

SERVICE CONTRACT NOTICE

<Contract title>

[Only in case of suspensive clause]

Please note that the awarding of the contract is subject to the condition of:

[the prior adoption of a financing decision and the prior conclusion of a financing agreement]

[the prior adoption of a financing decision]

[the prior conclusion of a financing agreement],

which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.]

1. Reference

<Reference >

2. Procedure

[Simplified][Negotiated][Single tender]

3. Programme title

< Please specify the title of the programme mentioned in the applicable financing agreement/ financing decision >

4. Financing

<Budget line/financing agreement/other >

5. Contracting authority

CEFTA Secretariat

CONTRACT SPECIFICATION

6. Nature of contract

[Global price]

7. Contract description

< Recommended 10 lines, maximum 20 lines >

8. Number and titles of lots

[One lot only]

[If more than one lot: <number of lots : (min =2 max=20) >

<Lots Titles:

01

02

(...)>

9. Maximum budget

[EUR] <amount>

CONDITIONS OF PARTICIPATION

10. Legal basis, eligibility and rules of origin

[General budget of the Union for calls where the CIR applies: Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under Article 8 of Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed. (Annex A2a and Annex A2a1 to the practical guide)¹.

Participation is also open to international organisations.

[For commitments financed by a basic act under the 2014-2020 or previous MFFs, 11th or previous EDF:

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014** and Annex IV of the ACP-EU Partnership Agreement***, are to be understood as

¹ <https://ec.europa.eu/europeaid/prag/annexes.do?group=A>

including natural or legal persons residing or established in, and to goods originating in, the United Kingdom ****. Those persons and goods are therefore eligible under this call.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

** Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

*** Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

**** Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.]

11. Number of tenders

No more than one tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting a tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

[if the number of lots is more than one lot: No restrictions may be made in the number of lots a tenderer can be awarded.]

The tenderer may submit a tender for one lot only, several lots or all of the lots, but only one tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.]

12. Grounds for exclusion

As part of the tender, tenderers must submit a signed declaration, included in the tender form, to the effect that they are not in any of the exclusion situations listed in Annex VIII.

Tenderer included in the lists of EU restrictive measures² (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

13. Sub-contracting

Subcontracting is not allowed.

PROVISIONAL TIMETABLE

14. Provisional commencement date of the contract

< Date >

² <https://www.sanctionsmap.eu/#/main>

15. Implementation period of the tasks

< To be specified >

SELECTION AND AWARD CRITERIA

16. Selection criteria

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator 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 economic operator relies, become jointly and severally liable for the performance of the contract.

The following selection criteria will be applied to the 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.

The tenderer shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

- 1) **Economic and financial capacity of tenderer** (based on item 3 of the tender form). 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 financial years for which accounts have been closed.

The objective of this criterion is to examine whether or not the tenderer (i.e. the consortium as a whole, in the case of a tender from a consortium):

- will not be economically dependent on the contracting authority in the event that the contract

is awarded to it; and

- has sufficient financial stability to handle the proposed contract.

[If same criteria for legal and natural person]

Examples of financial criteria for legal and natural persons:

- the average annual turnover of the tenderer must exceed the annualised maximum budget of the contract i.e. the maximum budget stated in the contract notice divided by the initial contract duration in years, where this exceeds 1 year (minimum annual turnover requested may not exceed 2 times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); 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 legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

[If separate criteria for legal and natural person]

Examples of financial reference criteria for legal persons: see examples of financial criteria for legal and natural persons above

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc.>

Examples of financial criteria for natural persons:

- the available financial resources of the tenderer must exceed the annualised maximum budget of the contract i.e. the maximum budget stated in the contract notice divided by the initial contract duration in years, where this exceeds 1 year (minimum annual turnover requested may not exceed 2 times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); and
- the financial situation of the tenderer should not be in deficit, taken into account debts, at the beginning and end of year.

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

2) Professional capacity of the tenderer (based on items 4 of the tender form).

The reference period which will be taken into account will be the last three years preceding the submission deadline.

The objective of this criterion is to examine whether or not the tenderer (i.e. the consortium as a whole, in the case of a tenderer from a consortium):

- has sufficient ongoing staff resources and expertise to be able to handle the proposed contract
- is not a so-called ‘body shop’, i.e. a tenderer with no real expertise in fields related to the contract but which simply identifies and proposes experts to fit the service contract description

Note that criterion should not discourage participation to this call for tenders.

[If same criteria for legal and natural persons

Examples of professional criteria for legal and natural persons:

- has a professional certificate appropriate to this contract, such as <specify>;
- at least <number related to the quantity of expertise required for this contract> staff currently work for the tenderer in fields related to this contract; and

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

[If separate criteria for legal and natural persons

Examples of professional criteria for legal persons: see examples of professional criteria for legal and natural persons above.

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc.>

Examples of professional criteria for natural persons:

- has a professional certificate appropriate to this contract, such as <specify>;

- is currently working/has worked during the past 3 years < as manager/team-leader etc. > with <number related to the quantity of expertise required for this contract> collaborators in fields related to this contract.

Criteria for natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

- 3) Technical capacity of tenderer** (based on items 5 and 6 of the tender form). The reference period which will be taken into account will be the last [three years] preceding the submission deadline.

The objective of this criterion is to examine whether or not the tenderer (i.e. the consortium as a whole, in the case of a tender from a consortium) has sufficient expertise and experience to be able to handle the proposed contract.

[If same criteria for legal and natural persons]

Example of technical criterion for legal and natural persons:

- the tenderer has provided services under at least < insert number > contract[s] [each] with a budget of at least that of this contract in <specify fields> which [was] [were] implemented at any moment during the following period: < dates>.

This means that the service contract the tenderer refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to service contracts completed within the reference period (although started earlier) or to service contracts not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (- statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a tenderer has implemented the service contract in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

[If separate criteria for legal and natural persons]

Example of technical criterion for legal persons: see example of technical criterion applicable to both legal and natural persons above.

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc.>

Example of technical criterion for natural persons:

- the tenderer has worked successfully on at least < insert number > project[s] with a budget of at least that of this contract in fields related to this contract in the past three years

Criteria for natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

17. Award criteria

Best price-quality ratio.

TENDERING

18. Deadline for submission of tenders

The deadline for receipt of tenders is specified in point 8 of the Instruction to Tenderers.

19. Tender format and details to be provided

Tenders must be submitted using the Tender submission form, the format and instructions of which must be strictly observed.

The tender must be accompanied by a Declaration on honour on exclusion and selection criteria using the format in Annex VIII to the draft contract.

Any additional documentation (brochure, letter, etc.) sent with a tender will not be taken into consideration.

20. How tenders may be submitted

Tenders must be submitted in English exclusively to the Contracting Authority, using the means specified in point 8 of the Instructions to Tenderers.

Tenders submitted by any other means will not be considered.

By submitting a tender, tenderers accept to receive notification of the outcome of the procedure by electronic means.

21. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 9 of the Instructions to Tenderers. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

22. Operational language

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

23. Legal basis

CEFTA Secretariat Mandate

CEFTA Agreement

Grant Contract - External Actions of the European Union- CN 2018/403-296 under IPA II.

24. Additional information

Financial data to be provided by the candidate in the standard application form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the Info Euro exchange rate of January 2022, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

<As appropriate: e.g. opening hours of the contracting authority, the amount of incidental expenditure if this is higher than normal etc.>