



**EOI 06/2022**

**TERMS OF REFERENCE**

**TERMS OF REFERENCE (TOR)**

**For**

**OUTSOURCING OF VEHICLE INSPECTION**

**LAND TRANSPORT AUTHORITY**

P.O. Box 6677, Nasinu, Fiji.

Contact – Mohammed Shahrukh Khan, Email: [mohammed.khan@lta.com.fj](mailto:mohammed.khan@lta.com.fj)

**DATES:** 12th & 19th February, 2022

# CONTENTS

PART A - RULES GOVERNING THIS EXPRESSION OF INTEREST (EOI) .....	3
1.0 PURPOSE OF ENGAGEMENT .....	3
2.0 NO CONTRACTUAL OBLIGATIONS .....	3
3.0 BIDDERS TO INFORM THEMSELVES .....	3
4.0 RIGHT TO VARY OR STOP SUBMISSION PROCESS .....	3
5.0 PROCUREMENT TIMETABLE .....	3
6.0 CONFLICT OF INTEREST .....	4
7.0 ENQUIRIES BY BIDDER .....	4
8.0 SUBMISSION CONTENT .....	4
9.0 WHAT TO LODGE .....	4
10.0 LODGEMENT OF TOR .....	4
11.0 LATE SUBMISSIONS .....	5
12.0 ALTERATIONS, ERASURES OR ILLEGIBILITY .....	5
13.0 ACCEPTANCE OF SUBMISSIONS .....	5
14.0 COLLUSIVE ACTIVITIES .....	5
15.0 SHORTLISTING .....	5
16.0 ANTI-COLLUSION EOI CLAUSE .....	6
PART B - TOR SPECIFICATIONS .....	8
17.0 A) i) SCOPE OF SERVICES .....	8
ii. ELIGIBLE DISTRICTS FOR APPLICATION .....	8
iii. CONFIDENTIALITY .....	9
iv. PUBLIC STATEMENT .....	9
B) GENERAL CONDITIONS .....	9
C) PROPOSAL RESPONSE SECTION .....	9
D) PROPOSAL FORMAT .....	9
18.0 ASSESSMENT CRITERIA .....	12

## **PART A - RULES GOVERNING THIS EXPRESSION OF INTEREST (EOI)**

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### **1.0 PURPOSE OF ENGAGEMENT**

The purpose of this Terms of Reference (TOR) is to invite submission from shortlisted companies and individuals who have applied for the EOI 06/2022 to carry out vehicle inspection for private and commercial vehicles under 3.5 tons unladen or net weight.

### **2.0 NO CONTRACTUAL OBLIGATIONS**

This Terms of Reference (TOR) is not to be constructed as a contract between LTA and the prospective bidder. Nothing in this (TOR) or in any submission document is to be viewed to give rise to any contractual obligations either related, expressed or implied.

Land Transport Authority will not enter into contractual agreement with any vendor but will knowledge those who qualify to be in the Preferred Supplier Listing for Request for Quotation.

### **3.0 BIDDERS TO INFORM THEMSELVES**

The onus is on the bidder to understand the contents of the (TOR) and the implications of being involved in this TOR process. LTA does not accept responsibility for any misunderstandings arising from the bidder's failure to comply with the above-mentioned process.

LTA only accepts submissions on the condition that the bidder:

- Has examined this (TOR) and all other information made available to the bidder.
- Has made all reasonable inquiries regarding relevant risks, contingencies and other circumstances that might affect the submission.
- Has satisfied itself as to the correctness and sufficiency of the submission;
- Has involved itself in the submission process entirely at its own expense and without any costs being payable by LTA.

### **4.0 RIGHT TO VARY OR STOP SUBMISSION PROCESS**

LTA reserves the right to either stop or vary the submission process and may require re-submission at any given time.

### **5.0 PROCUREMENT TIMETABLE**

All bidders are required to submit their submissions within the stipulated timeline and by the close of business on the **25<sup>th</sup> February, 2022 by 4pm.**

## **6.0 CONFLICT OF INTEREST**

Bidders and their personnel must not place themselves in a position that may create a conflict of interest concerning this (TOR). Any potential or actual conflict of interest that may arise in the performance of their obligations under the (TOR) must be fully disclosed.

Identification of a potential or actual conflict of interest does not necessarily preclude a Bidder's submission from consideration. However, LTA will carefully consider the circumstances surrounding the conflict of interest to determine whether it will compromise the status of the outcome of this (TOR), and if so, will promptly notify the Bidder.

## **7.0 ENQUIRIES BY BIDDER**

All enquiries by potential bidders for information should be addressed only to the nominated contact officers named on the TOR advertisement. Where, in the opinion of LTA, that there is a need to disseminate additional information to a particular bidder, the same information shall be provided to other bidders. Such information shall be given the same distribution as in the original (EOI).

## **8.0 SUBMISSION CONTENT**

Should a potential bidder find any discrepancy, ambiguity, inconsistency, error or omission in this (TOR) document, they should notify LTA in writing as soon as possible. In any such case this needs to be done before the closing date for the submission so that LTA may take any corrective action it considers necessary.

## **9.0 WHAT TO LODGE**

For manual submissions, bidders must submit three (3) hard copies in the EOI box placed at LTA - Level 1 Building A Valelevu, Nasinu, Fiji or upload their submission electronically to the submission site - <https://www.tenderlink.com/ltafj/> by the closing date and time.

For manual submissions, the original hard copy must be marked "ORIGINAL" and the remaining two (2) copies must be marked "COPY 1" and "COPY 2", respectively. The original and the copies must include all supporting materials and be well-bound. All documents submitted must be either original or certified true copies.

An Evaluation Team will evaluate submissions according to the criteria specified in this (TOR).

## **10.0 LODGEMENT OF TOR**

Manual submissions must include three (3) hard copies in sealed envelopes and placed in the EOI box provided at Level 1 Building A, Valelevu, Nasinu or upload the submission electronically on the LTA site <http://www.tenderlink.com/ltafj/>. The submission must be clearly addressed:

Management Tender Committee  
EOI 06/2022 – Outsourcing of Vehicle Inspections  
Land Transport Authority  
P.O. Box 6677  
Lot 1 Daniva Road, Valelevu  
Nasinu, Fiji

#### **11.0 LATE SUBMISSIONS**

Submissions lodged after the submission closing time shall be deemed late and not accepted.

#### **12.0 ALTERATIONS, ERASURES OR ILLEGIBILITY**

Submissions are liable to be rejected where they contain alterations or erasures, incomplete, ambiguous or illegible prices or terms, or insufficient information to enable proper evaluation. Alterations cannot be made to submissions after the TOR Closing Time unless it can be clearly demonstrated to the satisfaction of the LTA Management Tender Committee that a clerical or keying error has been made by the bidder.

#### **13.0 ACCEPTANCE OF SUBMISSIONS**

Bidders whose submissions are not accepted will be notified. The LTA Management Tender Committee reserves the right to negotiate with other bidders in the event that a contract cannot be successfully negotiated between LTA and the preferred Bidder.

#### **14.0 COLLUSIVE ACTIVITIES**

Bidders and their personnel must not engage in any collusive bidding, anti-competitive conduct or any similar conduct with any other bidder or other person in preparing or lodging a submission or to involve themselves in sort of collusive activities related to the EOI.

#### **15.0 SHORTLISTING**

The LTA Management Tender Committee reserves in its absolute discretion, to make a shortlist of any bidders and seek further information from those bidders before choosing the preferred bidders. In the event of a shortlist being compiled by LTA, bidders that are not shortlisted will be advised as soon as possible. Shortlisted bidders will be required to avail themselves for a presentation/interview.

## **16.0 ANTI-COLLUSION EOI CLAUSE**

### **1. Facilitating reporting to the relevant competition Authority**

The procuring Authority reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by bidders to the appropriate regulatory Authority and to provide that Authority with any relevant bidder information.

### **2. Disclosure of subcontracting**

Suppliers/bidders must indicate if they intend any person (or organization) who is not an employee to perform work on the services, and they must provide their details. The contract with the successful bidders will require the procuring Authority's prior written approval for any changes to these arrangements, and any further subcontracting.

### **3. Warranty**

The supplier/bidder warrants that their EOI has not been prepared with any consultation, communication, contract, arrangement or understanding with any competitor, other than:

- a) Where certain joint venture arrangements exist between the bidder and a competitor;
- b) Where the bidder and a competitor have an agreement that has been authorized by the relevant competition Authority; and
- c) Where the supplier/bidder has communicated with a competitor for the purpose of subcontracting a portion of the EOI, and where the communication with that competitor is limited to the information required to facilitate that particular subcontract.

In such a situation the bidder agrees to fully disclose the full nature and extent of any agreements with competitors to the tendering body. In the event that no such disclosure is made, the bidder warrants that their bid has not been prepared with any consultation, communication, contract, arrangement or understanding with any competitor regarding:

- a) Prices;
- b) Methods, factors or formulas used to calculate prices;
- c) The intention or decision to submit, or not submit, a bid;
- d) The submission of a bid that is non-conforming;
- e) The quality, quantity, specifications or delivery particulars of the products or services to which this call for bids relates; and

f) The terms of the bid.

The supplier/bidder acknowledges that if the procuring Authority accepts the supplier/bidder's offer and completes any contract the procuring Authority will do so in reliance of this warranty.

#### **4. Disclosure of prior anti-competitive conduct**

Suppliers/bidders must indicate if they, or any corporation or person associated with their EOI, including directors and senior management, are or have ever been subject to proceedings related to anti-competitive conduct domestically or overseas. The information must include:

- a) The names of the parties to the proceedings;
- b) The case number;
- c) The general nature of the proceedings; and
- d) The outcome or current status of the proceedings.

The procuring Authority reserves the right, at its discretion, to exclude any supplier/bidder from the procurement process if the supplier/bidder, or any organization or person, including directors or senior managers associated with their EOI, have ever contravened the anti-competitive provisions of [the relevant competition laws] or equivalent laws overseas.

The procuring Authority reserves the right, at its discretion, to exclude any supplier/bidder from the procurement process if full disclosure of any or all contraventions of the anti-competitive provisions of the [the relevant competition laws] equivalent laws overseas has not been made.

## **PART B - TOR SPECIFICATIONS**

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### **17.0 A) i) SCOPE OF SERVICES**

The LTA wishes to enter into contract with a third party independent Outsourcing of Vehicle Inspection Agency for a period of 5 years under the following terms and conditions:

- a) The Outsourced Vehicle Inspection Agency to conduct vehicle inspection for private and commercial vehicles under 3.5 tons unladen or net weight and must comply with the conditions stipulated under the signed agreement between the agency and LTA.
- b) The Outsourced Inspection Agency to be in compliance with the Code of Practice for Authorized Motor Vehicle Inspection Agency (AMVIA).
- c) The Outsourced Vehicle Inspection Agency to be in compliance with the Code of Practice for Authorized Vehicle Inspection Agency Inspectors.
- e) The Outsourced Vehicle Inspection Agency to conduct inspection in compliance with the Requirements for Online agency.
- f) The Outsourced Vehicle Inspection Agency must identify and report to the Authority vehicles that are either tempered with or have major defects.
- g) The Outsourced Vehicle Inspection Agency on periodic basis must provide a report to the Authority on all vehicles inspected.
- h) The Outsourced Vehicle Inspection Agency must collect the application of inspection fee (\$13.75) and the Certificate of Road Worthiness (\$13.75) only.

(Bidders must be in agreement with all the enlisted scope of services)

### **ii. ELIGIBLE DISTRICTS FOR APPLICATION**

Bidders must note that this EOI is open to the below mentioned districts, applications must specify the specific districts intended for applying;

#### Central and Eastern Region

- i. Suva
- ii. Korovou
- iii. Levuka

#### Western Region

- i. Sigatoka



## North

- i. Labasa
- ii. Savusavu
- iii. Taveuni
- iv. Seqaqa

### **iii. CONFIDENTIALITY**

Vendors must treat all documents and information provided by LTA including this TOR, as confidential. LTA will treat all proposals received, and the information contained therein, as confidential until a negotiated contract is executed or all proposals are rejected.

### **iv. PUBLIC STATEMENT**

No vendor shall make any public statement in relation to this TOR without prior written consent from LTA.

## **B) GENERAL CONDITIONS**

The following general conditions apply:

- i. LTA may cancel this TOR or amend its contents at any time prior to the acceptance of a submission.
- ii. If no proposal is acceptable, then LTA may either re-issue the Terms of Reference or negotiate with one or more vendors for a satisfactory offer.
- iii. The award of a submission shall not be deemed final unless and until a contract is successfully negotiated and approved by LTA.

## **C) PROPOSAL RESPONSE SECTION**

Interested bidders shall submit submission responding to items below. Identify each response with the appropriate letter designation and respond to all items in the order given.

## **D) PROPOSAL FORMAT**

Proposals must contain the following outline:

- 1. General Business Details**
  - a) Company Name
  - b) Physical Address
  - c) Postal Address
  - d) Contacts:
    - i) Landline number(s);

- ii) Mobile number(s);
- iii) Fax number(s);
- iv) Email address (es)
- e) Provide certified true copies of:
  - i) Tax Compliance Certificate and/or TIN;
  - ii) Company Registration Certificate;
  - iv) Business Registration Certificate;
  - v) Foreign Investor Certificate (Investment Fiji) – for foreign investors;
  - vi) Memorandum of Association (applies to limited liability companies only)

## **2. Company Profile Details**

- a) Description of Product/services
- b) Specialties
- c) Organization structures
- d) Ownership (local and foreign principals/partners);
- e) Brief profile of Director(s) including a recent police clearance;
- f) Owners medical report and police clearance;
- g) If foreign company, provide details of local principal(s) / partner(s)
  - i. Name
  - ii. Physical and postal addresses
  - iii. Phone (landline and mobile)
  - iv. Fax number
  - v. Email address
- h) Staff resumes and qualifications (including all principals / partners);
- i) Professional certifications or other credentials;
- j) Professional Indemnity Insurance or Public Liability Insurance.

## **3. Site Details**

- a) Copy of proof of ownership of premises or Copy of tenancy agreement
- b) Site Plan of Location of Business (Must be a computer aided design outlining the layout of the proposed agency)
- c) OHS certificate
- d) NFA Certificate

## **4. Financial Details**

- a) Recent Financial Statement of the Company;
- b) Financial Report for 1 year (if applicable).

## 5. Knowledge/ Skills Experience

- a) Provide number of years of experience of company or individual;
- b) Provide the details and qualifications for the employees (Outline the qualifications for all the personnels employed);
- c) Provide any previous history with LTA employing the company's products / services;
- d) Experience in the Industry, service, maintenance and repairs;
- e) Provide proof and details of demonstrated success in similar services:
  - List of clientele
  - Contacts (phone / email) of three (3) referees
  - Recent reference letters from three (3) companies.

## 6. Facilities/Tools/Equipments

- a) Equipment/Machines as per LTA requirements
  - Brake tester-as per specifications in the COP for AMVIA.
  - Emission tester-as per specifications in the COP for AMVIA.
  - Tint tester-as per specifications in the COP for AMVIA.
  - Noise tester-as per specifications in the COP for AMVIA.
- b) Customer waiting area
- c) Receptionist area
- d) Customer parking area
- e) Toilet facilities
- f) Inspection pit OR Ramp OR 2 or 4 post hoist (3.5 ton carrying capacity) and must have a valid OHS Certificate from Ministry of Labor;
- g) Workshop/Garage (optional)
- i) Workshop equipment (optional)

**(Note: If bidders are not in possession of the required tools, facilities and equipment, a clear project plan must be submitted to specify the preliminary works done and the procurement and implementation timeline of the mentioned tools, facilities and equipments.)**

## 7. IT Equipment

- a) IT hardware- Personal Computer (PC)
- b) IT software- Specifications of the computers used are Windows 10 or later and the browser of Internet Explorer 10 or better.
- c) Internet Network

## 18.0 ASSESSMENT CRITERIA

- i. Qualifications & Experience – 60%
- ii. Facility Requirements – 20%
- iii. Scope of Services – 20%

<b>Evaluation Criteria</b>	
<b>Qualification and Experience – 60%</b>	<b>Percentage (%)</b>
1. General Business Details	10%
2. Company Profile Details	5%
3. Site Details	10%
4. Financial Details	5%
5. Knowledge/Skills and Experience	30%
<b>Specifications – 40%</b>	
<b>Percentage (%)</b>	
6. Facilities, Tools and Equipments	20%
7. Scope of Services	20%
<b>Total</b>	<b>100%</b>