



Framework Contract for supporting Georgia, the Republic of Moldova, and Ukraine in carrying out policy and regulatory reforms in line with the priorities established in the Transport Community Treaty

PS/SRV/PIU/010/2024

INSTRUCTIONS FOR TENDERERS

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I. SECTION I: CONTRACTING AUTHORITY

I.1 NAME AND ADDRESS

The Transport Community through the Permanent Secretariat of Transport Community.

Address: Beogradjanka building, Masarikova 5/8, 11000, Belgrade, Serbia

Contact: procurement@transport-community.org

Website: <https://www.transport-community.org/>

All communications related to this procurement procedure must be addressed at the coordinates mentioned above and in the Contract Notice/invitation to tender.

TCT Secretariat shall not be held liable if the Tenderer does not comply with this instruction.

I.2 JOINT PROCUREMENT

The contract does not involve joint procurement.

The contract is not awarded by a central purchasing body.

I.3 COMMUNICATION

The procurement documents are available for unrestricted and full direct access, free of charge, at: [Open tenders - Transport Community \(transport-community.org\)](#).

Deadline for submission of requests for clarification is 10 calendar days before the latest date for submission of the tender.

Tenders shall be submitted electronically, by email, at procurement@transport-community.org.

Tenderers are invited to examine all documents and notify the Contracting Authority of any conflicts, errors, discrepancies, etc. or to request the clarifications that are considered necessary using the coordinates of the contact person(s) mentioned above.

I.3.1 REQUESTS FOR ADDITIONAL INFORMATION DURING PREPARATION OF TENDERS

The TCT Secretariat considers that the tender documentation provides potential tenderers with sufficient details on the requirements, criteria, rules and other guidance necessary to ensure complete, correct and explicit information on the procurement procedure, and to decide whether or not to submit a tender under this award procedure. However, economic operators have the right to request additional information regarding the tender documentation, according to the instructions below.

The requests for additional information shall be made solely for the purpose of clarifying the procurement documents.

Any interested economic operator has the right to request additional information regarding the Tender Documentation until the deadline mentioned above (paragraph I.3) COMMUNICATION.

Any request for additional information shall be made in writing only and send at the email address procurement@transport-community.org.

The TCT Secretariat shall respond to the timely received requests for additional information as soon as possible, and no later than six (6) days before the last date for submitting the tenders.

TCT Secretariat shall not be bound to reply to requests for additional information received after the specified deadline but may do so if feasible, in due observance of the deadline specified in the paragraph above.

All the responses to requests for clarifications/additional information (if any) and all the modifications/corrigenda shall be published in the same way as the contract notice and will become part of the Tender Documentation.

The TCT Secretariat may, on its own initiative, inform interested parties of any error, inaccuracy, omission, or any other type of clerical error in the text of the procurement documents.

I.3.2 MODIFICATIONS OF THE TENDER DOCUMENTATION

Where appropriate, the TCT Secretariat may amend the content of the tender documentation by issuing a corrigendum which shall be communicated/published no later than six (6) days before the date set for the submission of tenders.

The TCT Secretariat shall allow a sufficient time for the interested economic operators to prepare the Tenders. If necessary, the time for submission of the Tenders shall be extended considering the content of the information included in the corrigendum.

I.3.3 EXTENSION OF THE TIME FOR SUBMISSION OF THE TENDERS

The time for submission of tender shall be extended when:

- Following the request for clarification/additional information significant changes are made to the procurement documents; and/or
- The TCT Secretariat does not answer within the deadline stated at point I.3.1 above.

The time for submission of tender shall not be extended if clarifications/additional information have

either not been requested in good time or their importance with a view to preparing responsive tenders is insignificant.

I.4 TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY

The Transport Community is an international organisation in the field of mobility and transport consisting of 33 participants – the European Union Member States represented by the European Commission and the South East European Parties (the Republic of Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, the Republic of North Macedonia, and the Republic of Serbia) and three observing participants (Georgia, the Republic of Moldova and Ukraine).

The Permanent Secretariat of the Transport Community (“TCT Secretariat”) is one of the institutions set up under the Treaty. TCT Secretariat provides administrative support to the other institutions of the Transport Community, monitors the performance of the indicative TEN-T extension of the comprehensive and core networks to the Western Balkans and supports the implementation of the Western Balkans Six (WB6) Connectivity Agenda aiming to improve links within the Western Balkans as well as between the region and the European Union. It also reviews and monitors the implementation of the obligations committed upon by the signing parties under the Treaty.

II. SECTION II: OBJECT

II.1 SCOPE OF THE PROCUREMENT

Title and reference number

Framework Contract for supporting Georgia, the Republic of Moldova, and Ukraine in carrying out policy and regulatory reforms in line with the priorities established in the Transport Community Treaty (PS/SRV/PIU/010/2024)

CPV codes

71356200: Technical Assistance Services

73220000: Development Consultancy Services

75130000: Supporting Services for the Government

79411000: General Management Consultancy Services

* this designation is without prejudice to positions on status and is in line with UN Security Council resolution 1244 and the International Court of Justice Opinion on the Kosovo declaration of independence

Type and conditions of contract: Services

Tenderers need to take full account of the provisions of the draft Framework Contract (Annexe 10) as the latter will define and govern the contractual relationship(s) to be established between the Contracting Authority and the successful tenderer(s). Special attention should be paid to the provisions outlining the rights and obligations of the Contractor, in particular those on Subsequent Contracts award and related procedure, assignment of risks, performance of the contract, confidentiality, checks and audits and visibility.

Short description

The scope of Contract is to support the regulatory alignment and reform process in the transport sector within Georgia, Moldova and Ukraine by ensuring the availability of a pool of experts able to deliver targeted technical assistance and capacity building measures following specific requests of the Contracting Authority.

Estimated total value

Estimated total value of the procurement (without VAT) is: **€ 750,000, of which**

- **€ 550,000** for the **Technical Assistance component**
- **€ 200,000** for the **Capacity Building component**

The estimated value of the procurement represents the maximum total value of the specific contracts which may be placed during the duration of the Framework Contract and is consisting of:

- The estimated value of the Framework Contract of **€ 550,000, of which**
 - **€ 400,000** for the **Technical Assistance component**
 - **€ 150,000** for the **Capacity Building component**
- An additional amount of **€ 200,000, of which:**
 - **€ 150,000** for the **Technical Assistance component**
 - **€ 50,000** for the **Capacity Building component**

that may be used by the Contracting Authority for supplementing the maximum value of the Framework Contract under a negotiated procedure without prior publication, as provided under Art. 32 point 5 of **Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC**.

By signing the Framework Contract, the Contractor agrees to a potential supplementation of the Framework Contract value up to the maximum limits defined above under the same technical and financial conditions (i.e. by maintaining its key staff and tender prices).

Information about lots

This contract is not divided in lots.

The decision not to divide the Framework Contract into lots, despite the theoretical feasibility of doing so for Technical Assistance and Capacity Building services, is justified by the broad scope of services potentially required under subsequent contracts, encompassing all priority areas of the Transport Community.

Effective delivery of these services requires skilled and proficient key and non-key personnel. In practice, Capacity Building services are expected to be provided by the same staff approved for Technical Assistance related services, ensuring consistency and efficiency. Splitting the contract into smaller lots, each requiring a large number of experts across diverse specialties, would not only be impractical but could also discourage market interest due to the reduced volume of services in each lot relative to the significant resource commitment required.

II.2 DESCRIPTION

II.2.1 Place of Performance

The services shall be delivered mostly in Georgia, the Republic of Moldova, Ukraine, the Contractor's place of business and the experts' place of residence. Tenderers are invited to check the Technical Specifications for further details.

II.2.2 Description of the Procurement

The scope of the Framework Contract is to support the regulatory alignment and reform process in the transport sector within Georgia, Moldova and Ukraine by ensuring the availability of a pool of experts covering the key areas of the Transport Community. Individual assignments to be implemented under the Framework Contract will correspond to one of the following categories:

- a) **Technical Assistance:** i.e. providing targeted support to Georgia, the Republic of Moldova, and Ukraine to facilitate policy and regulatory reforms aligned with the priorities set out in the Transport Community Treaty.
- b) **Capacity Building:** support measures aiming to strengthen the capabilities of key stakeholders in Georgia, the Republic of Moldova, and Ukraine, enabling them to effectively implement regulatory and policy reforms consistent with the priorities outlined in the Transport Community Treaty.

II.2.3 Award Criteria

The contract/framework agreement will be awarded based on the most economically advantageous tender, according to the best price-quality ratio criterion.

II.2.4 Maximum Total Score: 100

Financial component - Weighting: 50%

The price considered for evaluation will be the indicative total price included in the Financial Offer for the indicative numbers of man-days per expert categories and Capacity Building Events, as estimated by the Contracting Authority for the scope of providing a uniform basis for bids comparison.

Technical component - Weighting: 50%

The quality of the tender will be evaluated based on the criteria set in the following table. The maximum total quality score is 100 points.

Tenders must score a minimum number of points for each criterion, as indicated in the table below. The minimum no. of total points to be scored is 50. **Tenders that do not reach the minimum thresholds for each criterion or a total number of at least 50 points will be rejected and will not be ranked.**

No	Award Criteria	Maximum Points	Minimum threshold
1.	<p>Qualification and experience of key personnel</p> <p>Meeting the minimum requirements for the key experts whose profile is defined in section 9 of the Technical Specifications and for the Contract Manager equals to 40 points.</p> <p>The remaining 40 points will be awarded based on the specific/project-related experience of the key experts. For each position, the specific/project-related experience of all experts proposed by the Tenderers and meeting the minimum requirements will be compared. The expert with the most experience will receive 5 additional points, while the lowest-ranked expert will receive no additional points. Points for the other experts, if applicable, will be allocated proportionally, based on a comparison of their experience relative to the highest-ranked expert.</p> <p>Details about the specific/project related experience to be assessed for each position is provided below:</p>	80	40

No	Award Criteria	Maximum Points	Minimum threshold
	<ul style="list-style-type: none"> - Key Expert no. 1 - EU Acquis Expert: overall extent of experience in assessing and/or drafting laws, regulations, or administrative procedures for alignment with the EU acquis - Key Expert no. 2 - Regulatory Impact Assessment Expert: total number of projects concerning transposition, implementation review, analysis, assessment or evaluation of EU Transport Acquis in which the expert performed activities related to legislative/regulatory impact assessment. - Key Expert no. 3 - Institutional/organisational review expert: total number of projects in which the expert performed activities related to functional reviews of institutions, assessing performance, efficiency and alignment with EU acquis requirements - Key expert no. 4 – Road policy expert: overall extent of experience in aligning national legislation with the EU acquis in any of the following areas: road infrastructure, road social acquis, road vehicles, drivers, Intelligent Transport Systems - Key expert no. 5 – Road safety expert: total number of projects in a similar position - Key expert no. 6 – Rail policy expert: total number of projects in which the expert performed activities related to drafting national railway strategies, plans, reform initiatives or legislative frameworks aligned with the EU acquis - Key expert no. 7 – Waterborne policy expert: overall extent of experience in aligning national policies and legislation with EU waterborne transport acquis - Contract Manager: total number of projects of equal or larger value with the current Framework Contract in which the expert held a similar position. 		

2.	<p>Quality of the proposed methodology</p> <p>This criterion assesses the applicability and adequacy of the proposed approach and methodology for services delivery. The methodology section of the Technical Offer should effectively include the following elements:</p> <ul style="list-style-type: none"> - Scenarios description - Description of the supporting facilities (backstopping) that the Contractor will be providing during the execution of the Framework Contract - Proof of access to suitable non-key experts - Risk management plan <p>Scoring under this criterion will be based on the following sub-criteria and guidelines:</p> <p>1. Scenarios description (5 points):</p> <ul style="list-style-type: none"> ○ Low score: Scenarios are vague, generic, or incomplete, lacking specific details, practical relevance to the services required and not being aligned with the provisions of the Technical Specifications. Description of services proves insufficient understanding of the objectives of the contract. ○ Higher score: Scenarios are detailed, realistic, and fully aligned with the contract's objectives. They demonstrate a strong understanding of the applicable procedural background, and potential challenges. <p>2. Supporting facilities (5 points):</p> <ul style="list-style-type: none"> ○ Low score: Supporting facilities are poorly described or insufficient. There is little evidence of commitment from the Contractor to provide the necessary resources or operational support. The quality assurance measures are vague and/or generic. ○ Higher score: Resources, tools, and processes are clearly outlined, demonstrating a strong capacity to ensure smooth execution and fulfilment of all related duties. Besides the administrative support, the Contractor demonstrates willingness to support the teams of expert with its own expertise, as the case may be. The proposed quality assurance measures are specific and concrete. <p>3. Proof of Access to Suitable Non-Key Experts (5 points)</p> <ul style="list-style-type: none"> ○ Low score: general statements about bidder's access to qualified non-key experts, lacking details or providing weak justifications regarding the availability of expertise. ○ Higher score: Strong and credible proof of access to a pool of qualified non-key experts. Nominations of potential candidates along with evidence of their availability if their services are required. <p>4. Risk Management Plan (5 points):</p>	20	10
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No	Award Criteria	Maximum Points	Minimum threshold
	<ul style="list-style-type: none"> ○ Low score: General risk management plans limited to the risks previously identified by the Contracting Authority and including generic mitigation measures. ○ Higher score: Identification of additional relevant risks proving a solid understanding of the project’s specifics. Proposal of well-targeted and realistic mitigation measures. 		
	Total	100	50

II.2.5 Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 50/50 is given to quality and price.

Score for tender X	=	cheapest price	*	100	*	50%	+	total quality score (out of 100) for all award criteria of tender X	*	50%

		price of tender X								

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer with cheaper price will be deemed to be the most economically advantageous tender.

II.2.5 Duration of the Framework Contract

The implementation period of the Framework Contract will start upon its entering into force and is initially set to conclude on 31 December 2025.

This contract is subject to renewal.

Subject to budget availability, the Duration of the Framework Contract will be further extended. By signing the Framework Contract, the Contractor agrees to a potential prolongation of the Framework Contract Duration of at least one year under the same technical and financial conditions (i.e. by maintaining its key staff and tender prices), provided that the extension is notified at least 3 months before the expiry of the initial contract period. The decision to further prolong the Framework Contract duration as well as the length of a possible extension are at the sole discretion of the Contracting Authority.

II.2.6 Information about the limits on the number of candidates to be invited

N/A

II.2.7 Information about variants

Variants shall not be accepted.

II.2.8 Information about options

The Contracting Authority reserves the right to supplement the maximum value of the Framework Contract under a negotiated procedure without prior publication, as provided under Art. 32 point 5 of *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC* with an amount up to € 200,000, of which:

- € 150,000 for the **Technical Assistance component**
- € 50,000 for the **Capacity Building component**

This option may be exercised if the funds allocated under the Framework Contract are used faster than initially assumed, or if the Contracting Authority decides to extend the Framework Contract duration, as outlined under Section II.2.5. The decision to activate this option, as well as the total maximum value of services to be awarded under these conditions (within the defined limits), remains solely at the discretion of the Contracting Authority.

II.2.9 Information about the funding budget

The contract will be funded under grant NDICI-GEO-NEAR/2023/452688 to the Transport Community Permanent Secretariat related to preparatory activities to support the progressive involvement of Georgia, the Republic of Moldova and Ukraine in the activities of the Transport Community.

II.2.10 Additional information

The Framework Contract will be concluded with one economic operator only and the Subsequent Contracts will be awarded without re-opening of the competition, using the procedure described in the Technical Specifications.

The type of individual assignments to be carried out under Subsequent Contracts are described in detail under Section 3.3.1 of the Technical Specifications.

As a general principle, given the scope, value and duration of the Framework Contract (including any potential budget increases or time extensions), individual assignments are expected to remain of small to moderate size.

While the Contracting Authority intends to utilise the full amount of services up to the maximum value of the Framework Contract, the frequency of assignments will depend on several factors, including the

materialization of risks identified in the Technical Specifications, the beneficiary countries' overall responsiveness and capacity to absorb the Technical Assistance services, and, last but not least, stakeholders satisfaction.

The mere signing of the Framework Contract does not provide any assurance or guarantee regarding the full utilization of the allocated amounts or the mobilisation of the experts, as estimated by either party at the tender stage. The Contracting Authority's obligations under the Framework Contract are not binding until the conclusion of Subsequent Contracts, in which the specific terms, scope, and financial commitments will be clearly outlined. Any obligations of the Contracting Authority shall only be considered effective and enforceable within the framework of such Subsequent Contracts and shall not extend beyond the scope defined therein.

II.3 ADJUSTMENT OF THE CONTRACT/Framework AGREEMENT PRICE

The price shall not be adjusted.

III. SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1 CONDITIONS FOR PARTICIPATION

This section includes information about:

- i. Eligibility requirements for participation at this procedure;
- ii. The exclusion grounds from participating to this procedure and the means of proof;
- iii. Selection criteria and means of proof.

Tenderers are responsible for carefully reviewing the Tender Documentation during the preparation of tenders, including any corrigendum issued, as well as obtaining all information requested regarding any conditions or obligations applicable to the tenderer for submitting a tender under this procurement procedure.

III.1.1 ELIGIBILITY

Participation in this procurement procedure is open in accordance with Art. 28.1 of Regulation (EU) 2021/947 establishing the NDICI to international organisations and to all other legal entities, including civil society organisations, who are nationals of and, in the case of legal persons, who are also effectively established in, the following countries:

- (a) EU Member States, beneficiaries listed in the relevant Annex to the IPA III Regulation and contracting parties to the Agreement on the European Economic Area;

- (b) Neighborhood partner countries;
- (c) developing countries and territories, as included in the list of ODA recipients published by the OECD Development Assistance Committee, which are not members of the G-20 group, and overseas countries and territories;
- (d) developing countries, as included in the list of ODA recipients, which are members of the G-20 group, and other countries and territories, when the relevant procedure takes place in the context of an action financed by the Union under the Instrument in which they participate;
- (e) countries for which reciprocal access to external funding is established by the European Commission
- (f) member countries of the OECD, in the case of contracts implemented in a LDC or a highly indebted poor country, as included in the list of ODA recipients.

To enable the Contracting Authority to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the legal capacity as described in Section III.1.2.b.

III.1.2 SUITABILITY TO PURSUE THE PROFESSIONAL ACTIVITY, INCLUDING REQUIREMENTS RELATING TO ENROLMENT ON PROFESSIONAL OR TRADE REGISTERS

III.1.2.a) REQUIREMENTS REGARDING THE EXCLUSION GROUNDS

All economic operators involved in the procedure, regardless of their role (individual tenderer, member of an group/joint venture, identified subcontractor, supporting third party) must demonstrate that they are not in any of the situations that could lead to their exclusion from the procedure, as described in Article 57 of Directive 2017/24/EU of the European Parliament and of the Council and art 136 of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.

To verify that the economic operators (individual tenderers, members of a group/joint venture, identified subcontractors, supporting third parties) are not in any of the situations regarding the reasons for exclusion, the following information is applicable:

Preliminary evidence - As preliminary evidence for the verification of the reasons for exclusion, the economic operators (individual tenderers, members of a group/joint venture, identified subcontractors, supporting third party) shall submit a Declaration on Honour that they are not in an exclusion situation signed by an authorised representative (Annexe 1).

The supporting documents that will be presented at the request of the Contracting Authority

At the request of the TCT Secretariat, and before the award of the Framework Contract, tenderers must present updated supporting documents demonstrating that they do not fall under any exclusion ground listed in the Declaration on Honour. **Please note that a simple request for evidence in no way implies that the tenderer has been successful.**

The requirement to present updated supporting documents is applicable to all economic operators related to the tenderer in this procedure, including identified subcontractors or supporting third parties, if any.

Supporting documents include, but are not necessarily limited to:

- For situations described in (a), (c), (d) or (f) in the Declaration on Honour, production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.
- For the situation described in point (a) or (b) in the Declaration on Honour, production of recent certificates issued by the competent authorities of the state concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The supporting documents in another language than English shall be translated in English.

Potential tenderers, residents of the European Union and the countries of the European Economic Area (EEA), can use the website of the European Commission available at the following address: <https://ec.europa.eu/tools/ecertis/search> to identify the documents to be presented as supporting documents (if they are available in the respective country).

An economic operator participating in the procedure is not required to submit the documentary evidence if it has already been submitted for another procurement procedure carried out by TCT Secretariat, provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous

procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

An economic operator participating in the procedure is not required to submit a specific document if the TCT Secretariat can access the document in question on a national database free of charge but should nevertheless provide indication on how the said document can be obtained.

The TCT Secretariat reserves the right to:

- a) request additional information for the purpose of evaluating the inclusion in the situations related to the exclusion grounds;
- b) directly request information from the competent authorities in case of uncertainty related to any of the reasons for exclusion.

At any time during the procedure, the TCT Secretariat may request tenderers to present updated declaration, or all or part of the supporting documents where this is necessary to ensure the proper conduct of the procurement procedure.

In case any of the economic operators fall under any of the grounds for exclusion, the tender will be excluded from the procedure, with the sole exception of identified subcontractors. In case an identified subcontractor is found to fall under any exclusion ground, the TCT Secretariat shall request the tenderer only once for its replacement. Failing to nominate a replacement not falling under any exclusion ground upon such request shall result in the tender being rejected.

Notwithstanding the Contracting Authority's entitlement to request supporting documents from any tenderer at any time during the procedure, the successful tenderer must provide the documents mentioned as supporting evidence in the Declaration on Honour before the Framework Contract is signed and within a deadline set by the Contracting Authority. This requirement applies to each member of the group in the case of a joint tender, as well as to identified subcontractors and supporting third parties (if any).

III.1.2.b) CAPACITY TO EXERCISE PROFESSIONAL ACTIVITY

The information and formalities necessary to assess the fulfilment of the minimum selection requirements related to the ability to exercise the professional activity are presented below.

Enrolment in a relevant professional or trade register

The economic operators (individual tenderer, identified subcontractor, supporting third party) must be enrolled in a relevant professional or trade register in accordance with the legal requirements of the

country where the economic operator is established, except when the economic operator is an international organisation.

Supporting evidence will be included in the tender for all economic operators involved (individual tenderers, members of a group/joint venture, identified subcontractors, supporting third parties) demonstrating that:

- The economic operator is legally incorporated in its country of origin, and it is not in a situation of cancellation of incorporation.
- It legally carries out its professional activity on the market, and
- Its object of the activity stated in the incorporation act allows the execution of the activities subject matter of the contract.

The supporting documents shall include:

- Certificates issued by the professional register or trade register, or equivalent documents issued by the competent authorities of the country where the economic operator is established/incorporated;
- Other evidence that the economic operator can present in accordance with the legislation of the country in which it is established/incorporated.

III.1.3. ECONOMIC AND FINANCIAL STANDING

Criterion 1: The minimum yearly turnover

- **Annual turnover of the last two closed financial years should be at least € 750,000 in average: (turnover in year 1 + turnover in year 2)/2 => € 750,000.**

Criterion 2: Assets/liabilities ratio

- **Ratio between total assets and total liabilities in the last year for which accounts have been closed should be above 1.**

Supporting documents to be submitted as evidence with the bid shall include (without being limited to):

- a. For economic operators required under national law to keep a complete set of accounts:
 - i. statement of financial position, statement of profit or loss account and
 - ii. annexes of the last two years for which accounts have been closed;
- b. For economic operators required under national law to keep a simplified set of accounts:
 - i. the statement of expenditure and revenue and the annex showing assets and liabilities for the last two financial years for which accounts have been closed;

- c. In all cases, a statement of overall turnover provided over the last two financial years for which accounts have been closed.

The most recent year must have been closed within the last 18 months.

If, for some exceptional reason which the Contracting Authority considers legitimate and justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Contracting Authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity. Furthermore, the Contracting Authority retains the discretion to reject the bid if it deems the submitted evidence insufficient to provide reasonable assurance regarding the tenderer's capacity to successfully implement the Framework Contract.

The TCT Secretariat reserves the right to request information directly from the competent authorities in case there are uncertainties regarding the fulfilment of the minimum qualification requirement regarding the economic and financial situation.

If a group of economic operators submits a joint tender, the minimum yearly turnover and the assets/liability ratio criteria must be met by the group leader.

If the tenderer wishes to use the support of a supporting third party for the fulfilment of the minimum requirement related to the minimum yearly turnover in the area covered by the contract, the tenderer has the right to invoke the support of a supporting third party, regardless of the nature of the existing legal relationships between the tenderer and the supporting third party.

When a tenderer invokes the support of a supporting third party, it shall prove that:

- a) It has at his disposal the necessary resources by submitting an unconditional commitment of the supporting third party regarding the financial support of the tenderer.
- b) The supporting third party who grants the financial support shall meet the requirements regarding the reasons for exclusion, the ability to exercise professional activity and the relevant economic and financial standing criteria.

The commitment of supporting third party shall:

- a) be submitted together with the tender;
- b) state that the supporting third party is jointly responsible for the execution of the contract/framework agreement;

- c) confirm that the supporting third party shall make available to the tenderer the financial resources necessary for the execution of the contract/framework agreement;
- d) guarantee to the TCT Secretariat that, in the event that the tenderer encounters difficulties during the execution of the contract/framework agreement, the third-party supporter undertakes to fulfil the contractual obligations in a timely and correct manner in accordance with the legal regulations, through its direct involvement.

III.1.4. TECHNICAL AND PROFESSIONAL ABILITY

Criterion 1 – Similar services properly provided

Tenderers or, in case of a joint tenders, the combined capacity of the group members and declared Subcontractors, shall prove that they have acquired similar experience in the areas covered by the Framework Contract within the last 5 years, specifically:

- 1) Experience in providing **Technical Assistance services** in the following areas:
 - a. **Policy and regulatory reform**, namely:
 - i. Providing support to public authorities in EU member states, candidate or potential candidate countries for **EU acquis planning/prioritisation/transposition or implementation**
 - or
 - ii. Providing support to public authorities in EU member states, candidate or potential candidate countries for **institutional review, analysis and/or reform**
 - or
 - iii. Providing support to public authorities in EU member states, candidate or potential candidate countries for **public policy reform, development or evaluation in the transport sector**
 - and
 - b. **Infrastructure projects** related experience in any of the key priority areas of the Transport Community (road, rail, waterborne transport sectors) such as project identification, preparation, screening, evaluation, or monitoring.
- and
- 2) Experience in providing **Capacity Building services** (organisation and delivery of workshops, training seminars for the public authorities).

For the purpose of this procedure:

- The reference period of the last 5 years is calculated in reverse, starting from the final date for submitting the tender. **To be considered relevant, the services counting as “similar experience” must have been successfully delivered no earlier than this deadline, regardless of their start date.**
- “Successfully delivered” means that the services were provided within the terms of the agreement between the tenderer and the beneficiary and completed by the time of tender submission.

The evidence to be included in the tender includes:

- A list of contracts demonstrating the minimum required capacity. The list should include sufficient details on the scope of each assignment, the client’s name, the role of the tenderer (if the project was carried out by a consortium), as well as the start and end date.
- Evidence supporting the information for each contract (e.g. statements issued by the clients, contracts, completion certificates, final payment invoices, or other conclusive evidence).

The tenderer must demonstrate similar experience cumulatively for policy and regulatory reform, infrastructure projects and capacity building, as outlined above. However, it is not required that experience in each individual area of expertise identified is derived from a single dedicated project. Where applicable, the same project may be referenced to cumulatively fulfil multiple requirements under this criterion.

A tenderer may invoke the support of a supporting third party, regardless of the nature of the existing legal relations between the tenderer and the supporting third party in order to demonstrate the fulfilment of the minimum level of capacity related to the relevant professional experience.

The supporting third party shall:

- a) meet the minimum selection requirement regarding "similar services properly provided";
- b) meet the requirements regarding grounds for exclusion;
- c) be registered in a relevant professional or trade register in the country where it is established/incorporated.

When the tenderer relies on a supporting third party, the tenderer must prove to the TCT Secretariat that it will have the necessary resources at its disposal by presenting an unconditional commitment of the supporting third party regarding technical support and professional which shall:

- i. be presented together with the tender;

- ii. confirm to the TCT Secretariat that the supporting third party will make available to the tenderer the resources invoked and necessary for the provision of services as a subcontractor;
- iii. guarantee to the TCT Secretariat that, in case the tenderer encounters difficulties during the execution of the contract/framework agreement, the supporting third party undertakes to ensure the full and correct fulfilment of all contractual obligations assumed by the tenderer through its direct involvement;
- iv. include the following:
 - a. a list and description of the capacities that the supporting third party will make available to the tenderer for the proper provision of services (as a subcontractor or otherwise) and that cover at least the levels / thresholds for the minimum requirement;
 - b. the concrete way in which the supporting third party will fulfil its obligations assumed by the commitment acting as a subcontractor of the tenderer or otherwise, including but not limited to planning and monitoring the flow of information, documents, resources and the link between the supporting third party and the tenderer.

When the supporting third party also fulfils the role of subcontractor, the tenderer shall submit together with the tender the subcontract/subcontracting agreement while mentioning the proportion (percentage) of subcontracting in the contract.

III.1.5.a) SUBCONTRACTING

Information about proposed Subcontractors

Subcontracting is permitted but the Contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

All contractual tasks may be subcontracted unless the Technical Specifications expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in Annexe 2, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Sections III.1.3 and III.1.4;

- whose individual share of the contract, known at the time of submission, is above 20%.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in Annexe 3 and signed by its authorised representative.

During contract performance, the replacement of any identified subcontractor or additional subcontracting will be subject to the prior written approval of the Contracting Authority. Such approval might only be granted, providing that:

- the new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

The tenderer must submit at least the subcontracting contract(s) with the economic operator(s) acting as supporting third party to demonstrate the minimum requirement of relevant professional experience.

III.1.5.b) QUALITY ASSURANCE AND ENVIRONMENTAL PROTECTION STANDARDS

The Tenderer (Individual Tenderer or each member of a group/joint venture) must demonstrate that it holds specific certifications attesting to its compliance with the quality assurance standard ISO 9001:2015 or a similar quality assurance standard. Similar standards refer to internationally recognized certifications that align with the principles of quality management, such as process-based improvement, customer satisfaction, and compliance monitoring.

Supporting documents include, but are not limited to, certificates issued by independent bodies regarding the required quality assurance standard or other evidence that the Tenderer considers relevant in relation to demonstrating the possession of specific certifications attesting to the Tenderer's compliance with the relevant quality assurance standard.

III.1.6. INFORMATION ABOUT RESERVED CONTRACTS

N/A

III.1.7 REQUESTED GUARANTEES

Performance guarantees may be requested under Subsequent Contracts, in the form provided in Annexe 11.

Whenever requested, the Performance Guarantee will not exceed 10% of the value of the relevant Subsequent Contract, without VAT.

The method of setting up the guarantee is through bank letter.

The draft contract included in the tender documentation (Annexe 10) contains additional information about the currency in which it is constituted, period of validity, method of setting up, the situations that determine execution, the situations in which it is released/returned.

The decision to request Performance Guarantee under a particular Subsequent Contract lies solely with the Contracting Authority and will be guided by the following principles:

- a) As a matter of principle, no guarantee will be required for simple or routine assignments, or for Subsequent Contract with a value below € 60,000.
- b) No guarantee will be required if payments under the Subsequent Contract are executed only after the unconditional approval of deliverables.
- c) Performance guarantee may be required for assignments involving high technical complexity, extended durations, or multiple deliverables or, notwithstanding the provisions under point a) above, for assignments where multiple payments based on approved timesheets should be executed before the submission and approval of the final deliverables.

The Contractor may be allowed under Subsequent Contracts to apply for pre-financing payment, in which case a **pre-financing guarantee** will have to be set-up as per the provisions of the draft contract, in the form provided under Annexe 12.

The decision to allow pre-financing rests solely with the Contracting Authority. As a general principle, pre-financing may be permitted for longer and more complex assignments where payments are tied to the unconditional approval of deliverables, to support adequate cash flow.

III.1.8 LEGAL FORM TO BE TAKEN BY THE GROUP OF THE ECONOMIC OPERATORS TO WHICH THE CONTRACT IS AWARDED

Any economic operator has the right to participate jointly with other economic operators in the award procedure.

Associations of natural persons and/or legal persons may submit a joint tender without being obliged to adopt or establish a certain legal form, provided that all persons meet the requirement of legal establishment in the countries in which they are established/incorporated.

In case of joint tender, all members of the group assume joint and several liability towards the TCT Secretariat for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact for the TCT Secretariat (the group leader) for administrative and financial aspects as well as operational management of the contract. The leader shall sign the tender.

The TCT Secretariat reserves the right to request the economic operators jointly participating in the procedure whose tender has been designated as the winner to adopt or constitute a certain legal form, such as an authentic declaration given before a notary, of an administrative authority or judicial or of a professional association that has powers in this regard, after signing the contract.

After the award, the Contracting Authority will sign the contract with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

III.1.9 LEGAL BASIS

The Treaty establishing the Transport Community (European Union, 2017) Official Journal of the European Union L 278/3 of 27.10.2017.

III.2 CONDITIONS RELATED TO THE CONTRACT

Information about a particular profession

The execution of the services is not reserved to a particular profession.

Specific requirements

The execution of the contract is not subject to any other specific conditions than provided therein.

Information about staff responsible for the performance of the contract

The Tenderer has the obligation to specify the names and professional qualifications of the key staff assigned to perform the contract, as indicated under the Technical Specifications.

IV. SECTION IV: PROCEDURE

IV.1 DESCRIPTION

IV.1.1 TYPE OF THE PROCEDURE

Type of the procedure: Open procedure

IV.1.2 INFORMATION ABOUT A FRAMEWORK AGREEMENT

Framework with a single operator.

Subsequent contracts will be awarded without reopening the competition.

IV.1.3 INFORMATION ABOUT ELECTRONIC AUCTION

There shall be no electronic auction.

IV.1.4 INFORMATION ABOUT THE GOVERNMENT PROCUREMENT AGREEMENT (GPA)

The procurement procedure is covered by the GPA.

IV.2 ADMINISTRATIVE INFORMATION

Prior Information Notice was not published.

Deadline for receipt of the Tenders: 50 days

Language of Tender – The Tender and supporting documents shall be in English or translated in English.

The minimum validity period of the Tender: at least 3 months since the latest date for tender submission

The Tender Opening

The opening of the Tenders shall indicatively take place:

Date: 07.03.2025

Time: 10.00h

Location: TCT Headquarters (Masarikova 5/8, 11000 Belgrade, Serbia)

Information about authorised persons and opening procedure.

The opening of the offers meeting is concluded with a minutes recording the manner of the respective meeting, the formal aspects found when opening the offers, the main elements of each offer, also

recording the list of documents submitted by each individual economic operator using the requirements in the award documentation as a reference.

IV.3 TENDER

IV.3.1 TECHNICAL OFFER

The Technical Offer must provide all the information needed to assess the compliance with the award criteria, adequately backed-up by support documents. The following information shall be included as a minimum:

a) Project Team

The Technical Offer shall present the proposed team of experts, based on the profile descriptions provided in the Technical Specifications.

Key Experts and Contract Manager profiles

The key experts and the contract manager shall be evaluated based on CV. Each CV should indicate the intended function in the delivery of the service. CVs are limited to 6 pages A4 per key expert (not including the supporting documents), shall be structured around the relevant information required for each profile to facilitate evaluation and will separately include relevant documents proving the specific/project-related experience, as it may be the case. Signed Statements of Exclusivity and Availability should be also included, following the model in Annexe 13.

The experts' general and specific experience should be clearly outlined and supported by information on all relevant positions held, main tasks performed in such positions, name and contact details of the employers.

The list of projects for each expert shall indicate details of their start and end date, client's name, information on the project's scope and size (including size of the relevant activities, if case), the expert's position in the project team and the activities performed.

When the requirements for the experts' **specific experience** are expressed in no. of years, the CV should include specific information about the actual time spent by experts for every relevant assignment. This should specify the exact number of working days spent on project-based assignments, as well as specific confirmation whether the expert's involvement was full-time or part-time. For the scope of quantification, **220 working days on project-based assignment will be considered equivalent to one year of relevant experience**. The duration of full-time assignments will be fully quantified as relevant

experience only if the expert's job description clearly demonstrates that their role and responsibilities in that position were **entirely** dedicated to the specified tasks.

For each relevant assignment demonstrating the specific/project-related experience, the following information and evidence must be included:

- d) Starting and end date of the assignment
- e) Type of assignment (project-based or full-time employment)
- f) For full time assignment: evidence proving the share of the relevant specific activities within the overall job-related responsibilities
- g) For project-based assignments: total number of days worked along with supporting evidence (approved timesheets, invoices, contracts, etc.)

The provided information and evidence will be assessed restrictively, and no further clarifications/missing documents will be requested during the evaluation period with regard to this topic. It is the Tenderer's responsibility to supply adequate documentary evidence to enable the proper quantification of the proposed experts' specific experience. Failure to provide the above information or to substantiate it with conclusive evidence will result in the exclusion of the affected assignments from the experts' specific/project-related experience during evaluation.

General experience will be quantified based on the starting date of the first assignment following the completion of the relevant university and/or advanced degree. In this case, the Tenderer is not required to provide evidence of the number of days worked on project-based assignments. However, time gaps of more than one month between individual assignments will be deducted from the overall calculation.

Non-key Experts

CVs for non-key experts should not be submitted with the tender. However, Tenderers must provide conclusive evidence that they have access to suitable Non-Key Experts in the key areas likely to be required during the implementation of the Framework Contract. Such evidence may include the following type of information:

- h) The Tenderer's presence in local markets (i.e. Georgia, Moldova and Ukraine's), partnerships with local consultancy companies (for Category II non-key experts)
- i) Implementation of similar projects aligned with the expertise likely to be required under the Framework Contract (for Category I non-key experts).

- j) Nominal identification of potential key-experts along with evidence of their potential implication with the Tenderer (e.g., various forms of employment/collaboration with the tenderer, declarations, etc.).

It is not necessary to provide nominations or evidence for each profile or area of expertise mentioned in the Technical Specifications, as these are only indicative at this stage. To meet the minimum required number of points, Tenderers must provide evidence of their overall capacity to ensure quick access to a wide range of potential profiles in the key areas covered by the Framework Contract. However, the submission of individual potential nominations will be scored higher during evaluation. For this purpose, the Tenderer with the most potential profiles covered will receive the highest score, with scores for other bidders being determined on a pro-rata basis.

In case the names of non-key experts are provided, these will be for indicative purposes only. A non-key expert mentioned in the Technical Offer will not be considered approved for mobilisation by the Contracting Authority.

b) Scenarios description

The Technical Offer will include a description of the following scenarios, meant to demonstrate the Tenderer's understanding of the scope and specifics of the assignment, as described in the Technical Specifications:

➤ Scenario 1: Technical Assistance services

The Contracting Authority issues a specific Request for Technical Assistance Services, requiring the Contractor to provide an estimation of the resources needed, based on their understanding of the task.

Please include details about the following:

- The Contracting Authority's Request for Services (a description of the task, assignment duration and expected deliverables).
- The Contractor's resources estimation.
- A description of the process, starting from the formulation of the request up to the award of the Subsequent Contract and delivery of services, pointing-out the critical milestones.

➤ Scenario 2: Capacity Building services

The Contracting Authority issues a specific Request for Capacity Building Services. Please include details about the following:

- The Contracting Authority's Request for Services (topic of the event, key stakeholders and target audience, assignment duration and expected deliverables).
- A description of the process, starting from the formulation of the Request of Services up to the award of the Subsequent Contract and Event delivery, pointing-out the critical milestones.

c) Supporting facilities and backstopping

The Technical Offer must include a description of the backstopping and supporting facilities that the Tenderer will provide during the implementation of the Framework Contract. The description should cover both the arrangements for the daily management of the Framework Contract (aligned with the responsibilities of the Contract Manager, as outlined in the Technical Specifications) and the support services during the implementation of the Subsequent Contracts. At a minimum, the description should include details of the quality assurance system that will be applied to ensure the quality of the deliverables to be prepared under individual assignments.

d) Risk management plan

The Contractor must apply a system for the management of the risks within this assignment. This risk management process of the Contractor must be explained in the Technical Offer, including, as a minimum, a risk analysis, identification of possible risks and the necessary actions to avoid, transfer, mitigate or accept them.

Besides risks already identified by the Contracting Authority within the Technical Specifications the plan will also include other potential risks identified by the Tenderer, provided they are relevant to the assignment at hand, either in terms of probability or in terms of potential impact.

The requisites above are minimum content requirements for the Technical Offer. Any missing part will result in the tender being rejected.

IV.3.2 FINANCIAL OFFER

The Financial Offer shall be drafted using the forms provided in Annexe 5 and Annexe 5.1 (Budget breakdown). The forms contain detailed instructions for their completion.

The rates and prices to be included in the tender must be quoted in euro. Tenderers from countries outside the euro zone must quote their prices in euro. The quoted rates and prices will not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation during the implementation of the Framework Contract (including any potential renewal, as described under Section II.2.5).

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the Contracting Authority is exempt from such charges under Article 10 of the Agreement between the Republic of Serbia and the Transport Community regarding the seat of the Permanent Secretariat of the Transport Community.

The price of the tender will result from the multiplication of the Contractor's offered rates, and prices with the estimated quantities provided by the Contracting Authority in the Financial Offer and Budget breakdown templates. **Tenders exceeding the estimated total value (€ 550,000) or the estimated value for each component (€ 400,000 for Technical Assistance and € 150,000 for Capacity Building) will be considered unacceptable.**

The rates and prices and lump sums to become subject of the Tenderer's Financial Offer consist of:

- **Daily fees** for key and non-key experts
- **Unit costs** for venue rental, online transmission equipment, catering, course materials printing services, experts' travel and accommodation (only applicable for Capacity Building services, as cost of any travel and accommodation under Technical Assistance services is considered included in the fees)

Besides the daily fees and unit costs above, preparation of Events under the Capacity Building services shall be also paid separately, under a lump sum regime. The amount to be paid in this regard will be calculated based on the involved experts' fees and the Event duration, considering a fixed no. of 3 days for each day of Event allocated to each expert:

- If the Event is delivered by a single expert, the lump sum will be calculated using the following formula: **Applicable fee rate × Event duration × 3.**
- If the Event is delivered by multiple experts from different categories, the number of days allocated to each expert for course preparation will be determined by dividing the total number of Event days by the total number of experts involved in Event delivery. Individual amounts for each expert will then be calculated using the formula: **Applicable fee rate × Allocated number of days/expert × 3.** Upon doing the calculation for each individual expert, **the overall lump sum to be paid for the preparation of each Event will be the sum of the individual amounts for all experts.**

Annexe 5.1 includes calculations of lump sums for course preparation under various scenarios. If the same Event will be delivered delivered more than once, whether in the same or in different locations, only one lump sum for the preparation of the course will be paid.

All rates and prices referred at above are all-inclusive and deemed including besides the direct costs and profit, allowances for overheads, local office (if applicable), Framework Contract management and backstopping services, as well as any additional expenses the Contractor must bear to enable its staff members to perform the services.

The quantities specified in the Financial Offer templates are provided solely to establish a common basis for Financial Offers evaluation, comparison, and ranking. These quantities have been determined based on the Contracting Authority's estimates regarding service delivery. However, no guarantee is made that actual expenditures under the Framework Contract will align with these estimates or approximate them. The Contracting Authority makes no commitment to fully utilise the resources under the Framework Contract, whether in the estimated manner or otherwise.

The Contracting Authority reserves the right to verify the calculations included in Annexe 5.1. In case of any discrepancies between unit rates and prices and the totals calculated based on the estimated volume of services and the calculations in Annexe 5.1, the unit rates and prices in the Financial Offer (Annexe 5) shall prevail.

No expenses shall be separately refunded under this contract.

IV.3.3 TENDERER IDENTIFICATION

The tender must include a cover letter (Annexe 6) signed by an authorised representative of the tenderer or of the leader of the group/joint venture (the single contact point in relation to this procedure) which shall present the name of the tenderer and/or names of the all members of the group/joint venture (in case of a joint tender), of the identified subcontractors if applicable, and the name of the supporting third party, if applicable.

In case of joint tender, the cover letter should be signed by the leader, authorised by the other members with powers of attorney.

The signed powers of attorney (Annexe 7) must be included in the Tender as well. Identified subcontractors must provide a letter of intent (Annexe 3) signed by an authorised representative stating their willingness to provide the services presented in the tender. Similar commitment letter should be provided by the supporting third party, if case (Annexe 4).

Tender must also include the Tenderer Identification Form (Annexe 8) to be completed and signed by each member of the group/joint venture, and by any identified subcontractor(s).

The Tenderer (including each member of the group in case of joint tender) must provide the following information in its tender:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, proof of registration in a professional or trade register or any other official document showing the registration number.

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) are not obliged to provide such evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form (Annexe 9) with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender.

Summary of necessary documents (Part A – Identification of the tenderer)		
Document	Who should submit the document	Template available
Cover letter	Sole tenderer/Group leader	Annexe 6
Commitment Letter	Entities on whose support tenderer relies, identified subcontractors	Annexe 3 Annexe 4
List of Identified Subcontractors	Sole tenderer/Group leader	Annexe 2
Tenderer Identification Form	Sole tenderer/Group leader and Members of the group, Identified Subcontractors	Annexe 8
Financial Identification Form	Sole tenderer/Group leader	Annexe 9 http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm
Power of Attorney	Members of the group	Annexe 7
Evidence of the person authorized to represent the tenderer in dealings with third parties and in legal proceedings	Sole tenderer/Group leader and members of the group	N/A

IV.3.4 REQUIREMENTS REGARDING THE TENDER PRESENTATION

The tenders must be presented as follows:

Part A: Identification of the tenderer (containing information listed at section IV.3.3)

Part B: Non-exclusion (see section III.1.2.a)

Part C: Selection (see sections III.1.2.b, III.1.3 and III.1.4)

Part D: Technical Offer (see section IV.3.1)

Part E: Financial Offer (see section IV.3.2)

Part F: Power of attorney (for joint tenders only)

Tenders shall be submitted by electronic mail to procurement@transport-community.org in two separate e-mails. **Parts A, B, C, D and F (with all relevant annexes) shall be included in one e-mail, while Part E (Financial Offer) shall be included in a separate e-mail.** Tenders submitted by other means will not be considered.

Parts A, B, C, D, and F (including all relevant annexes) must under no circumstances contain any financial information related to prices.

All documents referred at above shall be submitted in pdf format, with the sole exception of Annexe 5.1 that should be submitted both in pdf and native Excel format.

The time and date displayed by the server clock within the Contracting Authority's system shall be the standard upon which compliance with tender submission deadlines shall be determined. Tenderers are strongly advised not to transmit their tender immediately before the deadline for submission.

It is the tenderer's sole responsibility to ensure that its tender complies with the submission requirements and is received by the Contracting Authority by the date and time set out. The Contracting Authority accepts no liability whatsoever for any problems arising from issues such as (but not limited to) the tenderer's IT software, infrastructure, internet connectivity, etc. that would result in the tender not being properly or timely received.

Tender validity period

The tender shall be valid for a minimum period of 3 months from the latest date for submission of the tenders.

In exceptional circumstances, before the expiration of the validity period of the tender, the TCT Secretariat may request the tenderers to extend the validity period of the tender.

If a tenderer does not comply with this request, its tender will be rejected as unacceptable.

Deadline for submission of the tender – the tenders shall be submitted not later than 06 March 2025, 23.59h CET.

Tenders submitted to an address other than the one specified or received after the deadline for receipt of tenders will not be considered.

The TCT Secretariat may extend the deadline for the receipt of tenders. Any extension can be carried out no later than 6 working days before the deadline for receiving tenders. In this case, all the rights and obligations previously established for the TCT Secretariat and for the tenderers will be extended until the new term.

Before the deadline for submission of the tenders, the tenderers may redraw, modify and replace its tender. After the deadline for submission of the tenders, no modifications are possible.

Tender opening

The tenders shall be opened indicatively on 07 March 2025, during the opening meeting by the Tender Evaluation Committee.

IV.4 TENDER EVALUATION

Confidentiality of tenders

Once the TCT Secretariat has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the TCT Secretariat is entitled to make available (any part of) the tender to its staff as well to other persons and entities working for the Contracting Authority or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- The TCT Secretariat may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure, the TCT Secretariat may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

The TCT Secretariat will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The TCT Secretariat reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

Assessment of the grounds for exclusion and selection criteria

Each tender shall be assessed in accordance with the requirements stated in section III.

The minimum selection criteria and shall be verified for each economic operator involved in the tenders received, irrespectively of their role (individual tenderer, member of a group/joint venture, subcontractor, supporting third party) based on the submitted evidence.

Evaluation of the Technical Offers

The Tender Evaluation Committee shall verify if the Technical Offer:

- Includes all information required under section IV.3.1;
- Refers to the entire subject matter of the contract. Technical Offers that refer only to part of the subject matter of the contract will not be accepted;
- Demonstrates compliance with all minimum requirements in the Tender Documents.

If necessary, the Tender Evaluation Committee shall formulate requests for clarifications or additional information, to which the tenderers are required to respond within the specified period.

The evaluation results will determine which tenders are deemed admissible and which are rejected. Admissible tenders will be evaluated and scored against the criteria mentioned in section II. Tenders that, upon scoring, do not meet the minimum scores will be rejected.

Evaluation of the Financial Offers

The opening and evaluation of the Financial Offers for the tenders found acceptable shall take place after the evaluation of the Technical Offers and only for tenders that have not been rejected during the assessment of the grounds for exclusion, selection criteria, and the evaluation of the Technical Offers.

The Tender Evaluation Committee shall verify if the Financial Offer:

- Was submitted using the requested form;
- Refers to the entire subject matter of the contract/framework agreement. Financial Offers that refer only to part of the subject matter of the contract/framework agreement are not accepted;
- Is below the estimated contract value.

If necessary, the Tender Evaluation Committee shall formulate request for clarifications or additional information to which the Tenderers are bound to answer within the indicated period. When the financial offer of a tender seems to be abnormally low, the Tender Evaluation Committee shall require the tenderer to clarify in writing that the offer is economically sustainable, and it can be carried out properly. TCT Secretariat may reject abnormally low tenders, in case the tenderer fails to properly justify its prices.

Application of the award criteria

The Evaluation Tender Committee shall apply the established award criteria and shall establish the winner following the application of the algorithm stated in the Tender Documents (section II.2).

Clarifications and additional information

The Evaluation Tender Committee may request clarifications and additional information regarding exclusion or selection criteria, as well as the Technical and Financial Offers, except when otherwise provided under this document or when replying to such requests would involve substantial modifications to the tender or the conditions under which it was submitted. Both the request and the responses shall be made in writing. This practice will adhere to the principles of transparency, equal treatment, and non-discrimination to ensure a fair procurement process.

It is the bidders' responsibility to ensure the submission of a complete and compliant tender in line with the requirements herein included. Missing documents may, as a general rule, lead to the offer being rejected. However, the Contracting Authority may request missing or incomplete evidence related to the grounds for exclusion and selection criteria. Missing parts of the Technical and Financial Offers, however, may not be subject to a request for clarification.

The request for clarifications / additional information and the tenderers' answers shall become part of the Tender Documents.

IV.5 CONTRACT AWARD

The Contracting Authority shall award the contract to the selected bidder:

- Not earlier than 10 days following the communication of the outcome of the procedure (the standstill period), providing that no objections are being lodged within such period by any interested party.
- After the Contracting Authority's review and decision on all objections lodged during the standstill period.

In case the Contracting Authority revises its initial award decision based on examination of objections received during the standstill period and decides to award the contract to another tenderer, a further standstill period of 10 days shall apply.

Raising a dispute to the Permanent Court of Arbitration as provided under Section V.4.2 below shall not prevent the award of the contract by the Contracting Authority. By submitting tenders in response to this procedure, bidders acknowledge and accept that whatever the outcome of arbitration proceedings

might be it shall not result in the contract becoming ineffective through retroactive cancellation or otherwise.

V. SECTION V: COMPLEMENTARY INFORMATION

V.1 INFORMATION ABOUT RECURRENCE

N/A

V.2 INFORMATION ABOUT ELECTRONIC WORK FLOWS

N/A

V.3 ADDITIONAL INFORMATION

N/A

V.4 PROCEDURES FOR REVIEW

V.4.1 RIGHT TO OBJECT

An economic operator who considers itself injured by an act or decision issued during the procurement procedure may refer the matter to the Director of the TCT Secretariat within 10 days from the day following the notification/communication of the challenged act or decision at the email address procurement@transport-community.org, requiring:

- Cancellation of the respective act,
- Ordering a remedial action, and/or
- Recognising the claimed right or legitimate interest,

Objections to the contract award decision must be submitted within 10 days from the day following the notification/communication/publication of the contract award notice.

Objections must include:

- Identification of the procurement procedure
- Identification of the contested act or decision
- Sender's identification data;
- Proof of interest;
- Remedy sought;
- Grounds or evidence supporting the objection.

Objections not meeting the formal notification requirements provided above shall be disregarded.

A challenge or objection based on any other ground shall be inadmissible.

Objections will be decided upon by a review panel to be appointed by the Director of the TCT Secretariat.

The review panel shall consist of an odd number of members, with at least one member holding a higher education degree (preferably in law) or specialisation in procurement. The review panel shall analyse the objection and provide a written and reasoned decision on the case within 5 days of their appointment.

When there are 3 (three) or more members, the decision shall be taken with 2/3 votes of the members.

The decision of the review panel shall be final and binding for the TCT Secretariat and for the challenging interested person and for all other tenderers or possible tenderers.

The TCT Secretariat shall communicate the reply to the objection received from rejected or unsuccessful tenderers within 10 calendar days from the day of the receipt of such request.

The solutions may:

- confirm (fully or in part) or
- reject the objection

When the objection is confirmed, the panel may decide to:

- annul the challenged decision
- resume the tender procedure for the challenger from the moment of the annulled decision
- award damages if the challenger suffered any harm.

V.4.2 DISPUTE RESOLUTION

Disputes arising out of the Contracting Authority's decision on an objection shall be settled by final and binding arbitration by the Permanent Court of Arbitration in Hague in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organisations and States, as in effect on the date of launching the tender, by one arbitrator appointed in accordance with these Rules by the Secretary General of the Permanent Court of Arbitration.

The arbitration proceedings shall take place in the Hague and the language used in the arbitral proceedings will be English. The arbitrator's decision shall be binding on all parties and there shall be no appeal.

VI. LIST OF ANNEXES

Annexe 1 – Declaration on Honour regarding exclusion criteria

Annexe 2 – List of Identified Subcontractors

Annexe 3 – Commitment Letter by an Identified Subcontractor

Annexe 4 – Commitment Letter by Supporting Third Party

Annexe 5 – Financial Offer Teplate

Annexe 5.1 – Budget Breakdown

Annexe 6 – Tender Cover Letter

Annexe 7 – Power of attorney

Annexe 8 – Tenderer identification Form

Annexe 9 – Financial Identification Form

Annexe 10 – Draft Framework Contract

Annexe 11 – Performance Guarantee template

Annexe 12 – Pre-financing Guarantee template

Annexe 13 – Statement of availability and exclusivity