**INSTRUCTIONS TO TENDERERS**

PUBLICATION REFERENCE: IPA-ADRION00290
“Expert for Smart and Sustainable Clustering Models in the Logistics Sector”

When submitting their application, applicants must follow all instructions, forms, terms of reference, contract provisions and specifications contained in this instruction. Failure to submit an application containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.

1. **Services to be provided**

The services required by the contracting authority are described in the terms of reference.

**Timetable**

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| --- | --- | --- |
|  | **DATE** | **TIME** |
| **Deadline for submitting tenders** | 25 October 2024 | 16:00 |
| **Completion date for evaluating technical offers** | 30 October 2024 | - |
| **Notification of award**  | 31 October 2024 | - |
| **Contract signature** | 4 November 2024 | - |
| **Start date** | 5 November 2024 | - |

1. **Participation, experts and subcontracting**
2. Pursuant to the EU public procurement procedures (PRAG), the implementation manual of IPA ADRION, and the Law No. 162/2020 "On Public Procurement" of the Republic of Albania, participation is open also to all potential applicants, who respond to the call for applications published on the official website of the contracting authority.
3. Natural or legal persons are not entitled to participate in this procedure or be awarded a contract if they are in any of the situations mentioned in Sections 2.4. (EU restrictive measures), 2.6.10.1.1 (exclusion criteria) or 2.6.10.1.2. (rejection from a procedure) of the PRAG. Should they be in one of these situations, their application will be considered either unsuitable or irregular.
4. In the cases listed in Section 2.6.10.1.1. of the **PRAG** tenderers may be excluded from EU financed procedures and be subject to financial penalties up to 10 % of the total value of the contract in accordance with the Financial Regulation in force.
5. **Content of tenders**

## Offers, all correspondence and documents related to the procedure exchanged by the applicant and the contracting authority must be written in English.

## Supporting documents and printed literature furnished by the tenderer may be in another official language of the EU or in Albanian. For the purposes of interpreting the tender, the language of the procedure has precedence.

## The tender must include a technical offer and a financial offer, which must be submitted in separate envelopes (see clause 6).

Failure to fulfil the requirements in clauses 3.1, 3.2 and 6 will constitute an irregularity and may result in rejection of the tender.

**3.1.** **Technical offer**

The Technical offer consists of the documents listed below, which must be submitted within the deadline for submitting applications.

1. **CV** highlighting relevant expertise and experience
2. **Tender submission form** including:
3. Statements of exclusivity and availability (using the template included with the tender submission form).
4. A signed **declaration** using the format attached to the tender submission form.
5. The **legal entity form**
6. **Proposed methodology and approach** (maximum 2 pages)

Applicants are reminded that the provision of false information in this procedure may lead to the rejection of their application and to their exclusion from EU-funded procedures and contracts.

**3.2. Financial offer**

The financial offer must be presented as an amount in Euro indicating a breakdown of an estimated numbers of working days for each work package.

1. **Period during which applications are binding**

Applicants are bound by their offers for 90 days after the deadline for submitting applications or until they have been notified of non-award.

1. **Additional information before the deadline for submitting tenders**

Applicants may submit questions in writing to the following address up to 7 days before the deadline for submission of tenders, specifying the publication reference and the contract title:

**Mrs Mirela Andoni**

CENTER FOR COMPETITIVE SKILLS
Address: “Shyqyri Bërxolli” Street, Aurora Building,

7th Floor, Tirana, Albania

mirela.andoni@competitiveskills.org

The contracting authority has no obligation to provide clarification on questions received after this date.

Any tenderer seeking to arrange individual meetings with the contracting authority and/or the government of the partner country and/or the European Commission concerning this contract during the tender period may be excluded from the tender procedure.

Any clarification of the tender dossier will be sent simultaneously in writing to all tenderers at the latest 6 days before the deadline for submitting tenders.

No information meeting is planned.

1. **Submission of tenders**

Applications must be sent to the contracting authority before 25 October 2024, at 16:00.

They must include the requested documents in clause 3 above and be sent:

**EITHER** by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip[[1]](#footnote-1), to:

**CENTER FOR COMPETITIVE SKILLS**
Address: “Shyqyri Bërxolli” Street, Aurora Building,

7th Floor, Tirana, Albania

**OR** **hand delivered** by the participant in person

The contracting authority may, for reasons of administrative efficiency, reject any request to participate or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting requests to participate or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

Tenders must be submitted using the double envelope system, i.e. in an outer parcel or envelope containing two separate, sealed envelopes, one bearing the words ‘**Envelope A — Technical offer’** and the other ‘**Envelope B — Financial offer’**. All parts of the tender other than the financial offer must be submitted in Envelope A (i.e. including the tender submission form, statements of exclusivity and availability and declarations).

The outer envelope should provide the following information:

1. the address for submitting tenders indicated above;
2. the reference code of the tender procedure (i.e. **<**publication reference**>**);
3. the words ‘Not to be opened before the tender-opening session’;
4. the name of the tenderer.
5. **Amending or withdrawing tenders**

Applicants may amend or withdraw their tenders by written notification prior to the deadline for submitting applications. Applications may not be amended after this deadline.

Any such notification of amendment or withdrawal must be prepared and submitted in accordance with clause 6. The outer envelope (and the relevant inner envelope) must be marked ‘Amendment’ or ‘Withdrawal’ as appropriate.

1. **Evaluation of tenders**

The opening of the received applications is not public.

Once the contracting authority has opened the applications, they shall become its property and will be treated confidentially.

**8.1. Evaluation of technical offers**

The quality of each technical offer will be evaluated in accordance with the award criteria and the weighting detailed in the evaluation grid of this tender dossier. No other award criteria will be used. The award criteria will be examined in accordance with the requirements indicated in the terms of reference.

The evaluation of the technical offers will follow the procedures set out in Section 3.4.10.3 of the PRAG (available on the internet at: [https://wikis.ec.europa.eu/display/ExactExternalWiki/3.+Service+Contracts](https://wikis.ec.europa.eu/display/ExactExternalWiki/3.%2BService%2BContracts)).

**8.1.1. Interviews**

No interviews are foreseen.

**8.2. Evaluation of financial offers**

Upon completion of the technical evaluation, the envelopes containing the financial offers for tenders that were not eliminated during the technical evaluation will be opened (i.e. those with an average score of 75 points or more).

**8.3. Choice of selected tenderer**

The best price-quality ratio is established by weighting technical quality against price on an 80/20 basis.

**8.4. Confidentiality**

The entire evaluation procedure is confidential, subject to the contracting authority’s legislation on access to documents. The evaluation committee’s decisions are collective and its deliberations are held in closed session. The members of the evaluation committee are bound to secrecy. The evaluation reports and written records are for official use only and may be communicated neither to the applicants nor to any party other than the contracting authority.

1. **Ethics clauses and code of conduct**

a) Absence of conflict of interest

 The applicant must not be affected by any conflict of interest and must have no equivalent relation in that respect with other tenderers or parties involved in the project. Any attempt by an applicant to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the contracting authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its application and may result in administrative penalties according to the Financial Regulation in force.

b) Respect for human rights as well as environmental legislation and core labour standards

 The applicant must comply with human rights and applicable data protection rules. In particular and in accordance with the applicable basic act, applicants who have been awarded contracts must comply with the environmental legislation including multilateral environmental agreements, and with the core labour standards as applicable and as defined in the relevant International Labour Organisation conventions (such as the conventions on freedom of association and collective bargaining; elimination of forced and compulsory labour; abolition of child labour).

 **Zero tolerance for sexual exploitation, abuse and harassment:**

 Center for Competitive Skills applies a policy of 'zero tolerance' in relation to all wrongful conduct which has an impact on the professional credibility of the tenderer.

 Physical abuse or punishment, or threats of physical abuse, sexual abuse or exploitation, harassment and verbal abuse, as well as other forms of intimidation shall be prohibited.

 c) Anti-corruption and anti-bribery

 The tenderer shall comply with all applicable laws and regulations and codes relating to anti-bribery and anti-corruption. Center for Competitive Skills reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process or during the execution of a contract and if the contracting authority fails to take all appropriate measures to remedy the situation. For the purposes of this provision, ‘corrupt practices’ are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or execution of a contract already concluded with the contracting authority.

d) Breach of obligations, irregularities or fraud

 The contracting authority reserves the right to suspend or cancel the procedure, where the award procedure proves to have been subject to breach of obligations, irregularities or fraud. If breach of obligations, irregularities or fraud are discovered after the award of the contract, the contracting authority may refrain from concluding the contract.

**10. Signature of contract(s)**

**10.1. Notification of award**

Tenderers will be notified of the outcome of this procurement procedure in writing.

**10.2. Signature of the contract(s)**

Within 5 days of receipt of the contract already signed by the contracting authority, the selected tenderer shall sign and date the contract and return it to the contracting authority.

Failure of the selected tenderer to comply with this requirement may constitute grounds for annulling the decision to award the contract. In this event, the contracting authority may award the tender to another tenderer or cancel the tender procedure.

The other tenderers will, at the same time as the notification of award is submitted, be informed that their tenders were not retained, by electronic means or standard letter.

**11. Cancellation of the tender procedure**

In the event of cancellation of the tender procedure, the contracting authority will notify applicants of the cancellation.

If the procedure is cancelled before the outer envelope of any tender has been opened, the unopened and sealed envelopes will be returned to the tenderers.

Cancellation may occur, for example, where:

* the tender procedure has been unsuccessful, i.e. no suitable, qualitatively or financially acceptable tender has been received or there is no valid response at all;
* there are fundamental changes to the economic or technical data of the project;
* exceptional circumstances or force majeure render normal performance of the contract impossible;
* all technically acceptable tenders exceed the financial resources available;
* there have been breach of obligations, irregularities or frauds in the procedure, in particular if they have prevented fair competition;
* the award is not in compliance with sound financial management, i.e. does not respect the principles of economy, efficiency and effectiveness (e.g. the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate with regard to the price of the market).

**12. Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint.

**13. Data Protection**

Processing of personal data related to this procedure by the contracting authority takes place in accordance with the national legislation and with the provisions of the respective financing agreement.

If processing your reply to the invitation to tender involves transfer of personal data (such as names, contact details and CVs), they will be processed solely for the purposes of the monitoring of the procurement procedure and of the implementation of the contract.

**14. Early detection and exclusion system**

The applicants are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name, address, legal form) may be registered in the early detection and exclusion system, and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

1. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-1)