

Additional information about the Contract Notice

Contract title: Supply, Delivery, Installation, Commissioning and Testing of Energy Efficiency Equipment to the Zambia Energy Efficiency and Sustainable Transformation Programme (ZEEST) – FED/2019/040-803

Location - Southern Africa, Zambia

1. Nature of contract

Unit Price

2. Programme title

Zambia Energy Efficiency and Sustainable Transformation Programme (ZEEST)

3. Financing

ZM/FED/2019/040-803

4. 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.

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.

5. Candidature

All eligible natural and legal persons (as per item 4 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.

6. 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.

7. N/A

8. N/A

9. N/A

10. N/A

11. N/A

12. N/A

13. Period of implementation of tasks

120 calendar days from the date of signature of the contract by the last party.

14. Language of the procedure

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

15. 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 2023**, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

SELECTION AND AWARD CRITERIA

16. 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 tenderers 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 3 last financial years must exceed:
 - (i) Lot 1 – EUR 4,000,000
 - (ii) Lot 2 – EUR 1,000,000
 - (iii) Lot 3 – EUR 3,800,000
 - (iv) Lot 4 – EUR 2,500,000
 - (v) Lot 5 – EUR 400,000
- 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 (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 the last three years preceding the submission deadline.

- a) All lots – Have a trading licence/dealership certificate or similar issued from the competent authorities of the respective country of origin of the tenderer.
- b) All lots – Have at least 5 staff, with at least 2 with relevant qualifications towards the supplies being delivered.

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.

The candidate has provided supplies under at least one contract of a similar nature of a budget at least:

- (i) Lot 1 – EUR 4,000,000
- (ii) Lot 2 – EUR 1,000,000
- (iii) Lot 3 – EUR 3,800,000
- (iv) Lot 4 – EUR 2,500,000
- (v) Lot 5 – EUR 400,000

which were implemented at any moment during the reference period: last three years.

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.

17. Award criteria

Price

PARTICIPATION

18. N/A

19. How requests to participate may be submitted

Requests to participate 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 Acting Coordinator and Deputy National Authorising Officer
National Authorising Office of the European Development Fund
Plot 488a/37/0/1/4
Lake Road, Kabulonga
P. O. Box 50376
Lusaka, Zambia

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:

The Acting Coordinator and Deputy National Authorising Officer
National Authorising Office of the European Development Fund
Plot 488a/37/0/1/4
Lake Road, Kabulonga
Lusaka, Zambia
Opening hours: 08:00Hrs to 13.00Hrs; and 14.00Hrs to 17.00Hrs

The contract title and publication reference (see contract notice) must be clearly marked on the envelope containing the request to participate and must always be mentioned in all subsequent

correspondence with the contracting authority.

Requests to participate submitted by any other means will not be considered.

20. Deadline for submission of requests to participate

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

In the first case, the request to participate 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 request to participate that will serve as proof.

The deadline for submission of requests to participate can be found in the Contract Notice under IV.2.2. *Unless the Time Zone is specified in eTendering, the "Local Time" mentioned under IV.2.2 in the Contract Notice shall be understood as Central European Time (CET) which is the standard time in Brussels.*

Any request to participate sent to the contracting authority after this deadline will not be considered. The contracting authority may, for reasons of administrative efficiency, reject any request for participation 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 requests to participate that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

21. Clarifications on the contract notice

Any request for clarifications must be made in writing through the TED eTendering website accessible from the F&T portal². This concerns request for clarifications about the contract notice and also request for clarifications about the content of the document called "Additional information to the contract notice." Registration on TED eTendering is required to be able to create and submit a question. Clarifications can be requested by clicking "Create a question" in the Questions & Answers tab at the latest 21 days before the deadline for submission of requests to participate stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering website at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidate's responsibility to check for updates and modifications during the submission period.

22. Outcome of the evaluation

By submitting a request to participate 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 request to participate form.

23. Alteration or withdrawal of requests to participate

Candidates may alter or withdraw their requests to participate by written notification prior to the deadline for submission of requests to participate. No requests to participate 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.

² <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>