



WORKS CONTRACT NOTICE

EXTENSIVE RENOVATION WORKS OF THE ACP BUILDING BRUSSELS, BELGIUM

(Avenue Georges Henri, 451, 1200 Brussels)

1. **Publication reference**
ACP 4/1/83 (Vol. 1) Works 1/2019
2. **Procedure**
Restricted
3. **Programme title**
Institutional Support to the ACP Secretariat: the ACP House – FED/2014/354785
4. **Financing**
Contribution Agreement N°FED/2014/354785
5. **Contracting authority**
The Secretariat of the African, Caribbean and
Pacific Group of States (ACP Secretariat)
Avenue Georges Henri, 451
B-1200 Brussels
Belgium

CONTRACT SPECIFICATIONS

6. **Description of the contract**

The Secretariat of the African, Caribbean and Pacific (ACP) Group of States (ACP) representing the ACP Group occupies the building located at Avenue George Henri 451, Brussels 1200, Belgium.

The ACP building is composed of an office wing (40m x 20m) on the Northern side along Avenue George Henri (Ground + 4), of conference room volume (33m x 15m) on the Southern side (Ground + 1) and two underground levels of parking and technical areas under the surface of the whole building.

The specific objective of the contract will be to provide the **major renovation construction works of the ACP Secretariat Headquarters Building** including the below-mentioned but not exhaustive list:

 - a) demolition of reinforced concrete structure at floor -2 foundations and floor -1 levels in the area of the office building and of the conference volumes, of the roof of the conference volumes at ground floor, of the roof of the office wing on the 5th floor and of the northern and southern façades;

- b) demolition of the mechanical and electrical systems;
- c) removal of asbestos;
- d) construction of reinforced concrete structure at foundation level, at floor -1 level, at ground floor, and at roof level;
- e) construction of metal truss structure to cover the main assembly / conference hall;
- f) construction of façades;
- g) construction of internal partition walls;
- h) delivery and installation of mechanical, water and sewage, electrical systems including solar photovoltaic, sanitary.

The awarded contractor - in order to successfully achieve the final result of the whole works for the new completed building and be ready for the handing over within the contractual deadline, will be bound to perform the tasks and the role of the Coordinator of the implementation of two other Contracts to be launched and awarded separately, namely: (i) delivery and installation of ISAV (Interpreting System and Audio Visual) for the three Conference Halls and (ii) delivery and installation of furniture for the Conference area.

7. Number and titles of lots

Not Applicable

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 24 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 will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom¹ depending on the outcome of negotiations. In case such access is not provided by legal provisions in force, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure.

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

9. Grounds for exclusion

Candidates expressing interest must submit a signed declaration, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **Practical Guide**.

Candidates included in the lists of EU restrictive measures (Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

10. Number of Applications

Applicants are invited to express their interest to take part in the tender and may submit **only one** Expression of Interest / 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.

11. Number of candidates to be short-listed

On the basis of the Expressions of Interest / Applications received, between 4 and 6 candidates will be invited to submit their bid 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.

12. Tender guarantee

The invited applicants must provide a tender guarantee of an amount to be specified within the range of **1% - 2% of the budget** available for the contract when submitting their bids. This guarantee will be released to unsuccessful applicants once the tender procedure has been completed and to the successful tenderer upon signature of the contract by all parties.

13. Performance guarantee

The successful bidder recommended for the award of the contract, will be asked to provide a performance guarantee of **5% 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 bidder receives the contract signed by the contracting authority. If the selected bidder 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 bidder which has submitted the next cheapest and technically compliant tender.

14. Information meeting and/or site visit

The pre-selected candidates will be invited to participate in a **mandatory** information meeting and site visit.

15. 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 bidders extend the validity of tenders for a specific period.

16. Period of implementation of tasks

June 2020 – December 2021

Subject to obtaining the Building Permit which is expected in the first half of 2020.

SELECTION AND AWARD CRITERIA

17. Selection criteria

Financial data to be provided by the bidder in relation to the selection criteria must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of November 2019, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

In order to be eligible for the award of the contract, bidders must provide evidence that they meet the selection criteria. If a bid is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

All selection criteria being equal for each economic operator expressing interest seeks the quality of the shortlisted bidder or consortia rather than the biggest project references of the biggest value of the contract.

The selection criteria will draw the Evaluation Committee to recommend the Contracting Authority to select the most experienced candidate in the relevant works as per point 6.

The selection criteria for each candidate are as follows:

a Economic and financial capacity of candidate:

1. The average annual turnover of the Candidate for the last three (3) closed and audited financial years must be at least EUR 10 000 000 (Ten million euro) or equivalent (using the InforEuro exchange rate of the date of publication of the procurement notice).

In case of a joint venture/consortium, the Leader shall meet at least 50% of the criterion regarding the turnover i.e. the average annual turnover of the Leader in the last 3 closed and audited financial years must be at least EUR 5 000 000 (Five million euro).

2. The Candidate's total assets must be higher than total liabilities in the last closed and audited financial year.

In case of a joint venture/consortium, this requirement is applicable to each member of the joint venture/consortium.

The requirements under points 17.a.1 and 17.a.2 must be proven by financial statements (balance sheets/ profit & loss statements) of the Candidate for the last three (3) financial years which were audited by a certified accountant/independent auditor.

In case the legal requirements in the countries in which the Candidates are established are such that the companies are not obliged to have audited financial statement, the Candidate, in addition to their financial statement, must submit a written certificate issued by a relevant institution (central registry, tax office) to confirm this situation.

3. The Candidate must have available or have access to sufficient credit and financial facilities to cover the required construction cash flow for the duration of the contract. In any case, the availability and/or access to an amount of credit must exceed the equivalent of EUR 3 000 000 (Three million euro) in addition to the Candidate's commitment to other contract(s). This capacity must be proven by a bank committed term sheet without special conditions and compatible with the contract.

b Technical and professional capacity of candidate:

1. The Candidate shall have the appropriate license issued by the relevant National Body or Organisation where the contractor's company has its head-quarter for the execution of building renovation/construction works in urban context.

Applicable to each sole Candidate and each Leader of a joint venture/consortium.

2. The Candidate shall provide evidence of holding a certificate for the execution of building renovation/construction works in urban context, for an amount of EUR 10 000 000 (Ten million euro) during the last three years, with a description providing sufficient details on their relevance to the selection criteria accompanied by certificates of satisfactory execution for the most important works.

The Contracting Authority will request evidence to be provided by the candidate to demonstrate its technical and professional capacity:

- a. the educational and professional qualifications, skills, experience and expertise of the

- persons responsible for performance specifying at least fifteen years of experience successfully carried out for building renovation/construction works in urban context;
- b. a statement of the technical equipment, tools or plant available to the economic operator for performing a works contract;
 - c. a description of the technical facilities and means available to the economic operator to for ensuring quality;
 - d. a reference to the technicians or technical bodies available to the economic operator, whether or not belonging directly to it, especially those responsible for quality control;
 - e. a statement of the average annual manpower and the number of managerial staff of the economic operator for the last 3 years;
 - f. list of the supply chain and tracking systems that the economic operator will be able to apply when performing the renovation, construction works contract;
 - g. an indication of the environmental management measures that the economic operator will be able to apply when performing the contract.

Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects still ongoing, 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 that awarded the contract or proof of final payment or final acceptance for works).

In the second case of projects still ongoing, 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; namely, a statement or certificate from the entity that awarded the contract or proof of interim payment or provisional acceptance for works.

If a candidate has implemented the project in a consortium, the percentage that the candidate/bidder has completed must be clear from the documentary evidence, together with a description of the nature of the works provided.

The provision of certificates drawn up by independent bodies attesting the compliance of the economic operator with certain quality assurance standards, including accessibility for disabled persons, it must refer to quality assurance systems based on the relevant European standards series certified by accredited bodies. The contracting authority will also accept other evidence of equivalent quality assurance measures from an economic operator that has demonstrably no access to such certificates or has no possibility of obtaining such certificates within the relevant time limits, for reasons that are not attributable to that economic operator and provided that the economic operator proves that the proposed quality assurance measures comply with the required quality assurance standards.

3. The Candidate must propose as a minimum key staff for the execution of the contract with the following qualifications and experience:
 - i. Project Manager/Coordinator with
 - a BSc degree in Architecture or Civil Engineering,
 - at least 15 years proven experience as Project Manager of building renovation / construction works contracts in urban context, and
 - fluent in spoken and written English;
 - ii. Site works manager of building renovation /construction works in urban context,
 - a BSc degree in Architecture or Civil Engineering with

- specific knowledge and at least 15 years proven experience of project management application/software, and
- fluent in spoken and written English;

iii. Foreman with

- 15 years proven experience in building renovation /construction works in urban context, and
- good command of English and a good working knowledge of the French language.

18. Award criteria

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

TENDERING

19. How to obtain the tender dossier

Clarifications may be sought from the contracting authority at the following email address acpworks1@acp.int (mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of applications stated at the point 20 below.

Clarifications will be published on the website of the ACP Secretariat at <http://www.acp.int>, at the latest 11 days before the deadline.

Pre-selected economic operators who satisfy the selection criteria and are invited to submit a bid may request and obtain the tender dossier. Applications / Expressions of Interest and relevant supporting documents must be submitted within the given deadline (see section 20).

20. Deadline for submission of applications

At the pre-selection / shortlist phase, no bids should be sent to the Contracting Authority.

The deadline for submission of Applications / Expression of Interest is

Monday, 20 January 2020 at 17:00 hrs - Central European Time (CET)

The Contracting Authority's opening hours are Monday to Friday, 09:00 – 13:00 hrs, and 14:30 – 18:00hrs except Belgian public holidays.

Any Application / Expression of Interest submitted to the Contracting Authority after this deadline will not be considered.

The Contracting Authority may, for reasons of administrative efficiency, reject any Expression of Interest submitted in time to the postal service but received, for any reason beyond the Contracting Authority's control, after the effective date of the deadline for submission.

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:

Registry Office
The ACP Secretariat
Avenue Georges Henri, 451
B-1200 Brussels, Belgium
Contact: Mrs Stella MICHAEL-OLUYOMI
Direct Tel: +32 2 743 0656 or 655

- 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:

Registry Office
The ACP Secretariat
Avenue Georges Henri, 451
B-1200 Brussels, Belgium
Contact: Mrs Stella MICHAEL-OLUYOMI
Direct Tel: +32 2 743 0656 or 655

Opening hours from Monday to Friday, 09:00 – 13:00 hrs, and 14:30 – 18:00hrs
except Belgian public holidays.

The contract title and the publication reference (see section 1) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Tenders submitted by any other means will not be considered.

The bidder by submitting accepts 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 mail address referred to in the bid.

21. Tender opening session

To be notified after submission.

22. Language of the procedure

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

23. 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 1.000.000 (One Million Euro) 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.

24. Legal basis¹

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.

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).