Document for completion by the contracting authority

Not to be published for simplified & negotiated procedures

**WORKS CONTRACT NOTICE**

**< Contract title >**

**< Location** ‑ Area/region and country/countries >

1. **Reference**

< Reference >

1. **Procedure**

[open local] [simplified][negotiated]

1. **Programme title**

< Please specify the Interreg programme title mentioned in the applicable grant contract >

1. **Financing**

The project is co-financed by the European Union, in accordance with the rules of the Interreg <specify the programme>.

1. **Contracting authority**

<name of contracting authority>   
< Address>

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**[Lump-sum][Unit price]**

1. **Description of the contract**

<Recommended maximum: 10 lines >

**Number and titles of lots**

[One lot only]

[If more than one lot: <number of lots : >

<Lots Titles:

01

02

(…)>

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

< Date >

1. **Period of implementation of tasks**

<Specify the period from contract signature, or alternative date, until the provisional acceptance>

**CONDITIONS OF PARTICIPATION**

1. **Legal basis and rule of origin**

The legal basis of this procedure is Regulation (EU) N° 2021/1059 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments.

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

1. **Subcontracting**

**Subcontracting is allowed.**

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in [point 18 of Annex II of the Financing Agreement between the European Commission and the partner country[[1]](#footnote-1)] [point 18 of Annex I of the Regulation 2018/1046[[2]](#footnote-2)] 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. 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 ([www.sanctionsmap.eu](http://www.sanctionsmao.eu)) 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:

< To be specified>

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.

Consider which proof documents should be requested for each selection criteria. See Section 2.6.11. of the practical guide.

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

**Examples of financial criteria:**

**-** the average annual turnover of the tenderer in the past 3 years must be at least <EUR/NC> <…..>

**-** the tenderer must have access to an amount of credit which exceeds <EUR/NC> <……>

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

**Examples of professional and technical criteria:**

**-** it must have completed at least <X> projects of the same nature/amount/complexity as the works **concerned** by the tender and implemented during the following period: <may not go beyond 5 years counting from the submission deadline please specify the dates>. 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.

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 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 [EUR] [<ISO code of national currency>]. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to [EUR] [<ISO code of national currency>] shall be made in accordance with the InforEuro exchange rate of [<**MONTH and YEAR>** of the applicable InforEuro exchange rate, which can correspond to the month and year of the publication of the present contract notice], which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. **Award criteria**

The award criteria will be [the best price-quality ratio][the technically compliant tender with the lowest price].

1. **Deadline for the submission of tenders**

The deadline for submission of tenders is [date and time].

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in the instructions to tenderers.**

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint.

1. For partners located in Partner Countries [↑](#footnote-ref-1)
2. For partners located in Member States, which are not contracting authorities within the meaning of the Union law applicable to public procurement procedures [↑](#footnote-ref-2)