

Tirana, 12h June, 2020

**INSTRUCTIONS TO TENDERERS**

***Contract title: External audit of ROUTE WB6 project.***

***Financed from : The Norwegian Ministry of Foreign Affairs***

**When submitting their tenders, tenderers must follow all instructions, forms, terms of reference, 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 may lead to the rejection of the tender.**

1. **Services to be provided**

The services required by the contracting authority are described in the terms of reference (part D of the tender dossier) and form an integral part of the Contract.

1. **Timetable**

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| --- | --- | --- |
|  | **DEADLINE** | **TIME\*** |
| **Deadline for requesting clarification from the contracting authority** | **Up to 5 (five) working days before the deadline for submission of tenders** |  |
| **Last date for the contracting authority to issue clarification** | **At the latest 2 (two) working days after receiving them.** |  |
| **Deadline for submitting tenders** | **29.06.2020** | **17:00** |

**\* All times are in the time zone of the country of the contracting authority**

1. **Participation, qualification and subcontracting**
2. Participation in this tender procedure is open to all legal entities.
3. Qualification: Upon meeting the selection criteria.
4. Subcontracting is not allowed.
5. **Content of tender.**

**The tender must include a technical offer and a financial offer.**

**4.1. Technical offer**

The technical offer must include the following documents:

1. **Tender submission form according the template given in the tender dossier (ANNEX I of the tender dossier), including:**
2. **“STATEMENT”,**
3. **“DECLARATION ON HONOUR ON EXCLUSION CRITERIA”,**
4. **“FINANCIAL IDENTIFICATION FORM”**

***\**** *The above mentioned form to be completed and signed by the tenderers.*

1. **The evidences to support the selection criteria** (as settled in Terms of Reference part D of the tender dossier, and specified here below in brackets) **including:**
2. **Curriculum Vitae of the Audit Company/Consortium.**
3. **Curriculum Vitae of the staff.**

*[Selection Criteria:*

1. *The company or consortium of companies should have registered Certified Auditors in the audit team;*
2. *The person appointed as an Audit Manager should be a registered certified accountant with at least 10 years of audit experience;*
3. *The company or consortium should have at least one accountant with international recognized certification;*
4. *The certified auditors should demonstrate audit experience in the Western Balkans 6 and donor funded projects;]*

***The qualifications and experience indicated in the supporting documents (CV) must clearly match the requirements as per above quoted.***

1. . **Letter of interest where applicants should:**

a) State specific motivation to be selected;

(b) Describe relevant experience to meet the selection criteria;

1. **Copy of NUIS/ Identification number for TAX Office (VAT number).**
2. **Related certificates/licenses (as per criteria stated above and in section 4 of Terms of Reference)**

Documentary proof may be in original or notarized copies.

Statements must be in original,

Tenderers are reminded that the provision of false information in this tender procedure may lead to the rejection of their tender.

**4.2. Financial offer**

The financial offer (ANNEX II/Budget of the tender dossier) must be presented in [Euro] currency providing the budget breakdown for each reporting period output: 2019, 2020,2021 and total price as required in the Terms of Reference.

Tenderers are reminded that the maximum budget available for this contract, as stated in the contract notice, is [**8395.00** EUR]. Payments under this contract will be made in the currency of the tender (EUR).

***In the financial offer submitted all applicable taxes must be included.***

**Offers, all correspondence and documents related to the tender exchanged by the tenderer and the contracting authority must be in English.**

Supporting documents furnished by the tenderer may be in another language, provided they are accompanied by a translation into the language of the procedure. For the purposes of interpreting the tender, the language of the procedure has precedence.

Failure to fulfil the requirements of this clauses will constitute an irregularity and may result in rejection of the tender.

1. **Additional information before the deadline for submitting tenders**

Tenderers may submit questions to the following email address:

[procurement@rycowb.org](mailto:procurement@rycowb.org) **up to 5 (five) working days before the deadline for submission of tenders, specifying the contract title.**

The contracting authority has no obligation to provide clarification after this date.

The contracting authority must respond to request for clarifications **at the latest 2(two) working days after receiving them.**

Any tenderer seeking to arrange individual meetings with the contracting authority concerning this contract during the tender period may be excluded from the tender procedure.

No information meeting or site visit is foreseen.

1. **Submission of tenders**

Tenders must be sent to the contracting authority **within** the given deadline in point 2 “Timetable” of Instructions to tender. They must include the requested documents specified on clause 4 above and be sent to the following email address :

[procurement@rycowb.org](mailto:procurement@rycowb.org)

* Tenders submitted by any other means will not be considered.
* All tenders submitted after the above given deadline shall be rejected.

1. **Costs for preparing tenders**

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

1. **Ownership of tenders**

The contracting authority retains ownership of all tenders received under this tendering procedure.

1. **Evaluation of tenders**

9.1 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.

9.2 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 are to be evaluated at the start of this stage.

9.3 Financial evaluation

a) Tenders found to be technically compliant will be checked for any arithmetical errors in computation and summation. Errors will be corrected by the evaluation committee as follows:

- where there is a discrepancy between amounts in figures and in words, the amount in words will be the amount taken into account;

- where there is a discrepancy between a unit price ***(price per each audit year)*** and the total amount derived, the unit price as quoted will be the price taken into account.

b) Amounts corrected in this way will be binding on the tenderer. If the tenderer does not accept them, its tender will be rejected.

c) Unless specified otherwise, the purpose of the financial evaluation process is to identify the tenderer offering the lowest price.

1. **Choice of selected tenderer / Award Criteria**

The sole award criterion will be the price. The contract will be awarded to the lowest price among technically compliant tenderers.

1. **Confidentiality**

The entire evaluation procedure is confidential, subject to the contracting authority’s legislation on access to documents. The evaluation committee’s decisions are collective and its deliberations are held in closed session. The evaluation reports and written records are for official use only and may be not communicated to the tenderers.

1. **Ethics clauses / Corruptive practices**

a) 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.

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

The tenderer and its staff 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, 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).

c) 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

d) 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.

e) 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 Contractor Authority 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. 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.

1. **TENDERERS ELIGIBILITY**

For being eligible to participate in this contract potential tenderers must not be in any of the situations for exclusion listed below:

1. Are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations.
2. They or persons having powers of representation, decision-making or control over them have been convicted of an offense concerning their professional conduct by a final judgment;
3. They have been guilty of grave professional misconduct; proven by any means.
4. They have not fulfilled obligation relating to the payment of social security contributions or taxes in accordance with the legal provisions of the country in which they are established, or with those of the country of the Contracting Authority or those of the country where the contract is to be performed;
5. They or person having the powers of representations, decision-making or control over them have been convicted for fraud, corruption, involvement in a criminal organization or money laundering by a final judgment;
6. They make use of child labour or forced labour and/or practice discrimination, and/or does not respect the right to freedom of association and the right to organize and engage in collective bargaining pursuant to the core conventions of the International Labour Organization (ILO).

*Note: To prove their eligibility as part of their tender submission form potential tenderers must submit a* ***“Declaration on honour on exclusion criteria”*** *as per the given form in Annex I. In case they fail to submit the aforementioned declaration their tender will be rejected automatically. In any case The Contracting Authority has the right to further investigate and request evidences to support the declarations if it has reasonable ground to doubt the content of such information.*

1. **Signature of contract(s)**

**14.1. Notification of award**

The successful tenderer will be informed by electronic means that its tender has been accepted.

The other tenderers will, at the same time as the notification of award is submitted, be informed that their tenders were not retained, by electronic means, including an indication of the reason. The second best tenderer is informed of the notification of award to the successful tenderer with the reservation of the possibility to receive a notification of award in case of inability to sign the contract with the first ranked tenderer.

The contracting authority will furthermore, at the same time, also inform the remaining unsuccessful tenderers.

**14.2. Signature of the contract(s)/ Implementation of the service**

After the expiry of the appeal period (in cases when no appeals have been submitted) or after the end of appeal process if the award decision has not been subject to changes deriving from appeal process. the Contracting Authority will invite the successful tenderer to sign the contract.

Failure of the selected tenderer to comply with this requirement may constitute grounds for annulling the decision to award the contract. In this event, the contracting authority may decide to award the contract to the second place ranked tenderer or cancel the tender procedure.

**Note: The implementation of the audit service for each audit year shall commence upon request from Contractor Authority.**

1. **Cancellation of the tender procedure**

In the event of cancellation of the tender procedure, the contracting authority will notify tenderers of the cancellation.

Cancellation may occur, for example, where:

* the tender procedure has been unsuccessful, i.e. no suitable, qualitatively or financially acceptable tender has been received or there is no valid response at all;
* there are fundamental changes to the economic or technical data of the project;
* exceptional circumstances or force majeure render normal performance of the contract impossible;
* all technically acceptable tenders exceed the financial resources available;
* there have been breach of obligations, irregularities or frauds in the procedure, in particular if they 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 shall 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.

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. which should be sent electronically to the Contractor Authority in the same address tenders were submitted ***up to 2 days after receiving evaluation and ranking results.*** The Contractor Authority should respond to the tenderer by electronic means too at the latest 2 (two) days after receiving the compliant.

Head of Contracting Authority

Djuro Blanusa

Secretary General