

SERVICE CONTRACT NOTICE

CEFTA Services Regulatory Measures

1. Reference

CEFTA 2023-03

2. Procedure

Simplified procedure

3. Programme title

CEFTA Action Grant

4. Financing

CEFTA Grant 2022- 2025 - IPA 2022 435-160 co-financing CEFTA Parties and the EC/DG NEAR

5. Contracting Authority

CEFTA Secretariat

CONTRACT SPECIFICATION

6. Nature of contract

Global-price

7. Contract description

The overall objective of the Action Grant of which this contract is a part is to (i) increase socioeconomic growth in the region thanks to increased trade and investment; (ii) foster the implementation of the EU acquis pertaining to the EU Single Market in order to accelerate accession to the EU; and (iii) enhance good neighbourly relations through supporting the creation of Regional Trade Area based on CEFTA 2006, as part of the Common Regional Market Action Plan (CRM AP) (specific objective).

The objective of this project is to update the CEFTA Services Regulatory Database by collecting the information on regulatory measures (e.g. laws, regulation, administrative measures) in selected services sectors according to the agreed methodology with the WTO.

8. Number and titles of lots

N/A

9. Maximum budget

EUR 100 000

CONDITIONS OF PARTICIPATION

10. Eligibility

Participation in tendering is open on equal terms to natural and legal persons (participating either individually or in grouping-consortium - of tenderers) which are established in a Member State of the European Union or in a Party or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (Annex A2a to the practical guide)¹. Participation is also open to international organisations.

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 the 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

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

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

Q2/2023

15. Implementation period of the tasks

7 months

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. 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 the 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 average annual turnover of the tenderer must exceed the maximum budget of the contract equivalent to EUR 100 000

2) Professional capacity of candidate (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

- At least 3 staff currently work for the tenderer in the fields related to this contract.

3) Technical capacity of candidate (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last five years preceding the submission deadline.

- the tenderer has provided services under at least 1 contract with a budget of at least that of this contract in the field of legal services which was implemented at any moment during the following period: 2018-2022

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 receipt 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 complete tender dossier with the forms to use will be published.

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 CEFTA Secretariat, 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

Rue de la Loi 42, 1040 Brussels, Phone: +32 2 229 10 11, E-mail: procurement@cefta.int



CEFTA

Central European Free Trade Agreement

SECRETARIAT

CEFTA Secretariat Mandate³

CEFT Agreement⁴

³ [Decision 1/2018 Functioning of Secretariat](#)

⁴ <http://cefta.int/legal-documents/#1463498231136-8f9d234f-15f9>