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**Guyana-Georgetown: Training programme services
2021/S 144-381689**

Contract notice

Services

Legal Basis:

Regulation (EU, Euratom) No 2018/1046

Procurement award procedure applying to European Union external actions financed from the general budget of the European Union and the European Development Fund (EDF)

Section I: Contracting authority

I.1) Name and addresses

Official name: Caribbean Forum for ACP States

Town: Georgetown

NUTS code: GY Guyana

Country: Guyana

E-mail: procurement@caricom.org

Telephone: +592 2220104

Internet address(es):

Main address: <http://www.caricom.org>

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=8665>

[Additional information](#) can be obtained from the abovementioned address

Tenders or requests to participate must be submitted to the abovementioned address

I.4) Type of the contracting authority

European institution/agency or international organisation

I.5) Main activity

General public services

Section II: Object

II.1) Scope of the procurement

II.1.1) Title:

Consultancy for Capacity Building in Legal Drafting

Reference number: INTPA/BGI/2021/EA-RP/0053

II.1.2) Main CPV code

80521000 Training programme services

II.1.3) Type of contract

Services

II.1.4) Short description:

The services of a firm or a team of consultants will be engaged to:

- (a) deliver training in the area of treaty and legislative drafting to stakeholders of Cariforum States;
- (b) prepare a Cariforum legislative drafting manual;
- (c) prepare a legislative drafting training manual to facilitate knowledge transfer;
- (d) identify in collaboration with the project review committee suitable Cariforum Nationals to undertake postgraduate certification in legislative drafting;
- (e) sensitise key Cariforum stakeholders on the commitments under the EPA for Cariforum and the EU; and
- (f) develop a communication and visibility plan for this consultancy.

II.1.5) **Estimated total value**

Value excluding VAT: 500 000.00 EUR

II.1.6) **Information about lots**

This contract is divided into lots: no

II.2) **Description**

II.2.2) **Additional CPV code(s)**

80521000 Training programme services

II.2.3) **Place of performance**

NUTS code: AG Antigua And Barbuda

NUTS code: BB Barbados

NUTS code: BS Bahamas

NUTS code: BZ Belize

NUTS code: CU Cuba

NUTS code: DM Dominica

NUTS code: DO Dominican Republic

NUTS code: GD Grenada

NUTS code: GY Guyana

NUTS code: HT Haiti

NUTS code: JM Jamaica

NUTS code: KN Saint Kitts And Nevis

NUTS code: LC Saint Lucia

NUTS code: SR Suriname

NUTS code: TT Trinidad And Tobago

NUTS code: VC Saint Vincent And The Grenadines

Main site or place of performance:

Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St Lucia, St Vincent and the Grenadines, St Kitts and Nevis, Suriname, Trinidad and Tobago.

II.2.4) **Description of the procurement:**

The services of a firm or a team of consultants will be engaged to:

- (a) deliver training in the area of treaty and legislative drafting to stakeholders of Cariforum States;
- (b) prepare a Cariforum legislative drafting manual;
- (c) prepare a legislative drafting training manual to facilitate knowledge transfer;
- (d) identify in collaboration with the project review committee suitable Cariforum Nationals to undertake postgraduate certification in legislative drafting;
- (e) sensitise key Cariforum stakeholders on the commitments under the EPA for Cariforum and the EU; and
- (f) develop a communication and visibility plan for this consultancy.

II.2.5) **Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) **Estimated value**

Value excluding VAT: 500 000.00 EUR

II.2.7) **Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 24

This contract is subject to renewal: no

II.2.9) **Information about the limits on the number of candidates to be invited**

Envisaged number of candidates: 20

Objective criteria for choosing the limited number of candidates:

The number of candidates is not limited. Please consult the procurement documents available at the address indicated in section I.3).

II.2.10) **Information about variants**

Variants will be accepted: no

II.2.11) **Information about options**

Options: no

II.2.13) **Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: yes

Identification of the project:

Support to Cariforum Member States in furthering the implementation of their economic partnership agreement commitments and in meaningfully reaping the benefits of agreement – CRIS 2018/040 – 087 financed under the 11th European Development Fund.

II.2.14) **Additional information**

Subsequent to the initial contract resulting from the current tender procedure, new services or works consisting in the repetition of similar services or works, up to the estimated amount of 50 000, may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new services or works are in conformity with the same basic project.

Section III: Legal, economic, financial and technical information

III.1) **Conditions for participation**

III.1.1) **Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

Please consult the procurement documents available at the address indicated in section I.3).

III.1.2) **Economic and financial standing**

List and brief description of selection criteria:

The economic and financial capacity required from the candidate or tenderer to perform the contract is detailed in the document A5f 'Additional information about the Contract Notice'.

III.1.3) **Technical and professional ability**

List and brief description of selection criteria:

The professional and technical capacity required from the candidate or tenderer to perform the contract is detailed in the document A5f 'Additional information about the Contract Notice'.

III.2) **Conditions related to the contract**

III.2.2) **Contract performance conditions:**

Please consult the procurement documents available at the address indicated in section I.3).

Section IV: Procedure

IV.1) Description

IV.1.1) Type of procedure

Restricted procedure

IV.1.3) Information about a framework agreement or a dynamic purchasing system

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number in the OJ S: [2021/S 110-288094](#)

IV.2.2) Time limit for receipt of tenders or requests to participate

Date: 30/08/2021

Local time: 16:00

IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.2.4) Languages in which tenders or requests to participate may be submitted:

English

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

Duration in months: 3 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: no

VI.2) Information about electronic workflows

Electronic payment will be used

VI.3) Additional information:

Please consult the procurement documents available at the address indicated in section I.3). For any additional information, please refer to the document A5f 'Additional information about the Contract Notice'.

VI.4) Procedures for review

VI.4.1) Review body

Official name: General Court of the European Union

Postal address: rue du Fort Niedergrünwald

Town: Luxembourg

Postal code: L-2925

Country: Luxembourg

E-mail: GC.Registry@curia.europa.eu

Telephone: +352 4303-1

Internet address: <http://curia.europa.eu>

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures:

Please consult the procurement documents available at the address indicated in section I.3).

VI.5) Date of dispatch of this notice:

23/07/2021

Additional information about the Contract Notice

Consultancy for Capacity Building through Training Programmes in Treaty and Legislative Drafting

Location - Caribbean Forum of ACP States (CARIFORUM): Antigua & Barbuda, the Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Lucia, St. Vincent and the Grenadines, St. Kitts and Nevis, Suriname and Trinidad and Tobago

1. Nature of contract

Global Price

2. Programme title

Support to CARIFORUM Member States in furthering the implementation of their Economic Partnership Agreement commitments and in meaningfully reaping the Benefits of Agreement – CRIS 2018/040 – 087 financed under the 11th European Development Fund.

3. Financing

Financing Agreement FED/2018/040 - 087

4. 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 candidates/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 ‘Legal basis’ below). Participation is also open to international organisations.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014** and Annex IV of the ACP-EU Partnership Agreement***, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom ****. Those persons and goods are therefore eligible under this call.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

** Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

*** Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

**** including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU]

5. Candidature

All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e., the leader

and all other partners) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person 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.

6. Number of applications or tenders

No more than one application or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.

In case of lots, the candidates or tenderers may submit only one application or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

7. Tender guarantee

No tender guarantee is required.

8. 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.

9. Information meeting and/or site visit

No information meeting is planned.

10. Tender validity

Tenders must remain valid for a period of 3 months 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.

11. Shortlist alliances prohibited

Any tenders received from tenderers having a different composition than the ones 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 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

12. Grounds for exclusion

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity (ies).

Candidates or 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.

13. Sub-contracting

Sub-contracting is allowed.

14. 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. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination

criteria stated below.

15. Provisional date of invitation to tender

27th September 2021

16. Provisional commencement date of the contract

9th February 2022

17. Period of implementation of tasks

Twenty Four (24) months

SELECTION AND AWARD CRITERIA

18. 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 if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The selection criteria for each tenderer are as follows:

- 1) Economic and financial capacity** (based on item 3 of the service 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 persons:

- the average annual turnover of the candidate or tenderer must exceed the annualised maximum budget of the contract i.e., the maximum budget stated in the contract notice divided by the initial contract duration in years, where this exceeds 1 year (minimum annual turnover requested may not exceed two times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); 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.

Criteria for natural persons:

- the available financial resources of the candidate must exceed the annualised maximum budget of the contract i.e., the maximum budget stated in the procurement notice divided by the initial contract duration in years, where this exceeds 1 year (minimum annual turnover requested may not exceed two times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); and
- the financial situation of the candidate should not be in deficit, taken into account debts, at the beginning and end of year.

- 2) Professional capacity** (based on items 4 and 5 of the application form for service contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.

Criteria for legal persons:

- at least two (2) professional staff who currently work for the tenderer in fields related to this contract.

Criteria for natural persons:

- is currently working/has worked during the past three (3) years as a team leader with at least two (2) professional collaborators in fields related to this contract.

3) Technical capacity (based on items 5 and 6 of the application form for service contracts). The reference period which will be taken into account will be the last five (5) years from submission deadline.

Criteria applicable to both legal and natural persons:

- The candidate has provided services under at least one (1) contract with a budget of at least 375,000 EUR in providing training and development in legislative drafting, including the preparation of training manuals, which were implemented at any moment during the reference period: five (5) years.
- Documentary evidence of the successful/partial completion of at least one (1) of the contracts referred to above.

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.

Capacity-providing entities

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. If the economic operator relies on other entities 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 by producing a commitment by 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 and notably that of nationality as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority.

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 tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator 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 re-examined in order to rank their applications and identify the 8 best applications for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the

order in which they appear below, are:

- the highest number of projects that meet criterion 3.1
- the highest cumulated value of the projects that meet criterion 3.1

19. Award criteria

Best price-quality ratio.

APPLICATION AND TENDERING

20. Tender opening session

1100hrs on the 13th September 2021 at the CARICOM Secretariat Headquarters, Turkeyen, Greater Georgetown, Guyana.

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that they have been sent on time, the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

21. Applications 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:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

The application must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

22. How applications may be submitted

Applications 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:

**Mr. Chester James
Programme Manager, Procurement
CARICOM Secretariat
Turkeyen, Greater Georgetown
Guyana
Telephone: 592-222-0104**

- 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:

**Mr. Chester James
Programme Manager, Procurement
CARICOM Secretariat
Turkeyen, Greater Georgetown
Guyana**

Telephone: 592-222-0104

The contract title and publication reference (see contract notice) 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 form.

23. Deadline for submission of applications

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

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

The deadline for submission of applications can be found in the Contract Notice under IV.2.2.

Any application sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

24. Clarifications on the contract notice

Any request for additional information must be made in writing through the TED eTendering website accessible from the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>. Registration on TED eTendering is required to be able to create and submit a question. Additional information can be requested by clicking "Create a question" in the Questions & Answers tab at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering website at the latest 5 days before the deadline for the submission of applications. The website will be updated regularly and it is the applicant's responsibility to check for updates and modifications during the submission period.

25. Alteration or withdrawal of applications

Applicants may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with precedent item. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

26. Language of the procedure

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

28. Legal basis²

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

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

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

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.

29. Additional information

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender form 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 the applicable InforEuro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting applications, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.