Document to be completed by the contracting authority and submitted to the invited tenderers

(Not published for the simplified procedure or negotiated procedure)

How to complete this standard contract notice.Please insert information between the <> brackets as indicated for each tender procedure. Square brackets [ ] and parts shaded in grey indicate options to choose: they should be included when applicable, but should only be modified in exceptional cases, dictated by the requirements of a specific call for tenders. All other parts of these standard instructions must be left unchanged. In the final version of the instructions to tenderers, please remember to delete this paragraph, any other text with yellow highlighting and to suppress all brackets.

**SUPPLY 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 tenderers being entitled to claim any compensation.]**

**1. Reference**

< Reference >

**2. Procedure**

[Simplified][Negotiated][Single tender]

**3. Programme title**

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

**4. Financing**

<Budget line/financing agreement/other>

**5. Contracting authority**

[For direct management: European Union, represented by the European Commission on behalf of and for the account of <the partner country/countries>]

[For indirect management: <The partner country >]

**CONTRACT SPECIFICATION**

**6. Nature of contract**

[lump sum] [unit-price] [hybrid]

**7. Contract description**

< Recommended 10 lines, maximum 20 lines>

**8. Number and titles of lots**

[One lot only]

[If more than one lot: <number of lots : (min =2 max=20) >

<Lots Titles:

01 < title>

02 < title>

<no. and title>]

**9.**

**CONDITIONS OF PARTICIPATION**

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

**[For commitments financed by a basic act under the MFF 2021-2027:**

[For NDICI and OAD-Greenland Decision 2021/2021/1764[[1]](#footnote-1):

The legal basis of this procedure is <Regulation (EU) N° 2021/947 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI)[[2]](#footnote-2) >/< OAD-Greenland Decision 2021/1764>. See Annex A2 of the practical guide.

For financing under the OAD-Greenland Decision 2021/1764 and NDICI geographic programmes, Civil Society Organisations and Global Challenges programmes:

For this contract award procedure, financed by < OAD-Greenland Decision 2021/1764>/<NDICI geographic programmes>/<NDICI Civil Society Organisations programme>/<NDICI Global Challenges programme>, 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 28 of Regulation (EU) N° 2021/947.

For financing under NDICI Human Rights and Democracy and Stability and Peace programmes, as well as for the rapid response actions:

For this contract award procedure, financed by <NDICI Human Rights and Democracy programme>/<NDICI Stability and Peace programme>/<NDICI rapid response actions>, participation is open without limitations.

Participation is also open to international organisations.

[For INSC 2021/948[[3]](#footnote-3):

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.

[For IPA III 2021/1529[[4]](#footnote-4):

The legal basis of this procedure is <Regulation (EU) No [1529] establishing the Instrument for Pre-accession Assistance (IPA III)>. 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) No [1529]  establishing the Instrument for Pre-accession Assistance (IPA III).

[For calls financed through appropriations implemented without a basic act, in accordance with Article 58 of Financial Regulation (EU, Euratom) 2018/1046 (i.e. budget lines without basic act[[5]](#footnote-5), to be verified in the correspondent FD):

The legal basis of this procedure is Article 58(2) of 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]

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

Participation is also open to international organisations.]

**[For commitments financed by a basic act under the MFF 2014-2020:**

[General budget of the Union for calls where the CIR applies:

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 <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.

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 a eligible country or territory as defined under Article 8 of Regulation (EU) No 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.

Participation is also open to international organisations.

Participation financed by the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument contributing to Stability and Peace (IcSP)[[6]](#footnote-6) is fully untied[[7]](#footnote-7).

[General budget of the Union for calls where the CIR does not apply (e.g. for IPA I):

The legal basis of this procedure is < Regulation or other instrument under which this contract is to be financed.> See Annex A2 of the practical guide.

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. 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.

[10th EDF/11th EDF:

The legal basis of this procedure is Annex IV to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as amended in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010. Reference is made to Annex IV as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014.

Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping – consortium – of candidates/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.   
  
Participation is also open to international organisations.

[For calls financed through appropriations implemented without a basic act, in accordance with Article 58 of Financial Regulation (EU, Euratom) 2018/1046 (i.e. budget lines without basic act[[8]](#footnote-8), to be verified in the correspondent FD):

The legal basis of this procedure is Article 58(2) of 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.

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

Participation is also open to international organisations.]

[Other basic acts which may apply different eligibility rules: <…………………>]

**[For commitments financed by a basic act under the 2014-2020 or previous MFFs, 11th or previous EDF:**

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 in, 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.

\*\*\* Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

\*\*\*\* Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.**]**

**11. Number of tenders**

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

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

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

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.

**12. Grounds for exclusion**

As part of the tender, tenderers must submit a signed declaration, included in the tender form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide.

Tenderer 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.

**13. Sub-contracting**

Subcontracting is allowed.

**PROVISIONAL TIMETABLE**

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

< Date >

**15. Implementation period of the tasks**

< To be specified >

**SELECTION 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 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 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 capacities may not go beyond the past 3 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 supplies delivered more than 3 years before will be taken into account. Consideration has to be made regarding which proof documents should be requested for the relevant selection criteria. 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. As a general rule, selection criteria cannot be re-used as award criteria. See Section 2.6.11.5 of the practical guide.

If appropriate for the project and subject to the principle of equal treatment separate criteria for natural persons may be published and applied.

The following selection criteria will be applied to the tenderers. In the case of tenders 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.

1. **Economic and financial capacity of the tenderer (**based on item 3 of the tender form). 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 financial 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, in the case of a tender 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 tenderer must exceed 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 2 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 person**

**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 tenderer must exceed 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 2 times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); and
* the financial situation of the tenderer should not be in deficit, taken into account debts, at the beginning and end of year.

Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc.>]

**2)** **Professional capacity of the tenderer (**based on items 4 of the tender form).

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 tenderer (i.e. the consortium as a whole, in the case of a tenderer from a consortium) has sufficient ongoing staff resources and expertise to be able to handle the proposed contract.

Note that criterion should not discourage participation to this call for tenders.

**[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; and

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 of tenderer** (based on items 5 and 6 of the tender form). 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 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.

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

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

* the tenderer has delivered supplies under at least < insert number > contract[s] [each] with a budget of at least that of this contract in <specify fields> which [was] [were] implemented at any moment during the following period: < dates>.

This means that the contract the tenderer 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. Tenderers are allowed to refer either to supply contracts completed within the reference period (although started earlier) or to supply contracts 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 tenderer has implemented the supply contract in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the supplies provided 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 separate criteria for legal and natural persons**

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

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc.>

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

* the tenderer 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 natural 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): ….]

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

**17. Award criteria**

Price (or, if appropriate after prior approval, the best price-quality ratio which is a combination of quality and price).

**TENDERING**

**18. Deadline for submission of tenders**

The deadline for submission of tenders is [date and time].

**19. Tender format and details to be provided**

**Tenders must be submitted using the standard tender form.**

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

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

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

**20. How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority, using the means specified in point 10 of the instructions to tenderers.

**Tenders submitted by any other means will not be considered.**

By submitting a tender tenderers accept to receive notification of the outcome of the procedure by electronic means.

**21. Alteration or withdrawal of tenders**

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 15 of the instructions to tenderers.

**22. Operational language**

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

**23. Additional information**

Financial data to be provided by the candidate in the standard application form must be expressed in [EUR] [<ISO code of national currency> only for indirect management in the following cases: (i) when legal or local constraints exceptionally impose using the national currency; (ii) when needed, for contracts within the imprest component of a programme estimate]. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to [EUR] [<ISO code of national currency> only for indirect management in the following cases: (i) when legal or local constraints exceptionally impose using the national currency; (ii) when needed, for contracts within the imprest component of a programme estimate] shall be made in accordance with the InforEuro exchange rate of [<**MONTH and YEAR>** of the applicable InforEuro 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 applications], which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

<As appropriate: e.g. opening hours of the contracting authority, the amount of incidental expenditure if this is higher than normal etc.>

1. Council Decision (EU) 2021/1764 of 5 October 2021 on the association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and the Greenland and the Kingdom of Denmark on the other (Decision on the Overseas Association, including Greenland); OJ L 355, 7.10.2021, p. 6–134. [↑](#footnote-ref-1)
2. Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009; OJ L 209, 14.6.2021, p. 1–78. [↑](#footnote-ref-2)
3. 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, and repealing Regulation (Euratom) No 237/2014; OJ L 209, 14.6.2021, p. 79–90. [↑](#footnote-ref-3)
4. Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III); OJ L 330, 20.9.2021, p. 1–26. [↑](#footnote-ref-4)
5. Article 21 08 01 — Evaluation of the results of Union aid and follow-up and audit measures; Article 21 08 02 — Coordination and promotion of awareness on development issues and on the enlargement and neighborhood policies. [↑](#footnote-ref-5)
6. 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-6)
7. Article 11 CIR. [↑](#footnote-ref-7)
8. Article 21 08 01 — Evaluation of the results of Union aid and follow-up and audit measures; Article 21 08 02 — Coordination and promotion of awareness on development issues and on the enlargement and neighborhood policies. [↑](#footnote-ref-8)