**Additional information about the Contract Notice**

**Contract title:**

**Supply of equipment: Tipper truck, Backhoe loader, Skid steer loader, Tractor with trailer** – LOT 1 and LOT 3

**Municipality of Knjazevac, Zajecar District, Republic of Serbia**

1. **Nature of contract**

**Unit price / per Lot**

1. **Programme title**

Interreg-IPA CBC Bulgaria - Serbia Programme, CCI No. 2014TC16I5CB007

1. **Financing**

Project No is CB007.2.31.169, Contract No РД-02-29-158/23.09.2019

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 may originate from any country.

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 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.

1. **Tender guarantee:**

No tender guarantee is required

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 8 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. **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.

1. **Sub-contracting**

Sub-contracting is allowed.

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

13.07.2021

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

24.08.2021

1. **Period of implementation of tasks**

60 days from contract signature

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

The selection criteria for tenderers and for all LOTs are as follows:

**1)** **Economic and financial capacity** **(**based 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.

* The average annual turnover of the Tenderer in the last three closed financial years must exceed the financial proposal of the tender. In other words, where a Tenderer is bidding for a single lot, the average annual turnover must exceed the Tenderer's offer for that lot. Where a bid is for more than one lot, the average annual turnover must exceed the combined amount of the Tenderer's offers for the lots bid for. The Tenderer must specify the years in question in figures on item 3 of the application form.
* that the tenderer, in the last six months preceding the month in which the Call for Proposals was published, was not illiquid

Proof: the tenderer has to present “Izveštaj o bonitetu” for public procurements (Form БОН-ЈН) issued by the Serbian Business Registers Agency, which has to comprise the following:

* status of the tenderer
* concise balance sheets and profit&loss account for the last 3 years (2018, 2019 and 2020).
* If the prudential Report does not contain information on the days of liquidity in the last six months preceding the month in which the Call for Proposals was published on the Portal, the Tenderer shall submit the Certificate of the National Bank of Serbia that the tenderer in the last six months preceding the month in which the Call for Proposals was published on the Public Procurement Portal, it was not illiquid.

**2) Technical capacity** (based 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 Tenderer has provided supplies under, at least, 2 similar contracts for similar equipment OR amount, as the lot(s) for which the Tenderer is bidding. The cumulative value of such contracts must be at least equal to that of the lot(s) for which the Tenderer is bidding. The contracts must have been implemented within the 3 (three) year period prior to the closing date of submission of the application (as indicated in point IV.2.2. of the Contract Notice).

Proof : Copy of contracts

This capacity will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, handover report, proof of payment) also detailing its value. If a tenderer has implemented the project in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the supplies provided.

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

[www.knjazevac.rs](http://www.knjazevac.rs), <http://www.ipacbc-bgrs.eu/>

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

Any request for additional information must be made in writing at:

[*soknjazevac@knjazevac.rs*](mailto:soknjazevac@knjazevac.rs)

at least 21 days before the deadline for submission of tenders given in item **‘Deadline for submission of applications or tenders**.

The questions and answers will be published on [www.knjazevac.rs](http://www.knjazevac.rs), <http://www.ipacbc-bgrs.eu/> at the latest 11 days before the submission deadline. The website will be updated regularly and it is the tenderer’s responsibility to check for updates and modifications during the submission period.

1. **Tender opening session**

13.08.2021. at 13:00 in the Municipality of Knjazevac. Milosa Obilica str. 1, 19350 Knjazevac

1. **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:

**Municipality of Knjazevac**

Milosa Obilica str. 1, 19350 Knjazevac, Republic of Serbia

REFERENCE: CB007.2.31.169 – TD/05-02

**NOTE: DO NOT OPEN BEFORE OPENING SESSION**

**“Ne otvarati pre sastanka za otvaranje ponuda!”**

* 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:

**Municipality of Knjazevac**

Milosa Obilica str. 1, 19350 Knjazevac, Republic of Serbia

REFERENCE: CB007.2.31.169 – TD/05-02

**NOTE: DO NOT OPEN BEFORE OPENING SESSION**

**“Ne otvarati pre sastanka za otvaranje ponuda!”**

**from 07:00 to 15:00**

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 candidate 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.

1. **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[[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.

**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.

1. **Clarifications on the contract notice**

Any request for additional information must be made in writing to [*soknjazevac@knjazevac.rs*](mailto:soknjazevac@knjazevac.rs)

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 [www.knjazevac.rs](http://www.knjazevac.rs), <http://www.ipacbc-bgrs.eu/> 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.

1. **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.

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:

* Commission Implementing Regulation (EU) No 447/2014 of 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);
* Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal;
* Commission Delegated Regulation (EU) No 481/2014 of 4 March 2014 supplementing Regulation (EU) No 1299/2013 of the European Parliament and of the Council with regard to specific rules on eligibility of expenditure for cooperation programmes;
* 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;
* Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006;
* Council Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002;
* Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union;
* Regulation (EU, EURATOM) 2015/1929 of the Еuropean Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union; Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015 amending Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.
* The Interreg – IPA CBC Bulgaria – Serbia Programme, with programme reference number 2014TC16I5CB007, approved by the European Commission with Decision C(2015) 5444 of 30.07.2015, amended with Decisions No. C(2016) 2853 of 04.05.2016 and No. C(2016) 8643 of 13.12.2016;
* Financing Agreement between the Republic of Serbia and European Commission for the Programme;
* Memorandum on Implementation of Interreg – IPA Cross-Border Cooperation Programme CCI Number: 2014TC16I5CB007 between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia;
* Decision No 156 of 21 March 2014 of the Council of Ministers of the Republic of Bulgaria for designation of the Managing Authority, the Audit Authority and the Certifying Authority and Decision No 679 of 11 August 2016 of the Council of Ministers of the Republic of Bulgaria for designation of the Managing Authority and the Certifying Authority;

and in compliance with:

* Second Call for Proposals and the respective Guidelines for Applicants’ Package.

**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. The conversion to RSD shall be made in accordance with the InforEuro exchange rate of **MONTH** of the applicable InforEuro exchange rate, which can either correspond to 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)