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**Turkey-Ankara: IPA — Technical assistance for strengthening consumer protection
2017/S 157-324691**

Service contract notice

Location — Turkey

1. **Publication reference:**
EuropeAid/138741/IH/SER/TR.
2. **Procedure:**
Restricted.
3. **Programme title:**
Annual action programme for Turkey for the year 2014 under the Instrument for Pre-Accession Assistance (IPA II).
4. **Financing:**
IPA budget item 22.02.03.01 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:**
Global price.
7. **Contract description:**
The aim of the contract is to achieve a better functioning consumer protection, considering all elements of the system, in line with EU 'acquis' and EU Member States' best practices. The contract will increase the efficiency of the consumer protection system through improvements on administrative, legal and human resource capacities of the consumer organisations, increasing awareness levels of key stakeholders, traders and consumers. In this context, the contractor shall provide various technical assistance services including advisory services, preparation of reports, organisation of workshops and study visits, trainings, awareness raising events, etc. to achieve the objectives of the contract. For this purpose, the following results will be achieved:
 - consumer protection levels improved with consumers having better access to information about their rights and means of recourse,
 - consumer arbitration system and consumer judiciary system including Court of Cassation and related chambers strengthened for the better implementation of law and for more simple, fair, effective and accessible procedures for consumers,
 - consumer arbitration system identified in a regulatory sense to use its potential to address the problems that arise the most and to steer private sector by evaluating the information it produces,
 - the new strategy for consumer arbitration system projected to engage with NGO's and private sector to formulate and implement a strong and effective consumer policy,
 - traders' awareness raised on the rights legally described for the consumer, their duties and obligations to be fulfilled,
 - the administrative and human resources capacity of the consumer organisations increased.

8. **Number and titles of lots:**

1 lot only.

9. **Maximum budget:**

2 000 000 EUR.

10. **Scope for additional services:**

Not applicable.

Conditions of participation

11. **Eligibility:**

Participation is open to all natural persons who are nationals of, and legal persons (participating either individually or in a grouping — consortium — of tenderers) which are effectively established in, a Member State of the European Union or in an eligible country or territory as defined under the Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR) for the applicable instrument under which the contract is financed (see also heading 29 below). Participation is also open to international organisations.

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 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:**
31.10.2017.
19. **Provisional commencement date of the contract:**
5.4.2018.
20. **Initial period of implementation of tasks:**
24 months.

Selection and award criteria

21. **Selection criteria:**

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 unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are subcontractors:

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. The reference period which will be taken into account will be the last 3 years for which accounts have been closed:

Criteria for legal and natural persons:

1. the average annual turnover of the candidate must exceed 1 000 000 EUR.

2) Professional capacity of candidate (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last 3 years from the submission deadline:

Criteria for legal and natural persons:

1. at least 5 staff currently work for the candidate in fields related to this contract.

3) Technical capacity of candidate (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last 5 years from the submission deadline:

Criteria for legal and natural persons:

1. the candidate has provided services under a single contract or a similar assignment, with a budget of at least 750 000 EUR (proportion carried out by the candidate) in the field of governance and/or civil society and/or public administration reform that are relevant to consumer protection. The contract was implemented at any moment during the reference period: 5 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).

This means that the contract the candidate refers to 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 contracts completed within the reference period (although started earlier) or to contracts not yet completed. In the first case the contract 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 contracts still ongoing only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to contracts completed) also detailing its value. If a candidate/tenderer has implemented the contract 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 a commitment 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 — notably that of nationality — and must fulfil the same relevant selection criteria as the economic operator. 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 works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

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 highest number of references fulfilling criterion 21.3)1;
- 2) for the cases of equality in line with the first re-examination criterion, the second re-examination criterion will be the cumulative value of the references (proportion carried out by the candidate) fulfilling the criterion 21.3)1 above.

22. **Award criteria:**

Best price-quality ratio.

Application

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

18.9.2017 (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?chapterTitleCode=B>

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

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

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 (CFCU), attention: Mr M. Selim Uslu, PAO-CFCU Director, T.C. Başbakanlık Hazine Müsteşarlığı Kampüsü E Blok İnönü Bulvarı No:36, 06510 Emek, Ankara, TURKEY.

In this case, the delivery record is proof of compliance with the time limit for receipt,

- 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 (CFCU), attention: Mr M. Selim Uslu, PAO-CFCU Director, T.C. Başbakanlık Hazine Müsteşarlığı Kampüsü E Blok İnönü Bulvarı No:36, 06510 Emek, Ankara, TURKEY. Tel. +90 312 295 49 00.

Opening hours of the contracting authority are 9:00–18:00.

In this case, the acknowledgment of receipt is proof of compliance with the time limit for receipt.

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.

By submitting an application candidates agree to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

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:**

11.2.2017.

Notice number in OJ: [2017/S 030-053301](#).

29. **Legal basis:**

Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action; and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11.3.2014 establishing an Instrument for Pre-Accession Assistance (IPA II), OJ L 77, 15.3.2014. p. 11.

30. **Additional information:**

Not applicable.