

## **TENDER RULES**

**OBJECT OF THE PROPOSED CONTRACT:**

**STRENGTHENING THE CAPACITY OF THE NATIONAL WATER COMMISSION (NWC) IN THE CONCEPTUALIZATION, PLANNING, AND MANAGEMENT OF PUBLIC-PRIVATE PARTNERSHIP (PPP) PROJECTS\_JAMAICA**

**LEGAL REPRESENTATIVE OF THE CONTRACTING AUTHORITY:**

Jérémie PELLET, Chief Executive Officer of EXPERTISE FRANCE

**DATE AND TIME OF OFFER SUBMISSION DEADLINE:**

**07/09/2025 at 17:00 (PARIS TIME)**

**CONTENTS**

<b>ARTICLE 1: OBJECT AND SCOPE OF THE TENDER .....</b>	<b>4</b>
Object of the tender.....	4
Scope of the tender.....	4
Tender language – currency.....	4
Composition of the tender documents.....	4
Modification of the tender documents.....	4
<b>ARTICLE 2: GENERAL CHARACTERISTICS OF THE PROPOSED CONTRACT .....</b>	<b>4</b>
Form of the contract .....	4
Estimated amount of the need .....	5
Term of the contract .....	5
Allotment .....	5
Similar services.....	5
<b>ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS .....</b>	<b>5</b>
Candidate presentation conditions.....	5
Grounds and conditions of exclusion.....	5
Information in terms of economic, technical and professional capacity.....	6
Specific requirements for consortia of economic operators .....	6
<i>Grounds for the exclusion of consortia</i> .....	6
<i>Form of the consortium</i> .....	6
Subcontracting .....	6
<i>Grounds for exclusion in the case of subcontracting</i> .....	6
<i>Presentation of a subcontractor</i> .....	7
<b>ARTICLE 4: PRESENTATION OF BIDS AND SUBMISSION PROCESS .....</b>	<b>7</b>
Application documents .....	7
Bid documents .....	7
Bid validity period .....	8
Bid submission process .....	8
<i>Bids submitted in paper format</i> .....	8
<i>Electronic submission</i> .....	8
<b>ARTICLE 5: ANALYSIS OF APPLICATIONS .....</b>	<b>9</b>
Application supplementary information requests.....	9
Rejection of late applications - Opening bids .....	9
Admissibility of applications .....	9
<b>ARTICLE 6: BID EVALUATION, NEGOTIATIONS AND AWARD.....</b>	<b>10</b>
Rejection of late bids - Opening bids .....	10
Bid analysis.....	10
Rejection of non-conforming, inadmissible or inappropriate bids .....	10
Comparison of bids for selection of the most economically beneficial bid .....	10
<i>Criterion 1: price of the services</i> .....	10
<i>Criterion 2: Technical offer</i> .....	10
Negotiations .....	11

Award process.....	11
<b>ARTICLE 7: PROCESSING OF PERSONAL DATA IN THE CONTEXT OF THIS TENDER AND FOR THE PURPOSES OF CONTRACT MONITORING</b> .....	11
Identity and contact details of the data controller and its representative.....	11
For the PLACE platform:.....	11
Contact details of the Data Protection Officer:.....	12
For the contracting authority:.....	12
Contact details of the Data Protection Officer:.....	12
<b>ARTICLE 8: ADDITIONAL INFORMATION</b> .....	12
<b>ARTICLE 9: APPEAL CHANNELS AND DEADLINES</b> .....	13

## **ARTICLE 1: OBJECT AND SCOPE OF THE TENDER**

### **Object of the tender**

The tender covers the award of a service contract covering “*the Strengthening the Capacity of the National Water Commission (NWC) in the Conceptualization, Planning, and Management of Public-Private Partnership (PPP) Projects, in Jamaica*”.

The scope of the needs to be satisfied is set out in the Specifications.

### **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 adapted procedure in application of Articles L. 2123-1 and R. 2123-1 to R. 2123-7 of CCP

### **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:

- These tender rules (the “Rules”);
- The Specifications and any annexes;
- The draft contract (general conditions and special conditions) and any annexes;
- Expression of interest form, composed of the Sworn statement and the identification of the third-party ;
- The financial offer;
- Annex to the contract covering the processing of personal data in the event of GDPR data processing (collection of personal data on behalf of Expertise France);
- The candidate GDPR compliance verification form;
- PLACE user guide for companies.

### **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**

This contract is a public procurement divided into phases (tranches) and awarded as a single lot, with fixed pricing applicable to each phase.

It is entered into with a single operator.

**Estimated amount of the need**

The amount of the contract depends on the prices offered by the selected candidate.

**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 30/09/2025.

The contract may be tacitly renewed once, for an additional period of twelve (12) months, under the same terms and conditions, unless one of the parties formally objects by written notice at least thirty (30) days before the expiry of the initial term.

**Allotment**

This tender is not divided into lots.

**Similar services**

Under Article R.2122-7 of the French Public Procurement Code, in the context of a negotiated procedure without competitive bidding, the contractor may be awarded similar services to those of the initial contract. The period during which such contracts may be entered into may not exceed three years from the award date of the initial contract.

**ARTICLE 3: CANDIDATE PARTICIPATION CONDITIONS**

**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 authorises 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.

**Grounds and conditions of exclusion**

Notably under:

- The French Law no. 2016-1691 of 9 December 2016 on transparency, anti-corruption and modernisation 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.

### **Information 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, the candidate may ask for due consideration to be given to the professional, technical and financial capacity of one or more economic operators. 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 authorisation of the lead company from its co-contractors, which may be issued via form DC1.

To ensure the reliability of the service provider and the continuity of service delivery, the contracting authority also requests, for information purposes, that each candidate provides administrative documents such as a certificate of registration with the relevant commercial registry (e.g. Kbis or equivalent), a valid VAT number, and any other supporting documentation attesting to the candidate's legal existence.

### **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 liable. The lead company is liable for execution of the contract by each of the consortium members with regard to their contractual obligations vis-à-vis Expertise France.

### **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 DC 4 (Subcontracting Declaration)<sup>1</sup> 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:

- Proof of registration at the trade and companies registry ("k-bis" or equivalent);
- The attached Expression of interest form, composed of the Sworn statement and the identification of the third-party;
- The attached GDPR compliance verification form, used to verify that the bidder has implemented appropriate technical and organisational 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;
- As applicable, the court ruling on receivership (*redressement judiciaire*);
- 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;
  - o A description of the expert (or team) dedicated to the performance of the contract, indicating the number of staff foreseen for mobilisation, their role(s)
- A description of the technical resources that meet the participation conditions set out below:
  - o A list of similar assignments performed ;
  - o the CV(s) proposed for the contract execution ;
  - o Any relevant quality certifications or reference letters from past clients
- A description of the economic and financial resources that meet the participation conditions set out below:
  - o 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:

- A technical offer containing the following information:
  - o A description of the bidder's understanding of the assignment;
  - o The proposed methodology and work plan;
  - o The composition of the team, roles and responsibilities;
  - o CVs of the proposed experts (maximum 5 pages per CV);
  - o Relevant references of similar assignments.

The technical offer must not exceed 30 pages, excluding CVs and annexes.

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

It must be presented in a clear and concise manner, following the structure provided in the Terms of Reference.

- A financial offer which must:
  - o Be submitted in EUROS (€);
  - o Follow strictly the financial template provided in Annex 5;
  - o Include all costs (fees, travel, per diems, other reimbursable expenses);
  - o Be presented exclusive of VAT, which will be handled according to applicable tax rules.
- The draft contract, duly completed signed and dated, and in annex:
  - o the annex covering the definition and conditions for processing personal data on behalf of the contracting authority, duly completed

### **Bid validity period**

The validity of bids submitted shall be at least 120 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](http://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 so wish, bidders may make contact by phone on 01 76 64 74 07 on all business days between 9am and 7pm 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.

### **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 pack 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.

### **Rejection of late applications - 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.

### **Admissibility of applications**

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

- Candidate's registration at the trade and companies registry (or equivalent)
- Candidate's compliance with its social security obligations (or equivalent)
- Candidate's compliance with its tax obligations (or equivalent)
- 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, NEGOTIATIONS 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 regularisation procedure set out in Article R.2152-2 of said code.

### **Comparison of bids for selection of the most economically beneficial 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: price of the services***

The **financial score (FS out of a maximum of 30 points)** will cover the comparison of the financial offers of all candidates having submitted a conforming bid.

#### ***Criterion 2: Technical offer***

<b>Sub-criteria for assessing the technical quality</b>	<b>Maximum number of points</b>
<b>Criterion 1: Relevance and quality of the proposed offer with respect to the Specifications</b>	<b>35</b>
Sub-criterion 1 : Understanding of the assignment and context of the intervention (issues and constraints; how the offer contributes to the desired outcomes, level of stakeholder identification and involvement)	5
Sub-criterion 2 : Clarity and effectiveness of the methodology for implementing the activities and producing deliverables	10
Sub-criterion 3 : Quality and realism of the work plan	5
Sub-criterion 4 : Quality assurance and internal control mechanisms	3
Sub-criterion 5 : Monitoring and evaluation methodology	5
Sub-criterion 6 : Experience of the applicant in similar assignments	5
Sub-criterion 7 : Clearly identified risk factors and relevance of mitigation scenarios	2

<b>Criterion 2: Relevance and quality of the dedicated team with respect to the Specifications</b>	<b>35</b>
Sub-criterion 1 : Relevance of academic background	5
Sub-criterion 2 : Professional experience in PPP structuring (min. 15 years)	10
Sub-criterion 3 : Sectoral experience in Water, Sanitation, and/or Energy PPPs	5
Sub-criterion 4 : Experience with tools and methodologies	5
Sub-criterion 5 : Experience in similar contexts	5
Sub-criterion 6 : Familiarity with donor-funded projects	5
<b>TOTAL</b>	<b>70</b>

Each technical offer, deemed to be technically conforming, will be attributed a **technical score (TS out of a maximum of 70 points)** by adding up the weighted scores obtained for each sub-criterion.

Bids having obtained a technical score of less than 50/70 will be deemed to be inappropriate.

### **Negotiations**

After conducting an initial analysis of the bids, the Evaluation Committee may negotiate with the two (2) highest-ranked candidates based on the evaluation.

However, the contracting authority reserves the right to award the tender without 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**

#### **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 authorised 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: APPEAL CHANNELS AND DEADLINES**

The body responsible for the appeals process is:

Paris Judicial Court,  
Parvis du Tribunal de Paris 75 859 PARIS Cedex 17  
Email: [tj-paris@justice.fr](mailto:tj-paris@justice.fr).  
Tel: 0144325151.

Information about lodging an appeal may be obtained from: [tj-paris@justice.fr](mailto:tj-paris@justice.fr).