FRAMEWORK AGREEMENT FOR INTELLECTUAL SERVICES
N° EGI-2020-149

Agence Française de Développement
5 rue Roland Barthes
75012 PARIS

Subject-matter: Long-term technical assistance to support the implementation of the "Renewable energies and energy efficiency" sectoral component of the European EUROCLIMA+ program

Deadline for submission of offers

Date: le 15/04/2020
Time: 12:00 (Paris Time)

Rules of the procurement procedure

TABLE OF CONTENTS

Table of Contents

1. Subject-matter of the framework agreement – Main characteristics.....3

1.1 Subject-matter of the framework agreement 3

1.2 Place of implementation..... 3

1.3 Structure of the framework agreement 3

2. Procurement procedure requirements.....3

2.1 Procurement procedure 3

2.2 Provisions related to consortia 3

2.3 Contents of the standard bidding documents 4

2.4 Detailed changes to the standard bidding documents 4

2.5 Offer validity period 4

3. Duration of the framework agreement – Time extension – Implementation deadlines 4

4. Access to standard bidding documents 4

5. Submission of offers 5

5.1 Required application documents 5

5.2 Documents necessary for the selection of the offer 6

6. Evaluation of applications, offers, and award of the framework agreement 7

6.1 Evaluation of applications 7

6.2 Evaluation of offers 7

6.3 Award of the framework agreement 8

7. Offer submission requirements.....8

8. Additional information.....9

1. Subject-matter of the framework agreement – Main characteristics

1.1 Subject-matter of the framework agreement

The subject-matter of the procurement is: Long-term technical assistance to support the implementation of the "Renewable energies and energy efficiency" sectoral component of the European EUROCLIMA+ program

1.2 Place of implementation

Place of implementation: Paris, Brussels and Latin America (Argentina, Ecuador and Colombia).

1.3 Structure of the framework agreement

The services will be subject to a framework agreement pursuant to Articles R. 2162-1 to 2162-6 of the Public Procurement Code.

This framework agreement shall not be divided into lots or tranches. However, it will be implemented partly through the conclusion of subsequent contracts and partly through the issuance of purchase orders.

The grounds for the non-division of the framework agreement into lots are as follows:

The division into lots will make the execution of the services technically difficult.

The services will be subject to a framework agreement with no minimum or maximum.

The framework agreement will be awarded to a single holder.

2. Procurement procedure requirements

2.1 Procurement procedure

This framework agreement is procured in accordance with articles R. 2162-1 to R. 2162-6 of the Public Procurement Code and in accordance with the following procedure:

Open call for tenders in accordance with articles R. 2124-2 1° and R. 2161-2 to R. 2161-5 of the Public Procurement Code.

2.2 Provisions related to consortia

The framework agreement will be concluded either with a single provider or with a consortium of providers.

Possibility of submitting several offers for the framework agreement by acting both as individual candidates and as members of one or more consortia:

☐ Yes

☑ No

Or as members of several consortia:

☐ Yes

☑ No

2.3 Contents of the standard bidding documents

The standard bidding documents for companies include the following documents:

- These rules of the procurement procedure.
- The framework of the letter of agreement related to the framework agreement
- The Schedule of Specific Administrative Clauses related to the framework agreement
- The Schedule of Specific Technical Clauses related to the framework agreement.

I. The framework of the unit and fixed prices schedules.

II. The framework of the estimated detail.

2.4 Detailed changes to the standard bidding documents

The contracting authority reserves the right to bring no later than 10 days before the deadline for submission of offers, detailed changes to the standard bidding documents. Candidates will then be required to respond on the basis of the amended documents without being able to raise any complaints on this subject.

If the above deadline is extended during the review of the bidding documents by the candidates, the previous provision is applicable according to this new date.

2.5 Offer validity period

The period of validity of the offers is 120 days from the deadline for the submission of the final offer.

3. Duration of the framework agreement – Time extension – Implementation deadlines

The duration of the framework agreement and the implementation deadlines are included in the letter of agreement.

The framework agreement may be extended 2 times under the conditions set out in the letter of agreement and in the Schedule of Specific Administrative Clauses.

4. Access to standard bidding documents

The contracting authority informs candidates that the bidding documents are in electronic form.

The Bidding Documents for Companies (Dossier de Consultation des Entreprises - DCE) can be consulted and downloaded free of charge at the following address:

https://www.marches-securises.fr/

In order to be able to unzip and read the documents made available by the contracting authority, economic operators must have at their disposal the softwares allowing them to read the following formats:

- Compressed files to *.zip standard (readable by Winzip, Quickzip)
- Adobe® Acrobat® *.pdf (readable by Adobe Reader software)
- *.doc or *.xls version 2000-2003 (readable by Microsoft Office or OpenOffice)
- Rich Text Format *.rtf
- If necessary, the DWF format (readable by Autocad software, or viewers such as Autodesk DWF viewer…).

When downloading the bidding documents, it is recommended for the company to create an account on the electronic platform where it will provide the name of the bidding organisation and an e-mail address in order to keep it informed of any changes that may occur during a procedure (adding a document to the DCE, sending a list of answers to the questions received...).

The candidate is informed that only the copy of the bidding documents held by the contracting authority is authentic.

5. Submission of offers

Candidates will be required to submit the following documents in the English language.

5.1 Required application documents

Each candidate or joint venture member shall submit the following documents:

5.1.1 Legal position

- DC1 form or equivalent : Letter of application - Authorization of the representative by his co-contractors
- DC2 form or equivalent : Declaration by the individual candidate or the member of the grouping
- Sworn statement : The candidate provides a sworn statement to justify that he does not fall under any of the cases mentioned in articles L. 2141-1 to L. 2141-11 of the Public Procurement Code;
    - Furthermore, if not already done, the candidate considered for contract award shall submit documents related to the person authorised to commit the company (K bis excerpt, delegation of authority, tax and social certificates, insurance certificate, statutes…), as well as the designation of the agent in case of a consortium.

5.1.2 Capacity

- Insurance : Appropriate declaration by banks or proof of insurance for professional risks;

- References on similar services : Presentation of a list of the main supplies or the main services carried out during the last three years, indicating the amount, the date and the public or private recipient. Deliveries and services are proven by certificates from the recipient or, failing this, by a declaration by the economic operator.

The candidate may prove its financial capacity with any other document deemed equivalent by the contracting authority if he is objectively unable to submit part of the information related to its financial capacity.

In the event where a candidate wishes to use the professional, technical, and financial capacities of any intervening party to justify its own capacity, the candidate shall submit the documents related to these intervening parties described in the abovementioned article. He shall also prove that he will benefit from the intervening party's capacities for the implementation of the framework agreement with a written undertaking from the intervening party.

In accordance with article R. 2143-16 of the Public Procurement Code, candidates shall submit a French translation of all documents drafted in another language as part of their application.

Candidates are made aware that, in accordance with article R. 2143-13 of the Public Procurement

Code, they are not required to provide supporting documents that the contracting authority can obtain through:

- An electronic system of provision of information managed by an official body, provided that access to this system is free and, if need be, that necessary information pertaining to the access to this information are contained in the standard bidding documents;

- A digital storage space, provided that all the information necessary to its consultation is included in the standard bidding documents and that access to it is free of charge.

Candidates are invited to use the electronic safe available free of charge on their account at https://www.marches-securises.fr/.

In addition, in accordance with the provisions of article R. 2143-14 of the Public Procurement Code, candidates are not required to provide to the contracting authority supporting documents and means of proof which have already been transmitted during a previous procurement procedure and which remain valid.

Finally, in accordance with the provisions of Article R. 2143-4 of the Public Procurement Code, the contracting authority agrees that candidates may submit their applications in the form of a single European market document (DUME) established in accordance with the model laid down by the European Commission Regulation establishing the standard form for the single European market document, in place of the declaration on honour and the information mentioned in Article R. 2143-3.

Candidates may create or reuse a DUME in its electronic version via the following URLs: https://ec.europa.eu/tools/espd/ OU https://dume.chorus-pro.gouv.fr/

It is specified that the contracting authority does not allow candidates to solely indicate that they have the required aptitude and capacities in the DUME without providing specific information on them.

5.2 Documents necessary for the selection of the offer

For the selection of the offer, candidates must submit the following documents:

- A letter of agreement (A.E.)

The candidate shall also specify the nature and amount of the scope of work he intends to subcontract and the list of subcontractors he intends to submit for approval and acceptance of the contracting authority.

- The schedule of unit prices and estimated details
- A methodological note or a supporting memorandum written on the basis of the framework presented in the annex "Imposed Response Framework" to the Rules of the Procurement Procedure.

The schedule of specific administrative clauses (CCAP) and the documents provided by the contracting authority, except for those referred to hereinabove and their annexes, are not to be submitted in the offer. Only documents held by the contracting authority are binding.

Candidates are reminded that signing the letter of agreement constitutes acceptance of all contractual documents.

6. Evaluation of applications, offers, and award of the framework agreement

6.1 Evaluation of applications

AFD retains the right to evaluate offers before evaluating applications. In this case, AFD may choose to solely evaluate the applications of the candidate AFD considers for contract award.

The evaluation criteria of applications are as follows:

- **Technical and financial capacities and guarantees**
- **Professional capacities**

Applications that do not satisfy the financial, technical, and professional requirements of the contract shall be rejected.

6.2 Evaluation of offers

The evaluation criteria of offers are weighted as follows:

Price of the services	30 / 100
Quality of the profiles proposed to perform the services	30 / 100
Adequacy of the methodology in relation to the need described in the terms of references	30 / 100
Quality of the organization and mobilization of the resources for the requested mission	10 / 100

Correction of the offers :

If discrepancies are identified within the offer, the indication in characters of the fixed prices and/or the schedule of unit prices will prevail on any other price indication and the amount of the estimated schedule of prices will be rectified accordingly.

An offer shall be deemed ineligible for award if such an offer, while providing a satisfactory response to the need of the contracting authority, is incomplete or does not comply with the requirements of the bidding documents, particularly in the case where the schedule of prices is missing or incomplete.

6.3 Award of the framework agreement

Economic operators submitting an offer as a solely represented firm or as a member of a consortium are no longer required by law to sign their offer. However, the offer shall be signed by the selected candidate no later than the date at which the framework agreement is awarded.

In accordance with article R. 2144-7 of the Public Procurement Code, the candidate considered for award of the framework agreement shall provide documents supporting that he is not barred from submitting offers within 5 days from the day of the request of the contracting authority.

If the candidate fails to provide these documents before the deadline, his offer shall be rejected and he shall be eliminated from the process.

The next candidate will then be requested to provide the required certificates prior to the award of the framework agreement.

7. Offer submission requirements

Documents may be submitted electronically only to the following address: https://www.marches-securises.fr/.

The reference time zone will be (GMT+01:00) Paris, Brussels, Copenhagen, Madrid.
Each submission will be subject to a certain date of receipt and an electronic acknowledgement of receipt.

Accepted file formats:

In the case of electronic submission of a response, the documents provided must be in one of the following formats, otherwise the offer will be inadmissible:

- Proprietary Microsoft office automation format compatible with version 2003 (.doc,.xls and.ppt),
- Universal text format (.rtf),
- PDF format (.pdf),
- Image formats (.gif,.jpg and.png),
- Format for plans (.dxf and.dwg).

Any document containing a computer virus will be subject to security archiving and will be deemed never to have been received. The relevant candidate will be informed. Under these conditions, candidates are advised to have their documents checked by an anti-virus software before submitting them.

Backup copie :

Candidates may also send, within the deadline for the submission of offers, a backup copy on electronic physical medium (CD-Rom, DVD-Rom, USB key) or in paper format. This copy shall be sent to the address below, in a sealed envelope and must include the following information: "backup copy", the identification of the procedure concerned and the company's contact details:
AFD, SGN/DCP, 5 rue Roland Barthes, 75012 Paris

The documents in the backup copy must be signed (for documents whose signature is mandatory). If the physical medium chosen is paper, the signature shall be handwritten. If the physical medium chosen is electronic, the signature shall be electronic.

This backup copy may be opened in the cases described in Article 2 II of the decree of 22 March 2019 setting out the procedures for making procurement and backup documents available.

The unopened envelopes containing the backup copy will be destroyed at the end of the procedure by the contracting authority.

8. Additional information

To obtain all additional information related to this procurement procedure, candidates should send their request in due time:

- Electronically, exclusively on the electronic platform, at the following URL: https://www.marches-securises.fr/

Only requests sent at least 8 days before the deadline for receipt of offers will be answered by of the contracting authority.

A response will be sent no later than 6 days before the deadline for receipt of offers to candidates who have downloaded the bidding documents from the electronic platform after having previously identified themselves.

For information on the submission of electronic offers, please refer to article *Requirements for sending and submitting applications and/or offers* in this document.

ANNEX: REQUIREMENTS RELATED TO THE SIGNATURE CERTIFICATE

Signature certificate:

The signatory's signature certificate must comply with the "eIDAS" regulation or equivalent and comply with the required level of security. The RGS (General Safety Standard) has been replaced by the "eIDAS" regulation since 1 October 2018.
However, candidates who already have an "RGS" certificate can still use it until the end of its validity period.

- Case 1: Certificate issued by a " trusted " Certifying Authority - No proof required

The signature certificate is issued by a Certifying Authority mentioned in the following list of trust:
https://www.ssi.gouv.fr/administration/visade-securite/visas-de-securite-le-catalogue/

European candidates will also find the complete list of service providers on the list of trust maintained by the European Commission:
https://webgate.ec.europa.eu/tl-browser/#/tl/FR

In this case, the bidder does not have to provide any proof on the signature certificate used to sign its response.

- Case 2: The electronic signature certificate is not referenced on a trusted list - Different supporting documents to be provided

The electronic platform accepts all electronic signature certificates with security conditions equivalent to those of the General Security Repository (GRS) and "eIDAS".
The candidate ensures by himself that the certificate he uses is at least compliant with the security level defined by the General Security Standard (GSR) or "eIDAS", and provides the supporting documents in his electronic response.
The candidate also provides all the technical elements allowing to the contracting authority to ensure the good technical validity of the certificate used.

Thus, the signatory must transmit with his electronic response the following elements:

(a) any element allowing verification of the quality and security level of the signature certificate (proof of the qualification of the Certifying Authority, certification policy, address of the website where the Certifying Authority is referenced),

(b) the technical tools for verifying the certificate (complete certification chain to the root Certification Authority, download address of the last update of the certificate revocation list).

It is specified that all these elements must be free of charge for the buyer to access and use, and must be accompanied, if necessary, by clear instructions for use.

Signature tool used to sign files:

The regulations allow the bidder to use the signature tool of his choice.

- Case 1: The bidder uses the platform signature tool - No justification required

The platform includes an electronic signature tool, which produces signature tokens in the regulatory format XAdES.

In this case, the bidder does not have to provide any justification on the electronic signatures transmitted and the signature tool used.

- Case 2: The bidder uses a signature tool other than the one integrated into the platform - Different supporting documents to be provided

When the candidate uses a signature tool other than the one provided on the platform, he or she must comply with the following two obligations:

a) Produce XAdES, CAdES or PAdES signature formats.

(b) Enable verification by transmitting in parallel the elements necessary to verify the validity of the signature and the integrity of the document, free of charge.

It is specified that all these elements must be free of charge for the buyer to access and use, and must be accompanied, if necessary, by clear instructions for use.

ANNEX : DECLARATION ON HONOUR

I, the undersigned .....
Acting in the capacity of .....
Name and address of the company:.....
.....
.....

a) declares on his honour that he does not fall into one of the cases of exclusion provided for in articles L. 2141-1 to L. 2141-5 or articles L. 2141-7 to L. 2141-10 of the Public Procurement Code.

Please note: When an economic operator is, during the procurement procedure, subject to one of the exclusion cases mentioned in Articles L. 2141-1 to L. 2141-5, Articles L. 2141-7 to L. 2141-10 or Articles L. 2341-1 to L. 2341-3 of the Public Procurement Code, he shall inform the contracting authority without delay of this change in situation.

Documents of proof available online:

Link at which supporting documents and means of proof are directly accessible free of charge, as well as all the information necessary to access them:
- Link: .....

- Information necessary for access: .....
.....
.....

(b) declare on my honour that I am not, and that none of the members of my consortium, nor of my suppliers, contractors, consultants and subcontractors, appear on the lists of financial sanctions adopted by the United Nations, the European Union and/or France, in particular as part of the fight against terrorist financing and violations of international peace and security and undertake to inform the Agency without delay of any change in the situation.

Done at .....
On.....
Signature .....
.....

Annex : Imposed response framework

These responses must comply with the following requirements:

A – Summary of your offer

A.1 - Understanding AFD's expectations
A.2 - Summary of the steps of your involvement
A.3 - General timetable of the assignment

B - Strengths and added value of your offer to carry out this assignment

C - Detailed description of your offer

C.1 - Detailed description of the content of the proposed steps (diagnosis, analyses, scenarios, action plan, reporting...)
C.2 - Means used
C.3 - Instances and practical procedures for managing the assignment
C.4 - Detailed table of deliverables
C.5 - Detailed planning

D - Recommendations of the service provider for the successful completion of the assignment

E - Overview of the team to be working on the assignment

E.1 - Team composition and allocation of responsibilities among its members
E.2 - CVs of the speakers (maximum 3 pages per speaker)