**Additional information about the Contract Notice**

**Supply of border control and forensic equipment for EUAM Ukraine**

**Location: Ukraine**

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**

Contribution agreement CFSP/2024/03/EUAM Ukraine

# 4. Legal basis, eligibility and rules of origin

The legal basis of this procedure is Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, as well as Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2024/1353 of 14 May 2024.

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

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 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 tender, all tenders in which that person has participated will be excluded.

In case of lots, tenderers may submit on all lots or each lot separately. Partial submission of a lot is not allowed.

**7. Sub-contracting**

Sub-contracting is allowed.

# 8. Period of implementation of tasks

The Framework Contract shall enter into force on the date of its signature by both contracting parties with the Framework Contract initial validity period until 31 August 2026 inclusively.

The Framework Contract shall be renewed automatically 3 (three) times (1+1+1), each time for the implementation period of 1 (one) additional year, unless one of the Parties receives formal notification to the contrary at least 3 (three) months before the end of the ongoing period. Renewal shall not change or postpone any existing obligations that shall be duly executed.

The conclusion of the contract and its renewal as stipulated above shall be further conditioned by the following suspension clause (PRAG Section 2.6.12.):

- The period from 01.06.2027 shall be subject to the extension of the mandate of the EUAM Ukraine and the signing of a Contribution agreement between the European Commission and EUAM Ukraine covering applicable contract implementation period.

In case of non-renewal of EUAM Ukraine's mandate or lack of signing of the Contribution agreement with the European Commission in above mentioned period, the Framework Contract shall be automatically terminated.

The maximum allowed overall contract implementation period (including renewals) shall last until 31 August 2029.

The period of implementation of each Order Form shall correspond to the timelines laid down in the Article 1, par. 1.1.3 of the Framework Contract.

 The parties must sign any Order Form before the FWC expires. The Framework Contract shall continue to apply to such Order Forms after its expiry. They shall be executed no later than 6 (six) months after expiry of the Framework Contract.

Order Forms already signed and accepted by the Contractor shall not be affected by the automatic termination of the Framework Contract and the supplies ordered shall be regularly paid by the Contracting Authority.

**9. Language of the procedure**

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

# 10. Additional information

Financial data to be provided by the candidate in the request to participate form must be expressed in EUR (Euros). 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’ closure dates, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**11. Selection criteria**

Capacity-providing entities

An economic operator (i.e. tenderer) 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 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.

The selection criteria for each tenderer 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 over the period of **2022-2023-2024** must be equal or **exceed:**

* + **For Lot 1 - 220,000.00 EUR.**
	+ **For Lot 2 - 175,000.00 EUR.**
	+ **For Lot 3 - 65,000.00 EUR.**

**If a tenderer is bidding for more than one lot, the average annual turnover must exceed the cumulative amount of all selection criteria per lot (indicated above). For example, in case of bidding for lots 1 and 2, the average annual turnover must be equal or exceed 395,000.00 EUR (220,000.00 + 175,000.00)**

The table under points 3 of the Tender Form, if duly filed in, will be accepted as satisfactory proof for the purposes of eligibility. The Contracting Authority reserves the right to ask for clarifications and/or documentary proof on the aforesaid table.

1. **Professional capacity** (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 tenderer has at least 3 staff currently working for the tenderer in fields related to this contract.

**If a tenderer is bidding for several lots, the required number of staff currently working for the tenderer in fields related to this contract remains at least 3.**

The tables under points 4 and 5 of the Tender Form, if duly filed in, will be accepted as satisfactory proof for the purposes of eligibility. The Contracting Authority reserves the right to ask for clarifications and/or documentary proof on the aforesaid table.

1. **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 before / from submission deadline.

*-* the tenderer has delivered supplies under at least one contract, implemented at any moment during the past three years preceding the submission deadline, with a budget of at least the amount indicated below under each lot, for the supply of goods which should be the same or similar to the ones described in the Annex II and III - Technical Specifications and Technical Offer per each lot:

* **For lot 1: 110,000.00 EUR**
* **For lot 2: 80,000.00 EUR**
* **For lot 3: 30,000.00 EUR**

**Tenderers bidding for more than one lot shall satisfy the technical capacity requirement for each lot they are bidding. In such a case the tenderer can propose several contracts (one per each lot), or a single contract meeting the cumulative requirements indicated above.**

The table under point 6 of the Tender Form, if duly filed in, will be accepted as satisfactory proof for the purposes of eligibility. The Contracting Authority reserves the right to ask for clarifications and/or documentary proof on the aforesaid table.

This means that the contract the tenderer 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. 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 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 nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.

**Documentary evidence of the financial and economic capacity, professional capacity and technical capacity shall only to be provided upon request. The contracting authority may request the documentary evidence at any time during the procurement procedure. When requested, the tenderer should provide the documentary evidence within a short deadline.**

## 12. Award criteria

Price

**PARTICIPATION**

## 13. How to obtain the tender dossier

The present document and its attachments constitute the entire tender dossier. 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 **EUAM-24-75**) at the latest 21 days before the deadline for submission of tenders given in item 15. The contracting authority must reply to all tenderers' questions at the latest 8 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be forwarded to all prospective tenderers at the latest 8 days before the submission deadline.

**14. How tenders may be submitted**

**Tenders must be submitted in English exclusively. Tenders must be sent, no later than**

## the tender submission deadline, to the European Union Advisory Mission in Ukraine (EUAM) in electronic form, at the email address: tenders@euam-ukraine.eu

**Important Requirement: the electronic form is meant to be zipped folder / file containing all the documents as requested; the zipped folder / file MUST have password which shall be known only to the company (person) submitting the tender. After tender submission deadline, the Chairperson and/or the Secretary of the Evaluation Committee will contact the company (person) via email and request password to open the submitted tender in the zipped folder / file. Tenderers MUST NOT provide the password to the contracting authority before the submission deadline.**

The **contract title** and the **publication reference** (EUAM-24-75) must be clearly marked in the email and on **the zipped folder / file (with password)** containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

**Tenders submitted by any other means will not be considered.**

By submitting a tender, the tender accepts 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.

# 15. Deadline for submission of tender

**The deadline for submission of tender is 31 July 2025 at 16:00 hrs local Ukrainian time which can also be found in the Contract Notice under IV.2.2.**

**Any tender sent to the contracting authority after this deadline will not be considered.**

**16. Tender opening session**

**Date: 05/08/2025
Local time: 11:00
Place: Kyiv, Ukraine**

## 17. Clarifications on the contract notice

Clarifications may be sought from the contracting authority at the following email address tenders@euam-ukraine.eu (mentioning the publication reference **EUMM-24-75**) at the latest 21 days before the deadline for submission of tenders, also stated at section **IV.2.2) of the contract notice**.

Last date for the contracting authority to issue replies (Clarification Notes) to the tenderers’ requested clarification is 8 days before the submission deadline.

Clarifications will be published on the website of the Contracting Authority:

<https://www.euam-ukraine.eu/our-mission/tenders/> at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidates’ responsibility to check for updates and modifications during the submission period.

## 18. Outcome of the evaluation

Tenderers will be notified of the outcome of the evaluation of the tender procedure by e-mail. The notification will be sent to the e-mail address provided in the tender submission form of the tenderer (leader in case of consortium).

The same e-mail address will be used by the contracting authority for all other communications during the procedure.

It is the candidate's responsibility to provide a valid e-mail address and to check it regularly.

By submitting a tender, tenderers 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 submission form.

## 19. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tenders may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with precedent item. The email for the ‘Amendment’ or ‘Withdrawal’ must be marked ‘Amendment’ or ‘Withdrawal’ as appropriate.