Public document to be completed by the Project partner

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| Note: Tender Dossier is completed by the Contracting Authority with the purpose of providing potential tenderers with all information necessary to submit their offers. Tender Dossier should be adjusted to the actual technical specifications and needs of the Contracting Authority (Project Partner).  **THIS INSTRUCTION IS VALID FOR THE ENTIRE TENDER DOSSIER** |

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| This Contract Notice is completed by the Contracting Authority. Contacting Authority provides potential tenderers with all information necessary to submit their offers.  This document contains highlighted text, as follows:   1. Instructions for the Project Partners (Contracting Authorities) are highlighted yellow. They can be obligatory or optional. Instructions are to be deleted before Tender Dossier publication or replaced with the required information (such as Contract Title, Procedure ref. number, etc.).   Options/text choice is highlighted gray. If text is highlighted gray, you need to choose the text that is appropriate for you. |

**SUPPLY CONTRACT NOTICE**

**<Contract title>**

**<Ref. number>**

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

1. **Publication reference**

<Repeat reference number >

1. **Procedure**

Open/Simplified

1. **Programme title**

Interreg IPA Cross-border Cooperation Programme Croatia-Serbia 2014-2020

1. **Financing**

< Budget line >

1. **Project partner**

<**Please state** Contracting Authority name, address, and registration number> ]

**CONTRACT SPECIFICATIONS**

1. **Description of the contract**

<Recommended maximum: 10 lines>

1. **Number and titles of lots**

[One lot only]

[If more than one lot: < number> lots

Lots Titles:

01 <title>

02 <title>

<no. and title>]

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation in the award of procurement contracts and other award procedures for actions financed under the Programme is open to all legal persons which are effectively established in the participating countries, other Member States, other IPA II beneficiaries, contracting parties to the Agreement on the European Economic Area and partner countries covered by the European Neighbourhood Instrument (hereafter referred to as ‘eligible countries’), and to International Organisations.

All supplies purchased under a procurement contract, or in accordance with a grant agreement, financed under IPA II shall originate from an eligible country or from any country which is eligible under the rules of the partner or other donor or member state or determined in the constitutive act of the trust fund.

As the Croatian national rules do not contain any restrictions as regards the rules of origin, all goods can originate from any country, irrespective of any thresholds.

1. **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 2.6.10.1. of the Practical Guide.

1. **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.

1. **Tender guarantee**

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| Tender Guarantee is used to reduce the risk for the Contracting Authorities in the tendering phase (e.g. in cases where Tenderers reject to sign the contract). However, please bear in mind that requiring Tender Guarantee is not obligatory and if required, it may discourage potential tenderers from sending their offers.  Please also bear in mind that if required, it should be stated in absolute amount, and same for all tenderers (i.e. it should not be based on the percentage of each individual offer). |

[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.]

1. **Performance guarantee**

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| Performance Guarantee is used to reduce the risk for the Contracting Authorities in contract implementation.  Please bear in mind that requiring Performance Guarantee is not obligatory. If required, it should be respected and activated as per breach of contract.  If required, it should be stated in percentage, based on the winning offer. |

[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 Project partner. 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 [On the basis of objective criteria such as the type and value of the contract, the Project partner may decide not to require such a guarantee: No performance guarantee is required. ]

1. **Information meeting and/or site visit**

No information meeting is planned.

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| Exceptionally, information meeting may be held. In this case, exact date and venue must be announced. No tenderer may gain competitive advantage after such meeting is held. |

1. **Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Project partner 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).

1. **Period of implementation of tasks**

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

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| Please bear in mind that Period of implementation of tasks must be clear and comprehensive:   * It must be clear when does this period commence, * It must be clear what does this period include (e.g. supply, manufacture, delivery, unloading, installation, commissioning, maintenance, after-sales service) and what are the deadlines for each task, if possible, * It must include 30 days for the Contracting Authority to issue the certificate of provisional acceptance.   This period should be defined in the Special Conditions and aligned. |

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

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| Please bear in mind that it is obligation of the Project partner to ensure best value for money and transparency of the procedure. Therefore, Tender documentation may not create other unjustified obstacles to participation in the procedure or submission of offers (e.g. so as to limit the possibility to submit tenders for Tenderers from a particular region or country, or to restrict the submission of tenders by introducing criteria that are disproportionate or unrelated to the subject-matter of the procurement, or by indicating the conditions by which it would be required that individual experts are from specific regions, for example. "from the Republic of Croatia”, recognition of diplomas and certificates only from national universities, etc.).  The selection criteria must be:   * related to the subject-matter of the procurement * 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 (Tender form should be aligned with this Contract Notice).  Please verify that the tenderer can submit documentary evidence to prove the relevant selection criteria (see point 2.6.11 of the Practical Guide), i.e. in case Contracting Authority uses any of the suggested criteria, it is necessary to define minimum levels that must be satisfied by the Tenderers. Hence, it is not appropriate to use general requirements, such as „technical and professional capacity will be proven through educational and professional qualifications of the contractor and/or those of the undertaking’s managerial staff, and especially person(s) responsible for managing the works“), but it is necessary to define which are those minimum levels of technical and professional capacity e.g. of the managerial staff (and which managerial staff) that need to be satisfied.  If appropriate for the project and subject to the principle of equal treatment separate criteria for natural persons may be requested. |

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:

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:]

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| The objective of this criterion is to examine whether or not the tenderer (i.e., the consortium as a whole) will not be economically dependent on the Project partner in the event that the contract is awarded to it; and has sufficient financial stability to handle the proposed contract.  Criteria should apply to a consortium as a whole.  **Examples of financial criteria for legal persons:**   * the average annual turnover of the tenderer must exceed the annualised maximum budget of the contract (as a good international practice and standard set in the Public procurement Directive, minimum annual turnover requested may not exceed 2 times the estimated annual contract value); and * Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least XY (e.g. 1). * Tenderer may prove it’s insurance policy potential for the relevant field.   In setting any of the criteria, please bear in mind what purpose and/or insurance does it provide you with. |

* Criteria for legal 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.  Criteria should apply to a consortium as a whole.  **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>   Please bear in mind tenderers should not be limited with this criterion, i.e. only criteria that are not-discriminating and relevant for the subject-matter of the procurement may be required. |

Criteria for legal 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, such as:   * a list of the principal contracts on the delivery of supplies executed in the past 3/5 years from the submission deadline, please specify the dates, indicating the amount and date of delivery, and the name of the other party. Contracts must be in the same or similar field as the subject-matter of the procurement, and requested value of contracts may not exceed estimated value <of the procurement / of the tender / of the lot> (fulfilment of the criteria may be requested with one or more contracts). * an indication of the technicians or technical departments involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control (whether or not they are employed in the Tenderer) * the educational and professional qualifications of the supplier and/or those of the undertaking’s managerial staff, and especially person(s) responsible for the activities of sitting and installation of the products being procured * the description of the technical facilities and measures used by the supplier for ensuring quality and the economic operator's study and research facilities * samples, descriptions and/or photographs of products, the authenticity of which, at the request of the Contracting Authority, must be certified * certificates drawn up by the official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to specifications or standards.   Criteria should apply to a consortium as a whole.  **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>

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

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

***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 Project partner are when the tender rely in majority on the capacities of other entities or when they rely on key criteria. If the tender rely on other entities it must prove to the Project partner 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 Project partner.

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.

1. **Award criteria**

[The sole award criterion will be the price. The contract will be awarded to the lowest compliant tender.]

[In exceptional cases of supply contracts including particularly significant ancillary services (such as after sales services and/or training): The compliant tender that offers the best price-quality ratio will be chosen based on the following criteria.

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| **In this case** it is necessary to specify the relative weighting (importance) assigned to each of the criteria chosen to determine the offer with the best price-quality ratio, the scoring system and the methodology to be applied for the examination and evaluation of tenders, along with information, specifications, etc. that Tenderers must submit within the offer in order to enable the Contracting Authority to effectively assess the offers (i.e. criteria must not confer an unrestricted freedom of choice on the contracting authority.)  Criteria must not be discriminating and must be related to the subject-matter of the procurement.  In accordance with the criteria, Contracting Authority determines the offer with the best price-quality ratio. In the case of the same number of points, the Contracting Authority may in the Tender documentation specify additional criterion to determine the best offer - for example, it can be considered to be the tender with the lowest price, or the tender that was received earlier. |

**BEST PRICE-QUALITY RATION CRITERIA AND THEIR RELATIVE WEIGHTING:**

|  |  |
| --- | --- |
| **Criterion (including criteria description, sub-criteria description, and relative weighting for all sub-criteria)** | **Relative weighting** |
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**TENDERING**

1. **How to obtain the tender dossier**

For open procedure: The tender dossier is available from the following Internet address: <insert publication addresses>. The tender dossier is also available from the Project partner. 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 Project partner 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 <insert publication addresses>

1. **Deadline for submission of tenders**

<Time and date to be specified- must be a working day at least:

* + 60 calendar days for international tenders
  + 30 calendar 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 be combined with the public opening session.>

Any tender received by the Project partner after this deadline will not be considered.

1. **Tender opening session**

<Date and venue of tender opening session (Best practice: same as the deadline for the submission of offers: >

1. **Language of the procedure**

All written communications for this tender procedure and contract must be in English / in any of official languages of programme participating countries in Latin letter.

1. **Legal basis[[1]](#footnote-1)**

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, Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II), The Interreg IPA Cross-border CooperationProgramme Croatia-Bosnia and Herzegovina-Montenegro 2014-2020 (HR-BA-ME).

1. **Additional information**

<As appropriate>

1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-1)