**Additional information about the Contract Notice**

**Purchase of teaching aids and IT equipment for schools in Montenegro**

**Europe (non-EU), Montenegro (ME)**

**Tender reference number: NEAR/TGD/2020/EA-LOP/0067**

(Re-launch of: NEAR/TGD/2020/EA-LOP/0018)

1. **Nature of contract**

**Unit price**

1. **Programme title**

Instrument for Pre-Accession Assistance (IPA II)

1. **Financing**

Financing Agreement concerning the Multi-Annual Action Programme for Montenegro on Employment, Education and Social Policies 2015-2017

1. **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, except the one listed in the below table.

By the derogation, the following items may originate from any country:

|  |  |
| --- | --- |
| 1 | Desktop Computer |
| 2 | Laptop Computer |
| 3 | Tablet |
| 4 | Keyboard with large keys |
| 5 | Large Trackball Computer Mouse |
| 7 | Color Ink Tank CISS Printer with compatible waste ink tank |
| 8 | Set of 4 ink colour bottles |
| 9 | Binding Machine |
| 10 | Binding Covers Color |
| 11 | Binding Covers Transparent |
| 12 | Plastic Binding Combs d 10mm |
| 13 | Plastic Binding Combs d12mm |
| 14 | Plastic Binding Combs d 14mm |
| 15 | Laminating Machine |
| 16 | Laminating Pouches A4 |
| 17 | Laminating Pouches A5 |
| 18 | Laminating Pouches A6 |
| 19 | Paper Trimmer |

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.

1. **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.**

1. **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.

1. **Tender guarantee**

Tenderers must provide a tender guarantee of EUR 4.000 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.

1. **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.

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

No information meeting is planned

1. **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.

1. **Shortlist alliances prohibited**

**n/a**

1. **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 Section2.6.10.1. 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.

1. **Sub-contracting**

Sub-contracting is allowed.

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

**n/a**

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

n/a

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

n/a

1. **Period of implementation of tasks**

The period of implementation of tasks, starting from the date stipulated in the Commencement Order and ending on the day of issuance of the certificate of Provisional Acceptance will last 132 calendar days.

**SELECTION AND AWARD CRITERIA**

1. **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.
2. The average annual turnover of the tenderer must exceed the financial proposal of the tender.
3. **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.
4. At least 2 (two) staff work for the tenderer in fields related to this contract.

**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.

a) the tenderer has carried out at least 1 (one) supply contract with following features:

• with a budget of at least 50 % of the financial proposal of the tenderer,

• including the supply of tailor-made equipment for the required fields related to the subject of the tenderer.

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 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.

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.

1. **Award criteria**

Price.

**APPLICATION AND TENDERING**

1. **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=7689**](https://etendering.ted.europa.eu/cft/cft-display.html?cftId=7689)

The tender dossier is also available from the Contracting Authority website: <http://www.cfcu.gov.me/en/tenders/supply/open_supply>

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 [cfcu@mif.gov.me](mailto:cfcu@mif.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 athttps://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home

1. **Tender opening session**

The tenders will be opened in a public session on **19th February 2021 at 10:00h**, at the Directorate for Finance and Contracting of the EU Assistance Funds (CFCU) Arsenija Boljevića 2A, 2nd floor, 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.***

1. **Application format and details to be provided**

n/a

1. **How applications may be submitted**

n/a

1. **Deadline for submission of applications**

n/a

1. **Clarifications on the contract notice**

n/a

1. **Alteration or withdrawal of tenders**

n/a

1. **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 establishing an Instrument for Pre-accession assistance (IPA II).

**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 **February 2021, which** can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.