

SECTION I INSTRUCTIONS TO TENDERERS

In submitting a tender, the tenderer accepts in full and without restriction the special and general conditions governing the contract as the sole basis of this tendering procedure, whatever its own conditions of sale may be, which it hereby waives. Tenderers are expected to examine carefully and comply with all instructions, forms, 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 will lead to the rejection of the tender. No account can be taken of any reservation in the tender as regards the tender dossier; any reservation may result in the immediate rejection of the tender without further evaluation.

These instructions set out the rules for the submission, selection and implementation of contracts financed under this call for tenders, in conformity with the provisions of the practical guide, which is applicable to the present call (available on the internet at this address: <http://ec.europa.eu/europeaid/frag/document.do>).

GENERAL PART

1. GENERAL INSTRUCTIONS

Tenderers must tender for the whole of the works required by the dossier. Timetable:

	DATE	TIME*
Clarification meeting	04/09/2023	10 AM
Site visit	06/09/2023	10 AM
Deadline for request for any additional information from the contracting authority	01/10/2023	5 PM
Last date on which additional information are issued by the contracting authority	15/10/2023	-
Deadline for submission of tenders	25/10/2023	5 PM
Tender opening session	01/11/2023	10 AM
Notification of award to the successful tenderer	*15/11/2023	-
Signature of the contract	*01/12/2023	-

*Provisional Dates

TENDER EXPENSES

The tenderer will bear all costs associated with the preparation and submission of the tender. The contracting authority will in no case be responsible or liable for such costs, whatever the conduct or outcome of the procedure.

The contracting authority will neither be responsible for, nor cover, any expenses or losses incurred by the tenderer through site visits and inspections or any other aspect of its tender.

CLARIFICATION MEETING

The clarification meeting will be held on September 04th, 2023 at 10 AM at Doctors with Africa CUAMM main office: Bole Subcity, Woreda 3, house nr. 2434, Addis Ababa

The meeting will provide clarifications only on the tender dossier documentation to be provided.

SITE VISIT

A site visit will be held by the Contracting Authority on September 6th, 2023, at 10 AM at the Gambella Primary Hospital, Gambella Town, Gambella Region.

TENDERS DOCUMENTS

2. CONTENT OF TENDER DOCUMENTS

Tenderers bear sole liability for examining with appropriate care the tender documents, including those design documents available for inspection and any modification to the tender documents issued during the tendering period, and for obtaining reliable information with respect to any and all conditions and obligations that may in any way affect the amount or nature of the tender or the execution of the works. In the event that the tenderer is successful, no claim for alteration of the tender amount will be entertained on the grounds of errors or omissions in the obligations of the tenderer described above.

3. EXPLANATIONS CONCERNING TENDER DOCUMENTS

Tenderers may submit questions in writing up to 15 days before the deadline for submission of tenders, specifying the publication reference and the contract title, to:

Biruk Admassu
Bole Subcity, Woreda 3, house nr. 2434, Addis Ababa
b.admassu@cuamm.org
cc
g.denotaris@cuamm.org

The contracting authority has no obligation to provide additional information after this date. Any clarification of the tender dossier will be communicated simultaneously to all tenderers at the latest 8 calendar days before the deadline for submitting tenders.

4. MODIFICATIONS OF TENDER DOCUMENTS

The contracting authority may amend the tender documents up to 8 calendar days before the deadline for submission of tenders.

Any modification of the tender dossier will be communicated in writing to all invited service providers simultaneously.

The contracting authority may, as necessary and in accordance with clause 12, extend the deadline for submission of tenders to give tenderers sufficient time to take modifications into account when preparing their tenders.

TENDERS PREPARATION

5. LANGUAGE OF TENDERS

The tender and all correspondence and documents related to the tender exchanged by the tenderer and the contracting authority must be written in the language of the procedure which is English.

If the supporting documents are not written in English, a translation into the language of the call for tender must be attached.

6. CONTENT AND PRESENTATION OF TENDER

The tender must be signed by a person or persons empowered by the power of attorney submitted in accordance with Annex 11 of the tender dossier.

All tenders must comprise the following information and duly completed documents:

8.1 Tender form (03), in accordance with the Form of Volume 1, Section 2, together with the 'Declaration on Honour on exclusion criteria and selection criteria¹' as an Annex.

8.2 Evidence of the tenderer's fulfilment of the following eligibility and selection criteria:

- the eligibility requirements in section 14 of the attached contract notice, through the tender form and the Legal entity form (Annex II). Copies of the most recent documents showing legal status and place of registration of the headquarters of the tenderer are to be attached;
- the economic and financial capacity requirements in section 14.a and 14.b of the attached contract notice, through the Technical Offer (Annex IV); Copies of the Audit Reports for the year 2021 and 2022.

8.3 Financial offer, in accordance with Financial Offer (Annex XII);

The breakdown of the lump-sum price does not derogate in any way to the clause according to which, in a lump-sum contract, the total contract price remains fixed irrespective of the quantities of work actually carried out. The prices filled in Annex XII are deemed to have been determined on the basis of the conditions in force 30 days prior to the latest date fixed for submission of tenders.

8.4 Technical offer, which must include this information:

- a list of the staff proposed for the execution of the contract, with the CVs of key staff - Technical Offer (Annex IV);
- a work plan with brief descriptions of major activities Technical Offer (Annex IV), showing the sequence and proposed timetable for the implementation of the tasks.

8.5 a **power of attorney** empowering the person signing the tender and all related documentation attached to the Legal Identity Form (Annex II).

8.6 the Financial identification form (Annex V);

Tenders submitted by companies in partnerships forming a joint venture/consortium must also fulfil the following requirements:

- The tender must include all the information required by Sub-clause 8.2 above for each member of the joint venture/consortium and the summary data for execution of works by the tenderer.
- The tender must be signed in a way that legally binds all members. One member must be appointed lead member and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all the individual members. See the tender form.

¹ See detailed instructions on p.5 of annex ds4c

- All members of the joint venture/consortium are bound to remain in the joint venture/consortium for the whole execution period of the contract. See the declaration in the tender form.
- **Tenderers must also submit a digital copy (CD Rom or Flash Drive) of the whole tender dossiers in a closed envelop.**

7. TENDER PRICES

The currency of the tender is the ETB. The tenderer must provide a breakdown of the lump-sum price in ETB.

The tender price must cover the whole of the works as described in the tender documents. No payment will be made for items which have not been costed; such items will be deemed to be covered by other items on the breakdown of the lump-sum price.

8. PERIOD OF VALIDITY OF TENDERS

Tenders must remain valid for a period of 90 days from the deadline for submission of tenders indicated in the contract notice, the invitation to tender or as modified in accordance with Clause 6 and/or 12.

The successful tenderer must maintain its tender for a further 60 days. The further period is added to the validity period irrespective of the date of notification.

SUBMISSION OF TENDERS

9. SUBMISSION OF TENDERS

The complete tender must be submitted in one original, clearly marked 'original' and copies, also clearly marked 'copy'. In the event of any discrepancy between them the original will prevail.

The technical and financial offers must be placed together in a sealed envelope. The envelopes should then be placed in another sealed envelope/package, unless their volume requires several envelopes/packages.

Tenderers must also submit a digital copy (CD Rom or Flash Drive) of the whole tender dossiers in a closed envelop.

All tenders must be sent to the contracting authority before the deadline for submission of tenders specified in the table in point 1 above:

EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip², to:

Doctors with Africa CUAMM
Bole Subcity, Woreda 3, house nr. 2434, Addis Ababa

² It is recommended to use registered mail in case the postmark would not be readable.

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

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 evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

The technical and financial offers must be placed together in one sealed envelope. This envelope should then be placed in another sealed envelope/package, unless their volume requires a separate submission for each lot.

The outer envelope should provide the following information:

- a) the address for submitting tenders indicated above;
- b) the reference code of the tender procedure is:
22/CUAMM/ETH/2023/AID012590/06/09;
- c) the words 'Not to be opened before the tender-opening session';
- 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.

10. EXTENSION OF THE DEADLINE FOR SUBMISSION OF TENDERS

The contracting authority may, on its own discretion, extend the deadline for submission of tenders when issuing a modification. In such cases, all rights and obligations of the contracting authority and the tenderer regarding the original date specified in the contract notice will be subject to the new date.

11. LATE TENDERS

All tenders received after the deadline for submission specified in these instructions will be kept by the contracting authority.

No liability can be accepted for late delivery of tenders. Late tenders will be rejected and will not be evaluated.

12. ALTERATION AND WITHDRAWAL OF TENDERS

Tenderers may alter or withdraw their tenders by written notification prior to the above deadline. No tender may be altered after the deadline for submission. Withdrawals must be unconditional and will end all participation in the tender procedure.

Any such notification of alteration or withdrawal must be prepared and submitted in accordance with Clause 11 above, and the envelope must also be marked with 'alteration' or 'withdrawal' as appropriate.

OPENING AND EVALUATION OF TENDERS

13. OPENING OF TENDERS

The opening session will be held on November 1st, 2023 at 10 AM at Doctors with Africa CUAMM main office in Addis Ababa:

Doctors with Africa CUAMM
Bole Subcity, Woreda 3, house nr. 2434, Addis Ababa

14. EVALUATION OF TENDERS

The contracting authority reserves the right to ask a tenderer to clarify any part of the offer that the evaluation committee may consider necessary for the evaluation of the offer. Such requests and the responses to them must be made in writing. They may in no circumstances alter or try to change the price or content of the tender, except to correct arithmetical errors discovered by the evaluation committee when analysing tenders. The contracting authority reserves the right to check information submitted by the tenderer if the evaluation committee considers it necessary.

The evaluation of tenders will be conducted according to Section 5.3.9.4 of the practical guide:

16.1 Examination of the administrative conformity of tenders

The evaluation committee will check that each tender:

- has been properly signed;
- all the elements in the administrative compliance grid are acceptable;
- has complete documentation and information;
- substantially complies with the requirements of these tender documents.

16.2 Examination of the selection criteria

The evaluation committee will check whether the tenderers meet the eligibility and selection criteria.

16.3 Technical evaluation

The evaluation committee will analyse the tenders' technical conformity in relation to the technical specifications, classifying them technically compliant or non-compliant.

16.4 Financial evaluation

Once the technical evaluation has been completed the evaluation committee checks that the financial offers contain no arithmetical errors. When analysing the tender, the evaluation committee will determine the final tender price after adjusting it on the basis of Clause 17.

16.5 Award criterion

The sole award criterion will be: the most economically advantageous tender among the financially and technically compliant tenders.

15. CORRECTION OF ERRORS

Possible errors in the financial offer will be corrected by the evaluation committee as follows:

- where there is a discrepancy between amounts in figures and in words, the amount in words will prevail;
- except for lump-sum contracts, where there is a discrepancy between a unit price and the total amount derived from the multiplication of the unit price and the quantity, the unit price as quoted will prevail.

The amount stated in the tender will be adjusted by the evaluation committee in the event of error, and the tenderer will be bound by that adjusted amount.

CONTRACT AWARD

16. NOTIFICATION OF AWARD, CONTRACT CLARIFICATIONS

Prior to the expiration of the period of validity of tenders, the contracting authority will notify the successful tenderer, in writing, that its tender has been selected and draw its attention to any arithmetical errors corrected during the evaluation process. This notification may take the form of an invitation to clarify certain contractual questions raised therein, to which the tenderer must be prepared to reply. This clarification will be confined to issues that had no direct bearing on the choice of the successful tender. The outcome of such clarifications will be set out in a memorandum of clarifications, to be signed by both parties and incorporated into the contract.

By submitting a tender, each tenderer accepts to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the offer.

The successful tenderer will be informed in writing that its tender has been accepted (notification of award).

17. CONTRACT SIGNING

Within 10 days of receipt of the contract already signed by the contracting authority, the selected tenderer must sign and date the contract and return it to the contracting authority. On signing the contract, the successful tenderer will become the contractor and the contract will enter into force.

If it fails to sign and return the contract within 10 days after receipt of notification, the contracting authority may consider the acceptance of the tender to be cancelled without prejudice to the contracting authority's right to claim compensation or pursue any other remedy in respect of such failure, and the successful tenderer will have no claim whatsoever on the contracting authority.

18. CANCELLATION OF THE TENDER PROCEDURE

In the event of a tender procedure's cancellation, tenderers will be notified by the contracting authority. In case of paper submission and if the tender procedure is cancelled before the tender opening session the sealed envelopes will be returned, unopened, to the tenderers.

Cancellation may occur where:

- the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no valid response at all;
- the economic or technical parameters of the project have been fundamentally altered;
- exceptional circumstances or force majeure render normal execution of the project impossible;
- all technically compliant tenders exceed the financial resources available;
- there have been irregularities in the procedure, in particular where these 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 will the contracting authority be liable for 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 informed of the possibility of damage. The publication of a procurement notice does not commit the contracting authority to implement the programme or project announced.

19. DATA PROTECTION

Processing of personal data related to this tender procedure by the contracting authority takes place in accordance with the national legislation of Ethiopia.

Details concerning processing of your personal data by the Commission are available on the privacy statement at:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

In cases where you are processing personal data in the context of participation to a tender (e.g. CVs of both key and technical experts) and/or implementation of a contract (e.g. replacement of experts) you shall accordingly inform the data subjects of the possible transmission of their data to EU institutions and bodies and communicate the above mentioned privacy statement to them.

20. 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 (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.