

SERVICE CONTRACT NOTICE

"Compete Ghana" - Technical Assistance to the Ministry of Trade and Industry in the implementation of the Stepping Stone Economic Partnership Agreement (iEPA) and related Accompanying Measures

Location - GHANA

1. Publication reference

EuropeAid/139513/IH/SER/GH

2. Procedure

Restricted

3. Programme title

Support Programme to Public Finance Management and the Stepping Stone Economic Partnership Agreement (EPA) and Regional West Africa Competitiveness Programme (Ghana component)

4. Financing

Financing Agreements: FED/2017/039-770 & FED/2017/040-465

5. Contracting Authority

Ministry of Finance
National Authorising Officer for EDF
P.O.BOX MB 40
Accra, Ghana

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The overall objective is to contract the services of a Technical Assistance team to assist the Ministry of Trade and Industry in building a more robust administration in the implementation and monitoring of the Stepping Stone Economic Partnership Agreement (iEPA) to make full use of its provision in Ghana. The activities will include capacity building to the Ministry, and sensitization and awareness activities with the private sector and civil society.

The purpose of this contract is to provide technical assistance to the Ministry of Trade and Industry in order to:

1. Build MoTI's capacity to comply with the commitments of the EPA and make full use of its provisions through effective implementation of the EPA-Accompanying Measures Strategy;
2. Setup institutional requirements as foreseen in the agreement: joint EPA Committee and Ghana's inter-institutional committee on EPA;

3. Monitor and evaluate the impact of the EPA implementation;
4. Conduct sensitisation and awareness activities, including public/private dialogue and dialogue with civil society.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 3,200,000

10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately EUR 600,000. Any extension of the contract would be subject to satisfactory performance by the Contractor.

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). Participation is also open to international organisations.

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

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.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

28 July 2018

19. Provisional commencement date of the contract

November 2018

20. Initial period of implementation of tasks

36 months

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.

Criteria for legal and natural persons:

1.1 The average annual turnover of the candidate over the years 2015, 2016 and 2017 must exceed EUR 1,600,000.00; and

1.2 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 three years from submission deadline.

Criteria for legal and natural persons:

2.1 At least six (6) permanent staff currently working for the candidate (i.e. the consortium as a whole in the case of an application from a consortium) in the fields of EPA implementation such as trade, export and industrial development, regional economic integration and investment promotion (not counting administrative / support staff).

- 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 three years from submission deadline.

Criteria for legal and natural persons:

3.1 The candidate has provided services under at least two (2) contracts each with a minimum budget of EUR 2,000,000. The projects have focused on a more robust administration in the implementation and monitoring of the Stepping Stone Economic Partnership Agreement (iEPA) in an ACP country, during a reference period from 24/06/2015 to 24/06/2018.

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 has 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 / results 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:

- The highest number of projects in criterion 3.1 implemented in Sub-Saharan Africa;
- The highest number of contracts to the tune of EUR 2,000,000 in criterion 3.1 in the fields of export development, international trade and/or quality infrastructure ; and
- The highest number of contract funded by EC in any sector in criterion 3.1 using the Grant modality implemented at any time during the period 2015, 2016 and 2017.

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

All applications should be received by 16:00 GMT (Ghana Local Time) on **20/06/2018**.

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 :

*Ministry of Finance
National Authorising Officer for EDF
For the attention of Mr Cosmos I. Kipo
Head of ACP-EU Unit - Room G13 / Annex A
P.O. Box MB 40
Accra, Ghana*

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

- **OR hand delivered (including courier services)** directly to the Contracting Authority in return for a signed and dated receipt to:

*Ministry of Finance
National Authorising Officer for EDF
For the attention of Mr Cosmos I. Kipo
Head of ACP-EU Unit - Room G13 / Annex A
P.O. Box MB 40
Accra, Ghana*

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

The Contract title and the Publication reference:

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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

27 February 2018

29. Legal basis¹

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

Not applicable

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).