

## **ADDITIONAL INFORMATION ABOUT THE CONTRACT NOTICE**

### **Covenant of Mayors Eastern Partnership – Phase III**

Eastern Neighbourhood partner countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine)

#### **1. Nature of contract**

Fee-based

#### **2. Programme title**

Covenant of Mayors Eastern Partnership – Phase III

#### **3. Financing**

ENI East Regional Action Programme 2020 – part 4; budget line 22 040202

##### **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) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the 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 (see also heading 'Legal basis' below). Participation is also open to international organisations.

#### **4. 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.

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.

#### **5. 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.

#### **6. Tender guarantee**

No tender guarantee is required.

#### **7. Performance guarantee**

The successful tenderer will be asked to provide a performance guarantee of 5 % of the amount of

the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

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

No information meeting is planned.

**9. Tender validity**

Tenders must remain valid for a period of 3 months after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

**10. Shortlist alliances prohibited**

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed application 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. 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 Section 2.6.10.1 of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or tenderers 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.

**12. Sub-contracting**

Sub-contracting is allowed.

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

On the basis of the applications 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.

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

26 March 2021

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

October 2021

**16. Period of implementation of tasks**

October 2021 – October 2025

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**SELECTION AND AWARD CRITERIA**

**17. Selection criteria**

The following selection criteria will be applied to candidates. In the case of applications 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** (based on item 3 of the service application form, 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.

Criteria for legal and natural persons:

1. the average annual turnover of the candidate ( or consortium as a whole, in case of an application from a consortium) during the three last completed accounting years must exceed 1,100,000.00 EUR. Please adapt the table in the 'standard application form' accordingly.
2. 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.

- 2) Professional capacity** (based on items 4 and 5 of the application 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.

Criteria for legal and natural persons:

1. the candidate had at least 10 permanent staff members working in fields relevant to the contract ;
2. at least one of the consortium members is a network/association of local authorities (local or international);
3. one of the consortium members is a communication company.

- 3) Technical capacity** (based on items 5 and 6 of the application 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 last three years from submission deadline.

The candidate must in the past three years have implemented at least two projects in the field of sustainable urban development. To be eligible, each of the service contracts mentioned above must also:

- Have a value of at least €500,000;
- Have at least 50% participation of the total project budget/total final project expenditure implemented in ENP, IPA countries;

The candidate has carried out at least one project in each of the following two areas (i.e. at least 2 projects in total): (i) assist local authorities with the design and development of their local energy policy; (ii) assist local authorities with the effective implementation of infrastructure projects in the field of sustainable energy. For each project, the candidate's part of the project budget must be at least 200.000 Euro.

The candidate has carried out at least two projects that had as a core activity the organisation of media or communication campaigns in one of the EaP countries.

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 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.

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. 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 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined in order to rank their applications and identify the 8 best applications 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:

- (1) the highest **number** of projects meeting criterion **3.1**
- (2) the highest **number** of projects meeting the criterion **3.2**
- (3) the highest **number** of projects meeting the criterion **3.3**
- (4) the candidates that have included a network of local authorities (local or international) in their team will be preferred to the ones that have not

## **18. Award criteria**

Best price-quality ratio.

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## APPLICATION AND TENDERING

### 19. 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://ec.europa.eu/europeaid/frag/document.do?isAnnexes=true>

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

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

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

### 20. 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:

**European Commission**  
**Directorate-General Neighbourhood and Enlargement Negotiations – DG NEAR**  
**For the attention of the Head of Unit R4 Contracts & Finance ENI**  
**Office J-54 05/205**  
**Avenue du Bourget 1**  
**B-1140 Brussels**  
**Belgium**

- 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:

**European Commission**  
**Directorate-General Neighbourhood and Enlargement Negotiations – DG NEAR**  
**For the attention of the Head of Unit R4 Contracts & Finance ENI**  
**Office J-54 05/205**  
**Avenue du Bourget 1**  
**B-1140 Brussels**  
**Belgium**

- OR due to the exceptional situation related to the COVID 19 pandemic, be submitted electronically on the following e-mail address: [NEAR-2021-EA-RP-0043@ec.europa.eu](mailto:NEAR-2021-EA-RP-0043@ec.europa.eu)

Opening hours: 9:00-17:00 CET (Monday – Thursday); 9:00-16:00 CET (Friday). The Commission is closed on Saturdays, Sundays and EU holidays.

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 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 form.

## **21. Deadline for submission of applications**

The candidate's 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<sup>1</sup>, 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.

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

Any application sent to 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 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.

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

Clarifications may be sought from the contracting authority at the following email address: [NEAR-2021-EA-RP-0043@ec.europa.eu](mailto:NEAR-2021-EA-RP-0043@ec.europa.eu) 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 on TED eTendering website at the latest 5 days before the deadline for the submission of applications. The website will be updated regularly and it is the applicants responsibility to check for updates and modifications during the submission period.

## **23. 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.

## **24. Language of the procedure**

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

## **28. Legal basis**

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 Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11.3.2014 establishing a European Neighbourhood Instrument.

## **29. Additional information**

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<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender 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 InforEuro exchange rate of March 2021 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>.