**Additional information about the Contract Notice**

**Supply of Office Furniture and Provision of Related Services   
Location – Kyiv, Ukraine**

1. **Nature of contract**

**Unit price**

1. **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**

1. **Financing**

Contribution agreement CFSP/2024/03/EUAM Ukraine

1. **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.

1. **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.**

EU Restrictive Measures against Russia

Following article 5l.1 of the Council Regulation (EU) No 833/2014 concerning restrictive measures in view of ongoing Russian invasion in Ukraine, it is forbidden to award contracts to:

1. a legal person, entity or body established in Russia;
2. a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by a legal person, entity or body established in Russia.

Exceptions to this rule can be found in article 5l.2 of the Regulation. This legislation is often updated, so please make sure to refer to the last consolidated version[[1]](#footnote-1).

1. **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.

1. **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.

1. **Sub-contracting**

Sub-contracting is allowed.

1. **Number of candidates to be short-listed**

N/A.

1. **Short-list alliances prohibited**

N/A.

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

N/A.

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

June 2026.

1. **Period of implementation of tasks**

The Framework Contract shall enter into force on 01 June 2026, 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 initial validity period until 31 May 2027 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 May 2030.

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/ services ordered shall be regularly paid by the Contracting Authority.

1. **Language of the procedure**

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

1. **Additional information**

Financial data to be provided by the candidate in the request to participate form or in the tender submission form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to shall be made in accordance with the InforEuro exchange rate of which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**AWARD CRITERIA**

1. **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 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 candidates. In the case of requests to participate 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 candidate 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 in the last three years for which the accounts have been closed (years 2022, 2023 and 2024 or 2023, 2024 and 2025) must be equal or exceed **150,000.00 EUR**

1. **Professional capacity** (based on item 4 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.

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 from submission deadline.

* the tenderer has delivered supplies under at least one contract in the past three years preceding the submission deadline (the tenderer's proportion shall be greater than **30,000 EUR** under the contract) in the area of supply of furniture

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.

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

1. **Award criteria**

Price (lowest price technically acceptable)

1. [EUR-Lex - 02014R0833-20241217 - EN - EUR-Lex](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20241217) [↑](#footnote-ref-1)