

## **Additional information about the Contract Notice**

**Contract title: CIG N. ZBA37E827D - Supply of Fully Equipped Fishing Boats and Fishing Equipment's for 8 Beach Management Units (BMU) - "Go Blue – Italian Cooperation Component" AID 012298/01/0.**

Kenya

### **Nature of contract**

Unit-price

#### **1. Programme title**

Partnership between the EU and the Government of Kenya to advance the Blue Economy Agenda through Coastal Development – “Go blue” – Italian Cooperation Component – FED/2020/419-534

### **Financing**

Financed From the European Union Project Fed/2020/419-534

### **Legal basis, eligibility and rules of origin**

The legal basis of this procedure is 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.

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.

Participation is also open to international organisations.

All supplies under this contract must originate in one or more of these countries.

The legal basis of this procedure is Article 58(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.

Participation in this procurement procedure is open on equal terms to all natural and legal persons falling within the scope of the Treaties.

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 in, 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.]

## **2. Candidature**

All eligible natural and legal persons (as per item for above) or groupings of such persons (consortia) may participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement 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 or tender 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.

## **3. Number of requests to participate or tenders**

No more than one request to participate 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 a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.

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

## **Grounds for exclusion**

### **4. Sub-contracting**

Sub-contracting is allowed.

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

N/A

### **6. Short-list alliances prohibited**

N/A

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

N/A

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

March 2023

**9. Period of implementation of tasks**

120 days from contract signature.

**10. Language of the procedure**

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

**11. Additional information**

Financial data to be provided by the candidate in the request to participate form or in the tender submission 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 November 2022, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

## SELECTION AND AWARD CRITERIA

### 12. Selection criteria

#### Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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. If the economic operator relies on other entities, it must in that 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 and notably that of nationality as the economic operator relying on them 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 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 tasks for which these capacities are required.

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

The following selection criteria will be applied to candidates. In the case of requests to participate 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.

The candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

The selection criteria for each tenderer are as follows:

#### **Lot n° 1 – Boats and Engines**

The selection criteria for tenderers to Lot n° 1 are as follows:

**1) Economic and financial capacity** (based on item 3 of the request to participate form, or on item 3 of supply tender 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.

- the average annual turnover of the candidate or tenderer for the years 2019-2020-2021 must be at least equivalent to € 900.000,00.

**2) Professional capacity** (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be 2020-2021-2022.

Criteria for legal and natural persons:

- At least 5 member of the staff currently work for the tenderer in fields related to this contract.

- 3) **Technical capacity** (based on items 5 and 6 of the request to participate form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years from submission deadline.

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.

Criteria for legal and natural persons:

- 1- The tenderer has worked successfully on at least 2 projects with a budget of at least that of 200.000 Euro in fields related to this contract in the past three years.

## **Lot n° 2 – Fishing Equipment's**

The selection criteria for tenderers to Lot n° 2 are as follows:

- 1) **Economic and financial capacity** (based on item 3 of the request to participate form, or on item 3 of supply tender 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.

- the average annual turnover of the candidate or tenderer for the years 2019-2020-2021 must be at least equivalent to € 300.000,00.

2) **Professional capacity** (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be 2020-2021-2022.

Criteria for legal and natural persons:

- At least 3 member of the staff currently work for the tenderer in fields related to this contract.

- 3) **Technical capacity** (based on items 5 and 6 of the request to participate form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years from submission deadline.

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria

relating to the pertinence of the experience have been used.

Criteria for legal and natural persons:

1- The tenderer has worked successfully on at least 2 projects with a budget of at least that of 50.000 Euro in fields related to this contract in the past three years.

**In case a candidate applies simultaneously to the following lots Lot n° 1 – Boats and Engines and Lot n° 2 – Fishing Equipment's , the tenderer must comply with the following selection criteria:**

**1) Economic and financial capacity**

- the average annual turnover of the candidate or tenderer for the years 2019-2020-2021 must be at least equivalent to € 1.200.000,00.

**2) Professional capacity**

- At least 8 member of the staff currently work for the tenderer in fields related to this contract (reference period 2020-2021-2022).

**3) Technical capacity**

- The tenderer has worked successfully on at least 2 projects with a budget of at least that of 250.000 Euro in fields related to this contract in the past three years.

**13. Award criteria**

Price

**14. How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority, using the means specified in point 8 of the instructions to tenderers.

Tenders submitted by any other means will not be considered.

By submitting a tender tenderers accept to receive notification of the outcome of the procedure by electronic means.

**15. Alteration or withdrawal of tenders**

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 9 of the instructions to tenderers.

**16. Operational language**

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