**Additional information about the Contract Notice**

**Contract title - Construction of a new facility  
Location –**Vršac/ Serbia

1. **Nature of contract**

**unit price**

1. **Programme title**

IPA Interreg CBC Romania-Serbia Programme

1. **Financing**

Financing agreement

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

* The legal basis of this procedure is [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)](https://eur-lex.europa.eu/eli/reg/2021/1529)

***Rule of Nationality:*** participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping) who 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 [2021/1529] establishing the Instrument for Pre-accession Assistance (IPA III).

Participation in the award of procurement contracts, grants and other award procedures for actions financed under the for IPA III shall be open to international and regional organisations and to all other legal entities who are nationals of and, in the case of legal persons, who are also effectively established in, the following countries or territories:

a) EU Member States

b) Beneficiaries listed in the Annex I of the IPA III

c) European Economic Area

d) Neighbourhood partner countries and territories covered by NDICI (annex I of NDICI)

e) Countries for which Commission has adopted a decision approving the request for reciprocal access to external assistance. Currently there are no such countries.

f) Where an agreement on widening the market for procurement of goods or services to which the Union is party applies, the procurement procedures for contracts financed by the budget shall also be open to natural and legal persons established in a third country other than those specified in the basic instruments governing the cooperation sector concerned, under the conditions laid down in that agreement.

***Rule of Origin:*** Goods and materials supplied under a procurement or a grant contract, financed under the INTERREG IPA Romania-Serbia Programme are fully untied and can originate in any country. All supplies and materials are fully untied and no verification of origins required.

* [Financial Regulation 2018 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;](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1046)

(**Articles 178 and 179 of the Financial Regulation and points 36 to 41 of Chapter 3 of Annex I)**

* [REGULATION (EU) 2021/1060 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060&qid=1645018135461)
* [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](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1059)
* Practical guide on contract procedures for European Union external action (PRAG) 2021.1

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 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**

**n/a**

1. **Short-list alliances prohibited**

**n/a**

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

n/a

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

25.11.2024

1. **Period of implementation of tasks**

7 months from contract signature by both parties.

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 or RSD. 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 September 2024, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**SELECTION 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 linkswhich 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 item3 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 tenderer in the past 3 years (2021, 2022, 2023) must be at least 480.500,00 EUR.
* Has not been insolvent (blocked bank account) in the past 3 years (2021, 2022, 2023) each for more than 1 day. In case of joint venture/consortium this should apply for each member of joint venture/consortium.
* Had positive profit in operation for last 3 years (2021, 2022, 2023) each. In case of joint venture/consortium this should apply for lead member of joint venture/consortium.

**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 employed at least one Civil Engineer with appropriate licence needed for construction of object required, issued or certified by relevant institution of Republic of Serbia in line with Serbian Law for Construction or equivalent.
* Has employed at least one Mechanical Engineer
* Has employed at least one Electrical Engineer
* Has ISO 9001 series Certificate of quality in engineering/construction or equivalent/similar

**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 last five years from submission deadline.

* it must have completed at least two projects of the same nature/amount/complexity as the works concerned by the tender and implemented during the following period: 5 years from the submission deadline, please specify the dates. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

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.

The selection criteria are described in section 12.2 of the instruction to tenderers.