

Public document to be completed by the Contracting Authority

## SERVICE CONTRACT NOTICE

< **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. Publication reference

< **Publication reference of the corresponding prior information notice** >

### 2. Procedure

Restricted

### 3. Programme title

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

### 4. Financing

< **Budget line / Financing agreement / Other** >

### 5. Contracting Authority

[For direct management **European Union**, represented by the European Commission on behalf of and for the account of < **the partner country/countries** >]

[For indirect management < **The partner country** >]

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## CONTRACT SPECIFICATION

### 6. Nature of contract

[Global price] [Fee-based]

## 7. Contract description

<Recommended 10 lines, maximum 20 lines>

## 8. Number and titles of lots

[One lot only]

[If more than one lot: (min =2 max=20) < number> lots

Lots Titles:

01 <title>

02 <title>

<no. and title>]

## 9. Maximum budget

Give figures only:

[EUR] [<ISO code of national currency> only for indirect management in the following cases: (i) when legal or local constraints exceptionally impose using the national currency; (ii) when needed, for contracts within the imprest component of a programme estimate] <amount>

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## 10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately <amount>. Any extension of the contract would be subject to satisfactory performance by the Contractor. ]

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# CONDITIONS OF PARTICIPATION

## 11. Eligibility

[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 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 29 below) . Participation is also open to international organisations.]

[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 29 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].

[10<sup>th</sup> EDF/11<sup>th</sup> EDF

Participation in tendering is open on equal terms to natural and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are established in a Member State 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 item 29 below). Participation is also open to international organisations.]

[Other (including 9<sup>th</sup> EDF, which may apply different eligibility rules) :  
<.....>]

## 12. Candidature

All eligible natural and legal persons (as per item 11 above) 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 members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) 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.

## 13. Number of applications

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

[if the number of lot is more than one lot, no restrictions may be made in the number of lots a tenderer can be awarded.

The candidates may submit an application for one lot only, several lots or all of the lots, but only one application per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.]

## 14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those 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 – PRAG - 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

## 15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the PRAG.

## 16. Sub-contracting

Subcontracting is allowed.

## 17. Number of candidates to be short-listed

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On the basis of the applications received, between 4 and 8 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 Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

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## PROVISIONAL TIMETABLE

### 18. Provisional date of invitation to tender

< Date >

### 19. Provisional commencement date of the contract

< Date >

### 20. Initial period of implementation of tasks

< To be specified >

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## SELECTION AND AWARD CRITERIA

### 21. Selection criteria

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 capacities may not go beyond the past 5 years from the submission deadline (3 years for economic sectors subject to rapid evolution). Consideration has to be made that the criteria chosen below correspond to data requested from the candidate in the application form. Furthermore, please verify that the candidate can submit documentary evidence to prove 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 section 2.4.11 of the Practical Guide.

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

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- 1) **Economic and financial capacity of candidate** (based on item 3 of the 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 (i.e., 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.

#### **[If same criteria for legal and natural person]**

##### **Examples of financial criteria for legal and natural persons:**

- the average annual turnover of the candidate 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. (minimum annual turnover requested may not exceed 2 times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); and
- 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.

Criteria for legal and natural persons:

1-< reference criterion>

2-< reference criterion>

< etc>

#### **[If separate criteria for legal and natural person]**

**Examples of financial reference criteria for legal persons:** see examples of financial criteria for legal and natural persons above

Criteria for legal persons:

1-< reference criterion>

2-< reference criterion>

< etc>

##### **Examples of 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. (minimum annual turnover requested may not exceed 2 times the estimated annual contract value, except in duly justified cases motivated in the tender dossier); 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 of candidate** (based on items 4 and 5 of the application form).  
The reference period which will be taken into account will be the last [five] [three] years

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<#>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. ¶

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from submission deadline.

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

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

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Note that criteria should not discourage applications.

#### [ If same criteria for legal and natural persons

##### Examples of professional criteria for legal and natural 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 candidate in fields related to this contract.

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Criteria for legal and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc>]

#### [ If separate criteria for legal and natural persons

Examples of professional criteria for legal persons: see examples of professional criteria for legal and natural persons above.

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc>

Deleted: <#>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 candidate in fields related to this contract; and¶

##### 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 5/3 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). The reference period which will be taken into account will be the last **five**[three] years from

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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.

**If same criteria apply to legal and natural persons**

**Example of technical criterion applicable to both legal and natural 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>. 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 and natural persons:

1-<reference criterion>

2-<reference criterion>

<etc>]

**If different criteria apply to legal and natural persons**

**Example of technical criterion for legal persons:** see example of technical criterion applicable to both legal and natural persons above.

**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 five/three years.

Criteria for legal persons:

1-<reference criterion>

2-<reference criterion>

<etc>

Criteria for natural persons:

1-<reference criterion>

2-<reference criterion>

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Deleted: [Example of technical criterion only applicable to 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.

[If same criteria apply to legal and natural persons insert the following:]

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<etc>]

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

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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. 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.

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If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates. 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

1) <comparative criterion 1>

2) <comparative criterion 2>

<Etc.>

Deleted: <#>Preference will be given to experience in <x> country/region¶

## 22. Award criteria

Best price-quality ratio.

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## APPLICATION

### 23. Deadline for receipt of applications

< Time and date to be specified - must be at the close of business of a working day at least 30 calendar days after the date of publication of this procurement notice: e.g., <time hh:mm> Central European Time or local time on <date dd/mm/yyyy> >

Any application received by the Contracting Authority after this deadline will not be considered.

### 24. Application format and details to be provided

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:



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

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 additional documentation (brochure, letter, etc) sent with an application will not be taken into consideration.

## 25. How applications may be submitted

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

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

for indirect management  
<Name of contact person  
Address of Contracting Authority>

OR for 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 and dated receipt to:

for indirect management  
<Name and telephone number of contact person  
Address of Contracting Authority including opening hours>

OR for direct management  
< Name and telephone number of contract person  
Address of European Commission including opening hours>

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

The Contract title and the Publication reference (see item 1 above) 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.

By submitting an application candidates 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 application.

## 26. Alteration or withdrawal of applications

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

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Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

## 27. Operational language

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

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## 28. Date of publication of prior information notice

<Date - must have been at least 30 calendar days before the publication of this contract notice>

[<notice number in OJ> (optional)]

The notice number in OJ S may be found under the title of the project in the published notice on the EuropeAid webpage.

## 29. Legal basis<sup>1</sup>

[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.]

[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.]

## 30. Additional information

As appropriate: e.g. the amount of incidental expenditure if this is higher than normal, etc.>

Deleted: opening hours of the contracting authority.

\* \* \*

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