

## INSTRUCTIONS TO TENDERERS

**REFERENCE:** 001/CUAMM/UGA/2024/AID 012590/04/1

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 the submission, selection and implementation of contracts financed under this call for tenders, in conformity with the practical guide (available on the internet at: <https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG>).

### 1. Goods to be provided

The subject of the contract is the supply of medical drugs and Laboratory Reagents. The goods required by the contracting authority are described in the Annex II of this tender dossier.

Lot 01: Medical Drugs

Lot 02: Laboratory Reagents

The supply has to be delivered to Doctors with Africa CUAMM office in Kampala - Gaba Road, Kansanga, Plot n° 3297 P.O. BOX 7214 Kampala, Uganda.

The supplies must comply fully with the technical specifications set out in the tender dossier (technical annex) and conform in all respects with the quantities, models, samples and other instructions.

### 2. Timetable

	DATE	TIME*
<b>Deadline for requesting clarification from the contracting authority</b>	01/03/2024	12:00 am
<b>Last date for the contracting authority to issue clarification</b>	11/03/2024	12:00 pm
<b>Deadline for submitting tenders</b>	22/03/2024	12:00 pm
<b>Tender opening session</b>	25/03/2024	-
<b>Notification of award</b>	26/03/2024	-
<b>Contract signature</b>	28/03/2024	-
<b>Start date</b>	02/04/2024	-

\* The time zone of the country of the contracting authority - Uganda

\*\* Provisional date

### 3. Participation, experts and subcontracting

- a) Participation is open to all natural or legal persons.
- 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 (exclusion criteria) or 2.6.10.1.2 (rejection from a given procedure) of the **practical guide**. Should they do so, their tender will be considered unsuitable or irregular respectively. In the cases listed in Section 2.6.10.1. of the practical guide tenderers may also 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. Tenderers must provide declarations on honour<sup>2</sup> that they are not in any of these exclusion situations. Such declarations must also be submitted by all the members of a joint venture/consortium, by any sub-contractor and by any capacity providing entities. Tenderers who make false declarations may also incur financial penalties and exclusion in accordance with the Financial Regulation in force. Their tender will be considered irregular. The exclusion situations referred to above also apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria. In cases of doubt over declarations, the contracting authority will request documentary evidence that subcontractors and/or capacity providing entities are not in a situation that excludes them.
- c) To be eligible to take part in this tender procedure, tenderers must prove to the satisfaction of the contracting authority that they comply with the necessary legal, technical and financial requirements and have the means to carry out the contract effectively.
- d) Subcontracting is NOT allowed.

### 4. Content of tenders

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

Supporting documents and printed literature furnished by the tenderer may be in another language, provided they are accompanied by a translation into the language of the procedure. For the purposes of interpreting the tender, the language of the procedure has precedence.

The tender must include a technical offer and a financial offer, which must be submitted in separate envelopes (see clause 8).

Failure to fulfil the requirements in clauses 4.1, 4.2 and 8 will constitute an irregularity and may result in rejection of the tender.

#### 4.1. Technical offer

The technical offer must include the documents listed below.

The documentary evidence listed in point 3 below should not be submitted within the deadline for submitting tenders. Instead, they should be prepared by tenderers and kept available for the contracting authority. At any time during the procurement procedure the contracting authority may request the documentary evidence. When requested, the tenderer

should provide the documentary evidence within a short deadline. In any case, the tenderer proposed by the evaluation committee for the award of the contract, will be requested to provide documentary evidence listed in point 3 below prior to the award of the contract.

(1) **Tender submission form** including:

- a) A signed **declaration** using the format attached to the tender submission form together with a signed "Declaration on honour on exclusion criteria and selection criteria"<sup>1</sup> from each legal entity identified in the tender submission form and from each sub-contractor and/or capacity providing entity, using the format attached to the tender submission form.
- b) A completed **financial identification form** (see Annex c4o1) to indicate the bank account into which payments should be made if the tender is successful changed in the meantime).
- c) The **legal entity file** and supporting documents (see Annex c4o3).
- d) Duly authorised signature: an official document (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) Documentary proof or statements required under the law of the country in which the company (or each of the companies for consortia), the sub-contractors and the capacity providing entities are effectively established, to show that they are 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. In addition, a statement must be furnished stating that the situations described in these documents have not changed since then.

#### **4.2. Financial offer**

The financial offer must be presented as an amount in UGX Uganda Shillings

#### **4.3 Origin and other requirements**

1. As the present bid falls under the MFF 2021/2027, all supplies under this contract may originate in any country. When submitting tenders, tenderers must certificate the countries of origin. They may be asked to provide additional information in this connection.
2. When submitting tenders, tenderers must certificate the compliance with Regulatory Standards set by the National Drug Authority (NDA) of Uganda or relevant international standards such as WHO Good Manufacturing Practices (GMP).

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<sup>1</sup> See point 4 above and point 8 below: in case of electronic submission, tenderers must keep the originals of the Declaration on Honour for control purposes and must provide them to the contracting authority upon request.

## **5. Variant solutions**

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

The contracting authority undertakes to increase or decrease the quantities ordered within a range of +/- 25%. If this is not possible, the contracting authority reserves the right to adjust the estimated quantities based on unit prices and available resources.

The contracting authority reserve the right to review the supply contract annually for increases or decreases in prices according with the inflation rate.

## **6. 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. A further period of 60 days is added to the validity period irrespective of the date of notification.

## **7. Additional information before the deadline for submitting tenders**

Tenderers may submit questions in writing to the following address up to 01/03/2024 at 12:00 pm. before the deadline for submission of tenders, specifying the publication reference and the contract title:

Tito Dal Lago  
Gaba Road, Kansanga, Plot n° 3297 P.O. BOX 7214 Kampala, Uganda  
Phone +256752767543  
E-mail: t.dallago@cuamm.org

Doctors with Africa CUAMM has no obligation to provide clarification after this date. Any clarification of the tender dossier will be communicated simultaneously to all tenderers at the latest the 11/03/2024 at 12:00 pm.

No information meeting or site visit is foreseen.

## **8. Submission of tenders**

Tenders must be sent to Doctors with Africa CUAMM before 22/03/2024 at 12:00 pm.

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 slip<sup>2</sup>, to:

**To the attention of: Tito Dal Lago, Gaba Road, Kansanga, Plot n° 3297 P.O.  
BOX 7214 Kampala, Uganda**

**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:

**To the attention of: Tito Dal Lago, Gaba Road, Kansanga, Plot n° 3297 P.O.  
BOX 7214 Kampala, Uganda – 09:00 am to 17:00 pm – Monday to Friday**

**Tenders submitted by any other means will not be considered.**

Doctors with Africa CUAMM 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 (i.e. 001/CUAMM/UGA/2024/AID 012590/04/1);
- c) the words 'Not to be opened before the tender-opening session';
- d) the name of the tenderer.

## **9. 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 8. The outer envelope (and the relevant inner envelope) must be marked 'Amendment' or 'Withdrawal' as appropriate.

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

## **10. 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.

## **11. Ownership of tenders**

The contracting authority retains ownership of all tenders received under this tendering procedure. Consequently, tenderers do not have the right to have their tenders returned to them.

## **12. Evaluation of tenders**

### **12.1. 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 the Annexe VI of this 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.

### **12.2 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. Tenders exceeding the maximum budget available for the contract will not be accepted and will therefore not be further evaluated.

### **12.3. Choice of selected tenderer**

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

### **12.4. 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.

## **13. Ethics clauses / Corruptive practices**

### 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).

<b>Zero tolerance for sexual exploitation, abuse and harassment:</b>
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. 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.

e) Breach of obligations, irregularities or fraud

Doctors with Africa CUAMM 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 by e-mail. The notification will be sent to the e-mail address provided in the submission application for the tenderer. The same e-mail address will be used by the contracting authority for all other communications with the tenderer. It is the tenderer's responsibility to provide a valid e-mail address and to check it regularly.

### **14.2. Signature of the contract(s)**

Within 3 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.

## **15. Cancellation of the tender procedure**

In the event of cancellation of the tender procedure, Doctors with Africa CUAMM will notify tenderers of the cancellation.

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.

## **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 contracting authority 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.