Public document to be completed by the contracting authority

**SUPPLY CONTRACT NOTICE**

**Contract title: INVITATION TO TENDER FOR THE SUPPLY AND DELIVERY OF FENCING SUPLLIES (HARDWARE AND LOCAL MATERIALS) FOR FENCING OF PUMP HOUSE, SOLAR EQUIPMENT AND ENVIROMENTAL RESTORATION PROTECTION SITES OF THE WATER FOR LIVESTOCK PRODUCTION FACILITIES**

**Location – East Africa**, **Uganda, Entebbe**

1. **Publication reference**

**MOBIP/SUPLS/2.6/2.6.2/T5FM**

1. **Procedure**

Local Open Tender

1. **Programme title**

**DEVELOPING A MARKET – ORIENTED AND ENVIRONMENTALLY SUSTAINABLE BEEF MEAT INDUSTRY IN UGANDA PROJECT (MOBIP)**

1. **Financing**

**11th EDF-FED/2016/037-994**

1. **Contracting authority**

**Government of Uganda/Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)**

**CONTRACT SPECIFICATIONS**

1. **Nature of the contract;**

**Unit price contract**

1. **Description of the contract**

The subject of the contract is the supply, delivery and erection by the contractor of fencing (hardware and local materials) for fencing of pump house, solar equipment and environmental restoration protection sites of the water for Livestock Production facilities (Valley Tanks (VTs) as per the site and size listing in 7.1. The units of each item in relation to the fencing relate to the 20,000m3 and 10,000m3 indicated in the table below. These will be delivered in regard to the districts and VT sizes with the total delivery covering all construction needs for the VT sites listed below.

|  |
| --- |
| **Description** |
| 1. **Chain-link fencing of pump house and solar panel structure** |
| 1. **Live-fencing of environmental and restoration protection site.** |

**7.1 - Valley Tanks for Construction/Rehabilitation by MOBIP (Provision List)**

1. Luwero (Natyaaba VT. 20,000m3),
2. Mityana (Mpongo VT 20,000m3)
3. Nakasongola (KalungiVT 10,000m3),
4. Kiboga (Kateega VT 10,000m3).
5. Kiruhura (Rwendama VT 20,000m3),
6. Masaka (Kasange VT 20,000m3),
7. Kyotera (Kabano VT 20,000m3)
8. Mbarara (Nombe VT 10,000m3)
9. Kiryandongo (Kente VT 10,000m3)
10. Masindi (Myeeba VT 10,000m3) and
11. Lyantonde (Kanyogoga VT 10,000m3).
12. Butambala (Katabira VT 10,000m3),
13. Isingiro (Ntenga VT 20,000m3)
14. Sembabule (Lwera VT 20,000m3)
15. Kakumiro (Rwamadongo VT 20,000m3)

**Special Note – Due to high rate of inflation during this contracting process, the number of Valley Tanks have varied to allow the bid to fit within the available fund, but further variation might be required.**

1. **Number and titles of lots**

One lot only

**TERMS OF PARTICIPATION**

1. **Legal basis, eligibility and rules of origin**

The legal basis of this procedure is 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.

Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are established in one of the Member States 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.   
  
Participation is also open to international organizations.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\* and Annex IV of the ACP-EU Partnership Agreement\*\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating in, the United Kingdom \*\*\*\*. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

\*\*\* Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

\*\*\*\* Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

1. **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.

1. **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 2.6.10.1. of the practical guide.

Tenderer included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

**13. Sub-contracting**

Subcontracting is allowed.

**PROVISIONAL TIMETABLE**

**14. Provisional commencement date of the contract**

12th September 2022

**15. Implementation period of the tasks**

6 months

**SELECTION AND AWARD CRITERIA**

**16. Selection criteria**

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 and notably that of nationality as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document**. Proof of the capacity will also have to be provided when requested by the contracting authority.

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 tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

The following selection criteria will be applied to tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless 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 tenderer**(based on i.a. item 3 of the tender form for a supply contract). 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 financial years for which accounts have been closed.

The selection criteria for each tenderer are as follows:

- will not be economically dependent on the Contracting Authority in the event that the contract is awarded to it; and

- The average annual turnover of the tenderer for the last three years must equal or exceed **UGX** **400,000,000;**

2) **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 3 years (2019 to 2021) from submission deadline.

* Has a professional certificate appropriate to this contract (e.g. running trading license from the local authority and a manufacturer’s authorization letter) allowing him to deal in these supplies.
* Has at least 30 staff

3) **Technical capacity of tenderer** *(*based on i.a. items 5 and 6 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 3 years (2019 to 2021) from submission deadline.

* the tenderer has worked successfully on at least 3 projects with a budget of at least that of this contract in fields related to this contract in the past three years.

This means that the contract 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, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

1. Final acceptance or completion certificate (for Criteria 3a)).

Capacity-providing entities

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. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tender rely in majority on the capacities of other entities or when they rely on key criteria. If the tender rely on other entities it must 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 and notably that of nationality, as the economic operator. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the Contracting Authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the tasks 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.

1. **Award criteria**

Price (or, if appropriate after prior approval, the best price-quality ratio which is a combination of quality and price)

**TENDERING**

1. **Deadline for submission of tenders**

The deadline for submission of tenders is 8th August 2022 at 12.00hrs.

**19. Tender format and details to be provided**

**Tenders must be submitted using the standard tender form.**

The tender must be accompanied by a declaration on 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.

**20. How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority, using the means specified in point 10 of the instructions to tenderers.

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

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

**21. 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 15 of the instructions to tenderers.

**22. Operational language**

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

**23. Additional information**

Financial data to be provided by the candidate in the standard application form must be expressed in Uganda Shillings (UGX). If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to UGX shall be made in accordance with the InforEuro exchange rate of June 2022, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**Delivery address:**

**Permanent Secretary.**

**Ministry of Agriculture, Animal Industry and Fisheries (MAAIF),**

**PO Box 102, Entebbe**

**Plot 16-18, Lugard Avenue, Entebbe, Uganda**

**Attention: Project Coordinator -MOBIP**

**Note.** Opening hours: Monday to Friday – 09.00 to 17.00hrs, closed on public holidays