**ENQUIRY – Tender BERA 0009/2023-2024**

**Date:** 09 January 2024

**Project:** REVIEW OF PETROLEUM PRODUCTS PRICING STRUCTURE, DEVELOPMENT OF WHOLESALE MARGIN MODEL AND PRICING SLATES FOR ALTERNATIVE ROUTES

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| **Issue**  **No** | **Issue** |  | **Response** |
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| 01 | Articles 1.2.8 under Tendering Procedures T1.2 Tender Data allows for International Bidders to submit a tender offer via email. Please advise how an International Bidder is to comply with Articles 1.3, 1.8, and 1.9 (referring to Original and Duplicate copies) under Tendering Procedures T1.1 - Tender Notice and Invitation to Tender. What is the protocol and process that an International Bidder should follow? |  | 1. International bidders are required to send, by email, one copy of the technical proposal and one copy of the financial proposal. Both copies should be in pdf format. |
| 02 | Per Tendering Procedures T1.1 - Tender Notice and Invitation to Tender please provide a copy of BERA “Standard Conditions of Tender for Services”. Under T1.2, reference is also made to Public Procurement Regulatory Authority Standarised Conditions of Tender – can you please supply copy of this as well? |  | 1. The Invitation to Tender (ITT) document has been prepared in conformance to the Public Procurement Regulatory Authority “Standard Conditions of Tender for Services”. Therefore, there are no separate conditions to share. |
| 03 | Per Tendering Procedures T1.2 Tender Data Article 1.2.11 Item 4 please confirm that for an International Bidder a Share Certificate from the country of incorporation is acceptable. CIPA appears to apply to Botswana agencies and corporations only |  | 1. International bidders should provide a certified copy of Share Certificate from the country of incorporation. |
| 04 | Per Tendering Procedures T1.2 Tender Data Under “Cooling–Off Period” please advise when Bidders must indicate and list information which is considered confidential. Is this during the Cooling off period or prior? We assume it is during the Cooling Off period as a complete list may not be feasible until post-award and post-negotiation. |  | 1. Confidential information should be indicated at tendering stage, that is, it should form part of the proposal submitted to the Authority. |
| 05 | Per T1.3 Standardization Conditions of Tender for Services Article 2 Eligibility, for good order, please can you re-confirm the eligibility criteria for International Bidders. The Tender Data appears to be addressed to Botswana-based bidders. Further, are International Bidders required to have a local agent or presence in Botswana? |  | 1. International bidders should submit similar or related documents from the country of incorporation. Bidders are not required to have a local agency or presence in Botswana. |
| 06 | Under Returnable Documents – List of Returnable Documents (page 24) please confirm whether Items 1, and 9 apply to International Bidders? If so how does an International Bidder comply? Further, concerning Item 4, please confirm that a Share Certificate from the country where the international bidder is incorporated is compliant |  | 1. Response similar to no.5 |
| 07 | Per Tender Returnable Documents – Declaration Form for Tendering Purposes does “Part B” apply to  International Bidders or is this for Botswana-based bidders only? If “Part B” applies, please clarify how an  International Bidder is to comply. Also, is a “Commissioner of Oaths” required if Part A is only completed? |  | 1. International bidders are exempted from Part B. |
| 08 | Under Contract Part 1 – Agreement & Contract Data – does the Schedule of Deviations (page 37) need to be completed for submission of the tender? Please clarify whether the intent is for this section to be completed post-tender award. We do not intend to deviation from the Scope of Work set out in the tender. We acknowledge that unforeseen “deviations” may arise during the Negotiation or Cooling-Off Period. However, we do intend to offer “Alternative Options” which may expand the Scope. Any expansion of the Scope of Work shall be as per mutual agreement. As set out do we need to list the alternatives in the Schedule of Deviations? |  | 1. Any changes to the scope will be addressed at contracting stage. |
| 09 | With respect to Contract Part 1 Agreements & Special Conditions of Contract C1.4 Forms of Securities: 1 – Performance Security – Demand Guarantee and C1.4 Forms of Securities: 2 Advanced Payment Guarantee. Does BERA require that these documents be completed for submission? We do not intend to require “prepayment” which appears to be the intent of these documents. However, this requirement is subject to the “Payment” clause in the final agreement. Is it acceptable to agree and complete these documents after the award and during the “Cool-off” period? |  | 1. Payments will be effected as per the contract between the preferred bidder and the Authority. |