
INVITATION TO TENDER (CTC/09-10/DEH/041)
SCRAP METALS AT GEORGETOWN LANDFILL

1.0 INFORMATION FOR TENDERERS

The Ministry of District Administration, Works and Gender Affairs (hereinafter referred to as "Cayman Islands Government"), through the Department of Environmental Health ("DEH"), invites tenders from qualified Tenderers for the purchase of Scrap Metals accumulated and processed by the Department of Environmental Health at the George Town Landfill hereinafter referred to as 'the Site'.

"Scrap Metals" includes all processed and or baled metal items, automobiles, automobile parts, appliances, furniture, fixtures, construction debris and any other items consisting primarily of a metal content, including, brass, copper, aluminium, steel, tin, cast iron and any other discarded metal suitable for reprocessing.

The Scrap Metals have been separated as part of a program to divert them from the other solid waste at the George Town Landfill and to increase the Cayman Island's recycling rate to ensure that recyclable materials are recycled. There is estimated to be approximately 6000 tons of processed Scrap Metals on the site at this time. A portion of the processed Scrap Metals is non-ferrous while the majority is ferrous. A site visit to view the Scrap Metals may be arranged by contacting the Department of Environmental Health as outlined below.

Interested parties are required to forward **two copies of Tenders** to the Chairman of the Central Tenders Committee ("CTC") by **12:00 noon** on the **4th December, 2009** and said Tenders must be clearly marked 'Scrap Metals Tender' with the 'Proposal Number CTC/09-10/DEH/041' on the exterior of a sealed package. The package must be delivered to:

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The Secretary
Central Tenders Committee
c/o Treasury Department
1st Floor Government Administration Building
71A Elgin Avenue
George Town
Grand Cayman KY1-9000, Cayman Islands, B.W.I.

The closing date for the submission of Tenders is the 4th December, 2009.

It is the sole responsibility of the Tenderer to ensure that the Tender is forwarded to the specific location indicated on or before the stipulated time. No Tenders received at the specific location after the stipulated time shall be considered.

Tender documents may be obtained from the Department of Environmental Health, Cayman Islands Environment Center, 580 North Sound Road, Grand Cayman, Cayman Islands, between the hours 9:00 A.M. and 4:00 P.M. Monday through Friday.

For further Information contact:

Roydell Carter
Director, Environmental Health
Department of Environmental Health
Tel: (345) 949-6696
Fax: (345) 949-4503
Email: roydell.carter@gov.ky

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All persons who submitted tenders shall be notified in writing when an award has been made.

No information with regard to an award of a contract will be given out between the time of opening the bids and the time that an award has been made.

TENDER SPECIFICATIONS

1.1 INTRODUCTION

The Ministry of District Administration, Works and Gender Affairs ("the Cayman Islands Government"), through the Department of Environmental Health ("the DEH") is seeking Tenders from qualified Tenderers for the purchase of all processed Scrap Metals (inclusive of derelict vehicles) at the George Town Landfill hereinafter referred to as "the Site". The successful Tenderer shall pay the cost of all equipment, labor and services in relation to the loading, transport and removal of the Scrap Metals accumulated at the Site to a location outside the Cayman Islands.

The Cayman Island Government shall not provide a guarantee and or warranty in relation to the total number of tons of Scrap Metals at the Landfill in the terms of this Tender.

1.2 BACKGROUND

DEH has been separating Scrap Metals from the regular solid waste stream and accumulating them at the Site for several years. With the onset of Hurricane Ivan in September 2004, the amount of Scrap Metals has increased, such that, there is the need to process same and remove the said Scrap Metals from the Cayman Islands.

Most recently, DEH has been compacting and baling the scrap metals in preparation for sale and transport from the Cayman Islands. There is estimated to be

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approximately 6000 tons of processed Scrap Metal at the Site that will form part of the Contract.

1.3 OBJECTIVES

The objective of the Contract is to sell all Scrap Metals (including derelict vehicles) currently at the Site at the highest price and to ensure a timely removal of Scrap Metals from the Site and transported and shipped outside the Cayman Islands. The removal of the Scrap Metals currently at the landfill shall be completed within twelve (12) weeks from the Commencement Date of the Contract.

1.4 SCOPE

The project involves the removal of all processed Scrap Metals currently at the Site in a timely manner and but no later than Twelve (12) weeks from the date of the commencement date of the contract. The quantity and quality of Scrap Metals located at the Site is as stated above. Under no circumstances will the Cayman Islands Government guarantee and or provide a warranty as to the total number of tons of Scrap Metals (including derelict vehicles) at the landfill.

1.5 COMMUNICATIONS

Tenderers requiring further information should contact DEH only, as directed in the Information for Tenderers section above. All communications in relation to this invitation to tender shall be with the Department of Environmental Health.

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1.6 QUALIFICATION OF TENDERERS

- A.** Tenderers will be required to demonstrate that they are responsible and capable of performing the services required by the Contract, and that they have the necessary expertise, equipment, labor and financial resources to perform the services in a proper and satisfactory manner, in accordance with these specifications. In particular, Tenderers must demonstrate that they have the ability to process, transport and market the Scrap Metals accumulated by the Department of Environmental Health at the George Town Landfill in a timely manner to a location outside the Cayman Islands. Further, Tenderers must establish their financial viability to do the work and make the necessary payments to the Cayman Islands Government.

Each Tenderer must submit with its Tender a specific statement (hereinafter referred to as the "Qualification Statement") containing the information set forth in subparagraph B below. If the Central Tenders Committee ("CTC") determines, in its sole judgment, from the Qualification Statement and or other relevant information, that a Tenderer is not sufficiently equipped or qualified to enter into or perform the work, such Tenderer will be ineligible to be awarded the contract.

- B.** All Qualification Statements submitted by the Tenderers must address each of the following mandatory requirements below:

- (1) A narrative description of past experiences, particularly experience directly or indirectly related to the removal, receiving, processing, transport and shipping outside the Cayman Islands and in general the ability to undertake this project. This shall include the names and experience of all key employees working on the said project.

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- (2) An indication of past and current contracts that would illustrate the ability of the Tenderer to perform and deliver the services required herein.

- (3) Technical qualifications, including description of process, work force and equipment, including vehicles for transport both in the Cayman Islands and overseas as well as plans for loading and shipping. The information should provide sufficient details of ownership and title or a lease or purchase agreement guaranteeing the availability of all necessary equipment. Sufficient details should be provided so that the design capacity and performance expectations of the various components such that the overall logistics of the system can be evaluated.

- (4) A financial profile which should include copies of audited financial statements for at least the last year, certified to be true and correct by an authorized representative of the Tenderer.

- (5) Confirmation of a certified line of credit or a bond from a local bank demonstrating the Tenderer's ability to finance the Works to completion. This includes the Tenderer's ability to provide a deposit or secured line of credit equal to the amount tendered per ton multiplied by an agreed total estimated quantity of Scrap Metals being purchased. This deposit or line of credit will be drawn down from as loads of Scrap Metals are weighed and taken from the site.

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- (6) A tender form completed in full by stating the per ton price, the proposed payment plan and estimated completion date.
- (7) A copy of valid insurance covering the period of the Contract specifying the risks to be covered for the Cayman based portion of the contract, which includes Workmen's Compensation and Public Liability coverage and the coverage limits which the Cayman Islands Government would require

C. All statements, commitments and other representations contained in the successful Tenderer's Qualification Statement and any materials or information submitted in connection therewith, shall be binding upon the successful Tenderer. Any changes thereto must be first agreed to in writing by the CTC.

D. The CTC or its agent, reserves the right, at its sole discretion, to request any information inadvertently omitted from a Tenderer's Qualification Statement or to request clarification or supplemental information relating to the information submitted. The information requested must be forwarded to the CTC within 48 hours of the request.

1.7 INSURANCE

1.7.1 The Successful Tenderer shall have, from the time it takes possession of the Site, or any part of the Site, or from the time it commences the execution of the Works (if earlier) to the expiration of the contract, employer's liability insurance in respect of all persons in its employment including all servants or agents appropriate to the nature of the Works. Such insurance shall comply with the law of the Cayman Islands and shall provide coverage up to a maximum amount of CI\$1,000,000 for any one occurrence, or series of occurrences, arising out of one event.

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1.7.2 The Successful Tenderer shall purchase and maintain, for the life of the Contract, Public Liability Insurance against legal liability for personal injury to any persons and or loss or damage to property arising from or in connection with the Works, which is not covered by employer's liability insurance for not less than one million Cayman Islands dollars (CI\$1,000,000.00.).

1.7.3 All insurance required to be effected or maintained by the Successful Tenderer under this section shall be with reputable insurers within, or brokered within, the Cayman Islands, to whom the Cayman Islands Government has no objection, lawfully carrying on such insurance business in the Cayman Islands, and upon customary and usual terms prevailing for the time being in the insurance market.

1.7.4 All insurance required to be effected or maintained shall be in the joint names of the Cayman Islands Government and or such other persons as the Cayman Islands Government may reasonably require (including, without limitation, the Cayman Islands Government's consultants, and any persons who have acquired or shall acquire any interest in or over the Works or any part thereof), the Successful Tenderer and all subcontractors of the Successful Tenderer.

1.8 CONTRACT SERVICES

1.8.1 The Successful Tenderer shall be under an obligation to accept all Scrap Metals present at the Site.

1.8.2 The Successful Tenderer shall furnish all labour, machinery and equipment (inclusive of personal protective equipment) required for the proper execution and completion of the Works, including, but not limited to loading transport vehicles, delivering the scrap metals to a port facility, and loading vessels for

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- shipment overseas. The Successful Tenderer shall be responsible for the complete removal of Scrap Metals, which includes, amongst other things, any incidental and or necessary acts which may not be expressly stated and or which is in accordance with general transport practice.
- 1.8.3 The Successful Tenderer shall be responsible for the payment of all import and or export and or Customs duties and or port and or landing charges in connection with the import and or export of any materials, machinery and equipment for the Works, including any fees related to the transport of the Scrap Metals.
- 1.8.4 The removal and transportation of Scrap Metals from the Site shall be performed at frequencies and times mutually agreed between DEH and the Successful Tenderer.
- 1.8.5 All operational costs incurred upon or after award of the Contract for removal of Scrap Metals shall be paid by the Successful Tenderer. The Scrap Metals shall be accepted by the Successful Tenderer in the form it is in at the Site without any warranty and or guarantee, expressed or implied, of any kind. The Successful Tenderer shall handle the Scrap Metals at its own risk and shall be responsible for the proper disposal of any and all contaminants or residuals. When tendering, the Tenderer is encouraged to consider the possible cost of contaminant and residuals disposal and to adjust for this contingency in the Tender.

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ADMINISTRATION

1.9 TENDERER INSTRUCTIONS

Attached is the Tender Form consisting of one page. The appropriate sections of the Tender Form must be completed in full by the Tenderer. In particular **the Tenderer shall state an amount, in Cayman Islands Dollars they shall pay to the Cayman Islands Government per ton for the Scrap Metals and the expected completion date for the removal of all Scrap Metals from the Cayman Islands.**

A. The CTC will award a single Contract for the tender that the CTC deems to be in its best interest. The CTC reserves the right to not award any contract. The tender may or may not be awarded to the Tenderer offering the highest price to be paid for the Contract.

ALONG WITH THE SIGNED PROPOSAL, EACH TENDERER MUST SUBMIT THE FOLLOWING:

- 1) The completed tender form signed by a person authorized to sign on behalf of the tendering company.**
- 2) The Qualification Statement required pursuant to Section 1.6 of these tender specifications.**
- 3) Proof of eligibility to be insured pursuant to Section 1.7 of these tender specifications.**

B. Any tenders that are not deemed substantially responsive to the mandatory requirements will be rejected prior to evaluation.

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C. Tenderers are reminded that this is a formal competitive tender and process, and that any changes, deletions or additions made by the Tenderer to these tender specifications may be cause for rejection of the tender. All tenders must follow the format prescribed. Any other alternative tenders, regardless of the dollar value, will be disqualified from the tendering process.

D. The exact quantity and quality of the Scrap Metals accumulated and processed at the Site for this Contract cannot be guaranteed. Under no circumstances will the Cayman Islands Government provide a guarantee or warranty as to the specific or total number of tons of Scrap Metals (including derelict vehicles) at the Site. An estimated amount of scrap metals to be purchased will be agreed upon between the Cayman Islands Government and the Successful Tenderer for the purpose of determining the amount of the required deposit or secured line of credit.

E. The Contract sets forth all the promises, agreements, conditions and understandings between the Cayman Islands Government and the Successful Tenderer and there shall be no promises, agreements, conditions, or understandings, either oral or written between them other than those that are set forth in the Contract. Unless provided for in the Contract, no subsequent alteration, amendment, charge or addition to the Contract shall be binding upon the Cayman Islands Government or Successful Tenderer unless reduced to writing and signed by them.

F. The failure of the Cayman Islands Government to insist upon strict performance of any one or more of the provisions of the Contract shall not be construed as a waiver of that, or any other, provision, or as a waiver of any claim the Cayman Islands Government may have to damages or for other relief due to any prior to subsequent breach or with respect to termination.

G. The Contract shall be binding upon the Successful Tenderer and or its heirs, administrators, successors and or assigns.

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- H. Ineligible tenders will be rejected by the CTC prior to evaluation.
- I. Any tender received that is not deemed substantially responsive to the mandatory requirements as set out in "A" above shall be rejected by the CTC prior to evaluation.

2.0 TENDER EVALUATION CRITERIA AND WEIGHTING

The following is the evaluation criteria and weighting that will be used to evaluate the Tenders received:

1. Financial viability to conduct the work and make the necessary payments to the Cayman Island Government for the purchase of Scrap Metals, that is, proof of finance:
 - Yes (Pass) or No (fail).

2. Experience with similar projects:
 - 30 Points Maximum
 - a. 8 or more projects =30 points
 - b. 4 to 7 projects =15 points
 - c. 1 to 3 projects =10 points
 - d. 0 projects = 0 points

3. Price Offered
 - 50 Points Maximum
 - a. Highest price offered =50 points

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- b. Offer within 10% of highest price =35 points
 - c. Offer within 10% to 20% of highest price =15 points
 - d. Offer within 20% to 30% of highest price = 5 points
 - e. Offer over 30% less than highest price = 0 points
4. Time frame to complete the removal of Scrap Metal:
- Maximum -30 points
 - a. 2 months or less to complete the project = 30 points
 - b. Between 2 months and 3 months to complete the project=15 points.
 - c. More than 3 months to complete the project = 0 points
5. Payment terms: maximum 10 points.
- a. full payment in advance of shipment =10 points
 - b. delay payment = 0 point
6. Availability of equipment: Maximum 10 points.
- a. all equipment and shipping arrangements = 10 points
 - b. some equipment or shipping arrangements = 0 point

2.1 TERM

The term of the Contract shall commence upon award to the Successful Tenderer and terminate upon completion of the removal of all Scrap Metals, at the site hereinafter referred to as the Completion Date as agreed to in writing by both the Successful Tenderer and the Cayman Islands Government.

2.2 INSOLVENCY

A. The Cayman Islands Government may terminate any Contract awarded to the successful tenderer at its discretion in the following events:

- (1) If the Successful Tenderer becomes insolvent or bankrupt or is unable to make payments to its creditors as and when payment for such sums become due;

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- (2) If a composition or arrangement is made by the Successful Tenderer with its creditors;
- (3) If the Successful Tenderer has a proposal for a voluntary arrangement for a composition of debts or scheme of arrangement approved;
- (4) If the Successful Tenderer has proceedings instituted by or against it for arrangement, reorganization or composition of creditors under any law;
- (5) If proceedings are commenced by or on behalf of the Successful Tenderer for the appointment of an administrator or receiver;
- (6) If a winding up or receiving order is made against the Successful Tenderer;
- (7) If a resolution for voluntary winding up is made for or against the Successful Tenderer; or
- (8) If a liquidator, receiver or manager of the Successful Tenderer's business appointed or having possession taken on behalf of the holders of any debentures or holders secured by a floating charge.

2.3 DEFAULT

A. If the Successful Tenderer refuses or fails to perform any other part or portion of its obligations under the Contract and does not remedy such breach to the satisfaction and approval of the Successful Tenderer within three (3) days (or twenty-four (24) hours in the event of an emergency as determined by DEH) after receipt of written notice specifying the nature of such breach, the Cayman Islands Government may, at its option, immediately declare the Successful Tenderer in default.

B. In the event of any default by the Successful Tenderer hereunder, the Cayman Islands Government may, in addition to any other right or remedies the Cayman Islands Government may have under any statute, or at common law, or under any bond filed by the Successful Tenderer all of which are reserved to the Cayman Islands Government, terminate the Contract and solicit tenders and award

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a new contract, in which case the Successful Tenderer shall be liable to the Cayman Islands Government for all loss, costs, expenses or damages suffered or incurred by reason of the Successful Tenderer's default and interest thereon. The ownership of all Scrap Metals shall then remain the property of the Cayman Islands Government.

C. Termination of the Contract shall not affect the Successful Tenderer's obligation to pay the Cayman Islands Government in full for all amounts for which the Successful Tenderer may be liable hereunder.

D. Failure to complete the removal of the Scrap Metals in time the frame stipulated in the tender shall result in a penalty equal to **five hundred Cayman Islands Dollars, CI\$ 500.00** per day.

2.4 COMPENSATION

The Successful Tenderer shall pay to the Cayman Islands Government the value of the shipment as agreed upon in the contract on a per ton basis before any scrap metals leave the site. The amount payable for each shipment will be determined by the size in tons as requested by the Successful Tenderer multiplied by the per ton value in the contract. The weight will be determined by the Cayman Islands Government scales on site and verified by the Successful Tenderer.

2.5 INTERPRETATION OF DOCUMENTS

If a prospective Tenderer is in doubt as to the true meaning of any part of the specifications or other document, or finds omissions or discrepancies therein, a request for interpretation or correction thereof may be submitted and, if deemed necessary by the Cayman Islands Government, an addendum will be issued to all qualified persons receiving the documents. Addenda may also be issued to all qualified persons receiving the documents, should the Cayman Islands Government, of its own accord, wish to expand or delete any portion of the documents. All

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queries, questions or concerns must be submitted to the Department of Environmental Health as outlined above 14 days before the closing date for submission of tenders stated herein.

2.6 IRREVOCABILITY OF TENDERS

Tenders shall be irrevocable and remain open for acceptance by the CTC for a period of at least sixty (60) days from the time and date specified for Tender Closing, whether another Tender has been accepted or not.

2.7 OWNERSHIP OF TENDERS

All responses to this invitation to tender become the property of the Cayman Islands Government upon submission by the Tenderer.

2.8 TENDERER'S EXPENSES

Prospective Tenderers are solely responsible for their own expenses in preparing a tender and in subsequent negotiations with the Cayman Islands Government.

2.9 ACCEPTANCE OF TENDERS

The CTC reserves the right to:

- a) accept any tender;
- b) reject any tender;
- c) reject all tenders;
- d) accept a tender which is not the highest price;
- e) reject a tender even if it is the only tender received;
- f) accept all or any part of the tender, or
- g) cancel the tender process at any time prior to the award of the tender.

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3.0 NEGOTIATION

Subsequent to the closing date for the submission of tenders, interviews and negotiations may be conducted with any of the Tenderers, but there shall be no obligation to request further information, whether written or oral, from any Tenderer, or to disclose the nature of any Tender received.

3.1 CONFLICT OF INTEREST

The Tenderer must declare whether he has a pecuniary interest in the business of any third party that would cause a conflict of interest, or be seen to cause a conflict of interest, in carrying out the Services. Should such an interest be acquired during the term of this Contract, the Tenderer shall declare such in writing immediately to the Cayman Islands Government and the Cayman Islands Government may direct the Tenderer to resolve the conflict of interest to the Cayman Islands Government's satisfaction.

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TENDER FORM

The following is for the purchase of the processed Scrap Metals currently at the George Town Landfill.

Per Ton Price: (\$KYD):

Completion Date:

Company Name

Company Address and Contact number

Signed _____ in the Capacity of _____

Date _____