

SERVICE CONTRACT NOTICE

Invitation to Tender for Consultancy to Develop IGAD Protocol on the Establishment of Regional Cooperation and Coordination Mechanism Against Transnational Security Threats (TSTs)

1. Reference

Contract No: IPPSHAR 6545-00-2017- 2.1.2.2 A-01/2020

2. Procedure

Competitive Negotiated Procedure

3. Programme title

IGAD Promoting Peace and Stability in the Horn of Africa Region

4. Financing

Budget line: 2.1.2.2 A

5. Contracting authority

Intergovernmental Authority on Development Peace and Security Division (IGAD PSD)

CONTRACT SPECIFICATION

6. Nature of contract

Global price.

7. Contract description

The consultancy assignment is to develop a Regional Draft Protocol Establishing IGAD regional cooperation and coordination mechanism against TSTs that facilitate effective criminal intelligence and information sharing; regional criminal analysis and mapping; joint planning and operations; assets/resources and expertise sharing; capacity building; mutual legal assistance; harmonization of policies and legislations and standardization of systems in preventing and countering serious and organized transnational security threats/crimes.

8. Number and titles of lots

Not applicable.

9. Maximum budget

Up to EUR 49,950.

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 the estimated amount of approximately euro 25,000. 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 a Member State

of the European Union, ACP States or in a country or territory authorized by the ACP-EC Partnership Agreement under which the contract is financed (see also item 25 below). Participation is also open to international organizations.

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 Tenders

No more than one tender 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 a tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

14. Grounds for exclusion

As part of the tender, tenderers must submit a signed declaration, included in the tender form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3.1 of the practical guide.

Tenderer included in the lists of EU restrictive measures (see Section 2.3. of the PRAG) at the moment of the award decision cannot be awarded the contract.

15. Sub-Contracting

Subcontracting is allowed.

PROVISIONAL TIMETABLE

16. Provisional commencement date of the contract

15 December 2021

17. Implementation period of the tasks

Approximately 17 weeks.

SELECTION AND AWARD CRITERIA

18. Selection criteria

The following selection criteria will be applied to the tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole, if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

- 1) **Economic and financial capacity of the tenderer:** (based on item 3 of the tender form). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed in order to ascertain that the tenderer has sufficient financial stability to handle the proposed contract.

Tenderers which are legal entities must submit evidence of financial resources indicating an average annual turnover that exceeds the annualized maximum budget of the contract indicated above, i.e., the maximum budget stated in the contract notice divided by the initial duration in years; and a current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium this criterion must be fulfilled by each member.

For natural persons the available financial resources of the tenderer must exceed the annualized maximum budget of the contract i.e., the maximum budget stated in the contract notice divided by the initial contract duration in years; and the financial situation of the tenderer should not be in deficit, taken into account debts, at the beginning and end of year.

- 2) **Professional capacity of the tenderer:** (based on items 4 of the tender form). The reference period which will be taken into account will be the last three years from submission deadline.
 - For legal persons: has a professional certificate appropriate to this contract, and at least one expert staff currently working for the candidate (tenderer) in fields related to this contract;
 - For natural persons, the tenderer: has a minimum of MSC educational level or higher with BSC in international relations, peace and security, or similar field or LLM in law preferably in international law; and has at least 10 years of experience in public diplomacy, teaching, researching and/or drafting or negotiating bilateral or multilateral conventions, protocols, agreements, memorandum of understanding, particularly in mutual legal assistance and on criminal matters.
- 3) **Technical capacity of tenderer:** (based on items 5 and 6 of the tender form). The reference period which will be taken into account will be the last three years from submission deadline. The tenderers shall demonstrate that they have carried out at least one assignment of similar nature in the last 3-5 years.

This means that the project the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment for services). In case of projects still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a tenderer has implemented the project in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

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. 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 a commitment 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 - notably that of nationality - and must comply with the selection criteria for which the economic operator relies on them. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

19. Award criteria

Best price-quality ratio.

TENDERING

20. Deadline for receipt of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by courier or by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by deposit slip, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

The deadline for receipt of tenders is **26/10/2021 at 12.00 pm East African Time** as specified in point 8 of the instruction to tenderers.

Any tender submitted to the contracting authority after this deadline will not be considered. The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time to the courier 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 (for instance when tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardize decisions already taken and notified.

21. Tender format and details to be provided

Tenders must be submitted using the standard tender form for simplified procedures, the format and instructions of which must be strictly observed. The tender form is available from the following internet address: <http://ec.europa.eu/europeaid/prag/annexes.do?group=B> , under the zip file called Simplified Tender dossier.

The tender must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

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

Any additional documentation (brochure, letter, etc.) sent with a tender will not be taken into consideration.

22. How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope, using the means specified in point 8 of the instructions to tenderers:

- **EITHER** by courier service, in which case the evidence shall be constituted by the date of the deposit slip,
- **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:

**Intergovernmental Authority on Development (IGAD) Security Sector Programme,
5th floor Tensae Building, Cape Verde Street, Bole Road, off Africa Avenue,
Addis Ababa, Ethiopia.**

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

By submitting a tender, tenderers accept to receive notification of the outcome of the procedure by electronic means.

23. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 8 of the instructions to tenderers. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

24. Operational language

All written communications for this tender procedure and contract must be in English.

25. Legal basis

Annex IV to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as amended in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010. Reference is made to Annex IV as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014.