



## **PUBLIC MARKET FOR INTELLECTUAL SERVICES**

### **French Development Agency**

5 Rue Roland BARTHES

75012 PARIS

**Subject: Technical support for the TRI AN-VIETNAM hydroelectric power plant extension project**

**Lot 1: Technical assistance for supervision and support for the extension of the TRI AN-Vietnam hydroelectric power plant**

### **Deadline for submission of offers**

Date: 11/28/2025

Time: 4:00 PM (Paris time)

### **Consultation regulations**

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## 1. Purpose of the contract

The purpose of the consultation is: Technical assistance for supervision and support for the extension of the TRI AN-Vietnam hydroelectric power station.

### 1.1 Market shape

The consultation is divided into two lots.

- However, given that the second lot was subject to an adapted procedure based on article R 2123-1 of the Public Procurement Code provided for small lots, it will not be covered in this document.

Only lot 1 is covered in these consultation regulations.

This market is also not subject to a division into tranches.

## 2. Organization of the consultation

### 2.1 Procurement procedure

This framework agreement is entered into in accordance with Articles R. 2162-1 to 2162-6 of the Public Procurement Code and according to the following procedure:

Procedure with negotiation in application of articles R. 2124-3 1°, R.2161-12 to R.2161-20 of the Public Procurement Code.

This procedure is justified by the fact that the need cannot be met without adapting immediately available solutions. The contract cannot be awarded without prior negotiation due to special circumstances related to its nature, complexity and the related financial package. Indeed, the project aims to supervise the extension of a hydroelectric power plant (industrial electrical works) to increase Vietnam's national electricity production capacity. The industrial nature, as well as the complexity and the need to ensure that the project is implemented efficiently and that the schedule complies with the laws, regulations and requirements of the financier KfW, makes the negotiation phase useful and essential to optimize the offers received.

- Following analysis of the applications, **5 candidates** will be selected and admitted to submit an offer, subject to a sufficient number of compliant offers meeting the minimum requirements.

The procedure with negotiation will be implemented in 4 phases:

- **Phase 1 – call for applications:** aims to select candidates admitted to submit an offer (on the basis of their application file according to the criteria set out in article 5.2 of this document). A maximum selection of 5 candidates will be established.
- **Phase 2 – initial offer:** candidates selected in phase 1 will be invited to submit an initial offer (the analysis of these offers will be carried out on the basis of the technical and financial offer according to fixed criteria which will be set out in article 6.2 of this document).
- **Phase 3 – negotiations:** negotiations will be conducted with the candidates in successive phases at the end of which certain candidates may be eliminated

Requests for clarification/negotiations may be addressed to candidates and interim offers may be requested from candidates.

Any changes made to the technical specifications or other consultation documents will give rise to written information to candidates admitted to negotiate.

▪ **Phase 4 – Final Offer:** At the end of the negotiations, candidates are invited to submit a final offer. The purpose of this phase is to select the successful bidder for the framework agreement and to determine the final ranking.

## 2.2 Justification in case of non-allocation

The devolution into separate lots is likely to restrict competition or risks making the performance of services technically difficult or financially more costly.

## 2.3 Provisions relating to groups

The contract may be awarded to a single company or to a group of companies.

If the contract is awarded to a joint group, the joint agent will be jointly and severally liable with each of the members of the group.

Possibility of submitting several offers to the market, acting both as individual candidates and as 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

No PSE is planned.

## 2.6 Modification of the Consultation File

The Contracting Authority reserves the right to make detailed changes to the Consultation File no later than **10 days** before the deadline set for the submission of tenders.

The bidders will then have to respond on the basis of the amended file without being able to raise any complaints on this subject.

If during the study of the file by the candidates the above deadline is postponed, the previous provision is applicable according to this new date.

## 2.7 Validity period of offers

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

## 3. Contents of the consultation file

The consultation file includes the following documents:

- These consultation regulations.
- The Application Form
- The Single Contract (CU) and its possible annexes
- The special technical clauses (CCTP) and its possible annexes, where applicable.
- The unit price schedule
- The estimated quantitative detail

## 4. PHASE 1: Presentation of applications

**Candidates will have to produce the documents defined below written in French .**

### 4.1 Elements required for the selection of candidates:

**Each candidate must produce the application form attached to this document, to which the following documents will be attached:**

- Declaration on honour justifying that the candidate does not fall into 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 in annex)
  - Furthermore, if this has not already been done, the potential successful bidder will provide the document(s) relating to the powers of the person authorized to bind the company (K bis extract, delegation of power, tax and social security certificates, insurance certificate, statutes, etc.) as well as authorization of the agent by its co-contractors in the event of a group of companies.
  - Tax and social security certificates
  - Authorization of the agent by its co-contractors in the event of a group of companies.
  - Insurance certificate: - appropriate declaration from banks or proof of insurance for professional risks;
  - Turnover declaration: Declaration concerning the candidate's overall turnover and the turnover of the field of activity covered by the public contract, covering a maximum of the last three financial years available depending on the date of creation of the company or the start of activity of the economic operator.
  - Declaration of workforce: declaration indicating the candidate's average annual workforce for each of the last three years.
  - References for services or similar supplies: presentation of a list of the main services provided over the last three years, indicating the amount, date and public or private recipient. Deliveries and provision of services are proven by certificates from the recipient or, failing that, by a declaration from the economic operator.
- Where applicable, the document(s) relating to the powers of the person authorized to bind the company
- In the case of a group, the authorization document of the agent signed by the members of the group

- In the event of subcontracting, the subcontracting declaration (model attached to the Single Contract)

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

If, in order to justify its capabilities, the candidate wishes to rely on the professional, technical and financial capabilities of any other party (particularly a subcontractor), it must produce the documents relating to this party referred to in this article above. It must also prove that it will have the capabilities of this party for the execution of the contract by means of a written commitment from the party.

**Pursuant to Article R. 2143-16 of the Public Procurement Code, as part of their application, candidates are required to attach a French translation to elements written in another language.**

Candidates are informed that, in accordance with the provisions of Article R. 2143-13 of the Public Procurement Code, they are not required to provide supporting documents and means of proof that the buyer can obtain directly through:

- An electronic system for providing information administered by an official body, provided that access to it is free and, where applicable, that all the information necessary for its consultation is included in the application file;
- A digital storage space, provided that the application file contains all the information necessary for its consultation and that access to it is free.

Furthermore, 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 means of proof which have already been submitted during a previous consultation and which remain valid.

Finally, in accordance with the provisions of Article R. 2143-4 of the Public Procurement Code, the contracting authority accepts that candidates submit their application in the form of a single European procurement document (DUME) established in accordance with the model set by the European Commission regulation establishing the standard form for the single European procurement document, in place of the declaration on honour and the information mentioned in Article R. 2143-3.

Candidates can create or reuse a DUME in its electronic version via one of the following URLs: <https://ec.europa.eu/tools/espd/> OR <https://dume.chorus-pro.gouv.fr/>

It is specified that the contracting authority does not authorise candidates to limit themselves to indicating in the single European procurement document that they have the required aptitude and capacities without providing specific information on these.

## **4.2 Judging of applications**

The evaluation of applications will be carried out by applying the following criteria:

Criteria	Weighting
Quality of references related to the subject of the contract:	50 points

<p>References corresponding to similar contracts executed over the last fifteen years, with mention of the amount excluding tax of the contract, the precise period of execution and the public or private recipient, and meeting at least one of the three criteria below:</p> <ul style="list-style-type: none"> <li>• two hydroelectric installations with a minimum total capacity of 100MW,</li> <li>• a hydroelectric installation with a drop height greater than or equal to 50m,</li> <li>• a hydroelectric installation with a minimum total capacity of 50MW, and Francis turbine.</li> </ul> <p>Candidates with international experience, particularly in Vietnam, will be valued.</p> <p>References in hydroelectric expansion including in particular a new water intake will be appreciated.</p>	
<p><b>Human resources available for the performance of the services:</b> Composition of staff (management and employees) on the basis of the candidate's average annual workforce, in particular on the themes linked to the purpose of the mission, and the size of the management staff over the last three years.</p>	30 points
<p><b>Financial capacity:</b> Turnover for the last 3 years across all of the company's activities and in the relevant market area.</p>	20 points

- In addition, candidates who have obtained an application score strictly **lower than 60/100 will be eliminated** and will not be invited to the offer phase.
- top-ranked **candidates will be eligible to submit an offer.**

## 5. PHASE 2: Presentation of the offer

### 5.1 Elements necessary for choosing the offer

To choose the offer, candidates must produce the following documents:

- A Single Contract (CU)

The candidate will also specify the nature and amount of the services that it plans to subcontract as well as the list of subcontractors that it proposes to present for approval and acceptance by the contracting authority.

- The unit price schedule (UPS)

- The estimated quantitative detail which has no contractual value and which is only used for the analysis of the offer
- A methodological note or a technical memorandum written on the basis of the framework presented in the annex "Imposed response framework" to these Consultation Regulations. An English version of the methodological note is requested .

Documents submitted by the contracting authority with the exception of:

- Those listed above as well as their annexes
- The Contract duly completed by the tenderer

Not to be included in the offer.

Only documents held by the Contracting Authority are authentic. This includes the Contract if modifications – other than those required for its completion – have been made by the tenderer.

Candidates are reminded that signing the Contract constitutes acceptance of all contractual documents.

## 6. Judgment of offers

### 6.1 Judgment of offers

The criteria used to judge the offers are weighted as follows:

<b>Price of services</b> Definition and assessment of the criterion: The maximum mark (NM) will be awarded to the candidate who submitted the lowest financial offer . The other candidates will be awarded a mark calculated on the basis of the following formula: $N = NM \times (OMD/OAN)$ where N is the candidate's score, OMD the amount of the lowest bid , OAN the amount of the bid to be scored.	<b>30 / 100</b>
<b>Quality and relevance of the proposed methodology and organization of the mission</b> <ul style="list-style-type: none"> <li>- Understanding of market issues, reflection on the main activities linked to the achievement of market objectives and the context</li> <li>- Relevance of the methodology and approach proposed for the implementation of the contract</li> <li>- Calendar, chronology and duration of market activities (respect or even optimization of planned deadlines),</li> <li>- Organization and distribution of work within the team</li> </ul>	<b>25 / 100</b>
<b>Qualifications, expertise and key experiences of the team</b> <ul style="list-style-type: none"> <li>- Skills and experience of the people involved in relation to the expected missions (Presentation of CVs)</li> </ul>	<b>40 / 100</b>
<b>Environmental and social initiatives</b> Actions implemented to limit the carbon footprint in the context of the execution of services <ul style="list-style-type: none"> <li>- equality between men and women in the company</li> </ul>	<b>5 / 100</b>



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The contracting authority will reject inappropriate offers.

An offer which, while meeting the needs of the contracting authority, is incomplete or does not comply with the requirements set out in the tender documents, will be declared irregular. This will be the case, in particular, if it is found that the price schedule is not provided or is incomplete.

After an initial ranking based on the criteria defined above, all candidates admitted to the offer phase will be admitted to the negotiation phase.

- In addition, candidates who obtain a technical score strictly **lower than 35/100 will be eliminated** and will not be invited to the offer phase.

#### *Rectification of offers:*

In the event of a discrepancy noted in the offer, the information given on the unit price schedule will prevail over all other information in the offer and the amount of the estimated detail will be corrected accordingly.

## **6.2The negotiation**

The AFD reserves the right to organize several rounds of negotiations with the successful candidates.

The negotiation will be carried out in a funnel, meaning that the number of bidders with whom the negotiation will be continued will be reduced as the negotiation rounds progress.

Initially, all successful candidates will be able to participate.

The AFD then reserves the right to establish, after the first round of negotiations, a new shortlist composed of 3 to 4 bidders having submitted the most advantageous offer following this ranking and to conduct new negotiations with them.

The final phase will take place with a minimum of 3 candidates.

Candidates will be required to update their offer after each round of negotiation.

Any additional information following requests for clarification/negotiations must be included in the candidate's offer.

As part of these negotiations, the successful tenderers may be invited as many times as necessary by the contracting authority to clarify, supplement or modify their offer.

Negotiations are conducted in accordance with the principle of equal treatment of all candidates. Information given to candidates may not be of a nature to favor certain candidates.

Negotiations can take the form of face-to-face discussions, emails, letters, or even video conference sessions via Skype Pro.

More precise negotiation terms will, where appropriate, be sent to the successful candidates at the time of the invitation to negotiate.

The points of negotiation will relate to all or part of the technical brief, the financial offer and all elements of the candidate's offers.

Negotiations may not relate to the subject of the contract or substantially modify the characteristics and conditions of execution of the contract as defined in the consultation documents.

Any information communicated by a candidate during a negotiation cannot, without the candidate's agreement, be revealed to other candidates by the AFD.

When the contracting authority intends to close the negotiations, it will inform the candidates who participated in the negotiation and will then set a common date for the submission of the final offers.

A candidate refusing to negotiate will be deemed to have maintained his last offer.

At the end of these negotiations, the AFD will select the most economically advantageous offer on the basis of the tender selection criteria defined in the notice and/or in these consultation regulations.

### 6.3 Award of contract

The regulations no longer require the economic operator, whether bidding alone or as a group, to sign its tender. However, **the successful candidate's tender must be signed no later than the award of the contract.**

Prior to the signing of the contract by the Contracting Authority, and in accordance with Article R2144-7 of the Public Procurement Code, the successful bidder (or all members of the successful bidder group, including any subcontractors) must submit the following requested documents to the supplier certificate collection tool used by the Contracting Authority ( Provigis tool):

- A valid document certifying the effective registration of the structure (K-bis extract or equivalent);
- A valid certificate issued by the competent authorities certifying that the candidate is up to date with their social obligations (URSSAF, RSI, AGESSA, MDA, etc.);
- The nominal list of foreign workers outside the CE or seconded, employed by the structure or failing that a sworn statement of non-employment of foreign workers outside the CE (dated less than 6 months);
- A valid tax certificate issued by the competent authorities certifying that the candidate is up to date with their tax obligations;
- A certificate of valid civil and/or professional liability insurance.

In order to meet this latter obligation, the candidate established in a State other than France must produce a certificate established by the administrations and organizations of the country of origin. When such a certificate is not issued by the country concerned, it may be replaced by a sworn declaration, or in States where such an oath does not exist, by a solemn declaration made by the person concerned before the competent judicial or administrative authority, a notary or a qualified professional organization of the country.

Failure to produce these documents within the set deadline will result in the successful candidate's bid being rejected and the successful candidate being eliminated.

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

## 7. Conditions for sending and submitting applications and offers

The transmission of documents electronically can only be carried out at the following address: <https://www.marches-publics.gouv.fr/>.

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

Each transmission will be subject to a specific date of receipt and an electronic acknowledgment of receipt.

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

If you have any difficulties, please contact the PLACE hotline.

### Backup copy :

Candidates may also submit, within the deadlines for submitting bids, a backup copy on electronic physical media (USB key) or on paper. This copy must be sent to the address below, in a sealed envelope and must include the words: "backup copy", the identification of the procedure concerned and the contact details of

the company:

Group Purchasing Department  
5 Rue Roland Barthes  
75012 Paris  
FRANCE

The backup copy documents must be signed (for documents requiring signature). If the chosen physical medium is electronic, the signature is electronic.

This backup copy may be opened in the cases described in Article 2 II of the decree of March 22, 2019 setting out the terms for making consultation documents and the backup copy available.

The unopened envelopes containing the backup copy will be destroyed at the end of the procedure by the contracting authority.

## 8. Additional information

To obtain all additional information relating to this consultation, candidates must send their request:

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

When downloading the consultation file, the company is recommended to create an account on the dematerialization platform where it will provide in particular the name of the tendering organization, and an email address in order to keep it informed of any changes occurring during a procedure (adding a document to the DCE, sending a list of responses to questions received, etc.).

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 set for receipt of offers to candidates who have downloaded the consultation file on the dematerialization platform after having previously identified themselves.

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

## APPENDIX: DECLARATION ON HONOUR

I, the undersigned.....

Acting as .....

Company name and address: .....

.....

.....

### **(a) declares on his honour:**

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

☐ either hold an authorization authorizing him to engage the company within the framework of this consultation (delegation of signature communicated)

### **b) declares on his honour that he does not fall into one of the cases of exclusion provided for in Articles L. 2141-1 to L. 2141-5 or in Articles L. 2141-7 to L. 2141-10 of the Public Procurement Code.**

*NB: When an economic operator is, during the procurement procedure, placed in one of the exclusion cases mentioned in Articles L. 2141-1 to L. 2141-5, Articles L. 2141-7 to L. 2141-10 or Articles L. 2341-1 to L. 2341-3 of the Public Procurement Code, it shall inform the buyer of this change in situation without delay.*

### **Evidence documents available online :**

Internet address at which 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 needed to access it:.....

.....

.....

**c) declare on my honour that I am not, and that none of the members of my group, nor my suppliers, contractors, consultants and subcontractors appear on the financial sanctions lists adopted by the United Nations, the European Union and/or France, in particular in the fight against the financing of terrorism and against attacks on international peace and security, and undertake to inform the Agency without delay of any change in the situation.**

Made in.....

THE.....

Signature.....

.....

## 9. Appendix: Signature Certificate Requirements

### Certificate of signature :

The signatory's signature certificate must comply with the " eIDAS " regulation or equivalent and meet the required security level. The RGS (general security framework) has been replaced by the " eIDAS " regulation since October 1, 2018.

However, candidates who already have an "RGS" certificate can still use it until the end of its validity period.

#### **- Case 1: Certificate issued by a "recognized" Certification Authority - No supporting documents required**

The signing certificate is issued by a Certification Authority mentioned 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/FR>

In this case, the bidder does not need to provide any supporting documentation on the signature certificate 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 Reference Framework (RGS) and " eIDAS ".

The candidate ensures for himself that the certificate he uses is at least compliant with the security level defined by the General Security Reference Framework (RGS) or " eIDAS ", and provides supporting documents in his electronic response.

The candidate also provides all the technical elements enabling the contracting authority to ensure the technical validity of the certificate used.

Therefore, the signatory must transmit the following elements with his electronic response:

- a) any element allowing verification of the quality and security level of the signature certificate (proof of the qualification of the Certification Authority, certification policy, address of the website of the Certification Authority's reference),
- b) technical tools for verifying the certificate (complete certification chain up to the root Certification

Authority, download address for the latest update of the certificate revocation list).

It is specified that all these elements must be free of charge for the buyer to access and use, and be accompanied where appropriate by clear instructions for use.

Signing tool used to sign files :

The regulations allow the bidder to use the signature tool of their choice.

**- Case 1: The bidder uses the platform's signature tool - No supporting documents required**

The platform integrates an electronic signature tool, which produces signature tokens in the regulatory XAdES format .

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

**- Case 2: The bidder uses a signature tool other than the one integrated into the platform - Different supporting documents to be provided**

When the candidate uses a signature tool other than that of the platform, he must respect the following two obligations:

XAdES , CAdES or PAdES signature formats .

b) Enable verification by transmitting in parallel the elements necessary to verify the validity of the signature and the integrity of the document, free of charge.

It is specified that all these elements must be free of charge for the buyer to access and use, and be accompanied where appropriate by clear instructions for use.

# Appendix: Authorization of the agent by its co-contractors (to be completed for each co-contractor)

I, the undersigned.....  
 Acting as .....  
 Company name and address: .....  
 .....  
 .....  
 Identification number (SIRET or equivalent) .....

**Authorizes the agent named below to:**

- **The grouping constituted and detailed in this document**
- **The only present consultation**

**Purpose of the consultation:**

## **Presentation of the group**

The candidate is a group of companies

## **Identification of the members of the Group**

Trade name and company name, address of the establishment, email address, telephone and fax numbers, SIRET number of the members of the group	<i>Services performed by members of the group</i>

## **Appointment of the Agent**

The members of the group designate the following representative:

Trade name and corporate name of the unit or establishment that will perform the service:

Postal and head office addresses (if different from the mailing address):

Email address:

Telephone and fax numbers:

SIRET number, failing which, a European or international identification number or one specific to the country of origin of the economic operator from a directory appearing in the list of [ICDs](#) :

To assert what is right

Made in

THE

Signature