

## Additional information about the Contract Notice

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

### [Only in case of suspensive 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. Nature of contract

[For service contracts] [global price] [fee-based]

[For supply contracts] [unit price] [lump sum] [hybrid]

[For works contracts] [unit price] [lump sum]

### 2. Programme title

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

### 3. Financing

< Budget line / financing agreement / other >

### 4. Eligibility and rules of origin

Participation is open on equal terms to all natural and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) effectively established in a Member State of the European Union or in a Party or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (Annex A2a to the

practical guide)<sup>1</sup> to the practical guide of the call. Tenderers must state their nationality in their tenders and provide the usual proof of nationality under their national legislation. Participation is also open to international organisations.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\* and Annex IV of the ACP-EU Partnership Agreement\*\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom \*\*\*\*. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* Regulation (EU) No 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.

## 5. Candidature

All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority. In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.

The participation of an ineligible natural or legal person 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.

## 6. Number of applications or tenders

No more than one application or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.

In case of lots, the candidates or tenderers may submit only one application or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

## 7. **For service and works contracts under restricted procedure:**

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<sup>1</sup> <https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

### **Grounds for exclusion**

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Declaration on honour on exclusion criteria and selection criteria (Annex).

Candidates or tenderers included in the lists of EU restrictive measures at the moment of the award decision cannot be awarded the contract

### **8. Sub-contracting**

Sub-contracting is allowed up to [%] of the value of the implementation services within this Contract.

### **9. Number of candidates to be short-listed**

On the basis of the request to participate received, between 4 and [for service contracts: 8] [for works contracts: 6] candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the contracting authority may invite the candidates who satisfy the criteria to submit a tender. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.

### **10. Short-list alliances prohibited**

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed request to participate forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained – see practical guide 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

### **11. Provisional date of invitation to tender**

< Date >

### **12. Provisional commencement date of the contract**

< Date >]

### **13. Period of implementation of tasks**

< Month >

### **14. Language of the procedure**

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

### **15. Additional information**

Financial data to be provided by the candidate in the request to participate form or in the tender submission form must be expressed in [EUR].

<Additional information related to the submission. As appropriate.>

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## SELECTION [for services and works under restricted procedure: **AND AWARD**] CRITERIA

### 16. Selection criteria

#### Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document.** Proof of the capacity will also have to be provided when requested by the contracting authority.

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 tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

#### [For service and supply contracts:

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 capacity may not go beyond 3 (for service and supply contracts) or 5 (for works contracts) years from the submission deadline. However, where necessary in order to ensure an adequate level of competition, the contracting authority may indicate that evidence of relevant services performed or relevant supplies delivered more than 3 years before will be taken into account. Consideration has to be made that the criteria chosen below correspond to data requested from the candidate or tenderer in the request to participate or tender form. Furthermore, please verify that the candidate or tenderer can submit documentary evidence to prove the relevant selection criteria.

[For service contracts: Please remember that the selection criteria are applied to the entity/entities signing the contract and cannot be applied to the experts whose CVs are evaluated in the technical

evaluation. Therefore, particular attention should be paid when setting specific selection criteria for assessing the technical and professional capacity of natural persons. Please note that selection criteria shall never be re-used as award criteria..]

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 candidates. In the case of requests to participate submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

[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:]

[For supply contracts: In case of contracts divided into lots whereby different minimum levels of capacity are set for each lot. Repeat for each lot:

Lot n° <lot number>

The selection criteria for tenderers to Lot n° <lot number> are as follows:]

**1) Economic and financial capacity** (based on item 3 of the request to participate form, or on item 3 of supply 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.

The objective of this criterion is to examine whether or not the candidate (i.e., the consortium as a whole, in the case of a request to participate from a consortium):

- will not be economically dependent on the contracting authority in the event that the contract is awarded to it; and
- has sufficient financial stability to handle the proposed contract.

**[If same criteria for legal and natural person**

**Examples of financial criteria for legal and natural persons:**

- [the average annual turnover of the candidate or tenderer for the years <not beyond 3 last financial years available> must <exceed/be equal to> the annualised maximum budget of the contract i.e., the maximum budget stated in the contract notice divided by the initial contract

duration in years, where this exceeds 1 year (minimum annual turnover requested may not exceed two 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.]

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

< etc.>]

### **[If separate criteria for legal and natural persons**

**Examples of financial reference criteria for legal persons:** see examples of financial criteria for legal and natural persons above

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc.>

### **Examples of financial criteria for natural persons:**

- the available financial resources of the candidate must exceed the annualised maximum budget of the contract i.e., the maximum budget stated in the procurement notice divided by the initial contract duration in years, where this exceeds 1 year (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
- the financial situation of the candidate 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** (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.

The objective of this criterion is to examine whether or not the candidate/tenderer (i.e., the consortium as a whole, in the case of a request to participate from a consortium):

- has sufficient ongoing staff resources, expertise and experience to be able to handle the proposed contract;
- is not a so-called ‘body shop’, i.e. a candidate/tenderer with no real expertise in fields related to the contract but which simply identifies and proposes experts to fit the project description.

Note that criteria should not discourage requests to participate.

#### **[If same criteria for legal and natural persons**

##### **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> staff currently work for the tenderer in fields related to this contract;

Criteria for legal and natural persons:

1-< reference criterion>

2-< reference criterion>

< etc.>]

#### **[If separate criteria for legal and natural persons**

**Examples of professional criteria for legal persons:** see examples of professional criteria for legal and natural persons above.

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>;
- 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.

Criteria for natural persons:

1-< reference criterion>

2-< reference criterion>

< etc.>]

- 3) **Technical capacity** (based on items 5 and 6 of the request to participate form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the < recommended: last three years > from submission deadline.

The objective of this criterion is to examine whether or not the candidate (i.e. the consortium as a whole, in the case of a request to participate from a consortium) has sufficient expertise and experience to be able to handle the proposed contract.

**[If same criteria apply to legal and natural persons**

**Example of technical criterion applicable to both legal and natural persons:**

The candidate has provided services or supplies under at least <insert number> contract[s] [each] with a budget of at least <specify budget> EUR in <specify fields> which [was] [were] implemented at any moment during the reference period: < insert number of years >.

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

**[If different criteria apply to legal and natural persons**

**Examples of technical criteria for legal persons:** see example of technical criterion applicable to both legal and natural persons above.

**Example of technical criterion for natural persons:**

The candidate has worked successfully on at least < insert number > project[s] with a budget of at least that of this contract in fields related to this contract in the past three years.

Criteria for legal persons:

1-<reference criterion>



2-<reference criterion>

<etc.>

Criteria for natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]]

[For supply contracts: 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 candidate applies simultaneously to the following lots <insert numbers>, the tenderer must comply with the following selection criteria:

**1) Economic and financial capacity** <to be detailed as above>

**2) Professional capacity** <to be detailed as above>

**3) Technical capacity** <to be detailed as above>]

[For service contracts: If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the request to participate of these candidates must be re-examined in order to rank them and identify the 8 best requests to participate for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the order in which they appear below, are:

**<Example:**

- the highest number of projects that meet criterion 3.1;
- the highest cumulated value of the projects that meet criterion 3.1.

**N.B.:** additional comparative criterion No 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion No 1, it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion No 2 shall be applied only to these tied candidates.>]

[For works contracts under restricted procedure, please adapt and insert the selection criteria listed in Section 12.2 of the instructions to tenderers.]

[For works contracts under open procedure: The selection criteria are described in section 12.2 of the instruction to tenderers]

[For services and works contracts under restricted procedure:

## 17. Award criteria

[Service contracts: Best price-quality ratio.]

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[For service and works contracts under restricted procedure:  
**APPLICATION AND TENDERING**

## 18. Applications format and details to be provided

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address: <https://cefta.int/tenders/#tabs-2>

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

## 19. How applications may be submitted

Applications must be submitted in English exclusively to the contracting authority in a sealed envelope.

- Either by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

*The Secretariat of the Central European Free Trade Agreement 2006  
Rue de la Loi 42, 1040 Brussels*

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

*The Secretariat of the Central European Free Trade Agreement 2006*

*Rue de la Loi 42, 1040 Brussels*

*9.00 am to 5.00 pm*

The contract title and publication reference (see contract notice) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the contracting authority.

Applications submitted by any other means will not be considered.

By submitting an application candidate 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 form.

## 20. Deadline for submission of applications

The deadline for submission of applications can be found in the Contract Notice under IV.2.2.

Any request to participate sent to the contracting authority after this deadline will not be considered.

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

## **21. Clarifications on the contract notice**

Clarifications may be sought from the contracting authority at the following email address [procurement@cefta.int](mailto:procurement@cefta.int) at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

Clarifications will be published at <https://cefta.int/technical-assistance/tenders/> at the latest 5 days before the deadline for the submission of applications.

## **22. Alteration or withdrawal of applications**

Applicants may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline.

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

## **23. Legal basis**

CEFTA Secretariat Mandate<sup>2</sup>

CEFTA Agreement<sup>3</sup>

<Other>

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<sup>2</sup> [Decision 1/2018 Functioning of Secretariat](#)

<sup>3</sup> <https://cefta.int/about/documents/legal-documents/>