



DURUM WHEAT EXPORTATION SPECIFICATIONS

1) SUBJECT:

Turkish Grain Board (TMO) is going to hold a tender to export up to **150.000 MT (+/- 5%) Durum Wheat** on FOB (USD/MT St/Tr) basis at Turkish Grain Board General Directorate Güvercinlik Facilities (TMO Güvercinlik Facilities İstanbul Yolu 9. Km Güvercinlik-Yenimahalle/ANKARA/TURKIYE) on **11.03.2024 Monday at 10:00 a.m.** (local time in Turkey)

2) DEFINITIONS:

The companies which submit an offer for the tender hereafter will be referred to as “**bidder**”.

TMO hereafter will be referred to as “**seller**”.

Bidders will be able to participate in the tender directly or by their representatives located in Turkey. Seller will be exporter in the contract and the contract will be signed with the successful bidder.

3) MODE OF THE TENDER:

The tender will be realized by way of sealed-bid and negotiation afterwards within the scope of TMO Tender Regulation.

4) TENDER PARTICIPATION CONDITIONS:

Only foreign companies can participate the tender. Firms based in Türkiye and firms based in free zones in Türkiye can't participate the tender.

5) DATE & TIME OF THE TENDER:

The offer table and documents of the tender in a sealed envelope, which has “MAKARNALIK BUĞDAY İHRACATI İHALE KOMİSYONU DİKKATİNE” remark on it, should be submitted directly to TMO GENERAL DIRECTORATE GÜVERCİNLİK FACILITIES IT DEPARTMENT/ COMMUNICATION DIVISION until 11.03.2024 10:00 a.m. hrs local time. The offers submitted after this date and time will not be taken into consideration.

THE OFFERS SENT BY FAX, MAIL OR E-MAIL SHALL NOT BE TAKEN INTO CONSIDERATION.

6) TENDER DOCUMENTS:

Bidders will put the price offer table into the envelope with the company's commercial name and full address written on it and close it. This envelope will be placed in a larger envelope along with the address declaration (notification address, tel., fax, e-mail etc.) , the power of attorney and circular of signature / statement of signature of the persons who are authorized to sign the offer. Only the phrase "MAKARNALIK BUĞDAY İHRACATI İHALE KOMİSYONU DİKKATİNE" will be written on this outer envelope, the company name will not be written and the outer envelope will be stamped and signed in this way.

The circular of signature / statement of signature and the power of attorney will be notarized.

In case that the documents are issued in a foreign country, they shall have Apostille stamp on them. In case that they are issued in a country which is not a member of apostille convention, they should be authenticated respectively directly by foreign ministry of that country or by foreign ministry after they are authenticated by other authorities and Turkish Consulate there.

The power of attorney and circular of signature / statement of signature are to be given with the notarized Turkish translations if they are in a language other than Turkish. Turkish translations of the documents will be authentic for the interpretation of documents.

Offer tables should be in Turkish or English (ENCL.3).

Bidders shall present the originals or TMO authenticated copies of the above documents within their offers.

Turkish text will be authentic at understanding, interpreting tender documents and at dispute resolution.

7- OFFERS AND EVALUATION OF OFFERS

7.1. The offers will be given in the form of Offer Table (ENCL. No:3) and in the quantities specified according to this Exportation Specifications and its enclosed contract terms. Offers in quantities other than these will not be accepted.

Bound or conditional offers and offers with alternatives will not be evaluated. Quantities and prices in offers will be final.

Offers for all ports shall be given as 1x25.000 MT or 1x50.000 MT. A firm shall not give 2x25.000 MT offer for the same port.

As stated in the draft contract encl. "Encl-2 Loading Port Characteristics", loadings shall be done with max. 50.000 MT (+/-5) vessels for Mersin and İskenderun Ports and with max. 25.000 MT (+/-5) vessels for Mersin Taşucu Port.

The tender commission has the right to divide the offers which it finds favorable, up to the partial offer quantity.

7.1.2. After the offers are opened in front of the bidders and the offers received in sealed envelopes are evaluated in terms of price, all bidders that do not have deficiencies in the tender documents and/or are not excluded from the tender will be invited for the negotiation stage. Negotiation will be made in 3 rounds. Negotiation order of the bidders giving same price offer will be determined by drawing lots.

Bidders who are eligible to participate in negotiation rounds shall give their negotiation offers on the condition that elements in their first offers in closed envelope are same other than the price.

Bidders who are eligible to participate in negotiation round can continue negotiation by dividing their offer quantity up to the partial offer quantity and by remaining in the second place. (For example; for an “A” port with the quantity of 50.000 MT, although a firm’s first offer is for 50.000 MT, it can reduce its offer in a manner that its offer will be lower than higher priced 25.000 MT offer in the 1st place and will be higher than the offer in the second place. In this way, this firm can continue negotiation rounds with 25.000 MT. At the end of negotiation rounds, bidder can win tender for that part up to his first written offer.

After the negotiation offers are given, in case that there is a difference of lower than 10 US cents between the lowest two offers, they will be asked to give their offers once again.

Bidders are bound with their offers at every offer stage. At the negotiation round, tender proceedings will be concluded after receiving the bidders’ final offers in writing which shall not be lower than their former price offer.

7.2. The offers shall be valid until 12.03.2024 at 17:00 (local time in Turkey).

8- PERFORMANCE GUARANTEE:

Prior to signing of the contract, **a performance guarantee in USD of at least 6% of the contract amount** shall be obtained from the bidder who won the tender.

As Performance Guarantee;

- Us Dollar,

- The performance bonds in US Dollar to be issued by banks that carry out business in Türkiye, Participation Banks and foreign banks that are permitted to carry out business in Türkiye in accordance with the relevant legislation or the performance bonds in the currency offered at the tender to be issued by banks carrying out business in Türkiye and by the participation banks on the counter guarantee of the banks or likewise loan organizations carrying out business outside Türkiye are acceptable.

While signing of the contract, only one of the performance guarantees specified above shall be preferred.

a) P/B must be valid until 6 months after the expiry date of loading period.

b) P/B must imply the following statement;

“In case of encashment of this P/B, total amount of bond will be paid in Turkish Liras to your side on basis of USD currency sale rate of Turkish Central Bank at the date of encashment of P/B”.

c) Performance Bond shall be returned to the successful bidder after fulfillment of all loading operations and contract terms, returning of the original copies of “Promissory Note, Irrevocable Undertaking and Warehouse Receipt” to the seller, that were previously delivered to the successful bidder, complete payment by the successful bidder of dispatch, carrying charge and other penalty costs, if any and settlement of the final accounts.

d) P/B will be forfeited in case of unfulfillment of contract terms partially or completely by the successful bidder. Additionally, arisen losses of the seller will be paid in cash by the successful bidder on the day requested by the seller. Otherwise, for each delaying day, the said losses will be cashed from the successful bidder along with the interest to be calculated at the rate of “6 months libor+6 P.A.” determined on the payment date.

e) In case of failure of submission of the original documents due to the event of loss/waste of all or any of the original copies of “Promissory Note, Irrevocable Undertaking and Warehouse Receipt” by the successful bidder delivered to the successful bidder’s bank or successful bidder itself; a notarized undertaking is to be submitted to Toprak Mahsulleri Ofisi General Directorate by the successful bidder (the person authorized to acquit) declaring that no claim will be made from the seller regarding the loss/waste of the documents and itself will be responsible for consequential loss.

When these conditions are met, the requirement of submission of original copies of the “Promissory Note, Irrevocable Undertaking and Warehouse Receipt” stated at subclause (c) of this article shall not be asked.

9-SHIPMENTS:

Crop year of the commodities subject to the tender is **2022-2023** and quality, specifications and definitions will be as per enclosed draft contract (Ek:2). Bidders, in case of their demand, could provide an initial aggregate sample which is composed of the samples from the warehouses allocated for export from TMO loading port branch offices. Concerning the quality of the goods loaded, TMO is liable for the quality criteria that are stated in the exportation specifications and the sale contract for export signed accordingly.

TMO is not responsible for the problems that may arise, such as the goods not being found appropriate and the export procedures not being fulfilled, the loss of time which may result from the analysis and the specifications demanded within the framework of the bilateral agreements signed/to be signed between Turkiye and the country that the successful bidder will ship the goods or the international agreements signed by both countries, other than the specifications stated in this “grain exportation specifications”, hence all the responsibility is of the successful bidders. The successful bidder should explore beforehand the import procedures of the country that the goods will be shipped and take the necessary precautions.

The loading ports and shipment periods are indicated in ENCL. NO:1, and specifications of commodities and characteristics of loading ports are indicated in enclosures of Draft Contract (ENCL. NO:2) of this Exportation Specifications and shipments will be realized as per enclosed draft contract terms.

10-REQUIRED DOCUMENTS FOR THE SIGNING OF THE CONTRACT

Certificate of Authority and Signatory Circular/Statement of Signature of persons authorised to sign the contract by the seller

Chamber of Commerce Document to be obtained from the country of activity (issued in current year)

Address Declaration

Performance Bond or Receipt proving performance guarantee has been deposited.

11-PAYMENT:

After the date the contract is signed by the seller, the successful bidder (buyer) will transfer the contract amount with its (+5%) option as **advance export payment**, in US Dollars to a bank declared by the seller, from the buyer's bank account abroad within 5 (five) days considered as working days in the buyer and seller's countries without any cost and commission deduction.

12- ONES THAT CAN'T PARTICIPATE TENDERS

The ones prohibited from tenders of state institutions, foundations, State Economic Enterprises, education institutions and banks temporarily or permanently by law, by the decision of the Council of Ministers or by the prohibition decisions published in the Official Gazette; TMO personnel, members of tender commission and the spouses and up to third party blood relatives of the persons who will approve the tenders can not enter the TMO tenders directly or by using the agent.

13- BUSINESS PARTNERSHIPS OR CONSORTIUMS

The offer from Business partnerships and consortiums shall not be accepted.

14-OBJECTIONS

Objections to the tender can be submitted to TMO within the validity period of the offers.

15-DISPUTES:

In case of any disputes Ankara Courts and Court-bailiff's offices will be authorized. In this case Turkish copy of "Exportation Specifications" will be authentic.

16-OTHER CONDITIONS

16.1. TMO is not subject to State Tender Law no 2886 and this tender is realized according to TMO Tender Regulation. TMO is free to realize the tender partially or completely and to award any company.

16.2. After the tender is finalized, the contracts are to be signed until **21.03.2024 (included)**.

16.3. If the bidder company/person are found to be on international sanction lists during tender, than his offer will be considered invalid.

16.4. Exports will not be made to Free Zones in Turkey.

16.5. For exports, the destination country will not be Greek Cypriot Administration of Southern Cyprus, Syria and Israel.

16.6. This exportation specification and its enclosures (exportation programme, draft contract, offer table, draft performance bond) should be taken as a whole and can be downloaded from internet address www.tmo.gov.tr.

- Encl
1. Exportation Programme
 2. Draft Contract
 3. Offer Table
 4. Draft Performance Bond (in Turkish)