**SERVICE CONTRACT NOTICE**

**Support to Implementation and Monitoring of Waste Management, Montenegro**

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

**1. Publication reference**

EuropeAid/140727/IH/SER/ME

**2. Procedure**

Restricted

**3. Programme title**

Instrument for Pre-Accession Assistance (IPA II) 2014-2020, IPA 2016 annual programme for Montenegro

**4. Financing**

IPA 2016, Financing agreement IPA II

**5. Contracting Authority**

Public Works Administration, Arsenija Boljevića 2a, City Mall 3rd floor, 81000 Podgorica, Montenegro

Clarifications may be sought from the contracting authority at the following email address ujr@ujr.gov.me at the latest 21 days before the deadline for submission of applications stated at the point 23 below.

Clarifications will be published on the website of DG International Cooperation and Development at the latest 5 days before the deadline.

**CONTRACT SPECIFICATION**

**6. Nature of contract**

Fee-based

**7. Contract description**

The purpose of this Contract is to enable Ministry of Sustainable Development and Tourism and other beneficiaries to comply with the EU environmental acquis for Waste Management by strengthening institutional capacities, specifically,

* To increase the Ministry’s capacities for implementation of the national waste management plan and to strengthen capacities of the municipalities to implement separation at source and recycling scheme based on the local management plans. The project will support development of new National Waste Management Plan for the following period of 2021-2025. In addition, the project will support the municipalities in the review and implementation of their Waste management plans and establishing separate collection system.
* To strengthen capacities of EPA to develop waste management data collection system and to enhance cooperation and communication with MONSTAT and other relevant institutions
* To strengthen capacities of environmental inspection to control waste management permits/licences and to improve cooperation with EPA.

**8. Number and titles of lots**

One lot only.

**9. Maximum budget**

EUR 1,364,000

**10. Scope for additional services**

The contracting authority may, at its own discretion, extend the service contract in duration and/or scope subject to the availability of funding up to the estimated amount of approximately the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the contractor.

**CONDITIONS OF PARTICIPATION**

**11. Eligibility**

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of 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 29 below). Participation is also open to international organisations.

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\*\*, 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.

**12. Candidature**

All eligible natural and legal persons (as per item 11 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 members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person (as per item 11) 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.

**13. Number of applications**

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

**14. Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those 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 – PRAG – 2.6.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

**15. Grounds for exclusion**

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the PRAG.

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.

**16. Sub-contracting**

Subcontracting is allowed.

**17. 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.

**PROVISIONAL TIMETABLE**

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

June 2020

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

December 2020

**20. Initial period of implementation of tasks**

24 months

**SELECTION AND AWARD CRITERIA**

**21. 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 unless 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 candidate (**based on item 3 of the application 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 financial years for which accounts have been closed.

* The average turnover of the candidate must exceed EUR 1,000,000;
* 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;
* The Candidate (or the leader in case of a consortium) has been operational for the last three years;

**2)** **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

* At least 7 permanent staff work for the candidate in fields related to this contract.

**3) Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last five years preceding the submission deadline.

* The candidate has provided services under at least one contract, (the candidate's portion equal to or greater than 500,000 EUR for his services in each project) in the area of development of waste management plans and/or strategies and/or policies for implementation of EU waste management acquis;

and,

* The candidate has provided services under at least one contract, (the candidate's portion equal to or greater than 700,000 EUR for his services in each project) in the area of capacity building for strengthening the institutional capacities of the central and local authorities in relation with waste management implementation and monitoring;

Candidates are allowed to refer either to service contracts completed within the reference period (although started earlier) or to service contracts not yet completed. In the first case the service contract will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of service contracts still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to service contracts completed) also detailing its value. If a candidate has implemented the service contract 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. Documentary evidence is not required at the application stage but will be requested with the invitation to tender.

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 tenderer relies on other entities it must 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 - notably that of nationality – 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 the tender 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 works or services for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies become jointly and severally liable for the performance of the contract.

If more than 8 eligible candidates meet the above selection criteria, their relative strengths and weaknesses must be re-examined in order to rank their applications and identify the 8 best candidates in accordance with point 17 of this contract notice. The only additional comparative criteria that will be taken into consideration during this re-examination, in the order in which they appear below, are:

* the highest number of service contracts that meet criterion 3.1 or 3.2;
* the highest cumulated value of all the service contracts that meet criterion 3.1 or 3.2.

N.B.1: In case a service contract meets both criteria (3.1. and 3.2), for the purpose of application of the additional comparative criteria, it shall be taken into consideration only once.

N.B.2: additional comparative criterion No 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion No 1, it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion No 2 shall be applied only to these tied candidates.

**22. Award criteria**

Best price-quality ratio.

**APPLICATION**

**23. Deadline for submission of applications**

The candidate 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[[1]](#footnote-1), 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.

15:00 hrs Central European Time on **25th May 2020**

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 to the postal service 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.

**24. Application 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:

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

The application 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 an application will not be taken into consideration.

**25. How applications may be submitted**

Applications must be submitted in English exclusively to the contracting authority in a sealed envelope:

1. 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:

Public Works Administration

Arsenija Boljevića 2a, City Mall 3rd floor, 81000 Podgorica, Montenegro

Working hours 07:00-15:00 hrs Central European Time

1. OR **hand delivere**d by the candidate 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:

Public Works Administration

Arsenija Boljevića 2a, City Mall 3rd floor, 81000 Podgorica, Montenegro

Working hours 07:00-15:00 hrs Central European Time

The **contract title** and the **Publication reference** (see item 1 above) 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.

**26. Alteration or withdrawal of applications**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked ‘Alteration’ or ‘Withdrawal’ as appropriate.

**27. Operational language**

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

**28. Date of publication of prior information notice**

26 February 2020

**29. Legal basis[[2]](#footnote-2)**

* 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);
* 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;
* Commission Implementing Regulation (EU) No 447/2014 of 2nd 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).

**30. Additional information**

Financial data to be provided by the candidate in the standard application 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>.

\* \* \*

1. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-1)
2. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-2)