Document for completion by the contracting authority

to be submitted as **ANNEX to the tender dossier**

**WORKS CONTRACT NOTICE**

**INIVITATION TO TENDER FOR THE FABRICATION AND DELIVERY OF A MOBILE SLAUGHTER UNIT (MSU)**

**Location** ‑ **East Africa, Uganda, Entebbe**

1. **Reference**

MOBIP/WORKS/06

1. **Procedure**

 Simplified

1. **Programme title**

**DEVELOPING A MARKET – ORIENTED AND ENVIRONMENTALLY SUSTAINABLE BEEF MEAT INDUSTRY IN UGANDA PROJECT (MOBIP)**

1. **Financing**

The project is co-financed by the European Union, in accordance with the rules of 11th EDF programme.

The project is co-financed by the Government of Uganda

1. **Contracting authority**

 Ministry of Agriculture, Animal Industry and Fisheries (MAAIF),

PO Box 102, Entebbe

Plot 16-18, Lugard Avenue, Entebbe, Uganda

Main office Building, Former Library Premises

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum in Uganda Shillings (UGX)**

1. **Description of the contract**

The subject of the contract is the fabrication, delivery, unloading, installation and training by the Contractor of the Mobile Slaughter Unit (MSU), to a location to be specified, but which is within 400km from Kampala, DAP, in accordance with point 15 of the Contract notice.

1. **Provisional commencement date of the contract**

26th February 2021

1. **Period of implementation of tasks**

6 months from contract signature, until the provisional acceptance

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation in this tender procedure is open only to the invited tenderers.

Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping (consortium) of 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 17 below). Participation is also open to international organisations. All goods purchased under the contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the breakdown of the lump-sum price (Volume 4.2.3) is below EUR 100 000.]

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

1. **Subcontracting**

**Subcontracting is allowed.** In the selection of subcontractors preference shall be given by the contractor to natural persons, companies or firms of ACP States capable of performing the work required on similar terms.

Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in Section 2.6.10.1.1. (‘exclusion from participation in procurement procedures’) and Section 2.6.10.1.2. (‘rejection from a given procedure’) of the practical guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties up to 10% of the value of the contract and exclusion in accordance with the Financial Regulation in force.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

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.

1. **Number of tenders**

Tenderers may submit only one tender. Tenders for parts of the works will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

### In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

(a) information on the educational and professional qualifications, skills, experience and expertise of the persons responsible for performance;

(b) a list of the works carried out in the last five years, accompanied by certificates of satisfactory execution for the most important works. However, where necessary in order to ensure an adequate level of competition, the contracting authority may indicate that evidence of relevant works delivered or performed more than five years before will be taken into account.

(c) a reference to the technicians or technical bodies available to the economic operator, whether or not belonging directly to it, especially those responsible for quality control;

***14.a Economic and financial capacity of candidate:***

* the average annual turnover of the tenderer in the past 3 years must be at least UGX 100,000,000.

***14.b Technical and professional capacity of candidate:***

- it must have completed at least 3 projects of the same nature/amount/complexity as the works **concerned** by the tender and implemented during the following period: 2016 to submission deadline of 21st January 2021. The contracting authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

Capacity-providing entities:

An economic operator may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. If the tenderer relies on other entities, it must prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract by producing a commitment on the part of those entities to place 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 tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be provided at the request of the contracting authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works 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.

Financial data to be provided by the tenderer in relation to the selection criteria must be expressed in Uganda Shillings (UGX). If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to UGX shall be made in accordance with the InforEuro exchange rate of **JUNE, 2018**, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. **Award criteria**

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

To encourage the widest participation of natural or legal persons of ACP States, particular preferences shall be given to permit the optimisation of the physical and human resources of those States. See further Section 2.6.9. of the **practical guide**.

**TENDERING**

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in Section 2.5.6. of the practical guide.**

1. **Legal basis[[1]](#footnote-1)**

ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000 as amended (Annex IV)

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.12. of the practical guide.

1. **Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-1)