

**TRINIDAD AND TOBAGO ELECTRICITY COMMISSION
INSTRUCTIONS TO TENDERERS**



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TRINIDAD AND TOBAGO ELECTRICITY COMMISSION

INSTRUCTIONS TO TENDERERS

The Trinidad and Tobago Electricity Commission, in the course of its operations to provide a reliable supply of electricity to all customers, is required to procure materials (plant, equipment and goods), works and services. The Commission's Procurement Policy provides for different means of procurement. As such, the Commission has established a set of instructions to guide the prospective Tenderers in the submission of their Tenders, and to ensure that our tendering process is compliant with the Public Procurement and Disposal of Public Property Act 2015, its amendments and regulations (PPDPP Act).

These instructions are to be read in conjunction with the Commission's **Specification/Scope of Works** and the **Specific Requirements for Tender**, included with each Request for Tender. Wherever, the phrase "*if / where applicable*" is stated, in the Instructions to Tenderers, these documents shall instruct the respective requirements.

1. Definitions

Agent – The person who represents the Supplier with no financial or legal obligations to the procurement proceeding.

Authorized Person – The person identified as the individual with the authority and responsibility to sign the Tender on behalf of the Tenderer.

Commission – Trinidad and Tobago Electricity Commission.

Contractor – The person/company contracted by the Commission and held financially responsible for works or services.

Mandatory Documents – Those documents that shall be submitted by the Tenderer, the omission of which shall lead to disqualification of their tender submission.

Manufacturer – The producer of the materials (plant, equipment and goods) which is being purchased.

Request for Tender (RFT) – The Commission's invitation to suppliers or contractors to submit a Tender for the materials, goods, equipment and associated services and/or works or services hereinafter referred to as the RFT. This is synonymous to Invitation to Bid (ITB).

Specific Requirements for Tender – Instructions specific to the RFT (ITB) for materials, goods, equipment and associated services and/or works and services. The instructions provide guidance on the information to be submitted for the specific Tender, and the criteria used by the Commission to evaluate the Tender.

Supplier – The person/company contracted by the Commission and held financially responsible for the sale of materials (plant, equipment and goods), associated services.

Tender – A bid submitted in response to the Commission's RFT (ITB).

Tenderer – The manufacturer/supplier or contractor in whose name the Tender is submitted.

N.B. Where the word “shall” or “must” is used, it means that failure to comply with the respective requirements will lead to disqualification.

2. RFT / ITB Package

All suppliers and contractors shall be pre-qualified on the Office of Procurement Regulation’s (OPR) Procurement Depository prior to participation in the procurement proceeding.

- i. A Tenderer is entitled to submit one Tender only. However, a Tenderer may submit alternative options from the same manufacturer in its Tender. If more than one Tender is received from the same supplier or contractor, all such Tenders shall be disqualified.
- ii. Tenderers shall provide a telephone contact and a primary contact e-mail address to which all queries can be sent for immediate response. Once queries are sent via email, they are deemed to have been delivered at close of business on the date on which it was sent.
- iii. **Accessing Tender Packages:**
 - RFTs may be accessed via the Online Tender System (OTS).
 - Once an addendum is made to the RFT an email notification will be sent to all Tenderers who previously accessed the OTS for that specific RFT.
 - All communication (addendums/minutes) prior to closing date of the RFT is accessible to all participants via the OTS and Tenderers are advised to access the site to ensure they have received all addendums.

3. Preparation of Tender Packages

- i. Tender submissions and all correspondence shall be in English and shall be submitted in soft copy on CDR/DVD or Flash Drive.
- ii. Whereas picture format may be accepted for documents containing information on non-cost items, the following documents shall be in PDF format:
 - Cost information – Form of Tender, Form of Breakdown of Cost, etc.
 - Technical Assessment Schedule.

- iii. Tenderers are advised to submit an additional identical soft copy on a separate CDR/DVD or Flash Drive, in the event one device is corrupted.
- iv. The Tender submission shall be in a sealed envelope with the tender number boldly marked on the face of the envelope and should be addressed as per Section 7.

4. Submission of Tenders

The following documents **shall** be submitted with the Tender.

- i. Form of Tender (FOT)
- ii. Form of Breakdown of Cost (where applicable)
- iii. Financial Statements (where applicable)
- iv. Compliance Certificates
- v. References (where applicable)
- vi. Declaration Statement

Note: Further details on the requirement for the aforementioned documents are provided below.

i. Form of Tender (FOT) Details:

1. The Commission's Form of Tender (FOT) shall be **completed and signed** by the Authorized Person. The FOT should be completed utilizing the fillable PDF form in the RFT package. However, if the FOT is recreated, and the tenderer fails to include the heading "Form of Tender", the submission shall be disqualified.
2. The FOT includes the following, the details of which are given below:
 - a. Name of Supplier/Contractor and Manufacturer (if applicable).
 - b. Tender price
 - c. Payment Terms
 - d. Payment Method
 - e. Warranty (or attached)
 - f. Delivery (or attached)
 - g. Period of validity

Failure to provide items a. and b. on the Form of Tender shall result in disqualification. Please note that Warranty and Delivery shall be provided in the Tender submission. If the information cannot be inserted on the Form of Tender a separate document can be included in the Tender submission, however it should be stated on the Form of Tender where such document can be found in the Tender submission.

a. Name of Supplier/Contractor and Manufacturer

The name of the Supplier/Contractor and Manufacturer shall be stated.

b. Tender price

- i. Prices shall be quoted in Trinidad and Tobago Dollars (TTD), United States Dollars (USD), Pound Sterling (GBP), Euros (EUR) or Canadian Dollars (CAD). However, **all** prices written on the FOT **shall** be assessed as a **V.A.T. exclusive price**.
- ii. Payments to local suppliers or contractors would normally be made in Trinidad and Tobago currency (TTD).
- iii. Foreign currency quotations shall be converted to TTD at the Commercial Banks weighted average selling rate as published by the Central Bank of Trinidad and Tobago on the day of the opening of the Tender.
- iv. The Commission insures its materials. Therefore, all quotations from foreign suppliers shall be stated as Cost and Freight (CFR). Quotations submitted in Cost, Insurance and Freight (CIF) would be treated as (CFR) for purposes of the evaluation. The Commission reserves the right to negotiate with the successful Tenderer who submitted CIF, with a view of removing the insurance component in the CIF figure.
- v. Where CFR quotations are not firm and subjected to variations in various commodity prices (copper, aluminum etc.), the Tenderer shall clearly state the metal exchange formulae and how it is to be applied. Further, the Tenderer shall indicate to which Metal Exchange Index the formula is pegged. All initial values shall be provided for the formula.

c. Payment Terms

- i. The following payment terms are preferred by the Commission:
 - Credit – At least 30 days
 - Down-payment with progress payments after approval. The Commission prefers initial down payments that are 30% or less.
- ii. If no payment terms are provided in the tender submission, the tenderer will be scored zero for that criterion and will be paid 30 days credit if awarded.

The Commission reserves the right to negotiate the payment terms with the successful tenderer.

d. Payment Method

- i. The following payment methods are accepted by the Commission:
 - Wire Transfer (preferred – Foreign)
 - Automated Clearing House (ACH) (preferred – Local)
 - Bank Draft
 - Sight Draft
 - Bill of Collection
 - Non transferrable Letter of Credit (LC)

NB: Transferrable Letter of Credit will not be accepted.

- ii. If no payment method is provided in the tender submission, the tenderer will be scored zero and, if awarded, will be paid via wire transfer (foreign) or ACH (local).
- iii. Local suppliers/contractors shall be paid via ACH or cheque. However, the Commission's preferred payment method for local suppliers /contractors is via ACH.

e. Warranty

The warranty period should be stated on the Form of Tender (in months/years) and limitations of the warranty being offered included in the Tender. If the terms of warranty cannot be inserted on the Form of Tender, Tenderers should indicate where the warranty is stated in the Tender. The submission of the warranty period and the limitation of the warranty being offered shall be included in the Tender submission, once applicable.

f. Delivery period

The delivery period should be stated on the Form of Tender. Delivery is the time it will take to either complete the works or service or deliver the materials/goods to the Commission's point of delivery as specified in the RFT. The delivery period is to be stated in number of weeks/months from receipt of the Purchase Order. If part shipments are to be made, all delivery schedules must be included. If the terms of delivery cannot be inserted on the Form of Tender, Tenderers shall include it in the Tender.

g. Period of Validity

All Tenders shall be valid for at least ninety (90) days from the closing date of the Tender. In the event of a request by the Commission for an extension of the validity of the Tender, Tenderers who extend their validity shall not be permitted to alter any aspect of their Tender. Variations in price in accordance with the metal exchange formula as stated in the tender submission are permitted.

ii. Form of Breakdown of Cost

The Form of Breakdown of Cost, when included in the Commission's RFT, shall be completed by the Tenderer. It is not mandatory for the Form of Breakdown of Cost to be signed by the Tenderer.

iii. Financial Statements

Audited financial statements are required by the Commission for RFTs that are greater than TTD 8,000,000. For Tender prices quoted in a currency other than TTD, the onus is on the Tenderer to make the necessary currency conversion to determine if audited financial statements are to be submitted. If required, Tenderers shall submit two (2) years of audited financial statements for the supplier or contractor the most recent being not more than two (2) years prior to the year of submission of the Tender. Alternatively, tenderers may provide a banker's letter accompanied with management accounts signed-off by the company's Chief Financial Officer (or equivalent).

The Commission reserves the right to request additional financial documents as needed.

iv. Compliance Certificates - For Locally Registered Businesses

Suppliers and contractors of locally registered companies shall submit the following certificates which **should be valid at the time of submission of the Tender:**

- BIR Income Tax Compliance Certificate
- VAT Clearance Certificate
- NIB Compliance Certificate

v. References

All **new** suppliers, manufacturers and contractors to the Commission **for the class of item being tendered for**, shall submit the year of incorporation of the supplier, manufacturer and contractor as well as the names, e-mail addresses, business addresses and telephone numbers of three (3) references. If a manufacturer, supplier or contractor previously conducted business with the Commission but **NOT** for the class of item being tendered for, then they are to be regarded as **NEW** and, therefore, references shall be required.

vi. Declaration Statement – Suppliers and Contractors

The Authorized Person shall complete, sign, and submit the Suppliers and Contractors Declaration Statement. Failure to submit this document shall result in the Tender being disqualified.

For items (iii), (iv), (v), and (vi), the Commission reserves the right to request the submission of additional information, confirmation or clarifications which should be provided in two (2) working days after communication with the tenderer by the Tenders Queries Desk.

5. Specific Requirements for Tender

The following additional information shall be supplied, where applicable:

i. Technical Assessment Schedule

Technical Assessment Schedule, provided in the RFT package, shall be completed by the Tenderer as failure to do so shall result in the disqualification of the Tenderer's bid.

ii. Material Safety Data Sheets

MSDS for all chemicals shall be provided where applicable. If an MSDS is not applicable, this should be stated in the documentation.

iii. Samples

Samples may be required by the Commission for the purpose of assessing a tender, the details of which will be contained in the Specific Requirements for Tender document. Where requested in the RFT, samples shall be provided.

6. Request for Information

All requests for information from a Tenderer are to be emailed to the Commission's Tender Queries Desk at tenderqueries@ttec.co.tt and should be submitted at least fourteen (14) calendar days prior to the closing date of the RFT. The Commission will respond to such requests at least seven (7) calendar days prior to the closing of the RFT. Queries and responses, where applicable, shall be circulated to all Tenderers.

7. Labelling of the Tender Package

All Tender submissions shall be placed in a sealed package and the Tender Number shall be boldly stated as follows:

TENDER NO. (Insert Tender Number)

The package should be addressed as follows:

**Procurement and Supplies Manager
Trinidad and Tobago Electricity Commission
L.P. #846 Southern Main Road
King Village, California
Trinidad and Tobago W.I.**

8. Delivery of the Tender Package

- i. All Tenders shall be delivered, **prior to the advertised closing date and time of the RFT**, to the Tender Box located in the reception area of the Commission's Central Warehouse, located at the above address (Section 7).
- ii. Tenders may be deposited Monday through Friday (except on Public Holidays) between the hours of 8:30 a.m. and 11:45 a.m. and between 1:00 p.m. and 3:30 p.m.
- iii. Upon deposit of the Tender in the Tender box, the Commission shall issue a receipt to the Tenderer. The Tenderer must ensure that the receipt accurately represents the Tender deposited.
- iv. The time a Tender is actually delivered shall be based on the time displayed on the GPS clock in the reception area where the Tender box is located. **No tenders shall be accepted after the stated time and date of closing of the RFT.**

9. Evaluation of Tenders

- i. The evaluation of the Tender shall be in accordance with the evaluation criteria stated in the RFT.
- ii. During the evaluation, the Commission may request clarification from the Tenderer through the Commission's Tender Queries Desk at tenderqueries@ttec.co.tt and responses are to be so directed.
- iii. The Commission is not liable for any costs incurred by the Tenderer in submitting his Tender, even if the RFT is cancelled.
- iv. Any proven attempt by the Tenderer to influence the results of the evaluation of the Tender shall result in the rejection of their Tender.

10. Standstill Period

In accordance with the Public Procurement and Disposal of Public Property Act 2005, Section 32(2), the Commission shall apply the standstill period, where applicable. The standstill period shall be applied for all tenders with an award value greater one million Trinidad and Tobago dollars (TTD 1,000,000.00).

11. Award of Tenders

- i. The Commission does not bind itself to award to the lowest tender price.
- ii. The Commission reserves the right to award the Tender in part or in whole and/or to one or more Tenderer or not at **ALL**.
- iii. Upon approval of the award of the Tender, the successful Tenderer will be issued a Letter of Intent/Award (Notice of Acceptance). The successful Tenderer should sign and return the Letter of Intent/Award (Notice of Acceptance) within seven (7) working days of the award. Failing to do so in this time frame may result in the offer of award to the Tenderer being revoked.
- iv. Once the successful Tenderer has signed the Letter of Intent/Award (Notice of Acceptance) and completed all other requirements to support the purchase order, all unsuccessful Tenderers will be duly notified that they have been unsuccessful.

12. Performance Guarantee

Performance in a Tender includes the delivery of the required materials (plant, equipment and goods), works and services, in the agreed time frame and cost. To guarantee performance, the successful Tenderer shall comply with the following:

i) **Works and Services**

a. **Tenders for works and services valued over one million dollars (TTD 1,000,000.00) and up to eight million dollars (TTD 8,000,000.00)**

Tenders for works and services valued over one million Trinidad and Tobago dollars (TTD1,000,000.00) and up to eight million Trinidad and Tobago dollars (TTD 8,000,000.00), a sum equivalent to five percent (5%) of the V.A.T. exclusive Tender price shall be made payable to the Commission by wire transfer or certified cheque. Upon successful completion of the tendered works or services as confirmed in writing by the Commission, the said sum shall be refunded to the Tenderer. **Tenderers not submitting this guarantee within one (1) week of the date of the signed Letter of Intent/Award (Notice of Acceptance) may have their award revoked.**

b. **Tenders for works and services greater than eight million dollars (TTD 8,000,000.00)**

For works and services greater than eight million dollars (TTD 8,000,000.00) a Performance Bond by Deed or Certified Cheque, Wire Transfer or Standby Letter of Credit in the amount of ten percent (10%) of the V.A.T. exclusive price is required. The Performance Bond by Deed shall be duly executed by the Surety, bidder and sealed by the Commission. The Performance Bond must be from a regulated insurance company/financial institution and approved by the Commission. Notably, the Commission prefers certified cheque or wire transfer.

Tenderers not submitting this guarantee within four (4) weeks of the date of the signed Letter of Intent/Award (Notice of Acceptance) may have their award revoked.

ii) **Materials**

a. **Tenders for materials valued over one million Trinidad and Tobago dollars (TTD 1,000,000.00) and up to eight million dollars (TTD 8,000,000.00)**

The Commission shall reserve ten percent (10%) of the V.A.T. exclusive price until the materials have been delivered. Once the delivery is in accordance with the agreed performance of the tender, this amount will be remitted to the supplier.

b. Tenders for materials greater than eight million dollars (TTD 8,000,000.00)

For materials greater than eight million dollars (TTD 8,000,000.00) a Performance Bond by Deed, Stand by Letter of Credit, wire transfer or certified cheque in the amount of ten percent (10%) of the V.A.T. exclusive price is required. The Performance Bond by Deed shall be duly executed by the Surety, Supplier and sealed by the Commission Once goods are delivered in accordance with the agreed performance of the tender, this amount will be remitted to the supplier. Notably the Commission prefers certified cheque or wire transfer. **Tenderers not submitting this guarantee within four (4) weeks of the date of the signed Letter of Intent/Award (Notice of Acceptance) may have their award revoked.**

13. Contracts

- i. Successful Tenderers shall be required to enter into a formal contract with the Commission for awards for works and/or services greater than one million Trinidad and Tobago dollars (TTD 1,000,000.00).
- ii. Successful Tenderers shall be required to enter into a formal contract with the Commission for awards for materials (plant, equipment and goods) greater than ten million Trinidad and Tobago dollars (TTD 10,000,000.00).

The contracts referred to in (i) and (ii) should be in the form included in the RFT.

14. Penalties

Tenderers are advised that breach of the PPDPP Act 2015 or associated regulations shall result in penalties being applied to the Tenderers. In this regard, the Commission has highlighted, including but not limited to, the following breaches and associated penalties contained in the PPDPP Act 2015 and associated regulations:

- i)** Influencing a public officer (bribery; conflicts of interest; corrupt, fraudulent, collusive, coercive or obstructive practices: Fine of TTD 1,000,000.00 and 5 years imprisonment.
- ii)** Bid rigging, influencing procurement proceedings: Fine of TTD 5,000,000.00 and 10 years imprisonment.
- iii)** Knowingly makes false declarations or misleads the OPR by providing false information for or into the Procurement Depository: Fine of TTD 500,000.00 and 1 year imprisonment.
- iv)** A supplier or contractor whose tender is rejected or revoked for the above reasons shall be added to the OPR's ineligibility list for a period of 10 years following the date of rejection or revocation of his tender or proposal.

Please note that it is the Tenderers' responsibility to ensure compliance with the PPDPP Act.

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GENERAL MANAGER