



CELIM - ONLUS

Sede legale: Piazza Fontana 2, 20122 Milano

Sede operativa: Via Donatello 5 B c/o Fondazione Avsi, 20131 Milano

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CF 80202830156 - ccp 000052380201 - ccb IT31A0501801600000011080678 - ccb IT02G0623001634000015144959

www.celim.it

CONTRACT NOTICE

CALL FOR TENDER: GENERAL INFORMATION

I.1) Name and address Contracting Authority

Official name: CENTRO LAICI ITALIANI PER LE MISSIONI CE.L.I.M. ONLUS

AID 012590/01/8

C.F. 80202830156

SDI: 0000000

Postal address: PIAZZA FONTANA 2

Town: Milan, Italy

Postal Code: 20122

E-mail: celimilano@postecert.it

Internet address: www.celim.it

II.1.1) Title:

FRAMEWORK CONTRACT/FUEL SUPPLY

II.1.2) Type of contract

Supply

II.1.3) Short description of the contract

The framework contract for fuel supply is intended for the supply of gasoline for the whole duration of the project, divided in two different lots, one in the municipality of Hasbaya and one in Beirut. The possibility to pay by bank transfer is an essential requirement for the contract authority.

II.1.4) Estimated total value

Value VAT included:

Estimated total value: 9,065 USD

○ LOT 1 – 4,532.5 USD

○ LOT 2 – 4,532.5 USD

Currency: USD

II.1.5) Type of Procedure

[Open tender]

FRAMEWORK CONTRACT

II.1.6) Information about lots

This contract is divided into 2 lots:

Lot 1 - Hasbaya

Lot 2 - Beirut



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CALL FOR TENDER: INFORMATION PER LOT

II.2.1) Description

FRAMEWORK CONTRACT/FUEL SUPPLY: GASOLINE

LOT 1 - Hasbaya.

The present contract is intended for the supply of gasoline in the Hasbaya municipality for an estimated value of 4,532.5 USD (including VAT).

LOT 2 – Beirut

The present contract is intended for the supply of gasoline in Beirut for an estimated value of 4,532.5 USD (including VAT).

II.2.2) Place of performance

Geographical zone benefitting from the action:

LOT 1: Hasbaya District, Nabatiye Governorate

LOT 2: Beirut, Mount Lebanon Governorate

II.2.3) Award Criteria

The price is fixed by government decree. The evaluation criteria for the selection of the best offer are:

- Proximity of gas station to the location of the contracting authority offices (LOT 1: Hasbaya District, LOT 2: Beirut)
- Use of researchable card payment method or any other payment method which does not require payment on the spot and/or cash payment
- Only suppliers accepting bank transfers will be considered. Possibility to pay on a quarterly basis will be considered an asset.

IV.2.1) Time limit for submission of tenders or requests to participate

Date: 17/07/2023

Local Time 18:00 GMT+3

IV.2.2) Conditions for opening of tenders

Lot 1:

Date: 19/07/2023

Local Time: 15:00 GMT+3:00

Place: Dar Hasbaya, second floor, main road Hasbaya – Nabatiye Governorate

Lot 2:

Date: 18/07/2023

Local Time: 10:00 GMT+3:00

Place: 115, El Hajj Building, Badaro, Beirut

Additional information about the Contract Notice

FRAMEWORK CONTRACT/FUEL SUPPLY Hasbaya, Nabatiye Governorate and Beirut, Lebanon

Nature of contract

Unit price based on actual consumption

1. Programme title

WASTE or RESOURCE? – Enterprises and municipalities' environmental and social responsibility AID 012590/01/8

2. Financing

Budget lines:

2.2.1 approx. to 520 USD

2.2.2 approx. to 80 USD

2.2.3 approx. 814 USD

2.2.4 approx. 891 USD

3.3.1 approx. 6760 USD

3. Legal basis, eligibility and rules of origin

Participation in tender procedures is open on equal terms to all natural persons who are nationals of one of the Member States of the European Union or of one of the countries, territories or regions expressly eligible under regulation/of the applicable basic act governing the rules of eligibility for the grant, in accordance with Annex A2 of the practical guide as well as to all legal persons (whether participating individually or within the framework of a grouping – consortium – of tenderers) which are actually established there. Tenderers must indicate their nationality in their tender and submit the usual supporting evidence in accordance with their national legislation.

The legal basis for this procedure is:

✓ Legge 29 agosto 2014 n. 125, DM 22 luglio 2015, n. 113.

✓ Regolamento recante: “Statuto dell’AICS” Bando e allegati

✓ Contract / Agreement and specific conditions

✓ General procedure

✓ Documento Unico di Progetto (DUP) approved by AICS and subsequent modification and integration

✓ Allegati al Documento Unico di Progetto

Application of the PRAG principles and Annex IV of the PRAG Grants Practical Guide to Contract Procedures for EU External Actions” (PRAG) as stipulated by Procedure Generali per la concessione di contributi e la gestione e rendicontazione di Iniziative promosse da Soggetti pubblici

e privati no-profit di Cooperazione di cui al Capo VI della legge n.125/2014 e fondate su approccio RBM.

The supplies can originate from any country, no certificate of origin must be presented.

4. Candidature

All eligible legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement 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 or tender 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.

5. Number of requests to participate or tenders

No more than one request to participate or tender can be submitted by legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.

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

6. Sub-contracting

Sub-contracting is not allowed.

7. Provisional date of invitation to tender

16 June

8. Provisional commencement date of the contract

1 August 2023

9. Period of implementation of tasks

The framework contract is intended between 1 August 2023 and 31 July 2025 with possible extension in case of extension of the project

10. Language of the procedure

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

SELECTION AND AWARD CRITERIA

11. Selection criteria

The following selection criteria will be applied to candidates. In the case of requests to participate submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not specified otherwise.

The candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

1) **Economic and financial capacity**

- Contractor should be able to receive payments in fresh USD via bank transfer. Possibility of cumulative payments (minimum of 3 months) will be considered as an asset. The contractor should offer the possibility of researchable card payment method or any other payment method which does not require payment on the spot and/or cash payment

2) **Technical capacity**

The contractor should be present in:

LOT 1: Hasbaya Municipality

LOT 2: Beirut

Proximity of gas station to the location of the contracting authority offices will be evaluated, namely:

LOT 1 - Dar Hasbaya, second floor, main road Hasbaya – Nabatiye Governorate;

LOT 2 - 115, El Hajj Building, Badaro, Beirut

12. Award criteria

The price is fixed by government decree. The evaluation criteria for the selection of the best offer are:

- Proximity of gas station to the location of the contracting authority offices (LOT 1: Hasbaya District, LOT 2: Beirut)
- Use of researchable card payment method or any other payment method which does not require payment on the spot and/or cash payment
- Only suppliers accepting bank transfers will be considered. Possibility to pay on a quarterly basis will be considered an asset.

A. INSTRUCTIONS TO TENDERERS

PUBLICATION REF.: FUEL_CELIM_AID012590/01/8

By submitting a tender, tenderers fully and unreservedly accept the special and general conditions governing the contract as the sole basis of this tendering procedure, whatever their own conditions of sale may be, which they hereby waive. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified will lead to the rejection of the tender. No account can be taken of any remarks in the tender relating to the tender dossier; remarks may result in the immediate rejection of the tender without further evaluation.

1. Supplies to be provided

1.1 The subject of the contract is the supply of the following:

FRAMEWORK CONTRACT for FUEL SUPPLY (Gasoline) in Hasbaya Municipality and Beirut. The framework contract is intended between 1 August 2023 and 31 July 2025 with possible extension in case of extension of the project.

1.2 The supplies must comply fully with the technical specifications set out in the tender dossier (technical annex) and conform in all respects with the drawings, quantities, models, samples, measurements and other instructions.

1.3 Tenderers are not authorised to tender for a variant solution in addition to the present tender.

2. Timetable

	DATE	TIME
Clarification meeting / site visit (if any)	Not applicable	Not applicable
Deadline for requesting clarifications from the contracting authority	30 June 2023	18:00 GMT+3:00
Last date on which clarifications are issued by the contracting authority	7 July 2023	-
Deadline for submission of tenders	As indicated in the Contract notice	
Tender opening session	As indicated in the Contract Notice (IV.2.7)	

Notification of award to the successful tenderer	At most 90 days after deadline for submission of tenders	-
Signature of the contract	At most 150 days after deadline for submission of tenders	-

3. Participation

3.1. The eligibility requirements detailed in the Additional information about the contract notice (Annex A5f) or, if applicable, in the Contract Notice (C2), apply to all members of a joint venture/consortium and all subcontractors, as well as to all entities upon whose capacity the tenderer relies for the selection criteria. Every tenderer, member of a joint venture/consortium, every capacity-providing entity, every subcontractor must certify that they meet these conditions. They must prove their eligibility by a document dated less than one year earlier than the deadline for submitting tenders, drawn up in accordance with their national law or practice or by copies of the original documents stating the constitution and/or legal status and the place of registration and/or statutory seat and, if it is different, the place of central administration. The contracting authority may accept other satisfactory evidence that these conditions are met.

3.2. Legal persons are not entitled to participate in this tender procedure or be awarded a contract if they are in any of the situations mentioned in Sections 2.4. (EU restrictive measures), 2.6.10.1. (exclusion criteria) or 2.6.10.1.2. (rejection from a procedure) of the practical guide. Should they do so, their tender will be considered unsuitable or irregular respectively. In the cases listed in Section 2.6.10.1. of the practical guide tenderers may also be excluded from EU financed procedures and be subject to financial penalties up to 10 % of the total value of the contract in accordance with the Financial Regulation in force. This information may be published on the Commission website in accordance with the Financial Regulation in force. Tenderers must provide declarations on honour¹ that they are not in any of these exclusion situations. Such declarations must also be submitted by all the members of a joint venture/consortium, by any sub-contractor and by any capacity providing entities. Tenderers who make false declarations may also incur financial penalties and exclusion in accordance with the Financial Regulation in force. Their tender will be considered irregular.

The exclusion situations referred to above also apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria. In cases of doubt over declarations, the contracting authority will request documentary evidence that subcontractors and/or capacity providing entities are not in a situation that excludes them.

3.3. To be eligible to take part in this tender procedure, tenderers must prove to the satisfaction of the contracting authority that they comply with the necessary legal, technical and financial requirements and have the means to carry out the contract effectively.

3.4. Subcontracting is not allowed.

4. Origin

4.1 All supplies under this contract may originate in any country. The supplier must be established and registered in Lebanon.

¹ See PRAG Section 2.6.10.1.3 A)

- 4.2 When submitting tenders, tenderers must state expressly that all the goods meet the requirements concerning origin and must state the countries of origin. They may be asked to provide additional information in this connection.

5. Type of contract

Unit-price based on consumption under a framework contract.

6. Currency

USD

7. Lots

This tender procedure is divided into lots: Lot 1 in Hasbaya and Lot 2 in Beirut

8. Period of validity

- 8.1 Tenderers will be bound by their tenders for a period of 90 days from the deadline for the submission of tenders.
- 8.2 In exceptional cases and prior to the expiry of the original tender validity period, the contracting authority may ask tenderers in writing to extend this period by 40 days. Such requests and the responses to them must be made in writing.
- 8.3 The successful tenderer will be bound by its tender for a further period of 60 days. The further period is added to the validity period of the tender irrespective of the date of notification.

9. Language of tenders

- 9.1 The tenders, all correspondence and documents related to the tender exchanged by the tenderer and the contracting authority must be written in the language of the procedure, which is English.

10. Submission of tenders

- 10.1 Tenders must be sent or hand delivered to the following address:

LOT 1: Dar Hasbaya, second floor, main road Hasbaya – Nabatiye Governorate on Tuesdays 10 AM - 12 PM and Monday 17 July 15 PM to 18 PM

LOT 2: 115, El Hajj Building, Badaro, Beirut on Mondays 10 AM - 12 PM and Monday 17 July 15 PM to 18 PM

Tenders must comply with the following conditions:

10.2 All tenders must be submitted in one original hard copy, marked ‘original’, and one digital copy.

10.3 The tenders should be submitted:

(a) either by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip²

(b) or by hand-delivery to the premises of the contracting authority by the participant in person or by an agent, in which case the evidence shall be constituted by the acknowledgment of receipt.

² It is recommended to use registered mail in case the postmark would not be readable

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 procedure or jeopardise decisions already taken and notified.

- 10.4 All tenders, including annexes and all supporting documents, must be submitted in a sealed envelope bearing only:
- a) the above address;
 - b) the reference code of this tender procedure, i.e., FUEL_CELIM_AID012590/01/8
 - c) the number of the lot(s) tendered for;
 - d) the words 'Not to be opened before the tender opening session' in the language of the tender dossier and 'لا تُفتح قبل فتح جلسة المناقصة'.
 - e) the name of the tenderer.

The technical offer must be placed together in a sealed envelope. The envelope should then be placed in another single sealed envelope/package, unless their volume requires a separate submission for each lot.

11. Content of tenders

Failure to fulfill the below requirements will constitute an irregularity and may result in rejection of the tender. All tenders submitted must comply with the requirements in the tender dossier and comprise:

Part 1: Technical offer:

- a detailed description of the supplies tendered in conformity with the technical specifications, including any documentation required, including if applicable:
 - The technical offer should be presented as per template (Annex II+III*, Contractor's technical offer) adding separate sheets for details if necessary.

Part 2: Documentation:

To be supplied using the templates attached*:

- The "Tender form for a supply contract", together with Annex 1 "**Declaration on honour on exclusion criteria and selection criteria**", both duly completed, which includes the tenderer's declaration, point 7,
- The details of the bank account into which payments should be made (financial identification form – document c4o1_fif_en)
- To be supplied in free-text format:
 - Duly authorised signature: an official document (statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the company, joint venture or consortium is duly authorised to do so.

Remarks:

Tenderers are requested to follow this order of presentation.

12. Taxes and other charges

The applicable tax and customs arrangements are the following:

There is no agreement allowing partial or full exemption from taxes.

13. Additional information before the deadline for submission of tenders

13.1 Tenderers may submit questions in writing to the following address up to 21 days before the deadline for submission of tenders, specifying the publication reference and the contract title:

CELM

Address:

Dar Hasbaya, second floor, main road Hasbaya – Nabatiye Governorate (Lot 1)

115, El Hajj Building, Badaro, Beirut (Lot 2)

E-mail: celim.wasteproject@gmail.com

Any clarification of the tender dossier will be communicated simultaneously in writing to all tenderers at the latest 8 days before the deadline for submitting tenders.

Any prospective tenderers seeking to arrange individual meetings with either the contracting authority during the tender period may be excluded from the tender procedure.

14. Clarification meeting / site visit

14.1 No clarification meeting / site visit planned. Visits by individual prospective tenderers during the tender period cannot be organised.

14. Alteration or withdrawal of tenders

15.1 Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline. Withdrawals must be unconditional and will end all participation in the tender procedure.

Any such notification of alteration or withdrawal must be prepared and submitted in accordance with Section 10. The outer envelope must be marked 'Alteration' or 'Withdrawal' as appropriate.

15.2 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiry of the tender validity period. Withdrawal of a tender during this interval may result in forfeiture of the tender guarantee.

16. Costs of preparing tenders

No costs incurred by the tenderer in preparing and submitting the tender are reimbursable. All such costs will be borne by the tenderer.

17. Ownership of tenders

The contracting authority retains ownership of all tenders received under this tender procedure. Consequently, tenderers have no right to have their tenders returned to them.

18. Joint venture or consortium

18.1 If a tenderer is a joint venture or consortium of two or more persons, the tender must be a single one with the object of securing a single contract, each person must sign the tender and will be jointly and severally liable for the tender and any contract. Those persons must designate one of their members to act as leader with authority to bind the joint venture or consortium. The composition of the joint venture or consortium must not be altered without the prior written consent of the contracting authority.

- 18.2 The tender may be signed by the representative of the joint venture or consortium only if it has been expressly so authorised in writing by the members of the joint venture or consortium, and the authorising contract, notarial act or deed must be submitted to the contracting authority in accordance with point 11 of these instructions to tenderers. All signatures to the authorising instrument must be certified in accordance with the national laws and regulations of each party comprising the joint venture or consortium together with the powers of attorney establishing, in writing, that the signatories to the tender are empowered to enter into commitments on behalf of the members of the joint venture or consortium. Each member of such joint venture or consortium must provide the proof required under Article 3.5 as if it, itself, were the tenderer.

19. Opening of tenders

- 19.1 The purpose of the opening session is to check whether the tenders have been submitted in accordance with the submission requirements of the call for tenders.

- 19.2 The date and venue of the tender opening session is indicated in Section IV.2.7 of the Contract Notice.

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that it has been sent on time, the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

- 19.3 At the tender opening, the tenderers' names, the tender prices, any discount offered, written notifications of alteration and withdrawal, the presence of the requisite tender guarantee (if required) and such other information as the contracting authority may consider appropriate may be announced.

- 19.4 After the public opening of the tenders, no information relating to the examination, clarification, evaluation of tenders, or recommendations concerning the award of the contract can be disclosed until after the contract has been awarded.

- 19.5 Any attempt by tenderers to influence the evaluation committee in the process of examination, clarification, evaluation and comparison of tenders, to obtain information on how the procedure is progressing or to influence the contracting authority in its decision concerning the award of the contract will result in the immediate rejection of their tenders.

- 19.6 All tenders received after the deadline for submission specified in the contract notice or these instructions will be kept by the contracting authority. The associated guarantees will be returned to the tenderers. No liability can be accepted for late delivery of tenders. Late tenders will be rejected and will not be evaluated.

20. Evaluation of tenders

- 20.1 Examination of the administrative conformity of tenders

The aim at this stage is to check that tenders comply with the essential requirements of the tender dossier. A tender is deemed to comply if it satisfies all the conditions, procedures and specifications in the tender dossier without substantially departing from or attaching restrictions to them.

Substantial departures or restrictions are those which affect the scope, quality or execution of the contract, differ widely from the terms of the tender dossier, limit the rights of the contracting authority or the tenderer's obligations under the contract or distort competition for tenderers whose tenders do comply. Decisions to the effect that a tender is not administratively compliant must be duly justified in the evaluation minutes.

If a tender does not comply with the tender dossier, it will be rejected immediately and may not subsequently be made to comply by correcting it or withdrawing the departure or restriction.

20.2 Technical evaluation

After analysing the tenders deemed to comply in administrative terms, the evaluation committee will rule on the technical admissibility of each tender, classifying it as technically compliant or non-compliant.

The minimum qualifications required (see selection criteria in the additional information about the contract notice) are to be evaluated at the start of this stage.

Where contracts include after-sales service and/or training, the technical quality of such services will also be evaluated by using yes/no criteria as specified in the tender dossier.

20.3 In the interests of transparency and equal treatment and to facilitate the examination and evaluation of tenders, the evaluation committee may ask each tenderer individually for clarification of its tender including breakdowns of prices, within a reasonable time limit to be fixed by the evaluation committee. The request for clarification and the response must be in writing, but no change in the price or substance of the tender may be sought, offered or permitted except as required to confirm the correction of arithmetical errors discovered during the evaluation of tenders pursuant to Article 20.4. Any such request for clarification must not distort competition. Decisions to the effect that a tender is not technically compliant must be duly justified in the evaluation minutes.

20.4 Tenders found to be technically compliant will be evaluated with the award criteria at paragraph 20.6. The acceptance of bank transfer payment is considered an essential requirement.

20.5 Variant solutions

Variant solutions will not be taken into consideration.

20.6 Award criteria:

The price is fixed by government decree. The evaluation criteria for the selection of the best offer are:

- Proximity of gas station to the location of the contracting authority offices (LOT 1: Hasbaya District, LOT 2: Beirut)
- Use of researchable card payment method or any other payment method which does not require payment on the spot and/or cash payment
- Only suppliers accepting bank transfers will be considered. Possibility to pay on a quarterly basis will be considered an asset.

1. Documentary evidence for exclusion and selection criteria

At any time during the procurement procedure and before the award of the contract, the contracting authority may request documentary evidence on compliance with the exclusion criteria and selection criteria (financial, economic, technical and professional capacity) set out in these instructions. Please note that a request for evidence in no way implies that the tenderer has been successful. All tenderers are invited to prepare in advance the documents related to the evidence, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer proposed by the evaluation committee for the award of the contract, will be requested to provide such evidence at short notice.

If the successful tenderer fails to provide this documentary proof or statement or if the successful tenderer is found to have provided false information, the award will be considered null and void. In this case, the contracting authority may award the tender to the next lowest tenderer or cancel the tender procedure.

21. Notification of award

By submitting a tender, each tenderer accepts 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 offer.

The contracting authority will inform all tenderers simultaneously and individually of the award decision. The tender guarantees of the unsuccessful tenderers will be released once the contract is signed. The successful tenderer will be informed in writing that its tender has been accepted (notification of award).

22. Signature of the contract and performance guarantee

- 22.1 The contracting authority reserves the right to vary quantities specified in the tender by +/- 100 % at the time of contracting and during the validity of the contract.
- 22.2 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, with the performance guarantee (if applicable), to the contracting authority. On signing the contract, the successful tenderer will become the contractor and the contract will enter into force.
- 22.3 If it fails to sign and return the contract and any financial guarantee required within 30 days after receipt of notification, the contracting authority may consider the acceptance of the tender to be cancelled without prejudice to the contracting authority's right to seize the guarantee, claim compensation or pursue any other remedy in respect of such failure, and the successful tenderer will have no claim whatsoever on the contracting authority.

23. Tender guarantee

No tender guarantee is required.

24. Ethics clauses and code of conduct

24.1 Absence of conflict of interest

The tenderer must not be affected by any conflict of interest and must have no equivalent relation in that respect with other tenderers or parties involved in the project. Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the contracting authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties according to the Financial Regulation in force.

24.2 Respect for human rights as well as environmental legislation and core labour standards

The tenderer and its personnel must comply with human rights and applicable data protection rules. In particular and in accordance with the applicable basic act, tenderers and applicants who have been awarded contracts must comply with the environmental legislation including multilateral environmental agreements, and with the core labour standards as applicable and as defined in the relevant International Labour Organisation conventions (such as the conventions on freedom of association and collective bargaining; elimination of forced and compulsory labour; abolition of child labour).

Zero tolerance for sexual exploitation, abuse and harassment:

The European Commission applies a policy of 'zero tolerance' in relation to all wrongful conduct which has an impact on the professional credibility of the tenderer.

Physical abuse or punishment, or threats of physical abuse, sexual abuse or exploitation, harassment and verbal abuse, as well as other forms of intimidation shall be prohibited.

24.3 Anti-corruption and anti-bribery

The tenderer shall comply with all applicable laws and regulations and codes relating to anti-bribery and anti-corruption. The European Commission reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process or during the execution of a contract and if the contracting authority fails to take all appropriate

measures to remedy the situation. For the purposes of this provision, ‘corrupt practices’ are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or execution of a contract already concluded with the contracting authority.

24.4 Unusual commercial expenses

Tenders will be rejected or contracts terminated if it emerges that the award or execution of a contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a payee who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

Contractors found to have paid unusual commercial expenses on projects funded by the European Union are liable, depending on the seriousness of the facts observed, to have their contracts terminated or to be permanently excluded from receiving EU funds.

24.5 Breach of obligations, irregularities or fraud

The contracting authority reserves the right to suspend or cancel the procedure, where the award procedure proves to have been subject to breach of obligations, irregularities or fraud. If breach of obligations, irregularities or fraud are discovered after the award of the contract, the contracting authority may refrain from concluding the contract.

25. Cancellation of the tender procedure

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

If the tender procedure is cancelled before the tender opening session the sealed envelopes will be returned, unopened, to the tenderers.

Cancellation may occur, for example, if:

- the tender procedure has been unsuccessful, namely where no suitable, qualitatively or financially acceptable tender has been received or there has been no valid response at all;
- the economic or technical parameters of the project have changed fundamentally;
- exceptional circumstances or *force majeure* render normal implementation of the project impossible;
- all technically acceptable tenders exceed the financial resources available;
- there have been breach of obligations, irregularities or frauds in the procedure, in particular where these have prevented fair competition;
- the award is not in compliance with sound financial management, i.e. does not respect the principles of economy, efficiency and effectiveness (e.g. the price proposed by the tenderer to whom the contract is to be awarded is objectively disproportionate with regard to the price of the market).

In no event will the contracting authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if the contracting authority has been advised of the possibility of damages. The publication of a contract notice does not commit the contracting authority to implement the programme or project announced.

26. Appeals

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint.

27. Data Protection

Processing of personal data related to this tender procedure by the contracting authority takes place in accordance with the national legislation of the state of the contracting authority and with the provisions of the respective financing agreement.

28. Early detection and exclusion system

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system, and communicated to the persons and entities listed in the above-mentioned decision, in relation to the award or the execution of a procurement contract.

16/06/2023

Project Manager - CELIM

Valeria Kallachno

AID 012590/01/8

