

Document for completion and publication by the contracting authority.

WORKS CONTRACT NOTICE

Civil Works for the Upgrading of Atiak – Laropi Road (66 km) to Paved Standard

Uganda - Northern Region

1. Publication reference

EuropeAid/139169/IH/WKS/UG

2. Procedure

Open

3. Programme title

Development Initiative for Northern Uganda (DINU)

4. Financing

11th European Development Fund, Financing Agreement N° UG/FED/038-781

5. Contracting authority

The Ministry of Finance, Planning and Economic Development acting as the National Authorising Officer in Uganda

The National Authorising Officer of the EDF
Ministry of Finance, Planning and Economic Development
Plot 2 – 12 Apollo Kaggwa Road
P.O. Box 8147, Kampala, Uganda
Room 1.28 Treasury side
Email: finance@finance.go.ug

CONTRACT SPECIFICATIONS

6. Description of the contract

The provision of civil works for the upgrading of the Atiak - Laropi road which is part of the regional, national and international route connecting the remote north-western region of Uganda and Southern Sudan to the Ugandan capital at Kampala, via the regional capital at Gulu. The project will contribute to improving road transportation and trade facilitation along the above-mentioned corridor and improving transport services and agricultural productivity by connecting remote and disadvantaged districts to the main road network.

7. Number and titles of lots

One lot only

TERMS OF PARTICIPATION

8. 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 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 22 below). Participation is also open to international organisations. All supplies and materials under this contract shall originate from one or more of those eligible countries. However, they may originate from any country when the amount value of the supplies and materials to be purchased is below EUR 100 000

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries¹ will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom¹ depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom¹ could be rejected from the procurement procedure.

¹However, they may originate from any country when the amount of the supplies to be purchased is below 100 000 euros.

9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the tender form for a works contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical Guide**.

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.

10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

11. Tender guarantee

Tenderers must provide a tender guarantee of 500,000 euros when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties.

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of 10% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract

signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

13. Information meeting and/or site visit

A mandatory information meeting and/or site visit will be held on 17th January 2019 starting from the Gulu – Atiak junction at 9.00 a.m. followed by an information meeting at the UNRA Station in Gulu at 12.00 p.m.

14. Tender validity

Tenders must remain valid for a period of 90 days 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.

15. Period of implementation of tasks

30 (thirty) months

SELECTION AND AWARD CRITERIA

16. Selection criteria

The selection criteria are as specified in Section 12.2 of the instructions to tenderers.

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:

Economic and financial capacity of candidate:

- the average annual turnover of the tenderer in the past 3 years must be at least EUR 35 million
- must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of EUR 10 million

Technical and professional capacity of candidate:

- it must have completed at least three projects of the same nature/amount/complexity as the works concerned by the tender and implemented during the following period: 8 years from the submission deadline, each with a value of at least EUR 50 million.
- it must have carried out at least 70% of the contract works using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.
- if it is the lead member of a joint venture/consortium, it must have been able to carry out at least 50% of the contract works using its own means.
- if it is a partner of a joint venture/consortium (i.e. not the lead member) it must have been able to carry out at least 10% of the contract works using its own means.

- all its key staff must have at least 10 years' appropriate experience and proven qualifications relevant to works of a similar nature to this project as shown in the table in Section 12.2 of the instructions to tenderers. All staff must be fluent in spoken and written English.

17. Award criteria

The most economically advantageous tender is the technically compliant tender with the lowest price.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from

The National Authorising Officer of the EDF
 Ministry of Finance, Planning and Economic Development
 Plot 2 – 12 Apollo Kaggwa Road
 P.O. Box 8147, Kampala, Uganda
 Room 1.28 Treasury side
 Email: finance@finance.go.ug

upon payment of UGX 380,000, which includes courier delivery. It is also available for inspection at the premises of the contracting authority, address as in point 5 above. Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to

The National Authorising Officer of the EDF
 Ministry of Finance, Planning and Economic Development
 Plot 2 – 12 Apollo Kaggwa Road
 P.O. Box 8147, Kampala, Uganda
 Fax: +256 41 4 230163 / +256 41 4 343023 / +256 41 4 341286
 E-mail: finance@finance.go.ug
 Attention: Ms. Maris WANYERA, Ag. Director Debt Cash Management

Copied to:

The Head, Procurement and Disposal Unit (PDU)
 Uganda National Roads Authority
 Plot 3-5, New Port Bell Road, Nakawa Business Park
 P.O. Box 28487, Kampala, Uganda
 Fax: +256 414 232807, +256 414 347616
 Email: procurement@unra.go.ug
 Attention: Mr. John OMEKE ONGIMU, Director Procurement

And also to:

The Head of Delegation
 European Union Delegation to the Republic of Uganda
 15th Floor Crested Towers
 Plot 17/23 Hannington Road

P.O. Box 5244, Kampala, Uganda
Fax: +256 41 4 233708
Email: delegation-uganda-tender@eeas.europa.eu
Attention: Mr. Pavlos EVANGELIDIS, Head of Inclusive Green Economy Section

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The contracting authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline on the website of DG International Cooperation and Development at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>.

19. Deadline for submission of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders, either by post or private mail service, or by hand delivery.

In the first case, the application/tender 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/tender which will serve as proof.

The date and time limit for submission is 18th March 2019 at 11.00 a.m. Ugandan time at the address of the Contracting Authority. The Contracting Authority is open from 8.00 a.m. to 5.00 p.m.

Any tender submitted to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application or tender 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 or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.

How tenders may be submitted

Tenders 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 National Authorising Officer of the EDF
Ministry of Finance, Planning and Economic Development
Plot 2 – 12 Apollo Kaggwa Road
P.O. Box 8147, Kampala, Uganda
Attn.: Ruth Kato; Senior Programmes Officer NAO-SU

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

- 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 National Authorising Officer of the EDF
Ministry of Finance, Planning and Economic Development
Plot 2 – 12 Apollo Kaggwa Road
P.O. Box 8147, Kampala, Uganda
Room 1.28 Treasury side
Tel: +256 41 4 707000
Attn.: Ruth Kato; Senior Programmes Officer NAO-SU
Opening Hours: 8.00 a.m. – 5.00 p.m.

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.

Tenders submitted by any other means will not be considered.

By submitting a tender 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.

20. Tender opening session

25th March 2019 at 9.00 a.m. at:

The National Authorising Officer of the EDF
Ministry of Finance, Planning and Economic Development
Plot 2 – 12 Apollo Kaggwa Road
P.O. Box 8147, Kampala, Uganda
Room 1.16 Treasury side
Email: finance@finance.go.ug

21. Language of the procedure

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

22. Repetition of similar works

Subsequent to the initial contract resulting from the current tender procedure, new works consisting in the repetition of similar works, up to the estimated amount of EUR 15 000 000, may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new works are in conformity with the same basic project.

23. 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

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

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.

