



Bu proje Avrupa Birliđi ve Trkiye Cumhuriyeti tarafından finanse edilmektedir.



Avrupa Birliđi Bakanlıđı
IPA II Teknik Destek Projesi

Ministry for EU Affairs
Technical Assistance for IPA II

“Introductory training on PRAG and Twinning”

Ankara, 12 – 16, December, 2016

Trainer: Antal Tth





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

What are works?



- Either the execution, or both the execution and design, of works or a work related to one of the activities referred to in Annex II to Directive 2014/24/EU (PRAG includes wrong number 2004/24/EU!) or
- the realization, by whatever means, of a work corresponding to the requirements specified by CA exercising a decisive influence on the type or design of the work.
- A 'work' means the outcome of building or civil engineering works taken as a whole that is sufficient in itself to fulfil an economic or technical function.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procedure to be applied



	International procedures	Local, competitive negotiated procedures		Single tender
WORKS CONTRACTS	≥ EUR 5 000 000 International open tender procedure or International restricted tender procedure	< EUR 5 000 000 but ≥ EUR 300 000 Local open tender procedure	< EUR 300 000 but > EUR 20 000 Competitive negotiated procedure	≤ EUR 20 000 Single tender ≤ EUR 2 500 A payment may be made against invoice without prior acceptance of a tender
	Procedures applicable without ceilings Negotiated procedure or Competitive dialogue			





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- **International open procedure**: the standard method of awarding works contracts above EUR 5 000 000 is international open tender procedure following publication of a prior information notice and a contract notice.
 - **Restricted procedure**: in view of the characteristics of certain works, a restricted tender procedure may be used. Publication of the relevant remains mandatory to ensure the widest possible participation.
- **Local open procedure**: contracts more than EUR 300 000 and less than 5 000 000 are awarded by an open procedure in which the contract notice is published in the partner country and on the EuropeAid website with the address from which firms can obtain further information.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- **Competitive negotiated procedure** (PRAG 2.4.4.)
 - CA invites candidates of its choice to submit tenders,
 - **simplified tender dossier** (PRAG Annex B8o),
 - from the technically compliant tenders, CA selects the one that offers
 - the **best value for money** in the case of tenders for services,
 - the **cheapest**, in the case of tenders for supplies or works,
 - the tenders are **evaluated** (including the use of an evaluation committee) and the contract **awarded** in the **same way as they are in the restricted procedure.**





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- **Competitive negotiated procedure (works, PRAG 5.6.)**
 - Works contracts **under EUR 300 000** are awarded by competitive negotiated procedure.
 - **At least three candidates** are sent an invitation to tender.
 - **No contract notice** needs to be published, but it is included in the tender dossier.
 - **Specific procurement dossier** for competitive negotiated procedures (Annex DS1).





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- **Competitive negotiated procedure** (works, PRAG 5.6.)
 - The tenders are opened and evaluated by an **evaluation committee** with the necessary technical and administrative expertise.
 - If, following consultation of the tenderers, CA **receives only one tender** that is administratively and technically valid, the contract may be awarded provided that the award criteria are met.
 - In the event of one failure of the competitive negotiated procedure, the contract may be awarded by **negotiated procedure** subject to prior authorisation of EC.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- Single tender procedure (PRAG 2.4.8.)
 - when the contract to be concluded **does not exceed EUR 20 000**,
 - CA must draft a **report** explaining how participant(s) were picked and the price set, and the grounds for the award decision (Annex A10b),
 - CA must **follow the negotiation steps** shown in the negotiation report template and ensure that **basic principles** relating to procurement procedures (such as checking compliance with eligibility rules, e.g. nationality rules), **selection and exclusion criteria** are duly applied,
 - payments for amounts **less than or equal to EUR 2 500** may consist **simply in payment against invoices** without prior acceptance of a tender.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- **Negotiated procedure (works, PRAG 5.2.5.1.)**
 - a) reasons of **extreme urgency** brought about by events which the CA could not have foreseen and which can in no way be attributed to them, e.g. operations carried out in crisis situations,
 - b) for **new works consisting in the repetition of similar works entrusted to the original contractor**, provided that the initial contract had been awarded after publication of a contract notice which announced the possibility of using the negotiated procedure for the new works, their extent, the conditions under which they would be awarded, as well as their estimated cost,
 - c) the **tender procedure has been unsuccessful**, i.e. where no qualitatively and/or financially worthwhile tender has been received,



- **Negotiated procedure** (works, PRAG 5.2.5.1.)
 - e) For contracts **declared to be secret**, or for contracts whose performance must be accompanied by **special security measures**,
 - f) the purchase of **public communication networks**,
 - g) the **renting of buildings** already constructed, after prospecting the local market,
 - h) a new contract has to be concluded after **early termination of an existing contract**,
 - i) the works can only be provided by a single economic operator for any of the following reasons:
 - i. aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
 - ii. competition is absent for technical reasons,
 - iii. the protection of exclusive rights including intellectual property rights must be ensured.



Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Procurement procedures



- **Competitive dialogue** (PRAG 2.4.7.):
 - In the case of **particularly complex contracts**, neither direct use of the open procedure nor the arrangements governing the restricted procedure will result in the best value for money: objectively unable either to specify the technical means of satisfying needs or objectives or to specify the legal or financial makeup of the project,
 - publish a **contract notice** setting out or attaching their needs and requirements,
 - must open a **dialogue with the candidates satisfying the selection criteria**, conducted separately with each candidate on the basis of their proposed solutions and ideas,
 - must **ensure equal treatment** of tenderers and keep the **tenders confidential**,
 - not allowed to pick the best solutions from different tenderers (“**cherry-picking**”),



Procurement procedures

- **Competitive dialogue (PRAG 2.4.7.):**
 - **minimum number of candidates is three**, CA may continue the procedure with the one or two who do meet the criteria,
 - CA may **reduce the number of solutions** for dialogue by applying the award criteria at a pre-dialogue stage, if the contract notice informs candidates of this possibility,
 - CA may **specify prices or payments** to the participants in the dialogue,
 - CA must **prepare a report justifying** the manner in which dialogue was conducted,
 - upon dialogue conclusion, CA must ask candidates to **submit their final tenders** on the basis of the solutions presented and specified during the dialogue,
 - **tenders may be clarified, specified and fine-tuned**, provided this does not have the effect of changing basic aspects of the tender or of the invitation to tender, variations in which could distort competition or have a discriminatory effect,
 - **contract is awarded to** the technically compliant tender which is the **most economically advantageous**,
 - **standard templates must be adapted** as required.



Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Duration of procurement process



- International open/restricted procedure: At least 7-8 months
- Local open procedure: around 5-6 months
- Competitive negotiated procedure: around 3 months
- Single tender: at least 1 month





Bu proje Avrupa Birliđi ve Trkiye Cumhuriyeti tarafından finanse edilmektedir.



“IPA II: Taking EU funding to the next level”

www.ipa2teknikdestek.com





Bu proje Avrupa Birliđi ve Trkiye Cumhuriyeti tarafından finanse edilmektedir.



Avrupa Birliđi Bakanlıđı
IPA II Teknik Destek Projesi

Ministry for EU Affairs
Technical Assistance for IPA II

“Introductory training on PRAG and Twinning”

Ankara, 12 – 16, December, 2016

Trainer: Antal Tth





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Restricted tender for



contracts of EUR 5 000 000 or more

- In view of the characteristics of certain works, a restricted tender procedure may be used in **justified cases**.
- CA must publish **prior information notices** and contract notices for all work contracts of EUR 5000 000 or more!
- Minimum 30 days after publication of the prior information notice, a **contract notice** must be published in the Official Journal of the European Union, on the EuropeAid website and in any other appropriate media.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Restricted tender for



contracts of EUR 5 000 000 or more

- The contract notice must provide potential candidates with the **information they need** to determine their capacity to fulfil the contract in question.
- The **selection criteria** set out in the contract notice must be:
 - **clearly formulated**, without any ambiguity,
 - **easy to check** on the basis of the information submitted using the standard application form (see Annex D4c),
 - devised to allow a **clear YES/NO** assessment to be made,
 - possible to **prove by the tenderer**.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Restricted tender for



contracts of EUR 5 000 000 or more

- The **minimum deadline** for submitting applications is **30 days** from the date of the notice's publication.
- Candidates are **shortlisted** by an evaluation committee. There must be **at least five evaluators**.
- The shortlist comprises **between four and six candidates**. If the number of eligible candidates meeting the selection criteria is greater than six, the **additional criteria** published in the contract notice are applied in order to reduce the number to the six best candidates.
- The shortlisting process and the final shortlist itself must be fully documented in a **shortlist report**.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.



Restricted tender for contracts of EUR 5 000 000 or more

- Between the date of dispatch of the letters of invitation to tender and the **deadline for receipt of tenders** there must be a **minimum of 60 days**.
- The **measures applicable to an open procedure**, apply by analogy to the rest of the restricted procedure for works contracts, with the caveat that the elements related to the selection phase should not be taken into account.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Local open tender



- For contracts between EUR 300 000 and EUR 5 000 000.
- **Prior information notice is not obligatory** and the **contract notice is not published in the Official Journal** of the EU but only in the partner country and on the EuropeAid website.
- Note that a local open tender procedure must provide other eligible contractors with the same opportunities as local firms!
- **Minimum of 60 days** between the date of publication of the contract notice in the local press and the deadline for receipt of tenders.
- The **measures applicable to an international open procedure** apply by analogy to the local open procedure. The principal difference is that the **minimum number of evaluators** in the evaluation committee is **three**.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Competitive negotiated procedure



- For contracts under EUR 300 000.
- CA draws up a **list of at least three firms** with a justification for its choice.
- The **contract notice is not published**, but it is included in the tender dossier as it contains important information for those firms which are invited to tender.
- **At least 30 days** from the dispatch of the letter of invitation to tender in which to submit their tenders.
- If, following consultation of the tenderers, the contracting authority receives **only one tender** that is administratively and technically valid, the contract may be awarded provided that the award criteria are met.
- In the event of one failure of the competitive negotiated procedure, the contract may be awarded by negotiated procedure.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts



- PRAG 2.10.:
 - “...**may need to be modified** if the circumstances of project implementation have changed...”
 - „...**the subject matter of the contract cannot be altered...**”
 - “...**can only be modified during their execution period...**”
 - “Any changes to the contract must be made officially by means of an **administrative order or an addendum** in accordance with the General Conditions...”
 - “**Substantial changes** to the contract must be made by means of an addendum. “





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts



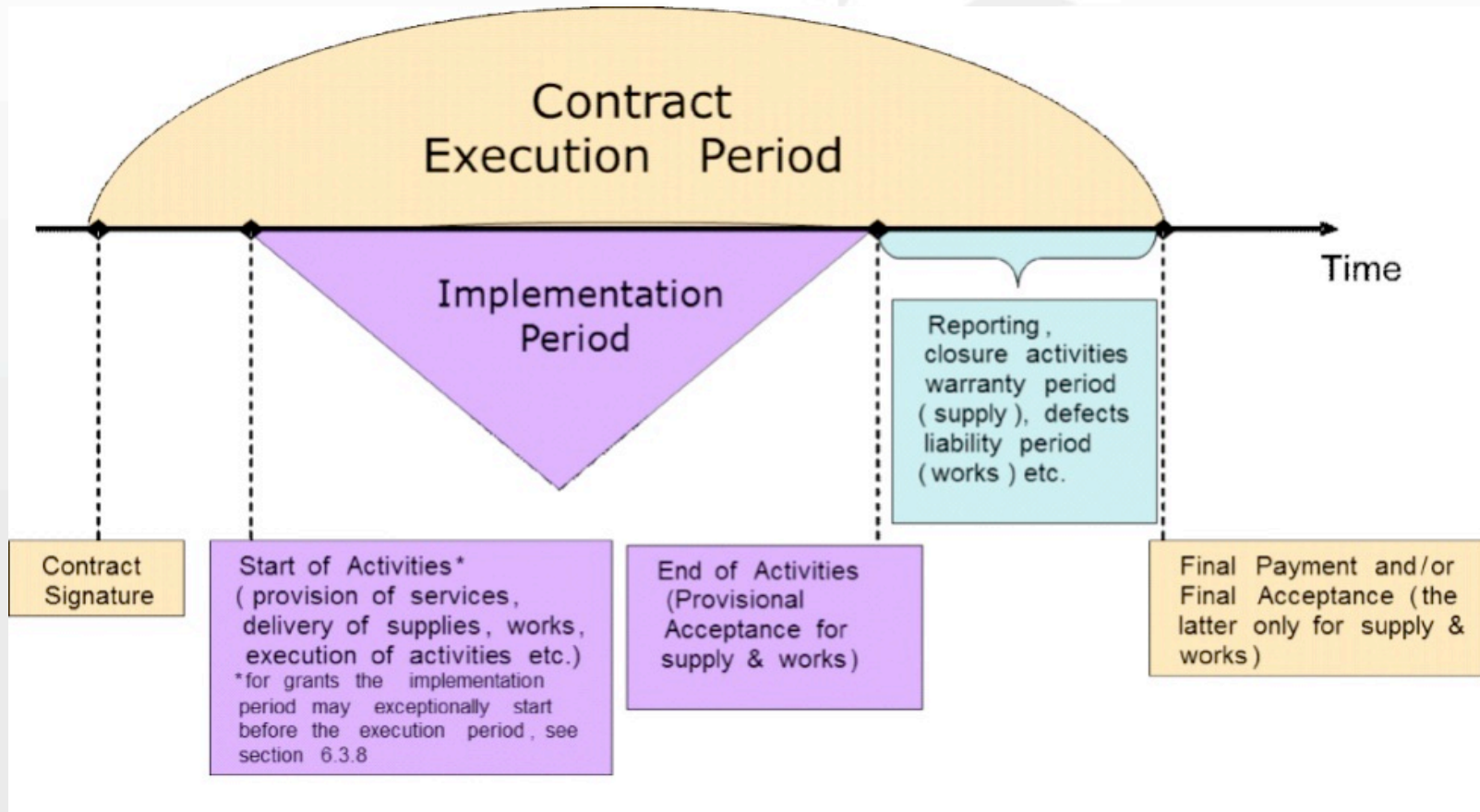
- General principles:
 - Execution period: from contract signature until final payment for services, or until release of the performance guarantee
 - Any modification extending the period of implementation must be such that implementation and final payments can be completed before the expiry of the Financing agreement
 - In exceptional circumstances, the amendment may have a retroactive effect





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts



- No changes to the contract may alter the award conditions prevailing at the time the contract was awarded
- Must not automatically be accepted
- May entail changes for the financial guarantees
- Must be closely connected with the nature of the project covered by the initial contract
- Where the change to the contract extends activities already under way, it requires a negotiated procedure





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts



- Possible cases:
 - a) Additional works, supplies or services by the original contractor:**
 - changing contractor is not feasible for technical reasons or
 - changing contractor would cause substantial duplication of costs,
 - Increase in price, including the net cumulative value of successive modifications, cannot exceed 50 % of the initial contract value.



Modifying contracts

- Possible cases:
 - b) modifications needed because of **circumstances** which a diligent contracting authority **could not foresee**
 - c) modifications meeting the following cumulative conditions
 - the value of the **modification is below EUR 300 000 for service and supply contracts, and EUR 5 000 000 for works contracts;** and
 - the value of the modification is **limited to 10 % of the initial contract value for service, and supply contracts, and 15 % of the initial contract value for works contracts;** and
 - the net **cumulative value of several successive modifications** does not exceed the thresholds under above points.



Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts



- Possible cases:
 - d) all other modifications which **do not alter the minimum requirements** of the initial procurement **irrespective of their value** when the resulting modification in the value is the **outcome of the strict application of the procurement documents or contractual provisions** (administrative changes, universal succession and application of revision clauses or options).



Modifying contracts

- Where no contract modification is needed
 - In the vast majority of cases, the **works contract stipulates that it is paid by measurement**: in such contracts, the **quantities indicated in the bill of quantities are estimates**, as is the initial contract price derived from these estimated quantities.
 - Increases vis-à-vis the initial contract price which are the **sole result of the measured actual quantity exceeding the stated bill of quantities or price schedule** do not represent a change of the contract and do not require an administrative order to amend the contract or an addendum.
 - The application of the **price revision clause** of the contract will have the same effect.



Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Modifying contracts



- **Administrative order**

- Supervisor has the power to issue an administrative order to change any part of the works if **necessary for the proper completion and/or functioning of the works**. These changes may include additions, omissions, substitutions, changes in quality, quantity, form, character, kind, position, dimension, level or line and changes in the specified sequence, method or timing of execution of the works (see Article 37 of the GC).
- The **contractor is bound to make the changes** ordered. The contractor cannot delay the works ordered pending a decision on the claim he might have either to extend the period of implementation or for additional payment.



Modifying contracts

- **Addendum**

- An addendum must be issued when the **change entails an increase or reduction** of the total value of the works in **excess of 15 %** of the initial contract price.
- The total period of execution of a works contract includes the period of implementation of the works and the defects liability period between provisional and final acceptance. During this time, the **period(s) of implementation can be extended.**



Bu proje Avrupa Birliđi ve Trkiye Cumhuriyeti tarafından finanse edilmektedir.



“IPA II: Taking EU funding to the next level”

www.ipa2teknikdestek.com





Bu proje Avrupa Birliđi ve Trkiye Cumhuriyeti tarafından finanse edilmektedir.



Avrupa Birliđi Bakanlıđı
IPA II Teknik Destek Projesi

Ministry for EU Affairs
Technical Assistance for IPA II

“Introductory training on PRAG and Twinning”

Ankara, 12 – 16, December, 2016

Trainer: Antal Tth





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

International open tender



1. Publication of prior information notices
2. Publication of contract notices
3. Drafting and content of the tender dossier
4. Additional information during the procedure
5. Evaluation process
6. Cancelling the tender procedure
7. Award of the contract
8. Contract preparation and signature
9. Publicizing the award of the contract



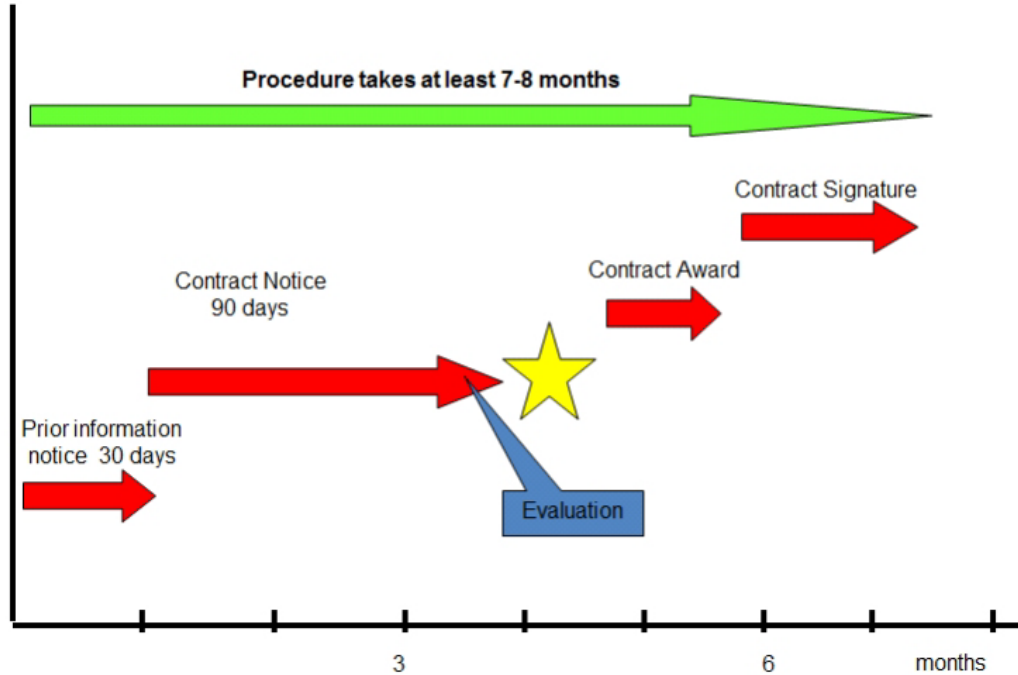


Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

International open procedure



Timeline of an international open tender procedure for a works contract





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

1. Publication of prior information notices



- at least 30 days before the publication of the contract notice,
- does not oblige the contracting authority to award the contracts proposed, and
- service providers are not expected to submit tenders at this stage.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

2. Publication of contract notices



- Must be published in the Official Journal of the European Union, on the EuropeAid website and in any other appropriate media,
- CA must arrange local publication and publication in any other appropriate media directly,

Indirect management with Ex-ante controls: the finalized tender dossier must be submitted to EC either at the same time,





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

2. Publication of contract notices



- CA must send tender dossiers to would-be tenderers upon request. Because of their size and printing costs, tender dossiers for works contracts are usually sent out for a fixed fee,
- contracting authority, either on its own initiative or in response to the request of a tenderer, can amend information in the contract notice.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

3. Drafting and content of the tender dossier



Volume 1: Instructions to tenderer and tender forms

Volume 2: Draft contract and conditions

Section 2: General conditions for works contract

Section 3: Special conditions

Volume 3: Technical specifications

Volume 4: Model financial offer

Volume 5: Design documents and drawings





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

3. Drafting and content of the tender dossier



- **Tender documents must be carefully drafted to ensure that both the contract and the procurement procedure are carried out correctly!!!**
- Tender documents must contain all the provisions and information that tenderers need to submit their tenders
- Will become part of the contract
- The final version of the TS approved by EC





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Purpose of TS



The **specifications may include** as appropriate:

- a) quality levels,
- b) environmental and climate performance,
- c) for purchases intended for use by natural persons, wherever possible, the accessibility criteria for people with disabilities or the design for all users,
- d) the levels and procedures of conformity assessment,
- e) performance,
- f) safety or measurements, including, for supplies, the sales name and user instructions, and, for all contracts, terminology, symbols, testing and test methods, packaging, marking and labelling, production processes and methods,
- g) the procedures relating to quality assurance and the rules relating to design and costing, the test, inspection and acceptance conditions for works and methods or techniques of construction.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Purpose of TS



- Given the technical complexity of many works contracts, the preparation of the tender dossier - particularly the technical specifications - may require the **assistance of one or more external technical specialist(s)**.
- **Particular attention** must be paid to drafting the technical specifications. They are the key to successful procurement, a sound works contract and a successful project.
- The technical specifications state - where applicable, lot by lot - the **exact nature and performance characteristics** of the supplies.
- They also specify **conditions for delivery and installation, training and after-sales service**.
- Unless warranted by the nature of the contract, technical specifications referring to or **describing products of a given brand or origin and thereby favouring or excluding certain products** are prohibited. However, where products cannot be described in a sufficiently clear or intelligible manner, they may be named as long as they are followed by the words '**or equivalent**'.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Legal Meaning of TS



- Legally binding part of Invitation to Tender
- Legally binding part of Contract
- Should be prepared and read in connection with other parts of contract





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Financial offer



- The tender dossier must clearly state whether a **firm, non-revisable price** must be quoted.
- A **price revision clause** might be justified and works contracts are commonly subject to price revision. If that is the case, it is recommended that a price revision formula, following the models given in art. 48 of the Special Conditions, be included.
- A **tender guarantee** assures the Contracting Authority that submitted tenders will not be withdrawn, representing 1% to 2% of the overall value of the contract.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Selection criteria



The selection procedure involves:

- 1) eliminating tenderers who are **ineligible in view of their nationality** (see point 2.3.1.) or fall into one of the situations described in sections 2.3.3.1 (**exclusion from participation in procurement procedures**) and 2.3.3.2 (**rejection from a given procedure**);
 - 2) checking that the tenderers' financial situation (**financial and economic capacity**) is sound (as backed up e.g. by balance sheets and turnover for the previous three years);
 - 3) verifying the tenderers' **technical and professional capacity** (e.g. by looking at their average annual staffing levels, the size and professional experience of their management and the main supplies delivered in the field in question in recent years).
- The selection criteria are **examples** and need to be adapted to the nature, cost and complexity of the contract.
 - They must be in a **YES/NO format** to allow a clear assessment of whether or not the offer meets them.
 - If the complex or, exceptionally, are required for a special purpose, evidence of technical and professional capacity may be **secured by means of a check**.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Award criteria



- As a rule, the technical requirements for the works are laid down in the **design** (including plans, drawings, material-specifications, etc) previously **made by a service provider** in engineering/architecture which is annexed to the tender dossier and which to the very detail determines how the works must look like. In such cases, in a **YES/NO format**, a clear assessment can be made.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Award criteria



- Only **very exceptionally, subject to derogation**, the technical requirements for the works will limit themselves to minima above for which the **tenderers can propose its own solutions**: only in such cases, the offers which comply with minimum quality levels, should be technically scored in accordance with the technical evaluation grid (setting out the **technical criteria, subcriteria and weightings**) laid down in the tender dossier.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Award criteria



- As a rule, the award criterion during the financial evaluation of works offers, is the **lowest price**. Subject to prior approval, the financial evaluation may take into account not only the acquisition costs but, to the extent relevant, **costs borne over the life cycle** of the works.
- Where exceptionally, subject to derogation, a technical scoring is given to the offers, the most economically advantageous tender is the technically compliant tender with the **best price-quality ratio**.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Tendering period



- Min. 90 days for international open tenders
- Additional information: may request up to 21 days, shall reply at least 11 days before the deadline
- Site visit or information meeting is possible
- Period of validity: 90+40 days, successful tender +60 days
- Submission of tenders: single envelope system, e.g. technical & financial tenders in the same package



Evaluation Committee (1)

- Comprising a non-voting **Chairman**, a non-voting **Secretary** and an odd number of **voting members** (minimum of five), optionally **observer(s)**
- Appointed on a personal basis by the CA
- Members must have a **reasonable command of English** and **technical and administrative capacities**
- Members should **attend all meetings**, contracting authority will appoint a replacement evaluator for each procedure to prevent delays in case of unavailability.
- All members and any observers must sign a **Declaration of Impartiality and Confidentiality** (see Annex A4)
- Member has potential conflict of interest shall immediately withdraw, evaluation process must be restarted



Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Evaluation Committee (2)



- The proceedings of the Evaluation Committee are **conducted in camera and are confidential** (except tender opening session)
- Any attempt by a tenderer to influence the process in any way (whether by initiating contact with members of the Evaluation Committee or otherwise) will result in the immediate exclusion of its tender from further consideration!!!
- Only members and authorized observers can attend
- The tenders should not leave the room/building, they should be kept in a safe place when not in use
- No information may be given to tenderers before the signature of the contract





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Evaluation Committee (3)



Responsibilities:

- Chairman responsible for coordinating the evaluation process and for ensuring its impartiality and transparency
- Voting members collectively responsible for decisions taken by the Committee
- Secretary responsible for carrying out all administrative tasks connected with the evaluation procedure





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Stages in Evaluation Process (1)



- Receipt and registration of tenders
- Tender Opening session
 - **Preparatory meeting**
 - TD circulated
 - purpose of the tender procedure
 - selection and award criteria
 - procedures to be followed
 - evaluation grid
 - **Tender Opening:** formal, public process, participation in the tender opening session is restricted to representatives of the companies (see tender opening checklist in Annex D5)





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Stages in Evaluation Process (2)



- **Compliance with formal submission requirements** (see Annex D7)
 - Examine and state the condition, announcing the name of the tenderer
 - Sign Declarations of Impartiality and Confidentiality (see Annex A4)
 - Open envelopes and mark the tender envelope number, front page initialed
 - Prepare summary of tenders received
 - Any tender guarantee must be returned to the tenderers which do not comply with the formal submission requirements. This implies that any tenders which arrive after the submission deadline must also be opened (after the opening session) so that the guarantees can be returned.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Stages in Evaluation Process (3)



- **Administrative compliance checking**
 - Copies of the technical offers are distributed to the members
 - Each technical offer is examined for compliance with TD
 - Clarification can be requested
 - Preparing Tender Opening Report





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Stages in Evaluation Process (4)



- Evaluation of technical offers
 - The criteria to be applied are those published in the tender dossier and, accordingly, the **evaluation grid** included in the tender dossier must be used.
 - **Rule of origin:** All tenders must fulfil this requirement (point 2.3.1.). The rule of origin does not apply to the contractor's equipment used during the construction, unless the tender dossier explicitly stipulates.
 - **Nationality of subcontractors:** The evaluation committee must check at this stage that the nationalities of any subcontractors (point 2.3.1.) .
 - The evaluation committee must then rule on the technical compliance of each tender, classifying it as **technically compliant or not technically compliant**. Where contracts include after-sales service and/or training, the technical quality of such services is also assessed in accordance with the published criteria.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Stages in Evaluation Process (5)



- Evaluation of financial offers
 - Checking that the financial offers satisfy all formal requirements and contain **no arithmetical errors**.
 - If the tender procedure contains several lots, financial offers are **compared for each lot**.
 - The financial evaluation must pick out the best financial offer for each lot, **taking into consideration any discounts** granted by the tenderers.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Evaluation of financial offers



	Company A Initial/discounted price (20%)	Company B Initial/discounted price (10%)	Company C Initial/discounted price (no discount)	Ranking without discount
LOT 1	90/72	80/72	70/70	Company C
LOT 2	Not bidding	40/36	50/50	Company B
LOT 3	60/48	70/63	55/55	Company C
	72+40+48=160 (A)+(B)+(A) Selected	72+36+63=171 (B)+(B)+(B)	70+40+55=165 (C)+(B)+(C)	





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Stages in Evaluation Process (6)



- The evaluation committee's conclusions
 - The successful tenderer is the one submitting **the most economically advantageous tender** determined in accordance with section 5.3.3 classified as 'technically compliant' during the technical evaluation.
 - If the chosen tender exceeds the maximum budget available for the contract, negotiated procedure applies.
 - Preparing evaluation report consisting tender opening report





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Abnormally low tenders



- CA can reject tenders that appear to be **abnormally low** in relation to the goods, concerned. Rejection is not automatic!
- The concerned tenderer **must be asked**, in writing, to provide details of the constituent elements of its tender.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Evaluation Committee recommendations



- Award the contract to the tenderer which has submitted a tender:
 - which complies with the formal requirements and the eligibility rules,
 - whose total budget is within the maximum budget,
 - which meets the minimum technical requirements,
 - which is the most economically advantageous tender.
- Cancel the tender procedure: see point 2.4.13.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.



Notifying the award decision

- The notification letter (Annex C8a) to the **successful tenderer** implies that the validity of the successful tender is automatically extended for a period of 60 days.
- CA asking the successful tenderer to **submit the evidence** substantiating the statements made in the tender within 15 days of the date of the notification letter. CA must examine this evidence before sending the contract to the tenderer for signing. For contracts with a value of less than the international thresholds there is no obligation to submit such documentary evidence.





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Contract preparation and signature



- Contracting authority must prepare a **contract dossier**:
 - a) Explanatory note using the format in Annex A6
 - b) Copy of the financing agreement authorizing the project
 - c) Copy of the call (prior information notice, contract notice, Tender Opening Report, Evaluation Report with award decision, and any other relevant information)
 - d) Three originals in indirect management; two originals in direct management, of the proposed contract, which is based on the standard contract template





Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından finanse edilmektedir.

Publicizing the award of the contract



- The contracting authority will furthermore inform the **remaining tenderers** (Annex C8b) within not more than 15 days from receipt of the countersigned contract.
- Once the contract has been signed the Contracting Authority is responsible for drafting the **award notice** without delay using the template in Annex A11e and for submitting it for publication on the EuropeAid website and in the Official Journal to the European Commission.
- If the award notice is also **published locally**, the contracting authority must arrange local publication directly.





Bu proje Avrupa Birliđi ve Trkiye Cumhuriyeti tarafından finanse edilmektedir.



“IPA II: Taking EU funding to the next level”

www.ipa2teknikdestek.com

