

SERVICE CONTRACT NOTICE

Technical Assistance for the Eastern and Southern Africa Transport and Transit Facilitation Programme Eastern and Southern Africa (EA-SA) /SADC, EAC, COMESA

Please note that the awarding of the contract is subject to the condition of:

the prior conclusion of a financing agreement,

which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

1. Publication reference

EuropeAid/138372/IH/SER/MULTI

2. Procedure

Restricted

3. Programme title

EA-SA-IO Transport and Transit Facilitation Programme (2016/038-610)

4. Financing

FED/2016/038/610

5. Contracting Authority

The Southern Africa Development Community, SADC

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The contractor will provide technical assistance (long and short term) to the EA-SA-IO Transport and Transit Facilitation Programme. The purpose of the Programme is to develop and implement harmonised road transport policies, laws, regulations and standards for efficient cross border road transport and transit networks, transport and logistics services, systems and procedures in the EA-SA region. The expected results are:

1. EA-SA Vehicle Load Management (VLM) Strategy Implemented in the continental area of the Tripartite;

2. Harmonised EA-SA vehicle regulations and standards implemented in the mainland countries of the Tripartite Agreement;
3. Preconditions for an operational EA-SA transport registers and information platform and system implemented;
4. Result 4: Efficiency of regional transport corridors in the Tripartite improved.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 9 million

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 4.5 million. 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.

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.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

January 2017

19. Provisional commencement date of the contract

July 2017

20. Initial period of implementation of tasks

54 months from the entry into force of the contract

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 years for which accounts have been closed.

Criteria:

1. The average annual turnover of the candidate must exceed the annualised maximum budget of the contract i.e., the maximum budget stated in the contract notice divided by the initial contract duration in years, where this exceeds 1 year (minimum annual turnover requested may not exceed 2 times the estimated annual contract value, except in duly justified cases motivated in the tender dossier);
 2. Current ratio (current assets/current liabilities) in the last year for which accounts have been closed 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.
- The candidate must have at least 15 permanent staff members for the current year and the two previous years (i.e 2014, 2015 and 2016) from which at least 10 are working in the areas of specialisation of the present contract.

Please adapt the Table 4 "Staff" of the application form in order to reflect the number of staff for each field and for each year.

- 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.

The candidate has provided services under at least three contracts each with a budget of at least EUR 5 million, of which at least EUR 2.5 million implemented by the candidate itself, covering at least five (5) of the below mentioned areas which were implemented at any moment during the reference period: October 2012-October 2015. This means that the projects 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 at any time 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 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.

The areas of specialisation of the present contract are the following:

- i. Liberalization of road transport sector
- ii. Transport legal reform and domestication of regional / international agreements into national laws and regulations including legal drafting
- iii. Training in legal drafting and interpretation of transport and traffic law enforcement procedures.

- iv. Design, establishment and strengthening of institutional and organizational capacities of road transport and road traffic policy and regulatory bodies
- v. Design, planning, operations and management of vehicle overload control, traffic management and vehicle inspection systems
- vi. Design and development of ICT-based integrated transport information systems, data bases and web-based open-source information system of the road transport sector
- vii. Intelligent Transport Systems
- viii. Road Safety and road transport law enforcement
- ix. Trade and transport facilitation
- x. Development of standards for drivers, vehicles and loads including accreditation of such standards
- xi. Road transport sector self-regulation systems
- xii. Design and management of systems and procedures for the accreditation, licensing and compliance monitoring of operators, vehicles and drivers in international transport operations;
- xiii. Cross Border Third Party Motor Vehicle Insurance Schemes

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 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 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 reexamined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- The highest number of areas of specialisation of the present contract, covered with service contracts above 5 million Euro during the reference period, of which at least 2.5 million Euro is implemented by the candidate itself.
- The highest number of service contracts above 5 million Euro implemented in Sub-Saharan Africa during the reference period, that correspond to at least one of the areas of specialisation of the present contract, and of which at least 2.5 million Euro is implemented by the candidate itself

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

Time 16:00- local time in Botswana, on 05/12/2016

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 :

SADC Headquarters Office
Registry
SADC House Plot No. 54385,
New Central Business District,
Private Bag 0095, Gaborone
Contact person: Mapolao Mokoena, tel +267 364 19 57

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:

SADC Headquarters Office
Registry
SADC House Plot No. 54385,
New Central Business District,
Private Bag 0095, Gaborone

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

17 September 2016

29. Legal basis¹

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

Questions and clarifications on this contract notice should be sent by email clearly quoting the publication reference in point 1 above to the following functional mailbox:

delegation-botswana-cfp@eeas.europa.eu

mmokoena@sadc.int

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