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**NE-Niamey: EDF — technical audit of works contracts for periodic maintenance of asphalt roads under the 10th EDF road programme and associated overseeing and inspection contracts**

**2011/S 107-174297**

**Location: ACP countries — Niger**

**Service procurement notice**

Common procurement vocabulary (CPV):

Main object:

71311300 Infrastructure works consultancy services

1. **Publication reference:**  
EuropeAid/131236/D/SER/NE.  
Internet address(es)  
General address of the contracting authority: Ministry of the Economy and Finance, EDF National Authorising Officer.
2. **Procedure:**  
Restricted.
3. **Programme:**  
9th or 10th EDF.
4. **Financing:**  
Financing agreement.
5. **Contracting authority:**  
Ministry of the Economy and Finance, EDF National Authorising Officer, PO Box 13854, Niamey, NIGER.
6. **Nature of contract:**  
Fee-based.
7. **Contract description:**  
Technical assistance services to be provided by a consultant throughout implementation of the maintenance works and overseeing and inspection of these works, involving a technical audit to assess in particular:  
— smooth running of execution of the works and associated overseeing and inspection activities, in accordance with the rules of ethics,  
— good organisation of works sites,  
— technical quality of work performed, in accordance with the technical specifications and good practice,  
— full justification for payments made and ensuring that they are covered by the budget,  
— sound contract management ensuring, in particular, that each party is fulfilling its contractual obligations correctly with the aim, amongst other things, of preventing risks of complaints, disputes and/or claims,  
— implementation of the project in compliance with the allocated budget and deadlines set.  
The technical audit services will involve several one-off assignments for the audit of 1 or more lots of works and of overseeing and inspection throughout the start-up phase of the works, during their performance (approximately every 4 months) and prior to provisional and final acceptance.  
This assistance will be provided by 2 civil engineers from the roads and bridges field. It may be strengthened by a geotechnical engineer, an expert in law.

5 works lots are planned:

- lot 1: Tsernaoua-Madaoua: 71 km, performance period: 22 months,
- lot 2: Madaoua-Guidan Roumdji: 107 km, performance period: 20 months,
- lot 3: Zinder-Guidimouni-Gudiguir: 107 km, performance period: 20 months,
- lot 4: Zinder-Bandé: 70 km, performance period: 13 months,
- lot 5: Bandé-Magaria-Nigeria border: 41 km, performance period: 10 months.

4 contracts for overseeing and inspection of the works are planned: 1 for lot 1, 1 for lot 2, 1 for lot 3 and 1 for lots 4 and 5.

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

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

9. **Budget:**

Maximum budget: 350 000 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 which are established in 1 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 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 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 having a different composition than the ones on the application forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained — see PRAG 2.4.3. 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 allowed:

- maximum percentage of the contract value which may be subcontracted: 10 %,
- activities which may be subcontracted: topography, geotechnics.

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:**

22.7.2011.

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

21.10.2011.

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

Duration in months: 35 (from the award of the contract).

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

1. reference criterion: average annual turnover of the candidate (or the leader of a grouping comprising a maximum of 3 members) over the past 3 years must have been at least equal to 300 000 EUR.

2) Professional capacity of candidate:

1. reference criterion: at least 10 % of all permanent staff are currently working for the candidate in fields of expertise related to this contract (overseeing, inspection or technical audits of projects concerning construction and/or rehabilitation and/or periodic maintenance of asphalt roads) with at least 2 road engineers.

3) Technical capacity of candidate:

1. reference criterion: over the past 3 years, the candidate must have worked on at least 3 projects (of the same type and on a similar scale) in fields of expertise related to this contract, of which at least 1 must preferably have been in Africa.

This criterion also applies to groupings, where the sum total of members' experience will be considered.

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. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderers rely in majority on the capacities of other entities or when they rely on key criteria. If the candidate relies on other entities 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. Furthermore, the data for these third entities for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

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 factor which will be taken into consideration during this re-examination is: if more than 8 applications meet these criteria, the Government of Niger reserves the right to give priority to candidates who offer the most experience in general, and more specifically in Africa, in those fields of expertise relevant to this contract under the criterion 'Technical capacity'.

22. **Award criteria:**  
Best value for money.

#### **Application**

23. **Deadline for receipt of applications:**  
4.7.2011 (10:00), local time.  
Any application received after this deadline will not be considered.
24. **Applications 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\\_fr.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_fr.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 French:  
— either by recorded delivery (official postal service) to:  
Ministry of the Economy and Finance, 'European Union' Unit, avenue du Gouverneur Jules Brévié, PO Box 13854, Niamey, NIGER,  
— or hand delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to the above-mentioned address, for the attention of: Ministry of the Economy and Finance, 'European Union' Unit, avenue du Gouverneur Jules Brévié, PO Box 13854, Niamey, REPUBLIC OF NIGER. Tel. +227 20722127.  
Opening hours: 8:00-17:30.  
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 'Modification' (alteration) or 'Retrait' (withdrawal) as appropriate.
27. **Operational language:**  
All written communications for this tender procedure and contract must be in French.

28. **Date of publication of contract forecast notice:**

Date: 12.4.2011.

Notice number in OJ: [2011/S 71-114161](#).

29. **Legal basis:**

9th or 10th EDF: ACP-EC Partnership Agreement signed in Cotonou on 23.6.2000, as amended.

30. **Additional information:**

The invitation to tender has been issued with a suspension clause. The awarding of the contract is subject to the prior conclusion of a rider to the financing agreement.

Please note that the awarding of the contract is subject to the prior adoption of a financing decision and the prior conclusion of a financing agreement.

This condition does 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:**

25.5.2011.