

Additional information about the Contract Notice

REFERENCE N° 04/2023/CVM-ETH

MULTI-SUPPLIERS FRAMEWORK CONTRACT FOR CAR SPARE PARTS & LUBRICANTS SUPPLY Ethiopia

1. Nature of contract

For supply contracts: unit price

2. Legal basis, eligibility and rules of origin

Participation in tender procedures is open on equal terms to all natural persons who are nationals of one of the Member States of the European Union or of one of the countries, territories or regions expressly eligible under regulation/of the applicable basic act governing the rules of eligibility for the grant, in accordance with Annex A2 of the practical guide as well as to all legal persons (whether participating individually or within the framework of a grouping – consortium – of tenderers) which are actually established there. Tenderers must indicate their nationality in their tender and submit the usual supporting evidence in accordance with their national legislation.

The legal basis for this procedure is:

- ✓ Legge 29 agosto 2014 n. 125, DM 22 luglio 2015, n. 113.
- ✓ Regolamento recante: “Statuto dell’AICS” Bando e allegati
- ✓ Contract / Agreement and specific conditions
- ✓ General procedure
- ✓ Documento Unico di Progetto (DUP) approved by AICS and subsequent modification and integration
- ✓ Allegati al Documento Unico di Progetto

Application of the PRAG principles and Annex IV of the PRAG Grants Practical Guide to Contract Procedures for EU External Actions” (PRAG) as stipulated by Procedure Generali per la concessione di contributi e la gestione e rendicontazione di Iniziative promosse da Soggetti pubblici e privati no-profit di Cooperazione di cui al Capo VI della legge n.125/2014 e fondate su approccio RBM.

The supplies can originate from any country, no certificate of origin must be presented.

3. Candidature

Legal basis, eligibility and rules of origin: For this contract award procedure, participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in Ethiopia.

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation or tender of an ineligible natural or legal person 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.

4. Number of requests to participate or tenders

No more than one request to participate or tender can be submitted by a natural or legal person

whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.

In case of lots, the candidates or tenderers may submit only one request to participate or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

5. Sub-contracting

Sub-contracting is allowed.

6. Provisional date of invitation to tender

Tender is published starting from 9/8/2023 for 30 calendar days

7. Provisional commencement date of the contract

25/09/2023

8. Period of implementation of tasks

Framework contract with multi-supplier will have a validity of four (4) years, starting from the signature of the contract.

9. Language of the procedure

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

10. Additional information

Financial data to be provided by the candidate in the request to participate form or in the tender submission form must be expressed in ETB (Ethiopian Birr). If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to ETB shall be made in accordance with the InforEuro exchange rate of **September 2023** of the applicable InforEuro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting requests to participate, which can be found at the following address:
<http://ec.europa.eu/budget/graphs/inforeuro.html>.

SELECTION AND AWARD CRITERIA

11. 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 which 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 candidates. In the case of requests to participate 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.

The candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

1) Economic and financial capacity (based on item 3 of the request to participate form, or on item 3 of supply tender 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.

- **Tenderer should be able to receive payment by bank transfer**
- **Tenderer should submit the declaration of economic and financial capacity (*)**
(*) copy or original of Financial statement or audit report for the last 2 years (2022, 2021) can be requested during evaluation as proof)

2) Legal and Professional capacity (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.

- **Tenderer should submit copy of valid TIN number and VAT registration certificate**
- **Tenderer should submit copy of renewed Trade license (commercial registration certificate)**
- **Tender should submit filled, signed and stamped:**
 - **Legal Entity form, (Doc14-LegalEntityForm)**
 - **Tender Form (Doc12-TenderForm)**

3) Technical capacity (based on items 5 and 6 of the request to participate form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last three (3) years from submission deadline.

- **Tenderer can cover at least 80% of the items from the list requested**
- **Tenderer can show his professional experience in supplying and having contracts with other NGOs (documented by awarded contracts)**
- **Tenderer can demonstrate Origin of goods, factory certificate for the “ORIGINAL” ones**
- **Tenderer has warranty/ post-selling service for supplied goods**

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered 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.

12. Award criteria

Award criteria will be the lowest price offered between the Tenderers that passed the technical evaluation. Framework Agreement will be signed with eligible suppliers with the

lowest price offered up to three (3) suppliers.

Future purchase orders will be assigned to the supplier between the three, that signed the framework contract, with a secondary quotation request. The lowest offer will assign the order and supply of the items/goods list requested.