

Project AID 11087 – Numero Gara 7632158
CIG:814706638C

Prot. No. AICSY-OUT-534-2019-12-13

INVITATION TO BID

Subject: Invitation to bid for the Outsourcing of Technical Personnel Service to support the Italian Agency for Development Cooperation in the delivery of technical assistance services.

Within the Project "Support to the ODA coordination in Myanmar: Capacity Development of Donor Coordination (CAD-MM) - AID 11087", the Italian Agency for Development Cooperation (AICS) intends to support the Government of the Republic Union of Myanmar in improving the coordination of Official Development Assistance (ODA) in the country, to rationalize International Donors interventions and facilitate an active role of the Myanmar Government in the division of labor among International Donors.

A specific component of CAD-MM project aims at strengthening the capacities of the Co-Operation Partners Group's (CPG) Secretariat, the forum responsible for discussion and sharing of information on aid effectiveness in Myanmar, through the provision of specialist Technical Assistance consultancy services. These services will be aimed at providing additional specialist support for operational activities and production of research and analysis.

The Italian Agency for Development Cooperation in Yangon (AICSY) has delivered technical assistance services to CPG in 2018 and 2019. Based on the positive results achieved, AICSY is planning to continue the delivery of these services in the following years and has identified a qualified External Consultant to be engaged for the delivery of additional technical assistance services to CPG in 2020.

AICSY intends to select one qualified external Outsourcing Company to provide the administrative and contractual support for the management of the External Consultant. The assignment of the Outsourcing Company refers to the overall management of the employment relationship with the External Consultant identified by AICSY, including the payment of salary, any relevant tax, insurance, statutory benefits, if any, and/or all other taxes and government dues as may be applicable according to the relevant Myanmar law and regulations.

AICSY invites all the interested organizations (NGOs/Private Companies) operating in Myanmar to submit an application for this Bid procedure. All the documents must be written in English; documents in other languages will not be considered. Wherever the original documents are in Myanmar Language, an English translation must be provided.

Organizations may associate to enhance their qualifications. In this case, the name or names of associated companies should be provided, and the Partner in Charge of the association specified.

The Outsourcing of Technical Personnel Service will be provided through a Contract that will be signed by AICSY with the successful bidder. The Contract will have a duration of 12 months. The domain to be covered by the Outsourcing of Technical Personnel Service is described in the General Terms of Reference (Annex A). The maximum total amount available under this contract is of Euro 75.000,00.

AICSY will choose the offer with the lowest economic value for the delivery of the service. Interested organizations are informed that the Economic Offer will have to include: i) the management fee applied by the Organization and related total amount for the management of the External Consultant; ii) the fee for reimbursable items, iii) insurance and medical checkup of the External Consultant, iv) the fee to carry out not planned additional selection procedures as described in paragraph “10 – Other Aspects” of “Annex A – Terms of Reference”. The sum the amounts described above will constitute the total final amount for the economic offer.

AICSY will conclude a Contract with the selected Organization. Non-Governmental Organizations, Companies or other competent organizations may be eligible for this service, provided that: i) they are duly registered and operational in Myanmar according to the competent national regulations and can therefore carry out relevant activities in the Country, ii) they are properly qualified to deliver the type of service required. All the bidders must provide evidence of experience relevant to the scope of the Contract.

Interested Organizations shall submit their applications according to the information provided in the present document.

1. SUBMISSION OF PROPOSAL

Interested Organizations are requested to submit their Bid proposal with the required documents in English Language (the Copies of Original Documents in Myanmar Language shall be accompanied by translation), by hand, in a sealed envelope (directly or through an authorized representative) to the address below:

ITALIAN AGENCY FOR DEVELOPMENT COOPERATION — YANGON OFFICE
41/7B INYA MYAING, SHWE T AUNG GONE
BAHAN TOWNSHIP — YANGON

2

2. DEADLINE FOR SUBMISSION

The closing time for receipt of bids is the 21st of January 2020, 5:00 p.m. Yangon time. Bids must be delivered to the designated address during AICSY working hours from 9: 15 am to 5:00 pm. Monday through Friday. Bids received after this time and date shall not be considered.

Lodging of the bid will be acknowledged by means of a receipt dated and signed by the official of the above-mentioned office the documents are handed over to. AICSY will keep a copy of the receipt.

3. REQUESTS FOR CLARIFICATION

The Organizations may submit requests for clarification only in writing at least ten (10) days before the closing date, that is by the 10th of January 2020, 5:00 p.m. Yangon Time.

In the subject of the email should be specified the Invitation to bid reference:

“Invitation to bid for the Outsourcing of Technical Personnel Service to support the Italian Agency for Development Cooperation in the delivery of technical assistance services. — AID 11087”.

Each question must start with an indication of the paragraph of the Invitation to Bid documents to which the question relates.

Questions should be sent to the following email address:

yangon@aics.gov.it

Bidders are reminded that the above e-mail address may be used only to send queries. Please note that clarifications requested by phone will not be considered.

A **clarification meeting** will be held at the Contracting Authority premises (AICS Yangon Office see address above in paragraph 1) the 14 of January 2020 at 11 a.m.. During the meeting, the bidding documents and relevant procedures will be presented and explanations to questions previously received, if any, will be provided. The presence of the bidder will be recorded by the Contracting Authority and Bidders representatives will be asked to sign a form.

All the clarifications provided during the Clarification Meeting together with Questions and Answers will be made available in the **website www.aicsyangon.org** within 15 of January 2020.

4. CONTRACT DESCRIPTION

The General Terms of Reference related to the contract are described in Annex A —Terms of Reference (TOR).

The amounts contained in the Annex A are inclusive of and in accordance with the statutory provisions of Myanmar Labor Law. The services will be provided for a period up to twelve months. Therefore, the contract will be of twelve (12) months.

The maximum total amount available under the contract is of EUR 75.000,00 for the whole period of duration of 12 months.

The organization is solely responsible for the payment of service, tax, insurance (medical, against accidents at the work) and all other taxes and government dues as may be applicable. In no case AICSY will be responsible to pay taxes for the Service Contract.

It must be clear and understood by the organization that the qualified external consultant engaged for the delivery of Technical Assistance services remain personnel employed or hired by the outsourcing organization for all intents and purposes and that there is no relationship of employer-employee between the said persons and the Italian Agency for Development Cooperation.

Moreover, the outsourcing organization shall also be solely responsible for providing all the statutory benefits (as per Myanmar relevant laws) to the eligible staff/consultants employed or hired by it and it shall make payment of compensation (as per Myanmar relevant laws) in case of injury or death of any of its personnel.

AICSY, after giving 30 days' notice to the organization, may at its sole discretion, suspend or permanently terminate the contract without incurring in any claim or responsibility toward the organization, respecting of course the overall limit of the contract amount.

AICSY reserves itself the right to request the replacement of the personnel employed or hired by the organization in the following cases:

- disseminating (directly and indirectly) of knowledge or information acquired during his service and related to the work that has been done;
- putting into action behaviors which may involve criminal acts (corruption, fraud, misuse of office equipment and funds, use or distribution of illegal substances);

- demonstrating misconduct, proved incompetence, hierarchical insubordination, unjustified absence from work, failure to comply with schedules and work assignments, voluntary damage of the Office property.

The organization's personnel must have the features of expertise, decorum, confidence, experience and professionalism.

If the quality of the Technical Assistance services delivered by the External Consultant will be considered not satisfactory by AICSY, the contestation of charge will be notified to the organization which will proceed to the replacement of the personnel deemed unsuitable. If the termination is requested by the person, the organization will notify it to AICSY.

5. REQUIRED DOCUMENTS, SEALING AND MARKING OF THE PROPOSAL

The interested organizations shall submit their Proposals/Bids in an outer sealed envelope containing two inner separated and sealed envelopes. The inner and outer envelopes must be sealed with adhesive tape and the Organization/Bidder must sign across the tape seal.

5.1. Outer Envelope

The following information should be clearly marked on the outer envelope:

- Closing Date of the Invitation;
- Invitation to bid for "Outsourcing of Technical Assistance Services for project activities of the Italian Agency for Development Cooperation — AID 11087";
- Name of the Organization/Bidder;
- DO NOT OPEN.

5.2. Inner envelopes:

5.2.1. The first (sealed) envelope, marked as "Administrative Documents and the name of the Bidder" shall contain:

- I. BID SUBMISSION FORM (see ANNEX B) duly filled, signed and stamped;
- II. Legal Entity Declaration;
- III. Details of the CONTACT PERSON within the Organisation responding for the present Bid as per "Annex B - Contact Person" (for this Bid);
- IV. Reporting on economic and financial capability to carry out the requested Technical Assistance and qualified services relevant to the Service hereby described;
- V. Specific experience of the organization & areas of specialisation listing and describing the experience of the Organization in carrying out similar Services, relevant tasks and assignments with specific reference to Myanmar. The list shall be provided with duration of assignments, organizations funding the Contracts, specific expertise provided and (if possible) reference letters of performance; the areas of specialization shall be also detailed clearly;
- VI. CERTIFICATE OF REGISTRATION AS NATIONAL ORGANIZATION in Myanmar proving that the Bidder is authorized to perform the contract;
- VII. In case of association of organisations, a copy of the AGREEMENT entered into by all organisations or alternatively, a LETTER OF INTENT (as per "Annex C - Letter of Intent

- for association of organisations) to execute the agreement shall be provided, signed and stamped. In case of Individual Bidder this Document will not be needed;
- VIII. POWER OF ATTORNEY, providing evidence that the Person signing the Documents is legally entitled to do so, duly signed and stamped (Please see in “Annex C - Power of Attorney for Individual Bidder or Power of Attorney for Association of Organizations”), together with a copy of valid Identity Card or Passport of the Signatory Persons;
- IX. SELF DECLARATION FORM (see ANNEX B), duly filled, signed and stamped, containing:
- a. A duly signed self-declaration stating that the criminal records of the persons having power of representation, or decision making, or control over the organization, is clean;
 - b. A duly signed self-declaration proving that the person who signs on behalf of the organization is duly authorised to do so;
 - c. A duly signed self-declaration stating that the organization is not in any of the following categories:
 - i. bankrupt, or being wound up, or having its affairs administered by the courts, or entered into an arrangement with creditors, or suspended its business activities, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
 - ii. is the subject of proceedings for a declaration of bankruptcy, for winding-up, for administration by the courts, for an arrangement with creditors or for any similar procedure provided for in national legislation or regulations;
 - iii. the organization, or persons having power of representation, or decision making, or control over them have been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata;
 - iv. is guilty of severe professional misconduct proven by any means which the contracting authority can justify;
 - v. the organization, or persons having powers of representation, or decision making or control over them, have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in criminal organization, money laundering or any other illegal activity;
 - vi. is not in compliance with its obligations relating to the payment of social security contributions, or payment of taxes in accordance with the legal provisions of Myanmar;
- X. The BIDDER DECLARATION of acceptance of the Bid clauses (Please see in “Annex B - Bidder Statement”), duly signed and stamped;
- XI. The CONTRACT TEMPLATE duly signed and stamped (Please see Annex F - Contract Template”), with each page initialed. Please note that the Contract template shall not bear any additional information, but only signature, stamp and each page initialed. (Bidders are informed that at the moment of contract signature - and following the completion of the selection procedure - the contract content might be updated in order to be aligned with the current legislation);
- XII. BANK STATEMENTS for the last 3 years and AUDITED FINANCIAL STATEMENTS for the last 3 years;
- XIII. A SIGNED COPY OF THE IDENTITY CARD of the attorney of the Bidder or his duly authorized representative.

5.2.2. The second (sealed) envelope, marked as "Economic Offer and the name of the Bidder" shall contain:

I. THE ECONOMIC OFFER (see ANNEX D):

The Economic Offer will include the details of the fee (per working day) and the number of days per month, and the total gross amount of the expert, based on the number of requested months for the Technical Assistance services. These details will be provided by AICSY.

The management fee, that is the Organization's remuneration, cannot exceed 13% of the total gross amount. This detail will be provided by the bidder.

The Economic Offer has to be duly stamped and signed by the Bidder or his duly authorized representative and clearly legible to eliminate any possible doubt as to wording or figures.

The economic offer must be in EURO currency only. No other currency will be accepted.

6. BIDS OPENING

Envelopes will be opened on 22 of January 2020, at 11.00 a.m. (Yangon local time) at the Contracting Authority premises (see above). The evaluation of the Offers will follow and will be done by an Evaluation Committee duly appointed for the purpose by the Responsible of the Procedure (RUP) of the Contracting Authority. The Committee consists of at least three (3) members from AICSY Office. A representative of the FERD may assist to the evaluation procedures as observer.

Bidders may be present at the opening session with the personnel duly appointed.

7. EVALUATION OF BIDS

The submitted bids will be evaluated by a Committee nominated by AICSY Director. The committee consists of at least three (3) members from AICSY Office. The evaluation based on the information provided in the submitted bid and the criteria expressed in the following paragraphs and it takes place in three steps:

- I. Opening of the outer envelope, verification of administrative compliance and verification of non-exclusion and of eligibility of bidders on the basis of the exclusion criteria and of the participation rules (see paragraph 6).

The Bids not matching the administrative requirement, as per point 7.1 below, will not be admitted to the Economic Evaluation Phase. A communication of this fact will be issued.

- II. Upon completion of the administrative evaluation, the envelope containing the economic offer for bidders that were not eliminated during the technical evaluation will be opened. Evaluation of the economic offer is based on the criteria expressed in paragraph 7.2.

7.1. Administrative compliance, eligibility and exclusion criteria

The Committee checks the compliance of bids with the instructions given in point 5 and using the administrative compliance grid (ANNEX E). Failure to respect the administrative requirements in the present document and the invitation to bid will constitute an irregularity and may result in the rejection of the bid.

The Committee checks the compliance of bids with the eligibility and exclusion criteria set out in this paragraph respectively based on the information provided by the bidder in their bid submission form, supporting documents and signed declaration regarding exclusion.

Organizations are not entitled to participate in this bidding procedure or be awarded a contract if they are in any of the situations listed in the Self Declaration Form (ANNEX B), duly signed and dated by an authorized representative, stating that they are not in one of the situations of exclusion listed in the template.

Bidders guilty of making false declarations will be excluded by the bid.

In order to prove the economic and financial capacity, the bidders must comply with the following criteria. If any of the requirements, are not met, the bid will be rejected.

- I. The bidder's average annual turnover for the last 3 years must exceed EUR 40,000.00. The information must be given in the Bid Submission Form (ANNEX B, point 4).
- II. Bidders must provide evidence showing that they reach the sums required above, such as an extract from the consolidated profit and loss accounts, banks statement balance sheets and cash flow statements for the last 3 financial years. The figures to be taken into account must be clearly shown in the documentary evidence i.e. the annual turnover figure in each document(s) provided must be clearly highlighted in order to allow easy evaluation.
- III. If documents provided are in a currency different from EUR, the exchange rate for conversion will be set using the InforEuro rate of the month in which the bid has been released.
- IV. In case organizations will associate the average annual turnover for the last 3 years must be as following: i) all partners combined must meet the EUR 40,000.00 requirement, ii) each partner must meet 25% of the EUR 40,000.00 requirement, and iii) at least one partner must meet 50% of the EUR 40,000.00 requirement.
- V. If, for some exceptional reason which AICSY considers justified, a bidder is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which AICSY considers appropriate. In any case, AICSY must at least be notified of the exceptional reason and its justification in the bidding proposal.

7

The Committee reserves the right to request any other document enabling it to verify the bidder's economic and financial capacity.

In order to prove the technical and professional capacity, the Bidders must proof their specific experience of the organization & areas of specialization. If any of the requirements, are not met, the bid will be rejected. The information requested must be given on the bid submission form (Annex B, point 5). The Bidder must comply with the following criteria:

- I. The bidder shall have performed at least 2 certified activities covering two of the following areas:
 - Official Development Assistance effectiveness
 - Coordination of International Donors or International Organisations
 - Institutional Capacity building
 - Strategic planning and analysis
 - Public policy.

7.2. Evaluation of Economic Offer

Upon completion of the administrative evaluation, the envelope containing the economic offer for bid that were not eliminated during the administrative compliance check will be opened. The financial score is calculated using the following formula:

Economic Score: Points* Value Score

Maximum points: 100 Value Score— Ox/Omin

Ox: value offered by the bidder

Omin: value of the most convenient offer.

The evaluation committee reserves the right to request the Bidder to further clarify any fees proposed.

7.3. Choice of selected Bidder

The bid which represents the most convenient economic offer will be selected.

8. PROPOSAL VALIDITY

Period of validity of the Bid/Proposal is ninety (90) days from the deadline for submission. Shorter period of validity will not be accepted and may lead to the exclusion of the Bidder from the selection. The Bidder must declare to understand and accept the validity period in the Bid Submission Form (ANNEX B, point 6).

9. SIGNATURE OF CONTRACT

9.1. Notification of award

Bidders will be informed of the outcome of their Bids/Proposals and the final outcome will be published on the following websites: www.ambyangon.esteri.it and www.aicsyangon.org. The successful Bidder will be informed also by email that its bid has been selected. After the notification and before signature of the Contract, AICSY may proceed with further verification of declarations and documents.

9.2. Signature of the contract and entry into force

Within the period indicated in the notification letter, the selected Bidder shall sign and date the contract and return it to AICSY. The Contract will entry into force at the day of the signature of the contract.

In order to sign the Contract the Selected Bidder will be requested to come to the premise of the Contracting Authority to proceed with the signature of the Contract.

To sign the Contract, as per Art. 103 of the Italian Law n. 50/2016, the awarded Organization shall provide the Contracting Authority within ten (10) calendar days from the Contract's notification date, a **Bank Guarantee** [see "Annex C - Templates - Performance Bank Guarantee"] or a certified check for good performance amounting to at least 10% of the Contract Price and issued by a Bank established in Myanmar and acceptable to the Contracting Authority or by a primary International recognized bank. The guarantee shall be released and returned to the Company within 30 days upon the issuance of the Final Acceptance Certificate by the Contracting Authority.

Failure of the selected Bidder to comply with this requirement may constitute grounds for annulling the decision to award the contract. In this event, the Contracting Authority may award the bid to another Bidder or cancel the bid procedure.

9.3. Deliverables

Deliverables, if any, are defined in the TOR of the contract. In any case, all the documents, researches and products prepared within the Contract should always carry the logo of AICS.

9.4. Payment

The payment mechanism will be defined in the TOR of the contract and be based on the deliverables, if any, and execution of the specific technical assistance service. The organization could be paid on a monthly basis after the submission of the following documents:

- I. invoice showing the amount paid to the External Consultant and the total amount to be paid by the Italian Agency for Development Cooperation — AID 11087;
- II. report listing the salary paid to the qualified external consultant duly signed by the consultant;
- III. receipt showing the payment of all the taxes related to the salary issued by the local qualified Authority.

In any case payments by AICSY shall be made by bank transfer on the bank account in EUR that will be communicated by the selected Bidder in writing to AICSY.

10. CLARIFICATION AND CORRECTION OF ERRORS

If, after the Bids have been opened, some clarification is required in connection with the bid, AICSY may contact the Bidder for further clarifications.

11. ITALIAN AGENCY FOR DEVELOPMENT COOPERATIONS'S RIGHT

This Invitation to Bid is in no way binding upon the Italian Agency for Development Cooperation (AICS). The AICS's contractual obligation commences only upon signature of the contract with the successful Bidder. AICSY may, before the contract is signed, either abandon the procurement or cancel the award procedure without giving rise to any compensation entitlement on the part of the Bidders. Where appropriate, such decision must be substantiated and be brought to the attention of the Bidders.

Furnishing of false, misleading, inaccurate information or particulars in the Bid/Proposal document or in any other manner shall lead to the disqualification of the Bid and Bidder at any stage or time. It shall also lead to termination of the contract, if awarded.

Please notify this Office immediately if any part of this Invitation to Bid is missing and/or illegible. Bidders are reminded that e-mail address yangon@aics.gov.it may be used only to send queries (see Paragraph 3 - Requests for clarification).

Annexes:

Annex A	Terms of Reference
Annex B	Administrative envelope documents
Annex C	Templates for Administrative documents
Annex D	Economic Offer Form
Annex E	Administrative Compliance, Eligibility and Exclusion Grid
Annex F	Sample Contract