

SERVICE CONTRACT NOTICE

Technical Assistance for Monitoring and Implementation of Environmental and Climate Action Policies, Montenegro

Location - Montenegro (ME)

1. Publication reference

EuropeAid/140085/IH/SER/ME

2. Procedure

Restricted

3. Programme title

Instrument for Pre-Accession Assistance (IPA II) 2014-2020, IPA 2016 annual programme for Montenegro

4. Financing

IPA 2016, Financing agreement IPA II

5. Contracting Authority

Public Works Administrations, Novaka Miloševa 18, 81000 Podgorica, Montenegro

Clarifications may be sought from the contracting authority at the following email address ujr@ujr.gov.me at the latest 21 days before the deadline for submission of applications stated at the point 23 below.

Clarifications will be published on the website of EuropeAid, Ministry of Sustainable Development and Tourism and Public Works Administration at the latest 5 days before the deadline.

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The purpose of this Contract is to provide technical assistance for strengthening the institutional and administrative capacities, specifically for monitoring and reporting in the following Environmental Sub-Sectors:

1. Horizontal (cross-cutting) legislation, including EIONET and Sector Environmental Monitoring and reporting.
2. Ambient air quality – AAQ: modelling air conditions
3. Industrial pollution control: establishment of registers of polluters

4. Chemicals management: chemicals, biocides and infrastructure
5. Nature protection: mapping, identification/monitoring and reporting on biodiversity
6. Noise assessment and management in environment: strategic and implementation activities on environmental noise
7. Civil protection: identification and of disaster loss and disaster risk assessments
8. Climate Action: including implementation of the EU Directive on Emissions Trading System, Monitoring Mechanism Regulation and preparation of the low carbon strategy

8. Number and titles of lots

One lot only.

9. Maximum budget

EUR 4.228.265

10. Scope for additional services

The contracting authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately EUR 2.100.000,00 . Any extension of the contract would be subject to satisfactory performance by the contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

Participation is open to all legal persons (participating either individually or in a grouping – consortium – of tenderers) which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item 29 below). Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of contract award, candidates or tenderers from the United Kingdom could be rejected from the procurement procedure.

12. Candidature

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person (as per item 11) 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.

13. Number of applications

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those 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 – PRAG – 2.6.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the PRAG.

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.

16. Sub-contracting

Subcontracting is allowed.

17. 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.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

October 2019

19. Provisional commencement date of the contract

February 2020

20. Initial period of implementation of tasks

30 months

SELECTION AND AWARD CRITERIA

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

- 1) **Economic and financial capacity of candidate** (based on item 3 of the application 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.
 - a) The average annual turnover of the candidate must exceed EUR 1.500.000,00;
 - b) Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium this criterion must be fulfilled by each member.

- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years from submission deadline.
 - a) At least 10 staff currently working for the candidate in fields related to this contract.

- 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 five years from submission deadline.
 - a) The candidate has provided in EU member state or potential candidate or candidate or ENI (European Neighbourhood Instrument) country, services under at least two contracts with a minimum cumulative budget of EUR 1.000.000,00 (proportion carried out by the candidate) in minimum 4 of the Sub-Sectors mentioned in point 7 (one of them must be Climate Action). Minimum value (portion carried out by the candidate) of the contract to be evaluated is EUR 300.000,00.
 - b) The candidate has provided in a present EU member state or a candidate or a potential candidate state, services under one contract with a minimum budget of EUR 500.000,00 (proportion carried out by the candidate) in the field of Nature Protection for mapping of habitats, surveys of species and data management in line with the EU Natura Directives.

Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project 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 projects 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 projects completed) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer 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.

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

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. Some examples of when it may not be considered appropriate by the contracting authority are when the tender rely in majority on the capacities of other entities or when they rely on key criteria. If the tender 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, for example by producing a commitment on the part of 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 furnished 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, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates. The only additional comparative criteria which will be taken into consideration during this re-examination, in the order that they appear below, are:

- the total number of the reference projects found eligible under 3b) and, in case of equality of this criterion, then
- the value of the eligible part (the proportion carried out by the candidate) of the reference projects found eligible under criterion 3b).

N.B.: additional comparative criterion 2) will be applied only if the number of eligible candidates remain higher than 8 after applying additional comparative criterion 1).

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

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

In the first case, the application/tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender which will serve as proof.

15:00 hrs Central European Time on 22nd July 2019

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

¹ It is recommended to use registered mail in case the postmark would not be readable.

The contracting authority may, for reasons of administrative efficiency, reject any application or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.

24. 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:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

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

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. How applications may be submitted

Applications 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:

Public Works Administration

Novaka Miloševa 18, 81000 Podgorica, Montenegro

- 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:

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The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the contracting authority.

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.

26. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline

for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. Operational language

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

28. Date of publication of prior information notice

28th January 2019.

29. Legal basis²

- Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11th March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II);
- 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;
- Commission Implementing Regulation (EU) No 447/2014 of 2nd May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11th March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II).

30. Additional information

N/A

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² Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).