

TENDER RULES

OBJECT OF THE PROPOSED CONTRACT:

LABOUR HIRE SERVICES AND HUMAN RESOURCES (HR) FOR EXPERTISE
FRANCE IN ETHIOPIA

LEGAL REPRESENTATIVE OF THE CONTRACTING AUTHORITY:

Jérémie PELLET, Chief Executive Officer of EXPERTISE FRANCE

DATE AND TIME OF OFFER SUBMISSION DEADLINE:

29/11/2024 at 12:00AM (PARIS TIME)

CONTENTS

ARTICLE 1: OBJECT AND SCOPE OF THE TENDER	4
Object of the tender	4
Scope of the tender	4
Provisional schedule of the tender	4
Tender language – currency	4
Composition of the tender documents	4
Modification of the tender documents	4
ARTICLE 2: GENERAL CHARACTERISTICS OF THE PROPOSED CONTRACT	5
Form of the contract	5
Estimated amount of the need	5
Term of the contract	5
Allotment	5
Options	5
<i>Similar services</i>	5
<i>Renewal</i>	5
ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS	5
Candidate presentation conditions	5
Grounds and conditions of exclusion	6
Minimum prerequisites in terms of economic, technical and professional capacity	6
<i>ECONOMIC AND FINANCIAL CAPACITY</i>	6
<i>TECHNICAL AND PROFESSIONAL CAPACITY</i>	6
Specific requirements for consortia of economic operators	6
<i>Grounds for the exclusion of consortia</i>	6
<i>Form of the consortium</i>	7
Subcontracting	7
<i>Grounds for exclusion in the case of subcontracting</i>	7
<i>Presentation of a subcontractor</i>	7
ARTICLE 4: PRESENTATION OF BIDS AND SUBMISSION PROCESS	7
Application documents	7
Bid documents	8
Bid validity period	8
Bid submission process	8
<i>Bids submitted in paper format</i>	8
<i>Electronic submission</i>	9
ARTICLE 5: ANALYSIS OF APPLICATIONS	9
Application supplementary information requests	10
Rejection of late applications - Opening bids	10
Admissibility of applications	10
Application selection	10
ARTICLE 6: BID EVALUATION, NEGOTIATIONS AND AWARD	10
Rejection of late bids - Opening bids	10

Bid analysis	11
Rejection of non-conforming, inadmissible or inappropriate bids	11
Comparison of bids for selection of the most economically beneficial bid	11
<i>Criterion 1: price of the services</i>	11
<i>Criterion 2: Technical offer</i>	11
Negotiations	11
<i>Bidder interviews – bid negotiations</i>	11
Award process	11
ARTICLE 7: PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THIS TENDER AND FOR THE PURPOSES OF CONTRACT MONITORING	12
Identity and contact details of the data controller and its representative	12
For the PLACE platform	12
Contact details of the Data Protection Officer	12
For the contracting authority	12
Contact details of the Data Protection Officer	12
ARTICLE 8: ADDITIONAL INFORMATION	13
ARTICLE 9: APPEAL CHANNELS AND DEADLINES	13

ARTICLE 1: OBJECT AND SCOPE OF THE TENDER

Object of the tender

The tender covers the award of a service contract covering the outsourced services for HR contracting and payroll management, registration of Personal Income Tax (PIT) and Social Security (SS), and insurance services in Ethiopia for Expertise France projects implemented in the country and to ensure compliance with local labor laws and regulations.

The scope of the needs to be satisfied is set out in the tender specifications (see Annex II).

Scope of the tender

This contract is subject to the French Public Procurement Code (CPP) in its applicable version under Ordinance no. 2018-1074 of 26 November 2018, establishing the legislative elements of Decree no. 2018-1075 of 3 December 2018, establishing the regulatory elements of the Public Procurement.

It is awarded by means of open tender in application of Articles L. 2124-2, R. 2161-2, R. 2161-3, R. 2161-4 and R. 2161-5 of CCP.

This is a purchase order agreement.

Provisional schedule of the tender

Estimated date	Stage
28/10/2024	Publication of the call for tender on PLACE
29/11/2024	Bid submission deadline
29/11/2024	Opening of the analysis phase
4/12/2024	Extended evaluation committee
12/12/2024	Rejection letters sent to non-selected candidates
16/12/2024	Award letter sent to the selected candidate
30/12/2024	Contract award

Tender language – currency

All the tender documents must be written in English.

The Contracting Authority will conclude contracts in the following currency: Euro (€)

Composition of the tender documents

The tender documents are composed of the following:

- The tender rules (the “Rules”);
- The draft contract (general conditions and special conditions) and related annexes (DAJ_M011ENG_v09);
- The tender Specifications (annex II);
- The expression of interest form and its annex including the legal and financial identification sheet;
- The candidate GDPR compliance verification form (annex V);
- DAJ_GU006ENG_v01 - PLACE user guide for companies.

Supplementary tender documents:

- The technical and financial offer;
- Annex IV to the contract, Sworn statement on exclusion criteria, the absence of conflict of interest.

Modification of the tender documents

Modifications may be made to the tender documents up to 4 days prior to the bid submission deadline.

Modifications are only forwarded to the economic operators duly identified during the tender document consultation phase.

Candidates/bidders must respond on the basis of the latest modified documents.

Should any candidate/bidder have submitted any bid or offer prior to modification, they may resubmit based on the latest modified documents prior to the bid reception deadline.

ARTICLE 2: GENERAL CHARACTERISTICS OF THE PROPOSED CONTRACT

Form of the contract

The contract is a framework contract via purchase order entered into force with a single contractor.

Maximum amount of the need

The provisional amount of the contract is fixed at a maximum of EUR 1 200 000. The contract is entered into force without a minimum amount.

This maximum amount value should be understood as including the following:

- The Contractor's fees for labor hire services with or without recruitment assistance;
- The Contractor's disbursements for providing medical insurance to hired employees;
- The Contractor's fees for issuing and renewing residency cards for non-Ethiopian staff;
- Supporting employees in opening or transferring bank accounts;
- Registering the Outsourced Employees under the Contractor's Social Security (SS) file and Personal Income Tax (PIT) file;
- Calculating and financing the SS and PIT on behalf of the Outsourced Employees as per the labor law in Ethiopia;
- Processing Outsourced Employees' monthly salary transfers via bank transfer and alternative options for different circumstances;
- Sending pay slips to the Outsourced Employees;
- Address Outsourced Employees' queries regarding payroll.

It is to be noted that this maximum amount value excludes the following:

- The Contractor's disbursements for providing wages and benefits to hired employees.

Term of the contract

The provisional term of the contract is 12 months from its award date. For illustrative purposes only, the anticipated award date is 30/12/2024.

Allotment

This tender is not divided into lots.

Options

Similar services

In application of Article R.2122-7 of the CCP, the Contracting Authority, without having to open these contracts up to external competition, can directly enter into negotiations with the contractor to put in place new additional contracts regarding the provision of services that are similar to this present, initial, contract. The period during which such contracts may be entered into force may not exceed 3 years from the award of this present, initial, contract.

Renewal

The contract is entered into force for an initial term of 12 months from its award date. It may be renewed on 3 occasions for 12 months each time via tacit renewal at the discretion of the contracting authority without exceeding a total duration of 48 months.

ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS

3.1 Candidate presentation conditions

A single entity may not represent more than one candidate for any given tender (Article R. 2142-4 of the French Public Procurement Code). In the context of this tender, however, the contracting authority does not authorize the candidate to present multiple offers when acting at the same time as:

- an individual candidate and member of one or more consortia of economic operators;
- a member of multiple consortia of economic operators.

In the event of an application being made by a consortium of economic operators, each member of the consortium must provide all the documents and information certifying their legal, professional, technical, and financial capacity. The consortium's capacities will be assessed on an overall basis.

3.2 Grounds and conditions of exclusion

Notably under:

- The French Law no. 2016-1691 of 9 December 2016 on transparency, anti-corruption and modernization of the economy, the so-called "Sapin 2" law;
- Chapter II of the French Monetary and Financial Code setting out provisions for the freezing of assets and the prohibition of making funds available (notably Article L. 562-4 and Article L. 562-5);
- Relevant requirements emanating from accreditation for managing delegated EU funds (Pillar 7 relating to exclusion from accessing financing);

Candidates or their representative in any of the situations set out in Articles L.2141-1 to L.2141-10 of the French Public Procurement Code, or which are on any official exclusion list, shall be excluded from the procedure, whether their situation is established by means of their own declarations or through the application of vigilance measures by the contracting authority.

However, where the exclusion decision is at the discretion of the contracting authority, it shall invite the candidate(s) liable to exclusion to present their observations in order to establish, via all means and within a reasonable period not exceeding 10 days, that the measures required to rectify the failings laying behind exclusion have been taken and, as applicable, that their participation in the tender will not undermine equality of treatment among the bidders.

Where an operator finds itself to be in a position of exclusion during the procedure, it shall notify the contracting authority without delay, which shall apply exclusion on these grounds.

Minimum prerequisites in terms of economic, technical, and professional capacity

The contracting authority does not impose minimum capacity levels on candidates.

Each consortium member must provide all the documents required under these Rules. In order to demonstrate its professional, technical and financial capacity, each member of the consortia has to provide the due documents to the lead company. In such cases, it must demonstrate the capacities of the other economic operator(s) from which it benefits for contract implementation.

In the case of a temporary consortium, the aforementioned participation conditions will be assessed on an overall basis; the application file must include authorization of the lead company from its co-contractors, which may be issued via form DC1.

Specific requirements for consortia of economic operators

Grounds for the exclusion of consortia

Where the grounds for exclusion from the tender procedure concern one of the consortium members, the contracting authority shall demand its replacement by an entity not subject to the grounds for exclusion, to take place within 10 days of the lead company receiving said demand. Failing this, the consortium shall be excluded from the procedure;

Form of the consortium

The consortium shall be jointly and severally liable.

Subcontracting

Grounds for exclusion in the case of subcontracting

Entities subject to grounds for exclusion cannot be accepted as subcontractors.

Where the subcontractor subject to grounds for exclusion is presented at the application phase, the contracting authority shall demand its replacement by an entity not subject to the grounds for exclusion, to take place within 10 days of the candidate receiving said demand. Failing this, the candidate shall be excluded from the procedure.

Presentation of a subcontractor

Subcontractors are to be presented using form DC4 (Subcontracting Declaration)¹ duly completed by the subcontractor and the candidate, incorporating a statement of the subcontractor's professional, technical and financial capacity, in addition to a sworn declaration that the subcontractor is not subject to any prohibition on participating in public procurement.

ARTICLE 4: PRESENTATION OF BIDS AND SUBMISSION PROCESS

Bidders must submit a complete bid incorporating the documents specified below. The requested documents must be signed by the bidder, the lead company of the temporary consortium or each of the members of the consortium.

Application documents

Candidates must submit the following application documents:

- The attached expression of interest form;
- Proof of formal registration in Ethiopia;
- Evidence of compliance with social and tax obligations in Ethiopia;
- The attached GDPR compliance verification form, used to verify that the bidder has implemented appropriate technical and organizational measures such that data processing complies with relevant data protection laws and regulations (GDPR and French data protection legislation), thereby guaranteeing the rights of data subjects;
- The attached sworn statement on exclusion criteria, the absence of conflict of interest;
- When applicable, the court ruling on receivership;
- A description of the human resources that meet the participation conditions set out below:
 - o A declaration stating the company's current headcount and the number of supervisory personnel;
- A description of the technical resources that meet the participation conditions set out below:
 - o List of references and credentials relevant to the object of the contract for projects of similar size, stating the names and phone numbers of the competent contact persons;
 - o Professional qualification certificates (to be tailored to the object of the contract): ARSEG, ISO or equivalent certification. Should the candidate fail to provide professional certificates, it

¹ Form DC4 is available at: <https://www.economie.gouv.fr/daj/formulaires-mise-a-jour-formulaire-declaration-sous-traitance-dans-marches-publics>

must provide evidence of its professional capacity via other means.

- A description of the economic and financial resources that meet the participation conditions set out below:
 - Revenue declarations for the last three available financial years;
 - Currently valid insurance certificates for civil and/or professional liability.

Bid documents

Candidates must submit a complete bid file containing the following documents:

- **The draft contract, duly completed signed and dated, and the duly completed financial annex I;**
- **A technical and financial offer containing the following documents and information:**
 - 1) Technical offer:** the methodology to be drawn up by the tenderer, including:
 - a) Capacity and ability to perform the services (organization, staffing and practical arrangements)
 - b) Scope of services offered, including insurance and all types of support
 - c) Estimated timeframes for completing the contractual agreements (work contracts and legalization)

2) Financial offer:

The Financial offer must be presented in the annex I to the contract as a global amount excluding VAT and include all type of expenditures for all tasks mentioned in the technical specifications document. This annex is based on estimations, the described positions are not exhaustive and may be supplemented as needs arise.

The validity of bids submitted shall be at least 160 days from the submission deadline.

Bid submission process

Bids submitted in paper format

Bids submitted in paper format will be rejected.

Electronic submission

In order to access the tender consultation space or to submit their bid, bidders must connect to the French government procurement platform at:

<https://www.marches-publics.gouv.fr>

Electronic submission is mandatory. Any submission via other means will be rejected.

The bid submission procedure is detailed on the website www.marches-publics.gouv.fr.

On this site, bidders will notably find a user guide available for download which specifies the platform's conditions of use, notably the technical prerequisites and electronic certificates.

Should they wish, bidders may make contact by phone on +33 1 76 64 74 07 on all business days between 9am and 7pm CET in order to obtain technical assistance with how to complete all the necessary tasks.

In the event of allotment, all lots must be covered by an electronic submission. However, it is possible to make a single electronic submission for multiple lots provided that the lots covered by a bid can be identified without ambiguity.

The costs of accessing the network and of electronic signature shall be borne by the candidate.

Bidders are invited to test the configuration of their work device and to perform a test tender to ensure that their technical environment is functioning as required.

Bidders' attention is drawn to the fact that they must at least have internet browser software. It is not mandatory to have an electronic signature system.

In order to make an offer, bidders must forward files in the following computer formats: PDF, RTF, ZIP, suite Microsoft Office, LibreOffice or Open Office. Any computer file in a different format will be declared null and

void.

NOTE:

All bid files must be free of computer viruses and must have been previously treated to this end by the bidder, using the latest version of an antivirus software. The same applies to all other files exchanged during this public procurement procedure.

The contracting authority may place any file containing a virus in a security archive. It will therefore be deemed never to have been received.

NB: Bidders' attention is drawn to the time required to deliver large volume electronic files. The average downloading time may vary according to various parameters, such as the technical capacity of the device, the type of internet connection, traffic on the network, etc.

To the extent that the date and time of completed upload constitutes the legal reference for submission of electronic bids, bidders are invited to allow sufficient time for all electronic submissions.

Even though its bid for this public procurement procedure will have been submitted electronically, the bidder undertakes, notably if its bid has been accepted, to provide contractually valid paper documents. In this regard, it also undertakes that the natural person providing the electronic signature also provides their handwritten signature without making any modifications to the documents, to be forwarded to the contracting authority in this format. Lastly, the bidder undertakes to accept notification in paper format, in accordance with standard practices.

ARTICLE 5: ANALYSIS OF APPLICATIONS

Applications are selected by the Evaluation Committee of Expertise France in accordance with the following procedure.

Under Article R.2161-4 of the French Public Procurement Code, the Evaluation Committee may decide to examine offers before applications.

In such cases, the supporting documentation for aptitude and capacity and the evidence relating to grounds for exclusion are only requested by the contracting authority from bidders preselected for award of the tender.

Application supplementary information requests

Before examining applications, should the contracting authority note that requested documents or information are missing or incomplete, it may ask the bidders concerned to complete their application package within a deadline applicable to all such bidders. The deadline will be specified in the request for supplementary information.

Applications that are incomplete or which remain incomplete following a request for additional information will be eliminated.

Eligibility of applications

In accordance with Article 3 and 4 of this document covering the conditions for participation, the Evaluation Committee of Expertise France analyses the eligibility of applications based on the following criteria:

- Candidate's formal registration with relevant administrations
- Candidate's compliance with its social security and tax obligations
- The applicant must not be in any of the situations set out in Articles L. 2141-1 to L. 2141-6 and L. 2141-7 to L. 2141-11 of the French Public Procurement Code, nor be on any official exclusion list, whether their situation is established by means of their own declarations or through the application of vigilance measures by the contracting authority.
- The candidate or its representative must not be in a situation of conflict of interest vis-à-vis the

contracting authority and/or any beneficiary of the procurement contract

- The candidate must be able to demonstrate adequate implementation of appropriate technical and organizational measures such that data processing conforms with relevant data protection laws and regulations (GDPR and French data protection legislation), thereby guaranteeing the rights of data subjects.

ARTICLE 6: BID EVALUATION AND AWARD

The bid selection procedure is conducted by the Evaluation Committee of Expertise France in accordance with the following procedure:

Rejection of late bids - Opening bids

The Bid Opening Committee (meeting in non-public session) lists the bids received, the identity of applicants and the composition of the bids submitted.

Bids received after the deadline will be immediately rejected.

Bid analysis

After having verified that the bids received are conforming, admissible and appropriate, the Evaluation Committee of Expertise France analyses the bids from selected bidders in accordance with the following criteria.

Rejection of non-conforming, inadmissible, or inappropriate bids

The Evaluation Committee examines all bids received and, in accordance with Article R.2152-1 of the French Public Procurement Code, rejects bids judged to be non-conforming, inadmissible, or inappropriate, as applicable, after having implemented the regularization procedure set out in Article R.2152-2 of said code.

Comparison of bids for selection of the highest value-for-money bid

Bids will be assessed separately in accordance with the following criteria by awarding a score up to the maximum number of points per criterion as set out below:

Criterion 1: Financial score (FS)

The **financial score (FS out of a maximum of 60 points)** will be made on the comparison of the financial offers of the different applicants, based on the total amount of fees indicated in the financial annex (first tab - cell D16), by application of the following formula:

$FS = 60 \times \text{lowest financial offer} / \text{rated financial offer}$

Criterion 2: Technical score (TS)

Sub-criteria for assessing the technical quality	Maximum number of points
Capacity and ability to perform the services	15
Scope of services offered	15
Estimated timeframes	10
TOTAL	40

Each technical offer, deemed to be technically conforming, will be attributed a **technical score (TS out of a maximum of 40 points)** by adding up the weighted scores obtained for each sub-criterion.

Negotiations

This tender does not have any provisions for negotiation.

Award process

An **overall score (OS out of a maximum of 100 points)** obtained by adding together the technical and financial scores (**OS=FS+TS**) will be attributed to each bid that has been assessed for its technical and financial content.

The bidder who obtains the highest overall score will be deemed to have made the most beneficial economic offer and will be awarded the contract.

The contracting authority may decide not to pursue the tender for reasons of public interest.

ARTICLE 7: PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THIS TENDER AND FOR THE PURPOSES OF CONTRACT MONITORING

Under Article 13 or Regulation (EU) no. 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), the applicants/bidders are notified that personal data, notably name, first name and e-mail address collected when using under the French government procurement platform (<https://www.marches-publics.gouv.fr>) in the context of this tender procedure and execution of the associated contract, may be processed.

For processing performed with PLACE services, the *Ministère de l'action et des comptes publics* (Ministry of Public Accounts) – the procurement department of the State and of Expertise France, the contracting authority, are co-controllers of personal data.

For processing performed outside the scope of PLACE services, Expertise France, the contracting authority, is the controller of personal data.

Identity and contact details of the data controller and its representative :

Camille.Moreau@expertisefrance.fr

For the PLACE Platform:

Ministère de l'action et des comptes publics (Ministry of Public Accounts)

59, boulevard Vincent Auriol

75703 Paris Cedex 13

Represented by the Director of Public Procurement

Operational data controller:

The Department of Public Procurement, represented by its director.

Contact details of the Data Protection Officer: le-delegue-a-la-protection-des-donnees-personnelles@finances.gouv.fr

For the contracting authority:

Expertise France

40, Boulevard de Port Royal

75005 Paris

Represented by the Managing Director,

Operational data controller:

The IT Department, represented by its director.

Contact details of the Data Protection Officer:

informatique.libertes@expertisefrance.fr

The legal basis under which such processing is performed are set out in c) and e) of Article 6.1 of the GDPR, namely:

- The processing is necessary in order to comply with a legal obligation by which Expertise France is bound;

- The processing is necessary for performance of a public-interest assignment, or which falls within the scope of the public authority entrusted to Expertise France.

The purposes of the processing are as follows:

- The management and monitoring of this tender procedure;
- The management and monitoring of the award of a public procurement contract.

The recipients or category of recipients of the personal data are exclusively authorized personnel of the Contracting Authority, ministries and state operators responsible for awarding and executing this contract, including any service providers assisting them with their activities.

Retention period: the data will be held throughout the award process and execution of the contract, including the DUA (duration of administrative usefulness) applicable to the contract.

Under Articles 15 to 21 of the GDPR, persons whose personal data is collected enjoy a right of access, rectification and deletion with regard to such data. They also enjoy the right to restrict and refuse processing on legitimate grounds. The information and other rights of data subjects may be exercised by contacting the Data Protection Officer of Expertise France.

Persons whose personal data is collected under this procedure may submit a complaint to CNIL.

ARTICLE 8: ADDITIONAL INFORMATION

Any request for additional information about technical or administrative matters must be forwarded via the government procurement platform at least 5 business days prior to the bid submission deadline.

Expertise France undertakes to provide a response 2 business days at most before the bid submission deadline.

If a candidate asks any questions, all candidates will receive an e-mail asking them to consider one or more documents provided in response to the questions concerned.

ARTICLE 9: REMEDIES

The body responsible for appeal procedures is the Paris Court of Justice,

Court of the Tribunal de Paris 75 859 PARIS Cedex 17

Email: tj-paris@justice.fr. Tel: 0144325151.

Information on the filing of appeals may be obtained from the Registry of the Paris Court of Justice; e-mail: tj-paris@justice.fr