

**REPUBLIC OF RWANDA**



**MINISTRY OF FINANCE AND ECONOMIC PLANNING**

**PO. Box 158 Kigali**

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**SERVICE CONTRACT NOTICE**

**Contract title: Implementation of the Functional Review and action plan for the Energy Division of the Ministry of Infrastructures**

**Location: East Africa/Rwanda**

**1. Publication reference**

EuropeAid/138431/IH/SER/RW

**2. Procedure**

Restricted

**3. Programme title**

Sector Reform Contract (SRC) to increase performance of Rwanda's energy sector and develop the corresponding institutional capacities

**4. Financing**

Decision Number: FED/2016/038-107

**5. Contracting Authority**

Ministry of Finance and Economic Planning, P.O. Box 158 Kigali, Tel: +250 252 575756 Fax: +250 252 577581, E-mail: [mfin@minecofin.gov.rw](mailto:mfin@minecofin.gov.rw)

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## CONTRACT SPECIFICATION

### 6. Nature of contract

Fee-based

### 7. Contract description

Technical Assistant Services are requested in order to assist, facilitate and accompany the strengthening of the institutional capacities of the Ministry of Infrastructure (MININFRA) as well as other public stakeholders in the Energy Sector. The technical assistance will also support MININFRA and its Energy Division to strengthen coordination with sector stakeholders and contribute to the elaboration of strategic policies.

More specifically the purpose of this contract is to assist the Ministry of Infrastructure in the implementation of the recommendations and action plan of the Functional Review of the Ministry that took place in 2016 under the support of Belgium and the European Union. Additional institutional support may be provided to other partners such as Rwanda Energy Group or Rwanda Utilities Regulatory Authority.

The process should be primarily accompanied and lead by an Institutional Development Expertise following the already existing assessment and recommendations of the Functional Review.

The Experts will guide, mentor and monitor the process of improvements of the capacities of the units of the Ministry dealing with the Energy sector, and contribute to reinforce the sector coordination and strategic orientations.

### 8. Number and titles of lots

One lot only

### 9. Maximum budget

EUR 3.000.000

### 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 1.500.000. Any extension of the contract would be subject to satisfactory performance by the Contractor.

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## 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.

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# **PROVISIONAL TIMETABLE**

## **18. Provisional date of invitation to tender**

October 2017

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

January 2018

**20. Initial period of implementation of tasks**

36 months

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**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:

- the average annual turnover of the candidate must exceed 1,000,000 EUR; and
- 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.

- 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:

- At least 20 people of the overall staff have been working for the candidate in relevant fields related to this contract;
- At least 5 people of the permanent staff currently work for the candidate in relevant fields related to this contract;

- 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.

Criteria for legal and natural persons:

The candidate has provided services under at least 3 contracts each with a budget of at least 1.000.000 EUR which were implemented at any moment during the reference period: January 2013 - June 2017.

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: the highest number of projects in criteria 3.

## **22. Award criteria**

Best price-quality ratio.

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# **APPLICATION**

## **23. Deadline for receipt of applications**

6<sup>th</sup> September 2017, time 15:00 hrs Rwandan 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/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 :

**MINISTRY OF FINANCE AND ECONOMIC PLANNING**  
**P.O. Box 158 Kigali**  
**SINGLE PROJECT IMPLEMENTATION UNIT (SPIU)/EDF NAO**  
**Contact person: Theogene MBARUSHIMANA**  
[theogene.mbarushimana@minecofin.gov.rw](mailto:theogene.mbarushimana@minecofin.gov.rw)

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:

**MINISTRY OF FINANCE AND ECONOMIC PLANNING**  
**P.O. Box 158 Kigali**  
**SINGLE PROJECT IMPLEMENTATION UNIT (SPIU)/EDF NAO**  
**Contact person: Theogene MBARUSHIMANA**  
[theogene.mbarushimana@minecofin.gov.rw](mailto:theogene.mbarushimana@minecofin.gov.rw)

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**

18<sup>th</sup> October 2016

## **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**

Questions and clarifications on this contract notice should be sent by email clearly quoting the publication reference in point 1 above to the following functional mailbox:

[theogene.mbarushimana@minecofin.gov.rw](mailto:theogene.mbarushimana@minecofin.gov.rw) and [isabelle.mukunde@minecofin.gov.rw](mailto:isabelle.mukunde@minecofin.gov.rw)

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