**Annex F:**

**ToR for provision of construction rental machinery services**

**1. Background**

DRC is launching ITB-AFG-AFC-015-2024 for the provision of construction rental machinery services to support various construction and development activities, such as check dams, irrigation canals, intakes, watershed infrastructure, and water supply schemes, in three regions (Central, South, and West).

The objective is to rent several types of machinery and equipment required for earthworks, material transport, compaction, concrete mixing, and other related construction tasks. The rental will include machinery operators, fuel, maintenance, and transportation to and from the work sites, with payment terms aligned with units specified in the Annexes for each lot.

**2. Objective**

The purpose of this ToR is to outline the specifications, requirements, and responsibilities for the provision of rental construction machinery to support the DRC's infrastructure and construction activities.

**3. Scope of Work**

The contractor is required to provide the following machinery, including skilled operators who have valid license, fuel, transportation, maintenance, and other necessary costs, as per the specific requirements detailed below. The duration of rental is dependent on the needs at each site, and payment will be based on the unit rates (hour, day, month, km) as specified in the Annexes for each lot.

Following the signing of the contract with the selected suppliers, DRC will submit Purchase Orders (POs) based on the needs of each site within the contract duration and Bill of Quantities (BoQ) items. The PO may contain one or some of the BoQ requested items. Upon receiving the PO, suppliers must deliver the requested rental machinery within 5-7 days to the location specified in the PO.

Suppliers must ensure that all safety and environmental compliance measures are considered during the delivery of the requested items. DRC does not take any responsibility for the safety and environmental compliance of the rental machinery at the infrastructure site.

**4. Machinery Requirements**

* 1. Excavators, Standard Excavator, Excavator with Jackhammer, Dump Trucks, Standard Dump Truck, Dump Truck Similar to Mazda, ECG (Electric Control Gear) Dump truck, Soil Compactors, Small Soil Compactor, Walk-Behind 2-Ton Roller Compactor, Concrete Mixers, Mobile Concrete Mixer, Concrete Mixer, Concrete Vibrator, Petrol Concrete Vibrator, Vibrator similar to Rubin EY20 Gasoline4.6. Water Tanker, Construction Lifting Machine, Tractors, similar Tonis Vehicle (Pickup Tonis), Graders and Roller, Motor Grader, Roller (12-15 Ton Compactor), Generators,10 KW Electrical Generator,5 KW Electrical Generator, Compressors, Heavy Duty Compressor, Steel Cutters, and Water Pumps.

**5. Contractor Responsibilities**

* The contractor should provide fully operational machinery in good working conditions, including the necessary skilled operators for each machine.
* The contractor is responsible for all maintenance, fuel, oil, transportation, and any other operational costs.
* The contractor shall ensure that the machinery is delivered to the specified site within 5-7 days in accordance with DRC project requirements.
* The machinery must be available as needed, and the contractor must provide replacements or repairs immediately within 2 days in case of failure or breakdown.

**6. Payment Terms**

DRC will pay as per the attached Annex C General Conditions of Contract

**7. Compliance and Quality Assurance**

* All machinery must be maintained in accordance with the manufacturer's specifications to ensure optimal performance and safety.

**8. Safety**

The contractor must comply with all safety standards, regulations, and construction site safety.

* All machinery provided under this ToR must comply with relevant safety standards and regulations to ensure the safety of operators and site personnel. This includes adherence to local and international safety guidelines.
* Each piece of machinery must be ensured as safe for operation, and all machinery should be equipped with essential safety features, including emergency stop mechanisms, proper guarding of moving parts, and operational alarms to alert personnel of any potential hazards.
* The contractor must have a comprehensive Safety Plan that outlines safety measures specific to the machinery used.
* Procedures for monitoring and reporting on safety measures during the utilization period must be established and adhered to.
* Regular maintenance and monitoring of the machinery must be conducted to ensure ongoing compliance with environmental standards.
* The contractor accepts responsibility for any environmental violations that may occur due to the use of their machinery.
* Regular safety inspections must be conducted, and maintenance records should be maintained to demonstrate compliance with these safety requirements.

**9. Environmental Compliance Requirements for Rental Machineries:**

* Bidders must adhere to all applicable environmental regulations concerning emissions, noise levels, and other environmental impacts associated with the operation of construction machinery. This includes compliance with local and national standards that govern permissible emissions for diesel engines, as well as noise control regulations to minimize disruption to surrounding communities.

**10. Communication Between Contractor and DRC**

* Following the supplier selection and signing of the framework agreement, DRC focal point in each area will submit purchase orders (POs) at different times within the framework agreement timeline, based on specific needs. These POs will indicate the number of requested items and their respective locations. Upon receiving the PO, the supplier is expected to deliver the requested items within 5-7 days. Additionally, a mutually agreed-upon timesheet process should be implemented to track utilization and confirm hours worked, along with regular updates on equipment status and availability. Scheduling meetings should be held as needed to address any operational concerns, ensuring alignment and timely responses to project needs.

**11.Liability and Insurance Requirements**

* It is imperative to specify that the supplier takes full liability for any incidents occurring at the workplace, including a bodily injury to personnel or damage to machinery and property. While liability insurance is a standard requirement in many markets, due to the specific conditions in Afghanistan, DRC acknowledges that obtaining such insurance may not be feasible. Therefore, suppliers are required to provide a written statement **Annex H**, affirming their acceptance of full liability for incidents during the rental period, without the need for liability insurance. This acknowledgment should be included in the bid submission process, ensuring that suppliers understand their responsibilities in maintaining a safe working environment and addressing any potential incidents that may arise.
* The contractor agrees to indemnify and hold harmless the DRC from any claims, damages, or liabilities arising from the use of the rented machinery or the actions of the operators. This includes any incidents related to bodily injury, property damage, or any other claims that may arise during the course of the rental agreement. The contractor acknowledges their full responsibility for ensuring that all machinery is operated safely and in compliance with applicable regulations, and they shall take all necessary precautions to prevent incidents. This indemnification clause is intended to protect the DRC from any legal or financial repercussions associated with the contractor's operations and the use of rented equipment.

**12. Deliverables**

* Timely delivery of machinery listed in the Annexes for each lot in good working order.
* Availability of operators and fuel, as required, for the full duration of rental.
* Maintenance and repair services for the machinery as needed.
* Upon receiving the Purchase Order (PO), the supplier must deliver the requested items within 5-7 days.

**13. Duration**

The rental duration will depend on project site requirements which will be specified in the PO, and the contractor must ensure availability of machinery within 5-7 days upon request and submission of PO.

**14. Conclusion**

This Terms of Reference (ToR) outlines the specifications and responsibilities for the rental of construction machinery under ITB-AFG-AFC-015-2024. DRC expects the contractor to fully meet these requirements, ensuring smooth and efficient support for infrastructure and construction site operations.

**Bidder Declaration**I, the undersigned, certify that the information provided in this form is true and accurate to the best of my knowledge. By signing this ToR, I declare that I accept the terms and references outlined in this ITB. If awarded the contract, I commit to providing all necessary documentation and complying with the specified requirements. I understand that non-compliance may result in disqualification from the bidding process.

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| **Supplier's Authorized Signatory:** | |
| **Supplier's Name:** |  |
| **Supplier's Address:** |  |
| **Phone Number:** |  |
| **Email Address:** |  |
| **Supplier’s Sign:** |  |
| **Company Stamp:** |  |