

WORKS CONTRACT NOTICE

< Contract title >

< Location - Area/region and country/countries >

1. Reference

< Reference >

2. Procedure

Competitive negotiated

3. Programme title

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

4. Financing

The project is [co-financed] [financed] by the European Union, in accordance with the rules of <specify the programme> programme.

[The project is co-financed by < Specify financing body >.]

5. Contracting Authority

EITHER

< European Union, represented by the European Commission on behalf of and for the account of the partner country/countries > (Direct management)

OR

< The partner country > (Indirect management)
< Address>

CONTRACT SPECIFICATIONS

6. Nature of contract

<Lump-sum>

7. Description of the contract

<Recommended maximum: 10 lines >

8. Provisional commencement date of the contract

< Date >

9. Period of implementation of tasks

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

TERMS OF PARTICIPATION

10. Eligibility and rules of origin

Participation in this tender procedure is open only to the invited tenderers.

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 17 below). Participation is also open to international organisations. All goods purchased under the Contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the Breakdown of the Lump-sum Price (Volume 4.2.3) is below 100.000 €.

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 heading 17 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].

[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 17 below). Participation is also open to international organisations. All goods purchased under the Contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the Breakdown of the Lump-sum Price (Volume 4.2.3) is below 100.000 €.]

11. Subcontracting

Subcontracting is allowed. The upper limit authorised for subcontracting is 50% of the value of the tender.

[EDF only: In the selection of subcontractors preference shall be given by the Contractor to natural persons, companies or firms of ACP States capable of performing the work required on similar terms.]

Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

12. Grounds for exclusion

Natural persons, companies or undertakings falling into a situation set out in section 2.3.3.1 ('exclusion from participation in procurement procedures') and section 2.3.3.2 ('rejection from a given procedure') of the Practical Guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in section 2.3.3 of the Practical Guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties and exclusion in accordance with section 2.3.4 of the Practical Guide.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

13. Number of tenders

Tenderers may submit only one tender. Tenders for parts of the works will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

SELECTION AND AWARD CRITERIA

14. Selection criteria

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

< To be specified >

The selection criteria should be clear and non-discriminatory and may not go beyond the scope of the contract. The reference period may not go beyond the past 3 years for economic & financial capacity and not beyond 8 years for professional & technical capacity. Consider which proof documents should be requested for each selection criteria. See point 2.4.11 of the Practical Guide.

14.a Economic and financial capacity of candidate:

Examples of financial criteria:

- the average annual turnover of the tenderer in the past 3 years must be at least <EUR/NC> <.....>
- the tenderer must have access to an amount of credit which exceeds <EUR/NC> <.....>

14.b Technical and professional capacity of candidate:

Examples of professional and technical criteria:

- it must have completed at least <X> projects of the same nature/amount/complexity as the works concerned by the tender and implemented during the following period: <may not go beyond 8 years counting from the submission deadline (5 years for economic sectors subject to rapid evolution) please specify the dates>. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

15. Award criteria

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

[EDF only: To encourage the widest participation of natural or legal persons of ACP States, particular preferences shall be given to permit the optimisation of the physical and human resources of those States. See further section 2.4.10 of the **Practical Guide**.]

TENDERING

16. Ethics clauses

The tenderers are subject to the Ethics clauses, detailed in Section 2.4.14 of the Practical Guide.

17. 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>]

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

[EDF: ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000 as amended (Annex IV)]

18. Appeals

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further section 2.4.15 of the Practical Guide.

19. [To be included only in case of direct management:] Data protection

If processing your reply to the invitation to tender involves the recording and processing of personal data (such as names, addresses and CVs), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the invitation to tender and technical specifications and will be processed solely for that purpose by the data controller. Details concerning processing of your personal data are available on the privacy statement at <http://aideprgp.cc.cec.eu.int:1261/europeaid/prag/annexes.do?group=A&locale=en>

For EuropeAid: The Controller of call for tenders is the Head of Unit R3

For Enlargement; The Controller of your call for tender is <please add the name of your Controller>

For any other DG: <please add the name of your Controller >

20. [To be included only in case of direct management:] Early Detection and Exclusion System

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the Early Detection and Exclusion System (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.]