

## INVITATION TO TENDER

### **Maintenance of the information system and mobile apps of Western Balkans Road Safety Observatory PS/SRV/ISM/001/2026**

The Permanent Secretariat of the Transport Community (hereinafter "the Secretariat") intends to award a service contract as referenced above. Please find attached the tender specifications detailing the required documents for submission and the draft contract.

#### **1. Submission of Tenders**

If you wish to participate, please submit your tender via email to [procurement@transport-community.org](mailto:procurement@transport-community.org) by 19 February 2026 at 23:59 CET. Please ensure that the financial identification form is also completed and included.

#### **2. Tender Requirements**

The tender must:

- Be signed by an authorized representative.
- Be clearly legible, ensuring there is no ambiguity regarding words or figures.
- Include a financial offer in EUR, free of all duties, taxes, and VAT, as the Secretariat is exempt under Article 10 of the Agreement between the Republic of Serbia and the Transport Community regarding the seat of the Secretariat.

The validity period of the tender is three months from the submission deadline, during which no modifications may be made.

#### **3. Terms & Conditions**

Submission of a tender implies full acceptance of all terms and conditions stated in the invitation, Instruction to Tenderer, Tender specifications, and the draft contract.

The awarded tenderer is legally bound by the contract terms for the full duration.

A contract will not be awarded to tenderers who:

- Have a conflict of interest.
- Misrepresent information or fail to provide required documentation.
- Are subject to any exclusion grounds listed in Annex 1 of the procurement procedure.

This Invitation does not constitute a binding obligation on the Secretariat. The contract becomes effective only upon signature.

#### **4. Language of the supporting documentation**

4.1 Language of application: The supporting documentation shall be prepared in English.

#### **5. Submission of the supporting documentation**

5.1 Interested candidates are invited to submit a proposal as per Instructions for the tenderers

➤ **Financial offer is sent in a separate email, indicating in the subject line the reference number of the procurement.**

5.2 The required documentation should be submitted electronically by e-mail to [procurement@transport-community.org](mailto:procurement@transport-community.org) by **19 February 2026, 23:59h CET**. Late submissions will not be considered for evaluation. The application should contain in the e-mail title the following reference: *Maintenance of the information system and mobile apps of Western Balkans Road Safety Observatory - PS/SRV/ISM/001/2026*

#### **6. Evaluation of offers**

6.1 The offer will be evaluated against the required criteria as defined in Instructions for the Tenderers.

#### **7. Objection to Award Decision**

7.1 The objection against the contract award decision shall be submitted within 7 days, starting from the day following the notification/communication/publication of the contract award notice.

#### **8. Final Remarks**

8.1 TCT Secretariat reserves the right to cancel this procurement procedure at any moment without compensating the applicants. The cost of preparing a proposal, including any related travel, cannot be reimbursed by the TCT Secretariat under any circumstances, nor can the TCT Secretariat be held liable for it, regardless of the outcome of the procurement procedure.

8.2 Should you need any further clarification regarding this procurement notice, please send an email to [procurement@transport-community.org](mailto:procurement@transport-community.org) by **15 February 2026, 23:59 CET (midnight) at the latest**. The TCT Secretariat will post the response, including an explanation

## 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 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](mailto: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](mailto: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](mailto: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.

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/001/2026.

#### **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 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

## **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 premisses/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

### **II.2.4 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 months. 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.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 -*

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.

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**

#### **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.

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

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.1.4) 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.1.5) LEGAL BASIS**

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

## **SECTION IV: PROCEDURE IV.1) DESCRIPTION**

### **IV.1.1) TYPE OF THE PROCEDURE**

Type of the procedure: Simplified procedure

### **IV.1.2) INFORMATION ABOUT A FRAMEWORK AGREEMENT**

N/A

### **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 not covered by the GPA.

#### **IV.2) ADMINISTRATIVE INFORMATION**

The request for expression of interest was published on the Contracting Authority's webpage on 2 December 2025.

**Deadline for receipt of the Tenders** 19 February 2026 at 23:59h 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

#### **IV.3) TENDER**

##### **IV.3.1) TECHNICAL OFFER**

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

##### **IV.3.2) 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.3.3) 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 [\[https://ec.europa.eu/info/publications/financial-identification\\_en\]](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.3.4) 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
- J. Annex 10 – Draft Contract

## **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 19 February 2026 at 23:59h CEST.

The Tenders shall be submitted at [procurement@transport-community.org](mailto:procurement@transport-community.org)

## **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 minimum qualification requirements**

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

The minimum selection criteria and shall be verified for each of the economic operator 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.

### **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. TCTSecretariat 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.

## **IV.5) PROCEDURES FOR REVIEW**

### **IV.5.1) 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](mailto:procurement@transport-community.org)].

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 analyse the objection and provide a written and reasoned decision on the case within 5 days from their appointment.

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.

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 7 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.

#### **b) IV.5.2) 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.