

Additional information about the Contract Notice
Support to Ukraine in further alignment with the provisions of Chapter 27
of the EU Acquis on environment (Apena 4)
Location - Ukraine

1. Nature of contract

Fee-based

2. Programme title

EU Support to Recovery and Reforms

3. Financing

NDICI-GEO-NEAR/2023/ACT-61605

4. Legal basis, eligibility and rules of origin

The legal basis of this procedure is Regulation (EU) N° 2021/947 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI)¹. See Annex a2a of the practical guide.

For this contract award procedure, financed by NDICI-GE geographic programmes, participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a Member State of the European Union or in an eligible country or territory as defined under Article 28 of Regulation (EU) N° 2021/947.

Participation is also open to international organisations.

5. Candidature

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.

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

The participation or tender of an ineligible natural or legal person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

6. Number of requests to participate or tenders

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

In case of lots, the candidates or tenderers may submit only one request to participate or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract. If the tenderer is

¹ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009; OJ L 209, 14.6.2021, p. 1.

awarded more than one lot, a single contract may be concluded covering all those lots.

7. Grounds for exclusion

Candidates must submit a signed declaration, included in the request to participate form, to the effect that they are not in any of the situations listed in Section 2.4.2.1. of the **practical guide (PRAG)**. Where the candidate intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity (ies).

Candidates included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract².

8. Sub-contracting

Sub-contracting is allowed.

9. Number of candidates to be short-listed

On the basis of the request to participate received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the contracting authority may invite the candidates who satisfy the criteria to submit a tender. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.

10. Short-list alliances prohibited

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed request to participate forms will be excluded from this restricted tender procedure, unless prior authorisation from the contracting authority has been obtained – see practical guide 2.5.5. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

11. Provisional date of invitation to tender

15 July 2025

12. Provisional commencement date of the contract

October 2025

13. Period of implementation of tasks

30 months

14. Language of the procedure

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

15. Additional information

Financial data to be provided by the candidate in the request to participate form or the tenderer in the tender submission form must be expressed in EUR. If applicable, where a candidate or tenderer refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of May 2025, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

² Please note that the EU Official Journal contains the official list of entities subject to restrictive measures and, in case of conflict, it prevails over the list of the [EU Sanctions Map](#).

SELECTION CRITERIA

16. Selection criteria

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality as the economic operator relying on them and must fulfil the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should not be included in the request to participate form but in a separate document.** Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

The following selection criteria will be applied to candidates or tenderers. **In the case of requests to participate or tender submission forms submitted by a consortium, these selection criteria will be applied to the consortium as a whole, unless specified otherwise.** The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The candidate or tenderer shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

The selection criteria for each tenderer are as follows:

- 1) Economic and financial capacity** (based on item 3 of the request to participate form, or on item 3 of the supply tender submission form). In case the candidate or tenderer is a public body, equivalent information should be provided. The reference period which will be taken into account will **be the last three years for which accounts have been closed.**

Criterion 1: average annual turnover

The candidate's or tenderer's average annual turnover of the **last 3 financial years** for which **the accounts have been closed** must be not less than **EUR 1 600 000.00**

Criterion 2: assets/liabilities ratio

Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. **In case of a consortium this criterion must be fulfilled by each member of the consortium.**

- 2) Professional capacity** (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender submission form for supply contracts). The reference period which will be taken into account will be **the last 3 years preceding the submission deadline.**
 - **Criterion 1:** the candidate or tenderer has, during the current year and the previous two years, on average, at least **20 personnel** directly employed or otherwise legally contracted on a permanent or non-permanent basis in areas of specialist knowledge related to this contract.

- **Criterion 2:** the candidate or tenderer is not subject to professional conflicting interests which may negatively affect contract performance. The presence of professional conflicting interests shall be examined on the basis of the statements made through the Declarations on Honour and, where applicable, the statements and other documents submitted.
- 3) **Technical capacity** (based on item 6 of the request to participate form for service contracts and on item 6 of the tender submission form for supply contracts).

Criterion:

- The candidate or tenderer has completed services under at least **2 contracts** (with a duration of 1 year or longer than **1 year each**) implemented at any moment during the last **four years** before submission deadline.
- For each contract, the value of the services completed must not be less than **EUR 1 000 000.00**
- The completed services are in the domain of: approximation and practical implementation of national legislation in line with the provisions of **Chapter 27 of the EU *acquis***, i.e. horizontal legislation or air quality or waste management, or water quality, or nature protection, or industrial pollution in the EU Member States or EU candidate countries or Energy Community countries, including Ukraine.

This means that the contract the candidate or tenderer refers to could have been implemented at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates or tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects partially implemented during, but not yet completed within the reference period. Only the part completed during the reference period will be taken into consideration. This part will have to be supported by documentary evidence (approval of report or deliverable, proof of payment, statement or certificate from the entity which awarded the contract) also detailing its value. If a candidate or tenderer has implemented the project in a consortium, the part that the candidate or tenderer has successfully completed must be clear from the documentary evidence (such as consortium agreement and bank transfers between consortium members), together with a description of the nature of the services provided/supplies delivered.

Additional comparative criteria

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the request to participate of these candidates will be re-examined in order to rank them and identify the 8 best requests to participate for the tender procedure. The only additional comparative criteria that will be taken into consideration during this re-examination, in the order in which they appear below, are:

- **Criterion 1:** the highest number of contracts under which services have been completed that meet the technical capacity criterion;
- **Criterion 2:** the highest cumulated value of completed services that meet the technical capacity criterion.

Additional comparative criterion No 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion No 1, it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion No 2 shall be applied only to these tied candidates.

17. Award criteria

Best price-quality ratio.

PARTICIPATION

18. Requests to participate format and details to be provided

Requests to participate must be submitted using the request to participate form, the format and instructions of which must be strictly observed. The request to participate form is available from the following Internet address:

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

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

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

Any documentation (brochure, letter, etc.) sent with a request to participate in addition to what has been requested will not be taken into consideration.

19. How requests to participate may be submitted

In order to submit a request to participate, economic operators will need to register in the European Commission's [Participant Register](#) - an online register of organisations participating in EU calls for tenders or proposals (PIC registration). In case of consortia, requests to participate will have to be made through a group submission which requires for each member of the group a registration in the Participant Register.

When registered, each economic operator obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found on this [page](#). Economic operators already registered in the Participant Register shall reuse their existing PICs.

It is up to the contracting authority to request the legal and financial validation of the data (PIC validation) of any economic operator. The EU Validation Services of the Research Executive Agency (REA) are in charge of the PIC validation. The request for supporting documents in no way implies that the economic operator has been successful in a procurement procedure. All communications with the EU Validation Services will take place through the F&T Portal.

Requests to participate must be submitted exclusively via the F&T Portal³. Requests to participate submitted in any other way (e.g. e-mail or by letter) will be disregarded.

When submitting the request to participate, select under “Attachments” the correct section to upload the supporting documents. Therefore, upload:

- Request to participate form under the tab “Other documents”;
- Declaration referred to in Point 7 of the request to participate form under the tab “Other documents”;
- Declaration on Honour on Exclusion and Selection criteria under the tab “Declaration on Honour”.

20. Deadline for submission of requests to participate

The time-limit for receipt of requests to participate is indicated in the contract notice.

A request to participate received after the time-limit for receipt of requests to participate will be rejected. The submission receipt provided by eSubmission with the official date and time of receipt of the submission (timestamp) constitutes proof of compliance with the time-limit for receipt of requests to participate⁴.

³ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

⁴ If no submission receipt is received in reasonable time after submission, please contact the eSubmission Helpdesk (see contact details in the above referred eSubmission Quick Guide) as soon as possible.

Candidates must ensure that their submitted requests to participate contain all the information and documents required by the contracting authority at the time of submission as set out in the procurement documents.

21. Clarifications on the contract notice

Any request for clarifications must be made in writing through the F&T Portal⁵. This concerns request for clarifications about the contract notice and also request for clarifications about the content of the document called "Additional information to the contract notice." F&T Portal login is required to be able to create and submit a question. Clarifications can be requested by clicking "Create a question" in the Questions & Answers tab at the latest 21 days before the deadline for submission of requests to participate stated in the contract notice.

Clarifications will be published on F&T Portal at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidates responsibility to check for updates and modifications during the submission period.

22. Outcome of the evaluation

Candidates will be notified of the outcome of the evaluation of the requests to participate by e-mail. The notification will be sent to the e-mail address provided in the eSubmission application for the candidate (leader in case of consortium) under the section Contact Info. After submission of the request to participate, the e-mail address can be changed in the F&T Portal as described in the eSubmission Quick Guide (see the section "Manage roles in Funding & Tenders Portal")⁶.

The same e-mail address will be used by the contracting authority for all other communications during the procedure.

It is the candidate's responsibility to provide a valid e-mail address and to check it regularly.

23. Alteration or withdrawal of requests to participate

After submitting a request to participate, but before the deadline for receipt of the request to participate, a candidate may definitively withdraw its request to participate⁷, or withdraw it and replace it with a new one⁸. A withdrawal receipt will be provided by eSubmission as proof of withdrawal.

⁵ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

⁶ For detailed instructions on how to submit a request to participate or tender, please consult the eSubmission Quick Guide available at: <https://wikis.ec.europa.eu/display/FTPportal/Quick+guides+eSubmission>

⁷ A submitted request to participate can be withdrawn directly in the "Procurement/My Submission(s)" area in the F&T Portal. For detailed instructions on how to withdraw a request to participate, please consult the above referred eSubmission Quick Guide.

⁸ To submit a new version, the candidate must create a new submission in eSubmission and include all the information and documents required in the procurement documents with the submission of a request to participate, even if some of them have already been included in the replaced request to participate.