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KE-Nairobi: EDF — community development programme phase 4 — strategic advice to the Community Development Trust Fund and audit assistance

2011/S 61-097671

Location: ACP countries, east Africa — Kenya

Service procurement notice

Common procurement vocabulary (CPV):

Main object:

71356200 Technical assistance services

Additional object(s):

90712400 Natural resources management or conservation strategy planning services

75200000 Provision of services to the community

79212300 Statutory audit services

1. **Publication reference:**

EuropeAid/130916/D/SER/KE.

Internet address(es):

General address of the contracting authority: <http://www.planning.go.ke/>

2. **Procedure:**

Restricted.

3. **Programme:**

9th or 10th EDF.

4. **Financing:**

Financing agreement.

5. **Contracting authority:**

Ministry of State for Planning, National Development and Vision 2030, Nairobi, KENYA.

6. **Nature of contract:**

Global price and fee-based.

7. **Contract description:**

Under the Ministry of State for Planning, National Development and Vision 2030, the Community Development Trust Fund (CDTF) was established in 1996 to implement community-based socio-economic and environmental initiatives. Currently, it is implementing the 4th phase of the community development programme (CDP-4), which includes EU and Danida funding for a total of 46 400 000 EUR. CDP-4 builds on the experiences of CDP-1, -2, -3 and the 'Biodiversity conservation' programme.

CDP-4 supports community-based poverty reduction initiatives through:

(i) carrying out good governance-related initiatives and improved access to social and economic infrastructure; and

(ii) improved livelihood systems and the conservation of community natural resources.

Projects are implemented throughout Kenya by community-based organisations that conclude a grant agreement with CDTF following a call for proposals. Despite successful programme implementation, CDTF needs additional support on its strategic direction and advice in areas such as:

- 1) mainstreaming cross-cutting issues, including gender and governance;
- 2) integration of emerging thematic areas like climate change and renewable energy; and
- 3) institutional development.

Lot 1 is for technical assistance by 1 TA for a total of 21 months, intermittently over a period of 42 months. The expert will work with CDTF an average of 6 months each year for 3,5 years, starting in the third quarter of 2011. The maximum budget is 420 000 EUR.

CDTF is contracting community-based organisations for the implementation project. All such projects with a budget of more than 100 000 EUR need an expenditure verification.

Lot 2 is for auditing services of a maximum of 75 grant contract projects starting end 2012 at the earliest. The maximum budget is 350 000 EUR.

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

The contract is divided into lots: yes, number of lots: 2.

Lot 1: technical assistance to Community Development Trust Fund (CDTF).

Lot 2: audit services for community-based projects in Kenya.

9. **Budget:**

Maximum budget: 770 000 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 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 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.

The candidates may submit an application for 1 lot only, several lots or all of the lots, but only 1 application per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

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 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:**

31.3.2011.

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

18.9.2011.

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

Duration in months: 42.

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. lot 1: presentation of the candidate's turnover for the last 3 years (2008, 2009, 2010), which must be shown to be above 150 000 EUR;

2. lot 1: the averages of cash and cash equivalents at the beginning and end of years 2008, 2009 and 2010 were positive.

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

3. lot 2: presentation of the candidate's turnover for the last 3 years (2008, 2009, 2010), which must be shown to be above 350 000 EUR per year;

lot 2: the averages of cash and cash equivalents at the beginning and end of year for the past 3 years, i.e. 2008, 2009 and 2010 were positive.

2) Professional capacity of candidate:

1. lot 1: at least 20 % of all staff working for the candidate in the years 2008, 2009 and 2010 in fields related to this contract were permanent;

2. lot 2: at least 20 % of all staff working for the candidate in the years 2008, 2009 and 2010 in fields related to this contract were permanent;

3. lot 2: has a professional certificate appropriate to this contract, such as a member of a national accounting or auditing body or institution which, in turn, is a member of the International Federation of Accountants (IFAC).

3) Technical capacity of candidate:

1. lot 1: worked successfully on at least 2 projects with a budget of at least that of this contract (420 000 EUR) implemented or being implemented during 2008, 2009 and 2010 in the field of community-based environmental and/or socio-economic projects;
2. lot 1: worked or currently working on at least 2 projects involving advice to institutional development and/or institutional change during 2008, 2009 and 2010. Specific experience in African countries will be treated as an advantage;
3. lot 2: the candidate has worked successfully on at least 10 projects of a similar nature to this contract in the field of audit which were implemented during the years 2008, 2009 and 2010;
lot 2: specific experience in auditing projects funded by the European Union and more specifically EU/EDF procedures will be treated as a priority.

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 this third entity 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 factors which will be taken into consideration during this re-examination are:

- lot 1: the number of projects involving advice to institutional development and/or institutional change during 2008, 2009 and 2010 in an African country,
- lot 2: specific experience in relation to audit/expenditure verification of grant contracts funded by the European Union.

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

Application

23. **Deadline for receipt of applications:**
3.5.2011 (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:
Permanent Secretary, Ministry of State for Planning, National Development and Vision 2030, PO Box 30005, 00100 Nairobi, KENYA,
— or hand-delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to:

For the attention of: The Permanent Secretary, Ministry of State for Planning, National Development and Vision
2030, Treasury Building, Room 715, Harambee Avenue, PO Box 30007, 00100 Nairobi, KENYA. Tel. +254
202252299.

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:**

28.1.2011.

Notice number in OJ: [2011/S 19-029011](#).

29. **Legal basis:**

ACP–EC Partnership Agreement signed at Cotonou on 23.6.2000 as amended.

30. **Additional information:**

Please note that the awarding of the contract is subject to the condition of the prior adoption of a financing decision, which 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:**

15.3.2011.