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**MW-Lilongwe: EDF — technical assistance under the Malawi road sector policy support programme
2010/S 218-333405**

Location: ACP countries

Service procurement notice

Common procurement vocabulary (CPV):

Main object:

71356200 Technical assistance services

1. **Publication reference:**

EuropeAid/130306/D/SER/MW.

2. **Procedure:**

Restricted.

3. **Programme:**

9th or 10th EDF.

4. **Financing:**

Financing agreement.

5. **Contracting authority:**

The Government of Malawi represented by the National Authorising Officer of the EDF.

6. **Nature of contract:**

Fee-based.

7. **Contract description:**

The contract is to provide 4 long-term technical assistants and 1 844 man-days of unallocated short-term expertise (approx. 3 experts) for the implementation of the road transport sector policy support programme. The programme's purpose is 'to achieve sustainable and cost-efficient transport links from farm or factory gate to market centres and across borders to international trading partners'. The contract will include, inter alia, providing expertise on sector coordination, road management and strategic planning, monitoring and evaluation as well as sector, institutional and road policy review. Unallocated short-term expertise may cover areas such as civil engineering, highway management, materials and geotechnology, pavement engineering, structural engineering, HDM-4, IT, transport economics and policy, human resource management, legal drafting, contract disputes, accounting, environmental impact assessment, HIV/AIDS policy and support programmes, rail, air and marine transport management.

8. **Numbers and titles of lots:**

The contract is divided into lots: No, 1 lot only.

9. **Budget:**

Maximum budget: 3 170 280 EUR.

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 a maximum not exceeding the length and value of the initial contract. 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) from ACP States and Member States of the European Union and international organisations as authorised by the instrument applicable to the programme under which the contract is financed (see also item 29 below).
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 1 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 1 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 shortlisted application forms will be excluded from this restricted tender procedure. Shortlisted 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 'Practical Guide to contract procedures for EU external actions'.
16. **Subcontracting:**
Subcontracting is not allowed.
17. **Number of candidates to be shortlisted:**
On the basis of the applications received, at least 4 and at most 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:**
17.12.2010.
19. **Provisional commencement date of the contract:**
2.6.2011.
20. **Initial period of implementation of tasks:**
Duration in months: 48.

Selection and award criteria

21. **Selection criteria:**
Same criteria for legal and natural person.

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:

1) Economic and financial capacity of candidate:

In the case of the applicant being a public body equivalent information should be provided:

1. the value of annual turnover of the candidate must exceed 6 300 000 EUR for each year in the past 3 years (2007, 2008 and 2009);
2. the value of cash and cash equivalents at the beginning and end of years 2007, 2008 and 2009 was positive.

2) Professional capacity of candidate:

1. at least 15 staff currently work for the applicant in the transport sector policy field;
2. at least 20 % of all staff working for the candidate in 2009 in the management of the transport sector policy field were permanent.

3) Technical capacity of candidate:

1. the candidate has successfully completed at least 3 medium- and long-term (e.g. more than 2-year) projects worth at least 1 000 000 EUR in the past 3 years (2007, 2008, and 2009), 1 such project should have involved technical assistance in the management of transport sector policy support field;
2. the company must have been registered and operational for at least 5 years.

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 an undertaking 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 and notably that of nationality, as the economic operator.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the 8 best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

- number of contracts (above 100 000 EUR) carried out in the transport sector policy support field since 2007,
- value of contracts in the sector policy support since 2007,
- number of contracts in EU/EC-funded projects,
- number of contracts in sub-Saharan Africa,
- number of contracts carried out by the candidate with a budget above 3 200 000 EUR and completed since January 2007.

22. **Award criteria:**

Best value for money.

Application

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

10.12.2010 (16:00), local time.

Any application received 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 at the following Internet address: http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_en.htm

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 exclusively to the contracting authority in the following language — English:
— either by recorded delivery (official postal service) to:

Ms Madalo Nyambose, National Authorising Officer, NAO Support Unit, Ministry of Finance, PO Box 30049, Lilongwe 3, MALAWI,

— or hand-delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to:

attention: Ms Madalo Nyambose. Tel. +265 1788140.

As in abovementioned address.

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.

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 applications 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 contract forecast notice:**

14.7.2010.

29. **Legal basis:**

ACP–EC Partnership Agreement signed at Cotonou on 23.6.2000 as amended on 25.6.2005 and in 2008 (Annex IV).

30. **Additional information:**

Please note that the awarding of the contract is subject to the condition of the prior adoption of a financing decision and the prior conclusion of a financing agreement, which do not modify the elements of the procurement procedure (this will be the case, for instance, if the budgetary envelope initially foreseen is different or if the time-frame, 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.

31. **Date of dispatch of this notice:**

29.10.2010.