

Additional information about the Contract Notice
EUAM-24-42 - Supply, installation, and commissioning of Security Scanning
Equipment
Location – Kyiv, Ukraine

Suspension clause:

Please note that the awarding of order forms after 01 June 2027 under this framework 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 period from 01 June 2027 until 31 October 2028 inclusively (this period includes all possible renewals),

which does not modify the elements of the procurement procedure. If the precedent condition is not met, the contracting authority will cease to award new Order Forms without the contractor being entitled to claim any compensation.

1. Nature of contract

Unit-price

2. Programme title

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2024/1353 of 14 May 2024.

3. Financing

The contribution agreement between the European Commission and EUAM Ukraine for the period 01 June 2024 – 31 May 2027.

4. Legal basis, eligibility and rules of origin

The legal basis of this procedure is Regulation (EU, Euratom) 1046/2018 and Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2024/1353 of 14 May 2024.

For this contract award procedure, financed by the above-mentioned Council Decision, participation is open without limitations.

All supplies under this contract may originate in any country.

5. Candidature

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement 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 or tender 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.

6. Number of requests to participate or tenders

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

In case of lots, the candidates or tenderers may submit only one request to participate or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

7. Grounds for exclusion

Tenderers must submit a signed declaration, included in the tender dossier, 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 tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

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.

8. Sub-contracting

Subcontracting is allowed.

9. Number of candidates to be short-listed

N/A.

10. Short-list alliances prohibited

N/A.

11. Provisional date of invitation to tender

N/A.

12. Provisional commencement date of the contract

01 November 2024.

13. Period of implementation of tasks

48 months.

14. Language of the procedure

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

15. Additional information

Financial data to be provided by the tenderer in the standard tender form must be expressed in EUR. If applicable, where a tenderer refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of respective dates, which can be found at the following address: https://commission.europa.eu/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en

SELECTION CRITERIA

16. Selection criteria

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links 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 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 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.

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 if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The tenderer shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

- 1) Economic and financial capacity of the tenderer** (based on item 3 of the tender form). 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 years for which accounts have been closed.

The selection criteria for each tenderer are as follows:

- The average annual turnover of the tenderer in the last three years for which the accounts have been closed (years 2021, 2022 and 2023) must exceed 40,000.00 EUR.

- 2) Professional capacity of the tenderer** (based 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.

The selection criteria for each tenderer 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 items 5 and 6 of the tender form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

The selection criteria for each tenderer are as follows:

- In the last three years preceding the submission deadline the tenderer has successfully delivered supplies under at least two contracts (the tenderer's proportion shall be greater than 10,000 EUR under each such contract) in the area of supply of security scanning equipment or similar supplies.

This means that the contracts the tenderer refers to could have been started at any time during the indicated period but they do not necessarily have to be 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. 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 tenderer has implemented the supply contract in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.