

Additional information about the Contract Notice

Supply of equipment for response to marine pollution incidents

Location - Europe (non EU) - Montenegro (ME)

Tender reference number: NEAR/TGD/2020/EA-OP/0015

PIN reference number: EuropeAid/140774/IH/SUP/ME

1. Nature of contract

Unit price

2. Programme title

Country Action Programme for Montenegro (2017) – Support to the Transport Sector in Montenegro

3. Financing

Financing Agreement concerning the Country Action Programme for Montenegro (2017) under the Instrument for Pre-Accession Assistance IPA II (2014-2020)

4. 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.

All supplies under this contract must originate in one or more of these countries.

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.

*** 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

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.

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.

Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works or supplies required in the tender dossier.

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.

7. Tender guarantee

Tenderers must provide a tender guarantee of EUR 18.000,00 when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.

8. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of 10% 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.

9. Information meeting and/or site visit

No information meeting is planned

10. 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.

11. Shortlist alliances prohibited

n/a

12. 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)**.

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.

13. Sub-contracting

Sub-contracting is allowed.

14. Number of candidates to be short-listed

n/a

15. Provisional date of invitation to tender

n/a

16. Provisional commencement date of the contract

n/a

17. Period of implementation of tasks

The period of implementation of tasks is 270 calendar days starting from the date stipulated in the Commencement Order and ending on the date of issuance of Provisional Acceptance Certificate.

SELECTION AND AWARD CRITERIA

18. 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.

The selection criteria for each tenderer are as follows:

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.

1 - the average annual turnover of the tenderer over the last three financial years (2017, 2018 and 2019) must exceed the financial proposal of the tenderer

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 - At least 3 permanent staff members working in fields related to this contract
- 2 - The tenderer is certified in accordance with ISO9000

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 five years from submission deadline.

Criteria for legal and natural persons:

1 - The tenderer has delivered supplies under at least 2 contracts with a value of at least EUR 800,000.00 (eight hundred thousand Euro) each, in the fields related to this Contract (prevention of and response to marine pollution from ships and/or oil and/or gas installations by spills of oil, hazardous and noxious substances).

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

Previous experience which caused breach of contract and termination by a contracting

authority shall not be used as reference.

Capacity-providing entities

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.

19. Award criteria

Price.

APPLICATION AND TENDERING

20. How to obtain the tender dossier

The tender dossier is available from the following Internet address:
<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6677>

The tender dossier is also available from the Contracting Authority at
<http://www.djr.gov.me/rubrike/ipa>.

Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to ujr@ujr.gov.me (mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 'Deadline for submission of applications or tenders'. The contracting authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Possible clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home> and the Contracting Authority website <http://www.djr.gov.me/rubrike/ipa>.

21. Tender opening session

The tenders will be opened in public session on **8 February 2021 at 12:00 CET** at the premises of the Public Works Administration, Arsenija Boljevića 2a Str., (III floor), 81000 Podgorica, Montenegro.

Depending on the situation with the Covid – 19 pandemic, the Contracting Authority may decide to either (i) postpone the opening session taking into account the validity of the offers, or (ii) organise an opening session via a video conference ensuring that the representatives of the tenderers will be identified and notified accordingly. For this purpose, and in their best interest, the tenderers should send without delay to the Contracting Authority a notification of tender submission by email to ujr@ujr.gov.me, specifying the name and contact details of the person(s) authorised to attend the (online) opening session on their behalf. The notification must be sent

from the tenderer's corporate email account, indicating in subject the title and the reference number of the tender procedure. The notification must not contain any confidential information related to the tender itself. If the Contacting Authority decides to postpone the opening session or to organise the opening session via video conference, the tenderers who submitted respective offers and the subsequent email notifications will be informed at the latest two days after the tender submission deadline. In case a tenderer fails to send the above-mentioned notification, or sends incomplete or untimely notification, the Contracting Authority may be unable to identify and notify the representatives of the tenderer accordingly.

22. Applications format and details to be provided

n/a

23. How applications may be submitted

n/a

24. Deadline for submission of application

n/a

25. Clarification on the contract notice

n/a

26. Alteration or withdrawal of application

n/a

27. 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 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II); Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11th March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) - - See Annex A2 of the practical guide

29. Additional information

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 the month and year of the publication of the present contract notice, which can be found at the following address:
<http://ec.europa.eu/budget/graphs/inforeuro.html>.