Public document to be completed by the Project partner

|  |
| --- |
| Note: Tender Dossier is completed by the Contracting Authority (Project Partner) 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/terms of references and needs of the Contracting Authority (Project Partner).  **THIS INSTRUCTION IS VALID FOR THE ENTIRE TENDER DOSSIER** |

|  |
| --- |
| 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:  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. |

|  |
| --- |
| PLEASE NOTE:  All references to “shortlisted” candidates are applicable to “pre-selected” candidate in Simplified procedure (companies that Project partner selected to invite to deliver their offers). |

**SERVICE CONTRACT NOTICE**

**< Contract title (include your project’s name/acronym) >**

<**Ref. number>**

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

**1. Publication reference**

<Repeat reference number >

**2. Procedure**

<Open/Simplified procedure>

**3. Programme title**

Interreg VI-A IPA programme Croatia – Bosnia and Herzegovina – Montenegro

**4. Financing**

< Budget line/s >

**5. Contracting Authority**

**(Project partner)**

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

**CONTRACT SPECIFICATION**

**6. Nature of contract**

[Global price] [Fee-based]

|  |
| --- |
| Note:  A service contract may be concluded in two different ways:  **Global price** - where specified outputs are set out, i.e. the contractor must provide a given product. The service will be paid on the basis of the delivery of the specified outputs. Payments might be totally or partially withheld if the contractual results have not been reached. Partial payments have to be determined according to the partial implementation of the outputs.  **Examples of global price contracts:**   * Studies (identification and preparation of projects, feasibility studies, economic and market studies, technical studies (geotechnical study, environmental study, economic study, etc.), drafting a legal document, evaluations and audits), evaluations, audits, organisation of events such as conferences, trainings.   **Fee-based -** where the output is unpredictable, or where the workload to achieve the specified output is impossible to quantify in advance. Therefore it is economically more advantageous to pay the services on the basis of time actually worked.  **Examples of fee-based activities:**   * Project supervision, resident technical assistance, facilitation in a multi-stakeholder process (depending of the complexity of the environment). * Training activities, where the trainings would be paid on a fee-based basis   **General remarks:**   * Fee-based service are used where day-to-day assistance is required and measured by hours / days assisted (i.e. main objective of the contract is to give support on a continuous basis to the Project Partner), or where the output of the contract is difficult or impossible to define in advance * In other cases the use of global price service contracts is more appropriate. * Advantages: * Global price contracts set payments against actual outputs/deliverables (e.g. the deliverables could be related to the progress inception report/interim report/final report or to the different parts of a study/report/event) depending on the project in question. * Global price contract can include incidental expenditures (e.g. for the organisation of events, travel, etc. even where the number of participants and its financial implications are difficult to estimate. * Global price contracts may also require key experts. * An example where key experts are not deemed necessary is a mission which consists in a well-defined technical output, e.g. design documents for an investment project. In that case, provided the contractor has got internal capacities, the professional responsibility should lead the contractor to select the best possible staff in order to deliver the expected results. However, depending on the particularities of the project, the contract may need key experts. * An example of a project where key experts could be useful is a project which obliges skills and specific experience / knowledge * Global price contracts generate less micromanagement and verification of time sheets |

**7. Contract description**

<Recommended 10 lines, maximum 20 lines>

**8. Number and titles of lots**

[One lot only]

[If more than one lot: < number> lots

Lots Titles:

01 <title>

02 <title>

<no. and title>]

**9. Maximum budget**

[EUR] [<national currency>

**10. Scope for additional services**

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately <amount>. Any extension of the contract would be subject to satisfactory performance by the Contractor.

|  |
| --- |
| Please note: unless this point is included, not extensions of the contact are possible. However,  when setting the amount, it is recommended not to go above 30% of the contract value. |

**CONDITIONS OF PARTICIPATION**

**11. Eligibility**

Participation is open to all natural persons who are nationals of, and legal persons which are effectively established in the participating countries, other Member States, other IPA III 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 (participating either individually or in a grouping – consortium - of tenderers).

**12. Candidature**

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

**13. Number of applications / tenders**

No more than one application / 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 an application / tender). In the event that a natural or legal person submits more than one application / tender, all applications / tenders in which that person has participated will be excluded.

[if the number of lot is more than one lot, no restrictions may be made in the number of lots a tenderer can be awarded.

The candidates may submit an application / tender for one lot only, several lots or all of the lots, but only one application / tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.]

**14. Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those mentioned in the invitation to tender will be excluded from the tender procedure. Invited candidates may not form alliances or subcontract to each other for the contract in question.

**15. Grounds for exclusion**

As part of the application / tender form, candidates must submit a signed declaration, included in the standard application / tender form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the PRAG.

**16. Sub-contracting**

Subcontracting is allowed.

**17. Number of candidates to be invited**

< For simplified procedure at least three (3) entities must be invited >

**PROVISIONAL TIMETABLE**

**18. Provisional date of invitation to tender**

< Date >

|  |
| --- |
| Note:  Contract Notice is sent together with the Invitation to Tender minimum 30 days before the deadline for submission of offers. |

**19. Provisional commencement date of the contract**

< Date >

**20. Initial period of implementation of tasks**

<Specify the period in days, from contract signature, or alternative date, until the end date or execution >

|  |
| --- |
| 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 (what activities) and what are the deadlines for each task, if possible, * It must include time for the Contracting Authority to verify / approve the outputs   This period should be defined in the Special Conditions and aligned. |

**SELECTION AND AWARD CRITERIA**

**21. Selection criteria**

|  |
| --- |
| Please bear in mind that it is obligation of the Project partner to ensure best value for money / best price-quality ratio 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 (Application / 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 PRAG), 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. |

Please note that selection criteria shall never be re-used as award criteria (see section 2.6.11.5. of PRAG).

The following selection criteria will be applied to candidates. In the case of applications / 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 candidate (**based on item 3 of the application / tender form). In case of candidate 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) 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 and natural 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. * the financial situation of the candidate should not be in deficit, taken into account debts, at the beginning and end of year (for natural person)   In setting any of the criteria, please bear in mind what purpose and/or insurance does it provide you with.  Note: 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 „financial capacity will be proven through delivery of GFI-POD and BON2“), but it is necessary to define which are those minimum levels of financial capacity that need to be satisfied.> |

Criteria for legal and natural persons:

1-< reference criterion>

2-< reference criterion>

< etc>]

**2)** **Professional capacity of candidate** (based on items 4 and 5 of the application / tender form). The reference period which will be taken into account will be the last [five] [three] years from submission deadline.

|  |
| --- |
| 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 and natural 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> * Key experts have expertise detailed in the Terms of Reference (point 6). * is currently working/has worked during the past 3 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.] (for natural person)   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 and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc>]

**3) Technical capacity of candidate** (based on items 5 and 6 of the application / tender form). The reference period which will be taken into account will be the last [five][three] years from submission deadline.

|  |
| --- |
| 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:   * The candidate has provided services under minimum one up to maximum <insert number> contract[s] with a cumulated budget of at least that of this contract in same or similar fields <specify fields> which [was] [were] implemented at any moment during the reference period: < 5 years from the submission deadline >. This means that the project the candidate 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. Candidates/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 requested, proper evidence of performance must be provided, i.e. statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used * 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 description of the technical facilities and measures used by the economic operator for ensuring quality and the economic operator's study and research facilities * the educational and professional qualifications of the service provider and/or those of the undertaking’s managerial staff, and especially person(s) responsible for the providing the services * only in justified cases, a statement concerning the measures of environmental management which the economic operator will be in the position to apply during the performance of the contract * a statement by the economic operator on the average annual manpower of the service provider and the number of managerial staff for the past three years * a statement by the economic operator concerning the tools, plant or technical equipment available to the service provider for carrying out the contract   Criteria should apply to a consortium as a whole.  Note: projects should be recognized if they were implemented in the same or similar field. If anyhow possible, for the purposes of transparency, please state what exactly same or similar fields are, and what do you as a contracting authority consider same or similar fields. |

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc>]

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

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 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 - notably that of nationality – and must fulfil the same relevant selection criteria as the economic operator. 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 works or 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.

**22. Award criteria**

Best price-quality ratio.

|  |
| --- |
| Note: please refer to the Evaluation Grid for detailed instructions on how to prepare the award criteria. |

**APPLICATION**

**23. Deadline for receipt of applications / tenders**

|  |
| --- |
| Note - Contract Notice is sent together with the Invitation to Tender minimum 30 days before the deadline for submission of offers. |

The candidate attention is drawn to the fact that there are two different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[1]](#footnote-1), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

< Time and date to be specified - (must be at the close of business of a working day at least 30 calendar days after the date of publication of this procurement notice): e.g., <time hh:mm> Central European Time or local time on <date dd/mm/yyyy> >

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

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

**24. Application format and details to be provided**

Applications / tenders must be submitted using the standard tender form, provided in the Tender Dossier, the format and instructions of which must be strictly observed.

Any additional documentation (brochure, letter, etc.) sent with an application / tender will not be taken into consideration.

**25. How applications may be submitted**

Applications / tenders must be submitted in English / in any of official languages of programme participating countries in Latin letter exclusively to the Contracting Authority in a sealed envelope:

* EITHER by recorded delivery (official postal service) to :

<Name of contact person  
Address of Contracting Authority>

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

* OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

<Name and telephone number of contact person  
Address of Contracting Authority including opening hours >

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

The Contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application / tender and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications / tenders submitted by any other means will not be considered.

By submitting an application / tender candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application / tender.

**26. Alteration or withdrawal of applications / tenders**

Candidates may alter or withdraw their applications / tenders by written notification prior to the deadline for submission of applications/ tenders. No application / tender may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

**27. Operational language**

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 .

**28. Date of publication of prior information notice**

N/A

**29. Legal basis[[2]](#footnote-2)**

Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (Interreg Regulation),

Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012,

Interreg VI-A IPA programme Croatia – Bosnia and Herzegovina – Montenegro.

**30. Additional information**

<As appropriate>

\* \* \*

1. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-1)
2. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-2)