

Additional information about the Contract Notice

Supply of Equipment for Photovoltaic Applications for BOTAŞ and TEMSAN

Location – Europe (non-EU)/ Turkey

1. Nature of contract

Unit price

2. Programme title

Annual Action Programme for Turkey for the year 2018 under the Instrument for Pre-accession Assistance (IPA II)

3. Financing

IPA budget item 22.02 03 02 of the general budget of the EU (85 %) and national contribution (15%)

4. Eligibility and rules of origin

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 a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed (see also heading 'Legal basis' below). Participation is also open to international organisations.

All supplies under this contract must originate in one or more of these countries.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014** and Annex IV of the ACP-EU Partnership Agreement***, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom ****. Those persons and goods are therefore eligible under this call.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

** Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

*** Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

**** including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

5. Candidature

All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation 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 applications or tenders

No more than one application 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 partner of a consortium submitting an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.

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

Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works or supplies required in the tender dossier.

Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot.

7. Tender guarantee

Tenderers must provide a tender guarantee of **EUR 90.000,00** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.

8. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of 10% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

9. Information meeting and/or site visit

An optional site visit will be held on 24.01.2022, 10:00 a.m. at Tamsan Genel Müdürlüğü, Çamlıca Mahallesi 145. Cadde No:16 Yenimahalle, Ankara, Turkey.

10. Tender validity

Tenders must remain valid for a period of 3 months after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

11. Shortlist alliances prohibited

Not applicable

12. Grounds for exclusion

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or tenderers 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 contract.

13. Sub-contracting

Sub-contracting is allowed.

14. Number of candidates to be short-listed

Not applicable

15. Provisional date of invitation to tender

Not applicable

16. Provisional commencement date of the contract

Not applicable

17. Period of implementation of tasks

The period of implementation of the tasks is 210 calendar days starting from the commencement date of the contract.

SELECTION AND AWARD CRITERIA

18. 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 if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The selection criteria for each tenderer are as follows:

- 1) Economic and financial capacity** (based on item 3 of supply tender form). In case of candidate being 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.
 - the average annual turnover of the candidate or tenderer must exceed EUR 5.500.000,00
- 2) Professional capacity** (based on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.
 - at least 5 staff currently work for the tenderer in fields related to this contract
- 3) Technical capacity** (based on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years from submission deadline.
 - the tenderer has delivered supplies under at least 1 contract with a budget of at least EUR 3.100.000,00 (proportion carried out by the candidate) in the field of solar power plant, which was implemented during the following period: 3 (three) years from the submission deadline (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 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 are allowed to refer either to contracts completed within the reference period (although started earlier) or to contracts not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the contract in a consortium; the percentage that the candidate 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.

Capacity-providing entities

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. 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 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 comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included 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.

19. Award criteria

Price.

APPLICATION AND TENDERING

20. How to obtain the tender dossier

The tender dossier is available from the TED E-Tendering platform at the Internet address provided in the Contract Notice under section I.3) Communication

The tender dossier is also available from the Contracting Authority at <http://www.cfcu.gov.tr> .

Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Any request for additional information must be made in writing through the TED eTendering website accessible from the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>. Registration on TED eTendering is required to be able to create and submit a question. Additional information can be requested by clicking “Create a question” in the Questions&Answers tab at least 21 days before the deadline for submission of tenders given in item ‘**Deadline for submission of applications or tenders**’. For administrative efficiency reasons, please copy all your requests for additional information which were already submitted via TED e-Tendering, to the following functional mailbox pao@cfcu.gov.tr. The questions and answers will be published on TED eTendering CFCU website at: <http://www.cfcu.gov.tr> at the latest 11 days before the submission deadline. The website will be updated regularly and it is the tenderer’s responsibility to check for updates and modifications during the submission period.

21. Tender opening session

28.02.2022, 14:30, local time, Turkey at CFCU premises at the address:

T.C. Hazine ve Maliye Bakanlığı Kampüsü E Blok İnönü Bulvarı No:36 06490 Emek, Ankara, Turkey

22. Applications format and details to be provided

Not applicable

23. How applications may be submitted

Not Applicable

24. Deadline for submission of applications

Not Applicable

25. Clarifications on the contract notice

Not Applicable

26. Alteration or withdrawal of applications

Not Applicable

27. Language of the procedure

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

28. Legal basis

Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 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- See Annex A2 of the practical guide.

29. Additional information

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of December 2021, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

- The representatives of the tenderers will be asked to demonstrate their authorisation, e.g. power of attorney, letter of authorisation, email notifications, for participation in the tender opening session.