



Additional information about the Contract Notice

REF: CIG 89642350BE

Implementation of Wei-Wei River Catchment Restoration Project in Cherangani Water Tower (WRCRP) – West Pokot

West Pokot County – Kenya

1. Nature of contract

Global price

2. Programme title

Wei-Wei River Catchment Restoration Project in Cherangani Water Tower (WRCRP) – West Pokot >
Ref: CIG 89642350BE

3. Financing

AID 0212457/01/0

4. Eligibility and rules of origin

Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are established in one of the Member States 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 heading ‘Legal Basis’ below). Participation is also open to international organisations.

5. Candidature

All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e. the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person 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.

6. Number of applications or tenders

No more than one application or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.



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In case of lots, the candidates or tenderers may submit only one application or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

7. Information meeting and/or site visit

No information meeting is planned

8. Tender validity

Tenders must remain valid for a period of 3 months after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

9. Shortlist alliances prohibited

Any tenders received from tenderers having a different composition than the ones 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 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

10. Grounds for exclusion

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or tenderers 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.

11. Sub-contracting

Sub-contracting is allowed.

12. 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. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.

13. Provisional date of invitation to tender

21/01/2022

14. Provisional commencement date of the contract

06/06/2022

15. Period of implementation of tasks

24 months



SELECTION AND AWARD CRITERIA

16. Selection criteria

The following selection criteria will be applied to the tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole. If not 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 the tenderer (based on item 3 of the tender form). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three financial years for which accounts have been closed.

Financial criteria:

1. The average annual turnover of the tenderer must exceed the annualised maximum budget of the consultancy contract; and
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 the tenderer (based on items 4 of the tender form).

The reference period which will be taken into account will be the last three years preceding the submission deadline.

Professional criteria

- At least three staff currently work for the tenderer in fields related to this contract.

3) Technical capacity of tenderer (based on items 5 and 6 of the tender form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

Technical capacity criteria:

1. The tenderer has provided services under at least two contracts with a budget of at least that of this contract in environmental related fields, which were implemented at any moment during the following period: 2018-2020

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

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



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case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 provided 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 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.

17. Award criteria

Best price-quality ratio

APPLICATION AND TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the Contracting Authority website:

<https://nairobi.aics.gov.it/home-ita/opportunita/avvisi-forniture/>

Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers may submit questions in writing to the following address up to 21 days before the deadline for submission of tenders, specifying the publication reference and the contract title:

Agenzia Italiana Cooperazione allo Sviluppo (AICS)

United Nations Crescent

P.O. BOX 63389-00619, Muthaiga - Nairobi

Tel. 0712187482

Email: segreteria.nairobi@aics.gov.it

The contracting authority has no obligation to provide clarification after this date.

Any tenderer seeking to arrange individual meetings with the contracting authority and/or the government of the partner country and/or the European Commission concerning this contract during the tender period may be excluded from the tender procedure.

No information meeting or site visit is foreseen.



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19. Tender opening session

25/03/2022 – at the Agenzia Italiana Cooperazione allo Sviluppo (AICS)
United Nations Crescent, P.O.BOX 63389-00619, Muthaiga - Nairobi

20. Applications 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:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

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

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

21. 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:

*Agenzia Italiana Cooperazione allo Sviluppo (AICS)
United Nations Crescent*

P.O.BOX 63389-00619, Muthaiga – Nairobi

- OR hand delivered by the participant 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:

*Agenzia Italiana Cooperazione allo Sviluppo (AICS)
United Nations Crescent*

P.O.BOX 63389-00619, Muthaiga - Nairobi

The contract title and publication reference (see contract notice) 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.



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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 form.

22. Deadline for submission of applications

The candidate's 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 slip¹, 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 submission of applications can be found in the Contract Notice under IV.2.2.

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 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.

23. Clarifications on the contract notice

Any request for additional information must be made in writing to the following address up to 21 days before the deadline for submission of tenders, specifying the publication reference and the contract title to:

Agenzia Italiana Cooperazione allo Sviluppo (AICS)

United Nations Crescent

P.O. BOX 63389-00619, Muthaiga - Nairobi

email segreteria.nairobi@aics.gov.it

Clarifications will be published on the AICS website at the latest 5 days before the deadline for the submission of applications. The website will be updated regularly and it is the applicants responsibility to check for updates and modifications during the submission period.

24. Alteration or withdrawal of applications

Applicants may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with precedent item. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

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



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25. Language of the procedure

All written communications for this tender procedure and contract must be in English.

28. Legal basis²

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.

29. Additional information

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of the Banca d'Italia at the date of publication of the contract notice. exchange rate of November 2021, which can be found at the following address:

<http://ec.europa.eu/budget/graphs/inforeuro.html>

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