

MARCHÉ COMMUN DE
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COUR DE JUSTICE

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COMMON MARKET FOR EASTERN AND
SOUTHERN AFRICA



COMESA



COURT OF JUSTICE

السوق المشتركة للشرق
والجنوب الأفريقي
محكمة العدل

COMESA Centre
Ben Bella Road
P O Box 30051
LUSAKA 10101
Zambia

OFFICE OF THE REGISTRAR

REQUEST FOR BIDS

PROVISION FOR CAR HIRE SERVICES

(ON FRAMEWORK AGREEMENT BASIS)

RFP Ref: CCJ/PRM/LUN/3/12/23

DECEMBER 2023

A. Background

The COMESA Court of Justice (CCJ) is undertaking a primary procurement process through competitive tendering with a view to concluding a framework agreement(s) for car hire services.

The CCJ now invites bids/tenders from eligible bidders for car hire services in accordance with the CCJ's requirements for lots in three (3) countries as indicated in the tender document.

The contract shall be concluded with two service providers in each country as indicated in the tender document.

Bidders shall submit only one bid for the country in which they are registered and operate. The duration of the framework agreement(s) will be Two years. However, the conclusion of the framework contract shall not impose any obligation on the CCJ to purchase the services under a call-off contract. The conclusion of a framework agreement does not guarantee that a service provider will be awarded a call-off contract.

Queries may be submitted to the following email address: esimon@comesacourt.org with copy to: Lsinnary@comesacourt.org on or before the **08 January 2024** not later than 17.00hours SAST.

Bidders interested in submitting a bid may notify the CCJ through the above address so that clarifications to queries may be shared with them. Clarifications will be provided by the close of business on **15 January 2024**.

Bids must be delivered electronically to the address procurement@comesacourt.org with copy to: info@comesacourt.org on or before **04 February 2024** not later than 17.00 hours SAST clearly worded 'Tender for Car Hire Services' in the title of the email.

Registrar
COMESA COURT OF JUSTICE

SECTION I - INSTRUCTIONS TO TENDERERS

B. Introduction

- 1. General**
- 1.1 The COMESA Court of Justice invites sealed bids from eligible and qualified bidders to provide services in the following lots:
- (a) Lot 1: Car Hire Services in Lusaka, Zambia.
 - (b) Lot 2: Car Hire Services in Nairobi, Kenya
 - (c) Lot 3: Car Hire Services in Kigali, Rwanda
- 1.2 Bidders are allowed to participate in **One** Lot only.

C. Invitation to Tender

- 2. Contents of the Invitation to Tender**
- 2.1 This Invitation to Tender describes the procedure; the goods/services required; and the terms and conditions of this contract. It contains the following:
- (a) Instructions to Bidders
 - (b) Schedule of Requirements (Technical Specifications)
 - (c) List of Services and Price Schedule
 - (d) Form of Tender Submission Letter
- 2.2 The Tenderer should examine the instructions, sample documents and specifications provided in the Invitation to Tender.

**3. Eligibility
Criteria**

3.1 Bidders are required to meet the following criteria to be eligible:

- (a) Have the legal capacity to enter into a contract (Bidder must be legally incorporated in the country they are doing business);
- (b) Not be insolvent, in receivership, bankrupt or being wound up or subject to legal proceedings for any of these circumstances;
- (c) Not having their business activities suspended or debarred from public procurement by a competent body with authority to sanction;

3.2 Bidders should submit copies of the following documents as evidence of your eligibility:

- (i) valid trading licence or equivalent;
- (ii) valid certificate of registration or equivalent;
- (iii) Valid tax clearance certificate;

**4. Duties and
Taxes:**

4.1 Quoted prices should be net of custom duties and taxes. As an institution of COMESA, the CCJ is exempt from all direct taxes, except charges for utilities services, and is exempt from customs duties and charges of a similar nature.

**5. Delivery
Schedule:**

5.1 Delivery will be *as per call-off* Purchase Order. The exact number of vehicles required will be specified in the purchase order.

**6. Terms of
Payment:**

6.1 No advance payment will be made. Payment shall be made on the last day of service delivery after submission of invoice for services offered.

6.2 Any Order resulting from the framework agreement awarded under this tender procedure shall be by placement of a Purchase Order.

D. C. Preparation of Tenders

7. Language 7.1 The Tender and all related correspondence should be in English.

8. Tender Documents 8.1 The Tender should contain the following documents:
(a) Written Tender Letter, signed and dated
(b) Price Schedule and quantities, dated and signed

9. Tender 9.1 The Tenderer should indicate in the Tender Submission Letter the place of delivery and the nature of the price:
(a) Without taxes and duties;
(b) Taxes and duties listed separately.

9.2 The Tenderer completes the price schedule and quantities furnished with the Invitation to Tender, indicating the services in the required space, the unit prices for each item and the proposed location to carry out the contract.

10. Currency of the Tender 10.1 The tender should be priced in United States Dollars (USD).

11. Validity of the Tenders 11.1 The Tenders should be valid for Ninety (90) days after the closing date of the tender.

12. Delivery: 12.1 Prices should be quoted for the named location.

E. Submission of Tenders

13. Sealing and marking of Tenders 13.1 The Tenderers should submit their password-protected tender documents by email as follows:

(a) Addressed to the Purchaser and bearing the ITT ref. number and Lot number of the Tender in the email subject line and submitted to the following address:

The Registrar

The COMESA Court of Justice

Email: procurement@comesacourt.org with copy to info@comesacourt.org

14. Deadline for the Submission of Tenders 14.1 Tenders must be received by the Purchaser at the address specified in paragraph 13.1 on the date and time specified in paragraph 15.1.

14.2 Any Tender received by the Purchaser after the deadline for the submission specified in paragraph 15.1 will be rejected.

F. Opening and Evaluation of Tenders

15. Opening of Tenders by 15.1 Tenders must be delivered electronically to the address indicated in 13.1 on or before **04 February 2024** not later than 17.00hours SAST. Late bids will be rejected.

**the
Purchaser**

**16. Evaluation
and
Comparison
of Tenders**

16.1 The Purchaser will evaluate and compare the Tenders as follows:

- (a) Examine if the Tender conforms to technical specifications and the delivery time;
- (b) Verify any arithmetical errors. For example, if the Tender in figures is different from the Tender in words, the amount in words will prevail. 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;
- (c) Tabulate the Tenders thus arrived at.

**17. Best
Evaluated
Tender**

17.1 The best evaluated Tender shall be the lowest priced Tender, which is eligible and technically responsive

G. Award of Contract

**18. Award of
Contract**

18.1 The Purchaser will award the contract to the Tenderer whose Tender has been determined to be substantially responsive to the requirements of the Invitation to Tender and the lowest *evaluated* price, that is, based on the quality of the services quoted for in accordance with the specifications.

19. Notification of Award

19.1 Prior to Notification of the Award constituting the formation of the contract, a Notification of the Intention to Award will be communicated to all bidders. The contract will be awarded 10 days after the date of transmission of the Notification of Intention to Award if there shall be no challenges during the Standstill Period.

20. Signing of the Contract

20.1 Within fifteen days following the Notification of the Award, the Purchaser will sign and date the Framework Agreement and send it back to the Tenderer.

21. Fraud and Corruption

21.1 The personnel of the Purchaser and the Tenderers should adhere to the highest ethical standards, both during the selection process and throughout the execution of the contract. In pursuance of this principle, they should abstain at all times from corruption or fraudulent practices. Corruption and fraudulent practices are defined as follows:

(i) "Corrupt practice" means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official in the selection process or in contract execution;

(ii) "Fraudulent practice" means a misrepresentation or omission of facts in order to influence a selection process or the execution of a contract;

(iii) "Collusive practices" means a scheme or arrangement between two or more Tenderers with or without the knowledge of the Borrower, designed to establish prices at artificial, noncompetitive levels;

21.2 The Purchaser will reject a proposal for award if it determines that the Tenderer recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for the contract in question.

22. Bid Challenge 22.1 Tenderers may challenge the results of a procurement only according to the rules established in the Bid Challenge System as provided in the CCJ Procurement Rules.

SECTION II. TECHNICAL REQUIREMENTS.

1. The vehicle shall be required in any of the four categories: 4WD vehicles; Mercedes Benz mini bus and saloon vehicles depending on the nature of each assignment/mission.

2. The vehicles shall satisfy the following requirements:
 - (a) Clean, inside and out, and free from any unpleasant odor;
 - (b) Road-worthy and in good condition;
 - (c) Equipped with necessary safety items, including fire extinguisher, seat-belt restraints, spare tire, mechanical jack and basic hand tools;
 - (d) Compliant with applicable insurance, safety or other motor vehicle requirements;
 - (e) Registered with a reputable towing services firm with 24-hour on-call and on-the-road assistance; and,
 - (f) Registered for operation during the period of the Contract with registration documentation in the vehicle and registration/number plates affixed to the vehicle as required by law.

3. The Driver shall be:
- (a) Properly trained in the operation and maintenance of the vehicle;
 - (b) Sufficiently experienced with at least 5 years of experience as a Driver;
 - (c) Licensed for operating a motor vehicle, including for passenger service if available;
 - (d) Familiar with local routes and destinations;
 - (e) Properly attired during hours of operation; and
 - (f) Observes at all times basic courtesy to passenger(s), fellow motorists and road authorities.

SECTION III: PRICE SCHEDULE

Lot No..... Lot Title

| Item # | Services Description | Suppliers Comments and Specification if difference | Unit | QTY | Rate US\$ |
|---------------|---|---|-------------|------------|------------------|
| 1 | Daily Vehicle Rent Within Lusaka/Nairobi/Kigali City* Inclusive of Driver and fuel services (4X4 Vehicles Similar to Pajero or Toyota Land cruiser) | | Day | 1 | |
| 2 | Daily Vehicle Rent outside Lusaka/Nairobi/Kigali City Inclusive of Driver and fuel services (4X4 Vehicles | | Day | 1 | |

| | | | | | |
|----------|---|--|-----|---|--|
| | Similar to Pajero or Toyota Land cruiser) | | | | |
| 3 | Daily Vehicle Rent Within Lusaka/Nairobi/Kigali City Inclusive of Driver and fuel services. (Minibus/van with a seating capacity of 8 persons) | | Day | 1 | |
| 4 | Daily Vehicle Rent Outside Lusaka/Nairobi/Kigali City Inclusive of Driver and fuel services (Minibus/van with a seating capacity of 8 persons) | | Day | 1 | |
| 5 | Daily Vehicle Rent Within Lusaka/Nairobi/Kigali City Inclusive of Driver and fuel services (Vehicles Similar to Mercedes Benz) | | Day | 1 | |
| 6 | Daily Vehicle Rent Outside Lusaka/Nairobi/Kigali City Inclusive of Driver and fuel services (Vehicles Similar to Mercedes Benz) | | Day | 1 | |
| 7 | Monthly Vehicle Rent Within Lusaka/Nairobi/Kigali City with Driver and fuel (Vehicles Similar to Toyota Corolla) | | Day | 1 | |

| | | | | | |
|----------|---|--|-----|----------|--|
| 8 | Monthly Vehicle Rent Outside Lusaka/Nairobi/Kigali City with Driver and fuel (Vehicles Similar to Toyota Corolla) | | Day | 1 | |
|----------|---|--|-----|----------|--|

*Delete the cities that are not applicable

Prices/Rates quoted are:

Tender authorised by:

Signature: _____ Name: _____

Position: _____ Date _____

Authorized for and on behalf of Company: _____ Company

Seal/Stamp.

SECTION IV – SAMPLE FORMS

Tender Submission Letter

Procurement Reference Number: **CCJ/PRM/LUN/3/12/23**

1. We offer to supply the services listed below in accordance with the terms and conditions stated in your Invitation to Tender (ITT) referred to above.
2. We confirm that we are eligible to participate in the procurement for Lot no.....and meet the eligibility criteria as specified in the ITT.
3. The validity period of our tender is.....days
4. We confirm that the prices quoted in the List of Services and Price Schedule are fixed and firm for the duration of the validity period and will not be subject to revision or variation.
5. We further confirm that we have the capability/capacity to provide or mobilize more vehicles in each category as may be required by the CCJ.
6. Currency of Tender.....