

SERVICE CONTRACT NOTICE

Implementation of Database of Unsafe/Noncompliant Products Detected on the CEFTA Market

1. Reference

SEED+ 2022-02

2. Procedure

Simplified with publication

3. Programme title

SEED+ 403-296

4. Financing

Grant Contract - External Actions of the European Union - SEED+ 403-296

5. Contracting Authority

CEFTA Secretariat

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The overall objective of the project of which this contract will be a part is to help prevent the distribution and placing of unsafe and non-compliant products on the CEFTA market, targeting in particular: products that do not comply with the applicable technical regulations; products that comply with the technical regulations, but still endanger public interests or life and health of people, animals or plants; and products that are illegal to import.

In particular, the project will support establishing CEFTA central database of unsafe/noncompliant products detected on the CEFTA market that will facilitate sharing of data, documents, knowledge and experiences between authorities working with product safety and enhance cooperation in preventing unsafe or non-compliant products from entering the CEFTA market and ending up in the hands of the consumers. The database should be able to store any

kind of non-compliant products, not only unsafe products, but also products that fail to meet the energy labelling rules, products that don't comply with the rules for emitting electromagnetic noise, non-compliant measuring equipment to mention a few examples.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 100.000,00

CONDITIONS OF PARTICIPATION

10. Eligibility

Participation is open on equal terms to all natural persons who are nationals of and legal persons (participating either individually or in a grouping - consortium - of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined in Annex a2a of the practical guide, for IPA II instrument available on the following link: <http://ec.europa.eu/europeaid/prag/annexes.do?group=A>

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force, candidates or tenderers from the United Kingdom could be rejected from the procurement procedure.

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.

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 Section 2.6.10.1. of the practical guide.

Tenderer included in the lists of EU restrictive measures (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

September 2022

15. Implementation period of the tasks

One year from contract signing date

SELECTION AND AWARD CRITERIA

16. Selection criteria

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.

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 tenderer must have a minimum annual financial turnover of EURO 100.000 calculated as total certified payments received for contracts in progress and/or completed within the last three (3) years.

2) **Professional capacity of tenderer** (based on item 4 of the tender form). The reference period which will be taken into account will be the last five years preceding the submission deadline.

- The tenderer must be in business for at least five years in implementing software development projects.

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 five years preceding the submission deadline.

- The tenderer must have certificate ISO 27001;
- The tenderer must have successfully implemented at least two projects/contracts involving development and maintenance of IT systems in the thematic areas associated to this contract

(market surveillance, product safety), each with a minimum value equivalent to the value of this contract (100,000€).

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.

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. 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 - notably that of nationality - 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 the tender 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 services 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

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 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.

22. Operational language

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

23. Legal basis

CEFTA Secretariat Mandate

CEFT Agreement

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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 InforEuro exchange rate of January 2020, which can be found at the following address:
<http://ec.europa.eu/budget/graphs/inforeuro.html>.