

SERVICE CONTRACT NOTICE

TECHNICAL ASSISTANCE FOR 11TH EDF SUPPORT TO ECOWAS COMMISSION FOR TRANSPORT GOVERNANCE IN WEST AFRICA

Location – ECOWAS Region (Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo) as well as Mauritania

1. Publication reference

EuropeAid/139992/IH/SER/MULTI

2. Procedure

Restricted

3. Programme title

PIR 11ème FED - Appui à la Gouvernance dans le secteur des transports en Afrique de l'Ouest (Support to Governance in the Transport Sector in West Africa)

4. Financing

Financing Agreement n° FED/2017/039-218

5. Contracting Authority

The Regional Authorising Officer (RAO) for the EDF representing the ECOWAS Commission (Abuja, Nigeria).

Clarifications may be sought from the contracting authority at the following email addresses, procurement@ecowas.int, sbangoura@ecowas.int at the latest 21 days before the deadline for submission of applications stated at the point 23 below.

Clarifications will be published on the website of DG International Cooperation and Development at the latest 5 days before the deadline.

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The Technical Assistance will work with the ECOWAS Commission and will liaise and coordinate with the WAEMU Commission, in order to enhance the capacity of these Regional Organisations to ensure proper technical, operational and financial management of the 11th EDF project. A Project Management Unit will be established in Abuja for the transversal coordination and monitoring of Transport Governance project.

Moreover, the TA will be in charge of achieving the following results:

- Harmonized and synchronized implementation of regulations adopted by the countries of the regional organizations;

- Promotion of national initiatives (regional added value) in improving management of the sector including studies and technical assistance for the preparation of grant-loan blending operations or for other needs expressed by countries
- Improved governance of road maintenance and efforts to prevent overloading;
- Improved fluidity of transport on regional road corridors services
- Establishment of an equipment facility for local needs.
- Development of advocacy, visibility, follow-up to policy-dialogue platforms and promotion of transparency,
- Updating the policy reference frameworks and regional regulations (including environmental regulations and those combating climate change and a strategy for mainstreaming the gender dimension in the transport subsectors)
- the overall monitoring of activities (including establishment of monitoring indicators) and steering committees and drafting of annual activity reports

The Technical Assistance team consist of long-term and non-key experts. The general supervisor of the project is the Department for Infrastructure of the ECOWAS Commission. The key experts will work with the Transport Directorate and other ECOWAS Directorates/Units as may be required.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 2,360,000

10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately €2,360,000. Any extension of the contract would be subject to satisfactory performance by the Contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

Participation in tendering is open on equal terms to natural and legal persons (participating either individually or in a grouping (consortium) of tenderers which are established in a Member State of the European Union, ACP States or in a country or territory authorised by the ACP-EC Partnership Agreement under which the contract is financed (see also item 29 below). Participation is also open to international organisations.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of contract award, candidates or tenderers from the United Kingdom could be rejected from the procurement procedure.

12. Candidature

All eligible natural and legal persons (as per item 11 above) or groupings of such persons

(consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

13. Number of applications

Not more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG - 2.6.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1 of the PRAG.

Candidates included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

16. Sub-contracting

Subcontracting is allowed.

17. Number of candidates to be short-listed

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

May 2019

19. Provisional commencement date of the contract

September 2019

20. Initial period of implementation of tasks

33 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

1) Economic and financial capacity of candidate (based on item 3 of the application form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three financial years (2015, 2016, 2017).

- a) The annual turnover of the candidate for each of the last three financial years (2015, 2016, 2017) must exceed **€1,285,000.00 EUR**; and
- b) The current ratio (current assets divided by current liabilities) in the last year for which accounts have been closed (2017) must be at least 1. In case of a consortium this criterion must be fulfilled by each member.

2) Professional capacity of candidate (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years from submission deadline: April 2016 to March 2019.

- a) The candidate must have at least 15 permanent staff of which at least 2 must be working in the area of Transport; more specifically transport facilitation, monitoring and evaluation and institutional support.

3) Technical capacity of candidate (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last three years from submission deadline: April 2016 to March 2019.

- a) The candidate has successfully provided services under at least one (1) contract, or a maximum of two (2) contracts, with a cumulative budget, of at least that of this contract (€2,360,000) in the area of technical assistance to transport facilitation, monitoring and evaluation and institutional support which was implemented at any moment during the reference period: April 2016 to March 2019.
- b) The candidate should have a minimum of 5 years working experience across the fields related to Technical assistance in the transport facilitation, monitoring and evaluation and institutional support.

This means that the project the candidate refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still on-going only the portion satisfactorily completed

during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used. Documentary evidence is not required at the application stage but will be requested with the invitation to tender.

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality – and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies become jointly and severally liable for the performance of the contract.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the eight best candidates. The only additional comparative criteria that will be taken into consideration during this re-examination, in the order that they appear below, are:

1. The highest cumulated value of all the projects that meet criteria 3(a)
2. The highest cumulated value of all the working experience for projects that meet criteria 3(b)

N.B.: additional comparative criterion 2) will be applied only if the number of eligible candidates remains higher than 8 after applying additional comparative criterion 1).

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

The candidate's attention is drawn to the fact that there are two different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

16:00 Nigerian time on **Thursday 4th April 2019**

Any application sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

24. Application format and details to be provided

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. How applications may be submitted

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

Commissioner General Administration and Conference
ECOWAS Commission,
5th Floor, 101 Yakubu Gowon Crescent,
Asokoro District, P.M.B 401,
Abuja, Nigeria

- OR hand delivered by the candidate in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Commissioner General Administration and Conference
ECOWAS Commission,
5th Floor, 101 Yakubu Gowon Crescent,
Asokoro District, P.M.B 401,
Abuja, Nigeria

¹ It is recommended to use registered mail in case the postmark would not be readable.

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications submitted by any other means will not be considered.

By submitting an application candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

26. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. Operational language

All written communications for this tender procedure and contract must be in English.

28. Date of publication of prior information notice

4th December 2018

The notice number in OJ S may be found under the title of the project in the published notice on the EuropeAid webpage.

29. Legal basis

Annex IV to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as amended in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010. Reference is made to Annex IV as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014.

30. Additional information

The opening hours of the Contracting Authority is between 9:00 a.m. till 17:00 p.m. Mondays to Fridays except on public holidays.

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