

SUPPLY CONTRACT NOTICE

Contract title: Supply of IT equipment & software for EUAM Ukraine

Location - Ukraine

Suspension clause:

Please note that the awarding of the contract is subject to the condition of:

- extension of the mandate of EUAM Ukraine and conclusion of the contribution agreements between European Commission and EUAM Ukraine for the period from 01 June 2021 until 30 September 2023 inclusively;

which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the Contracting Authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

1. Publication reference

EuropeAid/140092/IH/SUP/UA

2. Procedure

International Open

3. Programme title

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2019/761 of 13 May 2019

4. Financing

CFSP/2019/07/EUAM Ukraine

5. Contracting Authority

European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)

Clarifications may be sought from the Contracting Authority at the following email address tenders@euam-ukraine.eu at the latest 21 days before the deadline for submission of tenders stated in point 19 below.

CONTRACT SPECIFICATIONS

6. Description of the contract

Supply and delivery of various IT equipment, including communications, audio-visual, image and video production equipment, its accessories, software and provision of associated services. The price of supply of equipment must include the cost of delivery to Kyiv (DAP), Ukraine.

7. Number and titles of lots

One lot only

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation of natural and legal persons in the award of procurement contracts by EUAM Ukraine shall be open without limitations.

No rule of origin for the goods purchased by EUAM Ukraine shall apply.

9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the practical guide.

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.

10. Number of tenders

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

11. Tender guarantee

No tender guarantee is required.

12. Performance guarantee

The Contracting Authority may request from the Contractor a performance guarantee for Order Forms exceeding EUR 150,000.00. The performance guarantee shall amount to a maximum of 10% of the total value of the Order Form.

It will be released within 45 calendar days from the issue of the final acceptance certificate by the Contracting Authority, except for the proportion assigned to after-sales service.

13. Information meeting and/or site visit

An optional information meeting will be held on **08th of August 2019 at 10:30 h** at EUAM Ukraine Annex Building, located at 17G (17-r) H. Skovorody str., Kyiv, Ukraine.

Prior attendance confirmation should be sent to tenders@euam-ukraine.eu.

14. Tender validity

Tenders must remain valid for a period of 90 days 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 (see paragraph 8.2 of the Instructions to tenderers).

15. Period of implementation of tasks

The contract concerned is a framework contract (FWC), which is implemented with Order Forms.

The FWC shall enter into force on the date on which the last party signs it, and it is concluded for the initial period until 30 September 2020 inclusively.

The FWC shall be renewed automatically 3 (three) times (1+1+1) for 1 (one) calendar year each, unless one of the parties receives a formal notification to the contrary at least 3 (three) months before the end of the ongoing duration. Renewal shall not change or postpone any existing obligations that shall be duly executed.

The signature of this FWC and the automatic renewals as stipulated above shall be further conditioned by the suspension clause as set forth in this Contract Notice.

In case of non-renewal of EUAM Ukraine's mandate or lack of signing of the contribution agreements between the European Commission and EUAM Ukraine for any of the extension periods, the FWC shall be automatically terminated.

The maximum allowed overall contract implementation period (including renewals) shall last until 30 September 2023 inclusively.

SELECTION AND AWARD CRITERIA

16. Selection criteria

The following selection criteria will be applied to tenderers. In the case of tenders 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 tenderer** (based on i.a. item 3 of the Tender Form for a Supply Contract). In case of tenderer being a public body, equivalent information should be provided. The reference period, which will be taken into account, will be the last 3 (three) years for which accounts have been closed.

The selection criteria for each tenderer are as follows:

- a) For the last three years for which accounts have been closed (2016, 2017, 2018) the average annual turnover of the tenderer must exceed 3,000,000.00 EUR.

- 2) **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract). The reference period, which will be taken into account, will be the last 3 (three) years from the submission deadline.

The selection criteria for tenderers are as follows:

- a) Legal and professional capacity to perform the contract tendered for;
- b) At least 5 staff currently work for the tenderer in the field related to this contract.

- 3) **Technical capacity of tenderer** (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract). The reference period, which will be taken into account, will be the last 3 (three) years from the submission deadline.

The selection criteria for tenderers are as follows:

- a) The tenderer has successfully delivered supplies under at least 3 (three) contracts (the tenderer's proportion shall be greater than 100,000.00 EUR under each of the contracts) in the area of IT equipment, software and ancillary services.

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.

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. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. 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 performance of the contract, for example by producing a commitment on the part of 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 the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the Contracting Authority.

With regard to technical and professional criteria, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

17. Award criteria

Price

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and from the website of EUAM Ukraine <http://euam-ukraine.eu/our-mission/tenders/>. The tender dossier is also available from the Contracting Authority. Tenders must be submitted using the standard Tender Form for a Supply Contract 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 tenders@euam-ukraine.eu (mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at the latest 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website of DG International Cooperation and Development at

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and on the website of EUAM Ukraine <http://euam-ukraine.eu/our-mission/tenders/>.

19. Deadline for submission of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case, it is the acknowledgment of receipt given at the time of the delivery of the tender, which will serve as proof.

The deadline for submission of tenders is **18th of September 2019 at 17:00 h by Kyiv time**.

Any tender submitted to the Contracting Authority after this deadline will not be considered.

The Contracting Authority may, for reasons of administrative efficiency, reject any application or tender 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 or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.

How tenders may be submitted

Tenders 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:

The European Union Advisory Mission Ukraine
Procurement Unit
EUAM Annex building
17G Skovorody, Kyiv, 04070, Ukraine
Contact: +380 67 406 30 70

Opening hours: 09:00 – 17:30 by Kyiv time.

- 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:

The European Union Advisory Mission Ukraine
Procurement Unit
EUAM Annex building
17G Skovorody, Kyiv, 04070, Ukraine
Contact: +380 67 406 30 70

Opening hours: 09:00 – 17:30 by Kyiv time.

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the Contracting Authority.

¹ It is recommended to use registered mail in case the postmark would not be readable.

Tenders submitted by any other means will not be considered.

By submitting a tender 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 tender.

20. Tender opening session

25th of September 2019 at 14:30 h at EUAM Ukraine Annex Building, located at 17G (17-г) H.Skovorody str., Kyiv, Ukraine.

Number of attendees from each Tenderer is limited to 1 (one) person, prior attendance confirmation shall be sent to tenders@euam-ukraine.eu.

21. Language of the procedure

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

22. Legal basis

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2019/761 of 13 May 2019

23. Additional information

N/A