

A. INSTRUCTIONS TO BIDDERS

REF. NO.: ROMD00252-BL-F-05

By submitting an offer, bidders fully and unconditionally accept the special and general conditions governing the contract as the sole basis of this procurement procedure, regardless of their own terms of sale, which they hereby waive. Bidders are expected to carefully review and comply with all instructions, forms, contractual provisions, and specifications included in the procurement dossier. Failure to submit an offer containing all requested information and documents within the established deadline will result in rejection of the offer. Any comments included in the offer regarding the procurement dossier will not be taken into account; such comments may lead to immediate rejection of the offer without further evaluation.

1. Goods to be delivered

1.1 Object of the contract:

Supply, delivery, unloading, placement, installation, and commissioning of the following goods:

- Minibus

Delivery location: Str. Păcii, 38, Bălți Municipality, Republic of Moldova, MD-3100, DDP – Delivered Duty Paid, and implementation period in days, in accordance with the participation notice/additional information regarding the participation notice: 50 days.

1.2 The goods must fully comply with the technical specifications provided in the procurement dossier (Annexes II & III) and correspond in all respects to the sketches, quantities, models, samples, measurements, and other instructions.

1.4 Bidders are not authorized to submit an alternative offer in addition to the present offer.

2. Procedure timetable

	DATE	TIME
Clarification meeting / site visit (if any)	[< Date>] [Not applicable]	[< Time> (time zone location meeting/site)] [Not applicable]

Deadline for requesting clarifications from the contracting authority	[For open procedures: < Date 21 days before deadline for tenders indicated in the Contract notice >] [For simplified procedures: Date 15 days before deadline for tenders indicated in the contract notice (annex c2)] [negotiated procedure: X days before deadline for tenders indicated in the contract notice]	-
Last date on which clarifications are issued by the contracting authority	< Date 8 days before deadline for submission of tenders indicated in the Contract notice >	-
Deadline for submission of tenders	As indicated in the Contract notice	
Tender opening session	[Not applicable][As indicated in the Contract Notice]	
Notification of award to the successful tenderer	< Date at most 90 days after deadline for submission of tenders >*	-
Signature of the contract	< Date at most 150 days after deadline for submission of tenders >*	-

* Tentative date

3. Participation

- 3.1. Natural or legal people are not entitled to participate in this procurement procedure or to be awarded a contract if they are in any of the situations provided for in the restrictive measures of the European Union (www.sanctionsmap.eu) or in point 18 of Annex II of the Financing Agreement concluded between the European Commission and the partner country. If they nevertheless participate, their tender will be considered, as appropriate, to be inappropriate or non-compliant. Tenderers must provide declarations on their own responsibility (form G3) confirming that they are not in any of these exclusion situations. Such declarations must also be submitted by all members of an association/consortium, by any subcontractor and by any entity providing capacities to meet the selection criteria. Tenderers who make false declarations may be subject to financial sanctions and exclusion measures, in accordance with the Financial Regulation in force. Their tender will be considered non-compliant.

The exclusion situations mentioned above also apply to all members of an association/consortium, all subcontractors and suppliers of tenderers, as well as all entities whose capacities are invoked to meet the selection criteria. In case of doubt regarding the declarations submitted, the contracting authority will request supporting documents

demonstrating that the subcontractors and/or entities providing capacities are not in an exclusion situation.

- 3.3. To be eligible to participate in this tender procedure, tenderers must demonstrate, to the satisfaction of the contracting authority, that they meet the necessary legal, technical and financial requirements and that they have the appropriate means to fulfil the contract effectively.
- 3.4. Subcontracting is permitted. The tender and, where applicable, the entities whose capacities have been chosen to meet the economic and financial capacity criteria will be jointly and severally liable for the performance of the contract.

4. Type of contract

Unit price

5. Currency

Offers will be presented in Euros.

6. Batches

6.1 *One batch*

7. Validity period

7.1 The offers will be valid for 90 days from the deadline for submitting offers.

7.2 In exceptional cases and before the expiry of the initial period of validity of the tender, the contracting authority may request an extension of this period by 40 days in writing. Both requests and replies to them must be made in writing. Tenderers who accept

will not be entitled to modify their tenders and are obliged to extend the validity of the participation guarantees for the new period of validity of the tender.

If they refuse, without losing the participation guarantee, their participation in the procurement procedure will cease.

7.3 The successful bidder shall maintain the validity of its bid for an additional period of 60 days. This additional period shall be added to the bid validity period, regardless of the date of notification.

8. Language of drafting offers

8.1 The offers, as well as all correspondence and documents related to the procurement procedure, exchanged between the tenderer and the contracting authority, must be written in the language of the procedure, namely Romanian.

8.2 If the supporting documents are not written in Romanian, a translation into the language of the procurement procedure must be attached.

9. Submission of offers

9.1 Submission: Bids or requests to participate will be submitted electronically via SIA RSPA, achizitii.md,

9.2. Tenders must be submitted to the contracting authority before the deadline date and time. A tender received after the deadline for submission will be rejected.

Tenderers must ensure that the tenders submitted contain all the information and documents requested by the contracting authority at the time of submission, as set out in the procurement documents.

Submission of a bid implies acceptance of the terms and conditions set out in the procurement documents. Submission of a bid commits the contractor to whom the contract is awarded for the entire duration of its execution. Bids will be kept confidential until opening.

10. Content of offers

- **Part 1: Technical offer:**
- Detailed description of the goods offered, in accordance with the technical specifications (or equivalent), including any documentation requested – Annex II.&III. Technical specifications technical offer.
- Form V;
- Offer Form.
- G3_Declaration on own responsibility.
- Documents regarding the technical and financial capacity of the offeror for the following selection criteria:
- - According to p.16 of the SUPPLY CONTRACT NOTICE

Part 2: Financial offer:

- financial offer calculated based on the DDP condition (Delivery at destination with all customs duties paid by the supplier) for the goods offered

- IV. Budget breakdown (financial offer model)

1. Additional information before the deadline for submission of tenders

The procurement dossier must be sufficiently clear so that tenderers do not have to request additional information during the procedure. Where the contracting authority, on its own initiative or in response to a request from a potential tenderer, provides additional information on the procurement dossier, it must transmit this information in writing to all other potential tenderers at the same time.

Any request for additional information must be made on the SIA RSAP platform, www.achiziții.md

Any clarification of the tender dossier will be sent to the applicant at the email address indicated in the request.

Any potential bidders who wish to organize individual meetings with the contracting authority during the tender period may be excluded from the tender procedure.

The procurement notice is published on: www.achiziții.md

12. Clarification meetings / on-site visit

12.1 No clarification meeting/site visit is planned. Individual visits of potential bidders during the bid submission period cannot be organized.

13. Modification or withdrawal of offers

13. Bidders may modify or withdraw their bids by written notice submitted before the deadline for submission of bids.

13.2 No bid may be withdrawn between the deadline for submission of bids and the expiration of the bid validity period.

14. Cost of preparing offers

No costs incurred by the bidder in preparing and submitting the bid are refundable. All such costs shall be borne by the bidder.

15. Ownership of offers

The contracting authority holds the ownership of all tenders received in this procurement procedure. Consequently, tenderers do not have the right to request the return of submitted tenders.

16. Joint venture or consortium

16.1 If a tenderer is a joint venture or a consortium formed by two or more people, the tender must be a single tender for the award of a single contract; each person must sign the tender and shall be jointly and severally liable for the tender and any contract. These

people must designate one of the members as the leader, with the authority to legally bind the joint venture or consortium. The composition of the joint venture or consortium may not be changed without the prior written consent of the contracting authority.

16.2 The tender may be signed by the representative of the association or consortium only if he has been expressly authorized in writing by the members of the association or consortium, and the contract, notarial deed or instrument of authorizations must be submitted to the contracting authority. All signatures on the instrument of authorization must be certified in accordance with the national laws and regulations applicable to each member of the association or consortium, together with powers of attorney establishing in writing that the signatories of the tender are authorized to bind the members of the association or consortium. Each member of such an association or consortium must provide the evidence requested as if it were the tender itself.

17. Opening of bids

17.1 The purpose of the opening meeting is to verify that the tenders have been submitted in accordance with the submission requirements set out in the invitation to participate.

17.2 The date and place of the bid opening meeting are indicated in the Contract Notice. The Commission will draw up a minute of the meeting, which will be available upon request, subsequently the participants will be notified of the results of the bid evaluation, the transparency of the activities regarding the procurement will be carried out on the SIA RSAP platform, www.achiziții.md

17.3 At the opening of tenders, the names of the tenderers, the prices of the tenders, any discounts offered, written notifications of modification or withdrawal, the existence of the participation guarantee (if requested) and any other information that the contracting authority deems appropriate may be announced.

17.4 After the public opening of tenders, no information relating to the examination, clarification, evaluation of tenders or recommendations regarding the award of the contract may be disclosed until the contract is awarded.

17.5 Any attempt by tenderers to influence the evaluation committee in the process of examining, clarifying, evaluating and comparing tenders, to obtain information on the status of the procedure or to influence the contracting authority in the decision to award the contract will lead to the immediate rejection of their tenders.

17.6 All tenders received after the specified deadline for submission to the contract notice or in these instructions will be kept by the contracting authority. The related

securities will be returned to the tenderers. No liability is accepted for late delivery of tenders. Late tenders will be rejected and will not be evaluated.

18. Evaluation of offers

18.1 Examination of the administrative compliance of offers

The purpose of this stage is to verify whether the tenders comply with the essential requirements of the procurement dossier. A tender is considered compliant if it meets all the conditions, procedures and specifications in the procurement dossier without substantial deviations or restrictions. Substantial deviations or restrictions are those that affect the subject matter, quality or performance of the contract, deviate significantly from the terms of the procurement dossier, limit the contracting authority's rights or the tender's obligations under the contract or distort competition in relation to tenderers whose tenders are compliant. Decisions by which a tender is considered administratively non-compliant must be duly justified in the evaluation report. If a tender does not comply with the procurement dossier, it will be rejected immediately and cannot subsequently be brought into compliance by correction or by withdrawal of the deviation or restriction.

18.2 Technical evaluation

After analyzing the tenders deemed administratively compliant, the evaluation committee will decide on the technical admissibility of each tender, classifying it as technically compliant or non-compliant. The minimum qualifications required (see selection criteria in the supplementary information to the contract notice) are assessed at the beginning of this stage. In the case of contracts including after-sales services and/or training, the technical quality of these services will also be assessed on the basis of yes/no criteria, as specified in the procurement dossier.

18.3 In the interest of transparency and equal treatment and to facilitate the examination and evaluation of tenders, the evaluation committee may request clarifications of the tender, including price breakdowns, from each tenderer individually within a reasonable time limit set by the committee. The request for clarifications and the response must be in writing, but no changes to the price or content of the tender may be requested, offered or permitted, except those necessary to confirm the correction of arithmetical errors discovered during the evaluation of the tenders, in accordance with Article 18.4. Any such request for clarifications must not distort competition. Decisions by which a tender is considered technically non-compliant must be duly justified in the evaluation report.

18.4 Financial evaluation

- a) Tenders considered technically compliant will be checked for any arithmetical errors in the calculation and totalization. Errors will be corrected by the evaluation committee as follows:
- if there is a discrepancy between the amounts in figures and those in words, the amount expressed in words will be considered.
 - except for lump sum contracts, if there is a discrepancy between a unit price and the total amount resulting from multiplying the unit price by quantity, the unit price indicated will be considered.
- b) The amounts thus corrected will be binding on the tenderer. If the tenderer does not accept them, its tender will be rejected.
- c) Unless otherwise specified, the purpose of the financial evaluation process is to identify the tender offering the lowest price. Where provided for in the technical specifications, the evaluation of tenders may consider not only the acquisition costs but, to the extent relevant, also the costs

incurred over the life cycle of the goods (such as maintenance and operating costs), in accordance with the technical specifications. In this case, the contracting authority will examine in detail all the information provided by the tenderers and will formulate its decision based on the lowest total cost, including additional costs.

18.5 Alternative solutions

Alternative solutions will not be considered.

18.6 Award criteria

The sole award criterion will be price. The contract will be awarded to the tender with the lowest price.

18.7 Documentary evidence for exclusion and selection criteria

The contracting authority may, if it has doubts as to whether the tenderer to whom the contract is to be awarded is in one of the situations leading to exclusion, request it to provide evidence of the exclusion criteria. At any stage of the procurement procedure and before the award of the contract, the contracting authority may request supporting documents concerning compliance with the exclusion criteria set out in these instructions.

When the contracting authority must or decides, as the case may be, to request supporting documents for the exclusion and selection criteria:

At any time during the procurement procedure and before the award of the contract, the contracting authority may request supporting documents regarding compliance with the exclusion criteria and the selection criteria (financial, economic, technical and professional capacity) set out in these instructions. Please note that such a request for documents does not imply in any way that the tenderer has been declared the winner. All tenderers are invited to prepare the supporting documents in advance, as they may be required to provide them within a certain time limit.

In any case, the tenderer proposed by the evaluation committee for the award of the contract will be requested to provide these documents within a short period of time.

Upon request, with regard to the exclusion criteria, tenderers must be able to provide the documentary evidence or declarations required under the law of the country in which the company (or, in the case of consortia, each of the companies) is established, to demonstrate that they are not in any of the exclusion situations provided for in point 18 of Annex II to the Financing Agreement between the European Commission and the partner country.

The abovementioned documents must be submitted for each member of a consortium/consortium, for all subcontractors and for each entity providing capacity. The contracting authority may waive the obligation for any tenderer to submit the abovementioned supporting documents if it can access this evidence in a national database, free of charge, or if such documents have already been submitted in another procurement procedure, provided that the date of issue of the documents does not exceed one year (in the case of exclusion criteria) and that they are still valid. In this case, the tenderer must declare on its own responsibility that the supporting documents have already been provided in a previous procurement procedure and confirm that its situation has not changed. Failure to provide valid supporting documents upon request and within the time limit set by the contracting authority will lead to the rejection of the tender for the award of the contract, unless the tenderer can justify the failure to fulfil the obligation on grounds of material impossibility. If the tenderer declared the winner fails to provide such documentary evidence or declarations, or if it is found that he has provided false information, the award of the contract will be considered null and void. In this case, the contracting authority may award the contract to the next ranked tender or may cancel the procurement procedure.

19. Notification of the result of the award procedure

By submitting a tender, each tenderer agrees to receive notification of the outcome of the procedure electronically. Such notification shall be deemed to have been received on the date on which the contracting authority sends it to the electronic address indicated in the tender. The contracting authority shall inform all tenderers simultaneously and individually of the award decision. The participation guarantees of unsuccessful tenderers shall be released after the signature of the contract. The successful tenderer shall be informed in writing that its tender has been accepted (award notification).

20. Signing the contract and performance guarantee

20.1 The contracting authority reserves the right to vary the quantities specified in the tender by +/- 100% at the time of conclusion of the contract and during its validity. The total value of the supplies may not, because of the variation, increase or decrease by more than 25% compared to the initial financial tender. The unit prices indicated in the tender shall be used.

20.2 Within 30 days of receipt of the contract signed by the contracting authority, the selected tenderer must sign and date the contract and return it, together with the performance guarantee (if applicable), to the contracting authority. Upon signing the contract, the successful tenderer becomes the contractor, and the contract enters into force.

20.3 If the successful tenderer does not sign and return the contract and any financial guarantee requested within 30 days of receipt of the notification, the contracting authority may consider the acceptance of the tender as cancelled, without prejudice to the contracting authority's right to enforce the guarantee, to claim damages or to resort to any other remedy in relation to such failure. The successful tenderer shall have no claim against the contracting authority.

20.4 The performance guarantee referred to in the general conditions is set at 10% of the contract value. The performance guarantee must be submitted in the form specified in the annex to the procurement dossier. It will be issued within 60 days of the issuance of the final acceptance certificate by the contracting authority, except for the part related to after-sales services. The contracting authority may decide not to request such a guarantee.

21. Participation guarantee

A guarantee of participation is not required.

22. Ethical clauses and code of conduct

22.1 Absence of conflict of interest

The tenderer must not be affected by any conflict of interest and must not have any equivalent relationship in this respect with other tenderers or other parties involved in the project. Any attempt by a tenderer to obtain confidential information, to conclude illegal agreements with competitors or to influence the evaluation committee or the contracting authority during the process of examination, clarification, evaluation and comparison of tenders will lead to the

rejection of its tender and may attract administrative sanctions in accordance with the Financial Regulation in force.

22.2 Respect for human rights, environmental law and core labor standards The tenderer and its staff must respect human rights and applicable data protection rules. In particular, and in accordance with the applicable basic act, tenderers and applicants awarded contracts must respect environmental law, including multilateral environmental agreements, as well as core labor standards as defined in the relevant International Labour Organization conventions (such as the conventions on freedom of association and collective bargaining; the elimination of forced and compulsory labor; the abolition of child labor).

Zero tolerance towards sexual exploitation, abuse and harassment:

The contracting authority applies a "zero tolerance" policy with regard to any inappropriate behaviors that affects the professional credibility of the tender. Physical abuse or physical punishment or threats of physical abuse, sexual abuse or exploitation, harassment and verbal abuse, as well as other forms of intimidation are prohibited.

22.3 Anti-corruption and anti-bribery

The tenderer must comply with all applicable laws, regulations and codes on the prevention of bribery and the fight against corruption. The Managing Authority reserves the right to suspend or cancel the financing of the project if corrupt practices of any kind are discovered at any stage of the award procedure or during the performance of the contract and the contracting authority does not take all appropriate measures to remedy the situation. For the purposes of this provision, "corrupt practices" means the offering of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or not performing an act in connection with the award of a contract or the performance of a contract already concluded with the contracting authority.

22.4 Unusual business expenses

Tenders will be rejected or contracts terminated if it is found that the award or performance of a contract has given rise to unusual commercial costs. Such unusual commercial costs include fees not mentioned in the main contract or not resulting from a properly concluded contract referring to the main contract, fees not paid in exchange for a genuine and legitimate service, fees transferred to a tax haven, fees paid to a beneficiary that is not clearly identified or fees paid to a company that presents all the appearances of a front company. Contractors found to have paid unusual commercial costs in the framework of projects financed by the European Union to be subject, depending on the seriousness of the facts, to the termination of contracts or permanent exclusion from EU funding.

22.5 Breach of obligations, irregularities or fraud

The contracting authority reserves the right to suspend or cancel the procedure if it proves to have been affected by breaches of obligations, irregularities or fraud. If such

breaches, irregularities or fraud are discovered after the contract has been awarded, the contracting authority may decide not to conclude the contract

23. Cancellation of the procurement procedure

If the procurement procedure is cancelled, the tenderers will be notified by the contracting authority.

Cancellation may occur, for example, in the following situations:

- the procurement procedure failed, i.e. no qualitatively or financially adequate offer was received, or there was no valid offer.
- the economic or technical parameters of the project have fundamentally changed
- exceptional circumstances or force majeure make the normal implementation of the project impossible.
- all technically compliant offers exceed the available financial resources.
- there were breaches of obligations, irregularities or fraud in the procedure, where these prevented fair competition.
- the award does not respect the principles of sound financial management, i.e. it does not respect the principles of economic, efficiency and effectiveness (for example, the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate to the market price).

In no event shall the contracting authority be liable for any damages, including, without limitation, loss of profit, in connection with the cancellation of the procurement procedure, even if it has been informed of the possibility of such damage. The publication of a contract notice does not oblige the contracting authority to implement the announced program or project.

24. Appeals

Bidders who believe they have been prejudiced by an error or irregularity during the award process may file a complaint.