

Additional information about the Contract Notice

Procedure number: DEVCO/2020/EA-RP/0009

Establishment of an appropriate Programme Management Infrastructure inside the State Agency of Ukraine on Exclusion Zone Management - U4.01/18A

Location - Ukraine

1. Nature of contract

Fee-based

2. Programme title

INSC – Instrument for Nuclear Safety Cooperation

3. Financing

Budget line

4. Eligibility and rules of origin

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 a eligible country or territory as defined under the Regulation (EU) No 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 'Legal basis' below). Participation is also open to international organisations.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014** and Annex IV of the ACP-EU Partnership Agreement***, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom ****. Those persons and goods are therefore eligible under this call.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

** Regulation (EU) No 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.

*** Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

**** including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

5. Candidature

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may apply.

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A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender 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 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 applications or tenders

No more than one application 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 an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.

In case of lots, the candidates or tenderers may submit only one application or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

7. Information meeting and/or site visit

No information meeting is planned.

8. Tender validity

Tenders must remain valid for a period of 3 months after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

9. Shortlist alliances prohibited

Any tenders received from tenderers having a different composition than the ones 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 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

10. Grounds for exclusion

Candidates or tenderers must submit a signed declaration, included in the application form or tender 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)**.

Candidates or 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.

11. Sub-contracting

Sub-contracting is allowed.

12. Number of candidates to be short-listed

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. 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.

13. Provisional date of invitation to tender

November/December 2020

14. Provisional commencement date of the contract

March 2021

15. Period of implementation of tasks

August 2020

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SELECTION AND AWARD CRITERIA

16. Selection criteria

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

The selection criteria for each tenderer are as follows:

1) Economic and financial capacity (based on item 3 of the service application form). In case of candidate being a public body, equivalent information should be provided.

1.1. The annual turnover for the years **2016, 2017 and 2018** must exceed **EUR 800,000**.

The average is calculated as sum of the annual turnover of the candidates for each year (2016, 2017 and 2018) divided by 3.

The template/table in the submission form should be adapted accordingly showing the appropriate years.

2) Professional capacity of candidate (based on items 4 and 5 of the application form for service contracts).

2.1. At least **10 permanent staff members are working (i.e. in 2020) and worked in 2018 and 2019** for the candidate, out of which **at least 5** permanent staff providing professional consultancy services in programme and project management, quality management and training to industry, including the nuclear sector: i.e. in the areas of nuclear engineering, nuclear safety management, nuclear waste management, maintenance or operation of nuclear power plants (NPPs), for each of the last 3 years (2018, 2019, 2020).

The template/table in the submission form should be adapted accordingly showing the appropriate years.

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 **three years** from submission deadline (**October 2017 – September 2020**).

3.1. The candidate has implemented as a leader (implementation of minimum 50% of the overall contract value) **at least 3 contracts** in the field of “improving programme and project management systems” *and/or* “quality management systems” *with* the “delivery of relevant training to industrial and/or public organisations”. Each of these contracts must have a duration of minimum 6 months and must have an overall budget of at least EUR 800,000 each.

3.2. The candidate has implemented **at least 1 contract in the nuclear sector**: i.e. in the areas of nuclear engineering, nuclear safety management, nuclear waste management, maintenance or operation of NPPs or at nuclear civil installations. The percentage implemented by the candidate for this contract during the reference period must be at least 15% of the overall contract value. This contract must have a duration of minimum 24 months and have an overall budget of at least EUR 500,000.

3.3. **At least 1** of the contracts fulfilling criterion 16.3.1. must have been carried out **in (a) country(ies) different** than the one (those) where the consortium member(s)

presenting the reference is (are) established.

Projects used as reference for criteria 16.3.1., 16.3.2. and 16.3.3. must have been implemented at any moment in the reference period (**October 2017 – September 2020**).

This means that the service contract 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 are allowed to refer either to service contracts completed within the reference period (although started earlier) or to service contracts not yet completed. In the first case the service contract 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 service contracts 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 service contracts completed) also detailing its value. **In this case, a precise budget and a description of the tasks which were implemented during the reference period (October 2017 – September 2020) shall be added in the detailed description of the project in the application form.**

If a candidate has implemented the service contract in a consortium, **the percentage and the amount** that the candidate 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. Documentary evidence is not required at the application stage but will be requested with the invitation to tender.

Please adapt the table in the submission form accordingly.

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

Capacity-providing entities

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. If the tenderer relies on other entities it must prove to the contracting authority that it will have at its disposal the resources necessary for 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 - notably that of nationality – 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 the tender 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 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.

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

- 1) The highest number of projects meeting the criterion 16.3.1. above;
- 2) The highest number of projects meeting the criterion 16.3.2. above;
- 3) The highest number of projects meeting the criterion 16.3.3. above.

N.B.: additional comparative criterion No 1 shall be applied to all the eligible candidates that meet all 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. Similarly, if, after applying additional comparative criterion No 2, 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 3 shall be applied only to these tied candidates.

17. Award criteria

Best price-quality ratio

APPLICATION AND TENDERING

18. 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:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

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

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

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

19. How applications may be submitted

The candidate's attention is drawn to the fact that applications must be submitted in English to the contracting authority exclusively by email via the dedicated functional mailbox:

EuropeAid-TENDERS-140676-APPLICATIONS@ec.europa.eu

Please note that this functional mailbox is intended exclusively for submission of applications. Therefore, any other type of communication via this functional mailbox will not be considered (clarifications may be sought from the contracting authority at the email address EuropeAid-TENDERS-140676@ec.europa.eu, as stated in point 21 below).

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 form.

20. Deadline for submission of applications

The deadline for submission of applications can be found in the Contract Notice under IV.2.2.

Any application sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application 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 applications 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

Clarifications may be sought from the contracting authority at the following email address EuropeAid-TENDERS-140676@ec.europa.eu at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering accessible from the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home> at the latest 5 days before the deadline for the submission of applications.

22. Alteration or withdrawal of applications

Applicants may alter or withdraw their applications by written notification via email EuropeAid-TENDERS-140676-APPLICATIONS@ec.europa.eu prior to the deadline for submission of applications. No applications may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with precedent item. The subject line of the email must clearly indicate 'Alteration' or 'Withdrawal' as appropriate.

23. Language of the procedure

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

24. Legal basis

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 Council Regulation (EURATOM) No 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation. See Annex A2 of the Practical Guide.

25. Additional information

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion shall be made in accordance with the InforEuro exchange rate of September 2020, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>