

## SERVICE CONTRACT NOTICE

### **11<sup>th</sup> EDF Energy Governance in West Africa – (AGoSE-AO) ECOWAS Region – Benin, Burkina Faso, Cape Verde, Ghana, Nigeria**

**Location** – West Africa (ECOWAS Region): Benin, Burkina Faso, Cape Verde, Ghana, Nigeria

**1. Publication reference**

EuropeAid/139043/IH/SER/MULTI

**2. Procedure**

Restricted

**3. Programme title**

Energy Governance in West Africa (ECOWAS) - AGoSE-AO

**4. Financing**

Financing Agreement n° ROC/2016/039-384

**5. Contracting Authority**

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

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## CONTRACT SPECIFICATION

**6. Nature of contract**

Fee-based

**7. Contract description**

The contractor will provide technical assistance in support of the ECOWAS Commission and its specialised agencies (WAPP, ERERA, ECREEE), and to the WAEMU (UEMOA) Commission to manage the implementation of the 11<sup>th</sup> EDF Energy Governance Programme in West Africa (AGoSE-AO).

The specific objective is to provide support for the regional institutions (ECOWAS, UEMOA, ECREEE WAPP, ERERA) in line with their capacity building needs, in the implementation of activities related to the Energy Sector Governance in West Africa support programme (AgoSE-AO). This includes inter alia, to:

- Support ECOWAS in the implementation of AgoSE-AO
- Assist the specialised regional institutions (ECOWAS WAPP, ERERA and ECREEE) as well as UEMOA, in implementation of AgoSE-AO for activities pertaining to them

- Assist ECOWAS and UEMOA in communication and enhancing the visibility of AgoSE-AO

The Technical Assistance team consists of six long-term experts with the main technical assistant and Head of Mission based in the ECOWAS Commission in Abuja, 4 senior technical assistants (1 each for UEMOA, WAPP, ERERA ECOWAS, ECREEE). The main technical assistant will be assisted by a junior expert in administration and management:

1. Team leader: Senior Expert in Energy Policy and Regulatory and Institutional Framework (Duty station: ECOWAS Commission — Abuja)
2. Senior Expert in Energy Regulation (Duty station: ERERA — Accra)
3. Senior Expert in Renewable Energy and Energy Efficiency (Duty station: ECOWAS Commission — Abuja)
4. Senior Expert in Energy Pool (Duty station: WAPP — Cotonou)
5. Senior Expert in Energy Policy and Energy Information System (Duty station: UEMOA Commission — Ouagadougou)
6. Junior Expert in management and administration (Duty station: ECOWAS Commission - Abuja)

The long-term experts will be supported by a pool of short-term experts in market regulation, related experts and local staff.

#### **8. Number and titles of lots**

One

#### **9. Maximum budget**

EUR 4 290 000

#### **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 a maximum not exceeding the length and value of the initial contract . Any extension of the contract would be subject to satisfactory performance by the Contractor.

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## **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-EU Partnership Agreement under which the contract is financed (see also item 29 below). Participation is also open to international organisations.

### **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**

No 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 - 2.4.3.). 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 2.3.3 of the PRAG.

### **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.

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## **PROVISIONAL TIMETABLE**

### **18. Provisional date of invitation to tender**

September 2017

### **19. Provisional commencement date of the contract**

January 2018

### **20. Initial period of implementation of tasks**

48 months

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## **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.

a) The annual turnover of the candidate for each of the last three financial years (2014, 2015, 2016) must exceed €2,500,000 EUR; and

b) The current ratio (current assets divided by current liabilities) in the last year for which accounts have been closed (2015) 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 candidate must have at least 15 permanent staff of which at least 5 must be working in the area of Energy; more specifically in Energy Policy and regulation, power pools, renewable energy, energy efficiency and energy data systems.

**3) Technical capacity of candidate** (based on items 5 and 6 of the application form)

(a) The candidate has provided services under at least one (1) contract with a budget of at least that of this contract (€4,000,000) in the area of Technical assistance to Institutions in the Energy sector (Energy Policy and regulation, capacity building and energy data systems) which was implemented at any moment during the reference period: (2014, 2015, 2016)

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/tenderers 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/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer 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.

(b) The candidate should provide proofs of a minimum of 5 years working experience across the fields related to Technical assistance in the Energy sector, in particular in energy Policy and regulation, power pools, renewable energy, energy efficiency and energy data systems.

(c) The candidate should have implemented at least a service contract in the last three years, using international or EDF procurement and contract procedures.

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. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an 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 fulfil the same relevant selection criteria as the economic operator. 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 factors which will be taken into consideration during this re-examination are:

- i) Experience in Technical Assistance in the energy sector: two points for each additional project above the minimum requirement.
- ii) Experience in Energy Policy and Regulation: two additional points for each specific project in energy policy and regulation.
- iii) Experience in Power pools and Energy data systems: two additional points for each additional project.
- iv) Specific experience in the ECOWAS region: one point for each project to a maximum of 5% of the total points.

## **22. Award criteria**

Best price-quality ratio.

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# **APPLICATION**

## **23. Deadline for receipt of applications**

10:00 Nigerian time on Monday, 25th September 2017.

Any application received by the Contracting Authority after this deadline will not be considered.

## **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 recorded delivery (official postal service) to :

Commissioner General Administration and Conference  
ECOWAS Commission  
5<sup>th</sup> Floor, 101 Yakubu Gowon Crescent  
Asokoro District  
Abuja, Nigeria

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Commissioner General Administration and Conference  
ECOWAS Commission  
5th Floor, 101 Yakubu Gowon Crescent  
Asokoro District  
Abuja, Nigeria

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

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**

4<sup>th</sup> July 2017

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<sup>1</sup>**

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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<sup>1</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).