

Document for completion and publication by the Contracting Authority

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## **WORKS CONTRACT NOTICE**

### **REHABILITATION OF THE TORORO-GULU RAILWAY**

### **UGANDA**

Please note that the awarding of the contract is subject to the condition of:

- the prior conclusion of a financing agreement,

which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

**1. Publication reference**

EuropeAid/139549/IH/WKS/UG

**2. Procedure**

Open procedure

**3. Programme title**

Contribution to the Development Initiative for Northern Uganda through the rehabilitation of the Tororo-Gulu railway

**4. Financing**

National Indicative Programme 11th EDF Uganda

**5. Contracting Authority**

The Ministry of Finance, Planning and Economic Development acting as the National Authorising Officer in Uganda

The National Authorising officer of the EDF  
Ministry of Finance, Planning and Economic Development  
Plot 2 – 12 Apollo Kaggwa Road  
P.O. Box 8147, Kampala, Uganda  
Room 1.28 Treasury side  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

Clarifications may be sought from the contracting authority at the following email address [finance@finance.go.ug](mailto:finance@finance.go.ug) at the latest 21 days before the deadline for submission of applications stated at the point 19 below.

Clarifications will be published on the website of DG International Cooperation and Development at the latest 11 days before the deadline.

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### **CONTRACT SPECIFICATION**

**6. Description of the contract**

Undertake rehabilitation of the railway line between Tororo and Gulu\_and revamp the infrastructure to standards enabling transportation of freight. The main components of the

works shall comprise: improvement of drainage, construction and rehabilitation of culverts, stabilisation of slopes, earthworks and rehabilitation of pavement layers, rehabilitation of existing bridges and construction of pedestrian walkways, supply and installation of track components (rails, sleepers), installation of sidings in the main stations and rock ballasting.

**7. Number and titles of lots**

One lot only

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**TERMS OF PARTICIPATION**

**8. Eligibility and rules of origin**

Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping – consortium – of tenderers) which are established in one of the Member States 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 heading 22 below). Participation is also open to international organisations. All supplies and materials under this contract shall originate from one or more of those eligible countries. However, they may originate from any country when the amount value of the supplies and materials to be purchased is below EUR 100 000]

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 and of goods originating from third countries<sup>1</sup> will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom<sup>1</sup> 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, and candidates or tenderers proposing goods originating from the United Kingdom<sup>1</sup> could be rejected from the procurement procedure.

<sup>1</sup>However, they may originate from any country when the amount of the supplies to be purchased is below 100 000 euros.

**9. Grounds for exclusion**

Tenderers must submit a signed declaration, included in the tender form for a works contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical Guide**.

Tenderers 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.

**10. Number of tenders**

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

**11. Tender guarantee**

Tenderers must provide a tender guarantee of 300,000 euros when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties.

**12. Performance guarantee**

The successful tenderer will be asked to provide a performance guarantee of 10% of the

amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

**13. Information meeting and/or site visit**

An optional information meeting will be held on the 12<sup>th</sup> September 2018 at 10.00 am at the Uganda Railway Corporation, Railway Station Kampala, and an optional site visit will be held on the 10<sup>th</sup> and 11<sup>th</sup> September 2018 starting from Tororo on the 10<sup>th</sup> September 2018 at 9.00 am at the Tororo Railway Station.

**14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

**15. Period of implementation of tasks**

36 Months

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**SELECTION AND AWARD CRITERIA**

**16. Selection criteria**

***Economic and financial capacity of candidate:***

- The average annual turnover of the tenderer in the past 3 years must be at least EUR 20,000,000. In case of a Joint Venture at least one member must have an average annual turnover of at least EUR 10,000,000 in the past 3 years
- The tenderer must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of EUR 5,000,000

***Technical and professional capacity of candidate:***

- The tenderer must have completed at least 1 Railway project of at least EUR 30,000,000 or 2 Railway projects of at least EUR 20,000,000 implemented during the following period: 8 years. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.
- The tenderer must have completed at least 1 Road or Railway project where the earthworks were at least EUR 10,000,000 during the following period: 8 years. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.
- The tenderer must prove that at least 70% of the contract works will be carried out by using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.

Further selection criteria are provided with the Tender Dossier

**17. Award criteria**

The most economically advantageous tender is the technically compliant tender with the lowest price

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## TENDERING

### 18. How to obtain the tender dossier

The tender dossier is available from:

The National Authorising officer of the EDF  
Ministry of Finance, Planning and Economic Development  
Plot 2 – 12 Apollo Kaggwa Road  
P.O. Box 8147, Kampala, Uganda  
Room 1.28 Treasury side  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

upon payment of USD 100 , which includes courier delivery. It is also available for inspection at the premises of the Contracting Authority, address as in point 5 above. Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to:

The National Authorising officer of the EDF  
Ministry of Finance, Planning and Economic Development  
Plot 2 – 12 Apollo Kaggwa Road  
P.O. Box 8147, Kampala, Uganda  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The contracting authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline on the website of DG International Cooperation and Development at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>.

### 19. Deadline for submission of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders, either by post or private mail service, or by hand delivery.

In the first case, the application/tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender which will serve as proof.

The date and time limit for submission is 9.00 am Ugandan time on the 20<sup>th</sup> November 2018 at the Contracting Authority. The Contracting authority is open from 8.00 am to 5.00 pm.

Any tender submitted to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and

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<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.

### **How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

The National Authorising officer of the EDF  
Ministry of Finance, Planning and Economic Development  
Plot 2 – 12 Apollo Kaggwa Road  
P.O. Box 8147, Kampala, Uganda  
Attn.: Ruth Kato; Senior Programmes Officer NAO-SU  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

The National Authorising officer of the EDF  
Ministry of Finance, Planning and Economic Development  
Plot 2 – 12 Apollo Kaggwa Road  
P.O. Box 8147, Kampala, Uganda  
Room 1.28 Treasury side  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

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.

Tenders submitted by any other means will not be considered.

By submitting a tender 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.

### **20. Tender opening session**

20<sup>th</sup> November 2018 at 9.30 am at:

The National Authorising officer of the EDF  
Ministry of Finance, Planning and Economic Development  
Plot 2 – 12 Apollo Kaggwa Road  
P.O. Box 8147, Kampala, Uganda  
Room 1.16 Treasury side  
Email: [finance@finance.go.ug](mailto:finance@finance.go.ug)

### **21. Language of the procedure**

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

### **22. Repetition of similar works**

Subsequent to the initial contract resulting from the current tender procedure, new works consisting in the repetition of similar works, up to the estimated amount of EUR 2,000,000 may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new works are in conformity with the same basic project.

**23. Legal basis<sup>2</sup>**

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.

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<sup>2</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).