

INSTRUCTIONS FOR THE TENDERERS

This document details formalities that must be fulfilled, the way in which economic operators must structure the information to be presented in order to meet the requirements of the Invitation to tender, specifications regarding the requested guarantees, the way in which the Technical and Financial Proposals must be drawn up and structured, the criterion of award to be applied, as well as the procedural deadlines to be respected and appeal.

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I. SECTION I: CONTRACTING AUTHORITY

I.1) Name and address

The Transport Community through Permanent Secretariat of of Transport Community

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

Internet addresses:

Main address: <https://www.transport-community.org/>

Email address procurement@transport-community.org

All communications related to this procurement procedure must be addressed to the contact person(s) only 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.

Profile Buyer <https://www.transport-community.org/>

I.2) Joint procurement

The contract does/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 Contracting Authority's website.

Deadline for submission of the request for clarification 4 calendar days before the latest date for submission of the tender.

Tenders or requests to participate 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 the 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 this 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 requests for additional information received by the TCT Secretariat after the specified deadline will not be considered.

The TCT Secretariat shall respond to the timely received requests for additional information as soon as possible, and no later than 3 days before the last date for submitting the tenders.

- The TCT Secretariat will respond clearly and completely to all requests for clarifications and/or additional information received from the economic operators concerned: with at least 3 days before the deadline for submission of tenders.

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 / invitation to tender and will be 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 3 (three) 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.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 EU and the six Western Balkans regional partners, established by the Treaty establishing the Transport Community.

Permanent Secretariat of 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, acts as a Transport Observatory to monitor 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 under the Treaty

II. SECTION II: OBJECT

II.1) Scope of the procurement

TITLE and reference number

Maintenance of the information system and mobile apps of Western Balkans Road Safety Observatory, PS/SRV/ISM/016/2023.

Type of Contract

Service

Short description

The information system and mobile apps for the Western Balkans Road Safety Observatory are developed during the 2022 year under the contract “Design, implementation and maintenance of the Information System for the Western Balkans Road Safety Observatory (WBRSO)” with a publication service PS/SRV/RSO/016/2021. The Secretariat seeks to continue the maintenance of the information system for WBRSO and its mobile apps for 2 years.

Estimated total value

Estimated total value without VAT is: EUR 28.000,00

The estimated value of the procurement is at *EUR 28.000,00 of the Contract Agreement for its entire duration.*

Currency *EUR*

Information about lots

This contract is not divided into lots.

II.2) Description

II.2.1 Place of performance

The services shall be delivered at the servers of TCT Secretariat placed in the headquarters and will be available for all system users to access them online. The Contractor will perform the services remotely from their premises/work place and will be available for meetings in person on demand.

II.2.2 Description of the procurement

The services to be performed are described in the Technical Specifications.

II.2.3 Award criteria

The contract agreement will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price - 30%

The price considered for evaluation will be the total price of the Financial Proposal, covering all the requirements set out in the Technical Specifications.

2. Quality – 70%

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 60. Tenders that do not reach the minimum thresholds for each criterion or a total number of 60 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 expert whose profile is defined in section 8.1 of the Technical Specifications equals to 26 points.</p> <p>The remaining 24 points shall be granted based on the project related experience of the key expert, as following:</p> <ul style="list-style-type: none"> - 8 points shall be granted for each additional project covering the criteria defined in section 8.1 of the Technical Specifications (project related experience row), other than those considered for proving fulfillment of the minimum requirement. - No more than 2 projects shall be considered overall. The key expert's CV could, however, include as many projects as the tenderer considers appropriate. 	50	30
2.	<p>Quality of the proposed methodology</p> <p>This criterion assesses the applicability and adequacy of the proposed approach and methodology.</p> <p>The methodology section of the Technical Proposal shall not exceed the maximum of 15 pages and should describe:</p> <ul style="list-style-type: none"> - all tasks and activities which shall be realised for the successful delivery of the project; - How the tenderer intends to approach each task to achieve the end result - Proposed delivery schedule; - Risk management plan. <p>Scoring under this criterion shall be made based on the following:</p> <ul style="list-style-type: none"> - Mere repetition of the terms of reference will result in a low score; - Further breakdown of tasks per sub-activities will get a higher score, but artificial split should be avoided; - A detailed description of <i>how</i> activities shall be carried out in correlation with the proposed team structure shall get a higher score; - Presentation of a general risk management plan shall get a lower score, identifying risks that are relevant for this assignment and well-targeted and realistic mitigation measures shall be scored higher); 	30	18
3.	<p>Quality Assurance and Quality Control Measures</p> <p>This criterion will assess the proposed quality control system and how the tenderer is going to apply it in order to meet the requirements of the assignment. This should be detailed in the technical proposal and specific to the tasks at hand.</p>	20	12
	Total	100	60

II.2.4 Maximum total score: 100

Financial component

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 60/40 is given to quality and price.

Score for tender X	=	cheapest price <hr/> price of tender X	*	100	*	30%	+	total quality score (out of 100) for all award criteria of tender X	*	70%
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Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed below until the most economically advantageous tender can be determined: criterion no. 1, criterion no. 2.

The contract shall be awarded to the tender ranked first, which complies with the minimum requirements specified in the procurement documents and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling the selection criteria.

II.2.5 Duration of the Contract Agreement

The period of performance of the contract resulting from this award within which the Contractor is required to complete the execution of tasks and delivery of the services is 24 weeks. The contract duration up to the fulfilment of all obligations the parties will commit to each other might prolong further, including the delivery approval and contract closing procedures.

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

Envisaged minimum number of candidates is 5.

II.2.7 Information about variants

Variants shall not be accepted.

II.2.8 Information about options

Options are not allowed.

II.2.9 Information about the funding budget

Ordinary budget of the Transport Community

II.2.10 Additional information

N/A

II.3) Adjustment of the contract 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. The minimum requirements for participation in this procedure
- ii. The exclusion grounds from participating in this procedure and the means of proof,
- iii. Selection criteria

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

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

III.1.1.a) Requirements regarding the exclusion grounds

All economic operators involved in the procedure regardless of their role (individual Tenderer, member of a group/joint venture, Subcontractor, Supporting Third Party) must demonstrate that it is not in any of the situations that could lead to its 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, 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) shall submit a declaration on honour that they are not in an exclusion situation signed by an authorised representative.

Subcontractors whose share of the contract is above 20% and those whose capacity is necessary to fulfil the selection criteria and the Supporting Third Party shall provide a declaration of honour signed by an authorised representative.

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 contract, the Tenderer (Individual Tenderer, group / joint venture of economic operators) ranked first after applying the award criterion shall present updated supporting documents which demonstrate the fulfilment of all selection/shortlisting selection criteria.

The requirement to present updated supporting documents is applicable to all economic operators related to the tenderer in this procedure (Subcontractors or Supporting Third Parties), if any.

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and 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.

A tenderer (Individual Tenderer or a member of the group in case of joint tender, or a Subcontractor) 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.

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/candidates 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.

The TCT Secretariat shall request only once that a Tenderer replace a Subcontractor for whom it has been demonstrated following the verification that there are grounds for exclusion.

III.1.1.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.

Enrollment in a relevant professional or trade register

The economic operators (Individual Tenderer, 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.

Preliminary evidence – As preliminary evidence the economic operators (Individual Tenderers, members of a group/joint venture, Subcontractors, Supporting Third Parties) must submit a completed and signed declaration on honour.

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 contract agreement, the Tenderer (Individual Tenderer, group or association of economic operators) ranked first after applying the award criterion shall present updated supporting documents necessary to demonstrate all the selection criteria.

The requirement to present updated supporting documents is applicable to all economic operators related to the tenderer in this procedure (Subcontractors or Supporting Third Parties), if any.

The submitted documents shall demonstrate that:

- all the statements included in the declaration on honour;
- 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/framework agreement.

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.1.2) ECONOMIC AND FINANCIAL STANDING

Criterion 1 The minimum yearly turnover

Annual turnover of the last two financial years should be at least EUR 28,000 on average: (turnover in year 1 + turnover in year 2)/2 => EUR 28,000.

Criterion 2: Assets/liabilities ratio

The ratio between total assets and total liabilities should be above 1.00.

To demonstrate the fulfilment of the minimum selection requirements, any Tenderer may rely on the resources of other economic operators, regardless of the legal nature of the relations it has with these entities.

If a group of economic operators submits a joint tender, the minimum yearly turnover in the area covered by the contract/framework agreement may be met by any member. The joint venture agreement between the economic operators shall be submitted together with the Tender.

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 its disposal the necessary resources by submitting an unconditional commitment of the Supporting Third Party Supporter 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 and the ability to exercise professional activity

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.

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.

III.1.3) TECHNICAL AND PROFESSIONAL ABILITY

Criteria relating to tenderers:

Criterion 1 - List of the main services properly provided

Tenderers, in case of a joint tender the combined capacity of the group members, declared Subcontractors shall prove that in the last 4 years until the deadline for submission of the Tender, they have properly provided **at least two similar projects** in scope and complexity completed in the last four years preceding the tender submission deadline, with a minimum value for each of them of € 28.000

For the purpose of this procedure:

- the reference to the last 4 years must always be calculated in reverse starting from the deadline for submitting the Tender;
- "properly provided services" must be understood as services provided within the limits of the agreement between the tenderer and the beneficiary of said services.

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 in terms of "the main services properly provided".

The Supporting Third Party shall:

- a) meet the minimum selection requirement regarding "main 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) and that cover at least the levels / thresholds for the minimum requirement;
 - b. the concrete way in which the Supporting Third Party will fulfill its obligations assumed by the Commitment and acting as a Subcontractor of the Tenderer, including but not limited to planning and monitoring the flow of information, documents, resources and the like between the Supporting Third Party as a Subcontractor and the Tenderer.

When the Supporting Third Party also fulfills the role of Subcontractor, the Tenderer shall submit

together with the Tender the Sub-contract / Sub-contracting Agreement while mentioning the proportion (percentage) of subcontracting in the contract/framework agreement.

III.1.3.a) SUBCONTRACTING

Information about proposed Subcontractors

If the Tenderer (individual economic operator / joint venture of economic operators) intends to subcontract part of the contract, and the Subcontractors are known at the time of submission of the Tender, it must present information about the part it intends to subcontract.

Preliminary evidence – As preliminary evidence the economic operator must submit a completed and signed declaration on honour stating the above information.

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 in the main services which were previously accordingly provided.

III.1.3.b) QUALITY ASSURANCE AND ENVIRONMENTAL PROTECTION STANDARDS

N/A

III.1.5) INFORMATION ABOUT RESERVED CONTRACTS

The contract agreement is not reserved for sheltered workshops and economic operators aiming at the social and professional integration of disabled or disadvantaged persons.

III.1.6) REQUESTED GUARANTEES

N/A

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 (the leader) for the TCT Secretariat for administrative and financial aspects as well as operational management of the contract. The leader shall sign the Tender.

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 power 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 for a particular profession.

Specific requirements

The execution of the contract is not subject to specific conditions.

Information about staff responsible for the performance of the contract

The Tenderer has the obligation to specify the names and professional qualifications of the staff assigned to perform the contract.

IV. SECTION IV: PROCEDURE IV.1) DESCRIPTION

IV.1.1) TYPE OF THE PROCEDURE

Type of the procedure: Open procedure

IV.1.3) INFORMATION ABOUT A FRAMEWORK AGREEMENT

N/A?

IV.1.6) INFORMATION ABOUT ELECTRONIC AUCTION

There shall be no electronic auction.

IV.1.8) INFORMATION ABOUT THE GOVERNMENT PROCUREMENT AGREEMENT (GPA)

The procurement procedure is not covered by the GPA.

IV.2) ADMINISTRATIVE INFORMATION

The request for expression of interest was published on the Contracting Authority's webpage on 20 September 2023.

Deadline for receipt of the Tenders 20 November 2023 at 11:00h CEST

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

The minimum validity period of the Tender 3 months

The Tender Opening

The opening of the Tenders shall take place:

Date 20 November 2023

Time: 13:00h CET

Location TCT Secretariat's premises

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.4) TENDER

IV.4.1) TECHNICAL OFFER

The technical documents shall not contain any aspects related to prices.

IV.4.2) FINANCIAL OFFER

The Financial Offer shall be drafted using the form provided in Annex 5. **Tenders exceeding the estimated total value (EUR 28,000) will be considered unacceptable.**

The price of the tender must be quoted in euro. Tenderers from countries outside the euro zone must quote their prices in euro. The price quoted 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.

Price 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 quoted price must be a fixed amount (lump sum) which is deemed including all costs and charges related to the proper delivery of services, including (but not limited to) cost of key and back-office personnel, logistics, travel, surveys and subsistence. No expenses shall be separately refunded under this contract.

IV.4.3) TENDER PRESENTATION

Tenderer Identification

The Tender must include a cover letter 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 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 may be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney.

The signed powers of attorney must be included in the Tender as well. Subcontractors that are identified in the Tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

Tender must also include the Tenderer Identification Form (Annex https://ec.europa.eu/info/publications/financial-identification_en) to be completed and signed by

each member of the group/joint venture, and by subcontractor(s) who will execute more than 20% of the contract.

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 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.

IV.4.4) SPECIFY REQUIREMENTS REGARDING THE TENDER PRESENTATION

In addition to the information presented in the Contract Notice, specific rules and requirements regarding the presentation of the Offer are presented below.

Documents requested from Tenderers

Documents requested from Tenderers are:

- A. Annex 1 - Declaration of impartiality and absence of conflict of interest, confidentiality for all the economic operators involved
- B. Annex 2 - List of identified subcontractors (if applicable)
- C. Annex 3 - Commitment letter from Identified Subcontractor (if applicable)
- D. Annex 4 - Commitment letter from Supporting Entity (if applicable)
- E. Annex 5 - Financial Offer
- F. Annex 6 – Tender Cover Letter
- G. Annex 7 – Power of Attorney
- H. Annex 8 – Tender Identification Form
- I. Annex 9 – Financial Identification Form

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, as well as, as the case may be, of the participation guarantee.

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 20 November 2023 at 11:00h CEST.

The Tenders shall be submitted at procurement@transport-community.org

Tenders submitted by other means will not be considered.

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

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 on 20 November 2023 at 13:00h CEST during the opening meeting by the Tender Evaluation Committee.

IV.5) 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 minimum qualification requirements

Each Tender shall be assessed in accordance with the requirements stated in point III.1.

The minimum selection criteria shall be verified for each of the economic operators involved in the Tenders received, irrespectively of their role (Individual Tenderer, member of a group/joint venture, Subcontractant, Supporting Third Party) based on the submitted preliminary evidence.

Evaluation of the Technical Offers

The Tender Evaluation Committee shall verify if the Technical Offer:

- was submitted using the requested form;
- refers to the entire subject matter of the contract. Technical Offers that refer only to part of the subject matter of the contract/framework agreement are not accepted;
- demonstrates compliance with all minimum requirements in the Technical Specifications.

If necessary, the Tender Evaluation Committee shall formulate a request for clarifications or additional information to which the Tenderers are bound to answer within the indicated period.

The results of the evaluation of the Technical Offers/Proposal may be communicated to the Tenderers

and report of evaluation shall be published on the TCT Secretariat website in the same conditions in which the Tender Documentation was published. The result of the evaluation establishes what Tenders are admissible, and which are unacceptable or not-compliant.

Evaluation of the Financial Offers/Proposal

The opening and evaluation of the Financial Offers/Proposal found acceptable shall take place after communication of the result of the evaluation of the Technical Offers/Proposals.

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 correlated with the information included in the Technical Offer/Proposal. All elements described in the Technical Offer/Proposal must be covered by prices in the Financial Offer/Proposal.

The activities described in the Technical Proposal, but for which prices are not included, will be considered as included in the price of the activities presented in the Technical Proposal. For these services/activities, the TCT Secretariat shall pay only the price established in the Financial Proposal and nothing more, even if they are performed during the execution of the contract/framework agreement.

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 can be carried out properly. TCT Secretariat may reject abnormally low tenders, in particular, if it is established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

Application of the award criteria

The Evaluation Tender Committee shall apply award criteria and shall establish the winner following the application of the algorithm stated in the Tender Documents.

Clarifications and additional information

The Evaluation Tender Committee may request clarifications and additional information. Both the request and the answers shall be in writing. The answers shall not have an effect or substantial

modification of the Tender.

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

VI. SECTION VI: COMPLEMENTARY INFORMATION

VI.1) Information about recurrence

N/A

VI.2) INFORMATION ABOUT ELECTRONIC WORKFLOWS

N/A

VI.4) PROCEDURES FOR REVIEW

VI.4.1) Right to object

An economic operator who considers himself injured by an act or decision issued during the procurement procedure may refer the matter to the Director of the TCT Secretariat for:

- annulment of the respective act,
- ordering a remedial action, and
- recognising the claimed right or legitimate interest,

within:

- (a) 7 days, starting from the day following the notification of the challenged act or decision if the estimated value of the procurement procedure is below the Directive.

at the email address [procurement@transport-community.org].

The objection against the contract award decision shall be submitted within:

- (a) 7 days, starting from the day following the notification/communication/publication of the contract award notice if the estimated value of the procurement procedure is below the Directive.

Objection shall 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.

The objection submitted after the deadline or at the wrong address shall be rejected.

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

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

The review panel shall have an odd number and at least one of the members shall have a higher education degree (preferable legal) or specialisations in procurement.

The review panel shall analyse the objection and provide a written and reasoned decision on the case within 5 days from 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/publish 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 shall decide:

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

Objections should be sent using the e-mail address procurement@transport-community.org and shall 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.

Only actual participants in the tender procedure shall be considered interested parties and allowed to object. In order to be found admissible, objections should concern any of the following:

- Decision to exclude (Contracting Authority's decision to exclude a participant in the tender procedure);
- Decision to award the contract (Contracting Authority's decision to award the contract to a certain bidder).

Timing for sending objections shall be no later than 10 days following Contracting's Authority notifications of the outcome of the tender procedure.

Upon review of the objection, the Contracting Authority shall respond as soon as possible and provide the sender with its decision and reasoning on the case. Such a decision might confirm (fully or in part) or reject the objection. In case the Contracting Authority accepts (in full or in part) an objection it will take immediate remedial action and inform all interested parties in this regard.

b) VI.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 Organizations 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.