



LETTER OF INVITATION TO TENDER

Ministry Of Agriculture

Re-Advertised

Beirut 20th of October, 2021

Our ref.: tender n. 1239 /7

Dear Sirs,

SUBJECT: INVITATION TO TENDER FOR Public Private Partnership Legal consultant

I am pleased to inform you that you are invited to take part in the competitive negotiated procedure for the above contract. The complete tender dossier is attached to this letter. It includes:

A. INSTRUCTIONS TO TENDERERS AND PROCUREMENT NOTICE

A. Draft Contract Agreement and Special Conditions with annexes:

- I. General Conditions for service contracts
- II. Terms of Reference
- III. Organisation and Methodology (to be submitted by the tenderer using the template provided)
- IV. Budget (to be submitted by the tenderer as the Financial offer using the template provided)
- V. Forms and other supporting documents

The Consultants are requested to submit:

- One Original and 4 (four) copies of the Technical Proposal; and
- One Electronic copy of the Technical Proposal on a CD or a USB stick; and
- One Original copy of the Financial Proposal,

No later than 4 of November 2021 at 5:00 PM (Beirut time) to the following address:

Ministry of Agriculture - Beirut, Lebanon

Pascale Milan Tel: +9611 849621 Mobile: +9613435495

Email: pascalefmilan@gmail.com

Please note electronic submission of proposals via electronic mail is not acceptable.

Yours sincerely,

Dr Chadi Mohanna

Project Coordinator



Beirut, 2021

REQUEST FOR PROPOSAL

Fishery Mediterranean Network

Geographic coverage: France, Italy, Palestine, Italy, Italy, Tunisia, Lebanon

BACKGROUND

ENI CBC MED Programme- FISH MED NET, the Public-Private-Partnerships implementation working package (WP4) aim at facilitating the creation of Public Private Partnerships PPP. For this reason, a country tailored PPP package will be elaborated using best practices and good examples of PPP that will be shared with MPCs.

To this scope, each WP4 F.P will conduct an in-depth mapping of the good experiences existing of PPPs in the sector, the needs of the public sector, the constraints and opportunities present at country level.

The analysis will be the basis for organizing thematic round tables for matching public administrations and fishermen for discussing the potential terms of the PPPs, constraints and opportunities.

The public and private practitioners will be offered tools for facilitating their work in the implementation of PPPs (standards agreements and tailored trainings).

Business Alliances for fishery diversification working package (WP3), will be addressed to offer to the fishery MSMEs active in those services the opportunity to gather into Mediterranean Business Alliances that will be built around 4 modeled product/services. Those Business Alliances will provide to members a common Business Model, the related training and technical assistance, a higher consumers/users' awareness thanks to common labels linked to standards, and finally an opportunity for offering their product/service to potential consumers/users/business partners thanks to the participation to the most relevant international fairs of the sector and the development of a common e- commerce platform.

All fishermen will benefit from the opportunity to join the Mediterranean Networks put in place over some standard diversification services.

At the wider level, the coastal communities depending by the fishery sector economy, will benefit from the inclusive economic growth generated by the Networks and by the services offered on the market.

SCOPE OF WORK OF THE CONSULTANT

The terms of reference below describe the scope of work of the Consultant who will be the lead advisor on this Project and will assist the **Ministry of Agriculture** in the relevant strategic, technical and commercial aspects of the Project.

The anticipated scope of work of the Consultant is to perform the following tasks (the "Scope of Work"):

Regarding WP3 the consultant is needed for guiding on the legal aspects in the WP3 and helping in defining the business agreement and in the support of the single enterprises through the counselling desks

I. Technical Due Diligence

The consultant will elaborate and put at disposal of Public Authorities and private stakeholders some standard formats and procedures for the PPPs. 5 PPP Packages (procedures + formats) will be produced.

- Define a standard package for PPPs in compliance with the national legal framework in the different country partners,
- Review and assess the offsite infrastructure requirements needed to address any constraints identified;
- Validate and provide suggestions to amend if needed the project operating model including services that could be provided by the grant holder “the small sub granted project”;
- Review when existing PPPs package and provide specific recommendations if needed;
- Support the preparation of a full business plan for the implementation of the grant holder pilot projects;
- Develop in collaboration with the financial consultant, the appropriate performance standards for the pilot projects, service level agreements and operational KPIs to be included in the draft project agreements and any other documents;
- Assist, as needed, in the decisions and/or actions to be taken by the **Ministry of Agriculture** about the supporting measures that need to be adopted to support the grant holder project.

II. Market Due Diligence

- Analyse and take part in the validation committee for the submitted proposals for the grant holder pilot projects;
- Support WP3 with the following tasks:
 1. Examine potential service delivery models for the different services.
 2. Prepare and present initial investor material for outreach to
 - Financial investors
 - Multilateral companies

III. Risk assessment, distribution and mitigation

- Prepare the grant holder project's risk matrix detailing risk description, expected cost impact, allocation and mitigation measures.

IV. Preparing the Tender (Call for Proposals for small sub granting)

- Prepare the Information Memorandum for prospective bidders, setting out the main aspects of the Transaction, such as performance and service obligations;
- Undertake public consultation and document its outcome.

V. Developing Tender Documents (Bidding Rules and Project Agreements)

- Prepare the bidding rules in cooperation with the Legal Advisor;
- Assist with and provide comments on the draft project agreements which include, among others, the BOT agreement, the construction agreement, the operation and maintenance agreement, the anchor tenancy agreement, guarantee agreements and undertakings by the Government and the Bidder, performance bonds and other documents relating to the Transaction;
- Compile the draft Tender Documents (which include the bidding rules and the draft Project Agreements).

VI. Carrying out the Transaction as per national Laws and associated decrees

Assist the country partners in conducting an efficient and transparent process, including:

- Pre-identify the potential sub grant pilot projects;
- Assist country partners in the bidders' pre-qualification process;
- Propose evaluation criteria, weights and methodology for the technical and financial proposals;
- Assist the country partners in undertaking consultations with the pre-qualified bidders;
- Assist the country partners in finalizing the tender documents, including the Project Agreements based on the outcome of consultations with the pre-qualified bidders;
- Provide clarifications and additional information required by bidders during the bidding and negotiation processes;
- Obtain any required clarifications from bidders in order to make a comprehensive assessment of all proposals;
- Assist the country partners in the evaluation of the technical and financial proposals;
- Assist the country partners in any post-bid negotiation;
- Assist in the process of awarding the contract to the winning bidder;
- Keep all records of the Transaction's steps and prepare public information releases and make information available to the country partners; and
- Assist in the closing of the Transaction.

VII. General

- Generally, perform such additional services as are performed by transaction and technical advisors.

KEY DELIVERABLES

The Consultant will submit the following reports and participate in consultations with stakeholders and with potential bidders for the envisaged public-private partnership:

- Technical Due Diligence Report, inclusive of all points enumerated in the Scope of Work;
- Information Memorandum;
- Public Consultation Report;
- Tender Documents (which include the bidding rules and the Project Agreements);
- Bids Evaluation Report
- Written reports upon completion of each specific task and a report summarizing all tasks in the relevant phase or sub-phase prior to, or concurrently with, each request for payment.

INDICATIVE TIMETABLE

It is expected that the Transaction will be completed in 12 months. Please see below for an Indicative Timetable:

Milestone	Target Date
Initial Mobilization of the Consultant Team	Month 1
Mobilization of Specialized Consultants	Month 1
Phase 1: Transaction Preparation	
Kick-Off	Month 1.5
Completion of Due Diligence: Consultants to submit final Due Diligence reports	Month 2
Finalization of Strategy / Transaction Report (incl. pre-qualification criteria)	Month 2
Consultation Period	
Phase 2: Transaction Implementation	
Preparation of Information Memorandum / Project Promotion	Month 3
Pre-qualification of Interested Bidders	Month 4
Preparation of Draft Tender Documents	Month 5
Consultation with pre-qualified Bidders	Month 5
Finalization of Tender Documents	Month 7
Bidding Submissions	Month 8
Evaluation of Tender	Month 8.5
Transaction Closing and monitoring	Month 9 to 12

GOVERNMENT APPROVALS

Describe the Government approval stages for the bidding results

TECHNICAL AND FINANCIAL PROPOSALS

The Consultancy firm is required to submit a Technical Proposal and a Financial Proposal for the described advisory services within two weeks from the official release of the tender ad in the newspapers.

The Technical Proposal

The Technical Proposal shall include – but not be limited to:

- The firm's overall qualifications and experience, not less than 5 years, in providing similar transactions and financial advisory services including successful track record for minimum 3 similar projects (PPP or BOT consultancies) and ability to deliver on the required scope of work.
- The curricula vitae of the proposed professional staff including the proposed team leader committed to the assignment (including of any joint bidder or subcontractor), with a particular attention to similar assignments undertaken recently.
- Three references for the proposed team leader and a minimum of 10 years of experience in managing similar assignments.
- The proposal should include besides the team leader, the CVs of the legal, financial, marketing and strategic consultants with demonstrated experience of at least 10 years in similar assignments.
- The firm should demonstrate a track record in providing advice to bidders on PPP as financial advisor and advising public entities.
- The firm should demonstrate a track record in forging relationships with anchor tenants and with an international network of businesses.

Subject to confidentiality requirements, you are permitted to associate with individual consultant(s) and/or other consultants or other entities in one or more joint venture or sub-consultancy arrangements, as appropriate, so as to obtain the full range of expertise required to complete the Scope of Work; provided that as between the Ministry of Agriculture and your firm, your firm shall be primarily liable for completion of the Scope of Work. You shall ensure that all such consultants or entities are subject to confidentiality restrictions no less strict than those imposed by us upon you, and shall be liable for any breach of confidentiality on the part of such consultants or entities.

The Technical Proposal shall not include any financial information. A Technical Proposal containing financial information may be declared non-responsive.

The Financial Proposal

The Financial Proposal should indicate a breakdown of your proposed fees and expenses, including retainer fees denominated in US\$ inclusive of all costs and local

taxes, duties, fees, levies and other charges imposed under the applicable law, on the consultants, the sub-consultants (if any) and their personnel. For the avoidance of doubt, these should include remuneration for staff, per diem, transportation, service and equipment, insurance, printing of documents, surveys and translation (if any) and expenses. In that respect, the consultants must familiarize themselves with local conditions and take them into account while preparing their proposals.

The Technical Proposal and the Financial Proposal must each be valid for three months after the submission date.

SUBMISSION OF PROPOSALS

The Consultants are requested to submit:

- one Original and 4 (four) copies of the Technical Proposal; and
- one electronic copy of the Technical Proposal on a CD or a USB stick; and
- one Original copy of the Financial Proposal,

no later than 4/11/2021 **at 5:00 PM (Beirut time)** to the following address:

Ministry of Agriculture - Beirut, Lebanon

Pascale Milan Tel: +9611 849621 Mobile: +9613435495

Email: pascalefmilan@gmail.com

Please note electronic submission of proposals via electronic mail is **not** acceptable.

The original and all copies of the Technical Proposal shall be placed in a sealed envelope clearly marked “TECHNICAL PROPOSAL”. Similarly, the original Financial Proposal shall be placed in a sealed envelope clearly marked “FINANCIAL PROPOSAL”.

The Technical Proposal shall be marked “ORIGINAL” or “COPY” as appropriate.

An authorized representative of the Consultants shall initial all pages of the original Technical and Financial Proposals. The authorization shall be in the form of a written power of attorney accompanying the Proposal or in any other form demonstrating that the representative has been duly authorized to sign. The signed Technical and Financial Proposals shall be marked “ORIGINAL”.

The envelopes containing the Technical and Financial Proposals shall be placed into an outer envelope and sealed. The Ministry of Agriculture shall not be responsible for misplacement, losing or premature opening if the outer envelope is not sealed and/or marked as stipulated. This circumstance may be case for Proposal rejection. If the Financial Proposal is not submitted in a separate sealed envelope duly marked as indicated above, this will constitute grounds for declaring the Proposal non-responsive.

SERVICES AGREEMENT

If you are selected by the Ministry of Agriculture as the Consultant, you will be required to enter into a standard form of service contract, a copy of which is attached to this RFP. You are permitted to provide in your Proposal comments to the form of

services agreement, however we note that comments are discouraged and any material comments to substantive provisions of the form of services agreement will be negative reflected in the evaluation of the Proposal. Such comments should be provided in a marked version of the form of services agreement, and contained in the Technical Proposal.

REQUEST OF CLARIFICATIONS

The Consultants may request a clarification relating to this RFP up to 5 (five) days before the proposal submission deadline. Any request for clarification must be sent in writing by paper mail, facsimile, or electronic mail to the Ministry of Agriculture address shown below in the paragraph "Submission of Proposals". The Ministry of Agriculture will respond by electronic mail to such requests and will send copies of the response (including an explanation of the query but without identifying the source of inquiry) to all Consultants.

Should the Ministry of Agriculture deem it necessary to amend the RFP as a result of a clarification, it shall do so by issuing an addendum in writing or by standard electronic means. The Addendum shall be sent to all Consultants and will be binding on them. Consultants shall acknowledge receipt of all amendments.

EVALUATION OF PROPOSALS

The proposals will be evaluated under quality and cost based selection (QCBS) scheme. The evaluation of the Technical Proposals will be expedited and the public session for opening the Financial Proposal is expected to take place to take place 4 of November 2021.

Technical Score

The Technical Proposals will be evaluated on the basis of their responsiveness to the RFP and in terms of the experience of the firm and the proposed professional staff with particular attention to similar assignments.

Each responsive Proposal will be given a technical score (St). A Proposal shall be rejected at this stage if it does not respond to important aspects of the RFP, and particularly the Terms of Reference or if it fails to achieve the minimum technical score of 70% (including by reason of any deductions due to comments to the form of services agreement).

Financial Score

The lowest Financial Proposal (Fmin) will be given a financial score (Sf) of 100 points.

The financial scores (Sf) of the other Financial Proposals will be computed using the following formula:

$Sf = 100 \times Fmin/F$, in which Sf is the financial score, Fmin is the lowest price and F the price of the proposal under consideration.

Final Score

Using the weights indicated below (T = the weight given to the Technical Proposal; P= the weight given to the Financial Proposal), responsive proposals will be ranked according to their combined technical (St) and financial (Sf) scores:

$$S = (St * T) + (Sf * P)$$

Weights

The weights given to the Technical and Financial Proposals are:

$$T = 0.7$$

$$P = 0.3$$

$$(T + P = 1)$$

The Client has full discretion to accept or reject any proposal for any reason, terminate the process or take any other action with respect to the described transaction, the process of appointing the Consultant or any other related matter, without any liability to any party, including the recipients of this letter.

The Client shall have the sole and exclusive right to select the successful bidders, to discontinue the bidding process and to take any other action, all as it determines to be in its best interests and without regard to the Consultant's financial or other interests.

