

SERVICE CONTRACT NOTICE

Institutional Capacity Building to the Renewable Energy Sector in Kenya

1. Publication reference

EuropeAid/139654/IH/SER/KE

2. Procedure

Restricted

3. Programme title

Institutional Capacity Building to the Renewable Energy Sector in Kenya under the 'Support to Kenya Energy and Transport Sectors (SKETS)' programme

4. Financing

Financing Agreement FED/2014/037-778

5. Contracting Authority

Government of Kenya (Ministry of Energy)

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The scope of this contract is to provide institutional support that will assist National and County Government officials to implement the objectives of the Sustainable Energy for All (SE4All) Action Agenda. More specifically it aims to support the National and County Energy Sector in the planning and implementation of Renewable Energy (RE), Energy Access (EA) and Energy Efficiency (EE) technologies and projects.

The support will consist in technical assistance and capacity building/training programme. It will be provided primarily to the Ministry of Energy and the County Governments. Private companies and civil society organisations working in the energy sector will also benefit from the support.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 3,500,000

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 EUR 7,000,000. 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 authorised by the ACP-EC Partnership Agreement under which the contract is financed (see also item 29 below). Participation is also open to international organisations.

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 applications

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

14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG - 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.2 of the PRAG.

16. Sub-contracting

Subcontracting is allowed.

17. Number of candidates to be short-listed

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

November 2018

19. Provisional commencement date of the contract

April 2019

20. Initial period of implementation of tasks

36 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

The following selection criteria will be applied to candidates. In the case of applications 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 candidate** (based on item 3 of the application form). In case of candidate 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.
 - 1a) Average annual turnover of the candidate over the last 3 financial years (2015, 2016 and 2017) shall be no less than EUR 2,500,000;
 - 1b) If the candidate is a consortium, each consortium member's average annual turnover over the last 3 financial years (2015, 2016 and 2017) shall be no less than EUR 1,000,000;
 - 1c) Current ratio (current assets/current liabilities) of the candidate in the last year for which accounts have been closed (2017) must be at least 1. In case of a consortium, this criterion must be fulfilled by each member.
- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years from submission deadline.
 - 2a) At least 12 staff currently working (in 2018) for the candidate in fields related to this contract (energy related services);
 - 2b) At least 6 staff currently working (in 2018) for the candidate are permanent;
 - 2c) If the candidate is a consortium, each consortium member must have at least 6 staff currently working (in 2018) in fields related to this contract (energy) and at least 3 permanent staff currently working (in 2018) for each consortium member.
- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last five years from submission deadline.
 - 3a) In the case of a single applicant (no consortium), the candidate must have at least 2 completed or on-going (at least 30 % of original implementation time) technical assistance/capacity building service contracts as lead consultant to Ministry of Energy or Energy Authority or equivalent body in the past 5 years (2013 to date). For each contract, the value of services provided by the candidate must be at least EUR 1,000,000 (portion carried out by the candidate only);
 - 3b) In the case of a single applicant (no consortium), the candidate has at least 5 years' cumulative experience in providing technical assistance/capacity building services as lead consultant to Ministry of Energy or Energy Authority or equivalent body;
 - 3c) In the case of a single applicant (no consortium), the candidate must have at least one completed or on-going (at least 30 % of original implementation time) programme with an energy planning component of at least EUR 500,000 (value of the planning component) as the lead consultant in the past 5 years (2013 to date);
 - 3d) If the candidate is a consortium:
 - the consortium as a whole must fulfil criteria 3a) and 3b) and 3c) above

– each member of the consortium must fulfil either criterion 3a) or 3b) or 3c).

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

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 fulfil the same relevant selection criteria as the economic operator. 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- **Comparative criterion 1):** one point will be given for each reference that meets selection criterion 3a);
- **Comparative criterion 2):** one point will be given for each reference that meets selection criterion 3a) that was carried out in Sub Saharan Africa;
- **Comparative criterion 3):** one point will be given for each reference that meets selection criterion 3a) that was delivered at decentralised level;
- **Comparative criterion 4):** one point will be given for each reference that meets selection criterion 3c).

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

18/10/2018, 12:00 noon Kenya time

Any application received by the Contracting Authority after this deadline will not be considered.

24. Application format and details to be provided

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:

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

The application 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 an application will not be taken into consideration.

25. How applications may be submitted

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) to :

**Principal Secretary, State Department of Energy
Ministry of Energy
PO Box 30582
00100 Nairobi, Kenya**

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

**Principal Secretary, State Department of Energy
Ministry of Energy
Nyayo House
Nairobi, Kenya**

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

The Contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications submitted by any other means will not be considered.

By submitting an application candidates accept 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 application.

26. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. Operational language

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

28. Date of publication of prior information notice

03/05/2018

The notice number in OJ S may be found under the title of the project in the published notice on the EuropeAid webpage.

29. 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.

30. Additional information

N/A

"Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, could be rejected from the procurement procedure."