Document for completion by the contracting authority

to be submitted as **ANNEX to the tender dossier**

(not published for the simplified procedure or negotiated procedure)

**WORKS CONTRACT NOTICE**

**Reconstruction of two classrooms and rehabilitation of the sewage network in the premises of OSU Aco Ruskovski in Berovo**

**Location** ‑ Municipal high school Aco Ruskovski Berovo/ Republic of North Macedonia

1. **Reference**
2. PO 758907-TP1
3. **Procedure**

Simplified

1. **Programme title**
2. Council of Europe Joint Project entitled Phase II of the ROMACTED programme.
3. **Financing**

The project is financed by the European Union, in accordance with the rules of Council of Europe Joint Project entitled Phase II of the ROMACTED programme on "Promoting good governance and Roma empowerment at local level.

1. **Contracting authority**

**Municipality of Berovo, st. Dimitar Vlahov no.10,**

**2330 Berovo, Republic of N. Macedonia**

**e-mail:** [so.berovo@t.mk](mailto:so.berovo@t.mk)

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

The purpose of this contract is the rehabilitation and reconstruction of two classrooms by changing the floor, whitewashing walls, replacing carpentry, lighting and other small works. The sewage network will also be replaced in the sanitary units in the school premises and in several classrooms due to the dilapidated sewage network.

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

November 20, 2023

1. **Period of implementation of tasks**

1 month (November 20, 2023 – December 20, 2023)

**CONDITIONS OF PARTICIPATION**

1. **Legal basis, eligibility and rules of origin**

**For commitments financed by a basic act under the MFF 2021-2027:**

For financing under NDICI Human Rights and Democracy and Stability and Peace programmes, as well as for the rapid response actions:

For this contract award procedure, financed by Antidiscrimination, diversity and inclusion - Roma and Travellers - National Minorities, Regional or Minority Languages - Migrants, participation is open without limitations.

Participation is also open to international organisations.

All supplies and materials under this contract may originate in any country.

1. **Subcontracting**

**Subcontracting is allowed.** Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in Section 2.6.10.1.1. (‘exclusion from participation in procurement procedures’) and Section 2.6.10.1.2. (‘rejection from a given procedure’) of the practical guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties up to 10% of the value of the contract and exclusion in accordance with the Financial Regulation in force.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

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. **Number of tenders**

Tenderers may submit only one tender. Tenders for parts of the works will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

### In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

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. Concerning the professional and technical capacity and in order to verify the corresponding selection criteria, the contracting authority may request one or more of the following:

(a) information on the educational and professional qualifications, skills, experience and expertise of the persons responsible for performance;

(b) a list of the works carried out in the last five years, accompanied by certificates of satisfactory execution for the most important works. However, where necessary in order to ensure an adequate level of competition, the contracting authority may indicate that evidence of relevant works delivered or performed more than five years before will be taken into account.

(c) a statement of the technical equipment, tools or the plant available to the economic operator for performing the works contract;

(d) a description of the technical facilities and means available to the economic operator for ensuring quality, and a description of available study and research facilities;

(e) a reference to the technicians or technical bodies available to the economic operator, whether or not belonging directly to it, especially those responsible for quality control;

(g) a statement of the average annual manpower and the number of managerial staff of the economic operator for the last three years;

(h) an indication of the supply chain management and tracking systems that the economic operator will be able to apply when performing the contract;

(i) an indication of the environmental management measures that the economic operator will be able to apply when performing the contract.

***14.a Economic and financial capacity of candidate:***

The objective of this criterion is to examine whether or not the candidate (i.e. the consortium as a whole, for applications from consortia):

* will not be economically dependent on the contracting authority if the contract is awarded to it; and
* has sufficient financial stability to take on the proposed contract.
* the average annual turnover of the tenderer in the past 3 years must be at least 10.000 euro.

***14.b Technical and professional capacity of candidate:***

The objective of this criterion is to examine whether or not the tenderer:

#### has sufficient on-going staff resources, expertise and experience to be able to take on the proposed contract which is proved with submission of the CVs of the key staff;

#### all its key staff must have at least three (3) years’ appropriate experience and proven qualifications relevant to works of a similar nature to this project.

#### it must have completed at least 1 project of the same nature as the works concerned by the tender and implemented during the last five (5) years. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

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

#### if it is a partner of a joint venture/consortium (i.e. not the lead member) it must be able to carry out at least 10 % of the contract works using its own means.

#### Capacity-providing entities:

An economic operator may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. If the tenderer relies on other entities, it must prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract by producing a commitment on the part of those entities to place 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 tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be provided at the request of the contracting authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works 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.

Financial data to be provided by the tenderer in relation to the selection criteria must be expressed in MKD. 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 November 2023, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. **Award criteria**

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

[EDF only: To encourage the widest participation of natural or legal persons of ACP States, particular preferences shall be given to permit the optimisation of the physical and human resources of those States. See further Section 2.6.9. of the **practical guide**.]

**TENDERING**

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in Section 2.5.6. of the practical guide.**

instrument under which this contract is to be financed - See Annex A2 of the practical guide>]

[EDF: ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000 as amended (Annex IV)]

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.12. of the practical guide.

1. **Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.