



STANDARD TECHNICAL SPECIFICATION

FOR

(SINGLE SOURCE by Council by Category TENDER)

T941920BOG

Category 1 - SUPPLY & DELIVERY OF BULK FUELS



ISO 9001:2015
Lic: QEC27783

TECHNICAL SPECIFICATION

SUPPLY & DELIVERY OF BULK FUELS

“The requirements set out in this SPECIFICATION are not intended to be an exhaustive list”.

1.0 SCOPE

This tender is for the supply and delivery of Bulk Fuels to Bogan Shire Council on an as required basis during the contract period in accordance with Clause 2.3 of the Deed of Agreement.

Tenderers are to submit their product catalogue/s in electronic format either USB or CD or have them accessible via the internet. **Do not submit a hard copy of your catalogue with your tender submission.** All products purchased from a tenderer shall be included in the Agreement (This applies to all categories). Bogan Shire Council will select the tenderer that provides the best overall offer.

Tenders are to be submitted for all the listed items. Where a listed item cannot be supplied, the tenderer must list a comparable product with a full description.

Bogan Shire Council approximate annual usage figures are:

Distillate = 258,000 Litres per annum

**The amounts indicated are approximate only and no guarantees are given by Regional Procurement that these amounts will be achieved or exceeded during this tender.*

The council locations and depot address are below there may be mobile fills required on occasions in the relevant LGA.

COUNCIL	DEPOT ADDRESS
BOGAN SHIRE COUNCIL	Nymagee Street
	Nyngan NSW

REGULATION OF FUEL QUALITY IN AUSTRALIA

The Federal Government regulates the quality of petrol and diesel fuel in Australia. All tenderers are to supply in accordance with Government regulations and specifications. Fuel Quality Standards Act 2000

The principal drivers of the fuel quality regulation are environmental. The adoption of emerging vehicle engine and emission control technologies is a key strategy in the management of ambient air pollution and air toxics, particularly in urban areas, and of greenhouse gas emissions. It is a goal of the Government that vehicle emission standards be harmonised with international standards.

These technologies require fuels that conform tightly to certain identified specifications. The new fuel standards for petrol and diesel have been established to meet these specifications. Fuel Quality Standards Act 2000

2.0. UNIT PRICES

The contract Unit Prices indicated in the Tender Price Schedule (excel spread sheet) are to be inclusive of all the Service Providers costs and expenses of supplying the Goods and the Service. The Provider shall not be entitled to levy any additional fees or charges for supplying the Goods to the

Bogan Shire Council accept in accordance with Clause 3.4 of the Deed of Agreement. All prices shall be **inclusive** of Commonwealth excises and taxes as well as NSW state taxes during the contract period.

All prices are to be shown as **GST exclusive** in the columns provided. The Tendered Unit Prices shall apply equally to each purchase order issued by a Bogan Shire Council. The Tendered Unit Price applicable at the time of delivery shall be in accordance with the formula indicated in the Tender Price Schedule subject to the Daily Price component on the day of the order. The purchase price paid by a Bogan Shire Council shall be the contract rate of the day the product **is ordered** from the terminal irrespective of when the product is delivered. Therefore, the price that each Bogan Shire Council will pay is the price indicated on the date of purchase order and **NOT** the day of delivery.

2.1 Price per litre is to be calculated to four (4) decimal places as the date indicated in the excel price schedule.

2.2 Tenderers must base the tender price for all Biodiesel on the diesel fuel component of the manufacturer's published Daily Price for low sulphur diesel fuel as indicated in the Tender Price Schedule. Winter blend fuels are also required by Bogan Shire Council on an as is required basis.

3.0. **PRODUCT SPECIFICATION**

The Service Provider must comply with the Australian National Fuel Quality Standard for the Goods produced or manufactured and supplied under this contract. Products supplied under this contract will meet the following standards where applicable covering the manufacture, storage and transportation of the Goods and any other applicable Australian Standards.

AS1657:2018 – Fixed platforms, walkways, stairways and ladders – Design construction and installation

AS1678.3.1.001-2003 – Emergency procedure guide – Transport – Petrol (as cargo)

AS1678.3A1:2004 (R2016) – Emergency procedure guide – Transport – Group text EPGs for Class 3 substances – Flammable liquids

AS1692:2006 (R2016) – Steel tanks for flammable and combustible liquids

AS1692:2006 (R2016)/Amdt 1:2006 - Steel tanks for flammable and combustible liquids

AS1940:2017 – The storage and handling of flammable and combustible liquids

AS3570:1998 – Automotive diesel fuel.

AS3570:1998/Amdt 1-1999 – Automotive diesel fuel.

AS/NZS2229:2004 – Fuel dispensing equipment for explosive atmosphere.

AS/NZS2229:2004/Amdt 1:2006 – Fuel dispensing equipment for explosive atmosphere.

Excise Act 1901

[http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/D421EEDCB813A823CA256FE2000E37AC/\\$file/Excise1901_WD02.pdf](http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/D421EEDCB813A823CA256FE2000E37AC/$file/Excise1901_WD02.pdf)

Work Health & Safety Act 2011

www.workcover.nsw.gov.au > ... > Law and policy > Acts and regulations

Work Health & Safety Legislation

www.austlii.edu.au/au/legis/nsw/consol_reg/whasr2011309

Australian Dangerous Goods Amended Act 2005

http://www.austlii.edu.au/au/legis/tas/num_act/dgaa200551o2005297/s6.html

Dangerous Goods (Road and Rail Transport) Regulation 2014

<http://www.legislation.nsw.gov.au/sessionalview/sessional/sr/2014-398.pdf>

Australian Fuel Standards Regulations 2001 Amended 2017

[http://legislation.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/9BDD9733F4D61229CA256F710056EE8E/\\$file/FuelQualStand2001.pdf](http://legislation.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/9BDD9733F4D61229CA256F710056EE8E/$file/FuelQualStand2001.pdf)

Australian Fuel Quality Standards Act 2000

<http://www.environment.gov.au/atmosphere/fuelquality/standards/petrol.html>

Fuel Standard (Bio-diesel) Determination 2003

[http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/2FCF416C9DF6534BCA2571E00019777B/\\$file/FuelStdBiodieselDet2003_2004AmNo.1.doc](http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrumentCompilation1.nsf/0/2FCF416C9DF6534BCA2571E00019777B/$file/FuelStdBiodieselDet2003_2004AmNo.1.doc)

Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

<https://www.legislation.nsw.gov.au/regulations/2014-565.pdf>

Dangerous Goods (Road and Rail Transport) Act 2008 No. 95

<http://www.austlii.edu.au/au/legis/nsw>

4.0. ORDERS

Bogan Shire Council shall place a purchase order with the Service Provider each time a delivery is required during the Term of the Contract period. The ordering procedure shall be agreed between the Council and the Service Provider at the commencement of the Contract period. With each delivery, Bogan Shire Council require an itemised invoice to be provided which clearly states;

- Cost of Fuel Delivered (showing the Terminal Gate Price)
- The supplier added margin
- Cost of Delivery (or Freight Differential)

5.0. TENDER ACCEPTANCE

5.1. The evaluation panel involving key stakeholders of Bogan Shire Council will evaluate the tenders in accordance with the nominated assessment criteria based on the principle of value for money.

5.2 Non- exclusive contract

5.2.1 The Principal gives no guarantees as to the number or frequency of orders for services goods that the Service Provider may receive during the contract period.

6.0 DELIVERY DAYS AND TIMES

All Deliveries shall be to Bogan Shire Councils designated depot address. Delivery days and Times shall be at the Council's discretion. Bogan Shire Council prefer deliveries of product ordered under this tender to be made within the following time frame from the date a purchase order is placed with the successful tenderer:

- Category 1 Bulk Fuels = 3 working days.

7.0 DELIVERY AND UNLOADING

The Service Provider shall be responsible for the safe delivery and unloading of the product to either above ground tank or underground tanks. The unloading of product to an above ground tank will require a vehicle mounted pump mounted to be utilised. The Service Provider shall have in place Safe Work Method Statements (SWMS) for the delivery and unloading of the product as well as being proficient in completing Council site specific SWMS (refer to Clause 8 WHS).

Bogan Shire Council may require the delivery of fuel to mobile tankers with fill points located outside the CBD. Typically, deliveries of this type can range from 2,000 to 4,000 litres per tanker.

The fuel volume dispensed to the customer should be adjusted to reflect the difference between the temperature at which it was sold, and the industry standard temperature of 15°C.

As a rule of thumb,

- the volume of a litre of petrol changes by approximately 1.2ml per 1°C,
- and diesel changes by approximately 0.8 ml per 1°C.

7.1 TOP UP LOADS (MILK RUN DELIVERIES)

The Service Provider may contact Bogan Shire Council to request a Purchase Order to "top up" a load for the purposes of achieving a full tanker load. Should the council agree to order a smaller than usual

amount of the goods, the ‘top up’ amount ordered shall be at the 20,000 Litres plus rate as indicated in the Tender Price Schedules.

The Service Provider may contact Bogan Shire Council to request a Purchase Order to “drop off” surplus fuel in order to return to the Services Provider’s depot empty. Should the council agree to a “drop off” quantity of the goods, the “drop off” amount delivered shall be at the 20,000 Litres plus rate as indicated in the Tender Price Schedules.

Upon delivery/unloading the Council may choose to take a sample of the fuel for the purposes of third party compliance testing. (See Clause 9.2)

8.0. WORKPLACE HEALTH & SAFETY

The Service Provider shall comply with the Work Health & Safety Regulation 2011 and the Work Health & Safety Act 2011. The Service Provider shall be responsible for the delivery of bulk fuel to each Bogan Shire Council site and must have a Standard Operating Procedure for the delivery / unloading process.

9.0 QUALITY ASSURANCE

Tenderers are required to demonstrate in their tender submissions under the Additional Information/Innovation Schedule how they and their sub contractors will manage quality assurance during the contract period including but not limited to:

- the manufacturer’s quality system for the manufacturing or production of the fuel/alternative-fuels component,
- the blender’s quality system for the alternative-fuels blending process,
- the proposed frequency for testing the component products,
- the proposed system of advising the Council of non-conforming quality testing results, and
- the proposed access to test results by the Council.

9.1 Testing

The Service Provider shall be responsible for all quality assurance testing with the exception of third party testing as per Clause 9.2. The cost of all quality assurance testing shall be borne by the Service Provider.

The Service Provider shall notify the Council’s Representative, within two working days of the testing information becoming available to them, of non- conforming product supplied by themselves or by their sub-contractors to the Council.

9.2 Third Party Testing

Council’s reserve the right to conduct independent third-party testing of the delivered fuel and alternative fuels during the contract period. Testing shall be through an accredited third party for verifying compliance to the Australian Fuel Quality Standards and/or this Specification.

10.0. NON-CONFORMANCES

Should quality testing by either the Council’s or 3rd party testing authority reveal that any supplied product is non-conforming with reference to Clause 9.1 then, where relevant, the following shall apply;

- under Clauses 19.3 and 21 of the Deed of Agreement the Council may seek remedy for any product found to be non-conforming.
- the Service Provider shall, at its own cost, remove any non-conforming product supplied by the Service Provider from the Council’s tanks, and
- the Service Provider accepts liability for any rectification of any and all damages to the Council’s plant and equipment that are attributed to the use of the non-conforming product.

11.0 ALTERNATIVE FUEL CONTENT - Distillate

Tenderers must nominate in the Resource Alternative Fuels Schedule the type of product used to manufacture the bio component i.e.: Canola, Sugar Cane or Tallow etc.

11.1 WINTER/ BLEND Diesel

Some Councils in this area use the winter blend diesel that needs to be delivered when requested. It will be the tenderer's responsibility to make sure that they can accommodate this as the Council's will be asking for winter blend in their purchase orders during this period every year.

11.2 ALPINE Diesel

Some Councils in this area use the Alpine blend diesel that needs to be delivered when requested. It will be the tenderer's responsibility to make sure that they can accommodate this as the Council's will be asking for Alpine blend in their purchase orders during this period every year.

Regulatory Compliance Information:

The tenderer shall comply with all regulatory and statutory requirements applicable to the transportation and delivery of bulk fuels. These include but are not limited to the following:

The transport of dangerous goods in NSW is regulated under the *Road and Rail Transport (Dangerous Goods) Act 1997*, relevant Regulations and the Australian Dangerous Goods Code (1998) (ADG Code). Driver and vehicle licensing is required under the NSW Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998, when dangerous goods are transported in bulk. A Department of Environment and Conservation (DEC) license for the bulk transport of dangerous goods, including the transport of liquid chemicals. The criteria for classifying goods as 'dangerous' are outlined in the ADG Code.

The delivered alternative fuels must be blended correctly as per manufacturer's standards and the renewable fuel shall as defined by the Australian Fuel Standards Regulations 2001 and comply with the Australian Fuel Quality Standards Act 2000 and the Fuel Standard (Biodiesel) Determination 2003 (as amended).

The Service provider must not alter, amend or substitute the tendered alternative fuels components during the contract period without the prior written approval of the Council.

The Service Provider must have and maintain a license to manufacture an excisable good in accordance with the Excise Act 1901 to blend the alternative fuels (e.g. B20 Biodiesel). If the Service Provider subcontracts the blending, then its subcontractor must also have and maintain a license in accordance with the Excise Act 1901. It is a Condition of this tender that copies of all blending licenses or approvals must be provided with the tender documents.

12.0 **SUPPLEMENT INSURANCE INFORMATION**

Councils require all successful tenderers to register with Statewide Contractor Management System and all associated costs are to be borne by the tenderer (This is a compulsory requirement).

For registration please refer to;
www.statewide.nsw.gov.au

The Contractor will be required to enter insurance policy details and upload (or mail/ fax) copies of both the Schedule and PDS for each policy into this management system. Statewide will review insurance documentation and manage this information, so that Councils receive and can view a single, clear overview of the policy coverage, limits and exclusions for each Contractor.

12.1 **What does the Contractor get out of CIMS (Statewide Insurance)**

- Single registration points of insurance for Contractors working for NSW Councils.
- Ability to include Company licences, certifications and other supporting documents.
- Insurance information provided is verified by qualified professionals.
- Electronic reminders issued when policies and registration dates are approaching expiry.
- Register once for access to one/many NSW Councils (currently)

- Save time and money in managing and forwarding copies of insurances to each Council, for each job/ tender.
- The system will have both online and telephone support.

12.2 Evidence of membership will be required to be submitted to Council within 20 days of tender acceptance.

Failure to insure shall be deemed to be a substantial breach of the Agreement and the contractor will be required to stand down and remove the item of plant or equipment from the worksite at no cost to Council.

13.0 NO SMOKING POLICY

Tenderers are advised that Council depots have a NO SMOKING POLICY and are a **TOTALLY SMOKE FREE WORKPLACE** during Council's hours of operations.

14.0 NHVL (National Heavy Vehicle Law) and Regulations and the NHVR (National Heavy Vehicle Regulator) Chain of Responsibility (CoR)

14.1 Regional Procurement and Bogan Shire Council supports and endorses the requirements of the NHVR (National Heavy Vehicle Regulator) Chain of Responsibility (CoR) and confirm that NHVL and NHVR CoR shall apply to each Category of this Specification.

14.2 Where Bogan Shire Council is a consignee within the supply chain process then, Bogan Shire Council require that all Service Providers take positive action not to encourage nor require transport drivers to:

- (a) Exceed the speed limits;
- (b) Exceed regulated driving hours;
- (c) Fail to meet the minimum rest requirements;
- (d) Drive while impaired by fatigue.

14.3 Where a Service Provider (engaged under this contract) breaches the HVNL and/or HVNR CoR then Bogan Shire Council may cancel any outstanding Purchase Orders placed with that Service Provider.

14.4 Cancellation of a Purchase Order in accordance with sub-clause 21.3 will not give rise to any claim against Bogan Shire Council by the Service Provider.