REQUEST FOR PROPOSAL

INSTRUCTIONS TO TENDERERS

CONTRACT TITLE: FRAMEWORK SERVICE SUPPLY CONTRACT FOR SHORT-TERM EXPERTS

TA PROGRAM TO SUPPORT THE DEVELOPMENT OF PPP IN ETHIOPIA


NB: When submitting their technical and financial tender, tenderers must follow all instructions given in the current document, forms required, terms of reference, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.

I. SERVICES TO BE PROVIDED

The services required by the Contracting Authority is to “provide short-term expertise for the Technical Assistance program to support the development of Public-Private Partnership in Ethiopia” and are fully described in the Terms of Reference (ref doc).

II. PROCEDURE’S SCHEDULE

<table>
<thead>
<tr>
<th>Event</th>
<th>DATE*</th>
<th>TIME**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information meeting (if any)</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Deadline for submitting tenders</td>
<td>13.09.2020</td>
<td>12:00 pm (Paris Time)</td>
</tr>
<tr>
<td>Interviews</td>
<td>13-26.09.2020</td>
<td>-</td>
</tr>
<tr>
<td>Completion date for evaluating technical offers</td>
<td>18.09.2020</td>
<td>-</td>
</tr>
<tr>
<td>Notification of award</td>
<td>21.09.2020</td>
<td>-</td>
</tr>
<tr>
<td>Contract signature</td>
<td>22.09.2020</td>
<td>-</td>
</tr>
<tr>
<td>Start date</td>
<td>23.09.2020</td>
<td>-</td>
</tr>
</tbody>
</table>
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*Provisional date
**All times are in the time zone of the country of the Contracting Authority

**Objective of the tender** - This open tender process aims at establishing several pools of short term experts to respond the PPPDG and EEP’ needs throughout the implementation of the program. Through this open tender process, all the experts who will be involved in the technical assistance project implementation are going to be pre-selected.

**Pools of expertise** - Each candidate shall apply to the pool that corresponds to his field of expertise. The different pools of expertise, listed below, are divided in procurement lots which will be awarded to several experts. Each candidate (individual expert or company) can apply for several procurement lot. Candidates may not make their prize conditional on the award of more than one lot.

(i) **Framework service contract per lot**: Each expert who will be pre-selected through this tender will signed a framework service contract with Expertise France with a maximum amount.

(ii) **Subsequent contracts**: Upon the occurrence of a requirement from Expertise France, the pre-selected candidates will be re-competed for a subsequent contract. The award criteria set out in the tender specifications will be based on:
- Technical criteria (candidate’s previous experiences with regard to the service needed);
- Logistical criteria (availability of the candidate).

Within 7 working days of a request for services being sent by Expertise France to the contractors, Expertise France shall receive the specific tender back, duly signed and dated. In the event of failure to observe these conditions the contractor shall be considered to waive its participation in the specific competition. The contracting authority may sign a specific contract with the contractor who has submitted the best specific tender on the basis of the award criteria set out in the tender specifications.

Within 5 working days of a specific contract being sent by the contracting authority to the contractor, the contracting authority shall receive it back, duly signed and dated. The period allowed for the execution of the tasks shall start to run on the date indicated in the specific contract.

III. **PARTICIPATION AND SUBCONTRACTING**

Legal persons are not entitled to participate in this tender procedure or be awarded a contract if they are in any of the conditions mentioned in articles R. 2192-10 et seq of The French Code of public procurement or any equivalent ban issued in another country, and detailed in the Annex of the current document “Declaration of honour on exclusion criteria and absence of conflict of interest”.

IV. **CONTENT OF THE TENDER FILE**

The tender File is composed by the following documents:

- Request for proposals (règlement de la consultation)
- Framework supply contract (1 per procurement lots)
- Terms of reference (1 per procurement lots)
- Financial offer
- Expression of interest form
V. **CONTENT OF THE TENDERS**

Candidatures material, offers, all correspondence and documents related to the tender exchanged by the tenderer and the Contracting Authority must be written in English.

Supporting documents furnished by the tenderer may be in another language, provided they are accompanied by a translation into the language of the procedure. For the purposes of interpreting the tender, the language of the procedure has precedence.

Failure to fulfil the requirements described in the current paragraph will constitute a formal error and may result in rejection of the tender.

(i) **Expression of interest material**

The Candidatures material must include the following documents:

1. A completed **Expression of interest form**
2. A completed **Legal identity form** (see Annex VI to the contract agreement).
3. A list of maximum 3 project references related to the procurement lots for which the candidate applies with referees to contact (expression of interest appendix 3)
4. Sworn statement on exclusion criteria, the absence of conflict of interest and the availability of the tenderer (expression of interest appendix 1)
5. Third party identification sheet (expression of interest appendix 2)

(ii) **Technical offer**

The Technical offer must include the following documents:

- **Methodology** (will become Annex III to the contract), to be drawn up by the tenderer, including:
  a) Resume of **maximum 5 pages** for each short-term expert candidate (with only relevant experiences related to the procurement lot for which the candidate applies)
  b) Motivation letter of 2 pages maximum detailing how the expert is going to/ has already in the past implemented a learning by doing approach to reinforce capacity of beneficiaries/ administration.

(iii) **Financial offer**

The Financial offer must be presented as a contractual fixed lump sum in euro for all tasks mentioned in the Terms of Reference and must be submitted using the contract agreement. The contract value must be indicated in Annex IV (Contract value) of the contract agreement.

The Financial offer must include the following documents:

1. The duly completed, dated and signed **Framework Contract agreement for the procurement lots for which the candidate is applying**
2. A completed **Financial Proposal** (see Annex to the contract agreement) to indicate the bank account into which payments should be made if the tender is successful.

Candidates cannot make their prize conditional on the award of more than one lots.

**NOTA BENE:** Tenderers are reminded that the maximum budget available for each procurement lots of the different Framework supply service contract, as stated in the notice, are the following per:
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<table>
<thead>
<tr>
<th>Procurement lot number</th>
<th>Expertise</th>
<th>Maximum amount in EUR</th>
<th>Max. pre selected candidates*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot n°1</td>
<td>LEGAL</td>
<td>166 750,00</td>
<td>7</td>
</tr>
<tr>
<td>Lot n°2</td>
<td>FINANCIAL AND ECONOMIC</td>
<td>103 500,00 €</td>
<td>7</td>
</tr>
<tr>
<td>Lot n°3</td>
<td>PROJECT PLANNING</td>
<td>34 500,00 €</td>
<td>4</td>
</tr>
<tr>
<td>Lot n°4</td>
<td>EXPERT CLEAN POWER 1: GRID CONNECTED SOLAR PV.</td>
<td>53 000,00 €</td>
<td>7</td>
</tr>
<tr>
<td>Lot n°5</td>
<td>EXPERT CLEAN POWER 2: GRID CONNECTED LARGE WIND</td>
<td>45 000,00 €</td>
<td>7</td>
</tr>
<tr>
<td>Lot n°6</td>
<td>GEOTHERMAL: CLEAN POWER (POWER/ENERGY ENGINEERING)</td>
<td>15 000 €</td>
<td>4</td>
</tr>
<tr>
<td>Lot n°7</td>
<td>SAFEGUARDS 1: ENVIRONMENT AND CLIMATE CHANGE</td>
<td>34 440,00 €</td>
<td>5</td>
</tr>
<tr>
<td>Lot n°8</td>
<td>SAFEGUARDS 2: SOCIAL AND GENDER</td>
<td>34 440,00 €</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>471 630,00 €</td>
<td></td>
</tr>
</tbody>
</table>

Max. pre-selected candidates*: is related to the maximum number of expert that will be selected. A company cannot condition its offer to the selection of multiple experts.

Payments under this contract will be made in the currency of the tender.

(iv) Costs for preparing tenders

No costs incurred by the tenderer in preparing and submitting the tender are reimbursable. All such costs must be borne by the tenderer.

(v) Submission of tenders

In order to submit their tenders, tenderers must enter the following reference in the “current tender – search” field on the e-procurement platform (www.marches-publics.gouv.fr): XXXXXXXX

Tenders must be submitted through the e-procurement platform before September 13th, 2020 at 12:00 (Paris time). They must include the requested documents hereinabove.

Tenders submitted by any other means will not be considered.

The pages of the Technical offer must be numbered.

(vi) Amending or withdrawing tenders

Tenderers may amend or withdraw their tenders by written notification through the e-procurement platform prior to the deadline for submitting tenders. Tenders may not be amended after this deadline.

Any such notification of amendment or withdrawal must be prepared and submitted in accordance with the requirements described hereinabove.

(vii) Period during which tenders are binding

Tenderers are bound by their tenders for 120 days after the deadline for submitting tenders or until they have been notified of non-award.

VI. EVALUATION OF TENDERERS’ CAPACITY

In order to be considered technically capable of providing the tasks and services described in the terms of reference, each tenderer will have to meet the following requirements:
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- The tenderer must provide proof that it is registered with a professional register (e.g.: ‘extrait Kbis’ for company established in France or an equivalent document).
- A list of maximum 5 project references related to the procurement lots for which the candidate applies with referees to be contacted.

Failure to meet the above-mentioned requirements or to provide the documents requested as candidatures material will result in the candidate’s tender being declared non-compliant and rejected without being analysed.

VII. EVALUATION OF TENDERS

Award criteria for the procurement lots

The best value for money is established by weighing technical quality against price on a 70/30 basis.

The quality of each technical and financial offer will be evaluated in accordance with the following award criteria and the weighting:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quality</td>
<td>70</td>
</tr>
<tr>
<td>Relevance of the resume (max. 5 pages) with education background, Core Experience, Mandatory, that are described in Terms of reference</td>
<td>(20)</td>
</tr>
<tr>
<td>Relevance of the proposed approach and methodology for the learning by doing method (motivation letter)</td>
<td>(20)</td>
</tr>
<tr>
<td>Relevance of the resume with Specific Assessment and example of documents to be reviewed or delivered to EEP/ PPPDG that are described in Terms of reference</td>
<td>(30)</td>
</tr>
<tr>
<td>Price/ Financial offer</td>
<td>30</td>
</tr>
<tr>
<td>Financial rating (FR) on 30 points maximum will be made on the comparison of the financial offers of the different applicants by application of the following formula:</td>
<td></td>
</tr>
<tr>
<td>FR = 30 x lowest financial offer / rated financial offer</td>
<td></td>
</tr>
</tbody>
</table>

Tenders will be appraised and given a score up to 100 points according to these criteria.

VIII. NEGOTIATION

Negotiation is not allow in the open process.

IX. CHOICE OF SELECTED TENDERERS

After final notation of the offers, each lot will be awarded to the tenderers whom offer have been given the higher score and thus proposing the best quality at the smallest cost.

X. CONFIDENTIALITY

The entire evaluation procedure is confidential, subject to the Contracting Authority’s legislation on access to documents. The Evaluation Committee’s decisions are collective and its deliberations are held in closed session. The members of the Evaluation Committee are bound to secrecy. The evaluation
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reports and written records are for official use only and may be communicated neither to the tenderers nor to any party other than the Contracting Authority.

XI. ETHICS CLAUSES / CORRUPTIVE PRACTICES

a) Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the Evaluation Committee or the Contracting Authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.

b) The tenderer must not be affected by any conflict of interest and must have no equivalent relation in that respect with other tenderers or parties involved in the project.

c) Tenders will be rejected or contracts terminated if it emerges that the award or execution of a contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a payee who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

d) The Contracting Authority reserves the right to suspend or cancel the procedure, where the award procedure proves to have been subject to substantial errors, irregularities or fraud. If substantial errors, irregularities or fraud are discovered after the award of the Contract, the Contracting Authority may refrain from concluding the Contract.

XII. SIGNATURE OF CONTRACT(S)

13.1. Notification of award

The successful tenderers will be informed by electronic means through the above-mentioned e-procurement platform writing that its tender has been accepted.

The other tenderers will, prior to the notification of the contract, be informed that their tenders were not accepted, by electronic means, including an indication of the relative weaknesses of their tender by way of a comparative table of the scores for the winning tender and the unsuccessful tender.

The Contracting Authority will furthermore, at the same time, also inform the remaining unsuccessful tenderers and the consequence of these letters will be that the validity of their offers must not be retained.

XIII. CANCELLATION OF THE TENDER PROCEDURE

In the event of cancellation of the tender procedure, the Contracting Authority will notify tenderers of the cancellation.

Cancellation may occur where:

- the tender procedure has been unsuccessful, i.e., no qualitatively or financially worthwhile tender has been received or there is no valid response at all;
- there are fundamental changes to the economic or technical data of the project;
- exceptional circumstances or force majeure render normal performance of the contract impossible;
- all technically compliant tenders exceed the financial resources available;
- there have been irregularities in the procedure, in particular if they have prevented fair competition;
• the award is not in compliance with sound financial management, i.e. does not respect the principles of economy, efficiency and effectiveness (e.g. the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate with regard to the price of the market).

In no event shall the Contracting Authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure, even if the Contracting Authority has been advised of the possibility of damages. The publication of a procurement notice does not commit the Contracting Authority to implement the programme or project announced.

XIV. **ADDITIONAL INFORMATION BEFORE THE DEADLINE FOR SUBMITTING TENDERS**

If the Contracting Authority, either on its own initiative or in response to a request from a tenderer, provides additional information on the tender dossier, it must send such information through its buyer profile on the e-procurement platform at www.marches-publics.gouv.fr to all other tenderers at the same time.

Tenderers may submit questions through the e-procurement platform www.marches-publics.gouv.fr up to 5 days before the deadline for submission of tenders. In order to submit their questions and have access to the tender area, tenderers must use the “current tender – search” field and enter the following reference: 2020-080901

The Contracting Authority will provide clarification at the latest 3 days before the deadline for submitting tenders.

XV. **APPEALS**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint.

The Paris Administrative Court is in charge of complaint procedures (address: 7 rue de Jouy, F-75004 Paris, France; e-mail: greffe.ta-paris@juradm.fr).

Tenderers can obtain information on complaint procedures from the Registry of the Paris Administrative Court (address: 7 rue de Jouy, F-75004 Paris, France; e-mail: greffe.ta-paris@juradm.fr).
APPENDIX 1)

DECLARATION OF HONOUR ON EXCLUSION CRITERIA AND ABSENCE OF CONFLICT OF INTEREST

(Complete or delete the parts in grey italics in parenthese) [Choose options for parts in grey between square brackets]

The undersigned (insert name of the signatory of this form):

☑ in [his][her] own name (for a natural person)

or

☑ representing the following legal person: (only if the economic operator is a legal person)

full official name:

official legal form:

full official address:

VAT registration number:

➢ declares that [the above-mentioned legal person][he][she] is not in one of the situation mentioned in articles R. 2192-10 et seq of The French Code of public procurement or any equivalent ban issued in another country and notably in the following situation:

a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;

c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;

d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;
e) has been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;

f) is subject to an administrative penalty for being guilty of misrepresenting the information required by the contracting authority as a condition of participation in a grant award procedure or another procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts or grants covered by the Union's or one Member State's budget.

- (Only for legal persons other than Member States and local authorities, otherwise delete)
  declares that the natural persons with power of representation, decision-making or control over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

- declares that [the above-mentioned legal person][he][she]:
  g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
  h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
  i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
  j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;

- acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example,  

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1 This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.
VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Full name:
Position:
Date:
Signature: