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## Contents of Tender

1. Contracting authority:  
**AS Eesti Varude Keskus (Procurement)**  
Pärnu mnt. 102 b, 11312 Tallinn, Estonia  
Phone: +372 66 00 900  
E-mail: [tender@espa.ee](mailto:tender@espa.ee)
2. Tendering Procedure: Open tendering procedure  
  
Procurement is asking relevant Bidders to participate in a tender for contracting:  
  
**1) Storage Agreement – for storage of 4 000 m<sup>3</sup> (filling capacity) of Jet A-1**  
  
**Bids for at least 3 000 m<sup>3</sup> per storage site are acceptable.**  
  
**Only the co-mingled storage is acceptable. A continuous throughput of the product shall be guaranteed during the validity of the Storage Agreement.**  
  
**It is considered to be infringement of an essential term of the contract. For each infringement of an essential term of the contract, Procurement will apply a contractual penalty of EUR 100 000.**  
  
**Jet A-1 must correspond to the specification that meets the most stringent requirements of the latest issue of Defence Standard 91-91 and ASTM D 1655.**
3. Place of the storage site: The Invitation to Tender is limited to storage sites **within the territory of Estonia.**
4. Variants of the contract conditions: **Use attached Bid Forms only!** (See clause 14).  
Diversified contract conditions are not permitted.
5. Contracting Period:  
**Storage Agreement** shall commence 01.08.2022 and end 31.07.2025.
6. Request for forms: see address indicated in clause 1. Necessary forms can also be downloaded from our web site indicated in clause 16.
7. a) Closing date for Bids: **29.06.2022, 23:59 h (local Estonian time).** Bids shall be received by Procurement by this time. Later arrivals cannot be considered.  
b) Address: see address indicated in clause 1.  
c) Language: English  
For Procurement, Bids are free of charge.
8. Opening of Bids: The opening of the Bids received is undertaken on 29.06.2022, 23:59 h by the evaluating commission (jury) specially created by the Supervisory Board of Procurement. Bidders are not permitted to participate in the opening of Bids.
9. **Payment**  
  
**Storage Agreement** – The rate of payment is exclusively stated in **EUR/m<sup>3</sup> per year** (Storage Fee). In the offer the Storage Fee shall be indicated in Annex A “Description of Tank, Storage Fees” (see clause 14).
10. Bids validity period: Bidders are bound to their Bids until and including **11.07.2022.**

**11. Required documents and terms for qualifying the Bidders:**

For carrying out the current procurement Procurer shall have the right to verify the Bidder's qualification (incl. financial status and technical competence of the Bidder).

**11.1 Qualifying criteria of the Bidder:**

**1. The Bidder's financial status and good reputation:**

- i. the Bidder is solvent, the Bidder's assets are not sequestered, and no liquidation proceeding has been initiated and no bankruptcy order has been issued with respect to the Bidder;
- ii. the Bidder has performed all the obligations thereof with respect to state taxes;
- iii. the Bidder shall have a good reputation and an excellent track record of the past performance in fulfilling of active or completed storage agreements, tickets agreements, sale or purchase agreements with Procurer.

**2. Customs status:**

- i. in case of Storage Agreement the Storage Facility including the storage tank(s) to be offered shall be an excise warehouse, therefore Bidder (or the Storage Operator in case the Bidder subleases the storage capacity; hereinafter jointly referred as the Bidder) shall have all necessary licences (e.g. the excise warehouse activity licence) to store the products under duty suspension. The excise warehouse activity licence must be valid during the entire term of the contract.

**3. Environmental, technical and safety regulations/issues:**

- i. the Storage Facility must hold all of the environmental and operating permits required in the EU Member State involved, which remain valid during the entire term of the Storage Agreement;
- ii. the Bidder shall have the possibility for loading the products from and to the barges at the offered Storage Facility with the following exception:
  - there have to be the possibility for loading the products from the railway tanker or barge to the storage tank and from the storage tank to the road tanker at the offered Storage Facility.

**4. Insurance in case of Storage Agreement:**

- i. the Storage Facility must be duly insured at all times during the Contracting Period in compliance with article 7 of the Agreement for Storage of Liquid Fuels;
- ii. **the Bidder accepts full responsibility for the Storage Facility as described in the Agreement for Storage of Liquid Fuels.**

**11.2 Verifying the above qualifying criteria by Procurer:**

Procurer will verify all above criteria prior to storing its products in a Storage Facility or prior to signing the Storage Agreement, and this in the following ways:

1. Physical inspection of the Storage Facility in compliance with article 1.4 of the Agreement for Storage of Liquid Fuels.
2. Documentation check:
  - i. documents concerning the customs status of the Storage Facility: Copy of the valid excise warehouse activity licence;
  - ii. documents concerning the environmental, technical and safety regulations: Copy of the valid environmental and operating permits;
  - iii. documents concerning the insurance policies: Copy of the declaration page of an insurance policy in conformity with article 7 of the Agreement for Storage of Liquid Fuels.

**11.3 For evaluation the Bidder's financial status, Bidders shall submit the following documents together with their Bids (even in case the Bidder has submitted those in our last tender):**

1. Confirmation note of the Bidder that the Bidder is solvent, the Bidder’s assets are not sequestered, and no liquidation proceeding has been initiated and no bankruptcy order has been issued with respect to the Bidder;
2. Confirmation note of the Bidder that the Bidder has performed all the obligations thereof with respect to state taxes.

11.4 Additionally the Bidders shall submit the following confirmation notes together with their Bids:

1. Confirmation note of the Bidder that the offered tank capacity is suitable for storage of the respective liquid fuel in line with the specification that meets the quality requirements specified in the Contents of Tender of 15.06.2022 “Invitation Documents for making the offer for storage of 4 000 m<sup>3</sup> of Jet A-1”;
2. Confirmation note of the Bidder that a continuous throughput of the product is guaranteed during the validity of the Storage Agreement.
3. Confirmation note ensuring access to another Storage Facility (situated in the same territory) which has a possibility for loading the products to the road tanker.

**Please note:** this confirmation note is needed only in case the Storage Facility is situated in Estonia and there is no possibility for loading the products to the road tanker at the offered Storage Facility.

**Please note:** We kindly ask all confirmation notes (as requested in clauses 11.3 and 11.4) to be submitted on one page as one document. It is allowed to submit the confirmation notes in the Estonian or English language.

12. Procurer shall reject a Bid if:

- 1) the Bidder is not qualified pursuant to clause 11;
- 2) the Bid does not comply with the requirements set out in the current document.

The Procurer reserves the right to reject all tenders if:

- the cost of all successful tenders exceeds the estimated value of the contract;
- during the procurement procedure, the preconditions for announcing the procurement change, which make it impossible to realize the procurement (reduction of the Procurer’s budget resources, etc.);
- the conclusion of the procurement contract has become impossible or impractical for reasons beyond the control of the Procurer;
- there are other unforeseen situations due to which it is not expedient for the Procurer to conclude the procurement contract.

13. Evaluation criteria of Bids: Procurer shall compare and evaluate all Bids which have not been rejected. Procurer will decide on the most economical offers, especially in view of the offered price (fees as indicated in clause 9). For the evaluation of the Bids we would like to refer to the “Principles for Assessment of Procurements of Procurer” that is available in the “Tenders” section on our web site: [www.espa.ee](http://www.espa.ee)

**Bidder must ensure continuous and uninterrupted power supply at storage place. In the event of power outage /failure it is the obligation of the provider to secure autonomous power supply to the terminal for the purpose of delivery of fuel from storage.**

**Breach of the condition of uninterrupted delivery of fuel from storage is considered to be in material breach of contract. Procurer will apply a contractual penalty of EUR100.000 for each material breach.**

14. Bid Forms: The contract – if any – will be awarded by **11.07.2022 at the latest** (acceptance period) countersigned by Procurer. **The Bid has to comprise** a complete signed (**each pages**) set of Bid Forms of the

1) latest version of Storage Agreement (06/2007) consisting of:

**Agreement for Storage of Liquid Fuels**

|                                       |           |
|---------------------------------------|-----------|
| Single Storage Contract               | (Annex 1) |
| Agreement for Stock Exchange          | (Annex 2) |
| Description of Tank, Storage Fees     | (Annex A) |
| Handling Fees and Additional Expenses | (Annex B) |
| Information on Storage Facility       | (Annex C) |

These documents have to be completed and submitted to Procurer **by e-mail (in .pdf format)**. **After sending the Bid by e-mail please check by telephone indicated in clause 16 whether the Bid was duly received by Procurer. Please observe also the Explanations to the Tender. Other kind of bids, i.e. via Facsimile are not permitted and will be refused.**

15. The structure of the Bid to be submitted:

- 1) Required confirmation notes (pursuant to clause 11)
- 2) Bid Forms (pursuant to clause 14)

16. Further information:

For additional information please visit the “Tenders” section on our web site: [www.espa.ee](http://www.espa.ee)

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