

## **SERVICE CONTRACT NOTICE**

### **Improving access to commercial networks for aquaculture-related businesses in East Africa**

**Location** – Uganda, Kenya, Tanzania

**1. Publication reference**

EuropeAid/140184/IH/SER/Multi

**2. Procedure**

Restricted

**3. Programme title**

Specific Objective 1 (BUSINESS): improve access to commercial networks for aquaculture-related businesses

**4. Financing**

EU-EAC True Fish Farming Story in Lake Victoria Basin (TRUE-FISH), FED/2018/039-248

**5. Contracting Authority**

East African Community (EAC).

Clarifications may be sought from the contracting authority at the following email address [eacprocurement@eachq.org](mailto:eacprocurement@eachq.org) and [eac@eachq.org](mailto:eac@eachq.org) at the latest 21 days before the deadline for submission of applications stated at the point 23 below.

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

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## **CONTRACT SPECIFICATION**

**6. Nature of contract**

Fee-based

**7. Contract description**

This contract aims to stimulate a more competitive regional aquaculture industry, particularly in Kenya, Tanzania and Uganda, supporting the development of stronger business links between regional and with international commercial aquaculture related businesses, strengthening trade and investment support services as well as facilitating investment and business scale-up. The following are the results to be achieved by the contractor: 1) Support the Lake Victoria Fisheries Organisation (LVFO) and regional aquaculture associations in the emergence of an East African Aquaculture Exhibition and Conference; 2) Facilitate flow of increased investment through connecting regional aquaculture companies to individual and

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institutional investors and funding sources; 3) Support regional aquaculture associations to develop and execute effective Business to Business and study tour programmes.

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

One lot only

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

EUR 1 700 000

#### **10. Scope for additional services**

The contracting authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately EUR 400 000. 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-EC Partnership Agreement under which the contract is financed (see also item 29 below). Participation is also open to international organisations.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\* and Annex IV of the ACP-EU Partnership Agreement\*\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom \*\*\*\*. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

\*\*\* Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

\*\*\*\* including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU

#### **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 – 2.6.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

### **15. Grounds for exclusion**

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

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

### **16. Sub-contracting**

Subcontracting is allowed.

### **17. Number of candidates to be short-listed**

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

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## **PROVISIONAL TIMETABLE**

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

21 September 2020

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

January 2021

### **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. The reference period which will be taken into account will be the last three years for which accounts have been closed.

Criteria for legal and natural persons:

- 1- the average annual turnover of the candidate during the last three years must exceed EUR 425 000
- 2- the 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.

Criteria for legal and natural persons:

- 1- at least 3 permanent staff work for the candidate during the current year
- 2- at least 1 staff currently work for the candidate in fields related to this contract

- 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.

Criteria for legal and natural persons:

- 1- The candidate has provided services under at least 1 contract with a budget of at least EUR 600 000 in agribusiness sector development which was implemented at any moment during the reference period: 3 years before the deadline for receipt of applications (see section 23. of this notice) up till the deadline for receipt of applications.

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

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

separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

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

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

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

- 1) the highest cumulated value of all the project that meet criteria 3.1
- 2) the highest number of projects that meet criteria 3.1

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

## **22. Award criteria**

Best price-quality ratio.

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# **APPLICATION**

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

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

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

The deadline for receipt of applications is 4:00pm East Africa Time (EAT) on the 7<sup>th</sup> of September 2020.

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

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

## **24. Application format and details to be provided**

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

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

address:

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

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

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

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

## **25. How applications may be submitted**

Applications must be submitted in English exclusively to the contracting authority in a sealed envelope:

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

The Secretary, Procurement Committee  
East African Community, EAC Close,  
Ground Floor, Secretariat Wing, EAC Complex, Room G113  
PO Box 1096, Arusha Tanzania

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

The Secretary, Procurement Committee  
Tel: +255 27 2162100, East African Community, EAC Close,  
Ground Floor, Secretariat Wing, EAC Complex, Room G113  
PO Box 1096, Arusha Tanzania

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**

25 March 2019

**29. Legal basis<sup>2</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**

N.A.

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<sup>2</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).