



PUBLIC MARKET FOR INTELLECTUAL SERVICES

French Development Agency

5 Rue Roland BARTHES

75012 PARIS

Subject: Support for the administrative and financial management of the NUCA program within the IDFC Facilities Coordination Unit.

Deadline for submission of tenders

Date: 17/01/2024

Time: 16:00 (Paris time)

Consultation rules

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1. Subject of the contract

The purpose of this consultation is to provide support for the administrative and financial management of the NUCA program within the IDFC Facilities Coordination Unit.

Place of performance: Paris

1.1 Form of the market

The consultation is not broken down into lots. The services will result in a single market.

This contract is also not split into tranches or purchase orders.

1.2 Contract Term – Renewal – Lead Times

The contract duration, the terms of renewal and the time limits for execution shall be set out in the commitment document.

1.3 Similar service markets

The services, the subject of this consultation, may give rise to a new contract for the performance of similar services. The contract shall be concluded without prior notice and without competition, and shall be executed by the successful tenderer of this contract.

2. Organisation of the consultation

2.1 Award procedure

This consultation is conducted in accordance with the provisions of Articles R. 2123-1 and R. 2123-5 of the Public Procurement Code according to an adapted procedure opened with possible negotiation, freely defined by the contracting authority.

The contracting authority will analyse the candidates' offers on the basis of the selection criteria and select the 3 candidates with whom it will negotiate.

In accordance with article R. 2144-3 of the Public Procurement Code, verification of fitness to carry out the professional activity, the economic and financial capacity and technical and professional capacities of the candidates may be carried out at any time during the procedure and at the latest before the award of the contract.

At the end of these negotiations, it will select the economically most advantageous tender on the basis of the criteria for choosing tenders defined in the notice and/or in this Regulation.

2.2 Justification in case of non-allotment

The contracting authority is not in a position to carry out its own organisational, steering and coordination tasks.

2.3 Provisions relating to groups

The contract may be awarded to a single undertaking or group of undertakings.

If the contract is awarded to a joint grouping, the joint representative shall be solidary with each of the members of the group.

Possibility to submit several tenders for the market acting both as individual candidates and members of one or more groups:

☐ Yes

☒ No

Or as members of several groups:

☐ Yes

☒ No

2.4 Free variants

Free variants are not allowed.

2.5 Imposed variants

There is no PSE planned.

2.6 Amendment of the CLD

AFD reserves the right to make retail changes to the DCE no later than **6 days** before the deadline set for submitting tenders.

The tenderers will then have to reply on the basis of the amended dossier without being able to raise any complaint in this respect.

If during the examination of the application by the candidates the above deadline is extended, the previous provision shall apply according to this new date.

2.7 Period of validity of tenders

The period of validity of the offers is 210 days from the deadline for submission of the offer.

3. Content of the consultation file

The consultation package includes the following:

- This Regulation on consultation.
- The single contract and any annexes thereto
- The specifications of specific technical clauses (C.C.T.P) and any annexes
- The breakdown of the total and flat rate price.

4. Removal of the Advisory Record

The contracting authority shall inform the applicants that the consultation file is dematerialized.

The Business Consultation Dossier (DCE) can be consulted and downloaded free of charge from:

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

In order to decompress and read the documents made available by the contracting authority, economic operators must have the software enabling them to read the following formats:

- Standard compressed *.zip files (readable by Winzip, Quickzip);

- Adobe® Acrobat® *.pdf (readable by Adobe Reader);
- *. doc or *.xls version 2000-2003 (readable by Microsoft Office or OpenOffice);
- Rich Text Format *.rtf;
- If applicable, the DWF format (readable by Autocad software, or viewers such as Autodesk DWF viewer...).

When downloading the consultation file, it is recommended that the company create an account on the dematerialization platform where it will inform the name of the submitting organization, and an email address to keep her informed of any changes that may occur during a proceeding (adding a piece to the CLD, sending a list of answers to questions received...).

The applicant shall be informed that only the copy of the consultation file held by the contracting authority is authentic.

5. Presentation of applications and offers

Candidates will be required to submit the following documents, written in French.

5.1 Elements required for selection of applications:

Each candidate will be required **to submit the attached nomination form** as an appendix to this document, which will include the following documents:

- **Declaration on honour justifying that the** candidate does not enter in any of the cases mentioned in articles L. 2141-1 to L. 2141-5 or in articles L. 2141-7 to L. 2141-10 of the Public Procurement Code (document attached)
- If applicable, the document(s) relating to the powers of the person empowered to bind the undertaking
- In the case of grouping, the authorisation document for the representative signed by the members of the grouping
- In case of subcontracting, the declaration of subcontracting (template attached to the Act of Commitment)

- **Form DC1 or equivalent:** Letter of application - Authorisation of the representative by his/her Joint Processors - a blank DC1 form in French is available at the following link:

<https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>.

- **Form DC2 or equivalent:** Declaration of individual candidate or group member a blank French DC2 form is available at the following link:

<https://www.economie.gouv.fr/daj/formulaires-declaration-du-candidat>

- In addition, the potential successful bidder will provide the document(s) relating to the powers of the person entitled to bind the company (extract K bis, delegation of authority, tax and social security certificates, insurance certificate, statutes, etc.) and an authorisation of the representative by his joint contractors in the event of a grouping of undertakings.

5.1.2 Capacity

- **Similar service references:** - a list of the main services performed in the last three years, indicating the amount, date and public or private recipient. Deliveries and services are proven by certificates
- **Academic title**
- **In the case of subcontracting, a declaration of subcontracting drawn up on the basis of the template attached to the Act of Commitment with details of its capabilities.**

The applicant may prove his capacity by any other document considered equivalent by the contracting authority if he is objectively unable to produce one of the requested information relating to his financial capacity.

If, to prove his abilities, the candidate wishes to assert the professional, technical and financial capabilities of another stakeholder (subcontractor in particular), he must produce the documents relating to this stakeholder referred to in this article. It will also have to justify that it will have the capabilities of this player for the execution of the contract by a written commitment from the player.

Under article R. 2143-16 of the Code de la commande publique, as part of their application, candidates are required to include a translation into French with elements written in another language.

It is brought to the attention of candidates that, in accordance with the provisions of article R. 2143-13 of the Code of public procurement, they are not required to provide supporting documents and means of proof that the buyer can obtain directly through:

- an electronic information system administered by an official body, provided that access to it is free of charge and, where appropriate, that all the information necessary for its consultation is included in the application file;
- Digital storage space, provided that all the information necessary for consultation is included in the application file and access to it is free of charge.

Candidates are encouraged to use the free electronic safe available from 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 the contracting authority with supporting documents and evidence that have already been submitted during a previous consultation and remain valid.

Finally, according to the provisions of article R. 2143-4 of the French Public Procurement Code, the contracting authority accepts that candidates submit their application in the form of a single European market document (ESPD) 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 referred to in Article R. 2143-3.

Candidates can create or reuse an ESPD in its electronic version via one of the following url: <https://ec.europa.eu/tools/espd/> OU <https://dume.chorus-pro.gouv.fr/>

It is specified that the contracting authority does not allow applicants to limit themselves to indicating in the single European market document that they have the required capacity and capabilities without providing specific information on them.

5.2 Elements necessary for the choice of offer

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

- The single contract is CCAP and commitment.

The applicant shall also specify the nature and amount of the services which he intends to subcontract, as well as the list of subcontractors which he proposes to submit for approval and acceptance by the contracting authority.

- The breakdown of the total and flat rate price
- The methodological note

It is reminded to the candidates that the signature of the single contract as an act of commitment constitutes acceptance of all the contractual documents.

6. Judging of applications, tenders and award of contract

6.1 Selection of applications

The criteria for application and selection are **technical, financial and professional abilities**.

6.2 Judging of applications

AFD reserves the right to analyse offers before applications. In this case, the examination of the application documents may be limited to the sole candidate to whom it intends to award the contract.

The criteria for eligibility are:

- Guarantees and technical and financial capacity
- Professional abilities

Applications which do not provide sufficient financial, technical and professional guarantees in respect of the subject matter of the service shall be declared inadmissible.

6.3 Bid judging

The criteria used for the judging of tenders are weighted as follows:

Price of services Definition and assessment of the criterion: The maximum score (NM) will be awarded to the candidate who has submitted the lowest financial offer. Other candidates will be assigned a score based on the following formula: $N = NM \times (DMO/NAO)$ where N is the candidate's score, OMD is the lowest bid amount, OAN is the bid amount to be noted.	30 / 100
Quality of profiles dedicated to the performance of services.50 points Quality and relevance of the proposed methodology for the implementation of services.20 points	70 / 100

Offer Correction:

In the event of any discrepancy found in the offer, the information given on the status of the fixed prices and/or the list of unit prices shall prevail over all other indications in the offer and the amount of the estimated detail shall be corrected accordingly.

In the case of unit prices, any errors in multiplication, addition or carry-over which would be noted in this estimate detail shall be rectified and, for the purposes of judging tenders, the amount thus corrected in the estimated detail shall be taken into consideration.

However, if the service provider concerned is about to be selected, it will be asked to rectify this sub-detail in order to bring it into line with the corresponding unit price.

An offer which, while responding to the contracting authority's need, is incomplete or does not comply with the requirements set out in the consultation documents shall be declared irregular.

6.4 Contract award

The regulation no longer requires the economic operator, bidding alone or in the form of a group, to sign its offer. However, **the signature of the tender by the successful candidate must be made at the latest when the contract is awarded.**

Prior to the signing of the contract, and in accordance with article R2144-7 of the Code of public procurement, the successful tenderer must transmit on the supplier attestation collection tool that has been provided by the contracting authority (Provisis tool) the following documents requested:

- A valid document attesting to the effective registration of the structure (extract K-bis or equivalent);
- A valid certificate issued by the competent authorities certifying that the candidate is up to date with his social obligations (URSSAF, RSI, AGESEA, MDA...);
- The nominal roll of foreign workers outside EC or posted, employed by the structure or failing this a certificate on the honour of non-employment of foreign workers outside EC (dated less than 6 months);
- A valid tax certificate issued by the competent authorities certifying that the candidate is up to date with his or her tax obligations;
- Valid civil and/or professional liability insurance certificate.

In order to satisfy this obligation, the applicant established in another State than France must produce a certificate drawn up by the administrations and bodies of the country of origin. Where such a certificate is not issued by the country concerned, it may be replaced by a declaration under oath or in States where no such oath exists, by a solemn declaration made by the person concerned before the competent judicial or administrative authority, a notary or a qualified professional body in the country.

Failure to produce such documents within the specified period will result in the successful candidate's offer being rejected and eliminated.

The next candidate will then be asked to produce the necessary certificates and attestations before the contract is awarded.

7. Conditions for sending and submitting applications and offers

Electronic transmission of documents can only be done at <https://www.marches-securises.fr/>.

The reference time zone will be (GMT+01:00) Paris, Brussels, Copenhagen, Madrid.

Each transmission will be subject to a certain date of receipt and an electronic acknowledgement of receipt.

It is strongly recommended to initiate the bid submission **at least 2 hours before the DLRO.**

In case of difficulties, please contact the hotline marches-securises.fr on 04 92 90 93 27.

File formats accepted:

In the case of electronic response, the documents provided must be in one of the following formats, on pain of ineligibility of the offer:

- Office format, which is the proprietary version 2003 compatible with Microsoft (.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 candidate concerned will be informed. In these conditions, it is advised to submit their documents to an anti-virus before sending.

Backup copy:

Candidates may also send, within the time limit set for delivery of the covers, a backup copy on electronic physical media (CD-Rom, DVD-Rom, USB key) or on paper. This copy is sent to the address below, under sealed cover and must include the mention: "backup copy", the identification of the procedure concerned and the company's contact details:

Group Purchasing Department
5 Rue Roland Barthes
75012 Paris
FRANCE

The documents in the backup copy must be signed (for documents that require signature). If the physical medium chosen is paper, the signature is handwritten. If the physical medium chosen is electronic, the signature is 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 modalities for making available the consultation documents and the backup copy.

The copies containing the backup copy, which are not opened, will be destroyed at the end of the procedure by the contracting authority.

8. Additional information

To obtain further information on this consultation, applicants should send their application in good time:

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

Only requests sent at least 6 days before the deadline for receipt of tenders will be answered by the

contracting authority.

A response will be sent no later than 6 days before the date fixed for the receipt of tenders to candidates who have downloaded the consultation file on the dematerialization platform after having previously identified themselves

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

9. Appeal procedures

This decision may be appealed to the Administrative Court of Paris.

The means and time limits for appeals available to the candidate are:

- Pre-contractual reference provided for in articles L. 551-1 to L. 551-12 and R. 551-1 to R. 551-6 of the Code of Administrative Justice (CJA), which may be exercised before the signing of the contract.
- Contractual summary provided for in articles L. 551-13 to L. 551-23 and R. 551-7 to R. 551-10 of the CJA, and which may be exercised within the time limits provided for in article R. 551-7 of the CJA, after the signing of the contract.
- Action by unlimited jurisdiction in dispute of the validity of the contract, open to third parties within 2 months from the completion of appropriate publicity measures.

ANNEX: DECLARATION ON HONOUR

I, the undersigned, hereby declare

Acting in a capacity of

Company name and address:

.....

(a) declares on his honour:

☐ be the legal representative of the company identified in the legal documents

☐ or have an authorisation authorizing him to engage the company in this consultation (delegation of signature communicated)

(b) declare on honour that it does not enter into any 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.

N.B. Where an economic operator is, during the procedure for awarding a contract, placed in one of the cases of exclusion mentioned in articles L. 2141-1 to L. 2141-5, in articles L. 2141-7 to L. 2141-10 or in articles L. 2341-1 to L. 2341-3 of the French Public Procurement Code, inform the buyer of this change in situation without delay.

Evidence documents available online:

Internet address where supporting documents and means of proof are accessible directly and free of charge, as well as all the information necessary to access them:

- Internet address:

- Information required to access it:

.....

c) declares with honour that I am not, and that none of the members of my group, nor of my suppliers, contractors, consultants and subcontractors are included in the lists of financial sanctions adopted by the United Nations, the European Union and/or France, in particular, in the fight against terrorist financing and international peace and security violations and undertakes to inform the Agency without delay of any change in situation

Done to

The

Signing.....

.....

10. Appendix: Certificate of Signature Requirements

Signature certificate:

The signing certificate of the signatory must comply with the regulation «eIDAS» or equivalent and «eIDAS» since 1 October 2018. respect the level of security required. The RGS (general security reference system) is replaced by the regulation '.

However, candidates already have a «RGS» certificate, which remains usable until the end of its validity period.

- Case 1: Certificate issued by a "recognized" Certification Authority - No supporting documentation to be provided

The signature certificate is issued by a Certification Authority listed in the following trusted list:

<https://www.ssi.gouv.fr/administration/visa-de-securite/>

European applicants will also find the full list of providers on the trusted list maintained by the European Commission:

<https://webgate.ec.europa.eu/tl-browser/#/tl/EN>

In this case, the bidder does not have any supporting documentation to provide on the certificate of signature used to sign their response.

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

The dematerialization platform accepts all electronic signature certificates with security conditions equivalent to those of the General Security Repository (RGS) and "eIDAS".

The candidate shall ensure by himself that the certificate he uses is at least in accordance with the security level defined by the General Security Repository (RGS) or "eIDAS", and provide the supporting documents in his electronic response.

The applicant shall also provide all technical information to enable the contracting authority to ensure that the certificate used is of good technical validity.

The signer must send with his or her electronic response the following:

(a) any element that allows verification of the quality and security level of the signature certificate (proof of qualification of the Certification Authority, certification policy, address of the CA's referencing website),

b) Technical tools for certificate verification (full certification chain to root CA, download address

of the latest update of the certificate revocation list).

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

Signature tool used to sign files:

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

- Case 1: Bidder uses platform signature tool - no supporting documentation to be provided

The platform integrates an electronic signature tool, which produces Signing Tokens in XAdES regulatory format.

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

- Case 2: The bidder uses a different signature tool than that integrated into the platform - Various supporting documents to be provided

When using a different signing tool than the platform, the candidate must meet the following two obligations:

- a) Produce XAdES, CAdES or PAdES signature formats.
- b) Allow verification by simultaneously transmitting the necessary elements to verify the validity of the signature and integrity of the document, free of charge.

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