

Contract Award Procedure no: ZP-42/FRSE/2015

AWARDING ENTITY:
Foundation for the Development of the Education System
ul. Mokotowska 43, 00-551 Warsaw

**SPECIFICATION
OF ESSENTIAL TERMS AND CONDITIONS
(SETC)**

*concerning public procurement award procedure for:
provision of services consisting in conduct of the accreditation of organisations from the
Eastern Partnership countries (Armenia, Azerbaijan, Georgia, Belarus, Moldova, Ukraine)
and the Russian Federation applying for the status of accredited organisations and
monitoring already accredited organisations within the European Voluntary Service (EVS)
under the Erasmus+ Programme*

**The procurement is funded by educational programmes of the European Union
administered FRSE**

The SETC has been approved by

Tomasz Bratek
**the employee of the Awarding Entity who has been entrusted by the Head of the Awarding
Entity with actions reserved for himself**

Warsaw, dated 8 December 2015

1. NAME AND ADRESSE OF THE AWARDING ENTITY

Foundation for the Development of the Education System
ul. Mokotowska 43, 00-551 Warsaw
fax: 22 46 31 025/026
www: frse.org.pl, e-mail: dzp@frse.org.pl.

2. PROCEDURE FOR AWARDING THE PROCUREMENT

Procedure for awarding the procurement of the value exceeding EUR 30,000 and lower than the value specified based on article 11 paragraph. 8 of the act of 29 January 2004 Public Procurement Law (uniform text - Official Journal of the Republic of Poland of 2014 position 1232) hereinafter referred to as **PPL** conducted in the form of open tender.

3. DESCRIPTION OF THE SUBJECT MATTER OF THE PROCUREMENT

- 3.1. Subject matter of the procurement is provision of services consisting in conducting the accreditation of organisations from the Eastern Partnership countries (Armenia, Azerbaijan, Georgia, Belarus, Moldova, Ukraine) and the Russian Federation, applying for the status of accredited organisations and monitoring already accredited organisations within the European Voluntary Service in the Erasmus+ Programme subdivided into lots, in accordance with the description of the subject matter of procurement.
- 3.2. Due to the organizational reasons resulting from the characteristics of the Programme the Awarding Entity has subdivided the procurement into 24 lots.
- 3.3. 79400000-8 advisory services in the field of economic activity and management together with similar services.

4. PARTIAL TENDER

- 4.1. The Awarding Entity has subdivided the procurement into 24 lots and allows for submitting partial tenders. The economic operator may submit a tender only for one part of the procurement.

5. SUPPLEMENTARY PROCUREMENTS

- 5.1 The Awarding Entity shall not envisage the award of a supplementary procurement.

6. VARIANTS

- 6.1 The Awarding Entity shall not allow for submission of variants.

7. PROCUREMENT EXECUTION DEADLINE

- 7.1 The procurement shall be implemented successively for the period of 24 months starting from the date of the conclusion of the contract

8. CONDITIONS OF PARTICIPATION IN THE PROCEDURE AND DESCRIPTION OF THE METHOD OF EVALUATION OF THE FULFILMENT OF THESE CONDITIONS

- 8.1. The procurement may be applied for by the Economic Operators who have not been excluded under article 24 of the PPL.
- 8.2. For the procurement may compete the Economic Operators who meet the conditions specified in article 22 paragraph 1 of the PPL, i.e. the conditions concerning:
- 8.2.1. **having authorization to perform specific activities or actions if they are required**

- by law,**
- 8.2.1.1. The Awarding Entity shall not specify the description of the way of performing the evaluation of the fulfilment of this condition,
- 8.2.2. **possessing knowledge and experience,**
- 8.2.2.1. The Awarding Entity shall not specify the description of the way of performing the evaluation of the fulfilment of this condition,
- 8.2.3. **disposing of appropriate technical potential and personnel capable of execution of the contract:**
- 8.2.3.1. The above mentioned shall be deemed met, if the Economic Operator proves, he disposes of at least one person (accreditor) who:
- a) has command of English on the level allowing for unconstrained verbal and written communication – minimal level B2.
 - b) has practical computer skills (MS Office, IT tools for online submission of documents),
 - c) has experience in implementation of at least two projects of the European Voluntary Service (EVS) as coordinator or person supporting the project ,
 - d) has working experience in one of the EaP countries or in the Russian Federation in the area of informal education of youth and persons working with youth e.g. as employee of a youth/educational organization/institution, educator, informal education trainer, pedagogue, instructor, tutor, expert, accreditor, inspector, researcher etc. within last 8 years calculated from the deadline for submission of tenders (this experience should be different than in point c).
- 8.2.4. **Meets the condition regarding economic and financial standing:**
- 8.2.4.1. The Awarding Entity shall not specify the description of the way of performing the evaluation of the fulfilment of this condition.
- 8.3. In the case of Economic Operators making a joint application for procurement the condition specified in Article 24 of the PPL shall be fulfilled by each and every Economic Operator, however conditions specified in article 22 of the PPL shall be fulfilled by at least one Economic Operator or all Economic Operators jointly
- 8.4. The Economic Operator may rely on knowledge and experience, technical potential, personal capable of executing the tender or financial abilities of third parties regardless of the legal nature of his relations with such entities.
- 8.5. The evaluation of fulfilment of conditions shall be based on documents and declarations submitted by the Economic Operator in accordance with the “fulfils” – “does not fulfil” formula.
- 8.6. The Awarding Entity shall exclude from the procedure the Economic Operators who fail to prove the fulfilment of the requirements for participation in the procedure based on article 24 paragraph 1 and 2 of the PPL
- 9. DECLARATIONS AND DOCUMENTS TO BE DELIVERED BY THE ECONOMIC OPERATOR TO CONFIRM THE FULFILMENT OF THE CONDITIONS FOR PARTICIPATING IN THE PROCEDURE**
- 9.1. In order to confirm non-excludability based on article 24 paragraph 1 of the PPL the following documents shall be presented:
- 9.1.1. declaration of lack of grounds for exclusion -- Annex no. 4 to SETC;
- 9.2. In order to confirm the fulfilment of the conditions based on article 22 paragraph 1 of the PPL the following has to be submitted:
- 9.2.1. declaration of the fulfilment of the eligibility conditions -- Annex no. 4 to SETC;
 - 9.2.2. list of persons participating in the performance of the subject matter of the procurement – Annex no 6 do SETC.

- 9.3. Based on article 26 paragraph 2d of the PPL, the Economic Operator shall submit the list of entities belonging to the same capital group, as stipulated in article 24 paragraph 2 paragraph 5 of the PPL or information that the Economic Operator does not belong to the capital group. A template of the declaration has been included in Annex no. 5 to SETC
- 9.4. The Economic Operator is obliged to demonstrate, not later than on the day of tender submission, the fulfilment of conditions specified in article 22 paragraph 1 of the PPL as well as lack of grounds for exclusion following failure to fulfil the requirements of article 24 paragraph 1 of the PPL.
- 9.5. In the case where the Economic Operator relies on knowledge and experience, technical potential, personnel capable of executing the contract or on the financial abilities of other entities, regardless of the legal nature of its relations with such entities, the Economic Operator is required to prove to the Awarding Entity that it will have at its disposal the resources necessary to execute the contract, in particular by presenting a written commitment of those entities whereby they undertake to entrust the necessary resources at the Economic Operator's disposal for the time of their use in the execution of the contract; in order to evaluate whether or not the Economic Operator will have other entities' resources at his disposal to a degree indispensable for the proper execution of the contract and to evaluate whether the relations between the Economic Operator and these entities guarantee real access to their resources, the Awarding Entity may require documents relating to the scope of available resources, the way of their exploitation, the nature of relations between the Economic Operator and the other entity, the scope and participation of the other entity in the execution of the contract.
- 9.6. Documents (declarations): the declaration of non-excludability under article 24 paragraph 1 of the PPL, declaration of fulfilling the conditions under article 22 paragraph 1 of the PPL, statement including list of entities belonging to a capital group under article 26 paragraph 2d of the PPL shall be submitted in the form of originals. The remaining documents shall be submitted in the form of originals or authenticated copies certified by the Economic Operator.
- 9.7. In the case of the Economic Operators submitting a joint tender and in the case of other entities, whose resources shall be used by the Economic Operator under article 26 paragraph 2b of the PPL, the copies of documents concerning respectively the Economic Operator or these entities shall be authenticated by the Economic Operator or such entities.
- 9.8. The remaining documents shall be submitted in the form of originals or authenticated copies certified by the Economic Operator.
- 9.9. The Awarding Entity may demand the original or a copy certified by a notary only when the document or the copy that has been submitted is illegible or there are doubts as to its authenticity.
- 9.10. The documents in foreign language shall be submitted together with their translation into Polish.
- 9.11. The Economic Operators applying jointly shall lodge an authorisation in accordance with article 23 paragraph 2 of the PPL.
- 9.12. The Awarding Entity shall perform the assessment of the fulfilment of conditions and grounds for excluding Economic Operators on the basis of submitted documents and declarations.
- 10. INFORMATION ON THE MANNER OF COMMUNICATION BETWEEN THE AWARDING ENTITY AND ECONOMIC OPERATORS AS WELL AS ON SUBMITTING DECLARATIONS AND DOCUMENTS, INDICATION OF**

PERSONS AUTHORISED TO COMMUNICATE WITH ECONOMIC OPERATORS

- 10.1. The contract award procedure shall be conducted in writing. The Awarding Entity allows for and prefers online communication with the use of e-mail addresses.
- 10.1.1. The Awarding Entity's website address: **www.frse.org.pl**
- 10.1.2. The Awarding Entity's e-mail address: **dzp@frse.org.pl**
- 10.2. If the Awarding Entity or the Economic Operator sends declarations, applications, notifications and information via e-mail, each party shall immediately confirm their receipt upon the request of the other party.
- 10.3. Should there be no confirmation of message receipt from the Economic Operator, it shall be presumed that the message posted by the Awarding Entity to the last known e-mail address or fax number given by the Economic Operator has been delivered in the way enabling to Economic Operator to familiarise itself with the message.
- 10.4. In justified cases the Awarding Entity may, at any time before the lapse of the deadline for submission of tenders, change the contents of the specification of essential terms of the procurement. Amendments made in this way shall be immediately communicated to all Economic Operators to whom SETC were submitted and the Awarding Entity shall upload this information on its website.
- 10.5. Persons authorised to communicate with the Economic Operators are:
Sława Malinowska, dzp@frse.org.pl,
- 10.6. The Awarding Entity's hours of business are from 8.00 AM to 3.00 PM from Monday to Friday.

11. REQUIREMENTS CONCERNING DEPOSITS

- 11.1. The Awarding Entity shall require no deposit.

12. PERIOD OVER WHICH ECONOMIC OPERATORS ARE BOUND BY THEIR TENDERS

- 12.1. Economic Operators shall remain bound by their tenders for the period of **30 days**.
- 12.2. The period, over which economic operators are bound by their tender, shall commence with the expiry of the time limit for tender submission.

13. DESCRIPTION OF THE MANNER OF TENDER PREPARATION

- 13.1. Tenders shall be drawn up in writing in accordance with the tender form template constituting Annex no. 3 to SETC.
- 13.2. Tenders are to be accompanied by documents described in Chapter 9 and 16 of SETC.
- 13.3. All enclosures to tenders shall be arranged in the order specified in the tender form.
- 13.4. The Awarding Entity requires that the contents of a tender be explicit and present no alternative proposals.
- 13.5. **Tenders and all enclosures thereto shall be drawn up in a legible manner in Polish or English.**
- 13.6. **Economic Operator submitting a tender in a language other than Polish or English shall submit such a tender along with its translation into Polish or English.**
- 13.7. All pages of the tender shall be numbered and signed by the Economic Operator (it is allowed not to number and not to sign the pages that are blank) and bound in a manner preventing it from being broken up.
- 13.8. Authorisation to sign the tender shall be enclosed with the tender unless it is apparent from the documents enclosed with the tender. The authorisation (power of attorney) is to be presented as an original copy or a copy authenticated by a notary.

- 13.9. Any amendments to the tender shall be made in a legible way, signed by a person authorised to represent the Economic Operator and dated.
- 13.10. All copies of all documents enclosed with the tender shall be certified by the Economic Operator as complying with the original.
- 13.11. When submitting a tender, the Economic Operator may reserve information constituting business secret contained in the tender, within the meaning of the provisions concerning the combating of unfair competition. The reservation not to disclose information shall be effected by lodging tender divided into two parts described as the “public part of the tender” and as the “classified part of the tender”. All pages of the “classified part of the tender” and the “public part of the tender” shall be numbered. The Economic Operator must disclose information regarding the price, time limit for contract execution, period of guarantee and terms of payment contained in the tender.
- 13.12. Tenders shall be submitted in a packaging that is: opaque, closed, addressed, marked with the name given to the contract and the procedure number. They shall also contain the name and address of the Economic Operator and its telephone numbers. The envelope shall be marked in the following way: **Tender for accreditation and monitoring in the Eastern Partnership countries and the Russian Federation - lot ... Do not open before 08.01.2016 at 10:15. AM**
- 13.13. Economic Operator may amend or withdraw its tender before the time limit for tender submission expires; notifications of amendments or withdrawal of a tender must be submitted in the form and way envisaged for tenders, however, its packaging shall be additionally marked „amendment” or „withdrawal”. Each amendment or withdrawal of a tender necessitates a document stating that the person signing the amendment or withdrawal is authorised to represent the Economic Operator.
- 13.14. Any costs related to the preparation of tenders shall be borne by Economic Operators.
- 13.15. The Awarding Entity shall not reimburse costs of participating in the contract award procedure.

14. MIEJSCE ORAZ TERMIN SKŁADANIA I OTWARCIA OFERT

- 14.1. Tenders shall be submitted to the address of the Awarding Entity: Foundation for the Development of the Education System, ul. Mokotowska 43, 00-551 Warsaw, room. 401 (IV floor) by **08.01.2016 at 10:00 AM**.
- 14.2. Tenders submitted after the above time limit shall be returned.
- 14.3. The Awarding Entity may extend the time limit for tenders submission in accordance with article 38 paragraph 6 of the PPL.
- 14.4. The opening of submitted tenders shall take place at the seat of the Awarding Entity: room 514 (5th floor) on **08.01.2016 at 10:15 AM**.
- 14.5. Tenders shall be opened in public.
- 14.6. Immediately before the opening of the tenders the Awarding Entity shall disclose the amount that it intends to allocate to finance the procurement.
- 14.7. In the course of the opening of tenders (public part of the procedure) the Awarding Entity shall disclose information referred to in article 86 paragraph 4 of the PPL, that is: the (company) name and address of the Economic Operator and the time limit for contract execution, period of guarantee and terms of payment contained in the tender.

15. DESCRIPTION OF THE PRICE CALCULATION METHOD

- 15.1. Economic Operator shall be obliged to calculate the tender price on the basis of the description of the procurement subject matter, in accordance with the Tender Form constituting Annex no. 3 to SETC including all costs linked to the execution of the contract and any other costs resulting from performance of the subject matter of the procurement in accordance with the specification and contract.
- 15.2. **The tender price shall be quoted in EUR and rounded up to two decimal places.**
- 15.3. An Economic Operator shall price all the items included in the Tender Form quoting:
- a) Gross price in EUR for each item included in the table in the Tender Form.
- 15.4. **For the purpose of tenders' comparison the gross price of the tender in EUR shall be taken into account.**
- 15.5. The Awarding Entity shall make settlements with Economic Operators based on offered gross unit prices quoted in EUR based on actual volumes of provided services.
- 15.6. The Awarding Entity shall correct in tenders:
- 1) obvious spelling errors,
 - 2) obvious computational errors with taking into consideration the computational consequences of corrections made,
 - 3) other errors consisting in inconsistency of the tender with the specification of essential terms and conditions, which do not materially alter the contents of a tender. The Awarding Entity shall immediately inform the Economic Operator of such corrections.
- 15.7. If a tender is submitted, the selection of which would result in the appearance of tax liability on the part of the Awarding Entity in accordance with the regulations on goods and services tax in the scope concerning intracommunity purchase of goods, in order to evaluate such a tender, the Awarding Entity shall add VAT to such a tender, which it would be obliged to pay in accordance with binding regulations.
- 15.8. Tender meets all requirements listed in the PPL as well as in SETC and was evaluated as the most favourable using given criterion of selection.
- 16. DESCRIPTION OF CRITERIA TO BE APPLIED IN TENDER SELECTION BY THE AWARDING ENTITY TOGETHER WITH THE SPECIFICATION OF THE IMPORTANCE OF THESE CRITERIA AND THE METHOD OF TENDER EVALUATION.**

PLEASE NOTE! *The Economic Operator is obliged to fill in and attach to the tender Annex no. 6a Request for Accreditation Assessment Form (in English). The Economic Operator which does not attach the above mentioned document or attaches it in another form than required by the Awarding Entity shall receive 0 points in Criterion II.*

- 16.1 The below mentioned criteria used by the Awarding Entity to select the most advantageous tender shall apply to all lots:
- 16.1.1. **Criterion I:** price for comprehensive execution of the procurement
Weight of criterion: 35 %.

$$\text{number of criterion's points } (x_1) = \frac{\text{lowest price}}{\text{examined price}} \times 35$$

16.2. Criterion II: Trial assessment of the request for accreditation specified in Annex no. 6a to SETC
Weight of criterion: 65%
Point scale (x_{II}) : 0 – 65

- 1) **Is the substantiation of the request compliant with the decision granting accreditation?** – the Awarding Entity shall evaluate most favourably opinions in which substantiation of the assessment of specific aspects is consistent with the decision **granting accreditation**.
(10 points)
- 2) **Does the substantiation of the request relates to all material assessment criteria?**
– the Awarding Entity shall evaluate most favourably opinions in which substantiation comprehensively relates to all material assessment criteria material in the accreditation granting process.
(10 points)
- 3) **Is the assessment relevant to the request's quality?** – the Awarding Entity shall evaluate most favourably opinions compliant with the rules of the European Voluntary Service and in the substantiation shall explicitly relate to specified rules of projects' implementation (e.g. provisions of the European Voluntary Service Charter)
(20 points)
- 4) **Does the substantiation include the information on strengths and weaknesses of the request** – the Awarding Entity shall evaluate most favourably opinions in which substantiation of the assessment includes explicit information on strengths and weaknesses of the request material from the point of view of EVS projects implementation (including information on potential risks in the prospective projects, if applicable) supplemented with concrete reasons resulting from the contents of the request.
(10 points)
- 5) **Does the assessment include recommendations for the requesting entity** – the Awarding Entity shall evaluate most favourably opinions including comprehensive and clearly formulated and substantiated, (resulting from the contents of the request and carried out assessment) **recommendations for the requesting entity**, material for future implementation of projects or further requesting for accreditation.
(10 points)
- 6) **Does the assessment comply with the rules grammar, punctuation, and spelling** – the Awarding Entity shall evaluate most favourably opinions in which substantiation of the assessment is drafted in compliance with the rules grammar, punctuation, and spelling.
(5 points)

16.3 The most advantageous tender shall be deemed the tender of the Economic Operator which receives the highest score in specific evaluation criteria according to the formula:

$$\text{number of points of the examined tender} = \text{number of points } (x_I) + (x_{II})$$

- 16.4. If the most advantageous tender cannot be selected because two or more tenders have the same score, the Awarding Entity shall select from such tenders the one with the lower price.
- 16.5. The score awarded to individual tenders shall be calculated up to two decimal places or with such an accuracy, which allows for displaying the difference between tenders that are not subject to being rejected.

17. INFORMATION ON FORMALITIES TO BE SETTLED FOLLOWING THE SELECTION OF A TENDER IN ORDER TO CONCLUDE A PUBLIC PROCUREMENT CONTRACT

- 17.1 Immediately after the selection of the most advantageous tender, the Awarding Entity shall simultaneously notify the Economic Operators who have submitted tenders, of:
 - 17.1.1 the selection of the most advantageous tender, quoting the (company) name or the first name and surname, seat or the address of residence and the address of the Economic Operator whose tender has been selected, reasons for the selection, or the (company) names or the first names and surnames, seats or places of residence and addresses of Economic Operators who have submitted tenders, and points scored by the tenders under each criterion and the total number of scored points;
 - 17.1.2 Economic Operators whose tenders have been rejected, giving formal and legal reasons;
 - 17.1.3 Economic Operators excluded from the contract award procedure, giving formal and legal reasons;
 - 17.1.4 the time limit specified in accordance with article 94 of the PPL, after which public procurement contracts may be concluded.
- 17.2 In the case the Economic Operator whose tender has been selected, avoids concluding the contract, the Awarding Entity may select the second best tender from the remaining tenders without their re-evaluation and re-examination, unless the preconditions for declaring the procedure invalid, referred to in article 93 paragraph 1 of the PPL, occur.
- 17.3 In the notification of the selection of the most advantageous offer, the Awarding Entity shall inform the Economic Operator about the date and time of contract conclusion. Upon signing the contract, persons representing the Economic Operator should possess documents confirming their authorisation to sign it, unless such authorisation is apparent from the documents that accompany the tender.

18 ESSENTIAL TERMS OF THE CONTRACT

- 18.1 The Essential Terms of the Contract shall be specified in Annex 2 to SETC.

19 INFORMATION ABOUT LEGAL REMEDIES

- 19.1 The Economic Operator or another entity who has or had interest in being awarded the procurement or has suffered or may suffer harm as a result of the violation of the provision of the PPL by the Awarding Entity, shall be entitled to legal protection measures in accordance with the principles specified in Chapter VI of the PPL.

20 FINAL PROVISIONS

- 20.1 The procedure shall be conducted in Polish.
- 20.2 The Awarding Entity has no intention of concluding the framework agreement.
- 20.3 The Awarding Entity does not envisage the selection of most advantageous tender by way of the electronic auction.
- 20.4 The Awarding Entity does not envisage the reimbursement of the costs of participation in the procedure.

- 20.5 The Awarding Entity does not envisage settlements in foreign currencies other than Euro.
- 20.6 The Awarding Entity does not envisage application of the requirements referred to in article 29 paragraph 4 point 1 of the PPL.
- 20.7 The Awarding Entity demands from the Economic Operator to indicate in the tender the part of contract which shall be entrusted to subcontractors
- 20.8 In all matters not regulated by this specification the provisions of the PPL and the Polish Civil Code shall apply.
- 20.9 The Awarding Authority shall not require the collateral of the proper performance of the contract.

21 LIST OF ANNEXES

- 21.1 All annexes hereto shall constitute integral part of this document.

Item	Annex no.	<u>Annex Name</u>
1.	Annex nr 1	Description of the subject matter of the procurement
2.	Annex nr 2	Essential Terms of the Contract
3.	Annex nr 3	Tender Form
4.	Annex nr 4	Declarations of compliance with the conditions of participation in the proceedings and lack of grounds for exclusions
5.	Annex nr 5	Declaration on affiliation or non-affiliation with a capital group
6.	Annex nr 6	List of persons provided to participate in the execution of the procurement
7.	Annex nr 6a	Assessment form for the request for accreditation
8.	Annex nr 7	Application form for accreditation
9.	Annex nr 8	Declaration on preventing conflict of interests and disclosure of information