct and relevant information by the tenderer may cause a rejection of the submitted tender

4.1. Terms of reference

The tenderer shall accept the prerequisites for the implementation of the assignment, which are presented in Appendix I – Terms of reference.

5. Tender prices

The services to be delivered are destined to International technical assistance project registered with the Ministry of Economic Development and Trade of Ukraine (registration card #3722-02 26/03/2019) and are therefore exempted from the Value Added Tax (VAT).

Prices, fees and costs shall be expressed in EUR, excl. VAT, but including any other taxes and charges. Rates can be expressed in per cents but the contract cost shall be expressed in EUR.

Prices, costs and rates quoted by the tenderer shall be fixed and not subject to variation on any account during execution of the contract. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.

5.1. Price attachments

All costs/prices shall be specified in Appendix [VI. The costs shall be defined according to the Form-3.]

Arithmetical errors will be rectified on the following basis:

- If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail, and the total price shall be corrected.
- If there is a discrepancy between words and figures, the amount in words will prevail.

6. Opening and evaluation of tenders

NIRAS shall open all tender proposals after a deadline for tender submission (pt. 2.2.4).

The evaluation of tenders will be carried out on the following basis:

Lowest price

6.1. Evaluation method

Percentage weighting

The evaluation will be conducted on the basis of the below award criteria:

Tenders will be evaluated using the scale defined below:

	Criteria	Weight
A	Service Fee for accommodation services	12
B	Service Fee for transportation services by public transport	11
C	Service Fee for catering services	70
D	Service Fee for transportation services (transfer)	4
E	Service Fee for premises for events	3
	Total weight (sum of A-E)	100

The total number of points of each tenderer will be calculated according to the following formula:

Total number of points of tenderer N = Offered Service Fee for accommodation services of tenderer N (1) + Offered Service Fee for transportation services by public transport N (2) + Offered Service Fee for transportation services (transfer) of tenderer N (4) + Offered Service Fee for Premises for events of tenderer N (5)

- Offered Service Fee for accommodation services is calculated according to the following formula:

Offered Service Fee for accommodation services of tenderer N (1) = Service Fee for accommodation services of tenderer N X A,

where:

- A – Weight of Service Fee for accommodation services in total weight.

- Offered Service Fee for transportation services by public transport is calculated according to the following formula:

Offered Service Fee for transportation services by public transport of tenderer N (2) = Service Fee for transportation services by public transport of tenderer N X B,

where:

- B – Weight of Service Fee for transportation services by public transport in total weight.

- Offered Service Fee for catering services is calculated according to the following formula:

Offered Service Fee for catering services of tenderer N (3) = Service Fee for catering services of tenderer N X C,

where:

- C – Weight of Service Fee for catering services in total weight.

4. Offered Service Fee for transportation services (transfer) is calculated according to the following formula:

Offered Service Fee for transportation services (transfer) of tenderer N (4) = Service Fee transportation services (transfer) of tenderer N X D,

where:

- D – Weight of Service Fee for transportation services (transfer) in total weight.

5. Offered Service Fee for premises for events is calculated according to the following formula:

Offered Service Fee for premises for events of tenderer N (5) = Service Fee for Premises for events of tenderer N X E,

where:

- E – Weight of Service Fee for premises for events in total weight.

The tender scoring the lowest number of points will be deemed to have the lowest price.

Evaluation example

Tenderer A and Tenderer B propose a service fee for each type of service (in %) in their respective tender proposals as below.

	Criteria	Tender A,%	Tender B,%
A	Service Fee for accommodation services	7	5
B	Service Fee for transportation services by public transport	10	10
C	Service Fee for catering services	7	10
D	Service Fee for transportation services (transfer)	7	10
E	Service Fee for premises for events	7	5

Evaluation of Tender A:

1. Offered Service Fee for accommodation services: $12 * 7\% = 0,84$
2. Offered Service Fee for transportation services by public transport: $11 * 10\% = 1,1$
3. Offered Service Fee for catering services: $70 * 7\% = 4,9$
4. Offered Service Fee for transportation services (transfer): $D = 4 * 7\% = 0,28$
5. Offered Service Fee for premises for events: $E = 3 * 7\% = 0,21$

The total score obtained by tenderer A = $0,84 + 1,1 + 4,9 + 0,28 + 0,21 = 7,33$

Evaluation of Tender B: is performed the same way as for tender A as above.

The total score obtained by tenderer B = $12*5\% + 11*10\% + 70*10\% + 4*10\% + 3*5\% = 9,25$

The winning tender is A, since it has the lowest number of points and is deemed to have the lowest price.]