

# **SERVICE CONTRACT NOTICE**

## **Supervision of the Rehabilitation of the Tororo-Gulu Railway line Uganda**

**Please note that the awarding of the contract is subject to the condition of the prior conclusion of a financing agreement, which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.]**

- 1. Publication reference**  
EuropeAid/139551/IH/SER/UG
- 2. Procedure**  
Restricted
- 3. Programme title**  
Contribution to the Development Initiative for Northern Uganda through the rehabilitation of the Tororo-Gulu railway
- 4. Financing**  
National Indicative Programme 11th EDF Uganda
- 5. Contracting Authority**  
The Ministry of Finance, Planning and Economic Development acting as the National Authorising Officer in Uganda

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### **CONTRACT SPECIFICATION**

- 6. Nature of contract**  
Fee-based
- 7. Contract description**  
The provision of supervision and related consultancy services for the works for the rehabilitation of the Tororo-Gulu Meter Gauge Railway. The overall project consists of rehabilitating the existing non-operational railway line between Tororo and Gulu, fostering mutual benefit with the Gulu Logistic Hub and building capacity of the agency in charge of managing and monitoring the railway concession.
- 8. Number and titles of lots**  
One lot only
- 9. Maximum budget**  
1,650,000 EUR
- 10. Scope for additional services**

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## CONDITIONS OF PARTICIPATION

### 11. Eligibility

Participation in tendering is open on equal terms to natural and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are established in a Member State 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 item 29 below)<sup>1</sup>. Participation is also open to international organisations.

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 will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of contract award, candidates or tenderers from the United Kingdom could be rejected from the procurement procedure.

### 12. Candidature

All eligible natural and legal persons (as per item 11 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 members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) 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.

### 13. Number of applications

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

### 14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those 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 – PRAG - 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

### 15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the PRAG.

### 16. Sub-contracting

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<sup>1</sup> Including India

Subcontracting is allowed.

**17. 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.

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**PROVISIONAL TIMETABLE**

**18. Provisional date of invitation to tender**

June 2018

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

November 2018

**20. Initial period of implementation of tasks**

48 Months (36 months construction supervision + 12 months defects liability period)

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**SELECTION AND AWARD CRITERIA**

**21. Selection criteria**

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless 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 candidate** (based on item 3 of the application 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.

For the last three years the candidates must have:

- Annual Turnover in excess of EUR 800,000
- 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 of candidate** (based on items 4 and 5 of the application form).

The reference period which will be taken into account will be the last five years from submission deadline.

For the last five years the candidates must have:

- At least 10 staff members work in permanent employment in the fields of Rail and/or Road Construction Supervision
- At least 10 staff members are licenced Civil Engineers
- At least 3 staff members are licenced Electrical & Mechanical Engineers
- At least 5 staff members are licenced Surveyors

- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last five years from submission deadline.

For the last five years:

3.1 The candidate has provided services under at least 3 (three) Road or Railway Design and/or Construction Supervision contracts but at least 1 (one) railway design or construction supervision contract each with a budget of at least EUR 1,700,000 (one million seven hundred thousand) which were implemented at any moment during the reference period.

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

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

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 case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of 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 fulfil the same relevant selection criteria as the economic operator. 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 works or 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. If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

1. the highest number of railway projects that meet criteria 3.1
- If after this first re-examination there are still more than 8 eligible candidates, a second factor shall apply:
2. the highest number of projects that meet criteria 3.1 carried out in Sub Saharian Africa

## **22. Award criteria**

Best price-quality ratio.

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## **APPLICATION**

### **23. Deadline for receipt of applications**

The deadline for the receipt of applications is 5:00 pm, Uganda local time on the 22 of June 2018.

Any application received by the Contracting Authority after this deadline will not be considered.

**24. Application 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:

<http://ec.europa.eu/europeaid/frag/annexes.do?chapterTitleCode=B>

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

<http://ec.europa.eu/europeaid/frag/annexes.do?chapterTitleCode=A>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

**25. How applications may be submitted**

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) 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  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated 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  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

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.

Applications submitted by any other means will not be considered.

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.

**26. Alteration or withdrawal of applications**

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

**27. Operational language**

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

**28. Date of publication of prior information notice**

20<sup>th</sup> March 2018

EuropeAid/139551/IH/SER/UG

**29. Legal basis<sup>2</sup>**

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.]

**30. Additional information**

N/A

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