

## **Additional information about the Contract Notice**

### **Technical Assistance for Product Safety in E-Commerce**

#### **Location - Türkiye**

##### **1. Nature of contract**

Fee-based.

##### **2. Programme title**

IPA III Annual action plan in favour of Turkey for 2021 under the Instrument for Pre-accession Assistance (IPA III)

##### **3. Financing**

IPA budget item 15.02 01 01.01 of the general budget of the EU (100 %).

##### **4. Legal basis, eligibility and rules of origin**

The legal basis of this procedure is Regulation (EU) No [2021/1529<sup>1</sup>] establishing the Instrument for Pre-accession Assistance (IPA III). See Annex A2 of the practical guide.

For this contract award procedure, 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 an eligible country or territory as defined under Article 11 of Regulation (EU) No [2021/1529] establishing the Instrument for Pre-accession Assistance (IPA III).

Participation is also open to international organisations.

##### **5. 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.

##### **6. 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.

##### **7. Grounds for exclusion**

Candidates must submit a signed declaration, included in the request to participate form, 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 candidate intends to rely on capacity providing entities or subcontractor(s),

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<sup>1</sup> Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III); OJ L 330, 20.9.2021, p. 1–26.

he/she must provide the same declaration signed by this/these entity(ies).

Candidates 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.

#### **8. Sub-contracting**

Sub-contracting is allowed.

#### **9. Number of candidates to be short-listed**

On the basis of the request to participate 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. 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.

#### **10. Short-list alliances prohibited**

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed request to participate forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained – see practical guide 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

#### **11. Provisional date of invitation to tender**

10.08.2023

#### **12. Provisional commencement date of the contract**

14.02.2024

#### **13. Period of implementation of tasks**

24 months.

#### **14. Language of the procedure**

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

#### **15. 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 EUR shall be made in accordance with the InforEuro exchange rate of **June 2023**, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

In this contract, EUR 695.221,00 is expected to be included in the budget as incidental expenditures. This amount will include, among others, study visits, organizational costs of trainings, preparation of materials and meetings.

### **SELECTION AND AWARD CRITERIA**

#### **16. 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 the request to participate 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.

Criterion for legal and natural persons:

- the average annual turnover of the candidate must exceed 1.125.000,00 EUR.

- 2) Professional capacity** (based on items 4 and 5 of the request to participate form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

Criterion for legal and natural persons:

- at least 5 staff currently work for the candidate in fields related to this contract.

- 3) Technical capacity** (based on items 5 and 6 of the request to participate form). The reference period which will be taken into account will be the last three years from submission deadline.

Criteria for legal and natural persons:

1. The candidate has provided services under a single contract or similar assignment with a budget of at least 1.000 000 EUR (proportion carried out by the candidate) providing technical assistance services related to Product Safety, which was implemented at any moment during the reference period: 3 years prior to the submission deadline of this application (the start and end/completion dates of the references should be specified as day/month/year).
2. The candidate has provided services under a single contract or similar assignment with a budget of at least 500 000 EUR (proportion carried out by the candidate) related to establishment of software systems, which was implemented at any moment during the reference period: 3 years prior to the submission deadline of this application (the start and end/completion dates of the references should be specified as day/month/year).

This means that the contract/assignment the candidate 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. Candidates are allowed to refer either to contract/assignment completed within the reference period (although started earlier) or to contract/assignment 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/assignment, proof of payment) also detailing its value. If a candidate has implemented the contract/assignment in a consortium, the percentage that the candidate 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the request to participate of these candidates must be re-examined in order to rank them and identify the 8 best requests to participate for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the order in which they appear below, are:

- 1) The highest number of references that meet the technical capacity criterion 16.3.(1);
- 2) The highest cumulative value of the references (proportion carried out by the candidate) satisfying the technical capacity criterion 16.3.(1).

**N.B.**: additional comparative criterion No 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion No 1, it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion No 2 shall be applied only to these tied candidates.

#### **17. Award criteria**

Best price-quality ratio.

### **PARTICIPATION**

#### **18. Requests to participate format and details to be provided**

Requests to participate must be submitted using the request to participate form, the format and instructions of which must be strictly observed. The request to participate form is available from the following Internet address:

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

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

[https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA\(Ch.2\):General](https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General)

Any documentation (brochure, letter, etc.) sent with a request to participate in addition to what has been requested will not be taken into consideration.

#### **19. How requests to participate may be submitted**

Requests to participate must be submitted in English exclusively to the contracting authority in a sealed envelope.

- Either by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

Mr. Barbaros Murat Köse (Acting CFCU Director),  
Central Finance and Contracts Unit (CFCU)

T.C. Hazine ve Maliye Bakanlığı Kampüsü E Blok İnönü Bulvarı No: 36 06490  
Emek/Ankara-Türkiye

OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Mr. Barbaros Murat Köse (Acting CFCU Director),  
Central Finance and Contracts Unit (CFCU)  
T.C. Hazine ve Maliye Bakanlığı Kampüsü E Blok İnönü Bulvarı No: 36 06490  
Emek/Ankara-Türkiye  
Tel: +90 312 295 49 00

The opening hours of the contracting authority are 09:00-18:00 (local time, Türkiye)

The contract title and publication reference (see contract notice) must be clearly marked on the envelope containing the request to participate and must always be mentioned in all subsequent correspondence with the contracting authority.

Requests to participate submitted by any other means will not be considered.

## 20. Deadline for submission of requests to participate

The candidate's attention is drawn to the fact that there are two different systems for sending Requests to participate: one is by post or private mail service, the other is by hand delivery.

In the first case, the request to participate must be sent before the date and time-limit for submission, as evidenced by the postmark or deposit slip<sup>2</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the request to participate that will serve as proof.

**The deadline for submission of requests to participate can be found in the Contract Notice under IV.2.2.** *Unless the Time Zone is specified in eTendering, the "Local Time" mentioned under IV.2.2 in the Contract Notice shall be understood as Central European Time (CET) which is the standard time in Brussels.*

Any request to participate sent to the contracting authority after this deadline will not be considered. The contracting authority may, for reasons of administrative efficiency, reject any request for participation submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting requests to participate that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

## 21. Clarifications on the contract notice

Any request for clarifications must be made in writing through the TED eTendering website accessible from the F&T portal<sup>3</sup>. This concerns request for clarifications about the contract notice and also request for clarifications about the content of the document called "Additional information to the contract notice." Registration on TED eTendering is required to be able to create and submit a question. Clarifications can be requested by clicking "Create a question" in the Questions & Answers tab at the latest 21 days before the deadline for submission of requests to participate stated at section **IV.2.2) of the contract notice**. For administrative efficiency reasons, please copy all

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<sup>2</sup> It is recommended to use registered mail in case the postmark would not be readable.

<sup>3</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

your requests for additional information which were already submitted via TED e-Tendering, to the following functional mailbox [pao@cfcu.gov.tr](mailto:pao@cfcu.gov.tr).

Clarifications will be published on TED eTendering and CFCU website at: <http://www.cfcu.gov.tr> at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidates responsibility to check for updates and modifications during the submission period.

## **22. Outcome of the evaluation**

By submitting a request to participate 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 request to participate form.

## **23. Alteration or withdrawal of requests to participate**

Candidates may alter or withdraw their requests to participate by written notification prior to the deadline for submission of requests to participate. No requests to participate 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.