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**Afghanistan-Kabul: Foreign economic-aid-related services
2017/S 198-407472**

Contract notice

Services

Directive 2014/24/EU

Section I: Contracting authority

I.1) **Name and addresses**

Royal Danish Embassy in Afghanistan
House #36, Street 13, Lane 1 on the left, Wazir Akbar Khan
Kabul
Afghanistan
Contact person: Natalie Faye Hicks
E-mail: nathic@um.dk
NUTS code: DKZ

Internet address(es):

Main address: <http://afghanistan.um.dk>
Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/281402>

I.2) **Joint procurement**

I.3) **Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=195970&B=KA
Additional information can be obtained from the abovementioned address
Tenders or requests to participate must be submitted electronically via: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=195970&B=KA
Tenders or requests to participate must be submitted to the abovementioned address

I.4) **Type of the contracting authority**

Ministry or any other national or federal authority, including their regional or local subdivisions

I.5) **Main activity**

Other activity: development assistance

Section II: Object

II.1) **Scope of the procurement**

II.1.1) **Title:**

Retendering of Contract for Establishment and Management of the Afghan Anti-Corruption Civil Society Fund.
Reference number: F.2017-9134

II.1.2) **Main CPV code**

75211200

II.1.3) **Type of contract**

Services

II.1.4) **Short description:**

The Royal Danish Embassy in Kabul (RDE) is looking for a Consultant to establish a Management Unit (MU) that will develop a pilot Afghan Anti-Corruption Civil Society Fund (henceforth referred to as The Fund) to help Afghanistan Civil Society Organizations (CSOs) and media/journalists to advocate for improved transparency and accountability to fight corruption in Afghanistan. This is a one year pilot project where it is expected that important lessons will be learned to inform a potential future civil society anti-corruption programme with a broader funding base. The overall purpose of The Fund is to strengthen CSOs and the media to advocate and raise awareness on corruption issues. For further information see II.2.4).

II.1.5) **Estimated total value**

Value excluding VAT: 2 600 000.00 DKK

II.1.6) **Information about lots**

This contract is divided into lots: no

II.2) **Description**

II.2.1) **Title:**

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

85312320

II.2.3) **Place of performance**

NUTS code: DKZ

Main site or place of performance:
Afghanistan.

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

The final design and management of The Fund is to be developed by the Consultant. The total budget for grant disbursement will be 7 400 000 DKK

The Fund will be aligned and built upon the commitments made by the Government of Afghanistan to the "Open Government Partnership" (OGP)". In particular, The Fund will target two key commitments made in the OGP: (1) Increased access to information concerning Government activities and, (2) Support civil society participation.

The locus of change will be to promote the understanding and implementation of the Access to Information Law. The Fund will be a pilot project that will aim to address the following challenges:

— An Attenuated trust in the Afghan Government's ability to provide sufficient Access to Information to its citizens;

— Structural barriers that inhibit engagement of the population, CSOs and media to express their opinions on the issues associated with corruption;

The objective of the Fund is to support civil society and journalists to utilise provisions in the Access to Information Law and in Presidential Decree to enhance transparency in service delivery in three provinces in the Afghanistan: Nangahar, Laghman and Kunar (final province selection will be determined in the inception phase).

The objectives of the MU are two-fold:

— The MU will provide quality mentoring support to CSOs and journalists to implement innovative projects that support improved access to information.

— The MU will act as the fund manager with fiduciary oversight for a minimum of 4 grants and a maximum of up to 6 grants.

The MU will provide the following outputs:

— Provide an inception report which will describe the execution of the tasks and responsibilities of the MU as outlined in the Terms of Reference. This will include but not be limited to a final design of the Fund, its functions and administration, requirements for grant proposals and final selection criteria for these, and associated guidelines as well as procedures for the management and administration of the grants. The Inception Report

should also define a simple and efficient monitoring and evaluation system, as well as a detailed work plan for the following 11 months.

— Establishing The Fund Steering Committee (SC). The SC will have the mandate of overseeing the MU's operation and decision making on grants. It will be a five-member SC consisting of members from CSOs, the Government of Afghanistan, opinion leaders, journalists and the RDE representatives. Members of the SC will not be allowed to apply for funds due to conflict of interest issues. The MU will review all grant proposals (and provide recommendations) prior to presenting them for approval at the SC. The SC will convene one time per month. The SC will review the quarterly activity and financial reports but final approval for these reports rests with RDE. The project manager of the MU will act as secretary for the SC, i.e. prepare itinerary and minutes of meetings.

— A lesson learned exercise will be conducted and presented to the RDE in December 2018. The document must take stock of what The Fund has achieved during the 12 months of the project implementation, and to provide the RDE with an opportunity to have feedback and suggestions from the partner organizations on successes and challenges and initiatives that can be capitalized upon in the future.

In particular, the MU will have the following key functions:

- Convener of the SC;
- Efficient management of The Fund and grants;
- Solicitation of proposals from potential grantees;
- Serve as a liaison with the Government, grantees, RDE and SC
- Conducting due-diligence on potential grantees;
- Presentation of project packages to the SC for approval and realization/execution of projects and;
- M&E and quality assurance of the implemented grants.

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: 2 600 000.00 DKK

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

Duration in months: 12

This contract is subject to renewal: no

II.2.10) **Information about variants**

Variants will be accepted: no

II.2.11) **Information about options**

Options: no

II.2.12) **Information about electronic catalogues**

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

The procurement is related to a project and/or programme financed by European Union funds: no

II.2.14) **Additional information**

Re. II.1.6) Rationale for not splitting the contract up into lots: This contract has not been split into lots as the size and character of the services to be provided makes it unsuitable for distributing over several lots.

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:

Not applicable.

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

List and brief description of selection criteria:

Using the ESPD, the tenderer should quote its annual turnover for the last three available accounting years. The information should be provided in the ESPD, Part IV, B: Economic and financial standing.

Only the economic operator to whom the contracting authority intends to award the contract will be asked to provide documentation for the claims stated in the ESPD.

Unless the information is publicly and electronically accessible free of charge, the documentation for the turnover quoted in the ESPD should be in the form of financial statements or extracts from the financial statements or a statement of the undertaking's overall turnover certified by a chartered accountant or certified public accountant.

If the tenderer is a joint venture, consortium or other unincorporated grouping of two or more entities (hereinafter called a 'joint venture'), this should be stated in the ESPD section II, sub-section A. The joint venture shall, as a whole, meet the minimum conditions related to economic and financial standing and each member shall submit a completed and signed ESPD.

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 tenderer is relying on the financial capacity of another entity, this should be stated in the ESPD section II, sub-section C.

If the tenderer relies on the capacity of others, the turnover is calculated as the sum of the turnover of the tenderer and the other entity's (or entities') turnover.

Where an economic operator wants to rely on the capacities of other entities, it shall prove to the contracting authority that it will have at its disposal the resources necessary, for example, by producing a commitment by those entities to that effect. The letter of commitment or relevant documentation shall establish the legal commitment of the party concerned to support the tenderer for the full contract period. A template for a letter of commitment can be obtained using the link in section I.3.

Such entities, including the parent company of the tenderer, must respect the same rules of eligibility, and must comply with the conditions as stated in this contract notice (see section VI.3). Such an entity must also submit a completed and signed ESPD.

Minimum level(s) of standards possibly required:

Minimum annual turnover of 2 000 000 DKK in each of the latest 3 accounting year.

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

List and brief description of selection criteria:

Using the ESPD, the tenderer should provide a list of no more than five project references of contracts (entered or finalized) in the last three years of most relevant services provided cf. section II.2.4). The information should include a description of the assignment and the services provided, the contract sum, dates, and the name of the client. The information should be entered in the ESPD, Part IV, C.

No documentation will be required for the information provided in the ESPD regarding project references of contracts.

If the tenderer is a joint venture, this should be stated in the ESPD section II, sub-section A. The joint venture shall, as a whole, meet the minimum conditions related to technical and professional ability. In that case, each member shall submit a completed ESPD. Note that no more than five project references must be presented for the joint venture as a whole. If the tenderer is relying on the technical capacity of another entity, this should be stated in the ESPD section II, sub-section C. With regard to criteria relating to the educational and professional qualifications or to the relevant professional experience, economic operators may only rely on the capacities

of other entities where the latter will perform the services for which these capacities are required. Where an economic operator wants to rely on the capacities of other entities, it shall prove to the contracting authority that it will have at its disposal the resources necessary, f.ex. by producing a commitment by those entities to that effect.

The letter of commitment or relevant documentation shall establish the legal commitment of the party concerned to support the tenderer for the full contract period. A template for a letter of commitment can be obtained using the link in section I.3. Such entities, including the parent company of the tenderer, must respect the same rules of eligibility, and must comply with the conditions as stated in this contract notice (see section VI.3). Such an entity must also submit a separate completed ESPD.

Minimum level(s) of standards possibly required:

Minimum 2 relevant references of contracts (entered or finalized) in the last three years, of these 1 relevant contract for fund management of a fund in Afghanistan of at least 1 million DKK; and 1 relevant contract for work with Afghan CSOs.

III.1.5) **Information about reserved contracts**

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

III.2.1) **Information about a particular profession**

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

The winner of the contract will be required to perform the services in compliance with the Danida Anti-corruption Code of Conduct and the principles of the UN Global Compact.

A group of economic operators will be required to enter a joint venture agreement. Where a joint venture is proposed, The Danish Embassy in Afghanistan will require that all members of the joint venture are jointly and severally liable.

III.2.3) **Information about staff responsible for the performance of the contract**

Section IV: Procedure

IV.1) **Description**

IV.1.1) **Type of procedure**

Open procedure

Accelerated procedure

Justification:

Pursuant to the Danish Public Procurement Law section 57(5) where, owing to urgent needs of the contracting authority, the time limit stipulated in section 57(2) cannot be observed, the contracting authority may set at time limit which shall be not less than 15 days from the day following the date the contract notice is sent. This contract has previously been put out for tender, cf. contract notice [2017/S 165-339968](#), however no acceptable tenders were received. The initial tender procedure was therefore discontinued. The project is a one-year pilot project set to start on 1 January 2018. As observing the time limits in section 57(2), will not ensure this, the contract is now being retendered under the accelerate procedure with a 20 days time limit to submit tenders. In the light of the assignment and the requirements to the tenders to be submitted this is considered a reasonable time limit for all interested tenderers to prepare a tender.

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

IV.1.4) **Information about reduction of the number of solutions or tenders during negotiation or dialogue**

IV.1.6) **Information about electronic auction**

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

The procurement is covered by the Government Procurement Agreement: yes

IV.2) **Administrative information**

IV.2.1) **Previous publication concerning this procedure**

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

Date: 02/11/2017

Local time: 12:00

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: 2 (from the date stated for receipt of tender)

IV.2.7) **Conditions for opening of tenders**

Date: 02/11/2017

Local time: 12:00

Section VI: Complementary information

VI.1) **Information about recurrence**

This is a recurrent procurement: no

VI.2) **Information about electronic workflows**

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) **Additional information:**

The tender procedure is subject to Danish law. Any legal entity may only submit 1 tender. The tender and the ESPD must be submitted electronically using the web-based tendering system 'Digitale Udbud' provided by Kammeradvokaten (The Legal Advisor to the Danish State). Tenders cannot be submitted using any other means. All communication in connection with the tender procedure shall take place using the tendering system only. The tendering system is accessed using the link set out in section I.3). If not already a registered user of the system, a tenderer must register to access the tender documents. This can be done by using the link 'Online registration'. After registration the documents can be accessed under 'Current tender opportunities'. Questions and answers will be published through the tendering system. Tenders must be submitted by upload of the required documents. If a tender contains more than one version of the same document the latest uploaded version, cf. the time-log in the system, will be regarded as the prevailing version. In the tendering system the tenderer can sign up to receive notifications by e-mail upon upload of new information. The tenderers are however always encouraged to keep themselves updated in the system on an ongoing basis.

The ESPD is completed via: <https://ec.europa.eu/growth/tools-databases/espd/filter?lang=da>. Here the tenderer is to upload the XML file, complete it and subsequently save it locally. A guide to the completion of the ESPD is available via the link set out in section I.3). The completed ESPD preferably along with supporting documentation for the claims provided in the ESPD, unless it is publicly and electronically accessible free of charge, must be uploaded in the tendering system before the time limit stated in section IV.2.2). The Contracting Authority shall exclude an economic operator from participation in a procurement procedure where it has established that the tenderer is covered by the exclusion grounds listed in the Danish Public Procurement Act, (Udbudsloven) §135 and §136 (EU Directive 2014/24/EU of the European Parliament and of the Council, article 57(1)-(3), and article 57(4) (e), (f) and (h).) A tenderer will furthermore be excluded from the procurement procedure if the tenderer is in a situation covered by the Danish Public Procurement Act §137(1)(2). (EU Directive 2014/24/EU of the European Parliament and of The Council, article 57 (4) (b).) Tenderers should preferably include documentation with the ESPD for the claims given in the ESPD proving the absence of

grounds for exclusion, as stipulated in the Danish Public Procurement Act § 135(1) and (3), and §137(1)(2). (EU Directive 2014/24/EU of the European Parliament and of the Council, article 57(1), article 57(2), and article 57(4)(b)). For Danish tenderers documentation can be presented in the form of a 'serviceattest'. Entities from other EU member states may identify the relevant certificate(s) using the online platform e-Certis. Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified, they may be replaced by a declaration on oath or, in countries where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country where the economic operator is established. Re. section IV2.2 'local time' means Danish local time.

VI.4) **Procedures for review**

VI.4.1) **Review body**

Klagenævnet for Udbud
Nævnenes Hus, Toldboden 2
Viborg
8800
Denmark
Telephone: +45 72405708
E-mail: klfu@naevneneshus.dk
Internet address: <https://erhvervsstyrelsen.dk/klagevejledning-0>

VI.4.2) **Body responsible for mediation procedures**

VI.4.3) **Review procedure**

Precise information on deadline(s) for review procedures:

The following deadlines apply to the lodging of appeals pursuant to the Danish Act on The Complaints Board for Public Procurement (Lov om Klagenævnet for Udbud) (the Act is available at www.retsinformation.dk): Appeals for not having been prequalified must be submitted to the Danish Complaints Board for Public Procurement (Klagenævnet for Udbud) within 20 calendar days calculated from the day after the day when the contracting authority has notified the tenderers concerned which tenderers have been prequalified provided that the notification has included a short explanation of the relevant grounds for the decision.

In other situations, appeals regarding tender procedures must be lodged with the Complaints Board for Public Procurement within 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union that the contracting authority has concluded the contract. The deadline is calculated from the day after the day when the notice was published.

The complainant must no later than at the same time as lodging the appeal with the Complaints Board for Public Procurement notify the contracting authority that an appeal has been lodged with the Danish Complaints Board for Public Procurement and whether the appeal has been lodged within the standstill period, see section 3(1) of the Act. In the event that the appeal has not been lodged within the standstill period, the complainant must furthermore indicate whether he has requested a suspensory effect of the appeal, see clause 12(1) of the Act. The e-mail address of the Complaints Board for Public Procurement is set out in section VI.4.1).

The Complaints Board's own complaints procedure is available at www.klfu.dk.

VI.4.4) **Service from which information about the review procedure may be obtained**

Konkurrence- og Forbrugerstyrelsen
Carl Jacobsens Vej 35
Valby
2500

Denmark

Telephone: +45 41715000

E-mail: kfst@kfst.dk

Internet address: <http://www.kfst.dk>

VI.5) **Date of dispatch of this notice:**

12/10/2017