



PUBLIC PROCUREMENT OF CONSULTANCY SERVICES

Agence Française de développement
5 Rue Roland-Barthes
75012 PARIS

RE:

Study for vehicles labeling in Ecuador : road safety, energy efficiency and climate change

Deadline for the receipt of tenders

**The proposals must be delivered no later than
September 16, 2019 at 12:00 am (Paris time)**

Any offer received after the time mentioned above will be rejected

The completed reply will be sent on [achatpublic.com](https://www.achatpublic.com)

<https://www.achatpublic.com/>

TENDER RULES

TENDER RULES

CONTENTS

ARTICLE 1: PURPOSE AND SCOPE OF THE TENDER	4
1.1 - PURPOSE OF THE TENDER	4
1.2 - NEGOTIATED CONTRACT FOR SIMILAR SERVICES THAT MAY SUBSEQUENTLY BE ENTERED INTO	4
1.3 – CONTRACT AWARD PROCEDURE	4
1.4- ALLOCATION OR BREAKDOWN OF THE PROCUREMENT PROCEDURE	4
1.5 - CONDITIONS APPLICABLE TO THE PARTICIPATION OF TENDERERS	4
1.6 - COMMUNITY NOMENCLATURE	5
ARTICLE 2: TENDER CONDITIONS	5
2.1 - TERM - COMPLETION DEADLINE	5
2.2 – VARIANTS	5
2.3 - BID VALIDITY PERIOD	5
2.4 - PAYMENT METHOD AND FINANCING METHODS	5
2.5 – SPECIAL PERFORMANCE CONDITIONS	5
ARTICLE 3: CONTENT OF THE TENDER DOCUMENTATION	5
ARTICLE 4: PRESENTATION OF APPLICATIONS AND BIDS	6
4.1 - DOCUMENTS TO BE PROVIDED	6
4.2 - VARIANTS	8
ARTICLE 5: SELECTION OF APPLICATIONS AND REVIEW OF TENDERS	8
5.1 – ACCEPTANCE	8
5.2 - BID EVALUATION CRITERIA	8
5.3 – INTERVIEWS WITH TENDERERS (AND/OR NEGOTIATION DEPENDING ON THE PROCEDURE USED)	9
5.4 - DOCUMENTS TO BE PROVIDED BY THE PREFERRED TENDERER	10
ARTICLE 6: CONDITIONS FOR SENDING OR SUBMITTING BIDS	10
6.1 – SUBMISSION DEADLINE	10
6.2 – ELECTRONIC TRANSMISSION	10
ARTICLE 7: ADDITIONAL INFORMATION	11
7.1 - REQUEST FOR INFORMATION	11
APPENDIX 1 - FORM OF SWORN STATEMENT	13

TENDER RULES

Article 1: Purpose and scope of the tender

1.1 - Purpose of the tender

This tender is for:

Study for vehicles labeling in Ecuador: road safety, energy efficiency and climate change

Place(s) of performance: consultant's premises and on-site (Ecuador)

1.2 - Negotiated contract for similar services that may subsequently be entered into

The services that are the subject of this tender may lead to a new contract for the provision of similar services, entered into pursuant to the negotiated procedure without prior publication and without a prior call for tenders and which shall be performed by the successful tenderer for this contract.

1.3 – Contract award procedure

This procurement procedure was launched using:

- An adapted open procedure.

Pursuant to the code of public procurement

1.4- Allocation or Breakdown of the procurement procedure

Separate batches may render the performance of services technically difficult.

1.5 - Conditions applicable to the participation of tenderers

Bids, whether submitted by an economic operator or by a group of economic operators, must state all known subcontractors at the time they are submitted. They must also state the services (and their value) that are proposed to be sub-contracted, and the name and roles of the subcontractors that will perform those services on the contractor's behalf.

For groups of economic operators, the form preferred (but not required) by the contracting authority is a joint and severally/jointly liable group of economic operators with jointly and severally liable representative.

Applicants may not submit more than one bid where they are acting, at the same time:

- As individual tenderers and members of one or more groups of economic operators;
- As members of several groups of economic operators.

1.6 - Community nomenclature

The main and supplementary classification(s) under the European common procurement vocabulary (CPV), per lot are:

71241000-9

Article 2: Tender conditions

2.1 - Term - Completion deadline

The completion deadlines are set out in the tender document

2.2 – Variants

Not applicable

2.3 - Bid validity period

The bids shall be valid for **90 days** from the bid submission deadline.

2.4 - Payment method and financing methods

Amounts payable to the contractor(s) and any first ranking subcontractor(s) under the contract shall be paid within 30 days of receipt of invoices or equivalent requests for payment.

2.5 – Special performance conditions

Not applicable

Article 3: Content of the tender documentation

The tender documentation comprises the following documents:

- The tender rules and the appendices thereto, including the sworn statement
- The tender document and the appendices thereto, including the financial appendix (Breakdown of the Overall Fixed Price) ;
- The special administrative terms and conditions and the appendices thereto (including the information security appendix and the CSR appendix)
- The terms of references

The tender documents for companies are provided free of charge to each candidate. They are available from the following email address: www.achatpublic.com

Economic operators are not required to identify themselves in order to access the tender documents. However, tenderers are advised to do so in order to be kept informed of any changes and clarifications made to the tender documents during the tender process.

The contracting authority reserves the right to make detailed changes to the tender documents. Any such changes must be sent to tenderers no later than **10** days before the deadline for receiving bids. The tenderers will then be required to submit their bids on the basis of the amended documents and will not be able to raise any complaints in this respect.

If, during the review of the documents by the tenderers, the deadline for submitting bids is postponed, the paragraph above shall apply by reference to this new date.

Article 4: Presentation of applications and bids

Tenderers' bids shall be entirely drafted in English or Spanish and expressed in euros.

4.1 - Documents to be provided

Each tenderer shall produce a complete file containing the following documents, dated and signed by it:

Application documents:

Tenderers may use the DC1 (letter of application) and DC2 (applicant declaration) forms or any other equivalent document, or the European Single Procurement Document (ESPD) to submit their bid. These documents are available free of charge at www.economie.gouv.fr. They shall contain the following:

Information on the company's legal situation as provided for in Article R2143-3 of the code of public procurement

- Sworn statement that the candidate does not fall within any of the prohibitions on tendering, and in particular that it is in compliance with Articles L. 5212-1 to L. 5212-11 of the French Employment Code on the employment of disabled workers; **(FORM OF STATEMENT APPENDED TO THESE TENDER RULES)**;
- Document(s) evidencing the powers of the person authorised to bind the company (K bis company extract, delegation of authority, articles of association, etc.) together with, for groups of economic operators, the authorisation granted to the representative by its co-contractors;

Information on the company's economic and financial capacity as provided for in Articles R2142-1, R2142-2, R2142-5 à R2142-14 et 2142-25 of the code of public procurement:

- Declaration on the company's overall turnover and, where applicable, its turnover in respect of services covered by the contract, for, at most, the last three available financial years, depending on when the company was established or when the economic operator commenced its operations, to the extent that information on such turnover amounts is available;
- Appropriate declaration from banks or, where appropriate, evidence of insurance against business risks;

- Balance sheets or extracts from balance sheets, for the last three years, of economic operators that are legally required to produce balance sheets;

Information on professional references and the company's technical capabilities as provided for in articles R2142-1, R2142-2, R2142-5 à R2142-14 et 2142-25 of the code of public procurement

Equivalents may be provided for the aforementioned certificates. Foreign companies may provide certificates issued by organisations in their state of origin.

Applications from newly created companies are permitted. If they are unable to produce some of the documents requested in the tender rules, they may provide evidence of their financial and professional capabilities by other means and in particular by producing qualifications or detailing the professional experience of their managers.

In order to establish the professional, technical, and financial capabilities of other economic operators on which the tenderer is basing its bid, the tenderer shall produce the same documents in respect of that economic operator that are requested of the tenderer by the contracting authority. Furthermore, in order to demonstrate that this economic operator's capabilities are available to the tenderer in relation to the services, the tenderer shall produce a written undertaking from the economic operator.

The contracting authority shall apply the 'Tell us once' principle. Consequently, candidates are not required to provide documents and information that have already been provided in connection with a previous tender, provided they remain valid.

NOTE: Before considering the applications, if any of the documents referred to above are missing or incomplete, the contracting authority may decide to ask all the candidates in question to produce or complete these documents within a period determined by the AFD.

Bid documents:

- The tender document and the appendices thereto, including the financial appendix: to be completed by the qualified representatives of the companies applying to be contractors (electronic signature)
- The special administrative terms and conditions: enclosed booklet to be accepted without amendment
- The special technical terms and conditions and the appendices thereto, enclosed booklet to be accepted without amendment
- **A technical proposal including:**
 - ✓ a note presenting the understanding of the terms of reference and the methodology proposed for providing the service (10 pages maximum),
 - ✓ a note presenting the consultants' organization : subcontracting, team's composition, assignment of responsibilities to each of its members, focal point in Ecuador ... (3 pages maximum);

- ✓ the consultant's references and experience for similar services realized within the 5 previous years,
- ✓ the proposed CVs of the team's members,
- ✓ the projected work plan and an estimate of required staff time in working days including working days in Ecuador

The documentation will be sent in an envelope containing the application documents and the bid.

4.2 - Variants

Not applicable

Article 5: Selection of applications and review of tenders

The selection of applications and the review of tenders will be carried out in accordance with the fundamental principles of public procurement.

5.1 – Acceptance

The AFD reserves the right to analyse the bids before the applications. In such circumstances, it may limit its review of the application documents to those of the candidate to which it intends to award the contract.

The criteria for selecting applications are:

- **Technical and financial guarantees and capabilities**
- **Professional capabilities**

Applications shall be held to be inadmissible:

- If they fall within the prohibitions on tendering listed in Articles L2141-1 à L2141-5 and L2341-1 of the code of the public procurement ;
- If they do not offer sufficient financial, technical and professional guarantees with regard to the subject-matter of the service.

The AFD reserves the right to consider a bid to be inadmissible if it does not cover all the requirements set out in paragraph 4, or if it does not comply with the forms of response set out in these tender documents.

Similarly, any qualification made in the documents made may result in the tenderer being excluded.

5.2 - Bid evaluation criteria

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Compliant bids will be analysed and rated using the following weighted judgement criteria:

<i>Criteria</i>	<i>Weighting</i>
1-Price of the services	20%
2-Technical value	80%

SUB TECHNICAL-CRITERIA:

- Quality of the methodology, understanding of the terms of reference and presentation of the consultant's methodology in order to achieve the mission as best as possible : **35 pts**
- Evidence of the skills of the team, experience and knowledge allocated to delivering the services : **35 pts**
- Organization, adequacy of organization and mobilization of means to the requested mission : **10 pts**

A minimum technical score of 60 is expected to be qualified

Score for price:

The maximum score will be given to the candidate that offers the least expensive solution.

In the event that errors that are purely clerical (multiplication, addition or carrying forward errors) are found in the tenderer's bid, it will be invited to confirm the corrected bid; if it refuses to do so, its bid will be eliminated as being inconsistent.

5.3 – Interviews with tenderers (and/or negotiation depending on the procedure used)

Negotiations with candidates

Tenderers' attention is drawn to the fact that any incomplete bid that fails to take account of prevailing laws or that exceeds the budget allocated to the contract may be adjusted during negotiations, provided that it is not abnormally low. After the negotiations, any bid that remains non-compliant may be adjusted within an appropriate period, provided that it is not abnormally low.

After reviewing all the bids, the contracting authority reserves the right to enter into negotiations with the two best candidates that submitted the most attractive bids based on the criteria and weighting defined above (subject to receiving a sufficient number of bids).

A first ranking of the offers will specify the two best offers

As part of these negotiations, the selected tenderers may be invited as many times as necessary by the contracting authority, under strict conditions of equality, to clarify, supplement or modify their bid without making any material changes to the specifications.

The AFD reserves the right to organise several rounds of negotiations with all selected candidates.

The AFD also reserves the right to award the contract based on the initial bids, without negotiation.

5.4 - Documents to be provided by the preferred tenderer

Tenderers' professional capacities, economic and financial capacities and technical and professional capacities may be verified at any time during the procedure before the public contract is awarded.

The selected tenderer(s) shall produce, at the request of the contracting authority, any additional certificates and certificates deemed necessary.

Furthermore, if not previously provided, the preferred tenderer shall provide documents evidencing the powers of the person authorised to bind the company (K bis company extract, delegation of authority, tax and social security certificates, insurance certificate, articles of association, etc.) together with, for groups of economic operators, the authorisation granted to the representative by its co-contractors;

The deadline for submitting these documents will be stated by the contracting authority in the relevant letter. If these documents are not provided by the preferred tenderer by the stated deadline, the bid will be rejected and the contract will be awarded to the second-ranked tenderer.

In order to comply with this last obligation, tenderers that are established in a State other than France must produce a certificate issued by the authorities and bodies in their country of origin. In the event that such a certificate is not issued by the country in question, it may be replaced by a sworn statement, or in States where such sworn statements are not made, by a solemn declaration by the tenderer before the competent judicial or administrative authority, a notary or a qualified professional body in the country.

Article 6: Conditions for sending or submitting bids

6.1 – Submission deadline

Bids must be received by the AFD no later than:

September 16, 2019 at 12:00 am (Paris time)

6.2 – Electronic transmission

The contracting authority requires documents to be sent electronically to the following address: www.achatpublic.com.

Recommendations are provided on the buyer profile (*profil acheteur*) at achatpublic.com. These recommendations are as follows:

- After checking that Java (available free of charge on the java.com website) is installed on the workstation, it is advisable to first test the electronic response on the test consultation.
- With an ADSL connection, economic operators must allow for 3 or 4 hours for documents of around 300MB in size. And 6 hours or more if the documents exceed 300MB (the transmission of the documents depends on the performance of the workstation used, the quality of the network and the internet speed);
- Use of an Ethernet cable to access the Internet is recommended and Wifi should be avoided;
- Economic operators should place files on a local drive rather than on a server on the company's internal network;

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- Economic operators using a proxy server must first check with their IT department if there is a limit on uploading files;
- The IT department must also check the antivirus and firewall settings (firewall) on the user's workstation;

The presence or availability of the IT department during the creation and transmission of the documentation folder is strongly recommended. The IT department may be able to act quickly in the event of an anomaly on the workstation.

Conditions for submitting electronic bids: separate files, one of which contains the application documents and the other, the bid documents, where a single envelope is used. Each transmission will be issued with a definite date of receipt and an electronic acknowledgement of receipt.

The reference time zone will be GMT+01:00 (Paris, Brussels, Copenhagen, Madrid).

A duplicate back-up copy of the bid may be sent by the deadline, either electronically or in hard copy format. This copy shall be sent in a sealed envelope and must include the words “back-up copy”, as well as the name of the candidate and the identification details of the relevant tender.

The documents may be sent in the following electronic formats: doc, xls, pdf, jpg, ppt

Each document that requires a signature must be signed individually and electronically in accordance with the XAdES, CAdES or PAdES format. The tenderer shall not enter into a binding commitment simply by electronically signing the bid.

The required security level for the electronic signature certificate is Level (**) of the RGS (General Safety Framework). RGS certificates are listed on a trusted list issued by France (<http://references.modernisation.gouv.fr>) or on a trusted list issued by another European Union Member State.

Tenderers are, however, free to use certificates of their own choosing if they comply with the minimum obligations set out in the RGS. In such circumstances, they must provide all information required in order to verify compliance.

The costs of accessing the network and using electronic signatures shall be borne by each tenderer.

Any document containing a computer virus shall be subject to security archiving and shall be deemed never to have been received. The relevant tenderer will be notified. Subject to these conditions, tenderers are advised to pass their documents through anti-virus software before being submitted.

Documents that are sent electronically shall be printed out once the bids have been opened. Tenderers are hereby informed that the award of the contract may require the paper contract to be signed by hand.

Article 7: Additional information

7.1 - Request for information

In order to obtain any additional information they may need in connection with their review, tenderers must send a written request, no later than **10 calendar** days before the deadline for submitting bids, to:

- directly on the buyer profile: <https://www.achatpublic.com> on the dedicated tender space under the “Questions and Answers”

A response will then be sent to all companies that have accessed the documentation or downloaded it after identifying themselves no later than **6** calendar days before the deadline for submitting bids.

Appendix 1 - FORM OF SWORN STATEMENT

Pursuant to Articles L2141-1 à L2141-5, L2141-7 à L2141-11, L2341-1 et L2341-5 of the code of the public procurement

Name or company name, and address of the registered office:

.....
.....

SIREN/SIRET, number:

Trade and Companies Register, number and town of registration:

Business Directory, number and town of registration:

Reason for not stating a trade and companies registry or business directory number:

☐ The tenderer is a non-trading individual and is not required to be registered on the Trade and Companies Register or on the business directory. However, if the profession to which the tenderer belongs is regulated, provide details of its professional registration or details of its authorisation issued by the competent authority below:

.....

☐ The tenderer is a company that was incorporated on
Its application for registration is pending before the organisation, the name and address of which are set out below:

.....

I swear that:

- a) I have read all the documents comprising the tender documentation and am fully responsible for assessing the services to be delivered;
- b) I do not fall within any of the prohibitions on tendering set out in articles L2141-1 à L2141-5, L2141-7 à L2141-11, L2341-1 et L2341-5 of the code of the public procurement¹;
- c) if foreign nationals are used in the performance of the contract, those employees shall be authorised to work in France;
- d) I am not, and that none of the members of my group of economic operators, or my suppliers, contractors, consultants or sub-contractors, are included on the lists of financial sanctions issued by the United Nations, the European Union and/or France, particularly with regard to terrorist financing and breaches of international peace and security and undertake to immediately inform the Agency of any change to the situation.
- e) I acknowledge that any false statement may cause my Proposal to be rejected.

¹ In the event that the tenderer or one of the members of the group of economic operators enters into court-supervised administration, its attention is drawn to the fact that it shall be asked to demonstrate that it has been authorised to continue its business activities for the foreseeable term of the public contract.

Tick the following box to confirm that the individual tenderer or each member of the group of economic operators does not fall within any of the prohibitions on tendering: ☐

☐ The company I represent is not in court-supervised administration.

☐ The company I represent is currently in court-supervised administration, but has been authorised to continue its business activity for the foreseeable term of the contract (attach the relevant judgment of the commercial court).

My general terms and conditions of sale, except those arising from mandatory legal provisions, are unenforceable regardless of their form.

Name and capacity of the signatory with authority to bind the company:

Mr/Ms

In

, on

Signature (original) - Company stamp

