

PUBLICATION REFERENCE: 08/CUAMM/ETH/2023

When submitting their tenders, tenderers must follow all instructions, forms, terms of reference, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.

These instructions set out the rules for submitting and selecting tenders. They apply to this call for tenders, in conformity with the practical guide, (available on the internet at this address: <http://ec.europa.eu/europeaid/prag/document.do>).

1. Services to be provided

The services required by the contracting authority are vehicle rental in Somali Region, Libana Zone, Filtu Woreda and Gambella Region Itang woreda Nguenyiel Refugee camp. They are described in the technical specifications set out in Annex II and II of the present tender dossier.

The tender is made of 2 Lots; Lot 1 requires service delivery in Somali Region, Libana Zone, Filtu Woreda; and Lot 2 requires service delivery in Gambella Region Itang woreda Nguenyiel Refugee camp (for details see Annex II and III). Tenderers can apply for one or two Lots as it better suits their operation.

LOT 1 – Car and Minivan to circulate in Somali Region - Libana Zone, Filtu Woreda

Item number	Specifications required	Qunatities	Period
1	CAR <u>Technical specifications</u> 4X4 Hardtop – 10 seats (including driver seat); Air Condicioned; No more than 5 years old; Max 300.000Km done Number of door - 5 <u>Security specifications</u> Experienced driver; Equipped; Insured for passengers; 1st AID KIT	On need	1 year
2	MINIVAN <u>Technical specifications</u> 14 seats (including driver seat); Ar Condicioned; No more than 3 years old; Max 200.000 Km done <u>Security specifications</u> Experienced driver; Equipped; Insured for passengers; 1st AID KIT	On need	1 year
3	CAR <u>Technical specifications</u> 4X4 Longbase – 13 seats (including driver seat); Air Condicioned; No more than 5 years old; Max 300.000Km done Number of door - 3 <u>Security specifications</u> Experienced driver; Equipped; Insured for passengers; 1st AID KIT	On need	1 year

LOT 2 – Bus to circulate in Gambella Region - Itang woreda Nguenyyiel Refugee camp

Item number	Specifications required	Qunatities	Period
1	Bus <u>Technical specifications</u> 30 seats (including driver seat); Ar Condicioned; No more than 3 years old; Max 200.000 Km done <u>Security specifications</u> Experienced driver; Equipped; Insured for passengers; 1st AID KIT	On need	1 year

2. Timetable

	DATE	TIME
Deadline for requesting clarification from the contracting authority	29/03/2023	5 PM
Last date for the contracting authority to issue clarification	31/03/2022	5 PM
Deadline for submitting tenders	07/04/2023	5 PM
Tender opening session	10/04/2023*	-
Notification of award to the successful tenderer	13/04/2023*	-
Signature of the contract	23/04/2023*	-
Start date	01/05/2023*	-

* Provisional dates

3. Participation, experts and subcontracting

- a) Participation in this tender procedure is open to all Ethiopians car rental service providers that have been approved by the Contracting Authority as Eligible Service Provider.
- b) Natural or legal persons are not entitled to participate in this tender procedure or be awarded a contract if they are in any of the situations mentioned in Sections 2.4. (EU restrictive measures), 2.6.10.1.1 (exclusion criteria) or 2.6.10.1.2. (rejection from a procedure) of the **practical guide**. Should they be in one of these situations, their tender will be considered either unsuitable or irregular.
- c) In the cases listed in Section 2.6.10.1.1. of the **practical guide** tenderers may be excluded from EU financed procedures and be subject to financial penalties up to 10 % of the total value of the contract in accordance with the Financial Regulation in force. This information may be published on the Commission website in accordance with the Financial Regulation in force.
- d) Short-listed economic operators or consortia are not allowed to form alliances with any other firms or to subcontract to each other for the purposes of this contract.
- e) For the purpose of implementing the contract, subcontracting is the only permitted form of collaboration with firms that have not been short-listed. The tenderer and, where applicable, entities on whose capacities the tenderer has relied with regard to criteria relating to the economic and financial capacity, shall be jointly liable for the performance of the contract. If the tenderer intends to subcontract one or more parts of the contracted services, this must be clearly stated in the organisation and methodology and in the tender submission form.
- f) All subcontractors as well as all entities, upon whose capacity the tenderer relies for the selection criteria, must be eligible for the contract. If the identity of the intended subcontractor is already known at the time of submitting the tender, the tenderer must furnish a statement guaranteeing the eligibility of the subcontractor. If any subcontractor/capacity-providing entity identified in this way does not meet the eligibility criteria, the tender shall be rejected. If the identity of the subcontractor is not known at the time of submitting the tender, any subcontract must be awarded according to Article 4 of the general conditions of the contract.

- g) Subcontractors and capacity providing entities cannot be in any of the exclusion situations listed in Section 2.6.10.1 of the practical guide. The successful tenderer/contractor shall submit a declaration from the intended subcontractor/capacity-providing entity that it is not in one of the exclusion situations. In the event of doubt, the contracting authority shall request documentary evidence that the subcontractor/ capacity providing entity is not in a situation of exclusion.

Content of tenders

Offers, all correspondence and documents related to the tender exchanged by the tenderer and the contracting authority must be either written or translated into English.

The tender must include a technical offer and a financial offer, which must be submitted in separate envelopes (see clause 0). Each technical offer and financial offer must contain one original, clearly marked “**Original**”, and copies, each marked “**Copy**” with **Digital copy** in pendrive or CD

The electronic version of the technical offer must be included with the printed version in the separate envelope in which the technical offer is submitted. If there are any discrepancies between the electronic version and the original, printed version, the latter has precedence.

Failure to fulfil the requirements in clauses 4.1, 4.2 and 0 will constitute an irregularity and may result in rejection of the tender.

4.1. Technical offer

The Technical offer consists of the documents listed below.

The documents listed in point 1 to point 4 must be submitted within the deadline for submitting tenders.

- (1) **Tender submission form** (Annex I) including:
 - a) Duly authorised signature: an official document such as (statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the company/joint venture/consortium is duly authorised to do so.
- (2) **Specifications and Technical Offer** (Annex II and III), to be drawn up by the tenderer.
- (3) **Financial Offer** (Annex IV), to be drawn up by the tenderer; alternatively the tenderer can provide its own quotation format for each of the Lot.
- (4) Documentary proof or statements required under the law of the country in which the company (or each of the companies for consortia), the subcontractors and the capacity providing entities are effectively established, to show that it is not in any of the exclusion situations listed in Section 2.6.10.1 of the practical guide. This evidence, documents or statements must be dated, no more than one year before the date of submission of the tender.

Where the documentary evidence submitted is in an official language of the European Union other than the one of the procedure, it is strongly recommended to provide a translation into the language of the procedure, in order to facilitate the evaluation of the documents. Documentary proof or statements may be in original or copy. If copies are submitted, the originals must be available to send to the contracting authority upon request.

Tenderers are reminded that the provision of false information in this tender procedure may lead to the rejection of their tender and to their exclusion from EU-funded procedures and contracts.

4.2. Financial offer

The financial offer must be presented as an amount in ETB and must be submitted using the template for the global-price version of Annex V to part B of this tender dossier. The electronic version of this document 'B8 — Budget for a global-price contract' can be found on the website:

<http://ec.europa.eu/europeaid/prag/document.do>.

The global price may be broken down by outputs if required from the terms of reference.

4. Variant solutions

Tenderers are not authorised to tender for a variant in addition to this tender.

5. Period during which tenders are binding

Tenderers are bound by their tenders for 90 days after the deadline for submitting tenders or until they have been notified of non-award. In exceptional cases, before the period of validity expires, the contracting authority may ask tenderers to extend the period for a specific number of days, which may not exceed 40.

The selected tenderer must maintain its tender for a further 60 days. This 60-day period is added to the validity period irrespective of the date of notification. This period can be further extended when the contracting authority is required to obtain the recommendation of the panel referred to in Section 2.6.10.1.1 of the practical guide, up to the adoption of that recommendation.

6. Additional information before the deadline for submitting tenders

Tenderers may submit questions in writing to the following address up to 12 days before the deadline for submission of tenders, specifying the publication reference and the contract title:

Libsom Tewolde

Procurement Officer

l.tewolde@cuamm.org

and in cc

Hirut Biazem

Finance Manager

h.biazem@cuamm.org

The contracting authority has no obligation to provide clarification on questions received after this date.

Any tenderer seeking to arrange individual meetings with the contracting authority concerning this contract during the tender period may be excluded from the tender procedure.

Clarifications will be published on the contracting authority website at the latest 8 days before the deadline for the submission of tenders. The website will be updated regularly and it is the tenderers responsibility to check for updates and modifications during the submission period.

No information meeting is planned.

No site visit is planned.

7. Submission of tenders

Tenders must be sent to the contracting authority before the deadline

They must include the requested documents in clause 4 above and be sent:

EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip¹, to:

Doctors with Africa CUAMM
Bole Subcity, Woreda 3, house nr. 2434
Addis Ababa
From 9AM to 5 PM

OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Doctors with Africa CUAMM
Bole Subcity, Woreda 3, house nr. 2434
Addis Ababa
From 9AM to 5 PM

The contracting authority may, for reasons of administrative efficiency, reject any request to participate or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting requests to participate or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

Tenders must be submitted using the double envelope system, i.e. in an outer parcel or envelope containing two separate, sealed envelopes, one bearing the words '**Envelope A — Technical offer**' and the other '**Envelope B — Financial offer**'. All parts of the tender other than the financial offer must be submitted in Envelope A (i.e. including the tender submission form, statements of exclusivity and availability of the key experts and declarations).

The outer envelope should provide the following information:

- a) the address for submitting tenders indicated above;
- b) the reference code of the tender procedure: 08/CUAMM/ETH/2023
- c) the words 'Not to be opened before the tender-opening session' and
- d) the name of the tenderer.

Each envelope must include an index of its contents. The pages of the technical and financial offers must be numbered.

8. Amending or withdrawing tenders

Tenderers may amend or withdraw their tenders by written notification prior to the deadline for submitting tenders. Tenders may not be amended after this deadline.

Any such notification of amendment or withdrawal must be prepared and submitted in accordance with clause 0. The outer envelope (and the relevant inner envelope) must be marked 'Amendment' or 'Withdrawal' as appropriate.

¹ It is recommended to use registered mail in case the postmark would not be readable.

9. Costs for preparing tenders

No costs incurred by the tenderer in preparing and submitting the tender are reimbursable. All such costs must be borne by the tenderer, including the cost of interviewing proposed experts.

10. Ownership of tenders

The contracting authority retains ownership of all tenders received under this tendering procedure.

11. Evaluation of tenders

The opening of the received tenders is public.

Once the contracting authority has opened the tenders, they shall become its property and will be treated confidentially.

11.1. Evaluation of technical offers

The quality of each technical offer will be evaluated in accordance with the award criteria and the weighting detailed in the evaluation grid in Part C of this tender dossier. No other award criteria will be used. The award criteria will be examined in accordance with the requirements indicated in the terms of reference.

The evaluation of the technical offers will follow the procedures set out in Section 3.4.10.3 of the practical guide (available on the internet at: <http://ec.europa.eu/europeaid/prag/document.do>).

11.2. Evaluation of financial offers

Upon completion of the technical evaluation, the envelopes containing the financial offers for tenders that were not eliminated during the technical evaluation will be opened (i.e. those with an average score of 75 points or more).

Any arithmetical errors are corrected without penalty to the tenderer such that, if there is a discrepancy between a fee rate and the total amount derived from multiplying the fee rate by the corresponding number of working days, the fee rate as quoted must prevail, unless the opinion of the evaluation committee is that there is an obvious error in the fee rate, in which event the total amount as quoted must prevail and the fee rate must be corrected.

11.3. Choice of selected tenderer

The best price-quality ratio is established by weighting technical quality against price on an 80/20 basis.

11.4. Confidentiality

The entire evaluation procedure is confidential, subject to the contracting authority's legislation on access to documents. The evaluation committee's decisions are collective and its deliberations are held in closed session. The members of the evaluation committee are bound to secrecy. The evaluation reports and written records are for official use only and may be communicated neither to the tenderers nor to any party other than the contracting authority, the European Commission, the European Anti-Fraud Office, the European Public Prosecutor's Office and the European Court of Auditors.

12. Ethics clauses and code of conduct

a) Absence of conflict of interest

The tenderer must not be affected by any conflict of interest and must have no equivalent relation in that respect with other tenderers or parties involved in the project. Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the contracting authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the

rejection of its tender and may result in administrative penalties according to the Financial Regulation in force.

b) Respect for human rights as well as environmental legislation and core labour standards

The tenderer and its personnel must comply with human rights and applicable data protection rules. In particular and in accordance with the applicable basic act, tenderers and applicants who have been awarded contracts must comply with the environmental legislation including multilateral environmental agreements, and with the core labour standards as applicable and as defined in the relevant International Labour Organisation conventions (such as the conventions on freedom of association and collective bargaining; elimination of forced and compulsory labour; abolition of child labour).

Zero tolerance for sexual exploitation, abuse and harassment:

The European Commission applies a policy of 'zero tolerance' in relation to all wrongful conduct which has an impact on the professional credibility of the tenderer.

Physical abuse or punishment, or threats of physical abuse, sexual abuse or exploitation, harassment and verbal abuse, as well as other forms of intimidation shall be prohibited.

c) Anti-corruption and anti-bribery

The tenderer shall comply with all applicable laws and regulations and codes relating to anti-bribery and anti-corruption. The European Commission reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process or during the execution of a contract and if the contracting authority fails to take all appropriate measures to remedy the situation. For the purposes of this provision, 'corrupt practices' are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or execution of a contract already concluded with the contracting authority.

d) Unusual commercial expenses

Tenders will be rejected or contracts terminated if it emerges that the award or execution of a contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a payee who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

Contractors found to have paid unusual commercial expenses on projects funded by the European Union are liable, depending on the seriousness of the facts observed, to have their contracts terminated or to be permanently excluded from receiving EU funds

e) Breach of obligations, irregularities or fraud

The contracting authority reserves the right to suspend or cancel the procedure, where the award procedure proves to have been subject to breach of obligations, irregularities or fraud. If breach of obligations, irregularities or fraud are discovered after the award of the contract, the contracting authority may refrain from concluding the contract.

14. Signature of contract(s)

14.1. Notification of award

Tenderers will be notified of the outcome of this procurement procedure in writing.

14.2. Signature of the contract(s)

Within 30 days of receipt of the contract already signed by the contracting authority, the selected tenderer shall sign and date the contract and return it to the contracting authority.

Failure of the selected tenderer to comply with this requirement may constitute grounds for annulling the decision to award the contract. In this event, the contracting authority may award the tender to another tenderer or cancel the tender procedure.

The other tenderers will, at the same time as the notification of award is submitted, be informed that their tenders were not retained, by electronic means or standard letter, including an indication of the relative weaknesses of their tender by way of a comparative table of the scores for the winning tender and the unsuccessful tender. The second best tenderer is informed of the notification of award to the successful tenderer with the reservation of the possibility to receive a notification of award in case of inability to sign the contract with the first ranked tenderer. The second tenderer may refuse the award of the contract if, when receiving a notification of award, the 90 days of validity of their tender has expired.

The contracting authority will furthermore, at the same time, also inform the remaining unsuccessful tenderers of the outcome of the procurement procedure and, as a consequence of these letters, the validity of their offers shall not be retained.

The corresponding contract award notice will be published on TED.

15. Cancellation of the tender procedure

In the event of cancellation of the tender procedure, the contracting authority will notify tenderers of the cancellation.

If the tender procedure is cancelled before the outer envelope of any tender has been opened, the unopened and sealed envelopes will be returned to the tenderers.

Cancellation may occur, for example, where:

- the tender procedure has been unsuccessful, i.e. no suitable, qualitatively or financially acceptable tender has been received or there is no valid response at all;
- there are fundamental changes to the economic or technical data of the project;
- exceptional circumstances or force majeure render normal performance of the contract impossible;
- all technically acceptable tenders exceed the financial resources available;
- there have been breach of obligations, irregularities or frauds in the procedure, in particular if they have prevented fair competition;
- the award is not in compliance with sound financial management, i.e. does not respect the principles of economy, efficiency and effectiveness (e.g. the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate with regard to the price of the market).

In no event shall the contracting authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure, even if the contracting authority has been advised of the possibility of damages. The publication of a contract notice does not commit the contracting authority to implement the programme or project announced.

16. Appeals

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See Section 2.12. of the practical guide.

17. Data Protection

Processing of personal data related to this tender procedure by the contracting authority takes place in accordance with the national legislation of the state of the contractor and with the provisions of the respective financing agreement.

18. Early detection and exclusion system

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system, and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

19. Check list for documentation to include in the tender offer

List of documents to be submitted with the tender

#	Required Documents	Check
1	Tender submission form - Annex I	
2	Specification and Technical offer - Annex II and III	
3	Financial offer - Annex IV - or a Quotations for each Lot	
4	All Documents have to be soft copy (CD or pen drive will be given back after the opening session) and hard copy	