

INSTRUCTIONS TO TENDERERS

CONTRACT TITLE: CONDUCTION OF TWO PPP FEASIBILITY STUDIES FOR TWO WIND PROJECTS IN ETHIOPIA

The present procurement procedure is subject to the French Code of public procurement in its latest version in force as enacted by Order No. 2018-1074 issued on 26 November 2018 and its Implementation Decree No. 2018-1075 issued on 3 December 2018. Expertise France proceeds with open tender in application of L. 2124-2, R. 2161-2, R. 2161-3, R. 2161-4 and R. 2161-5 du CCP.

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 “conduct two feasibility studies for two energy wind project candidates for a PPP” and are fully described in the Terms of Reference (PPP-Ethiopia-windFS – TOR).

II. PROCEDURE’S SCHEDULE

	DATE*	TIME**
Deadline for submitting tenders	December 13th , 2021	12:00 (Paris Time)
Interviews	December 15 th , 2021	-
Completion date for evaluating technical offers	January 5 th , 2022	-
Notification of award	January 20 th , 2022	-
Contract signature	January 31 th , 2022	-
Start date	February 1 st , 2022	-

*Provisional date

** All times are in the time zone of the country of the Contracting Authority

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 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 DOSSIER

The tender dossier is composed by the following documents:

- Terms of References (ToRs) for two feasibility studies (Dire Dawa and Adigala)
- This present Instruction to tenderers
- Project of Contract to be signed
- **Expression of interest form to be completed**
- **Template of Work-plan for two feasibility studies (Dire Dawa and Adigala) – to be completed**
- Financial offer template – **to be completed**

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**; only the leader of the consortium or tenderer must complete and sign the submission form;
- (2) A completed **Legal identity form**. The legal identity must be submitted only by the consortium leader;
- (3) Power of Attorney for Lead Member of Consortium European Single Procurement Document (ESPD) form

In case of subcontracting, a statement guaranteeing the eligibility of the subcontractor. The statement must contain information on the financial, economic, technical and professional capacities of the envisaged subcontractor.

(ii) Technical offer

The Technical offer must include the following documents:

- (1) **Methodology**, to be drawn up by the tenderer, including:
 - a) Understanding of the mission
 - b) Methodological approach to elaborate **each of the deliverables** : A document detailing the methodological approach of the applicant to elaborate each of the deliverables (see table below listing all the expected deliverables) including a minima per deliverable the organisation of a scoping meeting, the elaboration of preliminary deliverable, presentation of the preliminary report for the beneficiaries to collect their observations, the production of a final deliverable, presentation of the final report for the beneficiaries to collect their observations and Intermediary consultation of the EEP focal point when needed (see **TOR IV. Details of the assignment 1) Methodology of action**)
- (2) **A diagram detailing the exact distribution of tasks and responsibilities** of each team member is drafted: the diagram must make it possible to answer who does what and when. The document shall detail the internal operating processes to be implemented for the production of each deliverable (who is in charge of collecting data's, who is in charge to draft the report, who is validating the report, who is in charge of the presentation)
- (3) **Work plan – to be completed**: Detailed work plan of every expected deliverable, overall planning of the mission and timeline deliveries of every deliverable identified in the terms of reference (including reporting) – in compliance with the minimum deadlines fixed by the document.
- (4) **Technical team Experience and Reference** – to be completed: the profiles of 14 experts are detailed in the ToRs. The Applicant must provide a single resume per position (the applicant can assign the same profile for different positions as soon as the profile meets the minimum requirements of each position).

As a reminder of the terms of the specifications:

Preliminary deliverables		
Minimal deadline requirements	Item	Deliverables
March 2021	x2	Preliminary PPP Project Outcomes Standards Report
March 2021	x2	Preliminary PPP Project Stakeholder Consultation Plan
May 2021	x2	Fiscal Affordability report
May 2021	x2	End User Affordability report
May 2021	x2	Hybrid Affordability report
May 2021	x2	Preliminary PPP Project Demand Analysis Report
May 2021	x2	Preliminary Project Financial Feasibility Analysis Report
June 2021	x2	Preliminary PPP Project Economic Feasibility Analysis Report,
June 2021	x2	Preliminary VfM worksheet
July 2021	x2	Preliminary Technical Feasibility Analysis report
September 2021	x2	Preliminary ToR for ESIA
September 2021	x2	Preliminary PPP Legal and Institutional Feasibility Analysis Report
September 2021	x2	Preliminary PPP Contract Monitoring Framework
September 2021	x2	Preliminary PPP transaction design document

September 2021	x2	Preliminary Private Sector Market Interest Assessment report
September 2021	x2	Preliminary Procurement Strategy document
August 2021	x2	Preliminary Risk Identification Report
August 2021	x2	Preliminary Risk Analysis and Allocation Report
Final deliverables		
Item	Item	Deliverable
July 2021	x2	PPP Project Outcomes Standards Report
July 2021	x2	PPP Project Stakeholder Consultation Plan
July 2021	x2	PPP Project Affordability Report
July 2021	x2	PPP Project Demand Analysis Report
July 2021	x2	Project Financial Feasibility Analysis Report
July 2021	x2	PPP Project Economic Feasibility Analysis Report,
July 2021	x2	VfM worksheet
September 2021	x2	Technical Feasibility Analysis report
September 2021	x2	Environmental and Social Impact Assessment report
November 2021	x2	PPP Legal and Institutional Feasibility Analysis Report
November 2021	x2	PPP Contract Monitoring Framework
November 2021	x2	PPP transaction design document
November 2021	x2	Private Sector Market Interest Assessment report (including revised risk analysis as required)
November 2021	x2	Procurement Strategy document
November 2021	x2	Risk Identification Report
November 2021	x2	Risk Analysis and Allocation Report
December 2022	X1	Final feasibility study for Adigala
December 2022	X1	Final feasibility study for Dire Dawa

(5) Financial offer

The Financial offer must be presented as a contractual fixed lump sum in euro and include all type of expenditures (fees, travel, accommodation...) for all tasks mentioned in the Terms of Reference and must be submitted using the contract agreement. The contract value must be indicated in Article 4 (Contract value) of the contract agreement.

The Financial offer must include the following documents:

- (1) The duly completed, dated and signed **Contract agreement**;
- (2) A completed **Financial Identification form** to indicate the bank account into which payments should be made if the tender is successful.

NOTA BENE: Tenderers are reminded that the maximum budget available for this contract, as stated in the notice, is **EUR 850 000** (exclusive of taxes).

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

(iii) 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.

(iv) 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: <https://www.marches->

publics.gouv.fr/?page=entreprise.EntrepriseAdvancedSearch&AllCons&refConsultation=856432&orgAronyme=s2d

Tenders must be submitted through the e-procurement platform before **December the 13th, 2021 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.

(v) 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.

(vi) Period during which tenders are binding

Tenderers are bound by their tenders for 90 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:

- Provide 1 resume per requested profile (14) - The Applicant must provide **a single resume** per position (the applicant can assign the same profile for different positions as soon as the profile meets the minimum requirements of each position).
- The two Feasibility studies are to be completed in a maximum of one (1) year

The tenderers may rely on capacity of other economic operators, including consortium members and subcontractors to meet the requirements.

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

Preliminary information:

Offers must contain minimal:

- **The duly completed Technical Team Experience document** –: the profiles of 14 experts are detailed in the ToRs. The Applicant must provide a single resume per position (the applicant can assign the same profile for different positions as soon as the profile meets the minimum requirements of each position).

The positions are the following: Project Director, Project Risk Manager, Communication and stakeholder engagement. Specialist, Economic and financial Specialist, Wind Engineer, Environmental Specialist, Social Specialist, Electrical (Grid) Engineer, Civil Engineer, Geotechnical Engineer, Transportation and Logistics Engineer, Land Acquisition and Resettlement Specialist, Legal and regulation analyst, Legal and regulation analyst.

- **Methodological approach to elaborate each of the deliverables** : A document detailing the methodological approach of the applicant to elaborate each of the deliverables (see table below) including per deliverable the organisation of a scoping meeting, the elaboration of preliminary

deliverable, presentation of the preliminary report for the beneficiaries to collect their observations, the production of a final deliverable, presentation of the final report for the beneficiaries to collect their observations and Intermediary consultation of the EEP focal point when needed (**see TOR IV. Details of the assignment 1) Methodology of action**)

- A diagram detailing the exact distribution of tasks and responsibilities of each team member is drafted (minimum of 14 experts): the diagram must make it possible to answer who does what and when. The document shall detail the internal operating processes to be implemented for the production of each deliverable (who is in charge of collecting data's, who is in charge to draft the report, who is validating the report, who is in charge of the presentation)

- Work plan – to be completed: Detailed work plan of every expected deliverable, overall planning of the mission and timeline deliveries of every deliverable identified in the terms of reference (including reporting)

- A diagram detailing the exact distribution of tasks and responsibilities of each team member is drafted (for the 14 positions): the diagram must make it possible to answer who does what and when. The document shall detail the internal operating processes to be implemented for the production of each deliverable (who is in charge of collecting data's, who is in charge to draft the report, who is validating the report, who is in charge of the presentation)

Award criteria

The best value for money is established by weighing technical quality against price on a **82/18** basis.

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

CRITERIA	WEIGHTS
Technical	82
Internal structuring of teams :	15
<ul style="list-style-type: none"> Consistency in the distribution of profiles by deliverable; 	4
<p>Minimal requirements: A diagram detailing the exact distribution of tasks and responsibilities of each team member is drafted (for the 14 positions). This diagram must make it possible to answer who does what and when. The document shall detail the internal operating processes to be implemented for the production of each deliverable (who is in charge of collecting data's, who is in charge to draft the report, who is validating the report, who is in charge of the presentation)</p> <ul style="list-style-type: none"> Presence of a mission support team such as project managers, project assistants, junior experts (highest score given to the most comprehensive support team) Proposal of a local support team such as translators, project assistants, junior experts 	6 5
The proposed approach and methodology:	15

<p>The applicant provides a clear structuration of its methodology of action per deliverable (step by step) detailed in work plan with timelines:</p> <ul style="list-style-type: none"> • Identification of relevant actors to meet • Organisation of on-site missions (number and participants) • Enrichment of the methodology in relation to the content of the specifications - ability to propose innovative, relevant solutions • By deliverable, identification of risk points related to data availability and proposal for a solution and mitigation. <p>Minimal requirement : <u>A document detailing the methodological approach of the applicant to elaborate each of the deliverables (see table n°3) including per deliverable the organisation of a scoping meeting, the elaboration of preliminary deliverable, presentation of the preliminary report for the beneficiaries to collect their observations, the production of a final deliverable, presentation of the final report for the beneficiaries to collect their observations and Intermediary consultation of the EEP focal point when needed (see TOR IV. Details of the assignment 1) Methodology of action)</u></p> <p>Work plan – to be completed: Detailed work plan of every expected deliverable, overall planning of the mission and timeline deliveries of every deliverable identified in the terms of reference (including reporting)</p>	<p>3 3 5 4</p>
<p>Material resources dedicated to the execution of the services (data processing software, etc.)</p>	<p>3</p>
<p>Nota Bene: The Applicant must provide a single resume per position (the applicant can assign the same profile for different positions as soon as the profile meets the minimum requirements of each position).</p> <p>The position are the following (14) : Project Director, Project Risk Manager, Communication and stakeholder engagement Specialist, Economic and financial Specialist, Wind Engineer, Environmental Specialist, Social Specialist, Electrical (Grid) Engineer, Civil Engineer, Geotechnical Engineer, Transportation and Logistics Engineer, Land Acquisition and Resettlement Specialist, Legal and regulation analyst, Legal and regulation analyst.</p> <p>Experience of the team leader</p> <ul style="list-style-type: none"> • Number of years of experience as a team leader or equivalent on feasibility study projects • Number of years of experience on wind PPP projects in Africa • Number of years of experience on wind projects in Ethiopia <p>Mandatory Experience of the team leader:</p> <ul style="list-style-type: none"> • Minimum 5 years’ experience as Project Director or equivalent • Minimum 10 years of experience in the wind energy sector • Involved in minimum 3 PPP feasibility studies with the same scope of work. • Minimum 2 projects in East Africa 	<p>8</p> <p>2 2 4</p>

<ul style="list-style-type: none"> • Mandatory fluent in English 	
<p>Experience of the Project Risk Manager</p> <ul style="list-style-type: none"> • Number of years of experience on wind projects in Africa • Number of years of experience on wind projects in Ethiopia <p>Mandatory Experience of the Project Risk Manager:</p> <ul style="list-style-type: none"> • Minimum 10 years' experience in project risk assessment and management • Minimum 5 years' experience as coordinator of complex, large scale infrastructure PPP projects, with exposure to energy sector • Minimum 5 years of experience in emerging markets, • Involved PPP feasibility studies with the same scope of work. • Mandatory fluent in English 	<p>5</p> <p>2,5</p> <p>2,5</p>
<p>Experience of the Economic and financial Specialist</p> <ul style="list-style-type: none"> • Number of years of experience on wind projects in East Africa • Number of years of experience on these projects in Ethiopia <p>Mandatory Experience of the Economic and financial Specialist:</p> <ul style="list-style-type: none"> • Minimum 8 years' experience in the role of economist and financial specialist or equivalent for energy project • Demonstrated professional experience in PPPs and project finance with a proven track record in financial evaluation and financial modelling of PPP projects including value for money, PSC analysis, affordability and fiscal impact assessment. • Demonstrated experience in dealing with project finance structures and products and experience in financially closing of PPP projects. • Knowledge of the power sector and experience in financial structuring of projects in the sector. • Experience in at least 3 similar economic and financial feasibility studies for multi-MW power generation projects in Africa. • At least one experience on a wind project. • Mandatory fluent in English 	<p>5</p> <p>2,5</p> <p>2,5</p>
<p>Experience of the Wind Engineer</p> <ul style="list-style-type: none"> • Number of years of experience on projects in Ethiopia <p>Mandatory Experience of the Wind Engineer:</p> <ul style="list-style-type: none"> • Minimum 8 years' experience as measurement and energy yield assessment and design specialist • Involved in minimum 3 feasibility studies with the same scope of work (wind project) • Experience in project in East Africa • Mandatory fluent in English 	<p>4</p>
<p>Experience of the Electrical (Grid) Engineer</p> <ul style="list-style-type: none"> • Experience in Ethiopia for energy projects 	<p>3</p>

<p>Mandatory Experience of the Electrical (Grid) Engineer:</p> <ul style="list-style-type: none"> • Minimum 5 years' experience as electrical grid consultant for feasibility studies • Involved in minimum 2 wind project's connection studies with the same scope of work. • Experience in project in East Africa • Mandatory fluent in English 	
<p>Experience of the Environmental Specialist</p> <ul style="list-style-type: none"> • Ability to speak local language • Experience in EIA in Ethiopia <p>Mandatory Experience of the Environmental Specialist:</p> <ul style="list-style-type: none"> • Minimum 10 years' experience as EIA specialist in the energy industry • Experience in EIA studies in Africa in the energy industry • Experience in EIA studies with the same scope of work for a wind project • Experience in applying the standards and evaluation benchmarks of the World Bank Group. Knowledge of Ethiopian legislation and experience with Ethiopian authorities will be an advantage. • Mandatory fluent in English 	<p style="text-align: center;">4</p> <p style="text-align: right;">2</p> <p style="text-align: right;">2</p>
<p>Experience of the Social Specialist</p> <ul style="list-style-type: none"> • Ability to speak local language • Experience on Social impact assessment in Ethiopia • Knowledge of Ethiopian legislation ad experience with Ethiopian authorities <p>Mandatory Experience of the Social Specialist:</p> <ul style="list-style-type: none"> • 8 years of experience in social impact assessments • Experience in social impact assessment in the energy industry, including gender analysis • Experience in the application of development partnerships in Social Management Framework on Safeguards Policy Statement (involuntary resettlement safeguards, indigenous people safeguards, Physical Cultural Resources, etc.) • Experience in applying the standards and evaluation benchmarks of the World Bank Group. • Fluency in English is required. 	<p style="text-align: center;">6</p> <p style="text-align: right;">2</p> <p style="text-align: right;">2</p> <p style="text-align: right;">2</p>
<p>Experience of the Land Acquisition and Resettlement Specialist</p> <ul style="list-style-type: none"> • Ability to speak local language <p>Mandatory Experience of the Land Acquisition and Resettlement Specialist:</p> <ul style="list-style-type: none"> • Minimum 10 years' experience as Land acquisition and resettlement expert • Experience in Land acquisition and resettlement process in Ethiopia 	<p style="text-align: center;">4</p>

<ul style="list-style-type: none"> • Experience in applying the standards and evaluation benchmarks of the World Bank Group. Knowledge of Ethiopian legislation and experience with Ethiopian authorities will be an advantage. • Fluency in English required 	
<p>Experience of the Legal and regulation analyst</p> <ul style="list-style-type: none"> • Ability to speak local language • Experience in legal consulting in Ethiopia <p>Mandatory Experience of the Legal and regulation analyst:</p> <ul style="list-style-type: none"> • Familiarity with electrical power and environmental regulations • Minimum 10 years’ demonstrated international and regional experience in PPPs and related legal and contractual matters, and policy and institutional assessments. • Demonstrated professional experience and knowledge of the legal (commercial and contract law), regulatory and institutional framework for PPPs in Ethiopia • High proficiency in written and spoken English 	<p style="text-align: right;">4</p> <p style="text-align: right;">2</p> <p style="text-align: right;">2</p>
<p>Experience of the Procurement specialist</p> <ul style="list-style-type: none"> • Ability to speak local language • Experience in legal consulting in Ethiopia <p>Mandatory Experience of the Procurement specialist:</p> <ul style="list-style-type: none"> • Minimum 8 years’ demonstrated international and regional experience with procurement processes for large-scale energy projects • Solid knowledge of scoring models for bid evaluation and preparation of tender documentation • Exposure to at least 3 comparable PPP projects adopting Value-for-Money approaches • High proficiency in written and spoken English 	<p style="text-align: right;">4</p> <p style="text-align: right;">2</p> <p style="text-align: right;">2</p>
<p>Experience of the Communication and stakeholder engagement Specialist</p> <ul style="list-style-type: none"> • Ability to speak local language • Experience in Ethiopia in the same scope of work (energy projects) <p>Mandatory Experience of the Communication and stakeholder engagement Specialist:</p> <ul style="list-style-type: none"> • Minimum 10 years’ experience in stakeholder management roles, particularly facilitation, training, partnership building • Demonstrated experience with large infrastructure projects. • Experience in at least 3 similar assignments in Africa. • At least one experience on an energy project. • Mandatory fluency in English <p>Nota Bene: The Applicant must provide a resume per position (the applicant can assign the same profile for different positions as soon as the profile meets the minimum requirements of each position).</p>	<p style="text-align: right;">2</p> <p style="text-align: right;">1</p> <p style="text-align: right;">1</p>

<p>The position are the following (14) : Project Director, Project Risk Manager, Communication and stakeholder engagement Specialist, Economic and financial Specialist, Wind Engineer, Environmental Specialist, Social Specialist, Electrical (Grid) Engineer, Civil Engineer, Geotechnical Engineer, Transportation and Logistics Engineer, Land Acquisition and Resettlement Specialist, Legal and regulation analyst, Legal and regulation analyst.</p>	
<p>Price</p>	<p>18</p>
<p>Financial rating (FR) on 25 points maximum will be made on the comparison of the financial offers of the different applicants by application of the following formula:</p> <p>FR = 18 x lowest financial offer / rated financial offer</p>	

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

NB:

- Only tenders with scores of at least 50 points on technical evaluation qualify for the financial evaluation;
- No other award criteria will be used. The award criteria will be examined in accordance with the requirements indicated in the Terms of Reference.

VIII. CHOICE OF SELECTED TENDERER

After possible negotiation and a final notation of the offers, the contract will be awarded to the tenderer whom offer has been given the higher score and thus proposing the best quality at the smallest cost.

IX. 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 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.

X. 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.

XI. SIGNATURE OF CONTRACT(S)

13.1. Notification of award

The successful tenderer 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.

XII. 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.

XIII. 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;

<https://www.marchespublics.gouv.fr/?page=entreprise.EntrepriseAdvancedSearch&AllCons&refConsultation=856432&orgAcronyme=s2d>

For further information or queries, you may also contact Nastasia Pousse, PPP Coordinator for the project: nastasia.pousse@expertisefrance.fr

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

XIV. 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).

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

(Complete or delete the parts in grey italics in parentheses)
[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 control¹ 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, 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

¹ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

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 :