

Public document to be completed and renumbered as appropriate by the Contracting Authority

Information to Candidates and Tenderers

Deleted: Instructions

<Contract title>

<Location - Area/region and country/countries >

[Only in case of suspension clause]

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

[the prior adoption of a financing decision and the prior conclusion of a financing agreement]

[the prior adoption of a financing decision]

[the prior conclusion of a financing agreement],

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. [For service contracts] Nature of contract

[Global price] [Fee-based]

2. Programme title

< Please specify the programme title mentioned in the applicable financing agreement/ financing decision >

3. Financing

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< Budget line / Financing agreement / Other >

4. Eligibility and rules of origin

[BUDGET for calls where the CIR applies:

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of candidates/tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N°236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed (see also heading "Legal basis" below). Participation is also open to international organisations.

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[For works contracts] All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below EUR 100,000.]

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[For supply contracts if the estimated budget is above or equal to EUR 100 000: All supplies under this contract must originate in one or more of these countries.]

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[For supply contracts if the estimated budget (of the tender procedure as a whole or if divided into lots, per lot) is below EUR 100 000: All supplies under this contract may originate from any country.]

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[BUDGET for calls where the CIR does not apply (e.g. for IPA I): Participation is open to all legal persons (participating either individually or in a grouping - consortium - of tenderers) which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item "Legal basis" below). Participation is also open to

international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed].

[10th EDF/11th EDF:

Participation in tendering is open on equal terms to all natural and legal persons (participating either individually or in a grouping - consortium - of candidates/tenderers) which are established in one of the Member States of the European Union, ACP States or in a country or territory authorised by the ACP-EC Partnership Agreement under which the contract is financed (see also heading "Legal basis" below). Participation is also open to international organisations.

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[For works contracts All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below EUR 100 000.]

[For supply contracts if the estimated budget is above or equal to EUR 100 000: All supplies under this contract must originate in one or more of these countries.]

[For supply contracts if the estimated budget (of the tender procedure as a whole or if divided into lots, per lot) is below EUR 100 000: All supplies under this contract may originate from any country.]]

[Other (including 9th EDF which may have different eligibility): <.....>]

Deleted: All supplies and materials under this contract shall originate from one or more of those eligible countries. However, they may originate from any country when the amount value of the supplies and materials to be purchased is below 100,000 euros]

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5. Candidature

All eligible natural and legal persons or groupings of such persons (consortia) may apply.

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

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6. Number of applications or tenders

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

[In case of lots, no restrictions may be made in the number of lots a candidate/tenderer can be awarded:

The candidates/tenderers may submit an application/tender for one lot only, several lots or all of the lots, but only one application/tender per lot. Applications/tenders for parts of a lot will not be considered. Contracts will be awarded lot by lot and each lot will form a separate contract.

[For supply contracts: Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers [may] [may not] submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.]]

Deleted: No restrictions may be made in the number of lots a tenderer can be awarded.

[For supply and works contracts awarded following open procedure

7. Tender guarantee

[Tenderers must provide a tender guarantee of EUR < amount to be specified within the range 1% - 2% of the budget available for the contract ; specify separate lots where necessary> when

submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties. [For supply only This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.]]

OR [No tender guarantee is required.]

8. Performance guarantee

[The successful tenderer will be asked to provide a performance guarantee of <insert percentage between 5 and 10>% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.]

OR [For amounts of, or below, EUR 150 000 for supply and EUR 345.000 for works contracts, on the basis of objective criteria such as the type and value of the contract, the Contracting Authority may decide not to require such a guarantee. No performance guarantee required.]

9. Information meeting and/or site visit

[No information meeting is planned]

OR [[A mandatory] [An optional] information [meeting] [and] [or] [site visit] will be held on < Date, venue and contact details to confirm attendance to be specified>.]

10. 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.]

11. [For service and works contracts awarded following restricted procedure] Shortlist alliances prohibited

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed application forms will be excluded from this restricted tender procedure, unless prior approval from the Contracting Authority has been obtained – see Practical Guide 2.4.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.]

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12. Grounds for exclusion

Candidates must submit a signed declaration, included in the Application Form or Tender Form, to the effect that they are not in any of the situations listed in point 2.3.3 of the Practical Guide.

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13. Sub-contracting

Sub-contracting is allowed. [For works contracts: The maximum percentage of the contract value which may be sub-contracted is 30%.]

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[For service and works contracts awarded following restricted procedure]

14. Number of Candidates to be short-listed

On the basis of the applications received, at least 4 and at most [for service contracts: 8][for works contracts: 6] Candidates will be invited to submit detailed tenders for this contract. If the number of eligible Candidates meeting the selection criteria is less than the minimum of 4, the

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Contracting Authority may invite the Candidates who satisfy the criteria to submit a tender. If the number of eligible Candidates meeting the selection criteria is more than the maximum **allowed**, the Contracting Authority will rank them using the re-examination criteria stated below.

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15. Provisional date of Invitation to tender

< Date >

16. Provisional commencement date of the contract

< Date >1

17. Period of implementation of tasks

< To be specified. For supply and works contracts, specify the period in days, from contract signature, or alternative date, until the provisional acceptance.>

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SELECTION AND AWARD CRITERIA

18. Selection criteria

[For works contracts under open procedure < to be specified according to the criteria used in section 12.2 of the Instructions to Tenderers>]

[For service, supply and works contracts under restricted procedure:

The selection criteria should be clear and non-discriminatory and may not go beyond the scope of the contract. The reference period for financial capacity may not go beyond the last 3 years for which accounts have been closed. The reference period for professional and technical capacity may not go beyond 5 (for service and supply contracts) or 8 (for works contracts) years counting from the submission deadline (decreased respectively to 3 and 5 years for economic sectors subject to rapid evolution). Consideration has to be made regarding which proof documents should be requested for the relevant selection criteria. Please remember that the selection criteria are applied to the entity/entities signing the contract and cannot be applied to the experts whose CVs are evaluated in the technical evaluation. Therefore particular attention should be paid when setting specific selection criteria for assessing the technical and professional capacity of natural persons. As a general rule, selection criteria cannot be re-used as award criteria. See point 2.4.11 of the Practical Guide. If appropriate for the project and subject to the principle of equal treatment separate criteria for natural persons may be requested.

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not specified otherwise. [For service contracts: The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.]

[In case of either a contract without lots, or a contract divided into lots whereby no different minimum levels of capacity are set for each lot:

The selection criteria for each tenderer are as follows:]

[In case of contracts divided into lots whereby different minimum levels of capacity are set for each lot:

Lot n° ... (for example Lot 1. Repeat for each lot.)

The selection criteria for tenderers to Lot n° <insert number> are as follows:]

1) Economic and financial capacity, (based on item 3 of the service application form, on item 3

Deleted: In order to be considered eligible for the award of the contract, Candidates must provide evidence that they meet the selection criteria. This evidence must be provided by Candidates in the form of the information and documents described in the application forms and in whatever additional form Candidates may wish to utilise.¶ In the case of a tender submitted by a consortium, unless specified, these selection criteria will be applied to the consortium as a whole.¶ The selection criteria for each Candidate are as follows:

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of supply tender form or on form 2 of works application 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 objective of this criterion is to examine whether or not the Candidate (ie, the consortium as a whole, in the case of an application from a consortium):

- will not be economically dependent on the Contracting Authority in the event that the contract is awarded to it; and
- has sufficient financial stability to handle the proposed contract.

Examples of economic and financial criteria **for legal persons:**

- the average annual turnover of the Candidate/Tenderer must exceed the annualised maximum budget of the contract (i.e., the maximum budget stated in the contract notice divided by the initial contract duration in years, where this exceeds 1 year) but cannot exceed two times the estimated annual contract value, except in duly justified cases motivated in the tender dossier
- [Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium this criterion must be fulfilled by each member.]
- if it is the sole Candidate it must have access to sufficient credit and other financial facilities to cover the required cash-flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of [EUR] [<ISO code of national currency> only for indirect management] <.....>

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc.>

Examples of economic and financial criteria for natural persons:

- the available financial resources of the candidate must exceed the annualised maximum budget of the contract (i.e., the maximum budget stated in the procurement notice divided by the initial contract duration in years, where this exceeds 1 year) but cannot exceed the double as much of the annualised contract value; and
- the financial situation of the candidate should not be in deficit, taken into account debts, at the beginning and end of year.

Criteria for natural persons:

1-<reference criterion>

2-<reference criterion>

<etc>

2) Professional capacity (based on items 4 and 5 of the application form for service contracts, on items 4 and 5 of the Tender Form for supply contracts and on form 4 of the application form for works contracts). The reference period which will be taken into account will be the last [five] [eight] [three] years from submission deadline.

The objective of this criterion is to examine whether or not the Candidate/Tenderer (i.e., the consortium as a whole, in the case of an application from a consortium):

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[<ISO code of national currency>
only for indirect management] <.....>¶

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Deleted: of Candidate:

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- has sufficient ongoing staff resources, expertise and experience to be able to handle the proposed contract
- is not a so-called 'body shop', ie, a Candidate/Tenderer with no real expertise in fields related to the contract but which simply identifies and proposes experts to fit the project description

Examples of professional criteria for legal persons:

- has a professional certificate appropriate to this contract, such as <specify>;
- at least <number related to the quantity of expertise required for this contract> staff currently work for the tenderer in fields related to this contract;
- it must carry out at least 70% of the contract works by own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contract.
- if it is the lead member of a joint venture/consortium, it must have the ability to carry out at least 50% of the contract works by its own means.
- if it is a partner of a joint venture/consortium (i.e. not the lead member) it must have the ability to carry out at least 10% of the contract works by its own means.
- all its key personnel must have at least <X> years' appropriate experience and proven qualifications relevant to works of a similar nature to this project.

Moved (insertion) [1]

Criteria for legal persons:

1-< reference criterion>

2-< reference criterion>

< etc>

Examples of professional criteria for natural persons:

- has a professional certificate appropriate to this contract, such as <specify>;
- is currently working/has worked during the past 3/5 years < as manager/team-leader etc. > with <number related to the quantity of expertise required for this contract> collaborators in fields related to this contract.

Criteria for natural persons:

1-< reference criterion>

2-< reference criterion>

< etc>

3) Technical capacity of candidate (based on items 5 and 6 of the application form for service contracts, on items 5 and 6 of the Tender Form for supply contracts and on forms 3 and 3.1 of the application form for works contracts). The reference period which will be taken into account will be the last [five][eight][three] years from submission deadline.

The objective of this criterion is to examine whether or not the candidate (ie, the consortium as a whole, in the case of an application from a consortium) has sufficient expertise and experience to be able to handle the proposed contract.

Examples of technical criteria for legal persons:

- The candidate has provided services under at least <insert number> contract[s] [each] with a budget of at least that of this contract in <specify fields> which [was] [were] implemented at any moment during the reference period: < insert >;
- the tenderer has delivered supplies under at least < insert number > contract[s] with a budget of at least <specify budget> EUR in < specify fields> which were

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implemented during the following period: < 3/5 years from the submission deadline, please specify the dates>;

- it must have completed at least <X> projects of the same nature/amount/complexity comparable to the works concerned by the tender which were implemented during the following period: < 8/5 years from the submission deadline, please specify the dates> The Contracting Authority reserves the right to ask for copies of the respective certificates of final acceptance signed by the supervisors/contracting authorities of the projects concerned.

This means that the project the candidate 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. Candidates/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, proof of final payment). In case of projects still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc>

Example of technical criterion for natural persons:

The candidate has worked successfully on at least < insert number > project[s] with a budget of at least that of this contract in fields related to this contract in the past three years.

Criteria for natural persons:

1-<reference criterion>

2-<reference criterion>

<etc>

In case of contracts divided into lots whereby additional levels of capacity are added for the case several lots are awarded to the same tenderer: for example

In case a tenderer applies simultaneously to the following Lots <insert numbers>, the tenderer must comply with the following selection criteria:

1) **Economic and financial capacity** <to be detailed as above>

2) **Professional capacity** <to be detailed as above>

3) **Technical capacity** <to be detailed as above>

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

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.

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<#>it must carry out at least 70% of the contract works by own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contract.¶

<#>if it is the lead member of a joint venture/consortium, it must have the ability to carry out at least 50% of the contract works by its own means.¶

<#>if it is a partner of a joint venture/consortium (i.e. not the lead member) it must have the ability to carry out at least 10% of the contract works by its own means.¶

<#>all its key personnel must have at least <X> years' appropriate experience and proven qualifications relevant to works of a similar nature to this project.¶

<#><reference criterion>¶

<#><reference criterion>¶

<etc.>¶

Moved up [1]: <#>it must carry the contract works by own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contract.¶

<#>if it is the lead member of a joint venture/consortium, it must have the ability to carry out at least 50% of the contract works by its own means.¶

<#>if it is a partner of a joint venture/consortium (i.e. not the lead member) it must have the ability to carry out at least 10% of the contract works by its own means.¶

<#>all its key personnel must have at least <X> years' appropriate experience and proven qualifications relevant to works of a similar nature to this project.¶

<#><reference criterion>¶

<#><reference criterion>¶

<etc.>¶

It must in that case 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 - notably that of nationality – and must fulfil the same relevant selection criteria as the economic operator. 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 works or services 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.]

[Optional for supply and works contracts under restricted procedure: Critical tasks. The Contracting Authority requires that the following critical tasks be performed directly by the tenderer itself, or where the tender is submitted by a joint venture/consortium, by one of its participating members: <to be defined>.]

[For works contracts under restricted procedure] Applications submitted by companies in partnerships forming a joint venture/consortium must also fulfil the following requirements:

- The application must include all the information required by the application form for each member of the joint venture/consortium and the summary data for execution of works by the tenderer.
- The application must be signed in a way that legally binds all members. One member must be appointed lead member and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all the individual members.
- All members of the joint venture/consortium are bound to remain in the joint venture/consortium for the whole execution period of the contract. See the declaration in the tender form.]

[For service and works contracts under restricted procedure: If more than [8][6] eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the [8][6] best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

Examples:

- the highest number of projects in criteria 3.1
 - the highest value of the project in criteria 3.1
 - Preference will be given to experience in <x> country/region
- 1) <comparative criterion 1>
 - 2) <comparative criterion 2>
- <etc>]

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19. Award criteria

[Service contracts: Best price-quality ratio.]

[Supply contracts: [Price.] [or, if appropriate after prior approval] Best price-quality ratio.]

[Works contracts:

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[Where no technical scoring is given to the offers: The most economically advantageous tender is the technically compliant tender with the lowest price.]

[Where very exceptionally a technical scoring is given to the offers: The most economically

advantageous tender is the technically compliant tender with the best price-quality ratio.]]

APPLICATION AND TENDERING

20. [For supply and works contract under open procedure: How to obtain the tender dossier

The tender dossier is available from

[for supply the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> . The tender dossier is also available from the Contracting Authority.]

[for works < Specify address(es) > upon payment of < amount and currency >, which [includes] [excludes] courier delivery. It is also available for inspection at the premises of the Contracting Authority, address as in the contract notice.]

Tenders must be submitted using the standard Tender Form 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 <insert specific e-mail and postal addresses> (mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item "Deadline for submission of applications or tenders". The Contracting Authority must reply to all tenderers' questions at least 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 EuropeAid website at

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> .

21. Tender opening session

<Date and venue of tender opening session >]

22. Deadline for submission of applications or tenders

< Time and date to be specified > must be a working day at least

- 30 calendar days for service, works restricted and supply local tender.

- 60 calendar days for supply international and works local open procedures

- 90 calendar days for works international open tender

after the date of publication of this contract notice (e.g., <time hh:mm> Central European Time on <date dd/mm/yyyy >). The deadline for submission of tenders should if possible be combined with the public opening session, if any.

Any application or tender received after this deadline will not be considered.

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23. [For service and works contracts under restricted procedure: Applications format and details to be provided

Applications must be submitted using the standard application form and its annexes (available [on our webpage] [from the following Internet address: <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B1>], whose format and instructions must be strictly observed.

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

Any documentation (brochure, letter, etc) sent with an application in addition to what has been

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requested will not be taken into consideration.

By submitting an application, the candidate 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 application.

24. How applications may be submitted

Applications must be submitted in English exclusively to the Contracting Authority in English in a sealed envelope.

- Either by recorded delivery (official postal service) to:

in case of indirect management

<Name of contact person

Address of Contracting Authority>

OR in case of direct management

<Address of European Commission>

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed dated receipt to:

in case of indirect management

<Name and telephone number of contact person

Address of Contracting Authority>

OR in case of direct management

< Name and telephone number of contract person

Address of European Commission>

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

✓ **Contact points:** < Specify Name>

Opening hours: < Specify opening hours>

The Contract title and Publication reference (see contract notice) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority. Applications submitted by any other means will not be considered.

25. Alteration or withdrawal of Applications

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with precedent item. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate. 1

26. Language of the procedure

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

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27. Legal basis¹

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[BUDGET: for calls where the CIR applies: Regulation (EU) N°236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and <please introduce here the reference of the Regulation or other instrument under which this contract is to be financed (e.g. DCI, ENPI, ENI, Ifs) > - See Annex A2 of the Practical Guide]

[BUDGET: for calls where the CIR does not apply (e.g. for IPA I), < Regulation or other instrument under which this contract is to be financed> - See Annex A2 of the Practical Guide]

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[EDF: Annex IV to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 as amended in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010. Reference is made to Annex IV as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014.]

28. Additional Information

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<As appropriate: e.g. the amount of incidental expenditure if this is higher than normal, the cost charged for the tender dossier, etc. >.

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¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).