

# SUPPLY CONTRACT NOTICE

**Contract title: SUPPLY OF FUEL AND CAR WASHING SERVICES FOR EUAM UKRAINE**

## **Location - Ukraine**

### Suspension clause:

Please note that the awarding of the contract is subject to the condition of:

- extension of the mandate of the EUAM Ukraine and conclusion of the Delegation Agreement between European Commission and EUAM Ukraine for the period from 01.06.2019 until 30.11.2019;
- extension of the mandate of the EUAM Ukraine and conclusion of the Delegation Agreement between European Commission and EUAM Ukraine for the period from 01.12.2019 until 30.11.2020;
- extension of the mandate of the EUAM Ukraine and conclusion of the Delegation Agreement between European Commission and EUAM Ukraine for the period from 01.12.2020 until 30.11.2021;

which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the Contracting Authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

### **1. Publication reference**

EuropeAid/139944/ID/SUP/UA

### **2. Procedure**

Local Open

### **3. Programme title**

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2017/2371 of 18 December 2017

### **4. Financing**

CFSP/2017/31 EUAM Ukraine

### **5. Contracting authority**

European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)

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## **CONTRACT SPECIFICATIONS**

### **6. Description of the contract**

The subject of this contract is supply of diesel fuel and car washing services for EUAM Ukraine vehicle fleet, to be realised via fuel smart cards, supply of diesel fuel for the Mission power generators and fuel for Mission project activities.

### **7. Number and titles of lots**

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## TERMS OF PARTICIPATION

### 8. Eligibility and rules of origin

Participation of natural and legal persons in the award of procurement contracts by EUAM Ukraine shall be open without limitations.

No rule of origin for the goods purchased by EUAM Ukraine shall apply.

### 9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the practical guide.

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.

### 10. Number of tenders

The candidates may submit an application for one lot only. 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 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.

### 11. Tender guarantee

No tender guarantee is required.

### 12. Performance guarantee

No performance guarantee is required.

### 13. Information meeting and/or site visit

An optional information meeting will be held on 24 October 2018 at 11:00 a.m. at EUAM Ukraine Annex Building, located at 17G (17-r) H. Skovorody Str., Kiev, Ukraine.

Prior attendance confirmation should be sent to [tenders@euam-ukraine.eu](mailto:tenders@euam-ukraine.eu)

### 14. Tender validity

Tenders must remain valid for a period of 90 days 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 (see para 8.2 of the instructions to tenderers).

### 15. Period of implementation of tasks

The contract concerned is a framework contract, which shall enter into force on 01 December 2018 with the Framework Contract validity until 30 November 2019 inclusively.

The time limits for delivery shall be:

- Immediate or upon physical availability of the free refuelling gun at the fuel-filling stations or free car-wash cabin 24 hours every day of the year at each point of sale in the Contractor's own and partners' fuel-filling and car washing networks (for car wash services);

- 12 hours for diesel fuel for the Mission power generator after e-mail submission of the approved Order Form by Contracting Authority to the Contractor.
- 2 working days for Fuel smart cards after e-mail submission of the authorised Order Form by Contracting Authority to the Contractor.

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## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

The following selection criteria will be applied to tenderers. In the case of tenders 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:

- 1) Economic and financial capacity of tenderer (based on i.a. item 3 of the Tender Form for a Supply Contract). In case of tenderer 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 tenderer of the years 2015, 2016 and 2017 must exceed 100,000.00 EUR.
- 2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 5 years from the submission deadline.

The selection criteria for tenderers are as follows:

- At least 3 staff currently work for the tenderer in fields related to this contract;
- 3) Technical capacity of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 5 years from the submission deadline.
    - The tenderer has successfully delivered supplies under at least two contracts (the tenderer's proportion shall be greater than 100,000 EUR under each of the contracts) in the area of fuel supply and car washing services.

This means that the contracts the tenderer 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. 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, final acceptance). In case of projects still on-going 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.

#### 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. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must 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 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 the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

## 17. Award criteria

Price

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# TENDERING

## 18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and from the website of EUAM Ukraine <http://euam-ukraine.eu/our-mission/tenders/>. The tender dossier is also available from the Contracting Authority. Tenders must be submitted using the standard Tender Form for a Supply Contract included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to [tenders@euam-ukraine.eu](mailto:tenders@euam-ukraine.eu) (mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at the latest 11 days before the deadline for submission of tenders. Possible clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and on the website of EUAM Ukraine <http://euam-ukraine.eu/our-mission/tenders/>.

## 19. Deadline for submission of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders, either by post or private mail service, or by hand delivery.

In the first case, the application/tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender, which will serve as proof.

The deadline for submission of tenders is **16 November 2018 at 10:00 a.m. Kiev time**.

Any tender submitted to the Contracting Authority after this deadline will not be considered.

**The contracting authority may, for reasons of administrative efficiency, reject any application or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation**

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<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

**procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.**

#### **How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

The European Union Advisory Mission Ukraine  
Procurement Unit  
EUAM Annex building  
17G Skovorody str., Kyiv, 04070, Ukraine  
Contact phone: +380 674 054 659

Opening hours: 09:00 – 17:30 by Kyiv time.

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

The European Union Advisory Mission Ukraine  
Procurement Unit  
EUAM Annex building  
17G Skovorody str., Kyiv, 04070, Ukraine  
Contact phone: +380 674 054 659

Opening hours: 09:00 – 17:30 by Kyiv time.

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

Tenders submitted by any other means will not be considered.

By submitting a tender candidates accept 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 tender.

## **20. Tender opening session**

21 November 2018 at 10:00 a.m. at EUAM Ukraine Annex Building, located at 17G (17-r) H. Skovorody Str., Kiev, Ukraine.

Number of attendees from each Tenderer is limited to 1 (one) person, prior attendance confirmation shall be sent to [tenders@euam-ukraine.eu](mailto:tenders@euam-ukraine.eu)

## **21. Language of the procedure**

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

## **22. Legal basis**

Council Decision 2014/486/CFSP of 22 July 2014 as last amended by the Council Decision (CFSP) 2017/2371 of 18 December 2017

## **23. Additional information**

N/A