

SERVICE CONTRACT NOTICE

Improvement of energy sector governance in West Africa

Technical Assistance to accompany the establishment of the WAPP Information and Coordination Center (ICC)

Benin

1. Publication reference

EuropeAid/139707/IH/SER/MULTI

2. Procedure

Restricted

3. Programme title

Energy Governance in West Africa (ECOWAS) - AGoSE-AO

4. Financing

11th EDF Regional Indicative Programme

Financing Agreement n° ROC/FED/39-384

5. Contracting Authority

WAPP Secretariat, Cotonou, Benin

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The West African Power Pool (WAPP) is a specialized institution of ECOWAS operating in the general interest of the regional power network system. WAPP Members comprise public and private power generation, transmission and distribution entities involved in the operation of the power system in West Africa. The WAPP Secretariat General is established in Cotonou, Benin.

The main objective of the WAPP is to ensure a stable supply of electricity, reliable and affordable for ECOWAS citizens. WAPP promotes regional power exchanges and the

development of regional interconnection and generation projects.

With the support of the European Union, WAPP is presently implementing an Information and Coordination Center (ICC) for the coordination of the national systems operation and to manage the regional electricity market. Two works contracts are ongoing: one for the construction of a building in Cotonou, and another one for the supply and installation of equipment in Cotonou and in the different national systems.

In order to properly organize and operate the ICC, WAPP is looking for the support and assistance of an international and experienced Transmission System Operator that would assist it in the initial stages of operation, within a corresponding service contract.

Working languages of the ICC are English and French.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 4 000 000

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 4 750 000. 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 2.3.3 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

October 2018

19. Provisional commencement date of the contract

March 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.

Criteria for legal and natural persons:

1. The annual turnover of the candidate must be or exceed EUR 5 000 000 in each of the last three years for which accounts have been closed, i.e. 2015, 2016 and 2017. In case of consortium, the annual turnover of the leader must be or exceed EUR 4 000 000 for the same years.
2. 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 the consortium as a whole.

- 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.

Criteria for legal and natural persons:

1. The candidate must be a Transmission System Operator (TSO), i.e. a natural or legal person responsible for operating, ensuring the maintenance of and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity;¹
2. The candidate must have at least 1 000 permanent staff members each year for the current year and the three previous years (2015, 2016, 2017) working for the candidate in the field of energy.
3. The candidate must be able to demonstrate in the Item 5 of the application form its experience as energy market operator.

- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period for the criteria 1 ; 2 ; 3 ; 4 which will be taken into account will be the last three years (2015, 2016, 2017) from submission deadline.

1. The candidate is currently managing at least one grid interconnected with at least three other independent grids
2. The total length of the high voltage lines managed by the candidate is at least 10 000 km
3. The system must include high voltage transmission lines of at least 330 kV
4. The total grid load of the Candidate's grid is equal or higher than 10 000 MW
5. The candidate has realised at least 1 study on electric networks in West Africa in the last 5 years (from 2013 to 2017 both included)

¹ This definition is taken from the Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009, Art. 2 point 4

6. The candidate has provided services and/or technical assistance to grid operators under at least 1 contracts in the last 5 years (from 2013 to 2017 both included) in the field of electric interconnected grids.

This means that the project the candidate 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. Candidates/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). 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 candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/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 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 reexamined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

1st factor: the highest number of power grid managed in criteria 3.1

2nd factor: the total length of the high voltage lines managed in criteria 3.2

3rd factor: the highest number of studies realised in criteria 3.5

4th factor: the highest number of service/TA contract implemented of value not less than EUR 100,000 in criteria 3.6.

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

September 17th 2018 at 16h00 (local time in Benin – GMT + 1)

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/frag/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/frag/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:

Abdulkadir Nazif – Director of ICC

West African Power Pool – Secretariat General

Zone des Ambassades – PK 6

06 BP 2907 Cotonou

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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:

Abdulkadir Nazif – Director of ICC

West African Power Pool – Secretariat General

Zone des Ambassades – PK 6

06 BP 2907 Cotonou

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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

June 9, 2018

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.

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