

SUPPLY 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 Union, represented by the European Commission on behalf of and for the account of < the partner country/countries >]

For indirect management [<The partner country>]

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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 an 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.

[If the estimated budget is above or equal to EUR 100 000: All supplies under this contract must originate in one or more of these countries.]

[If the estimated budget (of the tender procedure as a whole or if divided into lots, per lot) is below EUR 100 000: All supplies under this contract may originate from any country.]]

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[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].

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[10th EDF/11th EDF: Participation in tendering is open on equal terms to natural and legal persons (participating either individually or in a grouping – consortium - of tenderers)

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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 item 22 below). Participation is also open to international organisations. All goods supplied under this contract must originate in these countries.

If the estimated budget is above or equal to EUR 100 000: All supplies under this contract must originate in one or more of these countries.]

If the estimated budget (of the tender procedure as a whole or if divided into lots, per lot) is below EUR 100 000: All supplies under this contract may originate from any country.]]

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

9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Supply 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 supplies 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 ; specify separate lots where necessary> 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. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.]

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.]

OR [For amounts of EUR150 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 is required.]

13. Information meeting and/or site visit

[No information meeting is planned]

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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 (see para 8.2 of the instructions to tenderers).

15. Period of implementation of tasks

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

SELECTION AND AWARD CRITERIA

16. Selection criteria

The selection criteria should be clear and non-discriminatory and may not go beyond the scope of the contract. The reference period for financial capacity may not go beyond the last 3 years for which accounts have been closed. The reference period for professional and technical capacities may not go beyond the past 5 years from the submission date. However, for domains subject to rapid evolution a shorter reference period may be chosen, i.e. three years. Consideration has to be made that the criteria chosen below correspond to data requested from the tenderer in the tender form. Furthermore, please verify that the tenderer can submit documentary evidence to prove the relevant selection criteria. See point 2.4.11 of the Practical Guide. If appropriate for the project and subject to the principle of equal treatment separate criteria for natural persons may be requested.

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The following selection criteria will be applied to 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:

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- 1) Economic and financial capacity of tenderer (based on i.a. item 3 of the Tender Form for a Supply Contract). 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 years for which accounts have been closed.

In case of either a contract without Lots, or a contract divided into Lots whereby no different minimum levels of capacity are set for each Lot:

The selection criteria for each tenderer are as follows:]

In case of contracts divided into Lots whereby different minimum levels of capacity are set for each Lot: Lot n° ... (for example Lot 1)

The selection criteria for tenderers to Lot n° ... (for example Lot 1) are as follows:]

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

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- has sufficient financial stability to handle the proposed contract.

Examples of financial criteria for legal persons:

- the average annual turnover of the tenderer must exceed the annualised maximum budget of the contract (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.

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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 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 natural persons:

1-< reference criterion>

2-< reference criterion>

< etc>

- 2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 5 3 years from submission deadline.

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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 ongoing staff resources and expertise to be able to handle the proposed contract

Examples of professional criteria for legal 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 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>;

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- is currently working/has worked during the past 3/5 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 i.a. items 5 and 6 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 3/5 years from submission deadline.

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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

Example of technical criterion for legal and natural persons:

- the tenderer has delivered supplies under at least < insert number > contract[s] with a budget of at least <specify budget> EUR in < specify fields> which were implemented during the following period: < 3/5 years from the submission deadline, please specify the dates>.

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

Criteria for legal persons:

1-< reference criterion>

2-< reference criterion>

< etc >

Criteria for natural persons:

1-< reference criterion>

2-< reference criterion>

< etc >

In case of contracts divided into Lots whereby different minimum levels of capacity are set for each Lot: Lot n° ... (for example Lot 2)

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The selection criteria for tenderers to Lot n° ... (for example Lot 2) are as follows: Idem as above

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Economic and financial capacity of candidate (to be detailed as above):....

Professional capacity of candidate (to be detailed as above):]

Technical capacity of candidate (to be detailed as above):]

In case of contracts divided into Lots whereby additional levels of capacity are added for the case several Lots are awarded to the same tenderer: for example

<In case a tenderer applies to (for example, both Lot n° 1 and Lot n° 2, ...), the tenderer must comply with the following selection criteria:

Economic and financial capacity of candidate (to be detailed as above):....

Professional capacity of candidate (to be detailed as above):]

Technical capacity of candidate (to be detailed as above):]

Capacity-providing entities

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. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of 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. 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 furnished when requested by the Contracting Authority.

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With regard to technical and professional criteria, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

[Optional: Critical tasks

The Contracting Authority requires that the following critical tasks be performed directly by the tenderer itself, or where the tender is submitted by a joint venture/consortium, by one of its participating members: (to be defined)]

17. Award criteria

Price (or, if appropriate after prior approval, the best price-quality ratio, which is a combination of quality and price)

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TENDERING

18. How to obtain the tender dossier

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The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the Contracting Authority. Tenders must be submitted using the standard Tender Form for a Supply Contract 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 shall 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 60 calendar days (30 days for local tenders) after the date of publication of this contract 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.>

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. 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).

23. Additional information

<As appropriate>

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