

Request for Quotations

RFQ-EnCS-2023-005

Activity Title: “Procurement of Circuit breakers”

Issuance Date: January 26, 2023
Deadline for Receipt of Questions: February 2, 2023 at 8:00 PM Kyiv time
Closing Date and Time: February 16, 2023 at 8:00 PM Kyiv time

Issuance of this RFQ does not constitute an award commitment on the Tetra Tech ES, Inc., nor does it commit to pay for any costs incurred in preparation or submission of comments/suggestions of a quote. Quotes are submitted at the risk of the bidders. All preparation and submission costs are at the bidder's expense.

1. INTRODUCTION

The purpose of this RFQ is to solicit quotations for **Procurement of Circuit breakers** as described in Attachment A.

Financing for the supply of the goods and/or services required under the present Request for Quotation comes from the Ukraine Energy Support Fund (the "Fund"). Therefore, involved in this project but not parties to the resulting contract are the following:

- (a) Tetra Tech Es, Inc., acting as procurement agent for the Ukraine Ministry of Energy and the Energy Community Secretariat (EnCS), is responsible to select the Supplier of the goods and/or services required and to negotiate the terms and conditions of the Supply Agreement that will result from this RFQ; and
- (b) The EnCS, acting as manager of the Fund, will be responsible to pay directly the Supplier of the said goods and/or services upon submission by the Client to the Fund of the Supplier's certified invoice confirming that the goods were delivered and/or the services provided in accordance with the terms of this Agreement.

2. BIDDER'S QUALIFICATIONS

Bidder must provide the following information and references in order to be qualified for the procurement process.

- 1. Company's information, including official registered name, place of registration, type of registration and number, company officers' names, business address, website, and physical address, telephone number, and email address of the firm's contact person;
- 2. Offered items that meet or exceed the specification listed in Attachment A
- 3. Completely filled out Attachment B of this RFQ with prices and offered items
- 4. Bidders under sanction by the European Union or by virtue of a UN Security Council resolution will not be considered.
- 5. Source and Nationality: In addition to restrictions per Section (3) above, no firm whose beneficial owner is a national of and/or place of registration is in the Russian Federation or the Republic of Belarus is allowed to participate in the present tender. All bids must include proof of the country of origin and of the manufacturer in their proposal.

3. SUBMISSION OF QUOTATIONS

All quotations are due on **February 16, 2023** by no later than **8:00 PM** local time in Kyiv, Ukraine. Quotations must be submitted via e-mail to the address **UES.Fundprocurement@tetrattech.com** in the following formats: Adobe Acrobat, Microsoft Word.

Quotations received after the above-stated due date and time will not be considered for this award.

4. QUESTIONS AND CLARIFICATIONS

All questions or clarifications regarding this RFQ must be submitted in writing in English and submitted to the email address **UES.Fundprocurement@tetrattech.com** by **February 2, 2023** no later than **8:00 PM** local time in Kyiv, Ukraine. Questions and requests for clarification, and the responses thereto, will be sent to all RFQ recipients.

Only written answers from Tetra Tech are official and carry weight in the RFQ process and subsequent evaluation. Any answers received outside the official channel, whether received verbally or in writing, from employees or representatives of Tetra Tech, or any other party, will not be considered official responses regarding this RFQ.

5. EVALUATION CRITERIA

The award will be made to a responsible bidder whose quotation follows the RFQ instructions, meets the eligibility requirements, meets or exceeds the minimum required technical specifications, and represents best value in consideration of the evaluation factors outlined below. Prices must be reasonable and will be considered in the evaluation. Bidders are encouraged to provide a discount to their standard commercial rates.

If any requirements in this RFQ are not met, Tetra Tech reserves the right to disqualify the submission from further consideration.

Technically acceptable bids will be scored on a 100-point scale. Available points for each evaluation factor are given below:

Evaluation Criteria	Points
I. Price, \$	60
II. Delivery time, days	40
TOTAL	100

PRICE EVALUATION

The lowest qualified bid will receive the maximum score as indicated in the above table.

The other bids will be scored inversely proportional to their price and computed as follows:

$$S_f = \text{Maximum possible score} * F_m/F$$

where

S_f = financial Score of the bid evaluated

F_m = price of the lowest priced bid among those qualified

F = price of the bid under consideration

Prices must be fair and reasonable. Bidders are encouraged to provide a discount to their standard commercial rates.

DELIVERY TIME EVALUATION

The Bidder with the shortest delivery time (days) offered for final delivery will receive the maximum score as indicated in the above table.

The other bids will be scored inversely proportional to their offered delivery time and computed as follows:

$$D_f = \text{Maximum possible score} * D_m/D \text{ where}$$

Df = delivery Score of the bid evaluated

Dm = shortest delivery time among those qualified

D = Delivery time of the bid under consideration

In the even that a Bidder has proposed different delivery times by item, Tetra Tech will use a weighted average delivery time for the calculations above. This weighted delivery time will be based on the proposed cost of each item. For example:

Item A: \$500,000, Delivery time: 10 days

Item B: \$20,000, Delivery time: 60 days

Weighted average = $((\$500,000 * 10 \text{ days}) + (\$20,000 * 60 \text{ days})) / (\$500,000 + \$20,000) = 11.92 \text{ days}$.

Tetra Tech reserves the right to conduct discussions with selected bidder(s) in order to identify the best value offer. Award of any resulting Purchase Order on a fixed-price basis shall be made by Tetra Tech on a best value basis. Tetra Tech reserves the right to request a test assessment from bidders to assess their qualifications.

6. DELIVERY TERMS

DDP Kyiv, Ukraine (address to be determined in the Purchase Order). Bidders should assume delivery to Kyiv, Ukraine for budget estimates in your proposal. The exact delivery locations in Ukraine will be negotiated with the successful bidder.

7. NEGOTIATIONS

Best offer quotations are requested. It is anticipated that a Purchase Order will be awarded solely based on the original offers received. However, Tetra Tech reserves the right to conduct discussions, negotiations and request clarifications prior to making an award. Furthermore, Tetra Tech reserves the right to conduct a competitive range and to limit the number of offerors in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated offerors, as determined by the evaluation committee, may be asked to submit their best prices during a competitive range.

8. MULTIPLE AWARD/NO AWARD

Tetra Tech ES, Inc. reserves the right to issue multiple awards. Tetra Tech ES, Inc. also reserves the right to issue no awards.

9. PAYMENT TERMS

Tetra Tech ES, Inc. acts as procurement agent on behalf of Energy Community Secretariat who is a fiduciary of the funds and a payer under this Purchase Order. Bidders should offer their payment terms and schedule in their bids which will be considered by Tetra Tech ES, Inc.

Payment shall be made by Energy Community Secretariat via bank wire transfer in **EUR** or **Ukrainian Hryvnias** per Raiffeisen Bank Aval interbank exchange rate.

ATTACHMENT A – TECHNICAL SPECIFICATION

The equipment/goods/materials provided by the Supplier shall meet all requirements and standards of Ukrainian legislation, and be supported by the relevant document(s) (namely a declaration, certificate, or any other document confirming the fulfillment of the specified requirements relating to the equipment/goods/materials).

ATTACHMENT B – DETAILED BUDGET

Please refer to the Excel template entitled “Attachment B_Detailed Budget”.

Tetra Tech will score quotes based on total price and delivery time but reserves the right to make partial and/or multiple awards for individual line items.

Prices quoted in this document shall be valid for a 60-day time period and include all taxes and other costs excluding VAT tax originated in Ukraine*.

*In accordance with Resolution No. 224 of the Cabinet of Ministers of Ukraine dated March 20, 2020, taking into account Resolution No. 1260 dated November 9, 2022, the Equipment that are the subject of this RFQ are exempt from value added tax and customs duties.

ATTACHMENT C – REPRESENTATIONS AND CERTIFICATIONS

1. Organizational Conflict of Interest Representation

The bidder represents, to the best of its knowledge and belief, that this award:

does ☐ or does not ☐ involve an organizational conflict of interest with any other party involved in the Ukraine Energy Support Project.

2. Non-Government Owned or Controlled Certification:

The bidder represents that it is ☐ is not ☐ a privately-held company and it is ☐ is not ☐ owned or controlled in whole or in part in any way by any government.

3. Source and Nationality of Goods and Commodities

(i) This is to certify that the Bidder is:

- a. an individual who is a citizen or legal resident of _____.
- b. a corporation of partnership organized under the laws of _____.
- c. a joint venture or incorporated association consisting entirely of individuals, partnerships or corporations. If so, please describe separately the citizenship or legal status of the individuals, the legal status of the partnership or corporations, and the percentage (%) of voting power of the corporations.

(ii) This is to certify that the **Source** (the country from which a commodity is to be shipped from) of the Equipment to be supplied under this Order is:

--

name of country or countries