

WORKS CONTRACT NOTICE

< **Contract title** >

< **Location - Area/region and country/countries** >

[Only in case of suspension 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. Publication reference

< **Publication reference of the corresponding prior information notice** >

2. Procedure

Open

3. Programme title

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

4. Financing

< **Budget line / Financing agreement / Other** >

5. Contracting Authority

[**For direct management:** European Commission, on behalf of and for the account of <the partner country/countries >]

[**For indirect management:** < The partner country >]

< **Address** >

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CONTRACT SPECIFICATIONS

6. Description of the contract

< Recommended maximum: 10 lines >

7. Number and titles of lots

[One lot only]

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

Lots Titles:

01 <title>

02 <title>

<no. and title>]

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

[BUDGET 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 tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N°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 (see also heading 22 below) . Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below 100,000 euros per purchased.]

[BUDGET for calls where the CIR does not apply (e.g. for IPA I): Participation is open to all legal persons (participating either individually or in a grouping – consortium - of tenderers) which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item 22 below). All goods supplied under this contract must originate in one or more of these countries. Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed].

[10th/11th EDF: Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping - consortium - of tenderers) which are established in one of the Member States of the European Union, ACP States or in a country or territory authorised by the ACP-EC Partnership Agreement under which the contract is financed (see also heading 22 below). Participation is also open to international organisations. All supplies and materials under this contract shall originate from one or more of those eligible countries. However, they may originate from any country when the amount value of the supplies and materials to be purchased is below 100,000 euros]

[Other (including 9th EDF, which may apply different eligibility rules)]

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9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Works Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the **Practical Guide**.

10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers [may] [may not] submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

11. Tender guarantee

[Tenderers must provide a tender guarantee of < amount to be specified within the range 1% - 2% of the budget available for the contract, indicating lots separately if necessary > euros when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties.]

OR [No tender guarantee is required.]

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of <insert percentage between 5 and 10%> of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

[For amounts of €345.000 or below, on the basis of objective criteria such as the type and value of the contract, the Contracting Authority may decide not to require such a guarantee. No performance guarantee required])

13. Information meeting and/or site visit

[No information meeting is planned.]

OR [[A mandatory] [An optional] information meeting [and/or] site visit will be held on < Date, venue and contact details to confirm attendance to be specified >.]

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

15. Period of implementation of tasks

<Specify the period from contract signature, or alternative date, until the provisional acceptance>

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SELECTION AND AWARD CRITERIA

16. Selection criteria

< To be specified - according to the criteria used in section 12.2 of the Instructions to Tenderers >

17. Award criteria

~~Where no technical scoring is given to the offers: The most economically advantageous tender is the technically compliant tender with the lowest price.~~

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~~Where very exceptionally a technical scoring is given to the offers: The most economically advantageous tender is the technically compliant tender with the best price-quality ratio.~~

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from < Specify address(es) > upon payment of < Amount and currency >, which [includes] [excludes] courier delivery. It is also available for inspection at the premises of the Contracting Authority, address as in point 5 above. Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to < insert specific e-mail and postal addresses > (mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>.

19. Deadline for submission of tenders

< Time and date to be specified - must be a working day at least (-) in case of international open tender 90 calendar days/ (-) in case of local open procedure 60 calendar days, after the date of publication of this procurement notice (e.g., 10:00 Central European Time on <date>). The deadline for submission of tenders should, if possible, be combined with the public opening session. The Contracting authority's opening hours must also be specified.>

Any tender received by the Contracting Authority after this deadline will not be considered.

20. Tender opening session

< Date and venue of tender opening session >

21. Language of the procedure

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

22. Repetition of similar works

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Subsequent to the initial contract resulting from the current tender procedure, new works consisting in the repetition of similar works, up to the estimated amount of <amount>, may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new works are in conformity with the same basic project.

23. Legal basis¹

[BUDGET: for calls where the CIR applies: Regulation (EU) N°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 and <please introduce here the reference of the Regulation or other instrument under which this contract is to be financed (e.g. DCI, ENPI, ENI, Ifs) - See Annex A2 of the Practical Guide]

[BUDGET: for calls where the CIR does not apply (e.g. for IPA I), -< Regulation or other instrument under which this contract is to be financed> - See Annex A2 of the Practical Guide]

[EDF: Annex IV to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as amended in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010. Reference is made to Annex IV as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014.]

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).