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**Turkey-Ankara: IPA — Technical assistance for border enforcement
of IPR for modernisation of Turkish customs administration VIII
2015/S 064-111762**

Service contract notice

Location — Europe (non-EU)/Turkey

1. **Publication reference:**
EuropeAid/136556/IH/SER/TR.
2. **Procedure:**
Restricted.
3. **Programme title:**
National programme for Turkey 2012 part 1A under the Instrument for Pre-Accession Assistance — transition assistance and institution building component.
4. **Financing:**
IPA budget item 22.02.01 of the general budget of the EU (90 %) and national contribution (10 %).
5. **Contracting authority:**
Central Finance and Contracts Unit (CFCU), Ankara, TURKEY.

Contract specification

6. **Nature of contract:**
Fee-based.
7. **Contract description:**
The purposes of this contract are as follows:
 - increasing the administrative capacity of the Ministry of Customs and Trade (MoCT) in the fight against counterfeiting and piracy,
 - increasing the level of awareness of the public, the MoCT, relevant government institutions, NGOs and rights holders about the importance and value of intellectual property, customs measures and actions to combat counterfeiting and piracy,
 - increasing the level of cooperation between different relevant government institutions and stakeholders.In order to achieve these purposes, the contractor will provide:
 - training activities including seminars, in-service trainings and study visits supplemented with related materials,
 - awareness-raising activities including short-length film production, intellectual property rights (IPR)-related posters and a section under the website of the MoCT dedicated to IPR.
8. **Number and titles of lots:**
No, 1 lot only.
9. **Maximum budget:**
1 300 000 EUR.
10. **Scope for additional services:**

The contracting authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the contractor.

Conditions of participation

11. Eligibility:

Participation is open to all legal persons participating either individually or in a grouping (consortium) of tenderers which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item 29 below). Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

12. Candidature:

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender 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 of an ineligible natural or legal person (as per item 11) 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.

13. Number of applications:

No more than 1 application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as a leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than 1 application, all applications in which that person has participated will be excluded.

14. Shortlist alliances prohibited:

Any tenders received from tenderers comprising firms other than those mentioned in the shortlisted application forms will be excluded from this restricted tender procedure unless prior approval from the contracting authority has been obtained (see 'Practical Guide' — PRAG 2.4.3). Shortlisted candidates may not form alliances or subcontract to each other for the contract in question.

15. Grounds for exclusion:

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the PRAG.

16. Subcontracting:

Subcontracting is allowed.

17. Number of candidates to be shortlisted:

On the basis of the applications 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.

Provisional timetable

18. Provisional date of invitation to tender:

14.7.2015.

19. Provisional commencement date of the contract:

6.1.2016.

20. **Initial period of implementation of tasks:**
18 months.

Selection and award criteria

21. **Selection criteria:**

Same criteria for legal and natural persons.

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole:

1) Economic and financial capacity of candidate (based on item 3 of the application form). In the case of the candidate being a public body, equivalent information should be provided:

Criteria for legal and natural persons:

1. the average annual turnover of the candidate must exceed 900 000 EUR over the last 2 financial years.

2) Professional capacity of candidate (based on items 4 and 5 of the application form):

Criteria for legal and natural persons:

1. at least 5 staff working for the tenderer in fields related to this contract for this year (2015) are permanent.

3) Technical capacity of candidate (based on items 5 and 6 of the application form):

Criteria for legal and natural persons:

1. the candidate has provided services under at least 1 technical assistance contract with a minimum value of 500 000 EUR (proportion carried out by the candidate) in the field of intellectual property rights (IPR), including training in this field, which was implemented at any moment during the following period: 3 years prior to the submission deadline of this application (the start and end/completion dates of the references should be specified as day/month/year);

2. the candidate has provided services under at least 1 technical assistance contract with a minimum value of 500 000 EUR (proportion carried out by the candidate) in the field of customs which was implemented at any moment during the following period: 3 years prior to the submission deadline of this application (the start and end/completion dates of the references should be specified as day/month/year).

According to the above expression, the referenced contract could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case, the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In the case of projects still ongoing, only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. Only the related value for the requested services/activities for the above criteria should be specified. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used. Previous experience which caused breach of contract and termination by a contracting authority shall not be used as reference.

An economic operator 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. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the 8 best candidates. The only factors which will be taken into consideration during this re-examination are:

1) the number of occurrences of references satisfying 21.3.1 as the first criterion; and

in case of equality for the first re-examination criterion, the second re-examination criterion will be:

2) for the cases with equal standing, the cumulative amount of references (proportion carried out by the candidate) satisfying the above criterion 21.3.1.

22. **Award criteria:**

Best value for money.

Application

23. **Deadline for receipt of applications:**

7.5.2015 (17:00), local time — Turkey.

Any application received by the contracting authority after this deadline will not be considered.

24. **Application format and details to be provided:**

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address: <http://ec.europa.eu/europeaid/prag/annexes.do?group=B>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. **How applications may be submitted:**

Applications must be submitted in English exclusively to the contracting authority in a sealed envelope: — either by recorded delivery (official postal service) to:

Central Finance and Contracts Unit, attention: Ms Emine Döğler (Acting PAO — CFCU Director), Eskişehir Yolu 4.Km 2180 Cadde, (Halkbank Kampüsü) No: 63 C-Blok, 06510 Söğütözü, Ankara, TURKEY,

— or hand delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to:

Central Finance and Contracts Unit, attention: Ms Emine Döğler (Acting PAO — CFCU Director), Eskişehir Yolu 4.Km 2180 Cadde, (Halkbank Kampüsü) No: 63 C-Blok, 06510 Söğütözü, Ankara, TURKEY.

The contract title and the publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the contracting authority.

Applications submitted by any other means will not be considered.

26. **Alteration or withdrawal of applications:**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with item 25.

The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. **Operational language:**

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

28. **Date of publication of prior information notice:**

24.12.2014.

Notice number in OJ: [2014/S 248-437370](#).

29. **Legal basis:**

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA) (OJ L 210, 31.7.2006, p. 82).

30. **Additional information:**

Open hours of the contracting authority: 9:00–18:00.