

Public document to be completed by the Contracting Authority

SUPPLY CONTRACT NOTICE

Supply of 11kV Transformers and 11kV Switchgear for Overhead to Underground Conversion

Alofi, Niue Island

1. Publication reference

138-848

2. Procedure

Local Open

3. Programme title

Support to Energy Efficiency in Niue

4. Financing

Financing Agreement – FED/2016/038-870

5. Contracting authority

Government of Niue

CONTRACT SPECIFICATIONS

6. Description of the contract

Niue Power Corporation (NPC) is currently undertaking a project through 11th European Development Fund (EDF) to replace the ageing 11 kV and LV overhead network with underground cabling and new pad mounted transformers and switchgear.

Therefore, the following supplies are required to achieve the above;

a) 8 x TRANSFORMERS:

Design, Manufacture and Supply of 11 kV/415 Transformers

b) 7 x 11KV SWITCHGEAR

Design, Manufacture and Supply of 11kV Switchgear

The contract is for the supply of the equipment's to Niue only. The installation will be undertaken by the NPC staff.

7. Number and titles of lots

One lot only.

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation in tendering is open on equal terms to natural and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are established in one of the Member States of the European Union, ACP States or in a country or territory authorised by the ACP-EC Partnership Agreement under which the contract is financed (see also item 22 below). Participation is also open to international organisations. All goods supplied under this contract must originate in these countries.

All supplies under this contract must originate in one or more of these countries.

9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Supply Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the Practical Guide.

10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.

11. Tender guarantee

No tender guarantee is required.

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of 5% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

13. Information meeting and/or site visit

No information meeting/site visit is planned

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers).

15. Period of implementation of tasks

The period of implementation of the tasks is set at 180 calendar days from entry into force of the contract.

SELECTION AND AWARD CRITERIA

16. Selection criteria

The following selection criteria will be applied to tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors:

- 1) **Economic and financial capacity of tenderer** (based on i.a. item 3 of the Tender Form for a Supply Contract). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

Criteria for legal persons:

- the average annual turnover of the tenderer must exceed the annualised maximum budget of the contract and
- Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium, this criterion must be fulfilled by each member.

Criteria for natural persons:

- The available financial resources of the tenderer must exceed the annualised maximum budget of the contract and
- The financial situation of the tenderer should not be in deficit, taken into account debts, at the beginning of the year.

- 2) **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 3 years from submission deadline.

Criteria for legal persons:

- has a professional certificate appropriate to this contract, such as business registered in the field of energy and at least one permanent staff has a professional certificate appropriate to this contract; and
- at least two staff currently work for the tenderer in fields related to this contract

Criteria for natural persons:

- has a professional certificate appropriate for this contract, such as qualification in the field of electrical engineering; and
- is currently working/has worked during the past 3 years as a manager/team-leader with at least 2 collaborators in fields related to this contract.

- 3) **Technical capacity of tenderer** (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 3 years from submission deadline.

Criteria for legal and natural persons:

- the tenderer has delivered supplies under at least 2 contracts with a budget of at least 200,000 EUR (equivalent to NZD 294, 020)¹ in the energy sector which were implemented during the last 3 years from the submission deadline, i.e. March 2014 - March 2017

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

Capacity-providing entities

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the Contracting Authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

17. Award criteria

The contract will be awarded to the tenderer offering the lowest priced technically compliant offer.

¹ Inforeuro exchange rate of March 2017

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the Contracting Authority. Tenders must be submitted using the standard Tender Form for a Supply Contract included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to;

Office of the NAO, Attention Pats Sionetama,
Email: Pats.Sionetama@mail.gov.nu,
Postal Address: PO Box 40, Alofi, Niue

And copy
Mr Warren Halatau (Niue Power Corporation)
Email: Warren.Halatau@mail.gov.nu,

And
Mr Pranil SINGH – EU Delegation
Email: pranil.singh@eeas.europa.eu

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

19. Deadline for submission of tenders

1300hrs Niue Time on 24 April 2017

Any tender received by the Contracting Authority after this deadline will not be considered.

20. Tender opening session

1400hrs Niue Time on 24 April 2017

Venue: Niue Public Service Building Conference Room, Alofi, Niue Island.

21. Language of the procedure

All written communications for this tender procedure and contract must be in English.

22. Legal basis²

Annex IV to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as amended in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010. Reference is made to Annex IV as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014.

23. Additional information

Not Applicable

² Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).