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# SUPPLY CONTRACT NOTICE

## Supply of Visibility Items

Location - Ukraine

Suspensive 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 Contribution agreement between the European Commission and EUAM Ukraine for the contract period as from 01 June 2024,

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**

2021/S 181-467523 (EUAM-21-31)

**2. Procedure**

Local Open

**3. Programme title**

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2021/813 of 20 May 2021

**4. Financing**

CFSP/2021/20/EUAM Ukraine

**5. Contracting authority**

European Union Advisory Mission Ukraine (EUAM Ukraine)

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## CONTRACT SPECIFICATIONS

**6. Description of the contract**

This framework contract is foreseen to supply various visibility items to EUAM Ukraine with deliveries in Kyiv.

**7. Number and titles of lots**

One lot only

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## **TERMS OF PARTICIPATION**

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### **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, as per Council Decision 2014/486/CFSP of 22 July 2014.

### **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**

The tenders may submit a tender for one lot only. 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.

### **11. Tender guarantee**

No tender guarantee is required.

### **12. Performance guarantee**

No performance guarantee is required.

### **13. Information meeting and/or site visit**

No information meeting is planned.

### **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 para 8.2 of the instructions to tenderers).

### **15. Period of implementation of tasks**

The contract concerned is a framework contract (FWC) and it is planned that it shall enter into force on 01 December 2021 provided that by that time it has been signed by both parties, or failing that, on the date of signature by both parties, with the Framework Contract validity until 30 November 2022 inclusively.

The FWC shall be renewed automatically 2 (two) times (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 suspensive 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 agreement between the European Commission and EUAM Ukraine for any period beyond 31 May 2024, the FWC shall be automatically terminated without prejudice to any other rights or powers under the Contract itself of both the Contracting Authority and the Contractor.

The maximum allowed overall contract implementation period (including renewals) shall last until 30 November 2024 inclusively.

The parties must sign any Order Form before the FWC expires. Order Forms already signed and accepted by the Contractor shall not be affected by the automatic termination of the FWC and the supplies ordered shall be regularly paid by the Contracting Authority.

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## 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 three financial years for which accounts have been closed.

The selection criteria for tenderers are as follows:

- The average annual turnover of the tenderer of the years 2018, 2019 and 2020 must exceed 100,000.00 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 three years preceding the submission deadline.

The selection criteria for tenderers are as follows:

- At least 3 staff currently work for the tenderer in fields 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 three years preceding the submission deadline.

The selection criteria for tenderers are as follows:

- The tenderer has successfully delivered supplies under at least two contracts (the tenderer's proportion shall be greater than 10,000.00 EUR under each of the contracts) in delivering of visibility items during the past 3 years from the deadline for submission of tenders.

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. 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 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 provided 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

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## TENDERING

### 18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: the website of EUAM Ukraine <https://www.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](mailto: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. Possible clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website of EUAM Ukraine <https://www.euam-ukraine.eu/our-mission/tenders/> .

### 19. Deadline for submission of tenders

The deadline for receipt of tenders is specified in **point 10** of the instruction to tenderers.

### 20. Tender opening session

28 October 2021 at 11:00h via Teleconference meeting

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that they have been sent on time,

the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

## **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) 2021/813 of 20 May 2021

## **23. 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 relevant accounts conclusion dates, which can be found at the following address:  
<http://ec.europa.eu/budget/graphs/inforeuro.html>.