

Studies Supporting Multisource Analytical Assessments

Procurement Procedure Reference: SATCEN RP-02/20

Conditions for Request to Participate

Annex 2 to the Invitation to Submit a Request to Participate



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Contents

1. GENERAL INFORMATION	4
1.1. INTRODUCTION TO THE SATCEN	4
1.2. TYPE OF PROCUREMENT PROCEDURE.....	4
1.3. TENDER CALENDAR	5
1.4. MISREPRESENTATION AND CORRUPTIVE PRACTICES.....	5
2. TECHNICAL INFORMATION.....	6
2.1. OBJECTIVE AND SCOPE OF THIS PROCUREMENT PROCEDURE	6
2.2. MULTISOURCE ANALYTICAL ASSESSMENT STUDIES	6
3. CONTRACTUAL CONDITIONS	6
3.1. TYPE OF CONTRACT	6
3.2. MAXIMUM CONTRACT VALUE	7
3.3. STARTING DATE AND DURATION OF THE FWC.....	7
3.4. PLACE OF PERFORMANCE	7
3.5. OWNERSHIP AND EXPLOITATION OF THE RESULTS OF THE CONTRACT	7
3.6. CHANGE OF TEAM MEMBERS	8
3.7. CONFIDENTIALITY.....	8
3.8. PARTICIPATION OF CONSORTIA	8
3.9. SUBCONTRACTING.....	9
3.10. RELIANCE ON THE RESOURCES OF THIRD ENTITIES.....	9
4. ASSESSMENT OF THE REQUESTS TO PARTICIPATE	10
4.1. STAGES OF THE ASSESSMENT.....	10
4.2. ACCESS TO PROCUREMENT.....	10
4.3. EXCLUSION CRITERIA	11
4.4. COMPLIANCE WITH ENVIRONMENTAL, SOCIAL AND LABOUR LAWS	11
4.5. SELECTION CRITERIA	12
4.6. REJECTION FROM THE PROCEDURE.....	15
5. HOW TO SUBMIT A REQUEST TO PARTICIPATE.....	16

1. GENERAL INFORMATION

The present conditions for request to participate are attached to the Invitation to Submit a Request to Participate and are intended to complement the information contained in the contract notice and to provide Candidates with further information and details on the procurement procedure.

1.1. INTRODUCTION TO THE SATCEN

In accordance with Council Decision 2014/401/CFSP of 26 June 2014, the mission of the European Union Satellite Centre (hereinafter referred to as the “SatCen” or the “Contracting Authority”) is to support the decision making and actions of the European Union in the field of the Common Foreign and Security Policy and in particular the Common Security and Defence Policy, including European Union crisis management missions and operations.

To this end, the SatCen provides, at the request of the Council or the High Representative of the Union for Foreign Affairs and Security Policy, products and services resulting from the exploitation of relevant space assets and collateral data, including satellite and aerial imagery, and related services.

The SatCen is a body of the European Union which has legal personality and enjoys the fiscal benefits granted to the European Institutions by the Member States of the European Union pursuant to the provisions of Articles 3, 4 and 18 of the Protocol on the Privileges and Immunities of the European Union (n°7) annexed to the Treaty of Rome and which apply to the SatCen by virtue of Article 13 of Council Decision 2014/401/CFSP, of 26 June 2014, on the European Union Satellite Centre.

Further information can be found at the SatCen’s website: <https://www.satcen.europa.eu/>

1.2. TYPE OF PROCUREMENT PROCEDURE

This procurement procedure is based on a **restricted procedure** in accordance with Section 4.4.2 of SatCen’s procurement manual, available at:

<https://www.satcen.europa.eu/procurement/procurement-policy-and-procedure>

This restricted procedure is composed of two (2) successive and distinct phases:

- **Phase I – Invitation to Participate (the present call):**

Phase I concerns the selection of Candidates following the publication of a contract notice on the Official Journal of the European Union.

In this phase any interested economic operator (including consortia) established in a Member State of the European Union (“EU”) or the European Economic Area (“EEA”) may submit a request to participate by completing the Standard Reply Form provided as Annex 1 to the Invitation to Submit a Request to Participate.

Based on the information and documents provided in the requests to participate, Candidates will be selected according to the following criteria and requirements:

- A. The access to procurement criteria (section 4.2 of this document)
- B. The exclusion criteria (section 4.3 of this document)

C. Compliance with environmental, social and labour laws (section 4.4 of this document)

D. The selection criteria (section 4.5 of this document)

This document ("Conditions for Request to Participate ") only refers to Phase I.

Only candidates fulfilling all the criteria will be invited by the SatCen to submit a non-negotiable and binding tender.

- **Phase II – Invitation to Tender (separate invitation required):**

Phase II concerns the evaluation of tenders submitted by the Candidates previously selected in Phase I. The tenders submitted in Phase II will be evaluated on the basis of the qualitative and financial evaluation criteria indicated in the Tender Specifications.

Only selected candidates in Phase I will receive the "Invitation to Tender" by email, which will contain further information relating to the scope of the contract, the administrative procedure, the awarding procedure and the detailed technical specifications.

1.3. TENDER CALENDAR

The Tender calendar, as currently envisaged, incorporates the following key dates:

PHASE I	
Dispatch of Contract Notice (launch of the procedure)	17/04/2020
Deadline for submission of questions	15/05/2020
Deadline for submission of Requests to Participate	29/05/2020
PHASE II	
Invitation to tender to selected candidates	06/07/2020
Deadline for submission of questions	17/09/2020
Deadline to submit tenders	30/09/2020
Contract signature	November 2020

Table1. Tender Calendar

1.4. MISREPRESENTATION AND CORRUPTIVE PRACTICES

The contract shall not be awarded to tenderers who, during the procurement procedure:

1. are subject to a conflict of interest;

2. are guilty of misrepresentation in supplying the information required by SatCen as a condition of participation in the contract award procedure or fail to supply this information;
3. attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or SatCen's staff members or Directors during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of a candidature or tender and may result in administrative penalties.

2. TECHNICAL INFORMATION

2.1. OBJECTIVE AND SCOPE OF THIS PROCUREMENT PROCEDURE

The objective of this procurement procedure is to award a **framework contract ("FWC") to a single economic operator** for the provision of on-demand studies (i.e. reports) supporting SatCen's multisource analytical assessment in the field of border security.

2.2. MULTISOURCE ANALYTICAL ASSESSMENT STUDIES

The studies must include quantitative and qualitative data collection/analysis methodologies, literature reviews, open source information analysis, geospatial analysis, predictive analysis and the integration of disparate sources of current and previously collected data to provide actionable information over a specific area of interest (AOI) that will be specified for each study.

Actionable information is defined as information that can be directly useful to customers for immediate exploitation without having to go through the full production process.

The studies will relate to the domain of border security, including border surveillance and cross-border crime themes.

3. CONTRACTUAL CONDITIONS

3.1. TYPE OF CONTRACT

Signature of the FWC imposes no obligation on the Contracting Authority to acquire reports or place orders and does not give the Contractor any exclusive rights to the provision of the reports covered by the FWC. The FWC is merely designed to set up the legal, financial, technical, and administrative terms governing commercial relations between SatCen and the Contractor during FWC implementation.

The production and supply of reports will be governed by Order Forms conforming to the terms of the FWC, based on the template provided as Annex III to the Draft Framework Contract.

Only the countersignature by the Contracting Authority of an Order Form is binding on the SatCen and gives rise to a specific contract and to a legal obligation to purchase. In any case, SatCen reserves the right, at any time during the term of FWC, to cease placing orders without the Contractor thereby having the right to any compensation.

3.2. MAXIMUM CONTRACT VALUE

The maximum value of the FWC is **two million Euros (€2,000,000.00)**, for its whole duration, including possible renewals.

This maximum value is all-inclusive and covers all expenditure that may be incurred by the Contractor in the performance of the FWC (including overheads, shipping costs of reports and contract management).

3.3. STARTING DATE AND DURATION OF THE FWC

The FWC shall enter into force on 1 January 2021, upon its signature by both contracting parties.

The implementation of the FWC cannot start before its entry into force.

The FWC is concluded for a period of 12 (twelve) months with effect from the date of its entry into force.

The FWC may be renewed automatically up to three times for periods of twelve months each, unless one of the parties receives formal notification to the contrary at least three months before the end of the ongoing duration. Renewal does not change or postpone any existing obligations. The overall duration of the FWC may in no event exceed four years.

3.4. PLACE OF PERFORMANCE

The place of performance shall be the Contractor's premises (or, if applicable, the subcontractor's premises), unless otherwise specified in the order forms.

3.5. OWNERSHIP AND EXPLOITATION OF THE RESULTS OF THE CONTRACT

The SatCen shall acquire the ownership of all the results, the deliverables and all the intellectual property rights resulting from the performance of the FWC, from the moment the SatCen approves the results delivered by the Contractor.

The SatCen shall be granted, at no additional cost, a non-exclusive, irrevocable, worldwide license to use and modify all results, without limitation in time. This includes the right to grant sub-licenses.

The SatCen shall not acquire ownership of any pre-existing rights, including satellite imagery. All pre-existing rights shall be licensed to the SatCen, not sold.

The Contractor waives any intellectual property rights over the results of the FWC, including the rights to use and disseminate these results. If applicable, the Contractor shall ensure such a waiver from its subcontractors.

3.6. CHANGE OF TEAM MEMBERS

The SatCen expects the FWC to be executed by the same team members identified in the tender.

Whenever a replacement is necessary, the Contractor must ensure the continuity of the service.

In case the Contractor proposes new team members (replacement or additional personnel) that were not initially included in the Tender, the Contractor must send a formal request to SatCen, at least two weeks in advance, with the names and CVs of the proposed new consultant(s) or team members for SatCen's approval. It should be noted that the aforementioned information must be accurate and subject to audits.

The staff proposed must have at least the same level of qualifications (both experience and language skills) as the staff replaced. If this condition is not fulfilled the SatCen reserves the right to refuse the replacement and cancel the relevant specific contract.

Any replacement of personnel will not oblige the SatCen to pay any remuneration, fees or costs additional to those laid down in the initial contract. The Contractor must bear any additional costs arising from or incidental to such a replacement.

3.7. CONFIDENTIALITY

In order to have access to the tender documents in Phase II, Candidates and, if applicable members of joint candidatures and subcontractors, are requested to submit in their Request to Participate a duly signed and dated Non-Disclosure Undertaking, using the template provided in the Standard Reply Form (Annex I).

3.8. PARTICIPATION OF CONSORTIA

If Candidates intend to submit a joint candidature in order to submit a joint tender in Phase II of this procurement procedure, candidates must mention this fact in the submission form of the Standard Reply Form, and specify the composition of such candidature (members of the consortium or grouping).

Each economic operator forming the consortium or grouping will be required to become a party to the FWC in case of award, and shall assume joint and several liability towards the Contracting Authority for the fulfilment of the terms and conditions of the FWC.

The SatCen will not request the consortium or grouping to have a given legal form in order to be allowed to submit a candidature or tender, but reserves the right to require a consortium or grouping to adopt a given legal form before the contract is signed if this change is necessary for the proper performance of the contract.

The composition of the grouping must not be altered during the life of the contract. After the award of the contract, no grouping or consortium member can be replaced without the Contracting Authority's prior written authorisation and without the new member having signed the contract.

In case of a joint candidature, the power of attorney in favour of the consortium leader (document E of the Standard Reply Form) must be submitted, duly signed and dated by all the members of the joint candidature.

3.9. SUBCONTRACTING

If Candidates intend to subcontract activities under the FWC, they must identify the proposed subcontractor(s) in the Submission Form (document A of the Standard Reply Form), indicate which parts of the activities under the FWC will be subcontracted and to what extent (or percentage of contract value), as well as the criteria and rationale for choosing the proposed subcontractors.

The subcontractors identified in the Submission Form must be able to guarantee the application of the same quality standards, quality assurance, risk management as applied by the contractor.

A Candidate may not select subcontractors other than those identified in the Request to Participate, unless it obtains the prior written authorisation of the Contracting Authority.

The contractor shall remain the sole partner and person legally and financially responsible vis-à-vis the SatCen.

Accordingly, the SatCen will treat all contractual matters (e.g. payments) exclusively with the contractor, whether or not the tasks are performed by a subcontractor.

The Contractor shall remain bound by its obligations to the Contracting Authority under the FWC and shall guarantee the production and supply of the products and be solely liable for the proper performance of the FWC as if it were performing the subcontracted activities itself. Under no circumstance may the contractor transfer to the subcontractor, in whole or in part, its responsibility towards the Contracting Authority under the FWC or any Product Request Form.

The subcontracting arrangement between the Contractor and its subcontractor shall render directly applicable all relevant contractual obligations between SatCen and the Contractor, in particular the provisions of the contract on subcontracting, checks and audits, and confidentiality.

The subcontractors must not further subcontract to other subcontractors.

Subcontractors shall submit a Letter of Intent (free format – to be included as document F of the Standard Reply Form) confirming the subcontractor(s) participation in case the contract is awarded, duly signed and dated by an authorised representative.

3.10. RELIANCE ON THE RESOURCES OF THIRD ENTITIES

Candidates may rely on the resources of third entities in order to achieve the required level of economic, financial, technical and professional capacity. In such a case, Candidates must prove in their Requests to Participate that they will have the necessary resources at their disposal by submitting a Letter of Intent (free format – to be included as document F of the Standard Reply Form) confirming the availability of the proposed resources in case the contract is awarded, duly signed and dated by an authorised representative of the third entity.

If a third party provides the whole or a large part of the financial capacity, the SatCen may demand that that entity signs the FWC, or alternatively, the third party may commit itself to execute the FWC jointly and severally with the contractor by providing a Letter or Intent to that effect.

4. ASSESSMENT OF THE REQUESTS TO PARTICIPATE

4.1. STAGES OF THE ASSESSMENT

The assessment of the requests to participate will be carried out in the following successive stages:

- (1) Eligibility stage – to verify, on the basis on the conditions defined in section 4.2, whether the Candidates (including consortium members and subcontractors) have access to this procurement procedure;
- (2) Exclusion stage – to verify, on the basis of the exclusion criteria defined in section 4.3, whether the Candidates (including consortium members and subcontractors) are not in a situation of exclusion and can take part in this procurement procedure;
- (3) Compliance with environmental, social and labour law – to verify whether the candidates comply with environmental, social and labour law requirements of the present invitation to participate, as defined in section 4.4;
- (4) Selection stage – to verify whether the Candidates fulfil the following capacity requirements, as defined in section 4.5:
 - I. legal capacity;
 - II. economic and financial capacity;
 - III. technical and professional capacity.

The assessment will be based on the information provided in the Request to Participate. SatCen reserves the right to use any other information from public or specialist sources.

If a Candidate does not pass one criteria, it will not be evaluated under the other categories. A Candidate's capacity (selection stage) will not be assessed if such a Candidate does not have access to procurement, falls under grounds of exclusion or does not comply with environmental, social or labour laws .

All Candidates will be informed of the decision regarding their Request to Participate as soon as the selection is completed.

4.2. ACCESS TO PROCUREMENT

Requirement:

The participation in this procurement procedure is only open on equal terms to Candidates (including consortium members) having their registered offices or head offices in the EU or in the EEA.

Evidence required:

This requirement must be attested with the Legal Entity Form, (accessible through the link provided in Section B of the Standard Reply Form), duly filled out and signed by an authorised representative, and supported by a copy of inscription in trade register and/or a copy of inscription in VAT register, where applicable.

4.3. EXCLUSION CRITERIA

Requirement:

Participation in this procurement procedure is only open to Candidates (all entities involved, including subcontractors and consortium members) that are not in any of the exclusion situations referred to in Article 136 of the EU Financial Regulation¹, including:

- bankruptcy and insolvency situations;
- non-payment of taxes or social security contributions;
- grave professional misconduct;
- fraud, corruption, participation in a criminal organisation, etc.;
- serious breach of contract.

Evidence required:

When submitting their requests to participate, each Candidate (and, if applicable, each member of bidding consortia and subcontractors) must declare that it is not in any of the situations of exclusion listed in Article 136 of the EU Financial regulation, by providing an original Declaration on Honour, duly signed and dated, using the form provided as document G of the Standard Reply Form.

Failure to provide a signed and dated declaration on honour will lead to exclusion from the procurement process.

Candidates, members of bidding consortia and subcontractors shall be excluded from the selection and award procedures if they do not satisfy criteria a) to h) specified in the declaration on honour.

The supporting documents (extracts from judicial records and official certificates) confirming the declaration on honour, as required in Article 137 of the EU Financial Regulation, will be requested only to the successful tenderer(s) once the FWC is awarded at the end of phase II of this procurement procedure.

The SatCen makes use of the Early Detection and Exclusion System (EDES), a centralised database managed by the European Commission, in order to verify whether individuals or organisations are suitable to receive EU funding.

That SatCen, as an entrusted entity in charge of implementing the EU budget, shall report to the European Commission any risk threatening the Union's financial interests stemming from the grounds of exclusion identified in Article 136 of the EU Financial Regulation. Candidates are expected to cooperate with the SatCen as regard the protection of the financial interests of the EU, by reporting any possible ground of exclusion.

4.4. COMPLIANCE WITH ENVIRONMENTAL, SOCIAL AND LABOUR LAWS

Requirement:

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

Candidates must comply with applicable environmental, social and labour law obligations established by European Union law, national legislation, collective agreements or international environmental, social and labour law provisions listed in Annex X of Directive 2014/24/EU.

Evidence required:

This requirement must be attested with the declaration on honour (document G of the Standard Reply Form), duly completed and signed.

4.5. SELECTION CRITERIA

Only Candidates that have access to the market, are not in a situation of exclusion and comply with applicable environmental, social and labour laws will be assessed at the selection stage.

Candidates must fulfil all the legal, economic and financial capacity requirements as well as the technical and professional capacity criteria listed below, in order to pass to Phase II and be invited to tender.

I. Legal Capacity
<p><u>Requirement:</u></p> <p>Candidates must be authorised to perform the FWC under national law, as evidenced by official supporting documents.</p> <p><u>Evidence required:</u></p> <p>Each Candidate (including each member of a joint candidature) is required to submit:</p> <ol style="list-style-type: none"> 1. A Legal Entity Form, duly filled out and signed, using the link provided in Section B of the Standard Reply Form. 2. Copies of official documents (register(s) of companies, official gazette, VAT registration, etc) supporting that the Candidate is authorised to perform the contract under national law. Such supporting documents shall be included in Annex I-1 to the Standard Reply Form.
II. Economic and Financial Capacity
<p><u>Requirement:</u></p> <p>Candidates must:</p> <ol style="list-style-type: none"> 1. Be in a stable financial situation and have sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract. 2. Have an average annual turnover over the last three closed fiscal years equal or greater than one million Euro (€1,000,000.00). <p>In case of joint tendering, the combined capacity of all members of the consortium will be assessed.</p>

Evidence required:

Each Candidate (including each member of a joint candidature) is required to submit:

1. Profit and loss accounts and balance sheets for the last three years for which accounts have been closed, to be included in Annex I-2 to the Standard Reply Form.
2. A signed statement as to the average annual turnover in the last three closed fiscal years for which accounts have been closed, as per the form provided in Annex I-3 of the Standard Reply Form. In case of joint tendering, a separate statement for each member of the group and a document summarising the consolidated data for the grouping as a whole shall be submitted.

III. Technical and Professional Capacity

Candidates shall have sufficient technical and professional capacity to guarantee a continuous and satisfactory performance throughout the envisaged lifetime of the FWC. Professional and technical capacity to perform the tasks shall be attested by filling in the questionnaire on professional experience provided as document I (sections 3.1 and 3.2) of the Standard Reply Form. In case of a joint candidature and/or subcontracting, the combined capacity of all the participating entities will be assessed.

3.1. Minimum capacity of the Candidates**Requirement:**

Candidates must have relevant experience in providing multisource analytical assessments in at least three of the following domains:

- Border Security;
- Human Smuggling;
- Cross-Border Crime; and
- Security and Foreign Policy.

Evidence:

Candidates shall fill in the selection criteria questionnaire included in Annex I to the invitation to submit a request to participate (standard reply form). Together with the questionnaires, the following documents shall be submitted as evidence of compliance with the technical and professional capacity in the above-mentioned fields of expertise:

- A list of at least five (5) projects/contracts, relevant for the FWC in terms of pertinence and amount, implemented in the past 3 years (2017, 2018, 2019) with a brief description (i.e. 1-2 paragraphs) of the scope of analysis, project value (€), start and end dates, recipients (customers) and indication of the proposed team member's involvement in these projects. The list of relevant projects/contracts must be included in Annex I-4 to the Standard Reply Form.

- A complete description of at least two (2) of such projects, including relevant multisource analytical assessment with cases/examples or screenshots and showing compliance with the specific selection criteria, including the methodologies used (1 page description per project). The projects' description must be included in Annex I-5 to the Standard Reply Form.

SatCen reserves the right to request additional information and/or evidence if those provided do not allow for a conclusive assessment.

3.2. Minimum capacity of the proposed team

Requirement:

Candidates shall demonstrate to have sufficient technical and professional capacity in terms of available human resources to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the FWC.

To comply with the minimum capacity the candidate shall propose a team for the delivery of the envisaged services that shall include as a minimum experts with the following minimum level of qualification and experience:

- At least 2 Country Risk Analysts:
 - **RA1.** The Country Risk Analysts shall have a university degree (at least at Bachelor's level) in International Relations and Affairs, Political Science, Foreign Policy or a related field.
 - **RA2.** Minimum of seven (7) years' experience in country socio-economic, geopolitical risk analysis, focusing on Border Security issues.
 - **RA3.** Have a proven record of published analysis studies, report or briefings in domain journals, conferences or online.
 - **RA4.** Excellent written and verbal communication skills in English (at least C1 level).
- At least 2 Geospatial Analysts:
 - **GA1.** The Geospatial Analysts shall have a university degree (at least at Bachelor's level) in Geographic Information Systems/Science, Mapping, Remote Sensing, Geography or a related field.
 - **GA2.** Minimum of seven (7) years' experience in mapping and geospatial analysis, including:
 - Experience with ESRI ArcGIS products, including ArcGIS StoryMaps.
 - Knowledge and experience in applying geospatial analysis methods, as hot spot, trend, and predictive analysis.
 - **GA3.** Excellent written and verbal communication skills in English (at least C1 level).
- At least 1 Open Source Intelligence Analyst:
 - **OS1.** Minimum of five (5) years' experience in active and passive collection, analysis and dissemination of Open Source information.
 - **OS2.** Excellent written and verbal communication skills in English (at least C1 level).

- **1 Editor:**

- **ED1.** Minimum of four (4) years' experience in curating analysis reports, specifically proofreading, validating facts and sources, creating error-free readable material.
- **ED2.** Has a proven record of editing material (reports, articles or blogs).
- **ED3.** Excellent written and verbal communication skills in English (at least C1 level).

The role of Country Risk Analyst and Geospatial Analyst may be covered by the same person, provided that the proposed person has the expertise and qualifications required above for both profiles.

Evidence:

The table provided in Annex I-6 to the Standard Reply Form must be filled out, indicating the names of the proposed team members, their respective roles and how the qualifications, skills and experience of each proposed team member match the technical and professional capacity requirements set out in this section.

For each proposed team member the Candidate shall submit the following documents in Annex I-6 to the Standard Reply Form:

- Brief summary (maximum ½ page per team member) specifying the current role or activity of each proposed team member, broad description of the experience of each team member in the field of expertise, his/her qualifications and skills and a confirmation of his/her availability to perform the tasks should the FWC be awarded.
- Full Curriculum Vitae (CV) using the Europass format.

If the team members proposed in the Request to Participate need to be replaced or if new members need to be added during phase 2 (tendering phase) of this procurement procedure, the substitutes and/or the additional team members must meet the minimum technical and professional capacity set out in this Section. The CVs for such substitutes or additional members shall be provided in the tenders.

4.6. REJECTION FROM THE PROCEDURE

Candidates that are in any of the following situations will be rejected from the procedure:

- a)** do not have access to the market;
- b)** are in a situation of exclusion;
- c)** do not comply with environmental, social and labour laws; or
- d)** do not meet the selection criteria.



5. HOW TO SUBMIT A REQUEST TO PARTICIPATE

The document “Invitation to submit a request to participate” contains all the details regarding the submission of candidatures.