



## Instructions to the Bidders

### 1. General

- 1.1. Procurer invites Bidders to submit their Bids for the rotation of **19 000 tonnes of diesel** as specified in “Agreement for Rotation and Specifications and Delivery Terms”.
- 1.2. The Bids must be submitted by using the Bid Form only as attached to this Invitation to Tender.
- 1.3. Any enquiries concerning this tender may be addressed to Procurer:  
Mr Priit Enok – phone: +372 66 00 901, e-mail: [priit.enok@espa.ee](mailto:priit.enok@espa.ee)  
Mrs Gea Tiits – phone: +372 66 00 900, e-mail: [gea.tiits@espa.ee](mailto:gea.tiits@espa.ee)
- 1.4. Bids should comply with the Invitation Documents. Bids will only be accepted if submitted on the attached Bid Form with no alterations to the text. Supplementary details will be disregarded. Procurer has the right to reject any deviating Bids.
- 1.5. Bids for part-quantities are not acceptable.
- 1.6. Bid price shall consist of the fixed Rotation Fee in **EUR/tonnes** and be exclusive of the Terminal Handling Fees. Rotation fee shall be stipulated in clearly readable numbers and in writing.
- 1.7. Bid shall be irrevocable and valid **until and including 24.04.2023** (bid acceptance period). Bidders are bound to their Bids until such deadline.
- 1.8. This Invitation is not considered as an offer, this Invitation is an invitation to the Bidders to make an offer. Procurer has the sole and final right to judge all Bids. Procurer may reject any and all Bids. For Procurer, Bids are free of charge.

### 2. Submission of Bids

- 2.1. Bids must be delivered by using the attached Bid Form(s), by e-mail to: [tender@espa.ee](mailto:tender@espa.ee)

Please note: Bids will **only** be accepted if submitted **on the attached Bid Form** with no alterations to the text. Supplementary details will be disregarded.

**Together with the Bid Form the Bidder shall submit the confirmation notes requested in Invitation to tender.**

- 2.2. Bids must be delivered at the latest before Closing of Tender on **04.04.2023, 23:59 h (local Estonian time)**. Bids shall be received by Procurer by this time.
- 2.3. Bid must be signed by the authorised person of the Bidder.
- 2.4. Any Bids received by Procurer after the Bid submission deadline as provided in Section 2.2 here above will be rejected.
- 2.5. If requested by Procurer, the Bidder shall submit the following documents:
  - a) Copies of original documents defining the legal status, place of registration, and principal place of business of the Bidder;

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- b) Written power of attorney or any other document certifying the right of the signatory of the Bid to commit the Bid.

3. Acceptance of Bid and Contract

- 3.1. In case Procurer accepts any of the Bids, Procurer shall return to the Bidder the accepted Bid by e-mail at the latest by 24.04.2023.
- 3.2. A final and binding Contract is considered to be executed between Procurer and the Bidder by acceptance of the Bidder's Bid (offer, submitted on the Bid Form) by Procurer with signing the Bid Form and returning the signed Bid to the Bidder by e-mail. The Contract is executed on terms and conditions established by the Invitation Documents.

**The Contract consists of the following integral parts**, which shall constitute a uniform agreement between the Vendor and Procurer:

- a) Bid Form signed by the Bidder and accepted by Procurer;  
b) Agreement for Rotation and Specifications and Delivery Terms.
- 3.3. Matters not covered in the Contract shall be determined by the Contract Parties separately according to the provisions of the Annex 2 of the Bid Documents „Agreement for Stock Exchange (Ver. 06/2007)“.
- 3.4. For the Delivery Terms of the Returnable Product General Conditions of Procurer for the Purchase of Liquid Fuels (Version: 06/2007) attached to the Invitation, as well as EXW and DDP-clauses of INCOTERMS (latest issue) apply, notwithstanding any overriding conditions of this tender.

4. 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 of the Bidder).

Qualifying criteria of the Bidder:

- 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;
- the Bidder has performed all the obligations thereof with respect to state taxes;
- the Bidder's last annual net turnover shall be at least 5 million Euro;
- the Bidder's operating experience on the oil market shall be at least 1 year.

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):

- 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;
- Confirmation note of the Bidder that the Bidder has performed all the obligations thereof with respect to state taxes;
- Confirmation note of the Bidder that the Bidder's last annual net turnover is at least 5 million Euro and the Bidder's operating experience on the oil market is at least 1 year.

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

Disqualified Bidder does not participate in further tendering procedure.

5. Procurer shall reject a Bid if 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.

6. Evaluation criteria of Bids

Procurer shall compare and evaluate all Bids, which have not been rejected. Procurer will decide on the most economical offers, in view of the offered Rotation Fee. Evaluation of the Bids will be undertaken by the evaluating commission (jury) specially created by the Supervisory Board of Procurer. 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)

Participation in the tender is not allowed for companies domiciled in the Russian Federation or the Republic of Belarus.

Procurer rejects the tender if awarding the public contract based on that tender would violate an international sanction within the meaning of the International Sanctions Act.

Priit Enok  
Chairman of the Board  
Estonian Stockpiling Agency