**Additional information about the Contract Notice**

***Supply for Automatic Observatory Tower (AOT)***

Municipality of Makedonska Kamenica, Republic of North Macedonia

1. **Nature of contract**

**Unit price**

1. **Programme title**

INTERREG – IPA CBC Bulgaria – Macedonia Programme CCI No. 2014TC16I5CB006

1. **Financing**

The project is financed by the European Union, in accordance with the rules of INTERREG – IPA CBC Bulgaria – Macedonia Programme CCI Number 2014TC16I5CB006

1. **Legal basis, eligibility and rules of origin**

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) who are effectively established in a Member State of the European Union or in an eligible country or territory as defined under Article 28of Regulation (EU) N° 2021/947.

For this contract award procedure, financed by European Union, in accordance with the rules of INTERREG – IPA CBC Bulgaria – Macedonia Programme CCI Number 2014TC16I5CB006, participation is open without limitations.

Participation is also open to international organisations.

All supplies under this contract may originate in any country.

The legal basis of this procedure is Council Regulation (Euratom) 2021/948 of 27 May 2021 establishing a European Instrument for International Nuclear Safety Cooperation complementing the Neighbourhood, Development and International Cooperation Instrument – Global Europe on the basis of the Treaty establishing the European Atomic Energy Community See Annex A2 of the practical guide.

For this contract award procedure, participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a  Member State of the European Union or in an eligible country or territory as defined under Article 11 of Regulation (EU) N° 2021/948.

Participation is also open to international organisations.

All supplies under this contract may originate in any country.

Participation in this procurement procedure is open on equal terms to all natural and legal persons falling within the scope of the Treaties. .

The legal basis of this procedure is 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 and from the publication of the COUNCIL DECISION 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (‘Overseas Association Decision’) the following rules are applicable to calls financed under the financial assistance of the EDF:

Participation in procurement and grant procedures financed by the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument contributing to Stability and Peace (IcSP)[[1]](#footnote-1) is fully untied[[2]](#footnote-2).

1. **Candidature**

**All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.**

**A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.**

**The participation or tender 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.**

1. **Number of requests to participate or tenders**

**No more than one request to participate 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 a request to participate or tender). 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.**

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

1. **Grounds for exclusion**

Candidates must submit a signed declaration, included in the request to participate form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG).** Where the candidate intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity (ies).

Candidates included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

1. **Sub-contracting**

Sub-contracting is allowed.

1. **Number of candidates to be short-listed**

**On the basis of the request to participate received, between 4 and 8 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.**

1. **Short-list alliances prohibited**

**Any tenders received from tenderers having a different composition that 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.**

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

25.05.2022

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

14.07.2022

1. **Period of implementation of tasks**

Period of implementation of tasks is 3 months from the date of signature of the contract.

1. **Language of the procedure**

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

1. **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 If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the Infor Euro exchange rate of **MONTH and YEAR** of the applicable Infor Euro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting requests to participate, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**SELECTION AND AWARD CRITERIA**

1. **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.

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.

The selection criteria for each tenderer 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 average annual turnover of the candidate or tenderer for the past 3 financial years must exceed the annualised maximum budget of the contract

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:

The average annual turnover of the tenderer must be at least the equivalence of the offer for this tender

**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.

• has at least 3 (three) 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.

• has a professional certificate appropriate to this contract, such as installation, maintaining and troubleshooting the photo voltage panels; certificated personnel to setup, configure and troubleshoot problems in wireless long distance computer networking,

**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 at last 3 (three) years from submission deadline.

Criteria for legal and natural persons as follows:

• The candidate has provided supplies under at least 1 contract with a budget of at least of the value of the offer in the field of supply of IT equipment and/or software which was implemented at any moment during the reference period: 3 (three) 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.

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

1. **Award criteria**

Best price-quality ratio.

**PARTICIPATION**

1. **Requests to participate format and details to be provided**

Requests to participate must be submitted using the request to participate form, the format and instructions of which must be strictly observed. The request to participate form is available from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

The request to participate must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

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

1. **How requests to participate may be submitted**

Requests to participate 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:

Municipality of Makedonska Kamenica

2 Kamenicka Str,

Makedonska Kamenica. 2304

North Macedonia

Contact Person: Goce Angelov

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:

Office No: 8

Main building of Municipality of Makedonska Kamenica

2 Kamenicka Str,

Makedonska Kamenica. 2304

North Macedonia

Contact Person: Goce Angelov Between 07:30h and 15:30h CET

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

Requests to participate submitted by any other means will not be considered.

1. **Deadline for submission of requests to participate**

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

In the first case, the request to participate must be sent before the date and time-limit for submission, as evidenced by the postmark or deposit slip[[3]](#footnote-3), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the request to participate that will serve as proof.

**The deadline for submission of requests to participate can be found in the Contract Notice under IV.2.2.**Unless the Time Zone is specified in eTendering, the “Local Time” mentioned under IV.2.2 in the Contract Notice shall be understood as Central European Time (CET) which is the standard time in Brussels.

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.

1. **Clarifications on the contract notice**

Any request for clarifications must be made in writing through the TED eTendering website accessible from the F&T portal[[4]](#footnote-4)*.* This concerns request for clarifications about the contract notice and also request for clarifications about the content of the document called “Additional information to the contract notice.” Registration on TED eTendering is required to be able to create and submit a question. Clarifications can be requested by clicking “Create a question” in the Questions & Answers tab at the latest 21 days before the deadline for submission of requests to participate stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering website at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidate’s responsibility to check for updates and modifications during the submission period.

1. **Outcome of the evaluation**

By submitting a request to participate 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 request to participate form.

1. **Alteration or withdrawal of requests to participate**

Candidates may alter or withdraw their requests to participate by written notification prior to the deadline for submission of requests to participate. No requests to participate 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.

1. Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1). [↑](#footnote-ref-1)
2. Article 11 CIR. [↑](#footnote-ref-2)
3. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-3)
4. <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home> [↑](#footnote-ref-4)